

PETITION TO CITE FOR CONTEMPT

PRO SE WORKSHOP

This packet contains information needed to file a Petition to Cite for Contempt when your visitation rights are being denied. This information is only useful, if there is already a court order that grants you visitation.

Before you begin completing the appropriate forms to take legal action you must review the court file that gave you visitation rights. You will find this file in the clerk's office of the courthouse that heard your case. You should review EVERYTHING in this file and make copies of all orders and judgments, but you MUST make a copy of the court document which granted you visitation rights. This is usually a Final Decree of Divorce, Judgment Determining Paternity and/or Support, Order for Filiation and/or Support, or a Judgment Approving Stipulated Agreement of Support and Admission of Paternity.

Now that you are familiar with your court file, you are ready to file for legal action with the court. **ONLY THE COURT WHERE YOUR CASE WAS HEARD BEFORE CAN ENFORCE YOUR VISITATION RIGHTS NOW. DO NOT FILE IN ANY OTHER COURT OR COUNTY!**

Make sure to make copies of the blank forms enclosed in this packet in case you make a mistake.

Good Luck!

CHECKLIST

YOU SHOULD HAVE THE FOLLOWING DOCUMENTS IN THIS PACKAGE:

1. PETITION TO CITE FOR CONTEMPT/IMPORTANT NOTICES (PAGE 2)
2. INSTRUCTIONS ON HOW TO COMPLETE A PETITION TO CITE FOR CONTEMPT (Page 3)
3. BLANK PETITION TO CITE FOR CONTEMPT & EXAMPLE OF A PETITION TO CITE FOR CONTEMPT (Page 7 & 9)
4. INSTRUCTIONS ON HOW TO COMPLETE A COVER SHEET (Page 11)
5. BLANK COVER SHEET/CIVIL CASE FILING FORM & EXAMPLE OF A COVER SHEET/CIVIL CASE FILING FORM (Page 11a & 11b)
6. INSTRUCTIONS ON HOW TO COMPLETE A SUMMONS (Page 12)
7. BLANK SUMMONS & EXAMPLE OF A SUMMONS (Pages 15 & 16)
8. INSTRUCTIONS ON HOW TO COMPLETE A JUDGEMENT FOR CONTEMPT (Page 18)
9. BLANK JUDGMENT & EXAMPLE OF A JUDGMENT (Pages 19 & 20)
10. BLANK PAUPER'S OATH (Page 21)

**PETITION TO CITE FOR CONTEMPT
IMPORTANT NOTICES!**

1. DO NOT TAKE ANY OF THESE PAPERS TO THE DEPARTMENT OF HUMAN SERVICES. THE DEPARTMENT CANNOT AND WILL NOT HELP YOU COMPLETE THESE FORMS OR DELIVER THEM TO THE CUSTODIAL PARENT FOR YOU.
2. YOU MUST BE ON TIME FOR THE COURT HEARING AND DRESSED NEAT AND CLEAN. (CHURCH ATTIRE IS APPROPRIATE.) ALSO, DO NOT CHEW GUM OR BRING YOUR CELL PHONE TO COURT.
3. BE RESPECTFUL TO THE JUDGE. BE SURE TO SAY "YES SIR," "YES MA'AM," OR "YOUR HONOR" WHEN YOU SPEAK TO THE JUDGE. REMEMBER TO ACT APPROPRIATELY AT ALL TIMES, EVEN IF OTHER PARTIES IN THE CASE DO NOT. THIS HELPS THE JUDGE SEE YOU AS A RESPONSIBLE ADULT THAT SHOULD BE ALLOWED TIME WITH YOUR CHILD(REN).
4. THIS PACKET WILL REFER TO THE CUSTODIAL PARENT REPEATEDLY THROUGHOUT. THE CUSTODIAL PARENT IS THE PERSON TO WHOM THE COURT GAVE LEGAL CUSTODY OF THE CHILD(REN).
5. **FEES:** UPON FILING YOUR PAPERS WITH THE COURT CLERK, YOU WILL BE CHARGED A FILING FEE. THIS AMOUNT RANGES BETWEEN \$100.00 AND \$150.00 AS OF DECEMBER 2017 AND DEPENDS ON THE COURT YOU FILE IN. YOU WILL ALSO BE CHARGED A SERVICE OF PROCESS FEE BY THE SHERIFF'S OFFICE. THIS FEE IS USUALLY \$35.00 AND MUST BE PAID TO HAVE THE SHERIFF SERVE THE COURT PAPERS TO THE CUSTODIAL PARENT. **YOU CANNOT SERVE THESE PAPERS YOURSELF! THESE FEES MUST BE PAID WHEN YOU FILE YOUR PAPERS WITH THE COURT!** IF YOU CHOOSE TO HAVE A PRIVATE PROCESS SERVER SERVE THESE PAPERS FOR YOU, YOU HAVE TO FIND ONE YOURSELF. PRIVATE PROCESS SERVERS USUALLY CHARGE A MINIMUM OF \$45.00 TO SERVE PAPERS.

Please contact the court clerk and sheriff to determine the appropriate methods of payment and exact prices.

IF YOU CANNOT AFFORD TO PAY THESE FEES, THE CLERK MAY WAIVE THEM UNDER VERY SPECIFIC CIRCUMSTANCES. TO TRY TO HAVE THESE FEES WAIVED, YOU MUST SIGN AN AFFIDAVIT STATING THAT YOU CAN'T AFFORD TO PAY SUCH FEES. THE COURT CLERK SHOULD HAVE A COPY OF THE AFFIDAVIT AND YOU MAY SIGN THIS SWORN STATEMENT BEFORE THE CLERK AT THE COURTHOUSE WHEN YOU GO TO FILE YOUR PAPERWORK THERE. A SAMPLE PAUPER'S OATH IS ATTACHED TO THIS PACKET.

