

Checklist for Motion for Order to Show Cause in Districts 6 through 8

- You must complete a form before you file it. These instructions will help you complete the forms.
- The judicial services representative cannot complete a form for you.
 - Attach a copy of any document referred to in the form.
 - Keep a copy of all documents for your records.
 - Attend all court hearings.
 - Some forms may not apply in your case.
 - Check with your court about local requirements.

Procedures on Motions for an Order to Show Cause differ from one courthouse to another. Contact the court in which the motion is filed to confirm the procedures for that court.

This is a checklist for a motion for an order to show cause in a family law case in [Judicial Districts 6, 7, and 8](#). If the motion is filed in another district, use the checklist for that district.

(1) Motion for Order to Show Cause

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or Respondent or the attorney for the Petitioner or Respondent. If you were the Petitioner in the order you are asking the court to enforce, then you are still the Petitioner in these forms. If you were the Respondent in that order, you are still the Respondent in these forms even though you are now the party filing the motion.
- Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the order you are asking to enforce. Use the same party names and civil case number that appear in that order. Do not print the name of the judge until you file the Motion with the court. When you file, the judicial services representative will assign your case to a judge and you can add that name then.
- Paragraph (1): Make sure that Paragraph (1) is true before filing the form.
- Paragraph (2): Make sure that Paragraph (2) is true before filing the form.
- Paragraph (3): You must attach a statement supporting the motion.
- Date and sign the form.
- Follow the instructions below about copying, filing and serving.

(2) Statement Supporting the Motion for Order to Show Cause

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or Respondent or the attorney for the Petitioner or Respondent. If you were the Petitioner in the order you are asking the court to enforce, then you are still the Petitioner in these forms. If you were the Respondent in that order, you are still the Respondent in these forms even though you are now the party filing the Statement Supporting the Motion for Order to Show Cause.
- Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the order you are asking to enforce. Use the same party names and civil case number that appear in that order. Do not print the judge's name until you file the Statement with the court. When you file, the judicial services representative will assign your case to a judge and you can add that name then.
- Paragraph (1): Print the information that describes the order you say the other party has failed to follow. Attach a copy of the order. For a fee, the court can provide a copy of the order if you do not have one.
- Paragraph (2): Make sure that Paragraph (2) is true before filing the form.
- Paragraph (3): If the other party has failed to pay money to you as required by the order, check the box next to the description of the money (alimony, child support, etc.), print the dates that the payments were due, and print the amount that the other party has failed to pay. If this paragraph does not apply, do not check any of the boxes.
- Paragraph (4): If the other party has failed to pay debts as required by the order, check the box and describe the debt, including the amount and to whom it is owed. Omit any debts described under Paragraph (3). If this paragraph does not apply, do not check the box.
- Paragraph (5): If the other party has failed to deliver personal property to you as required by the order, check the box and describe the property. If this paragraph does not apply, do not check the box.
- Paragraph (6): If the other party has failed to refinance a loan as required by the order, check the box and describe the loan, including the amount and to whom it is owed. If this paragraph does not apply, do not check the box.
- Paragraph (7): If the other party has failed to execute a quit claim deed as required by the order, check the box and describe the premises. If this paragraph does not apply, do not check the box.
- Paragraph (8): If the other party has failed to follow the parent-time provisions of the controlling order, check the box and describe how the other party has not followed the parent time provisions. If you want "make-up" parent time,

describe the make-up time you want. If your case is in the [Third Judicial District](#) and if you have a parent-time dispute, you must first try to resolve your dispute with the [Co-Parenting Mediation Program](#). If this paragraph does not apply, do not check the box.

