

IN THE COURT OF COMMON PLEAS
 DIVISION OF DOMESTIC RELATIONS
 MAHONING COUNTY, OHIO

| | |
|------------------------|---------------------|
| _____) | Case No. _____ |
| PLAINTIFF/PETITIONER) | |
| vs/and) | JUDGE BETH A. SMITH |
|) | |
|) | SUMMONS |
| _____) | AND |
| DEFENDANT/PETITIONER) | ORDER TO APPEAR |

TO THE FOLLOWING NAMED PARTY:

YOU ARE HEREBY ORDERED TO APPEAR BEFORE THIS COURT AND SHOW CAUSE WHY YOU SHOULD NOT BE FOUND IN CONTEMPT FOR FAILING TO COMPLY WITH A PRIOR ORDER OF THIS COURT. THE DATE, TIME, AND PLACE OF THIS HEARING IS AS FOLLOWS:

| | |
|-------------|--|
| _____ | MAHONING COUNTY DOMESTIC RELATIONS COURT, |
| <i>DAY</i> | <i>DATE</i> |
| <i>TIME</i> | 120 MARKET STREET, YOUNGSTOWN, OH 44503, PHONE: (330) 740-2208 |

Failure to Appear: Failure to appear at the hearing may result in the issuance of an order for your arrest. If this case involves the failure to pay support, the court may also issue an order for the payment of support by withholding or deducting an amount from your personal earnings or some other asset.

Right to Counsel: You have the right to be represented by legal counsel in this matter. If you believe that you are indigent and entitled to court-appointed counsel, you must apply for court-appointed counsel within three business days of receiving this Summons and Order to Appear. The court may refuse to give you a continuance at the time of the hearing for the purpose of obtaining counsel, if you fail to make a good faith effort to retain counsel or to request court-appointed counsel in a timely manner. **Attached hereto is a form to request appointed counsel.**

Statutory Penalties: The following penalties may be imposed upon you if you are found in contempt for your failure to comply with any prior order of this court, including special penalties for specific areas of contempt, as set forth in R.C. 2705.05 below:

| | | | |
|-------------------------|-----------------|-----------------|---------|
| 1 st Offense | \$ 250.00 fine | 30 days in jail | or both |
| 2 nd Offense | \$ 500.00 fine | 60 days in jail | or both |
| 3 rd Offense | \$1,000.00 fine | 90 days in jail | or both |

Imprisonment Until Compliance: If your contempt consists of the omission to do an act that the court finds you can yet perform, you may be imprisoned until you perform the act. R.C. 2705.06

Support Contempt: If you are found in contempt for failure to make child support or spousal support payments as ordered, in addition to all the other penalties, the court shall order you to pay all court costs and reasonable attorney fees to the other party. R.C. 3105.21, 3113.31(K) and 3105.18(G). In addition, if the court finds your failure to pay support was willful, it may require you to pay interest on your support arrearage. R.C. 3123.17

Health Insurance Contempt: If you are found in contempt for failure to comply with health insurance orders relating to minor children, you are liable for any medical expenses incurred as a result of your failure, and upon a 2nd offense, your child support obligation may be increased. R.C. 3119.44, R.C. 3119.45, and R.C. 3119.56

Parenting Time Contempt: If you are found in contempt for failure to comply with, or interfere with, parenting time rights, in addition to all other penalties, the court shall order you to pay all court costs and reasonable attorney fees to the other party and may also order compensatory parenting time to the other party. R.C. 3109.051(K)

Additional Penalties: In addition to all penalties imposed by statute, the court has inherent power to impose additional sanctions for contempt of Court. *Hale v. State*, 55 Ohio St. 210 (1896); *Zakany v. Zakany*, 9 Ohio St. 3d 192, 459 N.E.2d 870 (1984)

NOTICE: The Court may grant limited driving privileges under R.C. 4510.021 pursuant to a request (in the form of a proper motion) made by the accused, if the driver's license was suspended based on a notice issued pursuant to R.C. 3123.54 by a Child Support Enforcement Agency and if the request is accompanied by a recent noncertified copy of a driver's abstract from the registrar of motor vehicles.

DATE _____

 JUDGE/MAGISTRATE

**IN THE COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
MAHONING COUNTY, OHIO**

| | | |
|-----------------------------|---|--------------------------------|
| <hr/> |) | CASE NO. _____ |
| PLAINTIFF/PETITIONER |) | |
| |) | |
| VS/AND |) | REQUEST FOR |
| |) | COURT APPOINTED COUNSEL |
| <hr/> |) | |
| DEFENDANT/PETITIONER |) | |
| |) | |

I, _____, hereby acknowledge receipt of the Summons and Order to Appear as well as the Motion and Notice for the contempt hearing scheduled.

I believe myself to be indigent and unable to retain counsel for the hearing. I hereby apply for a court-appointed counsel for representation.

DATE: _____ **SIGNATURE** _____

Name and Address (print or type)

Home Phone: _____

Work Phone: _____

PLEASE RETURN THIS FORM TO:

**MAHONING COUNTY DOMESTIC RELATIONS COURT
Mahoning County Courthouse, 4th Floor
120 Market Street
Youngstown, Ohio 44503
Attn: Amy**