

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF NEVADA**

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| PLAINTIFF/PETITIONER: | <i>FOR COURT USE ONLY</i> |
| CITEE/RESPONDENT: | |
| OTHER PARENT: | |
| CONTEMPT ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM | |
| CASE NUMBER: | |

| INSTRUCTIONS | | |
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| Fill out this form if you wish to admit to the contempt charges against you. Initial the box for each applicable item <i>only</i> if you understand it. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge. | | |
| 1. | RIGHT TO AN ATTORNEY: I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that the court will appoint a free attorney for me if I cannot afford to hire one, but at the end of the case, I may be asked to pay all or a part of the cost of that attorney, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself. | <u>INITIALS</u> |
| 2. | NATURE OF THE CHARGES: I understand that I am charged with _____ counts of contempt for willful failure to pay child, spousal or family support for the following months: Count: ____ for the period of _____ [date]; Count: ____ for the period of _____ [date] Count: ____ for the period of _____ [date]; Count: ____ for the period of _____ [date] Count: ____ for the period of _____ [date]; Count: ____ for the period of _____ [date] Count: ____ for the period of _____ [date]; Count: ____ for the period of _____ [date] Count: ____ for the period of _____ [date]; Count: ____ for the period of _____ [date] <input type="checkbox"/> See attachment 2. | |
| 3. | I understand the charges against me and the possible pleas and defenses. | |
| 4. | CONSTITUTIONAL RIGHTS: Right to a Non-jury Trial (Trial by Judge): I understand that I have the right to a speedy, public trial by a trial judge. At the trial, I would be presumed innocent, and I could not be found in contempt unless the trier of fact was convinced of my guilt beyond a reasonable doubt. | |
| 5. | Commissioner Not a Judge: I understand that a court commissioner is not a duly elected or appointed trial judge. I have the right to separately agree for a court commissioner to hear my trial as a temporary judge, and I also have the right to decline to agree, in which case the trial would be heard before a regular trial judge. | |
| 6. | Right to Confront Witnesses: I understand that I have the right to confront and cross-examine all witnesses testifying against me. | |
| 7. | Right Against Self-Incrimination: I understand that I have the right to remain silent and not incriminate myself, and the right to testify on my own behalf. I understand that by admitting the charges, I am incriminating myself. | |
| 8. | Right to Produce Evidence: I understand that I have the right to present evidence and to have the court issue subpoenas to bring into court all witnesses and evidence favorable to me, at no cost to me. | |

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| 9. | WAIVER OF RIGHTS: | |
| 9.A | Understanding all this, for all the charges against me: I give up my right to an attorney, and I choose to represent myself. <i>(Does not apply if you have an attorney.)</i> | |
| 9B. | I give up my right to trial. | |
| 9C. | I consent to this matter being heard and determined by a court commissioner sitting as a temporary judge. | |
| 9D. | I give up my right to confront and cross-examine witnesses. | |
| 9E. | I give up my right to remain silent and to not incriminate myself. | |
| 9F. | I give up my right to produce evidence and witnesses on my own behalf. | |
| 10. | CONSEQUENCES OF ADMISSION: I understand that the possible consequences for contempt include the following FOR EACH COUNT: <ul style="list-style-type: none"> • First finding of contempt: Up to 120 hours community service, or up to 120 hours (5 days) jail. • Second finding of contempt: Up to 120 hours community service, and/or up to 120 hours (5 days) jail, and a fine of up to \$2,700 (\$1,000 plus penalty assessments.) • Third finding of contempt: Up to 240 hours community service, up to 240 hours (10 days) jail, and pay an administrative fee that covers the cost of supervision by the community service program (not to exceed the actual supervisorial and administrative cost). • I may also be subject to informal probation. Per CCP 1218(c)(1)(D), the court will take the parties' employment schedules into account when ordering imprisonment or community service. | |
| 11. | STIPULATED DISPOSITION (If applicable) I have negotiated a disposition of one or more count(s), which is attached hereto as Attachment 11. I understand that if the Court does not accept the agreed upon disposition, I will be allowed to withdraw my plea, deny the charges, and proceed to a trial on the merits of each count for which a denial is entered. | |
| 12. | PLEA: I hereby freely and voluntarily admit that I am in contempt as to the following counts: Count: ____ for the period of ____ [date]; Count: ____ for the period of ____ [date] Count: ____ for the period of ____ [date]; Count: ____ for the period of ____ [date] Count: ____ for the period of ____ [date]; Count: ____ for the period of ____ [date] Count: ____ for the period of ____ [date]; Count: ____ for the period of ____ [date] Count: ____ for the period of ____ [date]; Count: ____ for the period of ____ [date] Count: ____ for the period of ____ [date]; Count: ____ for the period of ____ [date] <input type="checkbox"/> See attachment 12. | |
| 13. | For each of the foregoing counts, I admit that a lawful order of support was entered, that I had knowledge of that order, and that I willfully did not comply with the order, having the ability to do so in whole (or in part according to my ability). | |
| 14. | I understand that I have the right to be sentenced at least six hours and not later than five days after my plea. I give up this right and agree to be sentenced at this time. | |
| 15. | I understand that I have the right to enter my plea before, and to be sentenced by, a judge. I give up this right and agree to enter my plea before, and to be sentenced by a Commissioner. | |

