

Contempt of Court? Huh?

How you can be held in contempt of court in a Minnesota child support or other family law proceeding

“Contempt of court” is one of those terms that is easy to hear over and over again on TV courtroom dramas without ever really understanding it. But, if you’re involved in a Minnesota child support case, **divorce**, or similar family law



Contempt? Not for Rick!

proceeding, you should know what contempt of court is and how it can apply to you.

So what is it?

There are two different kinds of **contempt**: criminal contempt and civil contempt. Criminal contempt is a criminal offense that you can be charged with for past defiance of something a court tells you to do. There can be significant penalties for criminal contempt, like several months in jail and a fine that could be upwards of \$1000. In other words, you really don’t want to be charged with criminal contempt! Civil contempt is the failure to obey a court order that the court enters in favor of another party during a civil proceeding. A civil proceeding is a lawsuit that one person brings against another person, in contrast to a criminal proceeding, which the state brings against someone. The penalties for civil contempt can also be severe and can include jail time and/or a fine. However, for civil contempt, you won’t be sent to jail unless you are currently capable of doing whatever it was that the court ordered you to do and you failed to do.

The difference between civil contempt and criminal contempt is mostly in the purpose behind them: civil contempt is something imposed to encourage you to comply with future court orders, and criminal contempt is something imposed to punish you. That means that criminal contempt is reserved for more serious violations of a court order. For example, if your ex was ordered to pay child support to you and fails to pay, he or she could be held in civil contempt. But if you try to get your ex to pay the support owed and he or she threatens to harm you for trying to enforce the support order, your ex could be charged with criminal contempt.

Civil contempt and family law situations

Civil contempt is the one that’s more likely to be applicable in the family law context. As above, civil contempt is often the solution to non-compliance with a child support order. It could also be a way to get your ex to start making those **alimony payments** he was supposed to.

The most common contempt situation is **child support issues**, specifically refusing to pay past child support. This can be an issue that truly will torment the person not paying the support. If a warrant is issued (and it will be eventually) every traffic stop, every time a police officer drives by, will cause severe anxiety!

Purge conditions for contempt

If you have been found to be in (civil) contempt, that finding might come with something called “purge conditions.” Think of these as an escape clause. The purge conditions set out certain things you have to do to be in compliance with the court’s orders; if you comply, you won’t have to serve the sentence that the court set out for the civil contempt finding.

Contempt of court can take a while to be in place, but once there it can be a serious tool to enforce a court order. Every county is a little different, Ramsey County and Martin County will view the violation quite a bit differently, so be sure to hire a lawyer who frequently goes to the county you are dealing with contempt in.

Any questions or comments, feel free to post below, email me at Jkohlmeier@rokolaw.com or visit our [Mankato Divorce Superwebsite](#).

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Remember this is not legal advice, for that you need to sign a retainer and pay a lawyer. This is just my commentary on the law.