



THE DADVOCATES

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CONTEMPT OF COURT

Do you have a co-parent or ex-spouse who is defying a court order? Or are you being wrongfully accused of defying a court order?

The Dadvocates represent men throughout Colorado in **contempt of court** proceedings.

Learn more about contempt of court in Colorado and discover how our attorneys can protect your legal rights in these circumstances...



WHAT IS CONTEMPT OF COURT?

In Colorado, people are considered to be in "contempt of court" when they fail to comply with a court order (civil contempt) or when they disrupt a legal proceeding (criminal contempt). Contempt of court often comes into play in family law when a parent or ex-spouse fails to pay [child support](#), fails to pay [spousal support](#), or violates a court-ordered parenting agreement.

If your co-parent or ex-spouse has violated a court order, filing a contempt of court motion may be your best legal recourse.



CONTEMPT OF COURT DEFINED

"Disorderly or disruptive behavior, a breach of the peace, boisterous conduct or violent disturbance toward the court, or conduct that unreasonably interrupts the due course of judicial proceedings; behavior that obstructs the administration of justice; disobedience or resistance by any person to or interference with any lawful writ, process, or order of the court; or any other act or omission designated as contempt by the statutes or these rules."

— The definition of "Contempt" found in the Colorado Rules of Civil Procedure, Rule 107(a)(1)



NEED TO FILE A MOTION?

SPEAK WITH OUR ATTORNEYS TODAY

It can be immensely frustrating when another party fails to comply with a court order. If you think it's time to hold your co-parent or ex-spouse accountable through a contempt of court proceeding, we invite you to request a consultation with the Dadvocates today.

Our attorneys are available to review the details of your case, help you file your motion, and represent you in court. To get started, request a consultation by [contacting us online](#) or by calling:

(720) 928-3432

[Send Us a Message](#)

REAL 5-STAR REVIEWS



Jai Griffin
2021



This law firm is phenomenal. They made it possible my father in law to spend more time with his daughter. The look on my father in law face and the warmth in his heart was priceless after finding out that he was granted more rights than he had before. Thank you from the bottom of my heart!

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Walter Stones
2021



At a time when I was at my very worst, upset and not thinking rationally, I found the Dadvocates. They represented me in my divorce and did such an amazing job that I've been told by many "Wow, I can't believe you got that kind of settlement! That's like never heard of!"

Highly recommend this Law firm on any father's right cases.

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MISSING CHILD SUPPORT?

YOU'RE NOT ALONE

In 2017, only **45.9 percent** of custodial parents who were supposed to receive child support received the full amount they were owed



THE DADVOCATES

A LAW FIRM LIKE NO OTHER

COMMITTED TO DADS

We are the only law firm in Colorado dedicated to representing fathers in family law and criminal cases. Our attorneys understand the unique challenges men face in court, and we fight to make sure that judges do not treat our clients in an unfair or biased way.

CONFIDENT IN COURT

While other lawyers are afraid of taking cases to court, the Dadvocates approach every case with a litigation-focused mindset. We expect to go to court and we expect to achieve the best possible results for our clients by presenting confident, persuasive cases.

ALWAYS AVAILABLE

We have a Colorado-based attorney available right now who can discuss your contempt of court case with you. You can get in touch with our family law and criminal defense attorneys by calling our main line, even if it's after hours or on a weekend.

"Dadvocates has an excellent team of lawyers that are caring, compassionate, and work hard to ensure that the divorce process is a smooth one! I would really recommend the firm to anyone considering a divorce. My brother's divorce could not have gone as smooth with anyone but The Dadvocates."

