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Oklahoma Department of Human Services
Child Support Services

**Contempt User Guide:
Indirect Civil Contempt for Failure to Pay Child Support**

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I. LEGAL BACKGROUND

A. Legal Definitions

“Appearance bond” means a requirement to post some kind of security to assure appearance for a court hearing at a later date. It may be by surety, cash bond, or the judge may release the obligor on his or her own recognizance. 21 O.S. § 567.

“Indirect contempt of court” means “willful disobedience of any process or order lawfully issued or made by court; resistance willfully offered by any person to the execution of a lawful order or process of a court.” 21 O.S. § 565.

“Purge” means that the obligor has corrected the conditions that made him or her guilty of indirect contempt of court or taken other action agreed upon by the parties or ordered by the court so that he or she is no longer in contempt for that time period.

“Purge conditions” means a plan through which an obligor meets requirements to end the contempt citation pursuant to District Court Rule 8.3. This plan may include paying the current support, if applicable, and all or a portion of the arrearage through a monthly payment or a lump sum purge fee. This plan may also include alternative sentencing options or other court-ordered requirements.

“Willful,” in the context of child support contempt actions, means failure to do that which a person was ordered to do when he or she had the means and ability to do so.

B. Legal Authority

Oklahoma Statutes

- 12 O.S. § 68, Appearance Bond – Right to Enforce
- 21 O.S. § 565, Definition of Direct Contempt and Indirect Contempt
- 21 O.S. § 566, Failure to Comply with Orders
- 21 O.S. § 566.1, Indirect Contempt for Failure to Comply with Order for Child Support, Child Support Arrears, or Other Support
- 43 O.S. § 139.1, Revocation, Suspension, Nonissuance or Nonrenewal of License for Noncompliance with Support Order
- 43 O.S. § 140, Problem-Solving Court Program
- 56 O.S. § 240.10, Requirement of Child Support Obligor's to Maintain Gainful Employment – Underemployed Defined – Notice to Obligor

Rules of Professional Conduct

- 5 O.S. App. 3-A § Rule 4.2, Communication with Person Represented by Counsel

District Court Rules

- 12 O.S. App. Rules for District Courts of Oklahoma § Rule 8.3, Indirect Contempt for Failure to Pay Child Support – Purge Fee
- 12 O.S. App. Rules for District Courts of Oklahoma §_Rule 29, Indigent Defendant in Civil Contempt Action – Right to Counsel – Attorney Fees

Oklahoma Administrative Code

- OAC 340:25-5-200, Scope and applicability

Caselaw

- *Turner v. Rogers*, 564 U.S. ____, 131 S.Ct. 2507 (2011).
- *Hicks v. Feiock*, 485 U.S. 624, 108 S.Ct. 1423 (1988).
- *Walker v. McLain*, 768 F.2d 1181.
- *Clark v. Most Worshipful St. John's Grand Lodge of Ancient Free and Accepted Masons of Okla.*, 181 P.2d 229.
- *Davis v. Davis*, 739 P.2d 1029.
- *Henry v. Schmidt*, 91 P.3d 651.
- *Whillock v. Whillock*, 550 P.2d 558.

Federal Office of Child Support Enforcement

- OCSE AT-12-01, *Turner v. Rogers* Guidance
- OCSE IM-12-01, Alternatives to Incarceration

II. INTRODUCTION AND OVERVIEW OF CIVIL CONTEMPT

DHS Child Support Services (CSS) uses the contempt process as a tool to *coerce* or *compel* payment of support, never to punish.

“Indirect civil contempt” is an enforcement remedy that may be used when it appears that a party has willfully failed to comply with a court order. “Indirect” means that the failure to comply with an order of the court happened outside of the presence of the court. It is a remedy primarily used by CSS when a noncustodial parent (NCP) willfully fails to pay court ordered child support. Contempt actions may also be used to enforce other kinds of orders (e.g. for failure to produce documents under a subpoena, to compel cooperation with genetic testing, or for failure to enroll a child in available health insurance as ordered), but this Guide will only cover contempt for failure to pay support.

Contempt is a remedy that is only available in equitable proceedings, such as family law matters. As noted above, it is used to coerce, not to punish, someone who has willfully failed or refused to abide by a court order that has been made for the benefit of another person. Because it is only used to get the party to comply with the order and not for punishment, there must always be a way for the obligor to comply and be released from the contempt.

If the obligor is found guilty of having willfully failed to comply with the court's previous order, the court may sentence the obligor to up to six months in the county jail and/or impose a fine not to exceed \$500. Because indirect contempt is a civil (non-criminal) remedy and the obligor must always have a way in which to come into compliance and end the contempt, the court will also set "purge conditions," which may range from payment of the all amounts for which he was found guilty in the contempt proceeding to something less such as an order to start paying on-going current support, if applicable, and a monthly amount on the past due support. If the obligor complies with the purge conditions, he or she will never face jail time for contempt on those missed payments again and eventually the contempt will be purged.

Even if the obligor has been sentenced and placed in jail, he or she must still be able to end the contempt by meeting the terms of the purge conditions. If the obligor cannot pay the full amount owed in order to be released, with the court's permission CSS may negotiate a partial purge fee or other purge conditions with the obligor. If the parties reach an agreement, CSS can request the court to release the obligor and approve a new payment agreement. The obligor will still have to make any future scheduled court appearances and comply with the payment agreement.

Practice Note: Even though a finding of guilt for indirect civil contempt may result in a sentence of confinement in the county jail, it should not be confused with the criminal felony charge of "Omission to Provide for a Child" at 21 O.S. § 852. A criminal charge for failing to pay support for one's child may only be filed by the criminal division of a District Attorney's Office. Because such a felony conviction can result in a felony record and incarceration in a state prison for a term of years, making it less likely that the obligor will be able to pay support or later find employment, CSS does not normally seek such criminal prosecutions, but will cooperate with the District Attorney should he or she decide to bring such charges.

Some offices have special caseworkers called "Court Liaisons" who work with obligors who are facing contempt, steering them toward resources that might help them come into compliance with the court's orders. Although having the court order these obligors to seek work or other help is valuable to enable the Court Liaison to obtain cooperation from such obligors, offices should remember that an obligor can be ordered to work with these caseworkers without an indirect contempt of court proceeding having to be instituted. Generally, as long as the obligor is actively participating in the Court Liaison Program (CLP), CSS does not seek further relief from the court through the contempt process other than a status review or status hearing.

III. SHOULD THE OFFICE FILE A CONTEMPT ACTION?

Among all of the remedies available to CSS, indirect civil contempt can be a very effective tool but it can only be pursued in District Court and may involve many separate appearances. Many offices only use contempt as a last resort when other remedies have not proven useful. Because a potential loss of liberty is involved and the fact that contempt may only be used one time for a particular period of non-payment, there are certain steps and considerations that should be followed.

First, CSS must gather evidence regarding the obligor's ability to pay. In order to successfully pursue contempt, there are two distinct questions that must be answered:

1. **Was the non-payment willful?** That is, did the obligor have the means and ability to pay the ordered amounts during the time period for which we would be seeking a contempt citation?

If the obligor did not have the means or ability to pay during the time period when he or she missed the payments, a finding of guilt may not be possible.

- Examples of situations where CSS has evidence of the obligor's ability to pay during the contempt time period and would pursue contempt:
 - The custodial person (CP) or other sources provide evidence that the obligor was working or had the ability to work, such as a prior job history;
 - The CP or other sources provide information that obligor had assets; or
 - Obligor has received a tax refund that indicates past employment.
- Examples of situations where CSS has evidence of the obligor's inability to pay during the contempt time period and would not pursue contempt:
 - Obligor was incarcerated with no other income or assets;
 - Obligor has provided evidence of inability to work due to disability; or
 - Obligor was receiving TANF or SSI during that time period.

2. **Does the obligor have the *present ability to pay* or otherwise meet acceptable purge conditions?**

Because indirect contempt is civil and not for punishment, it is illegal to incarcerate him or her if there is no way that purge conditions can be met. The obligor must "have the keys to the jail in his own pocket," as the cases say, in order for his or her confinement not to be akin to the old debtor's prisons that were banned many years ago. Obviously if the obligor has assets that can be applied to the debt or will be receiving a lump sum payment, there is a present ability to purge at least part of the arrearages depending on what is due. Otherwise, purge conditions may have to be fashioned around coming into compliance with the current support requirements and an agreement for new installment payments on a judgment. The statutes and court rules give CSS and the District Courts latitude in crafting purge conditions; the important thing is to get the obligor back on track and no longer willfully disobeying the court's orders.

When considering the obligor's *present ability to pay*, the same kind of information used in the examples above can be applied to the analysis for the current time period.

- Examples:
 - If the CP or CSS has information that the obligor is *currently* working or has assets, CSS would use that information to craft a purge plan consistent with the evidence.
 - Similarly, if there is evidence that the obligor is *currently* receiving TANF or SSI, CSS will not be able to request sentencing because the obligor has no *present ability* to purge the contempt.

If the screening process reveals no evidence of the obligor's past and present ability to pay, remedies other than contempt must be used or the office must use other efforts to discover income and assets of the obligor before a contempt action may be filed.

Practice Tip: What if the obligor had the ability to pay in the past, but now does not? CSS may lawfully be able to file contempt on an obligor who willfully failed to pay in the past and has no means now, but should we? Should we try something else now and wait to try contempt until he or she does have the present ability to meet purge conditions later? Every case is different and these kinds of decisions must be made on a case by case basis. The principle of "res judicata" ("the thing has been decided") limits us to only filing a contempt citation once for any specific time period on non-payment, so the office may decide to try another remedy first, such as a Seek Work Order, Hearing on Assets, or Notice of Intent to Revoke License, as appropriate.

Practice Tip: What if we already filed contempt and then discover that the obligor has no means to pay? The critical situation to avoid is to have the court sentence the obligor to incarceration with no means of meeting purge conditions. CSS must either dismiss the contempt or work with the court to find purge conditions that the obligor can meet. Otherwise incarceration would be illegal since he or she had not been afforded the due process protections of a criminal proceeding under the state and federal constitutions.

Practice Tip: Can we file contempt in an interest only arrears case? Just as in other cases, it is possible to file a contempt action against an obligor for failing to comply with the monthly court ordered judgment payments in an interest only arrears case, as long as other criteria for filing a contempt action are met. Before filing, however, offices should carefully consider how this would be received by the judiciary, as some judges consider contempt an inappropriate remedy in cases where current support is no longer due. When deciding whether to proceed, consult with the State's Attorney about whether contempt is appropriate based on the facts of the case and whether other remedies may be effective.

IV. SCREENING PROCESS

A. Review & Research

Once the obligor is located, screen the case to determine if a contempt action should be filed. This process should be used to gather information regarding the obligor's past and present *ability* to pay support. As noted above, the purpose of the screening process is to determine if there is enough information to move forward with a contempt action:

- (1) Was the non-payment willful, that is, did the obligor have the ability to pay the ordered support during the contempt time period?
- (2) Does the obligor have the present ability to purge the contempt?

Document information gathered on the Contempt Screening Checklist, which is then given to the State's Attorney for legal review.

Review obligor's income and assets information using the following OSIS screens:

- FCRL for information based on the obligor's name, social security number, and date of birth;
- OWL and OWC for income information that may not be listed on the FCRL screen; and
- OTCI or IRSI for new addresses for the obligor if he or she has filed state or federal tax returns.

Review the following resources to obtain information including, but not limited to:

- Westlaw, CLEAR Report for locate information, asset information, and credit applications;
- Family Assistance/Client Service (FACS) for case notes regarding assets, sources of income, or information on potential disabilities; and
- Oklahoma State Court Network (OSCN) and On Demand Court Records (ODCR) for addresses, orders we may not be aware of that affect the child support case, and other cases pending, including criminal actions and civil lawsuits, bonds posted, and pauper's affidavits.

After gathering information as described above, determine if contempt is appropriate. As noted before, contempt is not an appropriate remedy when:

- There is evidence the obligor is disabled and cannot work (e.g. state or federal disability benefits, disability insurance payments, medical documentation);
- The obligor has been in jail or prison with no income or assets during the entire period when the past support was due; or
- The obligor has received means-tested government benefits (e.g. TANF/SSI) during the entire period when the past support was due.

You may determine that a modification action is appropriate in conjunction with or instead of filing a contempt action in the following situations:

- The support amount appears to be too high based upon a review of the income and asset information from OSIS screens and caselog. Review the order and initiate a motion to modify; or
- The obligor has multiple cases and may not be able to meet the support obligation for all of the cases. Review the CLAP screen for multiple cases and contact other offices to determine if the total obligation (current support and judgment payment) under all the orders appears to be inappropriate. Work together with other offices on modification if appropriate.

Contempt may still be appropriate if you find the obligor has willfully failed to pay in the past and still has the present ability to purge.

B. Screening Documents for CP and Obligor

If, after a review of OSIS, databases, and the file and case history, it is determined there is not enough information to proceed with contempt, generate and mail the following documents:

- Cover Letter – CP Request for Information;
- CP Request for Information;
- Cover Letter – NCP Request for Information; and
- NCP Request for Information.

