

Enforcement of Orders



After a court makes orders concerning child custody, possession (*i.e.*, visitation), and/or child support, often there are disputes as to whether a party is following those orders. Parties make decisions for which they do not have authority. They refuse to provide information when required. They fail to surrender or return a child to another party for the other party's possession period. They fail to pay child support or health-care expenses of a child.

The Family Code, as interpreted by the courts, has specific and detailed procedures and other rules for the enforcement of these orders. Our knowledge of these procedures and rules enables us to represent our clients, whether those clients are seeking the enforcement or they are defending themselves against allegations they violated a court order.

The order to be enforced must be specific enough for enforcement, clearly informing the allegedly offending party exactly what that party was required to do or not to do. The motion for enforcement has to state specifically the manner in which the offending party violated the order.

If the party filing the motion wants the offending party held in contempt of court and thereby subject to confinement in jail, the underlying order must be one that is punishable by contempt. For example, an order requiring a party to pay daycare expenses is not punishable by contempt unless the order expressly states that the obligation to pay those daycare expenses is a form of child support. If not and the daycare expenses are an ordinary debt, then the most the court can award the party filing the motion for enforcement is an ordinary money judgment.

Even the drafting of an enforcement order and the deadline for the judge to sign that order have specific rules that apply to them. The failure to comply with these rules can undo all the work preparing and trying the enforcement suit.

Related Attorneys

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