— 5-Star Google Review

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TYPES OF CONTEMPT





CIVIL CONTEMPT

Disobeying a valid court order is considered civil contempt. Examples of civil contempt include:

- Failure to pay spousal or child support
- Consistently violating a parenting plan by missing visitation time, dropping off a child late for visitation time, etc.
- Failure to refinance or sell a home, if that was ordered by the court during a divorce case
- Violating a restraining or protection order



CRIMINAL CONTEMPT

Disrupting a legal proceeding is known as criminal contempt. Criminal contempt in the presence of a judge is direct contempt, while criminal contempt outside the presence of a judge is indirect contempt. Examples of criminal contempt include:

- Screaming, yelling, or speaking out of turn during a court hearing
- Disrespecting a judge or accusing a judge of taking a bribe
- Using a cell phone during a court proceeding

THE REQUIREMENTS FOR CONTEMPT

In order for the other party to be charged with civil contempt, four requirements must be met:

1

VALID COURT ORDER

A valid court order must exist for a judge to find someone in contempt. A defense the other party might try to make is that the order in question is not legally binding. This may be the case if the order was not served properly, if it has expired, or if the judge who issued the order did not have the power or jurisdiction to do so.

2

KNOWLEDGE OF THE ORDER

The other party must know about the order to commit civil contempt. If they never know about the order, perhaps because it was served improperly, then they have no legal obligation to comply with it.

3

ABILITY TO FOLLOW THE ORDER

If a person is or was unable to comply with a court order, then they cannot be found to be in contempt in Colorado. For example, if a parent loses their job, they can argue they were unable to make their child support payments.

4

WILLFUL VIOLATION OF THE ORDER

A person must actually disobey an order to commit contempt. Merely threatening to disobey an order does not constitute contempt, even if it makes life difficult for the other party. Also, depending on the judge who hears your case, the violation of the order will have to be egregious to some extent. For example, if your co-parent was five minutes late to drop off your child only one time, judges won't consider that contempt. However, if the other parent is consistently and willfully late, that may be grounds for contempt charges.

REPRESENTATION THROUGHOUT COLORADO

GET STARTED TODAY

The Dadvocates represent fathers throughout Colorado from our offices in:

- **Aspen**
- **Boulder**
- **Breckenridge**
- **Broomfield**
- **Colorado Springs / El Paso County**
- **Crested Butte**
- **Durango**
- **Glenwood Springs**
- **Grand Junction**
- **Gunnison**
- **Pueblo**
- **Steamboat Springs**
- **Vail**

We also offer remote representation, so no matter where you are in Colorado, our attorneys can help. If you need advice about a contempt of court situation, [contact our team](#) today.

CALL THE DADVOCATES: (720) 928-3432

Send Us a Message

— 5-Star Google Review

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REMEDIAL CONTEMPT VS. PUNITIVE CONTEMPT

When you bring contempt charges against another party, you can request that the judge imposes either remedial or punitive sanctions on the other party. How do these forms of contempt differ?

REMEDIAL CONTEMPT

PUNITIVE CONTEMPT

Remedial contempt is intended to enforce the original court order. When a judge finds the other party to be in remedial contempt, the other party will have the opportunity to comply with the court order and potentially avoid other penalties like fines and jail time. A common example of this is a parent who is directed to make up for missed child support payments. Remedial contempt must be proven by a preponderance of the evidence - in other words, it must be more likely than not that the parent is committing contempt of the court.

Punitive contempt is intended to punish the offending party. It does not involve making up for past violations (in other words, a parent dodging child support wouldn't necessarily be required to pay missed payments). The penalties of punitive contempt include fines and up to six months in jail. Because the consequences are more severe than that of remedial contempt, punitive contempt must be proven beyond a reasonable doubt, which is a significantly higher standard of proof.



HOW TO FILE A MOTION

Before you consider filing a contempt of court motion, we recommend doing everything you can to reach out to the other party and encourage them to comply with the court order. Like any legal proceeding, a contempt case can be long, stressful, and costly, and both sides can avoid a lot of headaches by abiding by the order. However, if the other party simply refuses to act reasonably, then filing a contempt of court motion may be your best available solution.

To file a motion, there are multiple forms you must fill out, which are available on the [Colorado Judicial Branch's website](#). On these forms, you must specify:

- The date on which the order was signed and what the order entailed
- The dollar amount you are owed due to missed payments
- Why you believe the other party has the ability to comply with the order
- Why you believe the other party willfully disobeyed the order
- Whether you request remedial contempt (to force the other party to obey the order) or punitive contempt (simply to punish the other party for their violation)

Once you complete the forms, you will file them with the court. You can enlist the aid of an attorney at any point in this process. In fact, the court recommends that you consult with an attorney before filling out any paperwork.

