



# Contempt of Court: When the other person in your case won't follow a court order

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- ❖ **Read this if you are involved in a civil (non-criminal) court case in the state of Washington.** We wrote this for family law cases. However, some of the info here also applies to other types of civil court cases in Washington State.
  - ❖ This fact sheet is not a substitute for individual legal advice. We cannot tell you how a judge will apply the law in your case.
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## What is contempt?

It is when someone intentionally (on purpose) disobeys a court order. Here are some examples of contempt in family law cases:

- The other parent won't give you the court-ordered visitation you are entitled to.
- The other parent does not make reasonable efforts to require a child to visit you at the times the parenting plan states.
- You ex-spouse does not deliver property to you as ordered to in a divorce.

## How do I prove contempt?

Generally, you must prove **all** of these:

1. There is a court order in effect
2. The other person knows about the court order
3. The facts show the other person plainly broke or did not follow (violated) the order
4. You have given the person notice of the contempt hearing and a chance to be heard
5. Contempt is an appropriate remedy for the violation



## Does contempt make sense in my case?

**Contempt is a severe remedy.** Do not use it lightly! It might make things worse. Judges do not like to find someone in contempt unless the violation is serious. **Before** filling out the contempt forms, ask yourself:

- **Is the order still in effect?** You cannot make the other party follow (enforce) an order that has ended. (**Exception:** you **can** enforce a child support order through contempt, even after the child becomes an adult. [RCW 26.18.050\(5\).](#))
- **Does the other person know about the court order?** Have they been served with a copy of it? If not, were they there when the judge signed the order? If the answer to both is no, the judge will not hear your contempt motion.

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❖ For restraining orders, a law enforcement officer reading a certified copy of the order to someone counts as giving them notice of the order. RCW 26.09.300(2).

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- **Have you met all *your* responsibilities under the order?**

**Example:** You get visitation only after finishing drug treatment. The other parent won't let you see the kids. Did you complete treatment? Did you give the other parent proof of this?

- **Does the order clearly describe the other person's responsibilities?** If not, you should get the court order made clearer (clarified) or changed. Then you can prove your case.
- **Will the other person deny they violated the order?** Do you have enough proof that they did? If not, a judge will not find contempt.
- **Does the other person have a reasonable excuse for the violation?** Usually, once you have shown the order is valid and the other person knows about the order but has violated it, they must either show a reasonable excuse (for parenting plan violations) or inability to follow the order despite reasonable efforts (child support and parenting plan cases). If they can, a contempt motion may be a waste of time.
- **Is contempt the best option?** See other options below and talk to a lawyer.



## What are my options besides contempt?

**Demand letter:** Send the other party a letter by regular and certified mail explaining the violations and asking them to fix them. (Keep a copy of the letter for yourself.) This might lead to an agreed solution. Even if it does not, this letter can show the judge later that:

- you are being reasonable
- the other party knows about the court order
- you are unhappy with their behavior

Keep your letter specific, polite, and business-like.

**Motion to Clarify:** when a court order is vague or unclear. **Example:** The order just says “reasonable visitation.” You and the other parent disagree on what that means.

**Motion/Petition to Modify:** to ask the judge to change an order instead of asking the judge to enforce an order. (WashingtonLawHelp.org has a list of packets you might use.)

**Enforcement and collection:** For many kinds of money, support, and property orders, collection actions such as wage assignment, garnishment, or foreclosure are better than contempt. The [Child Support Division of DSHS](#) provides free collection services for child support (and spousal maintenance if there is also a child support order).

**Dispute resolution:** Your parenting plan or court order may require you to try an alternative to court first if you disagree about the parenting plan or order.

**Criminal prosecution:** Only for very serious cases.

## What are the risks of filing for contempt?

**You might end up having to fight a modification motion.** Filing for contempt might cause the other party to file a motion or action to change the court order.

- **Example:** They could file a motion asking to pay less child support. If you’re not ready to fight this type of motion, do not file for contempt.

**You might end up fighting a contempt motion yourself.** If you have not followed the Court’s orders yourself, the other party may respond to your contempt motion by filing one against you. Alternatively, they may say your violation of the order prevents them from following it.



**The judge might think you are “crying wolf.”** Judges do not like to hold someone who violates a small, unimportant item in contempt, even if the violation happens more than once.

**The emotional cost can be high.** Going to court can create hard feelings. It may upset your children. It can increase the risk of the other party behaving destructively.

**You risk having to pay fees** if you lose.

- **Example:** You bring a motion for contempt for parenting plan violations. The judge finds you had no reason to do so. The judge orders you to pay the other party’s attorney’s fees.

## When else should I *not* file for contempt?

You can’t always use contempt to get what you want. **Example:** You can’t use contempt to force property settlement payments, unless they are related to child support or maintenance.

## What is the procedure for contempt?

Usually you must file a motion in an existing case, in the same county and court that entered the original order. Here is the procedure:

1. You file a motion. Use our [Filing for Contempt](#) packet
2. You get a hearing date by having a judge sign an Order to Go to Court for Contempt Hearing (Order to Show Cause)
3. You have the contempt papers (and usually the original court order) properly delivered to (served on) every other party
4. You go to the hearing. You get a court order showing the judge’s decision

## What happens at the contempt hearing?

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- ❖ If the other party does not come to the contempt hearing or review hearings, the judge may issue a bench warrant for their arrest.
  - ❖ Ask the court clerk a few days before the hearing if you will be allowed or expected to give live testimony at your hearing.
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Usually the judge hears many different cases on the same day. There will be a court calendar (called a docket) listing all the cases the judge will hear.

After hearing from both of you, the judge decides on the Motion for Contempt and any other motions before them. Whoever wins presents a written order for the judge to sign. The judge usually signs it that day. The order must accurately summarize the judge's decision.

### **What happens if the judge finds contempt?**

The judge wants the person in contempt to start following the court order. To achieve this, the judge can, for example:

- Order the person to get counseling.
- Order the person to complete a parenting class.
- Order the person to look for work a certain number of hours a week.
- Order future hearings to check that the person is now following the order.



## Get Legal Help

- **Apply online** with [CLEAR\\*Online](https://www.nwjustice.org/apply-online) - [nwjustice.org/apply-online](https://www.nwjustice.org/apply-online)
- **Facing a legal issue in King County** (other than Eviction or Foreclosure)? Call 2-1-1 (or toll-free 1-877-211-9274) weekdays 8:00 am - 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County** (other than Eviction or Foreclosure)? Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm or apply online at [nwjustice.org/apply-online](https://www.nwjustice.org/apply-online).
- **Facing Eviction?** Call 1-855-657-8387.
- **Facing Foreclosure?** Call 1-800-606-4819.
- **Seniors (age 60 and over)** with a legal issue outside of King County can also call CLEAR\*Sr at 1-888-387-7111.
- **Deaf, hard of hearing or speech impaired callers** can call any of these numbers using the relay service of your choice.

CLEAR and 2-1-1 will provide interpreters.

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