

## **QUESTIONS AND ANSWERS ABOUT RESPONDING TO A MOTION FOR CONTEMPT** *In Domestic Violence Court*

### **WHAT IS A MOTION FOR CONTEMPT?**

You have been served with a copy of the Motion for Contempt because the Petitioner has claimed that you have violated one or more of the terms of a full Order of Protection, which a court had previously ordered against you. As the Order/Notice indicates, the judge is now ordering you to appear in court to answer to the claims in this motion. **If a judge determines that you are in contempt of court, you could be facing imprisonment in the St. Louis County Jail.**

### **WHAT HAPPENS IN COURT?**

If you appear, the first court setting will be a scheduling conference. The judge will use that first court date to choose a hearing date and to make sure that all of the necessary parties are notified. The judge will also make sure that the parties have representation for the full hearing, if they are requesting counsel.

If you fail to appear at the scheduled setting, the judge will conduct a Probable Cause Hearing at that time. If the judge finds that there is probable cause that you violated the Order of Protection, a criminal file will be opened against you. **This will appear on your criminal record. Your failure to appear will cause the judge to issue a warrant for your arrest.**

At the full hearing, the judge will decide whether or not you have violated the full Order of Protection – and if so, whether or not to hold you in contempt. The judge will first hear evidence from the other side (the Petitioner). This evidence may include sworn testimony from the Petitioner regarding the claims in the Motion for Contempt. The judge may also hear testimony from other witnesses whom the Petitioner calls. Further, the judge may review documents that the Petitioner asks to present. These documents can include medical and police reports, photographs, letters or other documents. Upon completion of the Petitioner's case, you have the opportunity to present your evidence. You must be present to make your position known to the judge – letters and affidavits from you will not be admitted.

### **DO I NEED A LAWYER FOR THE HEARING?**

Yes, you should obtain an attorney. Due to the fact that you are facing jail time, you have a constitutional right to an attorney. If you cannot afford to hire an attorney, the judge will appoint one for you.

### **SHOULD I BRING ANYTHING WITH ME?**

For the first court date, if you are seeking a court appointed lawyer, you should bring documentation to prove that you cannot afford to hire a private attorney. This may include pay stubs, income tax records, bank statements or other items showing your current income.

For the actual hearing, your attorney will advise you on what documentation to bring and on what witnesses to call.

### **WHAT CAN HAPPEN IF I AM FOUND TO BE IN CONTEMPT?**

**The judge can place you in the St. Louis County Jail, fine you or order a combination of both options.**