

NOTICE NOTICE NOTICE  
ATTACH TO SUMMONS (O.R.C. 2705.031)

**TO THE PERSON SERVED WITH THIS NOTICE: YOU ARE ACCUSED OF CONTEMPT OF A COURT ORDER. YOU SHOULD READ THIS NOTICE.**

(1) A notice of hearing date is attached. Your failure to appear at this hearing may result in the issuance of an order for your arrest. If this case involves alleged failure to pay support, the court may also issue an order for the payment of support by withholding an amount from your personal earnings or by withholding or deducting an amount from some other asset of yours.

(2) You have a right to be represented by legal counsel in this matter. If you believe that you are indigent, you must apply for a public defender or court appointed counsel within three business days after receipt of the attached summons. THE ADDRESS OF THE MONTGOMERY COUNTY PUBLIC DEFENDER'S OFFICE IS: 117 SOUTH MAIN STREET, REIBOLD BUILDING, 4<sup>TH</sup> FLOOR, DAYTON, OHIO. THE TELEPHONE NUMBER IS (937) 225-4652.

(3) The court may refuse to grant you a continuance at the time of hearing for the purpose of obtaining counsel, if you fail to make a good faith effort to retain counsel or to obtain a public defender.

(4) The following potential penalties could be imposed upon you, if you are found guilty of contempt for your failure to pay support, or for your failure to comply with, or your interference with, a visitation order or decree:

**STATUTORY PENALTIES:** FOR A FIRST OFFENSE, YOU MAY BE FINED NOT MORE THAN \$250 AND IMPRISONED NOT MORE THAN THIRTY DAYS, OR BOTH. FOR A SECOND OFFENSE, YOU MAY BE FINED NOT MORE THAN \$500 AND IMPRISONED FOR NOT MORE THAN SIXTY DAYS, OR BOTH. FOR A THIRD OFFENSE, YOU MAY BE FINED NOT MORE THAN \$1,000 AND IMPRISONED NOT MORE THAN 90 DAYS, OR BOTH. (R.C. 2705.05)

**IMPRISONMENT UNTIL COMPLIANCE:** IF YOUR CONTEMPT CONSISTS OF THE OMISSION TO DO AN ACT WHICH THE COURT FINDS YOU CAN YET PERFORM, YOU MAY BE IMPRISONED UNTIL YOU PERFORM IT. (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 OTHER PENALTIES, THE COURT MUST ORDER YOU TO PAY ALL COURT COSTS AND REASONABLE ATTORNEY FEES TO THE OTHER PARTY. (R.C. 3105.21, 3109.05(C); & 3105.18(G)). IN ADDITION, IF THE COURT FINDS YOUR FAILURE TO PAY CHILD SUPPORT WAS WILLFUL, IT MUST REQUIRE YOU TO PAY INTEREST ON YOUR CHILD SUPPORT ARREARAGES. (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 SECOND OFFENSE, YOUR CHILD SUPPORT OBLIGATION MAY BE INCREASED. (R.C. 3119.56, 3119.57, 3119.58)

**PARENTING TIME CONTEMPT:** IF YOU ARE FOUND IN CONTEMPT FOR FAILURE TO COMPLY WITH OR INTERFERENCE WITH ANY COMPANIONSHIP OR PARENTING TIME RIGHTS, IN ADDITION TO ALL OTHER PENALTIES, THE COURT MUST ORDER YOU TO PAY ALL COURT COSTS AND REASONABLE ATTORNEY FEES TO THE OTHER PARTY, AND MAY ALSO AWARD COMPENSATORY VISITATION TIME. (R.C. 3109.051(K))

**ADDITIONAL PENALTIES:** IN ADDITION TO ALL PENALTIES IMPOSED BY STATUTE, THE COURT HAS THE INHERENT POWER TO IMPOSE ADDITIONAL SANCTIONS FOR CONTEMPT OF COURT. (Hale v. State (1896), 55 Ohio St. 210; Zakany v. Zakany (1984), 9 Ohio St.3d 192.