



IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA
CASE NO. [REDACTED]

LA'BERRICK WILLIAMS,
PLAINTIFF

v.

DESTINY WILLIAMS,
DEFENDANT

MOTION TO RETURN CHILD AND MOTION FOR CONTEMPT

The Plaintiff, by and through the undersigned counsel, states as follows:

1. The parties in this action were previously ordered to alternate custody in a 7 day on, 7 day off rotating schedule, swapping custody at 6:00 p.m. on Sundays.
2. The Defendant filed a Petition for Protection from Abuse on January 21, 2025, seeking an Ex Parte Protection Order. **However, no protection order was granted.**
3. The Defendant withheld the minor child the entirety of the remainder of said week. Further, the minor child was with the Defendant the entirety of last week, January 26 through February 2, 2025. Therefore, the Plaintiff Father's custodial week should have begun on February 2, 2025 at 6:00 p.m.
4. To date, the Defendant has refused to return the child to the Plaintiff. The Defendant has withheld the child for approximately 9 days of the Plaintiff's custodial time.
5. The Defendant's refusal to return the child is a flagrant violation of this Court's prior custody Order. The Defendant is therefore in civil and criminal contempt of court.
6. The Plaintiff respectfully asks this Honorable Court to Order the Defendant to immediately return the minor child to the Plaintiff's custody, and to further schedule an emergency hearing as soon as possible to address this issue.
7. The Plaintiff has incurred attorney fees as a result of the Defendant's defiance of the Court's Orders.

WHEREFORE, the Plaintiff moves the Court to enter an Order compelling the Defendant to return the minor child to the Plaintiff's custody, and to set a hearing as soon as possible. Upon such hearing, the Plaintiff prays for the following relief:

- A. That the Court awards the Plaintiff nine days of make up custodial time;

- B. That the Court find the Defendant, Destiny Williams, to be in willful civil and criminal contempt of the Court's Orders;
- C. That the Defendant, Destiny Williams, be punished for said contempt as allowed by Alabama law, including five (5) days incarceration for each separate act of contempt;
- D. That the Defendant, Destiny Williams, be punished for said contempt as allowed by Alabama law by imposing a fine;
- E. That the Defendant, Destiny Williams, be ordered to pay the Plaintiff's attorney fees incurred in connection with this Motion; and
- F. That the Court grant any additional relief to which in equity and good conscience the Plaintiff may be entitled in the premises.



Jonathan M. Lusk
Attorney for Plaintiff



CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of February, 2025, the foregoing has been filed and served electronically or via US Mail upon counsel for all represented parties and/or upon all unrepresented parties not in default.

