

The Pro Se Self-Help Guidebook Series

How To Defend Yourself In Contempt Of Court Hearings

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Pro Se Self-Help Guidebook Series:

How To Modify Alimony Payments

How To Defend Yourself In Contempt Of Court Hearings

How To Appeal In State Court Of Appeals

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*How To Defend Yourself In
Contempt Of Court Hearings*

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ISBN: 978-0-9800470-2-8

First edition, October 9, 2007

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Disclaimers

The author is not a lawyer or in any way connected with the legal profession and you need to know the following by way of a disclaimer:

The information contained in this guidebook is provided solely for entertainment, educational and informational purposes. It is not intended to provide specific legal advice or is it a solicitation for legal work. You are always advised to seek the services of an attorney.

The events, situations, or suggestions mentioned in here are the results of the author's personal experiences and opinions in filing documents on a pro se basis. This book evolved from his lack of knowledge of the procedures and requirements of the court system along with his desire to learn what he needed to know in order to represent himself.

This book makes no attempt to offer any legal advice but if you see something that is helpful, take it and use it to your best advantage. It is mainly a compilation of observations and techniques that have been acquired through extensive practical experience. All items are factually correct to the best of his knowledge and the opinions expressed are solely those of the author.

.... ours is a sick profession marked by incompetence, lack of training, misconduct and bad manners. Ineptness, bungling, malpractice and bad ethics can be observed in court houses all over this country every day ... these incompetents have a seeming unawareness of the fundamental ethics of the profession.

--Chief Justice Warren Burger

Preface

What is Pro Se? It is Latin "for himself," "on one's own behalf" A person who represents themselves in court alone without the help of a lawyer is said to appear "pro se."

The Pro Se Self-Help Guidebook Series are written mainly for the benefit of the person who doesn't know their way around the legal system, who doesn't have the ability to afford a lawyer, and who has no other avenue of help other than to try to face the court by themselves.

Even if you can afford a lawyer, you can use this book to help you to understand the process and procedures involved with contempt of court hearings. It will provide a way to help make you aware of whether or not your lawyer is covering all the bases to help keep you out of jail. It will show you some of the techniques that are available and might be used to facilitate your defense.

Primarily, this book centers on how to deal with a motion for contempt, contempt of court hearing, defenses used, and procedures for alimony support problems.

Child support payments are not to be confused with alimony support payments as they are another matter and are not within the scope of this book. However, some of the same techniques can probably be applied to contempt hearings involving child support since the court will also be looking to your ability to pay and for ways to coerce you to comply with their orders.

The goal of this book is to provide you with enough information and examples to enable you to respond to a motion for contempt from your ex, which is usually followed by a notice of hearing for that motion. It will help you to understand what you will be facing and some of the other documents and procedures with which you might become involved.

Additionally, it will help to prepare and guide you for the trial where the judge will render a ruling as to whether or not to hold you in contempt of court and possibly have you incarcerated until you pay a purge amount of money.

This book evolved as a result of the author's experiences with his own as well as other individual's cases involved with the contempt of court procedures. It was felt that these experiences would help people like you because a lot of the things that were learned were not readily available but only found out through trial and error. This is not the best way to learn the legal process.

Since you are acting without a lawyer, most likely, your ex-spouse will have one. They usually do when they figure that you will be paying their lawyer when you lose the case. But, if you can win, they will have to pay their own counsel.

If you do nothing to put up a defense, you will be at a distinct disadvantage. It could end up costing you money in the form of having to pay an immediate purge amount for support payment arrearages in order to avoid being held in contempt of court. Also, you might end up paying the other side's legal fees for them having had to file motions for contempt against you. Of course, if you aren't able to pay, you might find yourself a guest of the county for a period of time.

Knowing that you don't have a lawyer will throw the other side off balance when you suddenly start defending yourself by showing them that you know how to play the legal game and are not going to lie down and let them run all over you.

In this situation, knowledge is power and it will definitely help you to know the rules and procedures involved. It certainly is advantageous when you know how the opposition will come at you and some of the things you can do to defend yourself. This book will educate and guide you in this area by showing you examples of what the author used in his defense.