WE ARE HERE TO HELP

Contempt cases can be complicated and difficult to prove. Fortunately, the attorneys at the Dadvocates are available to guide you through the process and represent you in court. If you are a father in Colorado considering a contempt action, get in touch with us today so we can help.

[Call the Dadvocates](#)

A STANDARD TIMELINE OF A CONTEMPT CASE

1

INITIAL FILING

A contempt action is initiated once the aggrieved party files the "Motion and Affidavit for Citation for Contempt of Court" form.

2

CITATION SERVICE

The court will review the form and then set a date for an initial hearing. It is the responsibility of the person who filed the motion to arrange for the other party to be served with a "Citation to Show Cause" at least 21 days before the hearing. The other party must be served by a private process server or the Sheriff's Department of the county where the other party lives or works.

3

ADVISEMENT HEARING

Both parties must attend the initial hearing, known as an "Advisement." During this hearing, the judge will advise the accused party of their rights and have them plead "guilty" or "not guilty." Some courts will then proceed directly to the contempt hearing, while others will order mediation or set a future date for the contempt hearing.

4

POTENTIAL MEDIATION

Some judges will force the parties to go through mediation before their contempt hearing. Mediation happens out of the courtroom and involves the parties attempting to reconcile their differences with the help of a neutral third party. Both parties are able to have an attorney present during mediation.

5

CONTEMPT HEARING

Both parties must attend the contempt hearing. During this hearing, both parties (and their lawyers, if they have them), present evidence to prove their side of the case. The hearing will end with the judge declaring the accused party either guilty or not guilty of contempt. Then the judge will impose the remedial or punitive penalties.

6

REVIEW DATE

In cases of remedial contempt, a certain date will be set by which the other party must comply with the court order. A hearing will be held on that day so the judge can confirm whether the court's order has been honored. If it hasn't, the

judge may impose punitive penalties at that time.

Contact the Dadvocates

"Hands down the best law firm out there. They stuck through a very difficult divorce and child custody case with me. I had battled for years. I would recommend anyone of the attorney's in this firm. They look out for your best interests and have your back the entire time. Thank you again Dadvocates for absolutely everything."

— 5-Star Google Review

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ACCUSED OF CONTEMPT? POTENTIAL DEFENSES

If you have been served with a contempt citation, it's in your best interest to consult with an attorney right away. When you meet with the Dadvocates, we will review the details of your case and discuss potential defense strategies, including:

THE COURT ORDER WAS NOT VALID

When you consult with our Colorado attorneys, our first step will be to review the court order in question. We may find that the order has expired or that the accusing party does not properly understand the order, in which case it will be relatively easy to have the contempt charge thrown out. We may also be able to challenge the validity of the order if we believe that the court that issued it did not have the authority to do so.

YOU WERE UNAWARE OF THE COURT ORDER

The courts have procedures for "serving" orders precisely so that people cannot claim ignorance. Therefore, in order to argue that you were unaware of the court order, we will have to prove that you were not served correctly. If that is the case, our attorneys can help you review all the relevant documentation so that we can demonstrate to a judge that you truly never knew that the court order existed.

YOU WERE NOT ABLE TO COMPLY WITH THE ORDER

You cannot be found to be in contempt if we can prove that you were unable to comply with the order. For example, if you failed to drop your child off with your co-parent because your car broke down or you had some kind of emergency, you shouldn't be held in contempt. Similarly, if you missed child support payments because you lost your job, we may be able to argue that you were financially unable to obey the order.

WE DEFEND THE ACCUSED

CONTACT US TO GET STARTED

At the Dadvocates, we have a team of family law and criminal defense attorneys who regularly defend men wrongfully accused of [domestic violence](#), [child abuse](#), and [other serious crimes](#). When you are unfairly served with a contempt of court citation, we can work with you to craft an effective defense strategy.