The CP documents should be sent via the initiating state if the case is an incoming intergovernmental referral.

If the CP or obligor is represented by counsel, send the screening documents to his or her attorney. See Section IV. C., Determining Whether a Party is Represented by an Attorney.

If that party is not represented by an attorney, send screening documents directly to the CP and the obligor, unless one of the following exceptions applies.

Exceptions: The screening documents are not required if:

- The file already contains completed CP or NCP Request for Information questionnaires for that party received within the past six months;
- The child support order was entered six months previously or less based on information provided by the obligor at the time, and review of the case indicates that the obligor's circumstances have not changed; or
 - **Example:** Obligor is still working for the same employer or is in the same line of work as when the order was established.
- The case is an active juvenile deprived case. Instead, substitute an eKIDS query and read the "Contacts" section for relevant information concerning the parents' income and circumstances.

If documents are not returned by the:

- Obligor within ten days, the contempt action may still be filed based on the CP Request for Information questionnaire responses or other information. Discuss the Contempt Screening Checklist with the State's Attorney to determine whether to proceed with filing a contempt action.
- CP within ten days, determine if the contempt action may still be filed based on other information. If so, you may not need CP's cooperation. If cooperation is not required and a contempt action appears otherwise appropriate, discuss the Contempt Screening Checklist with the State's Attorney to determine whether to proceed with the contempt process. If the review of the screening information shows you can't proceed

without the CP's questionnaire, then CP's cooperation is required. Sanction the CP for noncooperation.

C. Determining Whether a Customer Is Represented by an Attorney

As CSS is a "law firm" under the Oklahoma Rules of Professional Conduct, all of our staff is governed by the same rules that apply to our attorneys. One of the most important rules is that we not communicate directly with a customer who is represented by an attorney without first having that attorney's permission to do so. This rule is for the protection of the client, so that he or she can have the benefit of the attorney's explanation and advice before dealing with another lawyer in the same case, including us.

To avoid communication with a represented party, review the following OSIS screens to determine whether the parties on the case are currently represented by private counsel:

- ADI 15 (Attorney for Obligor);
- ADI 23 (Attorney for Custodial Parent Obligee); and
- ADI 18 (Attorney for Biological Parent).

Also, check the court record on OSCN or ODCR to determine whether there is pending litigation between the same parties in an ongoing family or domestic court case.

Pending Litigation: If litigation is pending and there is an attorney for either party on the case, contact the attorney to ask if the attorney will represent the party in this child support case. Contact can be by phone, mail, or email. Record the attorney's response on caselog. If the attorney has withdrawn as counsel, delete his or her name from OSIS.

If the attorney states he or she will represent the party in the child support case, advise the attorney that without his or her permission the customer will not be able to obtain case information from the CARE Customer Service as long as OSIS shows representation by counsel. As noted above, send the Request for Information questionnaire to the attorney unless the attorney directs CSS to send it directly to the party. If the attorney does permit us to send the questionnaire directly to the client, send a copy of the blank questionnaire to the attorney as well if requested by the attorney to do so.

If the attorney advises that he or she will not be representing the customer in the child support case, delete the attorney from OSIS and send the questionnaire directly to the customer.

No Pending Litigation: When family and domestic court actions result in entry of a final order (e.g. Journal Entry, Decree, or Order of Modification), representation is usually considered terminated. If there is a final order and no pending litigation between the same parties in an ongoing family or domestic court case, and there is no indication of current representation, delete the attorney's name from OSIS. However, if the district CSS office is aware that the attorney has a practice of considering representation ongoing, even upon entry of a final order, CSS should contact the attorney to ask if the attorney will represent the party in this child support case as a precaution to avoid unintentionally violating the rule. We

should also review the caselog on OSIS for other indications of ongoing representation, such as recent communications from an attorney on the party's behalf, statements by the party that he or she intends to speak to an attorney about his or her case, or whether a family law matter only recently concluded. If the attorney no longer represents the party, send the Request for Information questionnaire to the party directly.

Note: The rule on communicating with represented parties does not extend to situations where the party must be formally served with court papers. Unless the attorney agrees to accept service of the contempt documents, the obligor must be served with contempt pleadings either personally, by certified mail, or by Acknowledgment of Receipt, Waiver of Service and Entry of Appearance (GN6) (Acknowledgment of Receipt). See Section V. C., Service of Process.

D. Legal Review

Share all available information with the State's Attorney, who does the legal review and determines whether to proceed with the contempt. The goal of the legal review is to determine:

- (1) whether the non-payment was willful, that is, did the obligor have the ability to pay the ordered support during the contempt time period,
- (2) whether the obligor has the present ability to purge the contempt or participate in the court liaison program, and
- (3) whether the remedy of contempt should be used at this time.

The State's Attorney reviews all available information and indicates whether to proceed with the contempt. The State's Attorney also indicates his or her determination about the obligor's past and current ability to pay. Evidence of the obligor's income and spending habits may be based on information from responses to the Request for Information questionnaires, databases, social media, and other sources.

V. COURT PREPARATION

A. Pleading Packet

Once the decision has been made to proceed, generate and file the Contempt Pleading Packet (CC1), which includes:

- Contempt Notice of Rights (CC7);
 - This document prints twice within the packet, once as a cover sheet and once as an exhibit at the end of the Application for Contempt Citation. Both copies should be sent out for service.
- Application for Contempt Citation;
 - The following documents should be included as attachments:
 - Exhibit A, Notice of Your Rights in Contempt Actions;
 - Exhibit B, Record of Payments; and

- Exhibit C, Purge Calculation Worksheet (optional).
- Citation for Contempt; and
- Subpoena Duces Tecum.

B. Amounts for the Application for Contempt Citation and Citation for Contempt

Prepare Exhibit B, Record of Payments:

- Exhibit B, Record of Payments, includes the total principal balance and the total arrears amount owed for all time periods, not just the contempt time period.
- If necessary, send the CP the Affidavit of Payments (A02) to verify any direct payments received.

(Optional) Prepare Exhibit C, Purge Calculation Worksheet, if the contempt time period differs from the Record of Payments:

- This time period does not include any time period in which the obligor was previously found to be in contempt. Do not include time periods during which the obligor had no ability to pay as discussed in Section II. B. of the Contempt User Guide. Do not include balances due on support for a prior period.
- Include in the Purge Calculation Worksheet past due current support for the time period of the contempt action.
- If pursuing past due judgment payments, include past due court-ordered monthly judgment payments for the time period of the contempt action.
- Per policy, a payment made during the contempt time period may be applied to an earlier time period, even if it is paid as a purge condition. When a payment is received during the contempt time period but is applied to a debt for an earlier period, the collection is reflected on Exhibit C, Purge Calculation Worksheet, if it is paid to meet the purge conditions.
- Example: In one case there is a balance of \$2000 owed prior to the contempt time period; \$3000 is received during the contempt time period. Per policy, \$2000 is applied to the prior balance and \$1000 is applied to the balance owed during the contempt time period. However, the entire \$3000 payment is reflected on Exhibit C, Purge Calculation Worksheet.

Calculate the purge amount for the contempt time period. The decision whether or not to contempt for judgment installment payments due in addition to current support should be made on a case by case basis, depending on the circumstances of the obligor and the facts of the case. Please see the examples below:

- **Example 1:** If only seeking current support for the contempt time period:

The order was established in January 2012, with current child support at \$100 per month. In an Annual Notice filed in December 2012, a \$1,100 judgment was granted for the time period of January 2012 through November 2012, with payments set at \$50 per month. The contempt time period is from January 2012 through October 2013.

Current child support due:	\$2,200	(\$100 per month x 22 months)
Judgment payments due:	+ \$ 0	
Purge amount due:	\$2,200	

- **Example 2:** If including past due judgment payments in addition to current support for the contempt time period:

The order was established in January 2012, with current child support at \$100 per month. In an Annual Notice filed in December 2012, a \$1,100 judgment was granted for the time period of January 2012 through November 2012, with payments set at \$50 per month. The State’s Attorney has determined the contempt time period to be from December 2012 through October 2013.

Current child support due:	\$1,100	(\$100 per month x 11 months)
Judgment payments due:	+ \$ 550	(\$50 per month x 11 months)
Purge amount due:	\$1,650	

Note: The purge amount due cannot exceed the total due on the Record of Payments. For example, if a federal tax intercept of \$750 was received and applied to the \$1,100 Annual Notice judgment, the obligor would owe a judgment balance of \$350. The total amount due is \$1,450 (\$1,100 current support due since the Annual Notice judgment + \$350 judgment balance). Consequently the purge amount due is \$1,450, rather than \$1,650. As a result, you must adjust the judgment payment due to account for the difference as follows:

Total amount due:	\$1,450
Current support due:	- \$1,100
Judgment payment due:	\$ 350

- **Example 3:** If you are filing a contempt action from an adjudicated time period forward (e.g. Annual Notice, Notice of Intent to Revoke, etc.):

The order was established in January 2012, with current child support at \$100 per month. In an Annual Notice filed in December 2012, an \$1,100 judgment was granted for the time period of January 2012 through November 2012, with payments set at \$50 per month. The contempt time period is from December 2012 through November 2013, during which time the NCP owed \$1,200 in current child support.

Current child support due:	\$1,200	(\$100 per month x 12 months)
Judgment payments due:	+ \$ 600	(\$50 per month x 12 months)
Purge amount due:	\$1,800	

- **Example 4:** If including past support judgment payments in addition to current support for the contempt time period:

The order was established in January 2012, with current child support at \$200 per month. The paternity judgment was set at \$1000, at \$25 per month. The contempt time period is from January 2012 through October 2013.

Current child support due:	\$4,400	(\$200 per month x 22 months)
Judgment payments due:	+ \$ 550	(\$25 per month x 22 months)
Purge amount due:	\$4,950	

Note: You cannot enforce payments by contempt until they come due. Therefore, while you cannot enforce a paternity judgment by contempt, you *can* enforce the installment payments once they become due and are missed.

C. Service of Process

Once the Contempt Pleading Packet (CC1) is filed, it is served upon the obligor per 12 O.S. §§ 2004 and 2005.1 and OAC 340:25-3-3.

The obligor must be served personally, by certified mail, or by Acknowledgment of Receipt (GN6) with contempt pleadings, unless the attorney agrees to accept service. See Section IV. C., Determining Whether a Party is Represented by an Attorney, for information on communicating with represented parties.

Generate the following documents for the service packet:

- Investigator Sheet (G04); and
- Affidavit of Service (GN3).
 - This document will be filed with the court once service to the obligor is successful.
 - Add the service information to DOCSA in OSIS.

Proper service for contempt actions means either the obligor was served in person or signed for certified mail (depending on the judge's requirements). Consult with the State's Attorney as to whether it was proper service for your district court.

Practice Tip: If the obligor has not been served before the hearing, a copy may be sent by regular mail to the obligor to encourage voluntary appearance. Notice to the obligor by regular mail is not proof of service and therefore cannot be a basis for a bench warrant for failure to appear.

If the obligor is not served but appears, give the obligor a copy of the Contempt Pleading Packet (CC1), if available. Complete the Acknowledgement of Receipt (GN6) and have the obligor sign or have the court note the obligor's voluntary appearance in the record or memorialize it in some way. If an Acknowledgement of Receipt (GN6) is signed, file it with the court. If the pleading packet is not available at the hearing, mail it to the obligor after the court date.

Send a copy by regular mail to the CP, or to the initiating state if the case is an incoming intergovernmental referral with a Transmittal 2.

VI. COURT PROCEEDINGS

A. Arraignment

The purpose of the arraignment is for the judge to explain the proceedings to the obligor and advise the obligor of his or her rights. These rights include the right to counsel, including appointed counsel if the obligor is indigent, and the right to a jury or non-jury trial.

Depending on the way the court handles the docket, the judge may or may not explain these rights to the obligor. If the judge does not explain the rights, CSS staff reviews the Acknowledgment of Notice of Rights on Civil Contempt Citation (CC9) with the obligor to be sure he or she understands the proceedings and his or her rights. The obligor signs the acknowledgment and it is filed in the court file, unless the court orders otherwise.

If the case is assigned to an office with a Court Liaison, the obligor may be ordered to participate in the CLP if eligible. The obligor may be ordered to participate in the CLP at any stage of the contempt process.

The following is a general overview of the process in most counties. The way the docket is handled is up to the specific judge, so there may be some differences in your county; however, these are the basic steps of the process.

- The obligor should be advised of his or her right to counsel and asked if he or she wants an attorney. CSS communicates with the court regarding the obligor's request for appointment of counsel if the obligor indicates he or she wants a court-appointed attorney. If the obligor requests counsel, CSS should not proceed until the court rules on the issue.
- The obligor may plead "not guilty" and ask for a jury or non-jury trial. In these cases, a trial date is set. Usually the court allows the obligor to remain out of custody pending trial, but may require an appearance bond be posted. If the obligor fails to appear, the bond may be disbursed to CSS to apply to the child support arrearage. The court may also require a jury fee to be paid if the obligor requests a jury trial.
- The obligor may waive his or her rights, ask to plead guilty, and agree to purge conditions.
 - In this case, either the specialist or the State's Attorney will work out the purge conditions with the obligor and complete the Judgment on Child Support Contempt Citation (CC2) (Judgment on Contempt). Be sure the obligor understands the order and signs it, indicating his or her understanding and agreement to the terms.
 - Some counties may also complete the Waiver of Rights on Contempt (CC3) and have the obligor sign it. The signed document is filed with the court.
 - The order is entered and the obligor is given a date to come back for a review of compliance with the purge conditions.

