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IN THE CIRCUIT COURT OF SEBASTIAN COUNTY, ARKANSAS
FORT SMITH DISTRICT
DOMESTIC RELATIONS DIVISION

ALLISON ALTES

PLAINTIFF

VS.

CASE NO. DR-2004-1041

ROBERT ALTES

R.O.
NIC

DEFENDANT

MOTION FOR CONTEMPT AND TO MODIFY CHILD SUPPORT
OBLIGATION OF THE DEFENDANT

Comes now the Plaintiff, Allison Altes, (now Heavener), by and through her attorney, Troy Gaston, and for her Motion for Contempt and to Modify Child Support Obligation of the Defendant, states as follows:

1. The parties to this action were divorced pursuant to a Decree of Divorce entered by this Court on November 1, 2006, and this Court has continuing jurisdiction over this matter and these parties and venue is proper herein.

2. Pursuant to said Decree, the Defendant to this action was ordered to pay child support to the Plaintiff in the amount of \$100.00 per week for the benefit of the parties' minor children. That since the entry of said Decree, a material change in circumstances has arisen, inasmuch that the Defendant has incurred an increase in income and therefore should be required to pay an amount of child support exceeding \$100.00 per week. The Court should increase the child support obligation of the Defendant to an amount in accordance with the Arkansas Child Support Chart and commensurate with the current income of the Defendant.



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3. The Defendant should be held in contempt of Court for failing to make timely child support payments since the entry of the Decree of Divorce. The Defendant is self employed and even though there is wage withholding in place, he is the actual person that submits the child support payments to the Child Support Clearinghouse.

The Plaintiff is a single mother and it is very important that she receives child support payments in a timely and scheduled manner. On some occasions, child support is paid on time but then, for example, on some occasions the Defendant will go two or even three weeks will go by and no child support payment will be made. The Child Support Clearinghouse reports that they are not having this problem with other child support accounts.

4. This Petition for Contempt is the primary reason for bringing this Motion and has been caused by the willful acts of the Defendant. As such, the Defendant should be required to pay attorney fees and court costs incurred by the Plaintiff which are associated with this filing of such Motion for Contempt.

5. Additionally, since the entry of said Decree, the Plaintiff has learned that there is an outstanding medical bill that pre-dates the Decree of Divorce related to the minor daughter. Prior to the divorce, the minor daughter had to be hospitalized in association with a virus that she contracted. The Plaintiff was the only person listed on the medical bills associated with the treatment the child received. Prior to the divorce, the Plaintiff paid one-half of the total medical expenses associated with such care. The Defendant had represented to the Plaintiff that he was paying or had paid the other one-half and as such, the Plaintiff did not pursue this issue in the parties' Decree of Divorce. The

and as such, the Plaintiff did not pursue this issue in the parties' Decree of Divorce. The Defendant should be ordered to pay all outstanding balances associated with such medical treatment received by the minor daughter.

WHEREFORE, PREMISES considered, the Plaintiff prays that her Motion for Contempt and to Modify Child Support Obligation of the Defendant be granted; that the Defendant be held in contempt of Court for his willful violation of the Court's Order; that the Plaintiff be awarded her attorney fees and court costs; and for all other just and proper relief to which she may be entitled.

ALLISON ALTES, Now HEAVENER, Plaintiff

WALTERS, GASTON, and RIDGLEY

Attorneys at Law

1405 West Center, 3rd Floor

Greenwood, Arkansas 72936

(479) 996-2100 (phone)

(479) 996-2565 (fax)

By: _____


Troy Gaston

Bar No. 2003011

TG:wc