

MOTION TO ENFORCE; What to do with these Court Forms

Here are a few tips for filling out the forms:

- Always use full legal names, not nicknames.
- Type or print neatly. If you have access to a computer, you may be able to fill out the forms on-line at www.ptla.org.
- You must file each form with the court. Before you do that, make at least two copies of your completed forms - one for yourself and one for the other party. You will need to find a place to make copies (like a library). The court clerk cannot make copies for you.

STEP ONE: Filling out the forms

Motion to Enforce

The section at the top of the form is called the “caption.” Look at the caption from your original Court Order and copy the court location, docket number and names of Plaintiff and Defendant.

(This information stays the same. If you were the defendant before, you are still the defendant, even though you are the one filing the motion.) If you can’t find your original order, you can buy a copy from the clerk.

If any of your mutual children get (or have gotten) AFDC, TANF or Medicaid, make an extra copy of the motion and mail it to the Department of Human Services. The address is on the form. You should also do this if you have asked DHS to collect child support for you.

If you are trying to enforce the amount of child support only, check that box under the words “Motion to Enforce.” Complete pages 1 & 2 of the form and leave page 3 blank.

Child Support Affidavit

Fill out the “caption” the same way that you did on the Motion. Fill out the rest of the form to the best of your knowledge. Note that you list **last year’s earned income** and **this year’s expected earned income** separately under #1. Also note that you list **other income** separately, under #2 and **in-kind income** under #3. You may have to look at your records, if you have them, to get financial information. You must sign this form in front of a Notary Public. You can find a Notary at a bank, legal services office, through your own town office, or at the court clerk’s office.

After the other party gets your motion, the court will ask him/her to fill out the same financial form and send you a copy.

STEP TWO: Serve the forms

Now you must provide copies to the other party. This is called “serving” the court papers. Court rules say you can do this in one of two ways. You can mail the copies, asking the other party to agree to “service.” Or, you can pay a sheriff to give the copies to the other party.

Service by Mail

Mail or hand-deliver these papers to the other party:

- Copy of **Motion to Enforce**
- Copy of **Child Support Affidavit**
- Two copies of **Acknowledgment of Receipt** (after you have filled in the caption on both copies)
- Stamped, self-addressed envelope.

The **Acknowledgment of Receipt** asks the other party to sign it to show he/she got the papers. It must be returned to you within 20 days.

If you get the signed **Acknowledgment** back within 20 days, go on to Step 3. If not, then you will need to pay for service by a sheriff.

Service by Sheriff

Mail or take to your county sheriff’s office:

- The original and one copy of the **Motion to Enforce**
- Copy of **Child Support Affidavit**.

In a letter, or in person, ask the sheriff’s office to serve the papers on the other party. Give the other party’s home address. If you think the other party will be hard to find at home, give the other party’s work address. The deputy who “serves” the papers will complete page 2 and return the original motion to you.

STEP THREE: Filing the papers

After you have completed service of the papers on the other party, file the original papers with the court clerk. First, fill out the **Summary Sheet**, which has its own instructions. The clerk won’t accept your papers for filing without a completed **Summary Sheet**.

After the other party has been provided with the papers, hand-deliver or mail to the court clerk these **original forms**:

- **Summary Sheet**
- **Motion to Enforce** (with deputy’s signature if you use sheriff’s service)
- **Acknowledgment of Receipt** (if you used service by mail)
- **Child Support Affidavit**

If you are trying to enforce payment of child support only, there is no filing fee. Otherwise, the filing fee is \$25.00. If you cannot afford court fees or sheriff's service, you can ask the clerk for an **Application to Proceed Without Payment of Fees** and an **Indigency Affidavit**. Fill out these forms and sign them in front of a Notary Public. Then file the forms with the clerk. A judge will review your financial information and decide whether you qualify for a fee waiver. If the waiver is denied, **you must pay the filing fee within 7 days**. If the waiver is granted, you won't have to pay certain court fees.

STEP FOUR: Case Management Conference

You and the other party are required to attend a case management conference at the court. Within two weeks after you file in court proof of service of the motion and child support affidavit, the court will notify you of the date and time of the conference.

Included in this packet is an information sheet about the conference called **Important Information Regarding Case Management Conference**.

HELPFUL RESOURCES

Video. The court has a video that explains the court process for modifying or enforcing a judgment.

Mediation. A mediator may be able to help you and the other party reach an agreement on issues relating to your case. The court has a video explaining what mediation is. Mediation can be arranged through the court or a private mediator.

Parent education. A parent education program specifically designed for divorcing or separating parents may help you focus on the needs of your children.

For more information about these resources, speak with the court clerk.