

STATE OF INDIANA

)

IN THE

[REDACTED]

)SS:

COUNTY OF

[REDACTED]

)

CAUSE NO.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

)

PETITIONER'S VERIFIED MOTION FOR CONTEMPT FOR FAILURE TO PAY CHILD SUPPORT

Comes now the Petitioner, [REDACTED] (hereinafter, "[REDACTED]"), in person and by counsel, Bryan L. Ciyou, and files her Petitioner's Verified Motion for Contempt for Failure to Pay Child Support, pursuant to Ind. Code § 34-47-3-1 and in support thereof, shows the court as follows:

1. That Respondent is \$ [REDACTED] in arrears in child support just in the last twelve (12) weeks since the preliminary hearing in this matter on [REDACTED]
2. That Respondent is Ordered to pay \$ [REDACTED] per week pursuant to the parties' Agreed Preliminary Order (hereinafter "Order") entered on or about [REDACTED]
3. That no Orders have been issued modifying this obligation to date.
4. That on [REDACTED] Respondent filed Father's Summary of Financial Evidence and Brief In Support Of Petition To Modify Preliminary Order recommending that Father pay [REDACTED] (\$ [REDACTED]) per week in child support, same has not yet been ruled on.
5. That a hearing on Petitioner's prior Verified Motions for Contempt, and other Motions, was held on [REDACTED]

6. That since the [REDACTED] hearing, Father has only made *one* payment for \$ [REDACTED]¹ through the County and/or State as Ordered (See attached Exhibit "1" Child Support Docket), and Father made two (2) payments in the amount of \$ [REDACTED] to directly Mother on or about [REDACTED] and [REDACTED]², *in twelve (12) weeks*, resulting in a \$ [REDACTED] *arrears*, from [REDACTED] through [REDACTED]

7. That assuming, *arguendo*, the Court decides to modify Father's child support obligation pursuant to Father's request in his Summary of Financial Evidence and Brief In Support Of Petition To Modify Preliminary Order, to \$ [REDACTED] per week, *Father is still \$ [REDACTED] in arrears, just in twelve (12) weeks.*

8. That Respondent has willfully failed, refused, and neglected to abide by the Order of this Court and his agreement with Mother, which should be upheld, to pay \$ [REDACTED] per week in child support, and his bad faith effort to pay even the minimal support which he himself directed this court to determine that he could afford pursuant to his [REDACTED] filing, further shows his willful disregard for this Court's orders and his refusal and neglect to support his children at even the minimal amount he has stated that he can now afford.

9. That this is just another example of Respondent's pattern of failure to abide by Court Orders and provide support for his children.

¹ Father did make two (2) payments prior to the [REDACTED] court hearing though the County, on [REDACTED] and [REDACTED] but was still severely in arrears as was litigated at the [REDACTED] hearing, and which the decision thereon is still pending.

² Petitioner requested that Respondent make the payments through the Clerk of the [REDACTED] [REDACTED] as Ordered, but Respondent refused. Petitioner accepted the funds directly from Respondent only due to the extreme financial hardship created by Respondent upon Petitioner in not paying any support for several weeks, and her need for the funds immediately to provide for the needs of the children; however her acceptance does not infer acquiescence or agreement that child support payments be provided directly to her in the future, but rather she would prefer Respondent to pay through the county as Ordered.

10. That Respondent's willful disregard to the Court's Order is not due to financial hardship since Respondent requested the support obligation be \$ [REDACTED] and has not *even* attempted in good faith to at least make child support payments in that amount.

11. Petitioner requests an immediate hearing be held on this matter.

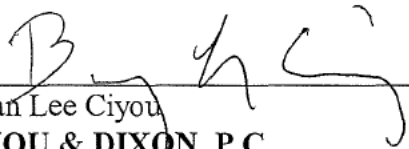
12. Petitioner has expended considerable sums in attorney's fees because of Respondent's willful and neglectful failure to abide by this Court's order, and requests attorney fees.

13. That Petitioner requests the Court find Respondent in contempt for his willful failure and disregard of following Court orders, issue appropriate sanctions, and for attorney fees.

WHEREFORE, the Petitioner, by Counsel, requests that a hearing on Petitioner's Verified Motion for Contempt for Child Support be heard, be awarded, that attorney fees be awarded, and for all other relief just and proper in the premises.

Respectfully submitted,

CIYOU & DIXON, P.C.


Bryan Lee Ciyou
CIYOU & DIXON, P.C.
320 North Meridian Street
Suite 600
Indianapolis, Indiana 46204

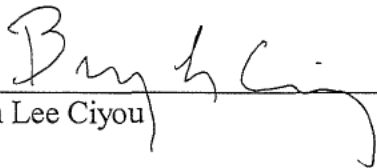
VERIFICATION



CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been duly served upon all parties of record via U.S. Mail, this the [REDACTED]

[REDACTED]



Bryan Lee Ciyou

Bryan Lee Ciyou
CIYOU & DIXON, P.C.
320 North Meridian Street, Suite 600
Indianapolis, Indiana 46204
Telephone (317)972-8000
Facsimile (317) 955-7100

