

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_

*county in which divorce is pending*

-----X

Plaintiff, : Index No. \_\_\_\_\_  
 : *insert court index no.*  
-against- : **AFFIDAVIT IN SUPPORT**  
 : **OF MOTION FOR**  
 : **CONTEMPT**  
 :  
Defendant. :  
-----X

STATE OF NEW YORK )  
COUNTY OF \_\_\_\_\_ ) s.s.:  
*where this affidavit is signed*

I, \_\_\_\_\_, being duly sworn, depose and say that:  
*your name*

1. I am the \_\_\_\_\_ in this divorce action.  
*Plaintiff / Defendant*

2. I submit this affidavit in support of my Motion for civil and criminal contempt sanctions against \_\_\_\_\_ for his/her willful failure to comply with the  
*opposing party's name* *circle one*  
Order or Judgment of this Court, dated \_\_\_\_\_. A copy of that Order or  
*date of Order or Judgment*

Judgment is annexed to this affidavit as **Exhibit A. (attach copy of Order or Judgment)**

3. On \_\_\_\_\_, this Court awarded me temporary/final:  
*date of Order or Judgment* *circle one*

**(Check the applicable boxes)**

- Child Support
- Maintenance/Spousal Support
- Custody
- Visitation
- Equitable Distribution of Marital Property
- Other \_\_\_\_\_  
*describe other relief awarded*

---

---

---

---

4. Copy of such Order/Judgment was served upon \_\_\_\_\_  
*opposing party's name*  
by \_\_\_\_\_ on \_\_\_\_\_.

5. \_\_\_\_\_ should be held in contempt of this  
*opposing party's name*

Court's Order or Judgment  
because: \_\_\_\_\_

---

---

---

Describe why you think the opposing party should be held in contempt. Include specific details of what he or she has done or not done to comply . Provide affidavits of witnesses and police incident reports documenting custody or visitation violations.

6. Attached to this affidavit as **Exhibit B** is the following documentation showing  
that \_\_\_\_\_ has wilfully and intentionally failed to comply with the  
*opposing party's name*

Order or Judgment of this Court:

---

---

Provide letters from opposing party. Where the basis for contempt is failure to pay support despite the means and ability to do so, provide evidence of opposing party's income and assets, including his or her sworn affidavit of net worth, bank statements, tax returns, etc.

**7.** I believe that nothing less than a fine and incarceration will persuade

\_\_\_\_\_ to comply with the Court's Order or Judgment. Other  
*opposing party's name*  
enforcement devices, including income deduction Orders, income executions, sequestration or  
posting of a bond will be or have been unsuccessful because: \_\_\_\_\_

---

---

---

For example, include, if applicable, that opposing party is self-employed or employed off the books, has transferred assets to another party, or that the contempt relates to custody or visitation violations.

**8.** If \_\_\_\_\_ is not forced to comply with this  
*opposing party's name*

Order, I will suffer the following hardships: \_\_\_\_\_

---

---

Describe hardships. Some examples include, but are not limited to: possible eviction; loss of relationship with child(ren); foreclosure; inability to pay for basic necessities such as food, clothing, shelter or health care.

**9.** \_\_\_\_\_'s willful and intentional noncompliance with the  
*opposing party's name*

Order or Judgment of this Court has defeated, impaired, impeded and prejudiced my rights.

10. a)  I have made no prior application for the relief requested in this Motion. or  
b)  If prior application made, set forth the results of such prior application.  
*check one*

**WHEREFORE**, I respectfully request that my Motion be fully granted.

Sworn to before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 200\_\_  
(THIS AFFIDAVIT MUST BE NOTARIZED)

\_\_\_\_\_  
*sign your name*

**Print name, address and telephone no.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

06/27/05