- Depending on the terms of the order and the court's procedure, the obligor may not be required to appear for subsequent hearings or reviews if the payments are made as agreed. Consult the State's Attorney for the procedure used in your district courts.

B. Bench Warrant

Sometimes an obligor may be formally excused from appearing in court, for example:

- Based on the terms of the prior order,
- When a continuance is signed prior to the hearing date, or
- When the obligor is paying as ordered per a "pay or appear" order.

If the obligor is not excused from appearing and fails to appear either for arraignment or any other hearing for which he or she has been ordered to reappear, CSS requests a Bench Warrant (CC4) for failure to appear when there is proper service.

Once the court authorizes a bench warrant, prepare the following documents, depending on local practice:

- Contempt Failure to Appear Order (CC10);
- Bench Warrant (CC4); and
- Investigator Sheet (G04).

The completed documents are usually served by the sheriff. The process varies from county to county. Some offices may have an investigator who serves warrants and picks up obligors.

The court sets an appearance bond amount, usually either a standard bond amount used in that county or the purge amount requested in the Citation for Contempt section of the Contempt Pleading Packet (CC1). Usually the bond is set as a "cash only bond." The Bench Warrant (CC4) may state both a bond amount and the purge amount to satisfy the contempt. Consult your State's Attorney for guidance on the local district court's requirement.

If the obligor is picked up on the Bench Warrant (CC4) and does not pay the appearance bond or purge fee amount, the court usually arranges to have the obligor brought before the judge. If this does not occur, a court date should be set for the obligor's appearance. At the appearance, the court may:

- Order the obligor to remain in custody pending trial;
- Release the obligor on his or her own recognizance; or
- Approve the parties' agreement for a lower cash bond for release.

If the obligor is picked up on the bench warrant and pays the appearance bond or purge fee, CSS may file a Motion to Disburse Bond or Purge Fee (CC6) and request the fee be paid to CSS to satisfy the child support obligation. If a cash bond was posted by someone other than the obligor, that person may need to sign paperwork with the Court Clerk to consent to have the bond applied to the child support obligation or the Court may set the matter for hearing.

C. Trial

1. CSS Burden of Proof

Oklahoma law requires establishment of the following facts in order to make a *prima facie*¹ case for contempt. CSS has the burden to prove by clear and convincing evidence² the following elements:

1. The order was made, filed, and served on the obligor or the obligor's attorney; or
2. The obligor had actual knowledge of the existence of the order; or
3. The order was granted by default after prior due process notice to the obligor; or
4. The obligor was present in court at the time the order was pronounced; and
5. Noncompliance with the order.

Once CSS has made a *prima facie* case, the State's Attorney requests a:

- Finding of guilt for willful failure to pay child support or judgment payments;
- Judgment for past due support; and
- License revocation or probation order, when appropriate.

The obligor must show that the failure to pay was not *willful* in order to be found not guilty of contempt.

2. Defenses at Trial

Once the State's Attorney has established the elements, the burden shifts to the obligor to prove that the obligor's failure to pay was not willful. These are the most common defenses to a contempt citation:

- The obligor shows he or she is not the person who owes the child support;
- The obligor shows he or she paid the child support alleged to have been unpaid; or
- The obligor alleges the failure to pay was not willful:
 - The obligor shows he or she has a mental or physical health problem that prevents him or her from working; or
 - The obligor provides other proof that he or she has been unable to work for the period for which the past child support was due.

3. Finding of Not Guilty

If the court finds the obligor not guilty, the Judgment on Contempt (CC2) is entered stating the obligor was found *not* to be in contempt. Even if the obligor is found not guilty, CSS requests that the court enter judgment for any past due child support. CSS may also request

¹ "*Prima facie*" means "sufficient to establish a fact or raise a presumption unless disproved or rebutted." *Prima Facie*, LEGAL INFORMATION INSTITUTE, Jan. 28, 2013, http://www.law.cornell.edu/wex/prima_facie.

² Clark v Most Worshipful St. John's Grand Lodge of Ancient Free and Accepted Masons of Okla., 181 P.2d 229.

orders regarding license revocation, payment plan, and/or referral into the CLP, as appropriate.

4. Finding of Guilt

If the court finds the obligor guilty after a hearing, the Judgment on Contempt (CC2) is entered. The State's Attorney may request immediate imposition and execution of the sentence when appropriate. See Section VI. D., Evidentiary Hearing on Ability to Purge and Section VIII., Sentencing.

5. Plea Agreement

The obligor may waive his or her right to trial and enter into a plea agreement. If the court finds the obligor guilty based on a plea agreement, the court generally sets a future sentencing date in the Judgment on Contempt (CC2).

D. Evidentiary Hearing on Ability to Purge

At any court appearance where the obligor is facing immediate incarceration or imposition of a fine, whether requested by CSS or on the court's own motion, the court must set purge conditions at the time of execution of sentence. The purge conditions may be presented to the court as an agreement between CSS and the obligor. If no agreement is reached as to the purge conditions, the State's Attorney requests the court conduct an evidentiary hearing on obligor's present ability to pay a purge fee. At the hearing, the State's Attorney offers evidence or elicits information from the obligor or witnesses relevant to the present ability to pay a purge fee. The State's Attorney then requests a purge fee be set in accordance with the evidence, or other purge conditions set as appropriate. It is important for the State's Attorney to be sure the record reflects that CSS elicited or offered evidence about the obligor's *current* ability to purge and that its request for a particular purge fee or method is supported by that evidence. See Section IX, Appeals and Preserving the Record, below, for more information on building and preserving a record.

VII. JUDGMENT ON CHILD SUPPORT CONTEMPT CITATION

The Judgment on Contempt (CC2) includes:

- A statement of compliance with obligor's rights;
- Findings of the court regarding ability to pay;
- Purge provisions under District Court Rule 8.3;
- A future sentencing date or the sentence currently pronounced by the court;
- A judgment for the full amount owed and payment plan on the judgment; and
- A license revocation or probation order when the State's Attorney requests it.

Generally, the obligor must sign the Judgment on Contempt (CC2), unless the court waives his or her signature.

VIII. SENTENCING

Sentencing is the stage of the proceeding when the court determines if the obligor should be incarcerated, or if some other measure will compel compliance with the purge conditions. This is the point where CSS should urge the court to make the sentence individualized to that person's circumstances and ability to purge. This may occur immediately following the trial, or later if the obligor does not substantially meet the terms of the purge conditions contained in the Judgment on Contempt (CC2). CSS should never request the court impose incarceration at any stage of the proceedings without evidence the obligor is able to satisfy the purge conditions in a manner acceptable to the court and the State's Attorney.

- The obligor may face imprisonment for up to six months in the county jail and/or be fined an amount not to exceed \$500 for the underlying contempt. The judge decides the length of the obligor's sentence and the purge amount.
- The court may choose to sentence the obligor, but stay execution of the sentence and set another hearing date in the future. Execution of sentence may be stayed indefinitely so long as the obligor complies with the purge conditions.
- The court may choose not to impose sentence on the obligor, but instead may set another hearing date in the future for sentencing. Sentencing may be continued this way many times as a means to monitor payments and compliance with other purge conditions.
- The court may choose to sentence the obligor and execute the sentence immediately. When the court orders imprisonment, the court must set purge conditions. CSS requests an evidentiary hearing at sentencing regarding obligor's ability to pay a purge fee and comply with other purge conditions. After the evidentiary hearing, CSS requests a purge fee or other purge conditions in accordance with the evidence. A purge fee may be less than the full amount due under the contempt citation. District Court Rule 8.3 provides guidance as to how the court should set a purge fee.

When a judge orders the obligor to serve a set number of days in jail and sets a purge fee, the following may occur:

- If the obligor serves the full sentence or pays the ordered purge fee, the court finds the contempt has been purged. The contempt action is concluded and no further hearings should be set. If the obligor has paid a cash bond or purge fee, CSS files a Motion to Disburse Bond or Purge Fee (CC6); or
- If the obligor is imprisoned, the court may release the obligor prior to serving the full sentence if CSS and the obligor make a subsequent partial purge agreement. This agreement must be in writing and approved by the court and may include:
 - A lower purge amount than originally set;
 - An amended payment plan on the arrears;
 - Participation in the CLP; and/or
 - Future compliance with previous purge conditions.

Often, CSS is contacted by the obligor and/or family to negotiate an early release. These requests should be reviewed by the State's Attorney on a case-by-case basis to see if the offer is appropriate under the facts of that particular case. Pursuant to District Court Rule 8.3, the court

will determine if the partial purge conditions are acceptable. If the obligor is released early, he/she can be ordered to return to court to review future compliance.

Once the obligor has satisfied the purge conditions, the obligor's attorney or the State's Attorney can request an order releasing the obligor from any further proceedings under that contempt, by using the Order of Release from Contempt (CC11). The court may require that all court costs be paid before an Order of Release from Contempt (CC11) is entered.

IX. APPEALS AND PRESERVING THE RECORD

Any party may appeal the results of the trial to the Oklahoma Supreme Court. Additionally, an obligor who is facing incarceration may seek extraordinary relief from the Oklahoma Supreme Court through writ proceedings.

Because contempt proceedings are often subject to a high level of appellate scrutiny, State's Attorneys should be especially cognizant of the need for a thorough and complete record of every stage of a contempt proceeding. It is important that any written pleadings or orders are legible and as free from error as possible. Any errors should be corrected and documented in subsequent filings.

The record should include clear documentation of the procedural safeguards built into CSS's process. For example, at the time a plea is entered, the documents must include information that the obligor was informed of his or her rights, as well as evidencing a knowing and voluntary waiver of those rights. CSS's position on appeal is jeopardized if we cannot prove that we complied with the safeguards required by law.

Proceedings that are more likely to result in an appeal, especially sentencing proceedings, should be made on the record with a court reporter present. The record should clearly reflect that CSS elicited information about obligor's ability to pay and presented that information to the court. To the extent possible, any orders should reflect the court's findings with regard to the evidence presented by CSS.

In the past, obligors have obtained extraordinary relief from the Oklahoma Supreme Court in cases where the record did not adequately reflect that the court's purge conditions were crafted with the individual obligor's circumstances in mind. It is of vital importance that CSS ensures a record is made that adequately supports the court's order. Accordingly, the State's Attorney should take steps to build a record on obligor's ability to pay during both critical time periods: not only during the time when he or she was not complying with the order, but also at the time the court is contemplating incarceration and setting the purge conditions. Whatever purge conditions the court imposes, the State's Attorney should ensure the record includes evidence showing obligor's ability to comply with those conditions.

X. SUBSEQUENT CONTEMPT PROCEEDINGS

Once the obligor has been found either guilty or not guilty of contempt, the obligor may never be cited for contempt for the same time periods in the future, even if the delinquent support remains

unpaid for that period. When filing a subsequent contempt after the first contempt was completed, the subsequent contempt must be for a different time period.

A future contempt may be filed for the same period only when CSS withdraws the contempt prior to trial or entry of a plea. Any order dismissing the contempt on the request of CSS should be “without prejudice to refileing” to ensure the right to refile the contempt is preserved.

If you have any questions about Civil Contempt, contact:

Contempt Forum

*CSS.FORUM.Contempt

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Appendix A:
Checklists and Worksheets

CONTEMPT SCREENING CHECKLIST

DATE: _____ NCP: _____ FGN: _____ Specialist: _____

DO NOT INITIATE CONTEMPT ACTION IF ANY OF THE FOLLOWING APPLY TO NCP:

- Bankruptcy: Check **ASUP/LOGI**; bankruptcy must not be in process.
- TANF or Disability: Review **CSRL/CMM/PY/FCRL/SSN**. Review **FCRL** for SSA/SDX. If the obligor has filed an application for disability benefits (SSD/SSI) and it has not yet been awarded, contact parties for documentation/verification of the disability. Contact NCP for proof of child receiving benefits from NCP's disability benefits. Review for Modification or Annual Notice (lower C/S and J payments) if appropriate.

NCP Located-ASA: If NCP address is more than 6 months old, call Utility Data Services (UDS) and/or do general locate searches. If CP gives verified address for NCP, it is considered good unless we have made previous unsuccessful attempts there. (Use Locate manual)

- If this is an incoming intergovernmental case, does NCP live in another OK county? If so, transfer file if the other state's order has not already been registered in your district's county.
- If an incoming intergovernmental case and neither NCP/CP live in OK, contact initiating state, advise of NCP current address info, and request a closure statement.
- If NCP is not in OK, refer outgoing intergovernmental case and request enforcement action unless the State's Attorney determines that filing a contempt action in OK is appropriate.

Look for:

- Orders not in the child support file, foster care and other custody changes, or pending litigation during period of non-compliance: check **LOGI/OSCN/ODCR/CHU**.
- NCP has multiple cases. See **CLAP/OBLI**.
- NCP incarcerated during period of non-compliance. Timeframes: _____

Review for Modification or Annual Notice if appropriate.

