

INSTRUCTIONS FOR ISSUANCE OF CONTEMPT CITATION

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

GENERAL INFORMATION

- ◆ You must file your documents in the case in which the Court awarded a money judgment in your favor.
- ◆ A money judgment from County Court is good for six years from the judgment date.
- ◆ A money judgment from District Court is good for 20 years from the judgment date.
- ◆ You may file if the Judgment Debtor has not complied with the Court Order, e.g. failed to respond to interrogatories following service or has filed an answer that does not adequately respond to the questions.
- ◆ The Court cannot collect your money judgment for you.
- ◆ For additional information, please review the Colorado Rules of County Court Civil Procedure – Rule 369 and 407 or Colorado Rules of Civil Procedure – Rule 69 and 107.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website:
http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm

COMMON TERMS

- ☒ Plaintiff(s): The person(s), company or other entity filing a Complaint against another person(s), company or other entity.
- ☒ Defendant(s): The person(s), company or other entity that the case is filed against.
- ☒ Judgment Debtor(s): The person(s), company or other entity who owes the money as ordered by the Court.
- ☒ Judgment Creditor(s): The person(s), company or other entity who should receive the money as ordered by the Court.
- ☒ Service of Process: The official means by which a Defendant is notified that a lawsuit has been filed against him/her and provided a copy of the Contempt Citation and Order and a description of the person's rights and obligations as a party to the case.
- ☒ Interrogatories: Written set of questions prepared by the Judgment Creditor and served on the Judgment Debtor.
- ☒ Return Date: The date on the summons that the Defendant must file his/her answer by and/or appear in Court.
- ☒ May: In legal terms, "may" is defined as "optional" or "can."
- ☒ Shall: In legal terms, "shall" is defined as "required."
- ☒ Singular/Plural: Any term referring to an individual, company or entity may be read as plural if appropriate.

If you do not understand this information, please contact an attorney.

FEES

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| <input type="checkbox"/> Contempt Citation | \$ 70.00 |
| <input type="checkbox"/> Copies of Documents (Documents on File) | \$.75 per page or \$1.50 if double-sided |
| <input type="checkbox"/> Copies of Documents (Documents not on File) | \$.25 per page or \$.50 if double-sided |
| <input type="checkbox"/> Certification Fee | \$ 20.00 |

FORMS

To access forms online, go to the website at www.courts.state.co.us and then click the “Forms” tab. The forms are available in PDF or WORD by selecting “County Civil or District Civil – Contempt Citations”. To access a form online, please click either PDF or WORD by the title of the form. You may complete the forms online and print them or you may print them and type or print legibly in black ink.

- | | |
|----------------------------------|---|
| <input type="checkbox"/> JDF 98 | Affidavit of Service |
| <input type="checkbox"/> JDF 123 | Motion and Affidavit for Citation for Contempt of Court |
| <input type="checkbox"/> JDF 124 | Order to Issue Citation |
| <input type="checkbox"/> JDF 129 | Citation to Show Cause |

STEPS TO FILING

Step 1: Complete Appropriate Forms. You may also want to check with your local court for additional filing requirements. If there is more than one Judgment Debtor who has failed to comply with the court order complete all required forms for each.

- Motion and Affidavit for Citation for Contempt of Court (JDF 123).**
 - Fill in all the blanks on the form.
 - Provide the Court with the original and two copies.
 - Provide the Court with the original Return of Service as proof that the Interrogatories, Order, etc. was served upon the Judgment Debtor.

- Order to Issue Citation (JDF 124).**
 - Fill in the caption only on this form.
 - Provide the Court with the original and two copies.
 - The Court following the review of the Motion and Affidavit will complete and sign the Order.

- Citation to Show Cause (JDF 129).**
 - Fill in the caption only on this form.
 - Provide the Court with the original and two copies.
 - The Court will complete the form and identify the hearing date, time, and location.
 - Provide the Court with a self-addressed stamped envelope. This is important so that the Court can mail the Order to Show Cause back to you to complete personal service.

Step 2: File your Forms with the Court.

- Provide the Court with the Motion and Affidavit, Order to Issue Citation, and Citation to Show Cause and a self-addressed stamped envelope. Make sure you provide the Court with the appropriate number of copies as stated in Step 1.
- If the Motion/Affidavit has not been signed in the presence of a Notary Public, you will sign the Motion/Affidavit before the Clerk at this time.
- Pay the contempt citation of \$ 70.00.
- The Clerk will set your case for a Show Cause Hearing date, once the Judge/Magistrate issues the Order to Issue Citation.
- The Citation for Show Cause will be returned to you or your attorney for service, if a self-addressed stamped envelope was provided.

Step 3: Serve the Motion and Affidavit and Citation for Show Cause

You must have the Judgment Debtor personally served with a copy of the Motion and Affidavit for Citation for Contempt of Court (JDF 123) and a copy of the Citation to Show Cause (JDF 129) **at least 21 days prior** to the advisement and/or contempt hearing date. Helpful hints to complete personal service:

- Select the Sheriff's Department, a private process server, or someone you know who 18 years is or older, who is not a party to the action, and who knows the rules of service, to serve the Judgment Debtor. There is a service fee that is payable to the Sheriff's Department or Private Process Server.
 - You can locate private process servers in the yellow pages under Process Servers.
 - Provide the process server with two copies of the Citation to Show Cause (JDF 129) and a copy of the Motion and Affidavit for Citation for Contempt of Court (JDF 123). The process server will return a copy of the Citation to Show Cause with the Affidavit of Service (JDF 98) completed to you.

Step 4: Show Cause Hearing

- In the event you receive completed interrogatories from the Judgment Debtor, prior to the hearing date, check with the Court to determine if the hearing should be dismissed.
- Be prepared for your hearing. If you did not provide copies of interrogatories to the Court when you filed your Motion and Affidavit, bring them to the hearing. The Court will not make the copies for you.
- You and the Judgment Debtor will have an opportunity to discuss why compliance with the Order was not followed.
- If a copy of the interrogatories is not in the file and you do not appear, the Show Cause Hearing for the contempt citation will be vacated.
- No action will be required by the clerk to find or obtain interrogatories for the Judgment Debtor to answer, unless the interrogatories are in the Court file.
- If the Judgment Debtor fails to appear, the Court will issue a bench warrant. A physical description of the Judgment Debtor is necessary to issue the warrant and it is the responsibility of the Judgment Creditor to provide this description to the Court.