Don't wait. The sooner you contact us, the more time we'll have to build a strong case on your behalf. Get started today by requesting a consultation with our Colorado-based attorneys.

CALL THE DADVOCATES: [\(720\) 928-3432](#)

[Send Us a Message](#)

THE FATHER'S RIGHTS LAW FIRM



When a contempt of court case threatens your relationship with your children, choose the law firm that believes that kids need dads.

CONTEMPT OF COURT FAQS



DO I NEED AN ATTORNEY DURING CONTEMPT OF COURT PROCEEDINGS?

Neither party is required to work with an attorney during a contempt of court proceeding. You are able to represent yourself if you wish. However, the courts highly encourage both sides to enlist the aid of a lawyer. In punitive contempt cases, the accused party has the right to a public defender.



WHAT IF THE OTHER PARTY DOESN'T SHOW FOR THE HEARING?

If the accused party is properly served with their contempt of court citation and fails to appear at any of their hearings, the judge in the case has the power to issue a warrant for their arrest.



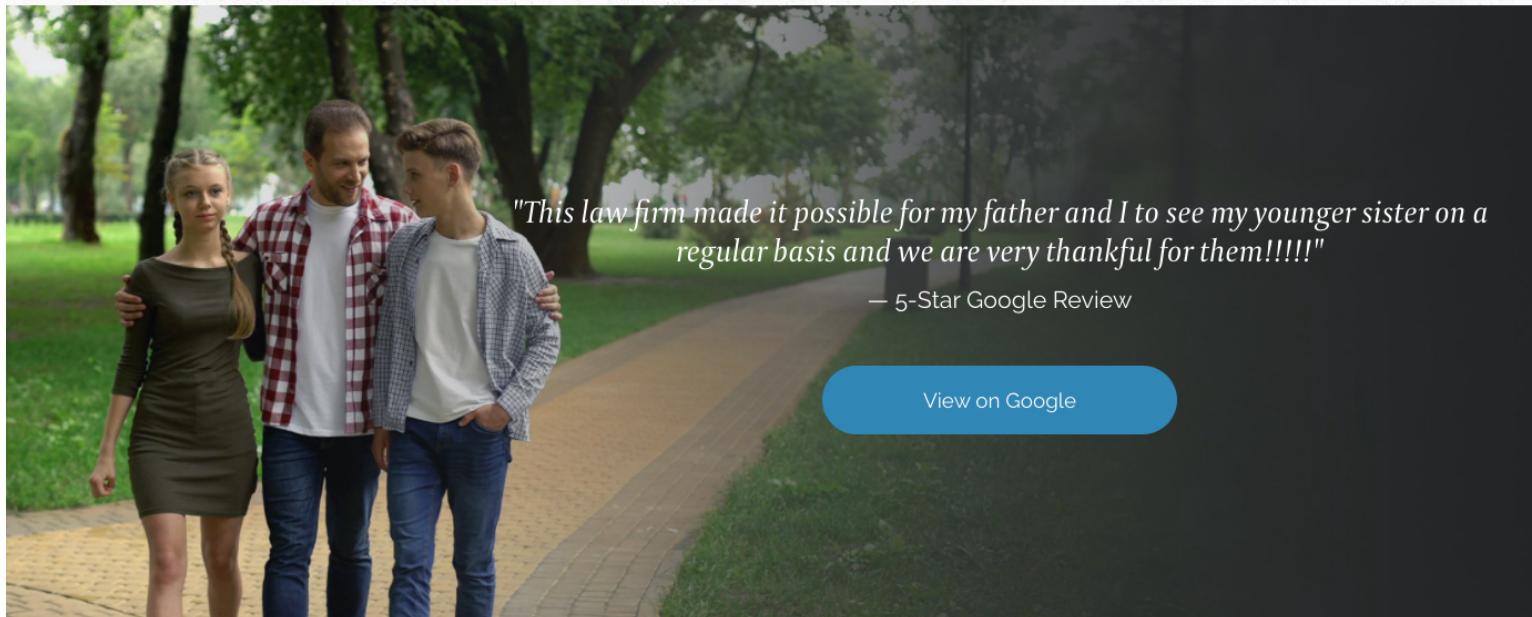
I MISSED CHILD SUPPORT PAYMENTS BECAUSE I LOST MY JOB. WILL I BE HELD IN CONTEMPT?

