

<input type="checkbox"/> County Court <input type="checkbox"/> District Court _____ County, Colorado Court Address: <hr/>		▲ COURT USE ONLY ▲
Plaintiff(s): v. Defendant(s):		
Attorney or Party Without Attorney (Name and Address): <hr/> Phone Number: E-mail FAX Number: Atty. Reg. #:		Case Number: <hr/> Division Courtroom
MOTION AND AFFIDAVIT FOR CITATION FOR CONTEMPT OF COURT		

Comes now the Judgment Creditor and states the following:

1. That the Court entered an Order on _____ (date) wherein the Judgment Debtor was ordered to answer certain written interrogatories within 21 days of service thereof pursuant to Rule 69 of the Colorado Rules of Civil Procedure.
OR
 That the Court as part of the Judgment Order entered on _____ (date) ordered the Judgment Debtor to answer the approved pattern interrogatories within 14 days of service thereof pursuant to Rule 369 of the Colorado Rules of Civil Procedure.

2. That the said interrogatories and order to answer were personally served upon the Judgment Debtor on _____ (date) as evidenced by the attached Proof of Service.

3. That to date, more than 14 or 21 days, as appropriate, have elapsed and the Judgment Debtor has failed to comply with the Order of this Court.

4. That the Judgment Debtor has disobeyed the Order of the Court by not answering the written interrogatories or the answers did not adequately respond to the questions.

5. I request this Court to issue an Order to Issue Citation to the other party to appear before the court at a specific date and time for a hearing to show cause why there has been a failure and/or refusal to comply with the Order of this Court.

Remedial Contempt.

I request this court impose the following sanctions:

- payment of my costs and reasonable attorney's fees in connection with this contempt proceeding;
- payment of a fine and/or imprisonment until the other party, who has the present ability to comply, performs the act(s) ordered;
- other (be very specific)

and/or

Punitive Contempt.

I request this Court find that the conduct of the other party to be offensive to the authority and dignity of the Court, and, to vindicate the dignity of this Court, to impose a fine or fixed sentence of imprisonment, or both.

By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.

By checking this box, I am acknowledging that I have made a change to the original content of this form.

VERIFICATION

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the _____ day of _____, _____, at _____
(date) (month) (year) (city or other location, and state OR country)

(Printed name of Judgment Creditor)

Signature of Judgment Creditor

(Printed name of Attorney, if any)

Signature of Attorney

It is important that the party accused of contempt read the following information.

A party accused of remedial contempt has the following rights:

1. The right to be represented by a lawyer.
2. The right to a hearing before a judicial officer where the court must find that you were subject to a court order, that you had knowledge of that Order, that you did not comply with the Order, that you had the ability to comply with that Order, that your refusal to comply with the Order was willful, and that you have the present ability to comply with that Order.

If you are found to be in remedial contempt of court, the court may require you to pay the other party's court costs and attorney's fees connected with the contempt hearing, to pay a fine, and/or to serve an indefinite jail sentence until you comply with the original order.

A party accused of punitive contempt has the following rights:

1. The right to be represented by a lawyer. If you cannot afford a lawyer and if a jail sentence is contemplated, you may apply for a court-appointed lawyer.
2. The right to a jury if a jail sentence in excess of 180 days is contemplated.
3. If the judge initiated the proceedings, the right to have the contempt matter heard by a different judge.
4. The right to plead guilty or not guilty to the charge of contempt.
5. The right to be presumed innocent unless and until the allegation(s) in the motion for contempt is/are proven beyond a reasonable doubt.
6. The right to confront and cross-examine all witnesses against you.
7. The right to present relevant witnesses and evidence at the hearing.
8. The right to request the court to issue subpoenas to compel witnesses to appear and give testimony.
9. The right to remain silent.
10. The right to testify on your own behalf. If you testify, you waive your right to remain silent and the other party may cross-examine you.
11. The right to make a statement on your own behalf prior to the imposition of sanctions, if you are found in contempt of court.

If the court finds that you were subject to a court order, that you had knowledge of that Order, that you had the ability to obey that Order, that you willfully failed or refused to obey that Order, and that such conduct was offensive to the authority and dignity of the court, you may be sentenced to pay a fine or serve a jail sentence.