A/C: Complete A/C. If necessary, send to CP the A02 Affidavit of Payments to verify no direct payments are being received, and the Request for Information questionnaire. Set your task reminder for return date.

- If this is an incoming interstate case and not an OK order, make sure order has been registered prior to or at the same time as filing a contempt, and request an A/C from other state.

Prior Contempt

Results: _____

Prior NOIR

Court Liaison Program (CLP)

CLP Compliant

Prior Modifications

Review of Income / Assets (Use OSIS Screen books)

Income/asset information less than 6 months old available from prior action or screening documents.

- If not available, check the following sources:
 - OWL SSN, Wages \$ _____
 - OSCN/ODCR (fines/costs)
 - OTCI
 - IV-A Screens: PY/CMM/FACS
 - IRSI
 - NCP Profession/Degrees: _____
 - APEU: Verify employment and update APEU. Generate IWO if new employer on FCRL or other source.
 - Personal Injury/Workers' Comp (LENL/FCRL) – contact insurer/emp/atty to find out status (upcoming hearings, past awards, current or pending payments, settlement prospects). Issue IWO and/or file lien if needed.
 - Other: _____

- Additional info needed: Generate Request for Information to CP & NCP. Follow-up date: _____
 - If CP has not returned the Request for Information, NON-COOP and review for case closure if appropriate.

- Contempt Timeframe(s): _____
 - Is CP participation necessary? Yes ___ No ___ If no, state reason: _____
 - If CP participation necessary:
 - Confirm CP in agreement with Contempt action.
 - Confirm CP willing to appear as a witness. If no, state reason (e.g. family violence, cannot take off work, etc): _____

CASELOG: Log all your updates and actions up to this point. Forward file to attorney (**CSLOGA**).

ADDITIONAL CASEWORKER NOTES: _____

[INSERT CHECKLISTS]

ATTY DECISION TO FILE CONTEMPT: Yes No

BASIS FOR DECISION (include evidence of past & current ability to pay based on NCP's income and spending habits, info from CP, NCP, databases, social media, etc.):

Contempt Timeframe(s): _____ **Purge Amount: \$** _____

Method of Purge Calculation: _____

Attorney Signature: _____ **Date:** _____

CONTEMPT PROCESS CHECKLIST

- ASA 15/23:** OSCN: Determine legal representation.
- HEARA:** Add court date, if known.
- GENERATE & PRINT DOCUMENTS (Some may be printed in advance; others may be printed after service).**
 - Contempt Pleading Packet
 - Notice of Your Rights in Civil Contempt Actions
 - This document prints twice within the packet, once as a cover sheet and once as an exhibit at the end of the Application. Both copies should be sent out for service.
 - Application for Contempt Citation (CC1)
 - Attach Exhibits: Exhibit A, Notice of Your Rights; Exhibit B, Record of Payments; Exhibit C, Purge Calculation Worksheet (optional).
 - Citation for Contempt (CC12)
 - Civil Subpoena Duces Tecum (GN2)
 - Affidavit of Service
 - Investigator Sheet (G04)
 - Acknowledgement of Receipt, Waiver of Service and Entry of Appearance (GN6)
 - Judgment on Child Support Contempt Citation (CC2)
 - Acknowledgment of Rights on Contempt (CC9)
 - Waiver of Rights on Contempt Citation (CC3)
 - Contempt Failure to Appear Order (CC10)
 - Order of Release from Contempt (CC11)
 - Bench Warrant (CC4)
 - Motion and Order Recalling Bench Warrant (CC5)
 - Motion and Order to Disburse Bond (CC6)
 - Sentencing Order (CC8)
- PREPARE PACKET FOR FILING:** Attach the exhibits to the Application. Fill in the court dates and amounts on the Citation and Subpoena if not already populated.
- OBTAIN ATTORNEY SIGNATURE.**
- ADD TO DISTRICT COURT DOCKET:** Allow time for service. Specific to office practice/judge.
- HEARA:** Add court date, if not previously updated.
- COPIES:** Prepare and copy packet per State's Attorney's direction.
- AAPE:** Add data after pleadings filed.
- ATTEMPT SERVICE ON NCP.**
- MAIL CONTEMPT PLEADING PACKET TO CP OR INITIATING STATE BY REGULAR MAIL.**
- CSLOGA:** Document your actions up to this point.

SERVICE

- SERVED:** Add service outcome to **DOCSA/U**.
 - File the Citation for Contempt and proof of service with Court Clerk. Proof of service may be:
 - Green card/delivery confirmation attached to the Affidavit of Service, OR
 - Acknowledgment of Receipt /Waiver (GN6) signed by the NCP, OR
 - Affidavit of Service signed by the person serving process.

- NOT SERVED: DOCSA/U.**
 - Create new DOCSA if new service is attempted.
 - UNCLAIMED mail:
 - If there is a new address, send contempt packet to NCP by certified mail.
 - If the unclaimed mail was sent to a good address, send contempt packet to the process server or sheriff, along with the Affidavit of Service for process service and Investigator Sheet (GO4).
 - REFUSED mail: Send refusal and contempt pleadings to NCP by regular mail. If this is considered good service by the judge, file Certificate of Mailing (CSCD G01J).
 - MOVED/NO SUCH ADDRESS: Do locate searches.
 - ONCE LOCATED: Prepare Alias (CSCD E11), obtain a new hearing date and judge's signature, and serve, if there is not enough time to serve the original Citation by the hearing date. File the Return of Service showing the NCP was not served only if the NCP was not subsequently served with the Citation.

- CSLOGA:** Document service/non-service in Case Log.
- AWLF.**

POST-HEARING CHECKLIST

- HEARU:** Update hearing results.
- DISTRICT DOCKET:** Update with new court date if one set. If default, no updates needed.
- CNTU:** Update.
- STATEMENT OF JUDGMENT:** Print E03J1 if judgment was granted. Place for attorney signature.
- FILE AND MAIL COPIES OF ORDER:** ORIGINAL + 1 copy to court filing. Mail filed copies to NCP/CP/Attorney(s) by regular mail.
- ECE (if used by office):** Update per the ORDER.
- CSLOGA:** Document all the screens and actions you took pertaining to the outcome of this hearing.
- CLP:** If NCP ordered to CLP program, refer case to CLP and update AAPE.
- OBLU:** If obligation changed, send file to finance.

BENCH WARRANT ISSUED

- AAPE:** Update with court findings.
- BNDA/BNDU:** Go to OBL, type BNDA if first contempt bond; BNDU if subsequent bond.
- BENCH WARRANT:** Generate Order Authorizing Bench Warrant, depending on local practice; Bench Warrant (03EN054E); and Investigator Sheet (G04).
 - **ORIGINAL + 3 COPIES** to court filing.
- CSLOGA:** Document your actions.

NCP DETAINED ON BENCH WARRANT

- BOND PAYMENT:** If the NCP wants to negotiate a lower bond amount, consult the State's Attorney about how to proceed.
 - Update BNDA/BNDU with the amount. Go to OBL. Type BNDA if first contempt bond or BNDU if subsequent bond.
 - Update AAPE.
- If bond paid to the court clerk, print Motion to Disburse Bond Money and Order of Disbursement (CSCD 31 & E32/PLE18 & PLE19).
- HEARA:** Add next hearing date. Notify state's attorney.
- Update A/C.**

Record of Payments Summary

Prepared on	8/25/2014 1:03 PM	by		Get Summary
NCP Name:			Interstate? (Y/N)	<input type="checkbox"/>
FGN:			License revoked? (Y/N)	<input type="checkbox"/>
CCS:	MO JUDG PMT:			
Breakdown of child support arrears through:				
New arrears CS/FM is:			from	
New arrears CM is:			from	
Judgment balance CS/FM is:				
Judgment balance CM is:				
Judgment balance GT is:				
Grand total principal is:			from	
Grand total interest is:			from	

Summary for:	Get Summary
Principal CS/FM to CP:	
Principal CM to CP:	Clear Summary
Principal CS/FM to DHS:	
Principal CM to OHCA:	
Interest owed to CP:	
Interest owed to DHS:	
GT balance:	
Total URA:	
Is URA less than principal CS/FM to DHS?	<input type="checkbox"/>

Summary for:	
Principal CS/FM to CP:	
Principal CM to CP:	
Principal CS/FM to DHS:	
Principal CM to OHCA:	
Interest owed to CP:	
Interest owed to DHS:	
GT balance:	
Total URA:	
Is URA less than principal CS/FM to DHS?	<input type="checkbox"/>

Summary for:	
Principal CS/FM to CP:	
Principal CM to CP:	
Principal CS/FM to DHS:	
Principal CM to OHCA:	
Interest owed to CP:	
Interest owed to DHS:	
GT balance:	
Total URA:	
Is URA less than principal CS/FM to DHS?	<input type="checkbox"/>

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA**

STATE,)
)
 Plaintiff,) COURT NO.:
 vs.)
) OK IV-D NO.:
)
 0)
 Defendant.) CUSTODIAN: 0

CONTEMPT PURGE WORKSHEET

Based on agency records authorized by Oklahoma law, the Department of Human Services certifies that the obligor has made the following payments toward the child support obligation and that interest is due as follows:

The NCP is: 0

Children:
Latest Court Order:
Notes:

MO/YR	Total Payments Received	Principal				Interest			Contempt Balance
		Current Monthly Due	Judgment Monthly Due*	Payments and Adjustments	Balance	Monthly Interest Accrual	Payments and Adjustments	Balance	
Prior Balances:					\$0.00			\$0.00	
First date	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Current Support Due:	\$0.00	GT and Other Fees Owed	\$0.00
(+) Balance Forward	\$0.00	Fees Paid	\$0.00
Owed:	\$0.00	C. Other Owed:	\$0.00
(-) Payments Received	\$0.00		
A. Unpaid Balance:	\$0.00		
Monthly Interest Due:	\$0.00	A. Unpaid Contempt Balance:	\$0.00
(+) Balance Forward	\$0.00	B. (+) Total Unpaid Interest Balance:	\$0.00
Interest Owed:	\$0.00		
(-) Interest Paid	\$0.00	C. (+) Total Other Owed:	\$0.00
B. Unpaid Interest Balance:	\$0.00	Due and Owing:	\$0.00

*** Judgment Monthly Due is not additional amount and is not in 'Contempt Balance' each month**

I certify that I am an employee or contractual employee of the Department of Human Services, that I am custodian of DHS records as specified in 12 O.S. §2902(4) and 56 O.S. §240.4, and this Record of Payment accurately and completely reflects DHS records. I state under penalty of perjury under the laws of Oklahoma that this information is true and correct to the best of my knowledge and belief as of 8/25/2014.

<<YOUR NAME>>

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____, 20_____.

MY COMMISSION EXPIRES: _____

MY COMMISSION NUMBER: _____ NOTARY PUBLIC

Appendix B:
Screening Documents



OKLAHOMA DEPARTMENT OF HUMAN SERVICES

Child Support Services
[INSERT OFFICE NAME]
[INSERT OFFICE ADDRESS]
CARE: 1-800-522-2922
FAX: [INSERT OFFICE FAX]
www.okdhs.org



March 12, 2015

RE: FGN

Non-Custodial Parent:

Dear _____ :

We are considering whether to file a contempt action against the non-custodial parent named above. Your participation is needed. Please fill out the enclosed form and return it to [INSERT OFFICE NAME] within 10 days. You may return the form by mail to the address listed above; by bringing it to the office physically located at [INSERT OFFICE STREET ADDRESS]; or by faxing it to the fax number listed above.

If not returned, it may be considered non-cooperation and your benefits can be reduced or stopped. If you are not receiving benefits, your case may be closed.

If you are represented by an attorney in this child support case, please consult with your attorney before you fill out this form.

If you have questions, do not wish to pursue a contempt action, or if you wish to close your case, please contact CARE at 800.522.2922 or email your local office at [INSERT OFFICE ANONYMOUS EMAIL] and tell us why.

Sincerely,

REQUEST FOR INFORMATION

(To be completed by the Custodial Parent)

Please answer all questions as completely as possible regarding the Non-Custodial Parent (NCP). The more complete the information about the NCP's income and property, the more effectively we can enforce your order. Also, please provide any documentation you may have to support your answers.

This completed questionnaire must be returned to the Child Support Office your case is assigned to within ten (10) business days. Please contact us if you need to send any additional information to our office email. Our office thanks you for your prompt attention and cooperation.

