



If you have been served with a contempt motion

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- ❖ **Read this *only* if you are involved in a civil (non-criminal) court case in the state of Washington.** We wrote this for family law cases. However, much of the information in here also applies to other types of civil court cases in Washington State.
 - ❖ **We do not cover other kinds of contempt here,** such as contempt committed in the courtroom, or a contempt request filed by the government to punish someone for violating a court order.
 - ❖ This fact sheet is not a substitute for individual legal advice. We cannot tell you how a court will apply the law in your case.
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I received a Motion for Contempt. What can I expect to happen?

Here is the contempt procedure:

1. The other party files a motion with the court claiming you are in contempt of (not following) a court order.
2. A hearing date gets scheduled. You can find the hearing date in the Order to Go to Court for Contempt Hearing (Order to Show Cause) you should have gotten with the Motion for Contempt.
3. You receive a copy of the contempt papers (and usually the original court order).
4. You go to the contempt hearing. At the end of or after the hearing, you get a court order showing the judge's decision.

What if I am in the military?

It depends. If you are on active duty, you may be able to have the contempt hearing stayed (postponed).

Where can I get the forms to respond to a contempt motion?

Get our [Responding to a Motion for Contempt: Family Law Cases](#) packet.

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- ❖ You can also file a Motion for Contempt against the other party if you can prove they are not following the order in your case. Do not do this lightly! Read [Contempt of Court: When the other person in your case won't follow a court order](#) to learn more. Get our [Filing a Motion for Contempt: Family Law Cases](#) packet if you decide to do this.
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What are some defenses I might have to a contempt motion?

1. **The Court order is invalid** (not legal) because the court had no authority to act (subject matter jurisdiction), or you were not served with legal notice in the original case (personal jurisdiction). Read [Which Court Can Enter Custody Orders? Frequently Asked Questions about Jurisdiction](#) to learn more.
2. **You did not violate (break) the order. Example:** The motion asks for back due child support. However, you have proof that you paid the support it says you owe.
3. **It is not your fault you cannot follow the order.**

Example 1: The motion says you did not pay child support. You are unable to pay. You must prove you tried hard to get work, save money, or otherwise follow the order.

Example 2: The motion says you violated the parenting plan. The judge will presume you are able to follow the parenting plan. You must prove lack of ability or reasonable excuse.

4. **You did not know about the order.** Use this **only** if you can prove you never properly got notice of the hearing that led to the order.

5. **Improper service of the Order to go to Court for Contempt Hearing (Order to Show Cause) scheduling, or not enough time to respond.** This is only a temporary defense. The other side can fix this by giving you the proper notice and time to respond.
6. **The order is unclear, or seems to have more than one possible meaning.** You may still have to try to follow the order as you interpret it and/or get clarification. You cannot just ignore it.
7. **The court order has ended. Examples:** A temporary family law order has ended (expired). The court has changed a final parenting plan.

What is not a good defense to a contempt motion?

1. Someone (lawyer, friend, relative, other) advised you to violate the order.
2. You disagree with the order.
3. You believe the judge made a mistake by signing the order.
4. The other parent violated their own responsibilities under the order (“they didn’t follow it either!”).
 - **Example:** The other parent refuses to allow you visitation. That does not excuse you from paying child support.
5. You thought you and the other party agreed to ignore the order.
6. You relied on the other party saying they would not enforce the order.

What happens at the contempt hearing?

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- ❖ If you do not go to the contempt hearing or review hearings, the judge may issue a bench warrant for your arrest.
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Usually the judge hears many different cases on the same day. There will be a court calendar listing all the cases the judge will hear.

The judge will listen to both parties' arguments.

Some courts require live testimony at the hearing. In others, you may need advance permission to give live testimony. Some courts never allow it. Ask the court clerk about the local procedure.

The person who has filed for contempt must prove **all** of these:

- There is a court order in place
- You know about the order
- You have violated the court order
- You got reasonable notice of the contempt hearing and reason/s for it

You can present your defenses at the hearing. Usually, if you claim you cannot follow the court order, you must have evidence to prove it. If you have filed your own motion for contempt (or other relief), the judge may hear them at the same time.

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- ❖ If Petitioner asks for jail time as a remedy, you are entitled to a court-appointed lawyer if you cannot afford one.
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After hearing from both sides, the judge will decide on the Motion for Contempt and any other motions before the court. The party who wins at the hearing presents a written order for the judge to sign.

The judge usually signs that order the same day. Sometimes the judge schedules a new hearing date for you to present the order for signature. The order must accurately summarize the judge's decision.

What if it is not my fault I am in contempt?

A judge who believes you probably will not be able to follow the order in the future may:

- Tell you to file a motion to change the court order so you do not keep violating it.
- Enter a judgment for money due under the order (**Example:** to back child support).
- Order jail time, only as a last resort and only to require you to follow the court order, not to punish you.

What happens if the judge finds me in contempt?

The judge can order one or more of these:

- A new order designed to make you follow the order in the future
- You must pay a fine of up to \$2,000 for each day the contempt continues ([RCW 7.21.030](#))
- You pay for losses to the injured party ([RCW 7.21.030\(3\)](#))
- You pay the injured party's costs in bringing the contempt motion ([RCW 7.21.030](#), [RCW 26.18.160](#))
- If this is at least the second time you have been found in contempt for violating a parenting plan in the last three years, and you have custody, the judge can give the other parent custody ([RCW 26.09.260\(2\)\(d\)](#))
- The judge can order you be jailed, as a last resort and only if it serves the purpose of getting you to follow the order

❖ A contempt order must specify what you can do to purge (fix) the contempt.

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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