**INSTRUCTIONS ON HOW TO COMPLETE A
PETITION TO CITE FOR CONTEMPT**

These instructions will help you prepare the Petition to Cite for Contempt. Please use the examples provided for help. You will also need the documents you have copied from your court file to complete this petition.

You may complete the fill-in-the-blank petition by printing or typing, but if possible please type because it is what the Court prefers.

Heading Instructions

Below is an example of the heading for the Petition to Cite for Contempt and the Instructions on how to complete it:

IN THE <u>CHANCERY/COUNTY</u> COURT OF <u>NAME OF COUNTY</u> COUNTY, MISSISSIPPI	
<u>FIRST/SECOND</u> JUDICIAL DISTRICT	
<u>YOUR NAME</u>	PLAINTIFF
VS	CIVIL ACTION
	CAUSE NO. <u>G2017-123</u>
<u>CUSTODIAL PARENT'S NAME</u>	DEFENDANT

To complete the Heading you must look at the first page of the order that gave you visitation rights.

1. The first line names the Court where you are filing these papers. **This must be completed exactly the same as the Court documents that gave you visitation rights.** (If the papers in your Court file have this information in a different order that is okay. Just be sure to copy the correct information.)

1st Blank: Either Chancery or County

2nd Blank: Name of the County where papers are filed (Example: Hinds)

3rd Blank: Either First or Second (If there is no district, please make through this line.)

2. The next section names the people involved in this Court proceeding. **The names you write in these blanks must be the same as the names on the Court documents that gave you visitation rights.** (The papers in your Court file may have these names in a different order that is okay. Just be sure to copy the names exactly.)

1st Blank: Your name as it appears on the papers in the Court file

2nd Blank (directly under the 1st blank): The custodial parent's name as it appears on the papers in the Court file

3. The last section of the heading tells the Court which file to file this Petition in. Complete the blank beside Civil Action Cause No. **exactly as it appears on the court document that gave you visitation rights.**

Paragraph 1

Below is an example of Paragraph 1 and the instructions on how to complete it. This Paragraph tells the court who is asking the Court for an order.

1. YOUR NAME (SAME AS ABOVE), hereinafter referred to as Petitioner, is an adult resident citizen of HINDS County, Mississippi, whose address is YOUR ADDRESS

1. 1st Blank – enter your name as it appears in the Heading.
2. 2nd Blank – enter the correct county as it appears in the Heading.
3. 3rd Blank – enter your present physical address. **This must be a physical address and not a Post Office Box.**

Paragraph 2

Below is an example of Paragraph 2 and the instructions on how to complete it. This Paragraph tells the Court who you are suing for Contempt.

2. The Defendant is subject to the jurisdiction of this Court and may be personally served with a copy of this Petition at CUSTODIAL PARENT'S ADDRESS

1. Enter the custodial parent's physical address in this blank. **This must be a physical address and not a Post Office Box.**

Paragraph 3

Below is an example of Paragraph 3 and instructions on how to complete it. This Paragraph tells the Court what order gave you visitation rights.

3. On Month and Day, Year, this Court issued a Type of Order in the above-styled case which provided in part that the Plaintiff have visitation with the minor child(ren).

To complete this paragraph, look at the order that gave you visitation rights and find the page where the judge signed the order. (This is probably the last or the next to the last page.)

1. In the first two blanks enter in the date the judge signed the order (This is right above the Judge's signature in a sentence that says "SO ORDERED AND ADJUDGED this the...")
2. The last blank is where you put the title of the order that gave you visitation rights. (This will be on the first page, directly under the heading.) Examples:

Judgment Determining Paternity and/or Support
 Final Decree of Divorce
 Order of Filiation and/or Support
 Judgment Approving Stipulated Agreement of Support and Admission of Paternity

The order may not say exactly one of the things above that is okay. Be sure to put exactly what your order says in the blank.

Paragraph 4

Below is an example of Paragraph 4 and instructions on how to complete it. This paragraph tells the Court what children are involved.

<p>4. Petitioner was granted visitation rights with the following child(ren):</p> <p><u>CHILD'S NAME</u> _____, born <u>CHILD'S DATE OF BIRTH</u></p> <p><u>CHILD'S NAME</u> _____, born <u>CHILD'S DATE OF BIRTH</u></p> <p><u>CHILD'S NAME</u> _____, born <u>CHILD'S DATE OF BIRTH</u></p>

To complete this paragraph, you must enter the children listed on the order that gave you visitation. **Only the children on that order can be included in this petition.**

1. Enter each child's name as it appears on the order that gave you visitation as well as their dates of birth. Use a separate line for each child. For each line that is not used mark through the blanks. If more than three children are involved, please write out to the side the additional children and their dates of birth.

Ending

Below is an example of the Ending of the Petition and instructions on how to complete it. This paragraph certifies to the Court that you are filing this Petition.

<p>Respectfully submitted</p> <p><u>YOUR NAME</u> _____ Petitioner (Pro Se) <u>YOUR ADDRESS</u> _____ <u>CITY, STATE AND ZIP CODE</u> _____ Telephone: <u>YOUR PHONE NO.</u> _____</p>	<p><u>YOU SIGN HERE</u> _____ <u>YOUR NAME</u> _____, Pro Se Petitioner</p>
--	--

1. The top blank on the right-hand side of the page is where you sign your name. **However, do not sign the petition until you read the next section of the instructions.** In the blank directly under that print your name exactly as you wrote it in the Heading and Paragraph 1.
2. In the top blank on the left-hand side of the page print your name exactly as you wrote it in the Heading and Paragraph 1. On the next line enter your street address exactly as you did in Paragraph 1. On the next line enter the city, state and zip code for your street address exactly as you did in Paragraph 1. On the last line enter your telephone number.