Custodial Parent (CP) name: _____

Telephone: Home _____ Cell _____ Work _____

Email address: _____

Personal Information about NCP

NCP name: (First, Middle, Last) _____

Aliases or nicknames: _____

NCP's current address: _____

Lives with: Spouse Friend Roommate Parents Other relatives No one

List any other states where NCP has lived: _____

Telephone: Home _____ Cell _____ Work _____

Email address: _____

Social Security Number: _____ FGN: _____

Education & Licenses

1. NCP's education is: (check all that apply)

Did not complete high school High school diploma/GED Trade school
 College (years) _____ Other _____

2. NCP has degree(s) or certificate(s) in: _____

3. NCP has license(s) or certification(s) in:

Driver's license Hunting/Fishing Barber Concealed carry
 Professional (list type) _____ Other _____

Work & Income Information

1. The NCP is: (check all that apply)

- Employed
 Self-employed
 Both
 Unemployed

Employer's name & address: _____

Telephone: _____

Job description: _____

Side jobs: _____

2. If NCP is self-employed, list the type of business, business name, and address:

- Corporation
 Partnership
 Unknown
 N/A

Business name and address: _____

Partners (if partnership): _____

3. If not employed, how does the NCP support himself/herself?

4. NCP's work experience over the last three (3) years is as follows:

Company and Location	Dates From – To	Job Description	Salary or Wage	Reason Left

5. If known, the NCP's monthly income: \$ _____

6. Other sources of income for NCP and amounts, if known: (check all that apply)

- Social Security \$ _____
 Retirement (also list source) \$ _____
 Disability (also list source) \$ _____
 Worker's Comp \$ _____
 TANF benefits \$ _____

- Veteran's benefits \$ _____
- SNAP (Food Stamps) \$ _____
- Child support \$ _____
- Unemployment \$ _____
- Military \$ _____
- Rental income \$ _____
- Royalties \$ _____
- Tribal payment (also list tribe) \$ _____
- Other: _____ \$ _____

Expenses & Assets Information

1. Does the NCP have any bank accounts (including credit/debit card accounts, credit union accounts, trust accounts, or retirement accounts, such as an IRA)? List all account holders.

Name(s) on Account	Name of Bank/Other	Type (Checking, Savings, etc.)	Account Number

2. Does the NCP own any of the following?: (check all that apply)

- List/Describe
- House _____
 - Other real property (vacation/rental) _____
 - Vehicles _____
 - Boats/other watercraft _____
 - Motorcycles/ATVs _____
 - Stocks, bonds, other investments _____
 - Business equipment _____
 - Personal property valued over \$500 _____
(antiques, coins, jewelry, etc.)
 - Life insurance policies _____
(list cash value and beneficiary information)
 - Guns _____
 - Entertainment equipment _____
(gaming consoles, T.V., computers, stereos, etc.)
 - Cell phone (also list cell phone company) _____
 - Tattoos (amount spent in the past year) _____
 - Collectibles (baseball cards, etc.) _____
 - Season tickets _____
 - Pedigreed or registered pets _____

- Livestock, cattle, horses, etc. _____
- Other _____

Please provide any paperwork, copies, or photos of the NCP's assets checked above that you may have.

3. NCP's monthly expenses are as follows: (check all that apply)

- Rent or house payment \$ _____
- Gas/heat/lights/water \$ _____
- Food/groceries/toiletries \$ _____
- Phone/cell phone \$ _____
- Internet \$ _____
- Cable/satellite \$ _____
- Car/truck payment \$ _____
- Auto insurance \$ _____
- Gasoline/auto maintenance \$ _____
- Other auto expenses \$ _____
- Health insurance \$ _____
- Other medical expenses \$ _____
- Clothing \$ _____
- Entertainment/gaming \$ _____
- Home maintenance \$ _____
- Child support on other cases \$ _____
- Daycare \$ _____
- Alcohol \$ _____
- Cigarettes/tobacco \$ _____
- Credit cards/loans \$ _____
- Student loan payments \$ _____
- Court/probation/restitution fees \$ _____
- Donations/tithes \$ _____
- Other: _____ \$ _____

4. Do you know if the NCP has been a party in any legal actions in the last year? (Worker's Compensation, Personal Injury, Wrongful Death, Probate, etc.) If so, please state what kind of legal action, the state and county where the action was filed, and any other information that would be helpful in assisting us to find the court case: _____

(a) Worker's Compensation status: Pending Finalized Don't know

How much awarded? _____ Starting date? _____

(b) Personal Injury status: Pending Finalized Don't know

How much awarded? _____ Starting date? _____

(c) Inheritance: Pending Finalized Don't know

What/how much was inherited? _____

From whom? _____

5. Has NCP received any of the following in the last three (3) years? List dates and amount(s):

Unemployment: _____

Social Security (SSD, SSA, SSI): _____

TANF: _____

6. Do you know of any medical condition that NCP may have that prevents him/her from working?

(a) Medical Condition: Yes No

Describe: _____

(b) Has NCP submitted an application for Social Security Disability? Yes No

(c) Has NCP submitted an application for Worker's Compensation? Yes No

Social Media Information

Please provide us copies of postings, text messages, photos of assets, or anything else that may show the NCP's ability to pay.

	<u>Account Name/User ID</u>
<input type="checkbox"/> Facebook	_____
<input type="checkbox"/> MySpace	_____
<input type="checkbox"/> Twitter	_____
<input type="checkbox"/> Instagram	_____
<input type="checkbox"/> Dating service (list which service)	_____
<input type="checkbox"/> LinkedIn	_____
<input type="checkbox"/> Craigslist	_____
<input type="checkbox"/> Ebay	_____
<input type="checkbox"/> PayPal	_____
<input type="checkbox"/> Texts	_____
<input type="checkbox"/> Other	_____

Please attach any recent pictures of the NCP, if available.

If CSS files a contempt action, the NCP may be sentenced to jail for up to six (6) months.

(a) Are you willing to appear as a witness in support of this action? Yes No

(b) If you answered No, please explain why: _____

I understand that Child Support Services attorneys represent the State and do not represent either party in any action. I understand that I may represent myself or hire a private attorney.

I state under penalty of perjury under the laws of Oklahoma that, to the best of my knowledge and belief, the above is true and correct.

DATED: _____ **SIGNED:** _____

CITY/STATE: _____

Return within 10 business days to:

BY MAIL:

[INSERT OFFICE & MAILING ADDRESS]
[ADDRESS LINE 1]
[ADDRESS LINE 2]

IN PERSON:

[INSERT OFFICE&STREET ADDRESS]
[ADDRESS LINE 1]
[ADDRESS LINE 2]

BY FAX: [INSERT OFFICE FAX NUMBER]

More Information:



OKLAHOMA DEPARTMENT OF HUMAN SERVICES

Child Support Services
[INSERT OFFICE NAME]
[INSERT OFFICE ADDRESS]
CARE: 1-800-522-2922
FAX: [INSERT OFFICE FAX]
www.okdhs.org



March 12, 2015

RE: FGN

Dear _____ :

The [INSERT OFFICE NAME] Child Support Office has reviewed your case and you have not been making your child support payments.

If you are having trouble paying, we may have programs to help. Please fill out the enclosed form and return it to the [INSERT OFFICE NAME] within 10 days. Return the form by mail to the address listed above; by bringing it to the office physically located at [INSERT OFFICE STREET ADDRESS]; or by faxing it to the fax number listed above. Give as much information as you can so we can help you meet your family's needs. We may be able to review your child support order to see if it is set at the right amount for your income.

If you do not return the form, we may take enforcement action. You might be required to appear in court and may face jail time or fines.

If you are represented by an attorney in this child support case, please consult with your attorney before you fill out this form.

If you have questions, email [INSERT OFFICE ANONYMOUS EMAIL] or call CARE at 800.522.2922.

Sincerely,

REQUEST FOR INFORMATION

The following questions concern your ability to pay your child support. The information you provide could help us determine if your child support is the correct amount.

Personal Information

Name: (First, Middle, Last) _____

Current address: _____

I live with: Spouse Friend Roommate Parents No one

How long have you lived here? _____

I own my home: Yes No My monthly mortgage or rent is: \$ _____

Telephone: Home _____ Cell _____ Work _____

Email address: _____

Work Information

1. Check all that apply: Employed Self-employed Both Unemployed

Provide documentation related to your income (pay stubs, W2 forms, income tax returns, etc.). If you are self-employed, supply verified income and expense statements or tax returns from your business for the last year. (You may redact (mark out) your Social Security Number.)

2. (a) Your present employer: _____

(b) Employer's address: _____

Employer's phone: _____)

(c) Your occupation: _____

3. (a) Your education is: (check all that apply)

Did not complete high school High school diploma/GED Trade school
 College (years) _____ Other _____

(b) List your degree(s) or certificate(s): _____

(c) List your license(s) or certification(s):

Driver's license Hunting/Fishing Barber Concealed carry

Professional (list type) _____ Other _____

4. Where have you worked during the last three years?

Company and Location	Dates From – To	Job Description	Salary or Wage	Reason You Left

Income & Expense Information

1. (a) I get paid: (check below)

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> Weekly | <input type="checkbox"/> Twice per month |
| <input type="checkbox"/> Monthly | <input type="checkbox"/> Annually |
| <input type="checkbox"/> By the job | <input type="checkbox"/> Other: _____ |

(b) My gross income (before taxes and other deductions): \$ _____ per _____

(c) How many hours do you work per week? Regular _____ Overtime _____ Total _____

How often do you work overtime? _____

Do you expect to keep getting overtime? Yes No

2. Other sources of income: (check all that apply)

- | | |
|--|----------|
| <input type="checkbox"/> Social Security | \$ _____ |
| <input type="checkbox"/> Retirement (also list source) | \$ _____ |
| <input type="checkbox"/> Disability (also list source) | \$ _____ |
| <input type="checkbox"/> Worker's Comp | \$ _____ |
| <input type="checkbox"/> TANF benefits | \$ _____ |
| <input type="checkbox"/> Veteran's benefits | \$ _____ |
| <input type="checkbox"/> SNAP (Food Stamps) | \$ _____ |
| <input type="checkbox"/> Child support | \$ _____ |
| <input type="checkbox"/> Unemployment | \$ _____ |
| <input type="checkbox"/> Military | \$ _____ |
| <input type="checkbox"/> Rental income | \$ _____ |
| <input type="checkbox"/> Royalties | \$ _____ |

- Tribal payment (also list tribe) \$ _____
- Other: _____ \$ _____

3. My monthly expenses are as follows: (check all that apply)

- Rent or house payment \$ _____
- Gas/heat/lights/water \$ _____
- Food/groceries/toiletries \$ _____
- Phone/cell phone \$ _____
- Internet \$ _____
- Cable/satellite \$ _____
- Car/truck payment \$ _____
- Auto insurance \$ _____
- Gasoline/auto maintenance \$ _____
- Other auto expenses \$ _____
- Health insurance \$ _____
- Other medical expenses \$ _____
- Clothing \$ _____
- Entertainment/gaming \$ _____
- Home maintenance \$ _____
- Child support for other cases \$ _____
- Daycare \$ _____
- Alcohol \$ _____
- Cigarettes/tobacco \$ _____
- Credit cards/loans \$ _____
- Student loan payments \$ _____
- Court/probation/restitution fees \$ _____
- Donations/tithes \$ _____
- Other: _____ \$ _____

4. Does anyone other than yourself help you pay these expenses? Yes No

If yes, what is this person's relationship to you?

- Spouse Friend Roommate Parent Other: _____

5. How many children do you support in your household? _____

How many of these are your biological or adopted children? _____

6. I, and my spouse (if married), have the following credit cards:

Name on Account	Type (MC, VISA, etc.)	Monthly Payment	Available Credit	Balance Owed

--	--	--	--	--

7. Do you have any bank accounts (including credit union accounts, trust accounts, or retirement accounts, such as an IRA)? List all account holders.

Name(s) on Account	Name of Bank/Other	Type (Checking, Savings, etc.)	Account Balance

8. Do you own any of the following? (check all that apply)

	<u>List/Describe</u>	<u>\$ Value/Amt. Owed</u>
<input type="checkbox"/> House	_____	_____
<input type="checkbox"/> Other real property (vacation/rental)	_____	_____
<input type="checkbox"/> Vehicles	_____	_____
<input type="checkbox"/> Boats/other watercraft	_____	_____
<input type="checkbox"/> Motorcycles /ATVs	_____	_____
<input type="checkbox"/> Stocks, bonds, other investments	_____	_____
<input type="checkbox"/> Business equipment	_____	_____
<input type="checkbox"/> Personal property valued over \$500 (antiques, coins, jewelry, etc.)	_____	_____
<input type="checkbox"/> Life insurance policies (list cash value and beneficiary information)	_____	_____
<input type="checkbox"/> Guns	_____	_____
<input type="checkbox"/> Entertainment equipment (gaming consoles, T.V., computers, stereos, etc.)	_____	_____
<input type="checkbox"/> Cell phone (also list cell phone company)	_____	_____
<input type="checkbox"/> Tattoos (amount spent in the past year)	_____	_____
<input type="checkbox"/> Collectibles (baseball cards, etc.)	_____	_____
<input type="checkbox"/> Season tickets	_____	_____
<input type="checkbox"/> Pedigreed or registered pets	_____	_____
<input type="checkbox"/> Livestock, cattle, horses, etc.	_____	_____
<input type="checkbox"/> Other	_____	_____

9. Have you received an inheritance in the last year?

Yes No If so, how much? _____

Are you expecting an inheritance?

Yes No If so, from whom? _____

State and county of probate action, if filed: _____

Medical History Affecting Employment

If you have any medical condition that affects your ability to work, please describe the condition below and provide appropriate documentation to verify your medical condition.

