

Instructions to Request a Contempt Citation for Child Support Arrears

IMPORTANT! READ BEFORE USING THESE FORMS AND INSTRUCTIONS

ND Legal Self Help Center staff and court employees can't help you fill out any forms.

If you're unsure how to proceed, or need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota.

To protect your rights, carefully read this information and any instructions to which you're referred.

When you represent yourself, you're expected to know and follow the law, including:

- State or federal laws that apply to your case;
- Case law, also called court opinions, that applies to your case; and
- Court rules that apply to your case, which may include:
 - North Dakota Rules of Civil Procedure;
 - North Dakota Rules of Court;
 - North Dakota Rules of Evidence;
 - North Dakota Administrative Rules and Orders; and
 - Any local court rules.

Links to the state laws, case law, and court rules can be found at www.ndcourts.gov.

When you represent yourself, you're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures. If you're unsure if these forms and instructions suit your circumstances, consult a lawyer.

- If you would like to learn more about finding a lawyer to represent you, go to www.ndcourts.gov/legal-self-help/finding-a-lawyer.

A glossary with definitions of legal terms is available at www.ndcourts.gov/legal-self-help.

These instructions and forms aren't a complete statement of the law. They cover the basic process for asking the North Dakota state district court to issue a contempt of court citation when an individual required to pay child support is past due. There's no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. The Center isn't responsible for any consequences that may result from the forms or information provided.

Use at your own risk.

Don't include these instructions when you serve or file the completed form(s).

Purpose

If a North Dakota state district court issued a child support order and the individual required to pay is past due with payments (in arrears), you may ask the district court to find them in contempt of court.

If you're owed past due child support, you complete the forms. The forms are filed in your **existing** North Dakota State District Court child support case.

If you're unsure how to proceed or unsure if these forms are suitable for your situation, consult an attorney.

Where to File

The forms are filed in the district court of the North Dakota county where your **existing** child support case is filed.

- If child support was ordered as part of a divorce, legal separation, paternity, custody, or guardianship case, file your forms in that **existing** case number.
- If child support was ordered as its own case, file your forms in that **existing** case number.

You MUST file in the district court of the North Dakota county where your child support case is filed, even if you no longer live in that county.

However, if the North Dakota State District Court notified you that your child support case was moved to a different North Dakota county, file in the district court of the new county.

Contact information for Clerks of District Court by North Dakota county is available at ndcourts.gov/court-locations.

Definitions

Arrears – An overdue payment, or payments. If the Obligor is ordered by the court to pay child support and hasn't paid as ordered, the Obligor has child support arrears.

Contempt of Court – In general, contempt of court is disobedience of a court order.

IV-D Child Support Case – "IV-D case" is a reference to Title IV-D of the Social Security Act which created the federal Child Support program. An IV-D case is when the North Dakota Child Support program provides full services after receiving 1) an application for services from one of the parents; 2) a referral to service the case from a public assistance program (TANF, foster care, and Medicaid); or 3) a request for assistance from another state's Child Support program.

Notice of Arrears – A written notice from a Clerk of District Court to an Obligor that they are past due on their court-ordered child support and includes the amount of the arrears.

Obligee – The person receiving child support ordered by the court. If you’re filling out these forms because you’re owed child support payments ordered by a North Dakota state district court, you’re the Obligee.

Obligor – The person ordered by the court to pay child support.

Order to Show Cause – A written demand of a judge or judicial referee for an Obligor to appear at a hearing to justify, explain or prove why they shouldn’t be held in contempt of court for disobeying the order to pay child support.

Two-Part Process to Request a Contempt Citation

Part One requires you to complete and file the **Request for Notice of Arrears form** with the Clerk of District Court. The Clerk of District Court generates a written Notice of Arrears and sends it to the Obligor.

Part Two is only necessary when the Obligor **doesn’t** pay the arrears in full after receiving the Notice of Arrears from Part One. If the Obligor doesn’t pay, Part Two requires you to complete and file the **Request for Contempt Citation form** with the Clerk of District Court. The Clerk of District Court serves an Order to Show Cause with a hearing date and time on the Obligor.

Part One: Request for Notice of Arrears

When an Obligor is overdue paying court-ordered child support payments, [Section 14-09-08.1\(3\) of the North Dakota Century Code](#) allows the Obligee to ask the Clerk of District Court to send notice of the arrears to the Obligor.

Step 1: You, the Obligee, Complete the Request for Notice of Arrears

Request for Notice of Arrears form:

- **Top of Form (Caption)**
 - Enter the county and district court names.
 - Fill in legal name of the Plaintiff and Defendant from your child support case.
 - Enter the case number of your existing child support case.
 - If child support was ordered as part of a divorce, legal separation, paternity, custody, or guardianship case, type or write that case number.

- If child support was ordered as its own case, type or write that case number.
- **Carefully Read and Complete Paragraphs 1 through 5 of the Form**
- **Date and Signature**
 - Date and sign the form.
 - Complete the lines following the signature line.
- **Make 1 Copy of the Completed Form**
 - Keep the copy for your records.

Step 2: File the Original, Completed Form with the Clerk of Court

File the original, completed **Request for Notice of Arrears form** with the Clerk of District Court of the North Dakota State District Court where your child support case is filed.