Losing your job does not automatically excuse you from making your child support payments. If you lose your job and your co-parent brings contempt charges against you, the judge will review your savings and spending habits to determine if your loss of income has truly made you unable to pay child support. In other words, if you are unemployed, but you spend hundreds of dollars every month on luxury items or hobbies, then a judge will probably hold you in contempt for missing support payments.



WILL THE OTHER PARTY COVER MY ATTORNEY'S FEES IF THEY ARE FOUND IN CONTEMPT?

When you request remedial contempt, a judge can force the other party to pay your "reasonable" attorney's fees associated with the contempt proceeding. What is considered "reasonable" will be up to the judge's discretion. When you request punitive contempt, however, the other party cannot be forced to pay your attorney's fees in most circumstances.



RELATED TOPICS



CHILD SUPPORT

The Dadvocates help fathers throughout Colorado achieve fair child support arrangements.



SPOUSAL SUPPORT

We can help you avoid paying unfair support or receive the support you are due.

CHILD CUSTODY

Our practice is dedicated to helping dads spend as much time with their children as possible.

DIVORCE

Dads all over Colorado choose us to protect their rights during divorce cases.



THE DADVOCATES

THE DADVOCATES

The Dadvocates are the only lawyers in **Colorado** exclusively focused on protecting the rights of fathers. Our attorneys have received awards and prestigious recognitions from Super Lawyers, Avvo, and the National Academy of Family Law Attorneys. We assist dads in a variety of legal matters, including:

- [Divorce](#)
- [Child Custody](#)
- [Spousal Support](#)
- [Criminal Law](#)

You can request a consultation with our firm by [filling out our online form](#) or calling [\(720\) 928-3432](#).

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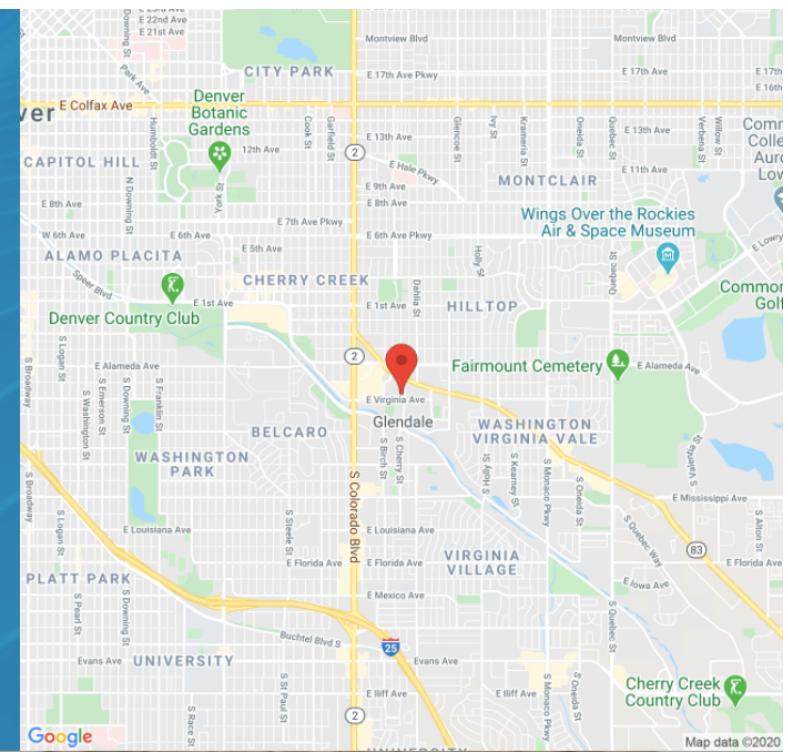
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Open Today 9:00am - 5:00pm

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