Notarize

You must sign the Petition (as mentioned in the previous section) before a Notary Public. **DO NO SIGN IT IF YOU ARE NOT STANDING IN FRONT OF A NOTARY.** Notaries can be found at most banks and courthouses. Be prepared to present a picture ID to the notary.

The notary will complete the notary section of the Petition. Do not write below where you put your telephone number!

The following is an example of a completed notary section:

<p>STATE OF <u>MISSISSIPPI</u></p> <p>COUNTY OF <u>HINDS</u></p> <p>This day personally appeared before me, the undersigned authority in and for the county and state aforesaid, within my jurisdiction, and above and within name <u>YOUR NAME</u>, who being before me duly sworn, on oath states that he signed executed and delivered the above and foregoing Petition to Cite for Contempt on the day and date mentioned therein and for the purposes contained therein, as his free and voluntary act and deed and that the facts, things, and matters contained therein, are true and correct therein stated.</p> <p>SWORN TO AND SUBSCRIBED BEFORE ME this the <u>25th</u> day of <u>JANUARY</u>, 2017.</p> <p style="text-align: right;"><u>NOTARY'S SIGNATURE</u> NOTARY PUBLIC</p> <p>My Commission Expires:</p> <p><u>NOTARY'S STAMP AND SEAL</u></p>
--

Make sure you attach a copy of the order that gave you visitation rights to the back of this Petition.

You will need to bring the original petition and TWO (2) copies of the Petition to court to be filed. The original will be put in the Court's file. One copy will be attached to the Summons that is served to the custodial parent. The last copy is to keep for your records.

IN THE _____ COURT OF _____ COUNTY, MISSISSIPPI
_____ JUDICIAL DISTRICT

VS. _____
PLAINTIFF
CIVIL ACTION
CAUSE NO. _____

DEFENDANT

PETITION TO CITE FOR CONTEMPT

The Petitioner moves the Court to attach the Defendant for contempt upon the following grounds:

1. _____, hereinafter referred to as Petitioner, is an adult resident citizen of _____ County, Mississippi, whose address is _____.
2. The Defendant is subject to the jurisdiction of this Court and may be personally served with a copy of this Petition at _____.
3. On _____, _____, this Court issued a _____ in the above-styled case which provides in part that the Petitioner have visitation with the minor child(ren).
4. Petitioner was granted visitation rights with the following child(ren):
_____ born _____
_____ born _____
_____ born _____
5. Despite such order, the Defendant has willfully refused to allow the Petitioner to exercise visitation rights as required and continues to violate this Court's order with impunity.
6. In addition, it has been necessary for the Petitioner to incur costs of litigation in order to enforce the Court's judgment.

Petitioner prays for process to issue for said Defendant, returnable to this Court, and that on final hearing herein will enter a decree adjudicating the Defendant to be in contempt of this Court, and that said Defendant be punished therefor until he/she shall perform the decree; and Petitioner prays for general relief.

Respectfully submitted,

_____, Pro Se Petitioner

Petitioner (Pro Se)

Telephone: _____

STATE OF _____
COUNTY OF _____

This day personally appeared before me, the undersigned authority in and for the county and state aforesaid, within my jurisdiction, and above and within named _____, who being before me duly sworn, on oath states that he signed executed and delivered the above and forgoing Petition to Cite for contempt on the day and date mentioned therein and for the purposes contained therein, as his free and voluntary act and deed and that the facts, things and matters contained therein, are true and correct therein stated.

SWORN TO AND SUBSCRIBED BEFORE ME this the _____ day of _____, 2017.

NOTARY PUBLIC

My Commission Expires:

EXAMPLE

IN THE **CHANCERY/COUNTY** COURT OF **NAME OF COUNTY**, MISSISSIPPI
FIRST/SECOND JUDICIAL DISTRICT

YOUR NAME

PLAINTIFF

VS.

CIVIL ACTION

CAUSE NO. **G2017-123**

CUSTODIAL PARENT'S NAME

DEFENDANT

PETITION TO CITE FOR CONTEMPT

The Petitioner moves the Court to cite the Defendant for contempt upon the following grounds:

1. **YOUR NAME (SAME AS ABOVE)**, hereinafter referred to as Petitioner, is an adult resident citizen of **HINDS** County, Mississippi, whose address is **YOUR ADDRESS**
_____.
2. The Defendant is subject to the jurisdiction of this Court and may be personally served with a copy of this Petition at **CUSTODIAL PARENT'S ADDRESS**
_____.
3. On **JANUARY 2, 2018**, this Court issued a **FINAL DECREE OF DIVORCE; JUDGMENT DETERMINING PATERNITY AND/OR SUPPORT; ORDER OF FILIATION AND/OR SUPPORT; ORDER APPROVING STIPULATED AGREED OF PATERNITY AND SUPPORT** in the above-styled case which provided in part that the Petitioner have visitation with the minor child(ren).
4. Petitioner was granted visitation rights with the following child(ren):
BOB SMITH _____ born **01/01/2012** _____
SUE SMITH _____ born **03/02/2013** _____
_____ born _____
5. Despite such order, the Defendant has willfully refused to all the Petitioner to exercise visitation rights as required therein and continues to violate this Court's order with impunity.
6. In addition, it has been necessary to for the Petitioner to incur costs of litigation in order to enforce the Court's judgment.