- If child support was ordered as part of a divorce, legal separation, paternity, custody, or guardianship case, file your forms in that case number.
- If child support was ordered as its own case, file your forms in that case number.

You **MUST** file in the district court of the North Dakota county where your child support case is filed, even if you no longer live in that county.

Contact information for Clerks of District Court by North Dakota county is available at ndcourts.gov/court-locations.

If the Clerk of District Court accepts your form for filing, the Clerk of Court will generate a Notice of Arrears and send it to the Obligor. You'll receive a copy, as well.

Part Two: Request for Contempt Citation

If the Obligor **doesn't** pay the full arrears after receiving the Notice of Arrears from the Clerk of District Court, [Section 14-09-08.1\(3\) of the North Dakota Century Code](#) allows the Obligor to ask for a contempt citation.

Step 1: You, the Obligee, Complete the Request for Contempt Citation

Request for Contempt Citation form:

- **Top of Form (Caption)**
 - Complete the caption exactly as you completed the caption of the Request for Notice of Arrears form in Part One.
- **Carefully Read and Complete Paragraphs 1 through 5 of the Form**
- **Date and Signature**
 - Date and sign the form.
 - Complete the lines following the signature line.
- **Make 1 Copy of the Completed Form**
 - Keep the copy for your records.

Step 2: File the Original, Completed Form with the Clerk of Court

File the original, completed Request for Contempt Citation form with the Clerk of District Court of the North Dakota State District Court where you filed your Request for Notice of Arrears form in Part One.

If the Clerk of District Court accepts your form for filing, the Clerk of District Court will serve an Order to Show Cause, with the date, time and location of the hearing, on the Obligor.

- You, the Obligee, will be notified of the date, time and location of the hearing by the Clerk of District Court.
- If your case is an IV-D Child Support case, the Clerk of Court will provide a copy to the North Dakota Child Support program.

Step 3: You, the Obligee, Appear at the Hearing

At the hearing, the judge or judicial referee will require the Obligor to justify, explain or prove why they shouldn't be held in contempt of court for disobeying the court order to pay child support.

Arrive Early to the Courthouse on the Date of the Hearing:

If your hearing is in-person at the courthouse, arrive early so you don't miss your hearing date and time. If you have a serious, unavoidable reason you can't get to court on the date and time scheduled for trial, call the District Court as soon as you can.

If the Hearing will be Held by Zoom, Make Sure You Can Connect to the Zoom Hearing:

If your hearing is held electronically by Zoom, well before the hearing begins, make sure you can connect and understand how to function in Zoom.

Don't be late to the Zoom hearing. If you have a serious, unavoidable reason you can't attend the hearing on the date and time scheduled for trial, call the District Court as soon as you can.

At the end of hearing, the judge or judicial referee will decide whether to find the Obligor in contempt of court. If the judge or judicial referee finds the Obligor in contempt of court, the judge or judicial referee will then decide how the Obligor will fix the contempt.

You'll receive a copy of the signed and dated decision by mail or email.

Don't include these instructions when you serve or file the completed forms.

STATE OF NORTH DAKOTA

COUNTY OF _____

IN DISTRICT COURT

_____ JUDICIAL DISTRICT

_____)	
_____)	Case No. _____
PLAINTIFF,)	
vs)	Request for Notice of Arrears
_____)	
DEFENDANT.)	

1. The court has ordered and directed in the judgment entered in this action that certain payments for Child Support be made by the Obligor to the State Disbursement Unit for remittance to the Obligee.

2. The Obligor has failed to make the required payments.

3. Information about the Obligor is as follows:

Case Number of Child Support Judgment: _____

Full Name of Obligor: _____

Current Address of Obligor: _____

4. I, the undersigned Obligee, respectfully request, pursuant to Section 14-09-08.1 of the North Dakota Century Code, that a Notice of Arrears be issued to the Obligor giving them notice that if payment of the entire arrears is not made within ten days from the notice, that a Request for Contempt Citation may be filed with the court.

5. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Request for Notice of Arrears is true and correct.

Signed on _____ (date) in _____ (County),
_____ (State), _____ (Country).

(Signature)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

(Email Address)

STATE OF NORTH DAKOTA

COUNTY OF _____

IN DISTRICT COURT

_____ JUDICIAL DISTRICT

_____)	
_____)	Case No. _____
PLAINTIFF,)	
vs)	Request for Contempt Citation
_____)	
DEFENDANT.)	

1. The court has ordered and directed in the judgment entered in this action that certain payments for Child Support be made by the Obligor to the State Disbursement Unit for remittance to the Obligee.

2. The Obligor has failed to make the required payments.

3. Information about the Obligor is as follows:

Case Number of Child Support Judgment: _____

Full Name of Obligor: _____

Current Address of Obligor: _____

4. The undersigned Obligee does hereby respectfully request, pursuant to Section 14-09-08.1 of the North Dakota Century Code, that you issue an appropriate citation directed to the Obligor to show cause why the Obligor should not be adjudged in contempt of court for failure to make the required payment.

5. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Request for Contempt Citation is true and correct.

Signed on _____ (date) in _____ (County),
_____ (State), _____ (Country).

(Signature)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

(Email Address)