

**FINDINGS / RECOMMENDATIONS /
ORDER OF ARREARAGE/CONTEMPT
NON-PAYMENT OF SUPPORT**

Court Case Number _____

IN THE _____ COURT OF _____ COUNTY, ALABAMA
STATE OF ALABAMA, ex rel.

Plaintiff _____ v. Defendant _____
Address _____ Address _____

FINDINGS:

This case having been heard on the _____ day of _____, _____, this Referee finds that the Court has jurisdiction over the parties and the subject matter. This Referee further finds that the Plaintiff OR Defendant was properly served with a summons and petition by:

personal service; certified mail.

The following persons were present:

- | | | |
|---|---------------------------------|---|
| <input type="checkbox"/> Plaintiff: | <input type="checkbox"/> Pro se | <input type="checkbox"/> Plaintiff's Attorney |
| <input type="checkbox"/> Defendant: | <input type="checkbox"/> Pro se | <input type="checkbox"/> Defendant's Attorney |
| <input type="checkbox"/> State's Attorney _____ | <input type="checkbox"/> Other | |

This case being submitted upon the Contempt Petition to Show Cause why the Plaintiff OR Defendant should not be held in contempt for failure to pay support as previously ordered. The Defendant OR Plaintiff was present and was advised as to the nature of these proceedings and the possible punishment(s) should he/she be found to be in contempt of court. Sworn testimony was taken and the Referee considered the evidence admitted AND/OR any and all agreements of the parties. The Referee hereby finds as follows:

1. The Defendant OR Plaintiff was ordered by the _____ Court of _____ County on the _____ day of _____, _____, to pay support in specified periodic payments.
2. The Defendant OR Plaintiff has has not failed to comply with the previous order of support and is \$_____ in arrears and interest as of the _____ day of _____, _____.
3. The Defendant's OR Plaintiff's failure to make the said support payments is or is not due to his/her willful neglect and is or is not due to an inability to pay.
4. The Plaintiff OR Defendant was ordered by the _____ Court of _____ County, Alabama on the _____ day of _____, _____, to provide health care coverage and/or cash medical support as follows:

5. The Plaintiff OR Defendant has failed to comply with the previous order to provide health care coverage and/or cash medical support.
6. The Plaintiff's OR Defendant's failure to provide health care coverage and/or cash medical support is because of the Plaintiff's OR Defendant's willful neglect and is not because of an inability to provide health care coverage and/or cash medical support.

IT IS THEREFORE RECOMMENDED BY THE REFEREE AS FOLLOWS:

1. Judgment is hereby rendered in favor of the Defendant OR Plaintiff and against the Defendant OR Plaintiff in the amount of \$_____ for the support arrearage and interest determined due as of the above date.
2. The Defendant OR Plaintiff is or is not declared to be "IN CONTEMPT OF COURT" because of his/her willful or excusable failure to pay support as previously ordered. A separate Order of Withholding is specifically incorporated herein as a part of this Order.
3. The Defendant OR Plaintiff after being advised as to how he/she might be purged of contempt and having failed to do so and having failed to show why the sentence of law should not be imposed, is hereby ordered incarcerated in the county jail until such time as the Defendant OR Plaintiff is purged of contempt by the following action:

A Referee's recommendation for incarceration must be ratified by the Judge before incarceration.

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The sentence is or is not suspended on the following conditions:

- Defendant OR Plaintiff pay \$_____ per _____ as current child support and \$_____ per _____ toward child support arrearages totaling \$_____.
 - Defendant OR Plaintiff pay \$_____ per _____ toward current spousal support and \$_____ per _____ toward spousal support arrearages totaling \$_____.
 - Defendant OR Plaintiff pay \$_____ per _____ toward medical support arrearages totaling \$_____.
 - Defendant OR Plaintiff pay interest on the above arrearages totaling \$_____.
 - Defendant OR Plaintiff must provide health care coverage.
4. Said sum(s) are to be reduced to a judgment for which execution issue. Interest will continue to accrue on said child support, medical support, and spousal support arrearage until the judgment has been satisfied in full as provided in *Ala.Code 1975, Section 8-8-10*.
5. All the above specified payments are to begin on the ____ day of _____, _____, and are to be made directly by the Defendant OR Plaintiff and are payable to **Alabama Child Support Payment Center at P.O. Box 244015, Montgomery, AL 36124-4015, OR**
- All the above specified payments are to be paid pursuant to this Court's separate Order of Withholding which this Court directs be served upon the Defendant's employer or Plaintiff's employer or Department of Industrial Relations at this time.
6. The Defendant OR Plaintiff shall notify _____ of any changes of address, employment, or lapses or changes in health care coverage (if applicable).
7. Cost of these proceedings are hereby taxed as follows: against Plaintiff, for which let execution issue; against Defendant, for which let execution issue; Waived.
8. Reference is hereby made in this Findings/Recommendations/Order of Arrearage/Contempt Non-Payment of Support to a separate income withholding order, the entry of which is required of this court by law, and which is specifically incorporated herein is part of this court's order in this case.
9. If the support payments are ordered paid directly to the Clerk of the Court, there shall be paid an additional \$1.00 administrative fee as provided in *Ala.Code 1975, Section 12-19-26*, with each periodic payment.
10. Other: _____

NOTICE

Pursuant to *Ala.Code 1975, Section 12-15-106 and Section 12-15-330, as amended by Act 2019-163*, the findings and recommendations of the Referee do not constitute an order until they are ratified by the original signature of the Judge. Within fourteen (14) days of the Referee's findings and recommendations being filed in the Clerk's Office, any party may file with the Clerk a written request for a rehearing before the Judge.

Recommended this the ___ day of ___, ___.

Signature of Referee

The findings and recommendations of the Referee are hereby ratified and shall constitute a final order in this case.

Date

Signature of Judge