- | | | |
|--|------------------------------|-----------------------------|
| 1. (a) Medical condition that affects ability to work: | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Documentation from a doctor? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (b) Have you applied for Social Security Disability? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Documentation attached? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (c) Have you filed for Worker's Compensation? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Documentation attached? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Describe your condition: _____

I understand that Child Support Services attorneys represent the State and do not represent either party in any action. I understand that I may represent myself or hire a private attorney.

I state under penalty of perjury under the laws of Oklahoma that, to the best of my knowledge and belief, the above is true and correct.

DATED: _____ **SIGNED:** _____

CITY/STATE: _____

Return within 10 business days to:

BY MAIL:
[INSERT OFFICE & MAILING ADDRESS]
[ADDRESS LINE 1]
[ADDRESS LINE 2]

IN PERSON:
[INSERT OFFICE&STREET ADDRESS]
[ADDRESS LINE 1]
[ADDRESS LINE 2]

BY FAX: [INSERT OFFICE FAX NUMBER]

More Information:

Appendix C:

Pleadings

Chart of Pleadings, OSIS Codes, and Document IDs

OSIS	Doc ID	Document Title
CC1	03EN050E	Contempt Pleading Packet
CC2	03EN052E	Judgment on Contempt (Plea)
CC3	03EN053E	Waiver of Rights on Contempt
CC4	03EN054E	Bench Warrant
CC5	03EN055E	Motion and Order Recalling Bench Warrant
CC6	03EN056E	Motion and Order to Disburse Bond
CC7	03EN057E	Contempt Notice of Rights
CC8	03EN058E	Sentencing Order (Final)
CC9	03EN059E	Acknowledgment of Rights on Contempt
CC10	03EN060E	Contempt Failure to Appear Order
CC11	03EN062E	Contempt Release Order
CC12	03EN051E	Citation for Contempt (Separate) *Note: This document is a duplicate of the Citation for Contempt included in the CC1: Contempt Pleading Packet. This version has a user-entry option to include an "Alias" designation in cases where service must be reattempted. This document is not included separately in this appendix.

NOTICE OF YOUR RIGHTS IN CIVIL CONTEMPT ACTIONS

The attached legal papers are **VERY IMPORTANT!**

**YOU MUST APPEAR in DISTRICT COURT on _____ at _____
__m. TO PROTECT YOUR RIGHTS!**

If you do not come to this hearing, a Bench Warrant may be issued for your arrest.

CSS is telling the court that you had the ability to pay your child support but did not. Based on Oklahoma law, if you could have paid but did not, the court could sentence you to 6 months in jail and make you pay a \$500 fine.

CSS has to show the court the following things before the court can find you guilty:

1. A court has ordered you to pay child support;
2. You knew about the order or knew there was a hearing to set an order and you did not appear; and
3. You did not pay your child support as ordered.

If CSS can prove these things, you will have a chance to tell the court why you did not pay. The court will consider evidence of your inability to pay. If you can prove that you did not pay because you did not have the ability to pay, the court may find you not guilty.

Because you could possibly go to jail, you have certain rights during this proceeding:

- Right to an attorney. If you cannot afford an attorney, you can ask the court to give you an attorney without cost. If you want to hire an attorney, you should hire the attorney before the court date.
- Right to a jury trial.
- Right to a trial to the judge.
- Right to present evidence to support your case.
- Right to call witnesses and question any witnesses.
- Right to waive a trial and an attorney and make payment arrangements.

If you have questions or want to make an appointment to come in before the hearing date, please call 1-800-522-2922, write us, or come by the child support office listed below.

YOU MUST APPEAR AT THE DATE AND TIME ABOVE TO PROTECT YOUR RIGHTS! Bring any information you have about your ability to pay child support. If you are working, please bring information about your employer, including a paystub.

@lonfad@

IN THE DISTRICT COURT OF @VCNTY@ COUNTY

STATE OF OKLAHOMA

	,)	
	Plaintiff,)	
		)	No.
vs.)	
		)	OK IV-D No. @fgn@
	,)	
	Defendant.)	

APPLICATION FOR CONTEMPT CITATION FOR FAILURE TO PAY CHILD SUPPORT

Oklahoma Department of Human Services appears through counsel for Child Support Services (“CSS”) and offers the following in support of its application.

1. Attached and incorporated as Exhibit A is the “Notice of Your Rights in Civil Contempt Actions.”

2. CSS alleges:

a. @apfnm@ is the obligor and was ordered to pay child support or judgment payments pursuant to a valid child support order.

b. @apfnm@ owes a total child support and/or cash medical support balance of \$ [A], plus statutory interest, as shown on the attached Record of Payments, attached as Exhibit B, plus amounts accruing to the date of trial or any order entered in this matter.

The obligor has failed to comply with the order of the Court for the time period [B] from through in the amount of [C] \$, plus amounts unpaid through the date of the trial, as reflected in the Purge Calculation Worksheet (Exhibit C).

The obligor was previously ordered to pay \$ per month towards a judgment for past due support as shown on the Purge Calculation Worksheet (Exhibit C). Obligor has failed to make the judgment payments in the total amount of [D] \$ as ordered by the Court during the time period from [E] through .

c. In order to purge this contempt and avoid coming to court, the obligor must: [The following are user selected options]

pay \$[F] [USER ENTRY, Prompt = purge amount only].

show proof that you have enrolled the child(ren) in health care coverage.

pay court costs in the amount determined by the court.

- d. The obligor has willfully failed to obtain health insurance for the minor child as previously ordered by the court. In order to purge this contempt and avoid coming to court, the obligor must show proof that the child(ren) are enrolled in health care coverage.
 - e. The obligor's failure to pay or otherwise comply with the order of the court is willful.
3. Pursuant to 43 O.S. § 139.1(C)(1) if the court finds evidence presented at the hearing that obligor is in noncompliance with an order for support, the court shall suspend or revoke the license of the obligor or place the obligor on probation.

WHEREFORE, CSS requests the Court order the obligor to appear at a date and time certain and show cause why obligor should not be punished for indirect contempt of court; why an order should not be granted determining the unpaid balances including any amounts accruing to date of trial; why an order for revocation of the obligor's licenses should not be entered; that obligor must provide proof of health care coverage for the child(ren) (if applicable); why the obligor should not be ordered to pay the costs associated with this matter; and for such other relief the Court deems just and equitable.

VERIFICATION

I state under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct, to the best of my knowledge and belief, according to the information provided to the Department.

@DHSATTY@ OBA#: @BARNO@
State's Attorney for CSS
@LONFAD@
@LOPH@
LO Fax #

**IN THE DISTRICT COURT OF @VCNTY@ COUNTY
STATE OF OKLAHOMA**

	,)	
	Plaintiff,)	
		)	No.
vs.)	
		)	OK IV-D No.
	,)	
	Defendant.)	

SUBPOENA DUCES TECUM

STATE OF OKLAHOMA TO: @apfnm@

You are commanded to appear before Judge @HRJUDGE@ at the @VCNTY@ County Courthouse, @HRLFAD@ on @HRDTHL@ at @HRT@. You are commanded to bring with you the following documents and stay until you are excused by the court. [USER ENTRY FOR BLANK LINES OR VARIABLES FROM HEARL]

- All documents relating to your payment of child support in the above styled and numbered case;
- All payroll stubs since you were ordered to pay child support;
- Copies of all bills for the last six months for your utilities, housing, food and insurance;
- All titles, deeds and other records for any real property or motor vehicles that you own;
- Evidence of your disability (if applicable);
- Any licenses or permits that have been issued by the State of Oklahoma, including your driver's license;
- If you were ordered to provide health insurance, evidence of enrollment of the minor child(ren) in health insurance and payment of premiums for all periods since the court order was entered.

You must obey under penalty of law.

Dated: @CURDTLF@

@DHSATTY@ OBA#: @BARNO@
State's Attorney for CSS
@LONFAD@
@LOPH@
LO Fax #

**IN THE DISTRICT COURT OF @VCNTY@ COUNTY
STATE OF OKLAHOMA**

),
Plaintiff,)
) No.
vs.)
) OK IV-D No.
)
)
Defendant.)

**CITATION FOR CONTEMPT FOR FAILURE TO PAY CHILD SUPPORT
AND ORDER FOR SHOW CAUSE HEARING**

THE STATE OF OKLAHOMA TO: @apfnm@

It appears from the Application for Contempt Citation of Oklahoma Department of Human Services, Oklahoma Child Support Services that you have willfully disobeyed the orders of this Court in the above styled and numbered case.

YOU ARE ORDERED to appear in person at the @VCNTY@ County Courthouse, _____, @HRLFAD@, before Judge @HRJUDGE@ on @HRDTHL@ at @HRT@ a.m./p.m. to show cause why you should not be punished for indirect contempt of court and why your licenses should not be revoked.

In order to purge this contempt and avoid coming to court, the obligor must:

[The following are user selected options]

- pay \$[F] [USER ENTRY, Prompt = purge amount only].
- show proof that you have enrolled the child(ren) in health care coverage.
- pay court costs in the amount determined by the court.

Dated: _____

JUDGE OF THE DISTRICT COURT

FAILURE TO APPEAR SHALL RESULT IN A BENCH WARRANT BEING ISSUED FOR YOUR ARREST.

@DHSATTY@ OBA#: @BARNO@
State's Attorney for CSS
@LONFAD@
@LOPH@
LO Fax #

jury trial, the right to have the moving party bring witnesses into court to prove by clear and convincing evidence that s/he had the ability to pay and willfully failed to pay child support as ordered by the court, the right to present evidence and call witnesses, and the right to question any witnesses called by other parties concerning the charge of willfully failing to pay child support as previously ordered by the court for the time period from _____ through _____.

The obligor knowingly and voluntarily waives the right to a jury trial and either knowingly and voluntarily waives his/her right to counsel or has consulted with counsel. The obligor enters a plea of guilty. no contest. The court accepts obligor's plea and finds him/her guilty of indirect contempt of court for failure to pay child support. [User Text: Agreed Plea]

The obligor is found guilty not guilty of indirect contempt of court for failure to pay child support after a trial before the court. a jury trial. [User Text: Guilty after Trial]

The obligor has read and understands the provisions of this order, the terms of the purge plan, and the payment arrangements set out below.

3. Sentencing:

The court sentences the obligor to _____ months in the county jail and orders that the sentence be executed immediately. Obligor shall remain in the county jail until s/he complies with the purge conditions set forth in this order, serves the full sentence, or until further order of the court. [User Text: Sentenced to Jail]

The court does not impose sentence at this time so long as obligor complies with the purge conditions set forth in this order. Further hearing is set below. [User Text: No Sentencing]

Sentencing is continued to _____ for obligor to provide information regarding his/her ability to purge the finding of guilt of indirect contempt of court.

The court sentences the obligor to pay a fine in the amount of \$_____.

Fine to be paid in full, on or before _____.

Obligor is ordered to contact the Court Clerk's Office by the following date to make payment arrangements: _____.

Other: _____

_____ [User Text: Other/Blank Lines]

4. Purge Conditions:

The court heard evidence regarding obligor's current ability to purge his/her guilt. The purge

conditions are set in accordance with the evidence of obligor's ability to pay.

Obligor shall purge his/her guilt in the following manner pursuant to Rule 8.3 of the Rules for the District Courts:

- Compliance with the current support and judgment payments as set out below until the amount of \$_____ in past support plus interest has been paid in full. Payments shall be applied first to current support due in the month payment is received, then to past support accrued during the contempt time period. [User Text: Payment Plan]
- Payment in full of the judgment amount of \$_____ by lump sum due on or before _____.
[User Text: Lump Sum Payment]
- Payment of a lump sum of \$_____ on or before _____ and monthly payments as set out below until paid in full or further order. [User Text: Lump Sum Payment and Payment Plan]
- Other: _____

_____. [User Text: Other/Blank Lines]

If obligor fails to comply with the payment plan and is sentenced, the court will set an amended purge fee based on obligor's ability to pay at sentencing hearing.

5. Compliance Review:

Obligor is ordered to reappear on _____ at _____m. for a review of compliance with the purge conditions. "Compliance" means payment in full for each month is received by the Oklahoma Central Support Registry by the last day of the month the payment is due. Failure to comply with the purge conditions may result in sentencing and execution of sentence.

Reappearance for Hearing: The Obligor shall reappear for any subsequent hearings which are scheduled without further notice, and failure to appear will result in a Bench Warrant being issued for the Obligor's arrest, unless the hearing is continued or canceled by agreement. [User Text: Obligor Must Reappear]

Reappearance not required if paying as ordered: If Obligor pays in accordance with the terms of this order, s/he does not have to reappear at the next hearing listed above. **However, Obligor must call 1-800-522-2922 and request a new court date prior to the hearing date scheduled above.** The Obligor will be sent an order to the address of record listed in this order resetting the hearing date. If Obligor fails to pay as ordered s/he shall reappear on the above date and time without further notice or a Bench Warrant will be issued for his/her arrest. [User Text: No appearance if paying]

Notice of any subsequent hearings in this matter shall be mailed by regular mail to the address provided in this order or to the last known address.

6. The obligor is ordered to obtain employment for salary, income or wages sufficient to pay the child support obligation(s).