If you decide to proceed with a pro se representation of yourself, what you will be saving in lawyer's fees, you will have to

compensate for by putting in the time to learn and find out how to create your own documents. One of the main advantages of learning is that it will take you out of the dark about legal procedures and put you on a more even footing with the other side.

While this guidebook will not answer your every question or handle every situation, it will provide a basic starting point to help you through a straightforward basic defense **“if you have a legitimate reason for being in arrears on your alimony payments.”** To a judge, your having a provable “inability to pay” is a legitimate reason to avoid incarcerating you.

Don’t bother to ask any of the court sponsored “self-help centers” or clerks of the court anything about the law as all you will get are statements to the effect that: *“we are not allowed to give out any legal advice.”* There is very little help available for people who can’t afford a lawyer and are trying to represent themselves.

There are a number of places where you can go for assistance from people who have run the gauntlet of the family law courts and who belong to Internet forums. You will be surprised at the amount of help you can get from these. One of the foremost ones in the country can be found at: http://groups.yahoo.com/group/cflap_org/. Others can be found in the [appendix](#).

In addition, you will find the web a good source of information, especially if you use something like Google or other major search engine to find what you are looking for.

As the writer of this book, I am not a part of the legal system but one of its victims. My goal is to see that others are made aware of how to fight back on a pro se basis when they can’t afford a lawyer.

A website has been set up to support the chapters in this book at: www.panama-publishing.com where you will find samples of documents, caselaw, new developments, etc. as further illustrations of the chapters in this book.

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Introduction

"The minute you read something that you can't understand, you can almost be sure that it was drawn up by a lawyer."

--*Will Rogers*

Facing a contempt of court hearing? What do you do now? Do you have a chance of fighting back? How can you find out what needs to be done in order to defend yourself?

The chances of being involved in a court trial over alimony payments are not a question of "**IF**" but "**WHEN**". Unless you are substantially well off, there will come a time when your ability to keep paying alimony will lessen or stop altogether. After that, you will be held in contempt of court for falling behind in your payments. Then what will you do?

Having a motion for contempt served on you can be quite intimidating and you might feel it is beyond your comprehension or ability to handle it. Don't let this deter you from giving it a try. In this country, acting as a pro se is your right and is a guaranteed access to the court system. It can be done quite successfully.

Basically, a motion for contempt is a move by the opposing party to get you to comply with something a court order has required you to do. It is not a hopeless situation for you when this happens and there are ways to handle it. There are occasions when even you can do the same thing in return to the other party under the right circumstances.

Recently, a friend of mine called me to say that he was going to a contempt of court hearing and that he was worried about being incarcerated due to his deteriorated financial situation that prevented

him from making alimony payments. I asked him what did his lawyer say. He replied that the lawyer said that he had to come up with a purge amount that the judge will order of somewhere in the neighborhood of \$35,000 or he would go to jail.

This was unbelievable to me. My friend had paid this lawyer \$2,500 (that he could ill afford) and all the lawyer could do for him was to tell him to pay whatever the judge ordered even though he was unable to do so. He was offering the court nothing in the way of a defense for my friend.

As I reflected on this, it occurred to me that the lawyers know that, in front of certain judges, they pretty much know how the judge will rule. They also know one side will win and one side will lose. No matter who wins or loses, each lawyer will collect a fee. Someone has to represent the losing side and quite frequently the losing side has to pay for both lawyers.

Nothing would be easier to earn a fast buck than to collect a retainer up front and then tell a client he has to pay the amount the judge orders without any effort on the lawyer's part to provide a defense for the client. What kind of service does a lawyer do for their client in that circumstance??

What an easy way for an unscrupulous lawyer to walk away with his fee without having done any work for it. And would the client have any way of knowing whether or not what the lawyer said was accurate or if anything could be done to defend him against a contempt ruling? That's right, you would have little way of knowing unless you read this book.

What could that lawyer have done? Find out in the following chapters. It will be the same thing you can do yourself.

Do not get the impression that I think all lawyers are bad. There are good lawyers who make the effort to represent and defend their clients and there are the ones who don't. Finding a good one can be like playing Russian roulette with your finances. How do you know if the one you have selected is one of the good ones? You don't unless they come recommended by someone you know and trust has used them.

