

<input type="checkbox"/> District Court <input type="checkbox"/> Juvenile Court _____ County, Colorado Court Address: _____ <hr/> In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning: _____ <hr/> Petitioner: and Co-Petitioner/Respondent:	▲ <b>COURT USE ONLY</b> ▲
Attorney or Party Without Attorney (Name and Address): _____ <hr/> Phone Number:                      E-mail: FAX Number:                         Atty. Reg. #:	Case Number: _____ <hr/> Division                      Courtroom
<b>MOTION AND AFFIDAVIT FOR CITATION FOR CONTEMPT OF COURT</b>	

I, \_\_\_\_\_ state that \_\_\_\_\_ (the other party),  
has failed to comply with an order of this court as follows:

1. On \_\_\_\_\_ (date), an Order was signed by this court ordering the other party to do the following: (Briefly describe what the Order says and attach a copy of the signed Order.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. As of this date, the other party owes me a total of \$ \_\_\_\_\_, for \_\_\_\_\_ (number of payments) payment(s) in the amount(s) of \$ \_\_\_\_\_ that were ordered to have been made by the following date(s): \_\_\_\_\_.

and  or

Other: (Identify exactly what the other party has done, or failed to do, in violation of the Order.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Describe any circumstances which may show that the other party has the present ability to comply with the Order: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Describe any circumstances which may show that the other party willfully refused to comply with the Order:

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5. There has not been a stay of execution or modification of the Order.

6. The actions of the other party are contrary to the Order of this court.

7. I request this court to issue an order 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.

8. I hereby request:

**Remedial Contempt.** I request that the Court find that the other party is in remedial contempt of this Court's Order. As described above, I attest that the responding party (1) did not comply with the Order; (2) knew of the Order; and (3) has the present ability to comply with the Order.

As a result, 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) \_\_\_\_\_

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**and/or**

**Punitive Contempt.** I request that the Court find that the other party is in punitive contempt of this Court's Order. As described above, I attest that, beyond a reasonable doubt, the responding party (1) had knowledge of the Order; (2) had the ability to comply with the Order; and (3) willfully refused to comply with the Order.

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.

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### 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)

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(Printed name of Petitioner Co-Petitioner/Respondent)

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Signature of Petitioner Co-Petitioner/Respondent

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Signature of attorney for Petitioner Co-Petitioner/Respondent

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Address

City

State

Zip Code

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(Area Code) Home Telephone Number

(Area Code) Work Telephone Number

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**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, 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 beyond a reasonable doubt that you were subject to a lawful court Order, that you had knowledge of that Order, that you had the ability to comply with 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.