

## **Checklist to Respond to 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 responding to 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) Statement(s) Opposing the Motion**

- 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 you do not agree with the motion and want to file a statement opposing it, you must file and serve the Statement Opposing the Motion at least 7 days before the hearing. A party may file more than one statement.
- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or Respondent or a witness for the Petitioner or Respondent.
- Check the correct box to show whether the court is the District, Juvenile or Justice Court. 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 petition. Check the correct box to show that the statement opposes the motion. Print the name of the motion on the blank line.
- A hearing before the judge is automatic, unless the parties agree with the motion. If there is no hearing, the judge will decide the motion based on the papers that have been filed. If you want to ask for a hearing, check the box next to "hearing requested."

- Paragraph (1): State the facts relevant to the motion that are within the first-hand knowledge of the person signing the statement. This means the person must have observed the facts personally, rather than being told about the facts.
- Paragraph (2): List and attach any documents you want to use to support the facts.
- Paragraph (3): Check the correct box to show whether you request a hearing. If there is no hearing, the judge will decide the motion based on the papers that have been filed. If one party requests a hearing and the other party does not, both parties are still allowed an opportunity to present oral arguments, if a hearing is held.
- 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, attachments and certificate of service with the judicial services representative.

**(2) Reply Statement (if applicable)**

- If you file a Statement Opposing the Motion, the other party may file a Reply, but only to respond to something being raised for the first time in your opposing statement. If the opposing statement and its supporting documents merely make statements of fact and legal arguments against the points made in the motion, then the other party cannot file a Reply. The Reply must be filed and served at least 3 business days before the hearing.

**(3) 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](#).

#### **(4) Order on Order to Show Cause**

- The Order to Show Cause is a directive to a 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.

**(5) 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.