Petitioner prays for process to issue for said Defendant, returnable to this Court and that on final hearing herein will enter a decree adjudicating the Defendant to be in contempt of this Court, and that said Defendant be punished therefor until he/she shall perform the decree; and Petitioner prays for general relief.

Respectfully submitted,

YOU SIGN HERE
YOUR NAME Pro Se Petitioner

YOUR NAME
Petitioner (Pro Se)
YOUR ADDRESS
CITY, STATE AND ZIP
Telephone: **YOUR PHONE NO.**

STATE OF **MISSISSIPPI**
COUNTY OF **HINDS**

This day personally appeared before me, the undersigned authority in and for the county and state aforesaid, within my jurisdiction, and above and within named **YOUR NAME** ____, who being before me duly sworn, on oath states that he signed executed and delivered the above and foregoing Petition to Cite for Contempt on the day and date mentioned therein and for the purposes contained therein, as his free and voluntary act and deed and that the facts, things, and matters contained therein, are true and correct therein stated.

SWORN TO AND SUBSCRIBED BEFORE ME this the **25th** day of **JANUARY** ____, 2017.

NOTARY'S SIGNATURE
NOTARY PUBLIC

My Commission Expires:

NOTARY'S STATE AND SEAL

**INSTRUCTIONS ON HOW TO COMPLETE A COVER
SHEET/CIVIL CASE FILING FORM**

This form **MUST** be completed and filed with your Petition to Cite for Contempt. If you need additional sheets they are available at your local court clerk's office (however, the clerk may charge for blank cover sheets).

Do Not Write ANYTHING in the top two boxes on this sheet, those are for the Court Clerk to complete.

The information you must complete is in the second box (please see attached "Example Cover Sheet"). The information you need to complete this box can be found in the heading of the Petition to Cite for Contempt you have already completed.

1. On the first line you must tell what Court you are filing these papers with. This is exactly the same Court as you put in the Heading of the Petition to Cite for Contempt.
2. The second line is the name of this case which is YOUR NAME (as it appears in the Heading of the Petition) VS. CUSTODIAL PARENT'S NAME (as it appears in the Heading of the Petition).

For example: Bob Smith is suing Sue Smith for contempt of his visitation rights. The style of that case would be: Bob Smith VS. Sue Smith.

3. On the third line print your name exactly as it appears in the Heading of the Petition.
4. On the fourth line sign your name where it says "signature."

In the next box print your name (last name first) on the top line. Make sure you print your name exactly as it appears on the Petition. On the next line print your address.

In the next box print the custodial parent's name (last name first on the top line). Make sure you print the name exactly as it appears on the Petition.

COVER SHEET Civil Case Filing Form <i>(To be completed by Attorney/Party Prior to Filing of Pleading)</i>	Court Identification Docket # <table border="1" style="width:100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width:20%;"></td> <td style="width:20%;"></td> <td style="width:20%;"></td> <td style="width:20%;"></td> <td style="width:20%;"></td> </tr> </table>						Case Year <table border="1" style="width:100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width:25%;"></td> <td style="width:25%;"></td> <td style="width:25%;"></td> <td style="width:25%;"></td> </tr> </table>					Docket Number <table border="1" style="width:100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width:25%;"></td> <td style="width:25%;"></td> <td style="width:25%;"></td> <td style="width:25%;"></td> </tr> <tr> <td colspan="3"></td> <td style="width:25%;"></td> </tr> </table>								
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:20%;">County #</td> <td style="width:20%;">Judicial District</td> <td style="width:20%;">Court ID (CH, CI, CO)</td> </tr> </table>	County #	Judicial District	Court ID (CH, CI, CO)		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:20%;">Month</td> <td style="width:20%;">Date</td> <td style="width:20%;">Year</td> </tr> </table>	Month	Date	Year	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:20%;">Local Docket ID</td> </tr> </table>	Local Docket ID									
County #	Judicial District	Court ID (CH, CI, CO)																		
Month	Date	Year																		
Local Docket ID																				
Mississippi Supreme Court Administrative Office of Courts	Form AOC/01 (Rev 2016)	This area to be completed by clerk		Case Number if filed prior to 1/1/94																

In the CHANCERY Court of HINDS County FIRST Judicial District

Origin of Suit (Place an "X" in one box only)

<input type="checkbox"/> Initial Filing	<input type="checkbox"/> Reinstated	<input type="checkbox"/> Foreign Judgment Enrolled	<input type="checkbox"/> Transfer from Other court	<input type="checkbox"/> Other
<input type="checkbox"/> Remanded	<input type="checkbox"/> Reopened	<input type="checkbox"/> Joining Suit/Action	<input type="checkbox"/> Appeal	

Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form

Individual YOUR NAME

Last Name _____ First Name _____ Maiden Name, if applicable _____ M.I. _____ Jr/Sr/III/IV _____

___ Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: Estate of _____

___ Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: D/B/A or Agency _____

Business _____

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

___ Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: D/B/A _____

Address of Plaintiff _____

Attorney (Name & Address) _____ MS Bar No. _____

Check (x) if Individual Filing Initial Pleading is NOT an attorney

Signature of Individual Filing: _____

Defendant - Name of Defendant - Enter Additional Defendants on Separate Form

Individual CUSTODIAL PARENT NAME

Last Name _____ First Name _____ Maiden Name, if applicable _____ M.I. _____ Jr/Sr/III/IV _____

___ Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: Estate of _____

___ Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: D/B/A or Agency _____

Business _____

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

___ Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below: D/B/A _____

Attorney (Name & Address) - If Known _____ MS Bar No. _____

___ Check (x) if child support is contemplated as an issue in this suit.*
*If checked, please submit completed Child Support Information Sheet with this Cover Sheet

Nature of Suit (Place an "X" in one box only)

<p>Domestic Relations</p> <p><input checked="" type="checkbox"/> Child Custody/Visitation</p> <p><input type="checkbox"/> Child Support</p> <p><input checked="" type="checkbox"/> Contempt</p> <p><input type="checkbox"/> Divorce: Fault</p> <p><input type="checkbox"/> Divorce: Irreconcilable Diff.</p> <p><input type="checkbox"/> Domestic Abuse</p> <p><input type="checkbox"/> Emancipation</p> <p><input type="checkbox"/> Modification</p> <p><input type="checkbox"/> Paternity</p> <p><input type="checkbox"/> Property Division</p> <p><input type="checkbox"/> Separate Maintenance</p> <p><input type="checkbox"/> Term. of Parental Rights-Chancery</p> <p><input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA)</p> <p><input type="checkbox"/> Other _____</p> <p>Appeals</p> <p><input type="checkbox"/> Administrative Agency</p> <p><input type="checkbox"/> County Court</p> <p><input type="checkbox"/> Hardship Petition (Driver License)</p> <p><input type="checkbox"/> Justice Court</p> <p><input type="checkbox"/> MS Dept Employment Security</p> <p><input type="checkbox"/> Municipal Court</p> <p><input type="checkbox"/> Other _____</p>	<p>Business/Commercial</p> <p><input type="checkbox"/> Accounting (Business)</p> <p><input type="checkbox"/> Business Dissolution</p> <p><input type="checkbox"/> Debt Collection</p> <p><input type="checkbox"/> Employment</p> <p><input type="checkbox"/> Foreign Judgment</p> <p><input type="checkbox"/> Garnishment</p> <p><input type="checkbox"/> Replevin</p> <p><input type="checkbox"/> Other _____</p> <p>Probate</p> <p><input type="checkbox"/> Accounting (Probate)</p> <p><input type="checkbox"/> Birth Certificate Correction</p> <p><input type="checkbox"/> Mental Health Commitment</p> <p><input type="checkbox"/> Conservatorship</p> <p><input type="checkbox"/> Guardianship</p> <p><input type="checkbox"/> Heirship</p> <p><input type="checkbox"/> Intestate Estate</p> <p><input type="checkbox"/> Minor's Settlement</p> <p><input type="checkbox"/> Muniment of Title</p> <p><input type="checkbox"/> Name Change</p> <p><input type="checkbox"/> Testate Estate</p> <p><input type="checkbox"/> Will Contest</p> <p><input type="checkbox"/> Alcohol/Drug Commitment (voluntary)</p>	<p><input type="checkbox"/> Alcohol/Drug Commitment (voluntary)</p> <p><input type="checkbox"/> Other _____</p> <p>Children/Minors - Non-Domestic</p> <p><input type="checkbox"/> Adoption - Contested</p> <p><input type="checkbox"/> Adoption - Uncontested</p> <p><input type="checkbox"/> Consent to Abortion</p> <p><input type="checkbox"/> Minor Removal of Minority</p> <p><input type="checkbox"/> Other _____</p> <p>Civil Rights</p> <p><input type="checkbox"/> Elections</p> <p><input type="checkbox"/> Expungement</p> <p><input type="checkbox"/> Habeas Corpus</p> <p><input type="checkbox"/> Post Conviction Relief/Prisoner</p> <p><input type="checkbox"/> Other _____</p> <p>Contract</p> <p><input type="checkbox"/> Breach of Contract</p> <p><input type="checkbox"/> Installment Contract</p> <p><input type="checkbox"/> Insurance</p> <p><input type="checkbox"/> Specific Performance</p> <p><input type="checkbox"/> Other _____</p> <p>Statutes/Rules</p> <p><input type="checkbox"/> Bond Validation</p> <p><input type="checkbox"/> Civil Forfeiture</p> <p><input type="checkbox"/> Declaratory Judgment</p> <p><input type="checkbox"/> Injunction or Restraining Order</p> <p><input type="checkbox"/> Other _____</p>
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		<p>Real Property</p> <p><input type="checkbox"/> Adverse Possession</p> <p><input type="checkbox"/> Ejectment</p> <p><input type="checkbox"/> Eminent Domain</p> <p><input type="checkbox"/> Eviction</p> <p><input type="checkbox"/> Judicial Foreclosure</p> <p><input type="checkbox"/> Lien Assertion</p> <p><input type="checkbox"/> Partition</p> <p><input type="checkbox"/> Tax Sale: Confirm/Cancel</p> <p><input type="checkbox"/> Title Boundary or Easement</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;">Torts</p> <p><input type="checkbox"/> Bad Faith</p> <p><input type="checkbox"/> Fraud</p> <p><input type="checkbox"/> Intentional Tort</p> <p><input type="checkbox"/> Loss of Consortium</p> <p><input type="checkbox"/> Malpractice - Legal</p> <p><input type="checkbox"/> Malpractice - Medical</p> <p><input type="checkbox"/> Mass Tort</p> <p><input type="checkbox"/> Negligence - General</p> <p><input type="checkbox"/> Negligence - Motor Vehicle</p> <p><input type="checkbox"/> Premises Liability</p> <p><input type="checkbox"/> Product Liability</p> <p><input type="checkbox"/> Subrogation</p> <p><input type="checkbox"/> Wrongful Death</p> <p><input type="checkbox"/> Other _____</p>
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COVER SHEET