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| Date: | Citee's Signature: |
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CASE NAME:

CASE NUMBER:

ATTORNEY'S STATEMENT

I am the attorney of record for the Citee. I have gone over this form and any attachment(s) with my client. I have explained each of the Citee's rights to the Citee and answered all of the Citee's questions with regard to this plea. I have discussed the facts of the Citee's case with the Citee, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I concur in this plea and in the Citee's decision to waive constitutional rights.

Date: _____ Signature of Citee's Attorney: _____

INTERPRETER'S STATEMENT (If Applicable)

I, having been sworn or having a written oath on file, certify that I truly translated this form to the Citee in the language indicated below. The Citee stated that (s)he understood the contents of this form, and then (s)he initialed and signed the form.

Language: ☐ Spanish ☐ Other (*specify*): _____

Date: _____ Signature of Interpreter: _____ Print Name: _____

COURT'S FINDINGS AND ORDER

The court, having reviewed this form, and any addendum, and having questioned the Citee concerning the Citee's constitutional rights, finds that the Citee has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The court further finds that the Citee's plea(s) and admission(s) are freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea(s). The court further finds that 1) A valid order was previously entered, 2) the Citee had knowledge of the order, 3) Citee willfully failed to obey the order, 4) Citee had the ability to obey the order in whole or in part. The court finds the Citee in Contempt. The court accepts the Citee's plea(s), and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

Date: _____

Judicial Officer, Nevada County Superior Court

ATTACHMENT 11 (Stipulated Disposition)

The Citee shall:

- ☐ Pay a fine of \$ _____ (includes penalty assessment).
- ☐ Serve _____ hours in county jail.
- ☐ Perform _____ hours of community service by _____ [date].
- ☐ Imposition / ☐ Execution of judgment and sentence is suspended. The Citee is granted conditional, revocable, summary court probation for a term of _____ months from this date on the following terms and conditions, imposed on the Citee as indicated by checkmark in each box below:

- ☐ The Citee shall serve _____ hours in county jail.
- ☐ The Citee shall perform _____ hours of community service by _____ [date].
- ☐ The Citee shall timely pay CURRENT support, which is presently \$ _____ /month.
- ☐ The Citee shall timely pay PAST support, in a minimum amount of \$ _____ /month.
- ☐ The Citee shall maintain full time employment of 40 hours per week.
- ☐ The Citee shall fully comply with the terms of the Citee's Employment Efforts Order dated _____ [date].
- ☐ The Citee shall obey all laws, including, but not limited to, timely appearance at all required court proceedings.
- ☐ The Citee shall report within ten (10) days any change of residence address, telephone number, or change in work circumstances (i.e., change of employer, rate of pay, etc.) to the Clerk of the Court and to the Sierra Nevada Regional Department of Child Support Services (SNRDCCS) at the following office:

Nevada County: SNRDCCS, 950 Maidu Ave, Suite 140, Nevada City CA 95959-7902
(530) 265-7097

- ☐ This case is continued to _____ [date] at _____ [time] in Department _____ for a compliance review, and Citee is ordered to return to court at said date and time, unless excused in writing by the SNRDCCS, a copy of which shall be filed with the court.

- ☐ OTHER: