



## ENFORCING A COURT ORDER IN A FAMILY LAW CASE

If the other party in your case is violating the Court's order, then the remedy is to file what's called an ***Ex Parte Verified Motion to Enforce Domestic Order and for Sanctions***. Obtaining relief through this Motion involves 1 – 3 steps.

**1<sup>st</sup> Step:** You (or your attorney) must file the following documents with the Court:

1. *Ex Parte Verified Motion to Enforce Domestic Order and for Sanctions*
2. Any documents you have which support your request
3. Request to Submit for Decision
4. Order to Attend Hearing

Next, the Court will review your filings and schedule a hearing for your Motion. Hearings are usually scheduled to occur 45 – 60 days after a Motion is filed.

**Note:** If your case was filed in the 3<sup>rd</sup> Judicial District (Salt Lake, Summit or Toole County) AND your Motion alleges a violation of your parent-time rights, ex. the other party is not following the parenting plan, then you will be required to participate in a mediation through the court-sponsored Co-Parenting Mediation Program before a hearing for your Motion can be scheduled. To schedule the mediation, you must first complete a ***Co-Parenting Mediation Referral Form*** (<https://www.fairpricelawyers.com/forms/>), which will be filed with your Motion. Courts will usually schedule the mediation to occur within 15 days. These mediations typically last 2 hours. Each party must pay \$40/hour for the mediation; however, the fee can be reduced or waived based upon your income. If you are unable to resolve your case through mediation, the Court will schedule a hearing for your Motion.

**2<sup>nd</sup> Step:** After the Court schedules a hearing for your Motion, you (or your attorney) must serve the other party with your Motion and other filed documents at least 28 days before the hearing. The other party may oppose your Motion by filing a *Memorandum Opposing* the Motion. You (or your attorney) can respond by filing a *Reply Memorandum Supporting* the Motion.

**3<sup>rd</sup> Step:** At the hearing for your Motion, both parties (or their attorney) will have a chance to explain their positions. The Court will listen to both sides and determine whether the offending party knew about the Court's order, had the ability to follow the order, and willfully failed to comply with the order. If all three elements are found, the Court will take action against the offending party, which may include anything from a stern warning to a fine and possibly jail time.