

INSTRUCTIONS FOR COMPLETING THE AFFIDAVIT AND MOTION FOR BENCH WARRANT AND COMMITMENT TO ISSUE (Enforcement of Order for Child Support)

HEADING

The heading on this pleading should be the same as the heading in the original action for divorce, legal separation, paternity, or child support. The case number will also be the same.

- Choose the county in the drop down box below the first blank.
- Enter the name of the plaintiff exactly as on the original.
- Enter the name of the defendant exactly as on the original.
- The clerk of the district court assigned a case number when the original action was filed. You must include that case number on any papers you file.

a. IN THE DISTRICT COURT OF _____ COUNTY, NEBRASKA
(county where original action was filed) Choose the county

b. _____ Plaintiff,
(name of person listed as plaintiff in original action)

c. VS. _____ Defendant.
(name of person listed as defendant in original action)

d. Case No. CI _____
(case number assigned by clerk of court)

AFFIDAVIT AND MOTION FOR BENCH WARRANT AND COMMITMENT TO ISSUE

BODY OF AFFIDAVIT AND MOTION FOR BENCH WARRANT

This paragraph does not have a number. (The term “Child Support” shall include child support, health care expense, and/or childcare expense.)

- Enter your name.
- Enter the name of the person who was ordered to pay child support.

A. _____ COMES NOW _____, without assistance of an
(your name)

attorney, and moves the court to take judicial notice of the court file in the above case and to issue a Warrant and Commitment for _____
(name of person ordered to pay child support)

B. _____ for the following reason:

The numbers below give instructions for completing the paragraphs with the same numbers in the Affidavit and Application for Order to Show Cause:

Paragraph 1.

- In the first blank, enter the name of the county where the original divorce, legal separation, paternity, or other child support action was filed.

1. That the District Court of _____ County entered an order on
(county where original action was filed)

- In the second blank, enter the date the judge signed the order finding the party in contempt.
- In the third blank, enter the name of the person ordered to pay child support.

b) _____, finding _____
(date of order finding contempt) (name of person ordered to pay child support)

c) _____

d) In the fourth blank, enter the name of the person ordered to pay child support.

d) childcare expenses as previously ordered to _____
(name of person ordered to pay child support) (nu

e) In the fifth blank, fill in the number of days the person was sentenced in the contempt order.

e) _____ 1 by the court. The court sentenced _____ days in jail.
(number of days of sentence)

Paragraph 2.

f) Enter the name of the person ordered to pay child support.

2. That the district court allowed _____ the _____
(name of person ordered to pay child support)

opportunity to purge his/her contempt by paying: Check all that apply:

g) In the large outlined box, check the box(es) that correspond to the purge opportunity provided for in the order of Child Support Contemp. This is the prior order that the judge filled out after the contempt hearing, ordering a sentence with purge plan.

h) For each statement that you checked the box for:

- a. enter the amount in the first blank,
- b. enter the date the payments were to begin in the second box, and
- c. enter for how many months the payments were to continue in the third box.

g) child support of _____ per month beginning _____
(amount of monthly child support ordered) _____
(date purge plan for child support ordered to begin)

for _____ consecutive months.
(length of purge plan)

childcare expenses of _____ per month beginning _____
(amount of child-care expenses ordered) _____
(date purge plan for child-care expenses ordered to begin)

for _____ consecutive months.
(length of purge plan)

health-related expenses of _____ per month beginning _____
(amount of health-care expenses ordered) _____
(date purge plan for health-care expenses ordered to begin)

for _____ consecutive months.
(length of purge plan)

a. _____

b. _____

c. _____

Paragraph 3.

i) In the first blank, enter the name of the person ordered to pay child support.

i) 3. _____ has failed to make the payments
(name of person ordered to pay child support)

required by the purge plan. Check all that apply:

- j) In the large outlined box, check the box(es) that correspond to the purge opportunity provided for in the order of Child Support Contemp.
- k) For each statement that you checked the box for,
 - a. enter the date of the attached record that you obtained from either the Child Support Payment Center or the clerk of the district court in the first blank.
 - b. In the second blank enter the name of the person ordered to pay child support.
 - c. In the third blank enter the date of the Oder of Child Support Contempt.

Child support: That as of _____ the records of _____
(date of Child Support Payment Center record, attached)
 Child Support Payment Center reflect that _____
(name of person ordered to pay child support)
 failed to make the child support payments as required in the order dated _____
(date of order finding contempt). A Certified Payment History is
(date of order finding contempt)
 attached hereto and incorporated by reference as if fully set forth herein.

Childcare expenses: That as of _____ the records of _____
(date of the clerk of district court's record, attached)
 the clerk of the district court reflect that _____
(name of person ordered to pay child support)
 failed to make the childcare expense payments as required in the order dated _____
(date of order finding contempt). A certified copy of the clerk's records
(date of order finding contempt)
 reflecting the payment history is attached hereto and incorporated by reference
 as if fully set forth herein.

Health care expenses: That as of _____ the records of _____
(date of the clerk of district court's record, attached)
 the clerk of the district court reflect that _____
(name of person ordered to pay child support)
 failed to make the health care expense payments as required in the order dated _____
(date of order finding contempt). A certified copy of the clerk's
(date of order finding contempt)
 records reflecting the payment history is attached hereto and incorporated by
 reference as if fully set forth herein.

j.

a.

b.

c.

CLOSING PARAGRAPH (Beginning with "WHEREFORE")

- l) Enter the name of the person ordered to pay child support.

l) ~~WHEREFORE~~, affiant respectfully requests the court issue a warrant for the
 arrest of the above-named _____
(name of person ordered to pay child support)

FINAL SIGNATURE

a. DO NOT SIGN THE AFFIDAVIT AND MOTION UNTIL YOU ARE BEFORE A NOTARY PUBLIC.

- b. Enter the date.
- c. Print your name.
- d. Enter your full street address.
- e. Enter your city, state, and ZIP code.
- f. Enter your telephone number, including the area code.
- g. Enter your email address, if any.

Signature: _____ Date: _____

Printed Name: _____

Street Address/P.O. Box: _____

City/State/ZIP Code: _____

Telephone Number: _____

*Email address: _____

Callout boxes: a. points to Signature; b. points to Date; c. points to Printed Name; d. points to Street Address/P.O. Box; e. points to City/State/ZIP Code; f. points to Telephone Number; g. points to *Email address.

Notary Section will be completed by a Notary Public.

***This form must be signed and sworn to in the presence of a notary public.
You must bring a photo identification for the notary to verify your identity.***