

Obtaining a Lawyer in a Contempt Proceeding

I am being charged with contempt of court in Family Court. Can I get a lawyer for free?

Yes, if your income is low enough you are always entitled to a free lawyer, since your freedom may be at stake

What are situations in which I may be accused of contempt of court?

Common examples are willfully failing to pay child support or spousal maintenance; violating a custody or visitation order, and violating an Order of Protection.

Will Neighborhood Legal Services provide me a lawyer?

No, Neighborhood Legal Services rarely if ever represents in these matters.

Then how do I get a lawyer?

At your first Court appearance, tell the Judge you need a lawyer but can't afford one. Ask the Judge to appoint a lawyer for you. The Judge's Clerk should give you a referral slip to the Assigned Counsel Program.

What do I do with the referral slip?

Take the referral slip and proof of your income to the office of Assigned Counsel, 170 Franklin Street, Suite 400, Buffalo. That office will check to be sure that your family's income qualifies you for free legal services. If you do qualify, that office will contact a lawyer to represent you in the Contempt action.

What happens if I don't qualify?

The Assigned Counsel staff will tell you right away. You will have to hire your own attorney. If you think the Assigned Counsel office has made a mistake, call us.