- Paragraph (9): If the other party has failed to follow the custody provisions of the controlling order, check the box and describe how the other party has not followed the custody provisions. If this paragraph does not apply, do not check the box.
- Paragraph (10): If the other party has failed to do something required by the order, but that thing is not described in the form, check the box and describe what has been ordered that has not been done. If this paragraph does not apply, do not check the box.
- Paragraph (11): The judge can order that the cost to serve the documents and other costs of the moving party be paid by the other party. If you want to claim reimbursement for your costs, check the box and print the amount of your costs on the blank line. Attach receipts to prove the amount you paid. If this paragraph does not apply, do not check the box.
- Date and sign the form.
- Attach documents (pay stubs, bills, emails, police reports, etc.) that support the things you say in your statement. If you don't file a document that you want to the court to consider, then the court will not consider it.
- Follow the instructions below about copying, filing and serving.

(3) Order to Show Cause

- The Order to Show Cause is in English and Spanish. Complete the form in English.
- You complete the information in the form, but the form must be signed by a judge.
- Do not copy or serve on the opposing party the Order to Show Cause until it has been approved and signed by a judge.
- Print your name and contact information at the top of the first page.
- Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the order you are asking to enforce. Use the same party names and civil case number that appear in that order. Do not print the judge's name until you file the Motion with the court. When you file, the judicial services representative will assign your case to a judge and you can add that name then.
- Identity Petitioner and Respondent by name and address.

- Check the correct box to show whether it is the Petitioner or Respondent that must show cause why they should not be held in contempt of court. (It is usually the other party who has to show cause.)
- Present the form to the judicial services representative who will send your paperwork to the judge for review. The judicial services representative will complete the hearing date and time section on the Order to Show Cause form. Confirm with the judicial services representative what the next steps will be. Each court handles Motions for an Order to Show Cause differently.

(4) Copies of Order to Show Cause Forms

- Make copies of the Motion for Order to Show Cause, the Statement Supporting the Motion for Order to Show Cause, and any supporting documents or attachments, and the Order to Show Cause form for yourself, the other party, the other party's attorney (if they have one), and for the judge. If a guardian ad litem attorney or an Assistant Attorney General for the Office of Recovery Services is involved in your case, make copies for these parties as well. It may be most efficient to make copies of all the forms after a judge has signed the Order to Show Cause form.

(5) Filing the Order to Show Cause Forms

- File the originals of the Order to Show Cause Forms with a judicial services representative. There is no filing fee. Keep a copy for yourself. Serve the other copies on all of the parties, as described in the next section.

(6) Serving the Order to Show Cause Forms

- Have copies of the Order to Show Cause forms personally served on the other party according to the requirements of [URCP 4](#). For more information, see our webpage on [Serving Papers](#).
- Deliver the documents to a professional process server, such as a private investigator or a deputy sheriff or constable. The judicial services representative can explain how to deliver the documents to a deputy sheriff or constable. These process servers will charge a fee and you must arrange with them to pay the fee. After serving the forms, the professional process server will file proof of service with the court. The court website includes a [Proof of Service form](#). It is your responsibility to confirm that a completed Proof of Service has been filed with the court before the hearing.
- You can serve the other party's attorney (if there is one), the guardian ad litem attorney and the Assistant Attorney General for Office of Recovery Services by first class mail. If you mail copies to these other parties, complete a Certificate of Service form and file it with the court. For more information, see

our webpage on [Serving Papers](#). The court website includes a [Certificate of Service form](#).

- The person filing the Motion for Order to Show Cause must have the other parties served with all the documents at least 14 days before the hearing. If the documents are not served at least 14 days before the hearing, the hearing will be canceled and you will have to schedule a new one and serve the other party again.

(7) Statement Opposing the Motion

- A Statement Opposing the Motion is a document filed by the other party. Some judges require or permit a written Statement Opposing the Motion. Some do not. You should contact the judge's judicial assistant for to find out whether a Statement Opposing the Motion should be filed.
- If the other party files a Statement Opposing the Motion, they must do so at least 7 days before the hearing and they must mail a copy of the Statement Opposing the Motion to you and any other parties involved in your case.

