

## Contempt Actions – What is Contempt?

Written by Alex

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*Contempt* is failing to follow a judge's clear order even now you are able to do so, under the General Laws, Chapter 215, Section 34. You can see it under

*Larson v. Larson*

, which is

28 Mass.App.Ct. 338 1990

saying that a Contempt Action or law suit can be filed for violation of any of the court order.

For instance, you can file Contempt if your spouse has not paid child support.

However, contempt actions are based on accusations that someone is not following the court's direct order and the judges tend to feel that the authorities are being challenged in many ways will act accordingly.

Another problem that has to be looked at, is even if you made an agreement with the other side about an existing court order, the agreement must be put in writing and has to be approved by the court in order to avoid future contempt actions. There is

case law showing that even an agreement between the parties do to something like child support does not mean that a contempt complaint could not be brought at a later time.

There are two different types of contempt actions. One is *civil* and one is *criminal*.

It is important to determine which type of action applies.

The difference is, a criminal contempt action is to punish you; and the purpose of the civil contempt is to make sure you do what the judge tells you to do.

If it is criminal you are entitled to protection that a criminal defendant has; including even the possibility of requesting a jury and the case has to be proven beyond a reasonable doubt.

Criminal contempt's are rarer in Probate and Family Court and more likely to be civil in nature, but you should examine that.

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You should bear in mind, that the Court does have the power to go as far as to put you in jail if you are not obeying the court orders, which is under General Laws, Chapter 215, Section 34, but you must be found to obey the orders.