7. **Court Liaison Program.** The obligor is ordered into the CSS Court Liaison Program pursuant to 21 O.S. § 566.1. The obligor is ordered to contact the Court Liaison and work with the Court Liaison to obtain gainful employment. The Court Liaison will report back to the court whether the obligor is complying with this requirement.

8. **Current Support:** Obligor has a duty to provide support for the minor child(ren) who is/are the subject of this action. Obligor is ordered to pay child support of \$_____ per month per prior court order.

9. **Judgment for Past Due Child Support.**

Judgment is confirmed for past due child support against the Obligor in the amount of:

Type of Judgment	Amount	From	Through
a. Balance of Previous Judgment(s)	\$		
b. Unpaid Child Support Since Last Judgment	\$		
c. Cash Medical Support	\$		
d. Ongoing Medical Support	\$		
e. Other: _____	\$		
f. TOTAL JUDGMENT:	\$		

This judgment does not include any unreimbursed medical and child care expenses that have not been reduced to judgment and the obligor's liability for these expenses, if any, is not addressed by this proceeding and is subject to later determination by an appropriate tribunal.

10. **Interest.**

Determination of the amount of interest owed through the date of this order is reserved.

Statutory interest is owed in the amount of \$_____ through _____.

11. **Judgment Payment:** Beginning _____, the Obligor shall pay \$_____ per month on the child support judgment until it and accrued interest are paid in full, or until further order. This payment supersedes any previously ordered judgment payments and is the total amount to be paid each month on the past due support. If current support stops for any reason, the obligor shall continue to pay the total amount in paragraph 12 until all arrearages, judgments and interest are paid in full. This payment plan:

does not exceed 36 months.

does exceed 36 months because imposition of such a payment schedule would be unjust, inequitable, unreasonable, inappropriate under the circumstances, and/or not in the best interests of the children involved.

12. Total monthly payment:	
Current child support:	\$ _____
Cash Medical support:	\$ _____
Judgment payment:	\$ _____
Total:	\$ _____

13. Regarding obligor's licenses, the Court finds and Orders:

Probation. The obligor is not in compliance with an order for support as defined in Title 43 O.S. Section 139.1. The Obligor is placed on probation as to any license defined by Title 43 O.S. Section 139.1. Probation is conditioned upon full compliance with the terms and payment plan in this order. If at the completion of the probationary period the obligor has failed to fully comply with the order, the licenses of the obligor shall be automatically suspended or revoked without further hearing. Full compliance is defined as full payments, including both current support and judgment payments, each and every month until the obligor is current in his/her support obligation, or until further order of this Court. The obligee or CSS may request a hearing at any time to review the status of the obligor's compliance with the payment plan and to request immediate suspension or revocation of the obligor's license;

Reinstatement of Licenses and Order of Probation. The Court finds that the obligor is now in compliance with the payment plan or the noncustodial parent is participating in a problem-solving court program under Section 140 of Title 43 or Section 240.10 of Title 56. The obligor's previously revoked licenses are hereby ordered reinstated, and the obligor is placed on probation in accordance with the terms as set forth above.

Non-Issuance, Non-Renewal, or Revocation. The Court finds that the obligor is not in compliance with an Order for Support as defined in Title 43 O.S. Section 139.1; therefore, the obligor's licenses (including driver's license) are hereby REVOKED.

Currently Revoked. The Court finds that the obligor's licenses have already been revoked for noncompliance with an order for support. That revocation remains in effect pending compliance with the payment plan and further order of the Court.

Upon receipt of this order, the licensing board shall implement the order as defined by 43 O.S. § 139.1(F). The licensing board has no jurisdiction to modify, reverse, vacate, or stay this order of probation, suspension, or revocation.

14. Reporting Employment: The Obligor shall notify CSS in writing within ten (10) days of any of the following: (1) terminating or leaving employment; (2) beginning new employment; or

(3) changing employment. The Obligor shall provide the name, address and telephone number of any places of employment. The term employment shall include work as a contractor/subcontractor, or any other activity which Obligor engages in for money, profit, or compensation in-kind, or otherwise.

15. Address of Record for Service of Process: Title 43 O.S. § 112A requires all parties and custodians to keep the Central Case Registry informed of a current address of record for service of process in support, visitation and custody actions. The following applies to the Obligor and any custodian subject to this order. Any changes in the address of record, employer, or health insurance shall be provided in writing to the Central Case Registry within thirty (30) days of the change. The address is:

**Central Case Registry
P.O. Box 528805
Oklahoma City, Oklahoma 73152-8805.**

The last address of record may be disclosed to a party or custodian upon request in accordance with CSS rules. CSS does not release home addresses if prohibited by a court order granted for the protection of a parent or custodian, or if the case has a Family Violence Indicator. The address of record does not have to be the address where you live. Child support actions filed after this date may be served by regular mail to the last address of record provided to the Central Case Registry. If the physical address and address of record are different, the child support office must be notified of any changes in the physical address.

The following is the Obligor's current address of record:

The following is the custodial person's current address of record:

Oklahoma Child Support Services has no evidence that the custodian has been informed regarding the legal significance of the address of record for service of process and whether protection of the custodian's home address is needed due to family violence. Therefore, an address of record for service of process for the custodian is not ordered.

16. Income Assignment. An immediate income assignment is ordered pursuant to 12 O.S. § 1171.3(G)(1). A portion of obligor's monthly or other periodic income shall be assigned in an amount sufficient to ensure payment of the monthly support obligation, including any arrearage and judgment payments. The assignment is effective immediately. Obligor remains responsible for making payments directly to CSS in any month when an income assignment is not in effect or does not pay the full amount due under this order.

17. **Where to make payments:** Child support and judgment payments shall be made payable to the Oklahoma Department of Human Services and mailed to: Oklahoma Centralized Support Registry, P.O. Box 268849, Oklahoma City, OK 73126-8849, with the child support case number: @fgn@, on the face of the payment. Payments may also be paid electronically through the State of Oklahoma Web Pay System or at PaySite Kiosk Locations. PaySite Kiosk locations can be found at <http://paysitekiosklocator.com/>.

Payments shall continue to be made in this manner for so long as child support services are provided for the benefit of the minor child(ren) by the Department of Human Services. Upon termination of such services, the Department of Human Services shall provide written notice to the person owing the child support. Any delinquent child support payments due at the time and still subject to an assignment made in favor of the Department of Human Services shall continue until the assignment has been released by the Department of Human Services. PAYMENTS MADE IN ANY MANNER OTHER THAN AS SPECIFIED IN THIS ORDER SHALL BE CONSIDERED GIFTS AND SHALL NOT BE CREDITED TO THE AMOUNT OWED.

18. **Court Costs and fees:**

- The obligor shall pay court costs and fees as determined by the Court Clerk of this County. Obligor is ordered to contact the Court Clerk's Office by the following date: _____ to determine costs and fees and make payment arrangements.
- The obligor shall pay court costs in the amount of \$ _____ on or before _____.
- Pursuant to District Court Rule 29, the obligor was previously appointed counsel in this case. On this date, the court finds the obligor has the ability to pay for counsel. The obligor is ordered to pay applicable counsel fees to the Court Clerk's office.

19. **Other:** _____

IT IS SO ORDERED.

JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM:

Custodial Parent (Signature)

Noncustodial Parent (Signature)

(Printed name)

(Printed name)

Attorney For Custodial Person
OBA#

Attorney For Noncustodial Parent
OBA#

@DHSATTY@
OBA No.: @barno@
@lonfad@

@loph@

CERTIFICATE OF SERVICE

On or before _____, I hereby certify that a true and correct copy of this document was:

- Hand Delivered to the Obligor Custodial Person ATTORNEY(S)
- Mailed with sufficient postage prepaid thereon to the verified address of record for the following parties: Obligor Custodial Person ATTORNEY(S)
- Mailed with sufficient postage prepaid to the following parties:

Obligor at _____.

Custodial Person at _____.

State's Attorney

Signature

Printed Name

**IN THE DISTRICT COURT OF @VCNTY@ COUNTY
STATE OF OKLAHOMA**

),
Petitioner,)
) No.
vs.)
) OK IV-D No.
)
)
Respondent.)

BENCH WARRANT – CIVIL

TO THE SHERIFF OF @VCNTY@ COUNTY OR ANY PEACE OFFICER OF THE STATE OF OKLAHOMA: TO BE SERVED DAY OR NIGHT, GREETINGS:

YOU ARE HEREBY COMMANDED to bring forth:

Name: @apfnm@ DOB: @apdob@ SSN: @[variable: AP SSN Last 4 digits]@
Alias: @apalias@
Sex: @apsex@ Race: @aprc@ Height: @aphgt@ Weight: @apwgt@ lbs
Eyes: @apec@ Hair: @aphrc@
Identifying Marks: @apidmrks@

Home Address: @apfadia@

Work Address: @apenfad@
Other:

To appear before Judge [User Text: Judge’s Name or Blank Line], Room [User Text: Room Number or Blank Line] of the District Court of @vcnty@ County, to answer for a contempt of said Court for failing to appear on [User Text: Court date where NCP failed to appear] after being duly summoned. Should Court not be in session, then he/she should be detained in lieu of \$ [User Text: Cash Bond Amount] **cash bond or two sureties, no O.R.** for appearance on the next regular Court day for the Judge.

ISSUED @cursysdt@ [or user entered blank lines].

Prepared and requested by:
@DHSATTY@
OBA No.: @barno@
@lonfad@

@loph@

JUDGE OF THE DISTRICT COURT

**IN THE DISTRICT COURT OF @VCNTY@ COUNTY
STATE OF OKLAHOMA**

	,)	
	Petitioner,)	
		)	No.
vs.)	
		)	OK IV-D No.
	,)	
	Respondent.)	

MOTION TO RECALL WARRANT

Oklahoma Department of Human Services appears through counsel for Child Support Services (“CSS”), moves the Court to order a recall of the civil warrant issued on [User Text: Date Warrant Issued] in the above-captioned matter for the reason that [User Text: Reason for Recall].

WHEREFORE, premises considered, CSS requests the Court order a recall of the civil warrant previously issued in this matter.

Date: @cursysdt@ or user entry blank lines.

DEPARTMENT OF HUMAN SERVICES

@DHSATTY@ OBA#: @BARNO@
State’s Attorney for CSS
@LONFAD@
@LOPH@
@LOFAX@

**IN THE DISTRICT COURT OF @VCNTY@ COUNTY
STATE OF OKLAHOMA**

)	
	Petitioner,)	
		)	No.
vs.)	
		)	OK IV-D No.
)	
	Respondent.)	

ORDER RECALLING WARRANT

NOW on _____, the Court being fully advised in the premises issues the following order:

The civil warrant issued on [User Entry: Date Warrant Issued] in the above-captioned matter is hereby ordered recalled, and notice of recall is ordered prepared and given to the Sheriff of @vcnty@ County.

@apfnm@ shall appear on _____, _____, at _____ a.m. before the undersigned Judge in the @vcnty@ County Courthouse, Room [user entry: Room Number or blank line], [Question to programmer: Is there a variable for courthouse address other than the HEARL screens?][User Entry: Blank lines].

Dated: _____.

JUDGE OF THE DISTRICT COURT

**IN THE DISTRICT COURT OF @VCNTY@ COUNTY
STATE OF OKLAHOMA**

	,)	
	Petitioner,)	
		)	No.
vs.)	
		)	OK IV-D No.
	,)	
	Respondent.)	

MOTION TO DISBURSE BOND OR PURGE FEE

Oklahoma Department of Human Services appears through counsel for Oklahoma Child Support Services (“CSS”), and pursuant to 12 O.S. §68 moves the court to order the Court Clerk to disburse the bond or purge fee to CSS, and in support thereof alleges:

@apfnm@ was ordered previously to pay a cash bond or purge fee in the amount of \$ [User Text: purge fee amount], which was paid into court on [User Text: date purge paid].

WHEREFORE, CSS prays the court order the Court Clerk to disburse the cash bond or purge fee to the Department of Human Services, c/o Centralized Support Registry, PO Box 268849, Oklahoma City, OK 73126-8849, and for such other relief which may be just and equitable.

DEPARTMENT OF HUMAN SERVICES

@DHSATTY@ OBA#: @BARNO@
State’s Attorney for CSS
@LONFAD@
@LOPH@
@LOFAX@

**IN THE DISTRICT COURT OF @VCNTY@ COUNTY
STATE OF OKLAHOMA**

	,)	
	Petitioner,)	
		)	No.
vs.)	
		)	OK IV-D No.
	,)	
	Respondent.)	

ORDER TO DISBURSE BOND OR PURGE FEE

NOW ON _____, the above Motion comes on for consideration. The Court finds the motion should be granted, and hereby orders the Court Clerk of @vcnty@ County to pay to CSS the bond or purge fee of \$ paid by @apfnm@ on . The Court Clerk is directed to submit payment to Centralized Support Registry, PO Box 268849, Oklahoma City, OK .

JUDGE OF THE DISTRICT COURT

CERTIFICATE OF MAILING

This is to certify that on _____ a true and correct copy of the above and foregoing **Error! Reference source not found.** was deposited in the U.S. Mail, postage prepaid, and addressed to @apadtxt@.