(8) Reply Statement (if applicable)

- If the other party files a Statement Opposing the Motion, you may file a Reply, but only to respond to something being raised for the first time in the opposing statement. If the opposing statement and its supporting documents merely make statements of fact and legal arguments against the points you made in your motion, then you cannot file a reply.
- If you file a Reply, you must file and serve it at least 3 business days before the hearing. [URCP 5](#) governs service.
- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or Respondent or the attorney for the Petitioner or Respondent. If you were the Petitioner in the order you are asking the court to enforce, then you are still the Petitioner in these forms. If you were the Respondent in that order, you are still the Respondent in these forms even though you are now the moving party.
- Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the other Order to Show Cause forms already filed.
- Paragraphs (1)(A) and (2)(A): Check the correct box to show whether the statement is from the Opposing Statement or Opposing Memorandum. Print the number of the paragraph from the document that you disagree with. Quote the statement exactly.
- Paragraphs (1)(B) and (2)(B): Explain why you disagree.

- Attach any documents that support your position.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and any attachments on the other party or parties by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form and certificate of service with the judicial services representative.
- Your Reply Statement must be filed with the court and served on the other party at least 3 business days before the hearing.

(9) Attend the Hearing

- Some judges conduct just one hearing to resolve all issues. Other judges conduct a first hearing to try to settle as many issues as possible and hold a second hearing to resolve any remaining issues. You should contact the judge's judicial assistant for to find out your judge's practice.
- If the judge wants to resolve all issues at just one hearing, be prepared to present evidence and arguments about the other party's violation of the order and why the judge should order the things that you have asked for.
- If the first hearing is a settlement hearing, be prepared to state clearly what the evidence would have shown. You do not have to negotiate away the things that you have asked for, but you may be asked to focus on what is really important to you. If the issues can be settled or narrowed without evidence, the judge will order the parties to do what the parties have agreed to do. If there are any issues that cannot be settled, the judge will schedule a second hearing to allow evidence.
- Be sure to attend the hearing. If you fail to attend, a judgment may be entered against you and the judge may find you in contempt of court.
- For more information, see our webpage on [Going to Court](#).

(10) Order on Order to Show Cause

- The Order to Show Cause is a directive to the other party to appear in court at a certain date and time and explain why they should not be held in contempt of court. After the hearing the judge must enter an order on the merits of the motion claiming that the party has not followed the controlling order.
- You can print the information in the form, but the form must be signed by the judge.
- At the hearing, the judge will decide the issues and may tell one of the parties to prepare the Order on Order to Show Cause. Listen carefully to the judge's

decision. The order must agree with that decision, and you may have to prepare it.

- If you need a copy of the audio recording of the hearing, you may order and purchase one at the court where your hearing was held. For more information, see our webpage on [Copies of Court Hearings](#).
- If the judge asks you to prepare the Order on Order to Show Cause, complete all of it except the date and the judge's signature. What you write in the order must agree with what the judge decided.
- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or Respondent or the attorney for the Petitioner or Respondent. If you were the Petitioner in the order you are asking the court to enforce, then you are still the Petitioner in these forms. If you were the Respondent in that order, you are still the Respondent in these forms even though you are now the party completing the Order on Order to Show Cause.
- Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the other Order to Show Cause forms already filed.
- Complete all of the order except the date and the judge's signature. What you write in the order must agree with what the judge decided.
- Date and sign Order on Order to Show Cause under the phrase: "approved as to form."
- Within 15 days after being told to prepare the order, serve it on the other party by one of the methods described in the Certificate of Service. [URCP 5](#) governs service.
- The other party has 5 days in which to object in writing as to the form of the order. This is an objection to the way you prepared the order but not an objection to what the judge decided.
- File the original Order on Order to Show Cause and the Certificate of Service with the judicial services representative after the time to object has ended.
- If the other party files an objection as to the form of the order you have prepared, then the judge will determine whether to hold a hearing on that objection.

(11) Notice of Order

- If you prepared the order, or if the judge says you have to serve the signed order:

- Print your name and contact information at the top of the Notice of Order. Check whether you are the Petitioner or Respondent or the attorney for the Petitioner or Respondent.
- Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the other Order to Show Cause forms already filed.
- Attach any required documents and forms.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and any attachments on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form and attachments with the judicial services representative.