

INSTRUCTIONS FOR YOUR CONTEMPT HEARING
(Alimony/Property Settlement)

Try to arrive at your hearing at least 15 minutes before your hearing is scheduled. Once you arrive at the courtroom for your hearing, you should ask the clerk of the district court how to let the judge know that you are there for your contempt hearing.

When the court calls your case, you will be asked if you are ready to proceed. You must tell the court that you are ready and would like to testify. You will be asked to take the stand and the court will give you an oath to tell the truth. You are then ready to go forward with your case.

You must testify to the following:

1. My name is _____, I live at _____, in _____, and I am the _____ in this case.
(your full name) (your current street address)
(city and state where currently living) (plaintiff or defendant)

2. I ask the court to take judicial notice of the Order to Show Cause and the sheriff's return showing _____ was served with a copy of the Order to Show Cause.
(name of person you are filing against)

3. Use either "a" for alimony or "b" for property settlement.

a. Use this script for enforcement of alimony

i. The order for alimony currently in effect was entered on _____, and has not been modified. In that order,
(date of most recent order for alimony)

_____ was ordered to pay
(name of person ordered to pay alimony)

\$ _____ Per month for _____ months.
(amount ordered per month) (number of months the alimony was to be paid)

ii. _____ has not paid the alimony the court ordered.
(name of person ordered to pay alimony)

iii. May I approach the court reporter and have the copy of the
(1) decree and

- You may get a copy of the decree from the clerk of the district court.

(2) payment history

- In cases that include child support in the Order, you will get the payment history from the Nebraska Child Support Payment Center.
 - If the order does not include child support, you will get the payment history from the clerk of the district court.
- marked as exhibit? (If permission is granted, have the copies marked as exhibits, and then ask permission to show them to the other side.)*

iv. I offer exhibits _____ into evidence.

(number assigned by court reporter)

(If the judge receives them, hand them to the judge.)

v. _____ now owes \$ _____

(name of person ordered to pay alimony)

(amount owed)

in back alimony and has refused to pay it.

_____ is able to earn sufficient income

(name of person ordered to pay alimony)

to pay the support.

b. Use this script if you are seeking enforcement of a property settlement:

i. In the property settlement ordered by the court on _____,

(date of most recent order for property settlement)

_____ was ordered to comply

(name of person ordered to comply)

with the following property settlement terms:

ii. May I approach the court reporter and have the copy of the

(1) decree and

(2) property settlement agreement

marked as exhibits? (If permission is granted, have the copies marked as exhibits, and then ask permission to show them to the other side.)

iii. I offer exhibits _____ into evidence. (If the judge
(number assigned by court reporter)
receives them, hand them to the judge.)

iv. _____ has intentionally refused to
(name of person ordered to comply with the property settlement)
comply with the terms of the property settlement.

4. I request that you find _____
(name of person ordered to pay alimony or comply with the property settlement)
in contempt of court for failing to (choose the orders you are seeking to enforce:)
pay alimony comply with the terms of the property settlement.

5. I have nothing further, your Honor.