Civil Case Filing Form

(To be completed by Attorney/Party Prior to Filing of Pleading)

Court Identification Docket #

Case Year

Docket Number

County #, Judicial District, Court ID (CH, CI, CO), Month, Date, Year

Case Year grid

Docket Number and Local Docket ID grids

Mississippi Supreme Court Administrative Office of Courts Form AOC/01 (Rev 2016)

This area to be completed by clerk

Case Number if filed prior to 1/1/94

In the CHANCERY Court of County Judicial District

Origin of Suit (Place an "X" in one box only)

- Initial Filing, Remanded, Reinstated, Reopened, Foreign Judgment Enrolled, Joining Suit/Action, Transfer from Other court, Appeal, Other

Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form

Individual

Individual Plaintiff form: Last Name, First Name, Maiden Name, M.I., Jr/Sr/III/IV, capacity checkboxes

Business

Business Plaintiff form: legal name, incorporation state, entity checkboxes

Address of Plaintiff

Attorney (Name & Address) MS Bar No., filing type checkboxes, Signature of Individual Filing

Defendant - Name of Defendant - Enter Additional Defendants on Separate Form

Individual

Individual Defendant form: Last Name, First Name, Maiden Name, M.I., Jr/Sr/III/IV, capacity checkboxes

Business

Business Defendant form: legal name, incorporation state, entity checkboxes

Attorney (Name & Address) - If Known MS Bar No.

Check (x) if child support is contemplated as an issue in this suit. * If checked, please submit completed Child Support Information Sheet with this Cover Sheet

Nature of Suit (Place an "X" in one box only)

Domestic Relations

- Child Custody/Visitation, Child Support, Contempt, Divorce: Fault, Divorce: Irreconcilable Diff., Domestic Abuse, Emancipation, Modification, Paternity, Property Division, Separate Maintenance, Term. of Parental Rights-Chancery, UIFSA, Other

Business/Commercial

- Accounting (Business), Business Dissolution, Debt Collection, Employment, Foreign Judgment, Garnishment, Replevin, Other

Probate

- Accounting (Probate), Birth Certificate Correction, Mental Health Commitment, Conservatorship, Guardianship, Heirship, Intestate Estate, Minor's Settlement, Muniment of Title, Name Change, Testate Estate, Will Contest, Alcohol/Drug Commitment (voluntary)

Appeals

- Administrative Agency, County Court, Hardship Petition (Driver License), Justice Court, MS Dept Employment Security, Municipal Court, Other

- Alcohol/Drug Commitment (voluntary), Other

Children/Minors - Non-Domestic

- Adoption - Contested, Adoption - Uncontested, Consent to Abortion, Minor Removal of Minority, Other

Civil Rights

- Elections, Expungement, Habeas Corpus, Post Conviction Relief/Prisoner, Other

Contract

- Breach of Contract, Installment Contract, Insurance, Specific Performance, Other

Statutes/Rules

- Bond Validation, Civil Forfeiture, Declaratory Judgment, Injunction or Restraining Order, Other

Real Property

- Adverse Possession, Ejectment, Eminent Domain, Eviction, Judicial Foreclosure, Lien Assertion, Partition, Tax Sale: Confirm/Cancel, Title Boundary or Easement, Other

Torts

- Bad Faith, Fraud, Intentional Tort, Loss of Consortium, Malpractice - Legal, Malpractice - Medical, Mass Tort, Negligence - General, Negligence - Motor Vehicle, Premises Liability, Product Liability, Subrogation, Wrongful Death, Other

INSTRUCTIONS ON HOW TO COMPLETE A SUMMONS

A Summons is what demands that the custodial parent be in Court on a certain date and time to defend themselves against the Petition you filed. **It is important for this to be filled out correctly, because if it is not there is a chance the Court will not be able to hear your case.**

The Heading of the Summons should be filled out exactly the same as the Heading for the Petition.

You must first tell the Court who you are demanding to be in Court (the custodial parent) and where they can be found. Below is an example:

THE STATE OF MISSISSIPPI	
TO: <u>CUSTODIAL PARENT</u>	TO: <u>CUSTODIAL PARENT</u>
<u>HOME ADDRESS</u>	<u>WORK ADDRESS</u>
<u>CITY, STATE ZIP</u>	<u>CITY, STATE ZIP</u>

1. On the left-hand side enter the custodial parent's name on the top line and their home address on the next two lines. **This must be a physical address and not a Post Office Box.** This should be the same address entered in Paragraph 2 of the Petition.

2. On the right-hand side enter the custodial parent's name on the top line and their work address on the next two lines. **This must be a physical address and not a Post Office Box.** If you do not know where the custodial parent works leave the right-hand side blank.

The last section of the Summons will need to be completed when you file your Petition and Cover Sheet. After you file those two documents, ask to see the Court Administrator to set a court date. Please make sure you pick a court date far enough in advance to give the Sheriff's office or the process server time to serve the custodial parent. In actions for Contempt the Defendant (the custodial parent) must be served seven days before the Court date.

Make sure to find out which judge will hear your case and where the hearing will be held.

Once you have selected a date and time with the Court Administrator, you can complete the Summons and take it back to the court clerk's office to be filed.