NOTICE OF YOUR RIGHTS IN CIVIL CONTEMPT ACTIONS

The attached legal papers are **VERY IMPORTANT!**

**YOU MUST APPEAR in DISTRICT COURT on _____ at _____
__m. TO PROTECT YOUR RIGHTS!**

If you do not come to this hearing, a Bench Warrant may be issued for your arrest.

CSS is telling the court that you had the ability to pay your child support but did not. Based on Oklahoma law, if you could have paid but did not, the court could sentence you to 6 months in jail and make you pay a \$500 fine.

CSS has to show the court the following things before the court can find you guilty:

4. A court has ordered you to pay child support;
5. You knew about the order or knew there was a hearing to set an order and you did not appear; and
6. You did not pay your child support as ordered.

If CSS can prove these things, you will have a chance to tell the court why you did not pay. The court will consider evidence of your inability to pay. If you can prove that you did not pay because you did not have the ability to pay, the court may find you not guilty.

Because you could possibly go to jail, you have certain rights during this proceeding:

- Right to an attorney. If you cannot afford an attorney, you can ask the court to give you an attorney without cost. If you want to hire an attorney, you should hire the attorney before the court date.
- Right to a jury trial.
- Right to a trial to the judge.
- Right to present evidence to support your case.
- Right to call witnesses and question any witnesses.
- Right to waive a trial and an attorney and make payment arrangements.

If you have questions or want to make an appointment to come in before the hearing date, please call 1-800-522-2922, write us, or come by the child support office listed below.

YOU MUST APPEAR AT THE DATE AND TIME ABOVE TO PROTECT YOUR RIGHTS! Bring any information you have about your ability to pay child support. If you are working, please bring information about your employer, including a paystub.

@lonfad@

IN THE DISTRICT COURT OF @vcntyp@ COUNTY

STATE OF OKLAHOMA

_____,) Dist. Ct. No. _____
)
Plaintiff/Petitioner,) Judge _____
)
vs.) FGN No. _____
)
_____,)
)
Defendant/Respondent.)
)

SENTENCING ORDER

NOW ON _____, the court makes the following order regarding sentencing on the obligor’s plea or finding of guilt.

@cpfnm@ is the custodial person and appears:

- in person, pro se.
- in person and through counsel, _____.
- not.

@apfnm@ is the obligor and appears:

- in person, pro se.
- in person and through counsel, _____.
- _____.

Oklahoma Child Support Services (“CSS”) appears through its attorney.

Other persons appear: _____.

Based upon a review of the record, the statements of the parties and the argument of counsel, the court makes the following findings and enters the following orders:

1. The Obligor has been advised of his/her rights at this stage of the contempt proceedings, including the right to an evidentiary hearing regarding his/her ability to purge the finding of guilt, the right to counsel at the sentencing stage, the right to present evidence and call witnesses, and the right to question any witnesses called by other parties concerning his/her ability to pay a purge fee.
2. On the issue of right to counsel:

The court finds obligor to be indigent and appoints _____ to represent obligor.

Obligor is represented by counsel.

Obligor has waived his/her right to counsel.

3. On _____, the obligor pleaded or was found guilty of indirect contempt of court for failure to pay child support. The obligor was advised of his/her rights and knowingly and voluntarily waived the right to a jury trial, and to a non-jury trial.

4. The obligor has failed to comply with the terms of the purge conditions. The court imposes the following sentence:

_____ days in the @vcntyp@ County Jail. The sentence shall be served flat time and obligor shall not be entitled to credit for good time, blood time, trustee time or any credit for time served. Obligor shall remain in the county jail until the sentence is fully served and completed or until obligor has posted the purge amount as ordered.

A fine in the amount of _____.

5. Having conducted an inquiry into the obligor's ability to purge his/her contempt, the court finds that obligor has a present ability to pay \$_____ and the court sets the purge fee in accordance with the evidence and pursuant to District Court Rule 8.3.

6. Judgment for Past Due Child Support.

Judgment is confirmed for past due child support against the Obligor in the amount of:

Type of Judgment	Amount	From	Through
a. Balance of Previous Judgment(s)	\$		
b. Unpaid Child Support Since Last Judgment	\$		
c. Cash Medical Support	\$		
d. Ongoing Medical Support	\$		
e. Other: _____	\$		
f. TOTAL JUDGMENT:	\$		

This judgment does not include any unreimbursed medical and child care expenses that have not been reduced to judgment and the obligor's liability for these expenses, if any, is not addressed by this proceeding and is subject to later determination by an appropriate tribunal.

Determination of the amount of interest owed through the date of this order is reserved.

Statutory interest is also owed in the amount of \$_____ through _____.

7. Beginning _____, the obligor shall pay \$_____ per month on the child support judgment(s) until it and accrued interest are paid in full. When current support is no longer due, Obligor shall continue to pay the current support amount plus the above judgment payment until all past due child support, judgment(s), and interest, are paid in full or until further order of the court.

8. Regarding obligor's licenses, the court finds:

the obligor is not in compliance with an order for support as defined in Title 43 O.S. Section 139.1. The Obligor is placed on probation as to any license defined by Title 43 O.S. Section 139.1. Probation is conditioned upon full compliance with the terms and payment plan in this order. If at the completion of the probationary period the obligor has failed to fully comply with the order, the licenses of the obligor shall be automatically suspended or revoked without further hearing. Full compliance is defined as full payments, including both current support and judgment payments, each and every month until the obligor is current in his/her support obligation, or until further order of this Court. The obligee or CSS may request a hearing at any time to review the status of the obligor's compliance with the payment plan and to request immediate suspension or revocation of the obligor's license; or

the obligor is not in compliance with an Order for Support as defined in Title 43 O.S. Section 139.1; therefore, the obligor's licenses (including driver's license) are hereby REVOKED.

9. The following is the current address of record for service of process for the Obligor:

10. Court Costs and fees:

The obligor shall pay court costs and fees as determined by the Court Clerk of this County. Obligor is ordered to contact the Court Clerk's Office by the following date: _____ to determine costs and fees and make payment

arrangements.

The obligor shall pay court costs in the amount of \$_____ on or before _____.

Pursuant to District Court Rule 29, the obligor was previously appointed counsel in this case. On this date, the court finds the obligor has the ability to pay for counsel. The obligor is ordered to pay applicable counsel fees to the Court Clerk's office.

11. OTHER:

12. Prior orders not in conflict with this order remain in full force and effect.

IT IS SO ORDERED.

JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM:
DEPARTMENT OF HUMAN SERVICES

By: _____

@DHSATTY@

OBA No.: @barno@

State's Attorney for CSS

@lonfad@

@loph@

Attorney for Custodial Parent

Custodial Parent

Attorney for Non-Custodial Parent

Non-Custodial Parent

CERTIFICATE OF SERVICE

On _____, a true and correct copy of this document
was:

Hand Delivered to the Obligor Custodial Person ATTORNEY(S)

Mailed with sufficient postage prepaid to the verified address of record above
for the following parties: Obligor Custodial Person
ATTORNEY(S)

Mailed with sufficient postage prepaid to the following parties:

Obligor at _____.

Custodial Person at _____.

**IN THE DISTRICT COURT OF @vntyp@ COUNTY
STATE OF OKLAHOMA**

_____ )	)	Dist. Ct. No. _____
Plaintiff/Petitioner, )	)	Judge _____
vs. )	)	FGN No. _____
_____))	
Defendant/Respondent.))	
)	

ORDER ON FAILURE TO APPEAR

NOW on _____, this matter came on for hearing on the Citation for Contempt filed by Oklahoma Child Support Services.

The Court, upon reviewing the record, finds that obligor, _____, was properly served or ordered to appear this date; that he or she has failed to appear; and that a Bench Warrant should issue for his or her arrest.

Based upon a review of the record, the statements of the parties and the argument of counsel, the court makes the following findings and enters the following orders:

1. A Bench Warrant is authorized for obligor’s arrest.
2. Cash bond is set in the amount of \$_____.
3. Judgment for Past Due Child Support.

Judgment is confirmed for past due child support against the Obligor in the amount of:

Type of Judgment	Amount	From	Through
a. Balance of Previous Judgment(s)	\$		
b. Unpaid Child Support Since Last Judgment	\$		
c. Cash Medical Support	\$		
d. Ongoing Medical Support	\$		
e. Other: _____	\$		
f. TOTAL JUDGMENT:	\$		

This judgment does not include any unreimbursed medical and child care expenses that have not been reduced to judgment and the obligor's liability for these expenses, if any, is not addressed by this proceeding and is subject to later determination by an appropriate tribunal.

Determination of the amount of interest owed through the date of this order is reserved.

Statutory interest is also owed in the amount of \$_____ through _____.

4. Beginning _____, the obligor shall pay \$_____ per month on the child support judgment(s) until it and accrued interest are paid in full. When current support is no longer due, Obligor shall continue to pay the current support amount plus the above judgment payment until all past due child support, judgment(s), and interest, are paid in full or until further order of the court.

5. Regarding obligor's licenses, the Court finds and Orders:

Probation. The obligor is not in compliance with an order for support as defined in Title 43 O.S. Section 139.1. The Obligor is placed on probation as to any license defined by Title 43 O.S. Section 139.1. Probation is conditioned upon full compliance with the terms and payment plan in this order. If at the completion of the probationary period the obligor has failed to fully comply with the order, the licenses of the obligor shall be automatically suspended or revoked without further hearing. Full compliance is defined as full payments, including both current support and judgment payments, each and every month until the obligor is current in his/her support obligation, or until further order of this Court. The obligee or CSS may request a hearing at any time to review the status of the obligor's compliance with the payment plan and to request immediate suspension or revocation of the obligor's license;

Non-Issuance, Non-Renewal, or Revocation. The Court finds that the obligor is not in compliance with an Order for Support as defined in Title 43 O.S. Section 139.1; therefore, the obligor's licenses (including driver's license) are hereby REVOKED.

Upon receipt of this order, the licensing board shall implement the order as defined by 43 O.S. § 139.1(F). The licensing board has no jurisdiction to modify, reverse, vacate, or stay this order of probation, suspension, or revocation.

6. Court Costs and fees:

The obligor shall pay court costs and fees as determined by the Court Clerk of this County. Obligor is ordered to contact the Court Clerk's Office by the following date: _____ to determine costs and fees and make payment arrangements.

The obligor shall pay court costs in the amount of \$ _____ on or before _____.

Pursuant to District Court Rule 29, the obligor was previously appointed counsel in this case. On this date, the court finds the obligor has the ability to pay for counsel. The obligor is ordered to pay applicable counsel fees to the Court Clerk's office.

7. **OTHER:** _____

_____.

8. Prior orders not in conflict with this order remain in full force and effect.

JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM:
DEPARTMENT OF HUMAN SERVICES

By: _____
@DHSATTY@
OBA No.: @barno@
State's Attorney for CSS
@lonfad@

@loph@

CERTIFICATE OF SERVICE

On _____, a true and correct copy of this document was:

Hand Delivered to the Obligor Custodial Person ATTORNEY(S)

Mailed with sufficient postage prepaid to the verified address of record for the following parties: Obligor Custodial Person ATTORNEY(S)

Mailed with sufficient postage prepaid to the following parties:

Obligor at _____.

Custodial Person at _____.

**IN THE DISTRICT COURT OF @vcntyp@ COUNTY
STATE OF OKLAHOMA**

	)	Dist. Ct. No. _____
Plaintiff/Petitioner,	)	Judge _____
vs.	)	FGN No. _____
)	
Defendant/Respondent.)	

ORDER OF RELEASE FROM CITATION FOR CONTEMPT

Now on _____, the above-styled case came before the undersigned judge for review.

1. Upon the motion of the Department of Human Services, Child Support Services, the Court finds the obligor has fully partially met the purge conditions. The court releases the Obligor from further appearances related to the Citation for Contempt for Indirect Contempt of Court filed on _____.

2. The obligor establishes an Address of Record pursuant to 43 O.S. § 112A as _____.

All parties and Custodial Persons are required to inform the Central Case Registry of the current address of record for service of process in support, visitation, and custody actions. The obligor understands service of process may be made by first class mail to this address and it may be subject to disclosure upon proper request. Any changes in your address of record, your employer, and your health insurance must be provided in writing to the Central Case Registry.

3. The remaining balance due on any obligations remains in full force and effect. Obligor’s release from this contempt action in no way relieves the obligor from the obligation to pay current support and judgment payments.

4. Court Costs:

- Court costs have been paid in full.
- Court costs are not assessed at this time.
- The obligor shall pay court costs and fees as determined by the Court Clerk of this County. Obligor is ordered to contact the Court Clerk’s Office by the following date: _____ to determine costs and fees and make payment arrangements.

The obligor shall pay court costs in the amount of \$ _____
on or before _____.

Pursuant to District Court Rule 29, the obligor was previously appointed counsel
in this case. On this date, the court finds the obligor has the ability to pay for
counsel. The obligor is ordered to pay applicable counsel fees to the Court
Clerk's office.

5. OTHER: _____

Dated: _____

JUDGE OF THE DISTRICT COURT

@DHSATTY@
OBA No.: @barno@
State's Attorney for CSS
@lonfad@

@loph@