A lot of lawyers are honest, hard-working individuals just working within the system that was created by others. There are even a number of them that are fighting for reforms of the system to make it more equitable and eliminate the injustices. My thanks go out to them.

Events and happenings that you will encounter will give you the impression that they “aren’t fair” or that “that can’t happen in America.” Don’t waste your time trying to delve into the philosophical aspects of these thoughts. In family law, you will find that all the things that you have come to believe in as regards “justice and fairness” will appear to have been abandoned and that the family law system is a place where you will be placed in the “Twilight Zone” for possibly the rest of your lifetime.

Instead, concentrate on spending your time working within the system to defend and protect yourself, your assets, and your peace of mind. The reality of the situation is that the rules of the game are in place and you will have to find your way to work with them and around them to best of your capability. Just knowing what you face and the rules of the road will take a big load off your mind.

Keep in mind that even though the other side is supposed to play by the rules, they frequently don’t and they will try to use your ignorance of the law and representing yourself against you. If you show them that you are aware of what is going on and in turn by your going on the offensive; you stand a chance of drastically change the dynamics of the case.

One of the things I have found regarding lawyers with whom I have had opposing me is that they tend to be accustomed to working with other lawyers or dealing with pro se opponents who don’t know the rules. Working on a lawyer-to-lawyer basis, they make some common mistakes knowing the other side won’t say anything. With a pro se, I feel they make the same mistakes thinking that the pro se won’t know any better and be overwhelmed with technical jargon and procedures. This overconfidence can work to your advantage.

Remember: knowledge will be your ally and your companion in battle! Knowledge can be acquired if you commit yourself to the job of doing so.

The law and the procedures are not rocket science nor are they life threatening as if you were going to do major surgery. The worst that will happen is that the judge will rule against you and you stand a chance of either paying what you owe or going to jail. But if you unable to pay, are acting in good faith and can follow the simple guidelines presented herein, you will put the odds in your favor of prevailing.

In all your efforts with the trial court, keep in mind that even if the judge doesn't rule in your favor, you can always appeal his ruling. This would apply in instances where the judge might have not ruled correctly on the law as applied to the facts, exhibited prejudice or any other number of things that would have resulted in a miscarriage of justice.

Therefore don't let things like this upset you too much. Just be sure to document them completely so you can use them in your appeal. If you get to this stage, you will want to read one of our other pro se self-help publications "*How To Appeal In State Courts Of Appeals.*"

With a little effort and participation on your part, you will be able to save a lot of money in legal fees (that you probably cannot afford in the first place) in addition to getting a better understanding of the legal process and gaining control over your situation and your future.

If you decide to proceed with your own defense, it will be necessary for you to learn the rules and procedures of the court. What you will be saving in money that you would have had to pay for a legal counsel, you will have to compensate for it by putting in the time to learn. One of the main advantages of learning is that it will take you out of the dark about legal procedures.

There are a number of places where you can go for information and suggestions from people who have run the gauntlet of the family law courts and who belong to the various forums. A list of them along with other resources can be found in the [appendix](#).

In addition, you will find the web a good source of information, especially if you use something like Google or other major search engine to find what you are looking for.

Author's Note: While Florida is as the base for this book and all the examples; the same laws and procedures could just as well apply to other states. You will need to check out them first.

This report makes no attempt to polarize genders, as both are susceptible to this intrusion into your lives. To maintain the adversarial nature of proceedings, the courts typically portray women as the party needing alimony and needing preferential treatment. Who wouldn't side with a Mom with children? It's natural for them to use this public

reaction to their advantage. But this report isn't gender oriented in its intent or content even though the system appears to be oriented in favor of the women.

Traditionally, men have borne the responsibility of paying alimony, but that is not necessary in today's society. With women enjoying the benefits of equality and increased parity in the workplace, their income can often be greater than that of the men. The Federal Bureau of Labor Statistics now shows where approximately one-third of the women in this country are the breadwinners in their household. When this situation exists, the shoe is on the other foot and alimony judgments (if applied on a gender neutral basis) will be placed on them instead.

Now you are ready to understand the basics of contempt hearings and how to defend yourself which will be covered in the next chapter.

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