Below is an example and instructions on how to complete the summons:

**YOU ARE SUMMONED TO APPEAR AT TIME O'CLOCK AM/PM ON DAY OF WEEK
THE DATE OF MONTH DAY OF MONTH, YEAR, IN THE NAME OF COUNTY
CHANCERY/COUNTY COURTHOUSE BEFORE HONORABLE NAME OF JUDGE
LOCATED AT ADDRESS OF COURTHOUSE _____, IN THE CITY OF
NAME OF CITY, MISSISSIPPI. IF YOU FAIL TO APPEAR AND DEFEND YOURSELF A
JUDGEMENT WILL BE ENTERED AGAINST YOU OR THE MONEY OR OTHER RELIEF
DEMANDED IN THE PLEADINGS ATTACHED HERETO.**

1. First Line

1st Blank- Time of the hearing

2nd Blank – AM or PM

3rd Blank – Day of the week the hearing is scheduled for

2. Second Line

1st, 2nd, and 3rd Blanks – Date of the Hearing in this order DATE, MONTH, YEAR

Example: July 4, 2017 would be

The 4th day of July, 2017

4th Blank – Chancery/Court (same as in Heading on Summons and Petition)

3. Third Line

1st Blank – Name of County (same as in Heading on Summons and Petition)

2nd Blank – Name of the Judge who will hear your case

4. Four Line

1st Blank – Address of the courthouse where your case will be heard (you can get this information from the court clerk)

5. Fifth Line

1st Blank – City where case will be heard (this is the city the courthouse is in). **In some counties the cities where cases are heard rotates. Make sure you ask the Court Administrator what courthouse your case will be heard in.**

DO NOT WRITE ANYTHING ELSE ON THE SUMMONS!

You will need to bring THREE (3) copies of the summons to Court to be filed. One will be placed in the Court file. One will be attached to the Petition that is served to the custodial parent. The last one will be for you to keep for your records.

MAKE SURE EACH COPY OF THE SUMMONS HAS BOTH PAGES ATTACHED!

The second page has “Sheriff’s Return” at the top. This is the page the server completes to show the Court that the custodial parent has been served. This sheet must be filed with the Court at least seven days before your hearing showing that the custodial parent has been served. If this does not happen the Court cannot hear your case.

IT IS IMPORTANT TO REMEMBER THAT YOU CANNOT SERVE THE PAPERS ON THE CUSTODIAL PARENT. ONLY SOMEONE OVER THE AGE OF 18 AND NOT INVOLVED IN THE CASE CAN SERVE THESE PAPERS. THE SHERIFF’S DEPARTMENT CAN SERVE THE PAPERS FOR YOU AS WELL AS A PROCESS SERVER.

You can check with the Court a few days before your hearing to find out if the custodial parent has been served. There are several different types of service:

- Personal Service: The Sheriff or the process server handled the papers directly to the custodial parent.
- Residential Service: The Sheriff or process server was unable to find the custodial parent at the addresses listed on the summons, but was able to serve a person over the age of sixteen (16) who lives at the same address as the custodial parent.

You must have one of these two types of service for the Court to proceed.

WHAT TO DO IF THE PAPERS WEREN'T SERVED:

You can complete a new Summons and write the word "Alias" above the word Summons. If you do this make sure you have good addresses for the custodial parent. There is no new filing fee to do an Alias Summons, but you will have to see the Court Administrator again to get a new Court date.

You can only do an Alias Summons within the first 120 days after you filed the first Petition.

IN THE _____ COURT OF _____ COUNTY, MISSISSIPPI
_____ JUDICIAL DISTRICT

PETITIONER
VS. CIVIL ACTION
CAUSE NO. _____

RESPONDENT

SUMMONS

THE STATE OF MISSISSIPPI
TO: _____ TO: _____

THE LEGAL PLEADINGS WHICH ARE ATTACHED TO THIS SUMMONS ARE
IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR
RIGHTS.

YOU ARE SUMMONED TO APPEAR AT _____ O’CLOCK _____ ON _____
THE _____ DAY OF _____, _____, IN THE _____
COUNTY _____ COURTHOUSE BEFORE HONORABLE _____
LOCATED AT _____, IN THE CITY OF
_____, MISSISSIPPI. IF YOU FAIL TO APPEAR AND DEFEND
YOURSELF A JUDGMENT WILL BE ENTERED AGAINST YOU OR THE MONEY OR
OTHER RELIEF DEMANDED IN THE PLEADINGS ATTACHED HERETO.

YOU ARE NOT REQUIRED TO FILE AN ANSWER OR OTHER RESPONSIVE
PLEADING, BUT YOU MAY DO SO IF YOU DESIRE.

ISSUED UNDER MY HAND AND SEAL OF COURT, THIS _____ DATE OF _____,
_____.

CLERK OF THE _____ COURT
OF _____ COUNTY, MISSISSIPPI
BY: _____, D.C.

EXAMPLE

IN THE CHANCERY/COUNTY COURT OF NAME OF COUNTY, MISSISSIPPI
FIRST/SECOND JUDICIAL DISTRICT

YOUR NAME _____

PETITIONER

VS.

CIVIL ACTION
CAUSE NO. G2017-123

CUSTODIAL PARENT'S NAME

RESPONDENT

SUMMONS

THE STATE OF MISSISSIPPI

TO: CUSTODIAL PARENT

HOME ADDRESS

CITY, STATE ZIP

TO: CUSTODIAL PARENT

WORK ADDRESS

CITY, STATE ZIP

THE LEGAL PLEADINGS WHICH ARE ATTACHED TO THIS SUMMONS ARE IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

YOU ARE SUMMONED TO APPEAR AT TIME O'CLOCK AM/PM ON DAY OF WEEK THE DATE OF MONTH DAY OF MONTH, YEAR, IN THE NAME OF COUNTY CHANCERY/COUNTY COURTHOUSE BEFORE HONORABLE NAME OF JUDGE LOCATED AT ADDRESS OF COURTHOUSE, IN THE CITY OF NAME OF CITY, MISSISSIPPI. IF YOU FAIL TO APPEAR AND DEFEND YOURSELF A JUDGMENT WILL BE ENTERED AGAINST YOU OR THE MONEY OR OTHER RELIEF DEMANDED IN THE PLEADINGS ATTACHED HERETO.

