



Civil Contempt in Arkansas Divorce Cases

Many times in family law cases, the question or issue arises as to the liability of a party to comply with terms of custody, visitation, and or child support. A civil contempt proceeding is instituted to preserve and enforce the rights of private parties to suits and to compel obedience to orders and decrees made for the benefit of those parties. *Dennison v. Mobley*, 257 Ark. 216, 515 S.W.2d 215 (1974); see also *Gompers v. Bucks Stove & Range Co.*, 221 U.S. 418, 31 S. Ct. 492, 55 L. Ed. 797 (1911).

This court has held that willful disobedience of a valid order of a court is contemptuous behavior. *Omni Holding & Dev. Corp. v. 3D.S.A., Inc.*, 356 Ark. 440, 450, 156 S.W.3d 228, 235 (2004). However, before one can be held in contempt for violating the court's order, the order must be definite in its terms and clear as to what duties it imposes. *Id.*

For this reason, our firm takes a lot of time in drafting our documents and works hard to make sure that the terms of our divorce decrees and accompanying property settlement agreements definite and clear as to the duties imposed on the parties. Unfortunately, we see way too often where parties and/or other attorneys leave very ambiguous language in their final orders that can't be clearly interpreted by the courts.

Family law parties should request this key ingredient in any final order or final decree of divorce, or order for modification, custody, child support and or order for visitation. This ensures that the sought after terms can be legally enforced under contempt for non-compliance or failure to follow the court's order.

Disclaimer

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