

Motion for Enforcement of [Name of Order Violated] by Contempt

1. This Motion is brought by [name], Plaintiff / Defendant / status in case.
Respondent to this Motion is [name of respondent].

2. Process should be served upon Respondent at: [address, city, state, zip code]].
(NOTE: Personal Service of Motion and Notice of Hearing must be personally served upon Respondent for civil or criminal contempt).

3. On [date] this Court signed an order that appears in the minutes of this Court at volume [volume], page [page], and states in relevant part as follows: Quote provisions of Order EXACTLY which you believe are relevant and were violated. [NOTE: The underlying order MUST be specific as to date, time and action or inaction required and must have command language. An order directing a party to answer discovery within 30 days is NOT an enforceable order by contempt. An order directing a party to turn over bank records on April 30, 2020, is NOT an enforceable order by contempt. An order commanding Party B to produce Bank of America records for account number XXY for time period x/x/x thru y/y/y to Party A's attorney at the address of BBB on date such and such by time such and such IS enforceable by contempt.]

Movant was the [plaintiff/defendant] and Respondent was the [plaintiff/defendant] in the prior proceedings.

4. Respondent [NAME] has failed to comply with the order described above as follows: [Note SPECIFICALLY how respondent has failed to comply. Your Motion must give actual, clear notice of the violation – by description and by date].

5. Movant requests the issuance of an Order to Appear, served personally upon Respondent, requiring Respondent to appear and Show Cause why Respondent should not be found in contempt for violations of this Court's orders and punishment assessed at proven damages, attorney's fees if allowed by statute, clarification of Respondent's duties, statutory fines and confinement in the Harris County Jail. Movant requests that at Respondent's initial appearance on this Motion that the Court read Respondent his legal rights and warnings, hold an indigence hearing, if appropriate and requested, and appoint counsel, as appropriate.

6. Movant seeks an order directing Respondent to: [If you want the respondent to have to do a certain act- or refrain from doing a certain act – list it specifically here]

6. Movant alleges that [describe performance that was expected of Respondent but which believe is no longer available – such as delivery of property] is no longer an adequate remedy. Movant requests judgment for \$[amount] to compensate Movant for the loss of [describe the loss].

7. Movant requests that Respondent be held in [civil/criminal] contempt, jailed, and fined for each violation alleged above, and that the terms run concurrently.

8. Movant alleges that Respondent has the present ability to comply with this Court's previous order and requests that Respondent be held in civil contempt confined in the Harris County jail until Respondent complies with the order of the Court, but no longer than () months. Alternatively, Movant requests that Respondent be held in civil contempt and commitment be deferred to a date certain but no later than [give date] and Respondent be given specific orders to [list actions to be performed] before [list date] and Respondent be sworn to re-appear in Court on [give date] to determine if Respondent has complied and if Respondent should or should not be committed to the Harris County jail to be confined there until Respondent complies with the Order of this Court.

8. Movant alleges that Respondent had the past ability to comply with this Court's orders and that an appropriate remedy for Respondent's willful noncompliance is criminal contempt. Movant requests that Respondent be held in contempt for each violation found, confined in the Harris County jail for up to 180 days on each violation, with the terms to run concurrently, and fined up to \$500.00 per violation. Alternatively, Movant requests that Respondent be held in criminal contempt for each violation found and ordered confined to the Harris County Jail for up to 180days on each violation but that Respondent's commitment be suspended upon specific terms and condition as determined by the Court.

9. Movant requests that, if the Court finds that any part of the order sought to be enforced is not specific enough to be enforced by contempt, the Court enter a clarifying order more clearly specifying the duties imposed on Respondent and giving Respondent a reasonable time within which to comply.

10. It was necessary to secure the services of [**name of attorney**], a licensed attorney, to enforce and protect the rights of [**name of Movant**]. Respondent should be ordered to pay reasonable attorney's fees, expenses, and costs, and a judgment should be rendered in favor of the attorney and against Respondent; or, in the alternative, reasonable attorney's fees, expenses, and costs should be taxed as costs and should be ordered paid directly to the undersigned attorney, who may enforce the order in the attorney's own name. Movant requests postjudgment interest as allowed by law.

Movant prays that citation and notice issue as required by law, that the Court render an order directing Respondent to appear in person at a date and time specific to answer this Motion, that the Court render an order directing Respondent to [**specify conduct**] and that Respondent be held in contempt and punished as requested, that the Court clarify any part of its prior order found not to be specific enough to be enforced by contempt, [**include if applicable:** for a judgment for \$[**amount**],] for attorney's fees, expenses, costs, and interest, and for all further relief authorized by law.

[Name]

Attorney for Petitioner

State Bar No.:

[Address]

[Telephone]

[Telecopier]