YOU ARE NOT REQUIRED TO FILE AN ANSWER OR OTHER RESPONSIVE PLEADING BUY YOU MAY DO SO IF YOU DESIRE.

ISSUED UNDER MY HAND AND SEAL OF COURT, THIS _____ DAY OF _____,
_____.

CLERK OF THE _____ COURT
OF _____ COUNTY, MISSISSIPPI
BY: _____, D.C.

SHERIFF'S RETURN

STATE OF MISSISSIPPI
COUNTY OF _____

() I PERSONALLY DELIVERED COPIES OF THE SUMMONS AND COMPLAINT ON
_____ THE _____ DAY OF _____,
TO _____ IN THE COUNTY OF _____.

() AFTER EXERCISING REASONABLE DILIGENCE I WAS UNABLE TO DELIVER
COPIES OF THE SUMMONS AND COMPLAINT TO _____
WITHIN _____ COUNTY, MISSISSIPPI. I SERVED THE SUMMONS AND
COMPLAINT ON THE _____ DAY OF _____, _____, AT THE
USUAL PLACE OF ABODE OF SAID _____, BY LEAVING A
TRUE COPY OF THE SUMMONS AND COMPLAINT WITH _____,
WHO IS THE _____ (INSERT HERE WIFE, HUSBAND, SON,
DAUGHTER OR OTHER FAMILY MEMBER AS THE CASE MAY BE), A MEMBER OF
THE FAMILY OF THE PERSON SERVED ABOVE THE AGE OF SIXTEEN YEARS AND
WILLING TO RECEIVE THE SUMMONS AND COMPLAINT, AND THEREAFTER ON
THE _____ DAY OF _____, _____, I MAILED (BY FIRST
CLASS MAIL, POSTAGE PREPAID) COPIES TO THE PERSON SERVED AT THE
DEFENDANT'S USUAL PLACE OF ABODE WHERE THE COPIES WERE LEFT.

() I WAS UNABLE TO SERVE THE SUMMONS AND COMPLAINT BECAUSE:

THIS THE _____ DAY OF _____,

_____, SHERIFF OF _____ COUNTY
MISSISSIPPI.

BY: _____
DEPUTY SHERIFF

**INSTRUCTIONS FOR A JUDGEMENT FOR
CONTEMPT**

If you are able to properly serve the custodial parent and the Court hears your case an order will likely be given by the Court. This document is what must be completed for the order to be entered and enforceable.

The Heading of the Judgment should be filled out exactly the same as the Heading for the Petition.

You must sign the Judgment at the bottom under where it says "Respectfully submitted." On the line under that please print your name exactly as it appears in the heading.

The Judge will be able to complete the rest of the order for you.

Once the Judge signs the order have it filed with the court clerk.

Congratulations, you have a legally enforceable order for Contempt!

IN THE _____ COURT OF _____ COUNTY, MISSISSIPPI
_____ JUDICIAL DISTRICT

VS.

PETITIONER
CIVIAL ACTION
CAUSE NO. _____

RESPONDENT

JUDGMENT FOR CONTEMPT

This cause came on to be heard on the _____ day of _____, _____.

The Court having jurisdiction over the parties and subject matter, FINDS, RULES and ADJUDGES:

1. The Court finds that _____ is in Contempt of the _____ granting visitation rights to the Petitioner.
2. The Respondent is ordered to _____

Respectfully submitted by:

_____, Pro Se Petitioner

SO ORDERED AND ADJUDGED THIS THE _____ DAY OF _____, _____.

CHANCELLOR

EXAMPLE

IN THE CHANCERY/COUNTY COURT OF NAME OF COUNTY, MISSISSIPPI
FIRST/SECOND JUDICIAL DISTRICT

YOUR NAME

PETITIONER

VS.

CIVIAL ACTION

CAUSE NO. G2017-123

CUSTODIAL PARENT'S NAME

RESPONDENT

JUDGMENT FOR CONTEMPT

This cause came on to be heard on the DAY OF MONTH day of MONTH, YEAR.

The Court having jurisdiction over the parties and subject matter, FINDS, RULES and ADJUDGES:

1. The Court finds that CUSTODIAL PARENT'S NAME is in Contempt of the NAME OF ORIGINAL ORDER/JUDGMENT granting visitation rights to the Petitioner.
2. The Respondent is ordered to _____

Respectfully submitted by:

YOU SIGN HERE
YOUR NAME, Pro Se Petitioner

SO ORDERED AND ADJUDGED THIS THE _____ DAY OF _____,

CHANCELLOR

PAUPER'S OATH

STATE OF MISSISSIPPI
COUNTY OF _____

I, _____, do solemnly swear that I am a citizen of the State of Mississippi, and because of my poverty, I am not able to pay the costs or give security for the same in the suit _____ which I have this day filed, and that, to the best of my belief, I am entitled to the redress which I seek by such suit.

WITNESS MY SIGNATURE this the _____ day of _____, 20__.

N.B. Pursuant of Section 6906-03 as amended by Senate Bill No. 1519, Laws of 1971.

STATE OF MISSISSIPPI
COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the aforesaid county and state, _____, who acknowledged that she/he signed and delivered the foregoing instruction on the day and year therein shown and for the purposes therein expressed.

GIVEN UNDER MY HAND AND SEAL the _____ day of _____, 20__.

NOTARY PUBLIC

My Commission Expires: