

Packet 9

Order to Show Cause and Contempt of Court Packet

Forms and Procedures

For Wyoming

2011

Because laws may change, the forms and instructions contained in this packet may become outdated. You use these packets at your own risk. If you have questions or don't understand the forms, it is strongly recommended that you contact an attorney. Nobody is liable if you don't get the result you want. **THESE FORMS MAY OR MAY NOT BE APPROPRIATE IN YOUR PARTICULAR CASE.**

Published by
Wyoming Supreme Court
2301 Capitol Avenue
Supreme Court Building
Cheyenne, WY 82002



PLEASE CAREFULLY READ THE FORMS AND INSTRUCTIONS CONTAINED IN THIS PACKET. IF YOU HAVE ANY QUESTIONS, PLEASE CONSULT WITH AN ATTORNEY.

THESE ARE EDUCATIONAL FORMS AND INSTRUCTIONS DESIGNED TO ASSIST YOU, BUT YOU ARE REPRESENTING YOURSELF. PLEASE REVIEW AND FOLLOW THE DIRECTIONS TO IMPROVE YOUR PERFORMANCE IN YOUR CASE. FAILURE TO READ AND FOLLOW THE INSTRUCTIONS MAY ADVERSELY IMPACT YOUR CLAIM.

The Steps for filing a Motion and Order to Show Cause

STEP 1

1. **READ ALL THE INSTRUCTIONS:** read all instructions before completing forms to ensure that you qualify to seek an Order to Show Cause from the court.
2. **MAKE COPIES:** Consider making copies of forms both prior to and after you fill them out. (You must have copies of all forms you file for you and for the other party).
3. **REQUIRED FORMS:** You must complete the following documents:
 - a. **Motion for Order to Show Cause.** The caption (the heading on the document) is the same as the original order (i.e. Decree of Divorce or other court order) you're trying to enforce. Please note that the last page of the **MOTION** needs to be signed in the presence of a **Notary Public**.
 - i. The person seeking an Order to Show Cause (i.e. enforcement of a previous court order) is the *movant* or *petitioner*, the other party is the *respondent* for purposes of the Order to Show Cause.

Notarizing Signatures. Notary publics may administer the oath and witness your signature, or in many cases, clerks of court will be willing to administer the necessary oath. Each clerk's office has their own policy so check with them first before seeking notarization of your signature on the forms.
 - b. **Affidavit in Support of Order to Show Cause**
 - c. **Order to Show Cause with Sheriff's return**
4. **FILING THE DOCUMENTS:** There is not a cost to file these papers, but there is a cost for service. Take these documents, and 2 copies, to the Clerk of District Court's office. A judge will need to sign the Order to Show Cause, and the court will set a court date.

<p>PLEASE MAKE SURE THE COURT HAS YOUR CURRENT MAILING ADDRESS AND THE CURRENT ADDRESS FOR THE RESPONDENT</p>

5. **SERVICE OF PROCESS:** Wyoming law requires that you give notice to the other party (i.e. Respondent) about the filing of your motion. This is known as "Service of Process." The correct way to serve the other party is determined by law. If the documents are not correctly served, the court will not hear your case.

You are now ready to serve the documents on the other party. You must take the paper to the Sheriff's Department in the county in which the other party lives. Service

fees vary in Wyoming counties, but typically cost around \$35.00. Check with the Sheriff's Department to determine how much the service fee is in your county. If the other party is to be served outside of Wyoming, you must contact the Sheriff's office in the county where the respondent is to be served to determine the service fee and address for forwarding the documents you wish to have served on the Respondent.

6. **ATTENDANCE AT COURT HEARING:** Be sure to attend all scheduled court hearings on time and dressed appropriately (as if you were going to a job interview). This is very important.
7. If you decide not to pursue the contempt action, (because you cannot find the other party to serve him or her, or if the other party has cured the reason for the contempt action, or for any other reason), you must file the *Order of Dismissal*. Only the movant/petitioner needs to sign the order if the respondent has not been served with the *Order to Show Cause*. If, however, the respondent has been served with a copy of the *Order to Show Cause*, both parties need to sign the *Order of Dismissal*.

****NOTE: Each time you sign a document, beneath your signature, you must print your name, address, including city/state/zip code, and your telephone number. If you do not include this information, the clerk of court can reject your document. If you have concerns about you or your children's safety if your address or phone number is disclosed, you should contact an attorney for advice on potential options or to obtain a court order allowing you to maintain confidentiality of address or other identifying information. (See Wyo. Stat. § 20-5-309 (LEXIS 2005)).**

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

Petitioner: _____,)
(Print name of person filing))

Civil Action Case No. _____

vs.)

Respondent: _____.)
(Print name of other party)

MOTION FOR AN ORDER TO SHOW CAUSE

The ***Movant/Petitioner*** seeks an ORDER TO SHOW CAUSE for violation(s) regarding

- VISITATION CUSTODY CHILD SUPPORT
 Other: (explain) _____
-

The Movant/Petitioner, a party in the above-entitled action, hereby moves the Court for an order directing the above Respondent to appear and show cause why the Respondent should not be held in contempt for violation of an Order dated _____ (a copy is attached) wherein Movant/Petitioner was granted visitation custody child support other: _____.

In support of the Motion, Movant/Petitioner alleges and says that Respondent has violated the Order in the following specific ways:

1. _____

2. _____

3. _____

WHEREFORE, MOVANT/Petitioner RESPECTFULLY REQUESTS THE COURT as follows:

1. That an Order to Show Cause be issued directing Respondent to appear before the court and Show Cause why the Respondent should not be found in contempt of court for violation of the Order as alleged.

2. That the Court enforce the Order.

3. That _____

4. For such other and further relief as the Court deems just and proper.

This _____ day of _____, 20_____.
(day) (month) (year)

Signature
Printed Name: _____
Address: _____

Phone Number: _____

STATE OF _____)
) ss. **VERIFICATION**
COUNTY OF _____)

I, _____, being duly sworn, depose and say that I am the Movant/Petitioner in the foregoing action, that I have read the foregoing MOTION FOR AN ORDER TO SHOW CAUSE and am familiar with the contents, that the contents are true to the best of my own knowledge except as to those matters as may be alleged upon information and belief.

Petitioner's signature

Sworn to and subscribed before me, this _____ day of _____,
_____.

Notary Public/Clerk of Court

My commission expires:

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT
_____ JUDICIAL DISTRICT

Petitioner: _____,)
(Print name of person filing))

Civil Action Case No. _____

vs.)

Respondent: _____,)
(Print name of other party))

AFFIDAVIT IN SUPPORT OF ORDER TO SHOW CAUSE

I, _____ state that _____ (the other party), has failed to comply with an order of this court as follows:

PRINT LEGIBLY OR TYPE

1. On _____ (date), an Order was signed by this court ordering the other party to do the following: (Briefly summarize the Order and attach a copy of the signed Order.)

2. Identify exactly what the other party has done, or failed to do, in violation of the Order.

3. There has not been a stay of execution or modification of the Order.
4. The other party has knowledge of the Order, has the ability to comply with the Order, and has intentionally and willfully disobeyed the Order.
5. The actions of the other party are contrary to the Order of this court.
6. I request this court issue an order to the other party to appear before the court at a specific date and time for a hearing to show cause why there has been a failure and/or refusal to comply with the Order of this court.

Submitted this (date): _____ day of _____, 20____.

 Signature
 Printed Name: _____
 Address: _____

 Phone Number: _____

STATE OF _____)
) ss.
 COUNTY OF _____)

Subscribed and sworn to before me by _____, this _____ day of _____, 20____.

Witness my hand and official seal.

 Notary Public/Clerk of Court

My commission expires:

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT
_____ JUDICIAL DISTRICT

Petitioner: _____,)
(Print name of person filing))

Civil Action Case No. _____

vs.)

Respondent: _____.)
(Print name of other party)

ORDER TO SHOW CAUSE AND APPEAR

To: _____
(Type or Print Respondent's Name)

Address (home and work): _____

YOU ARE HEREBY ORDERED to APPEAR IN PERSON and SHOW CAUSE why you should not be found in civil and/or criminal contempt for violation of an Order of the Court as alleged in the petitioner's Motion for an Order to Show Cause;

YOU SHALL APPEAR IN PERSON at _____, ___ am ___ pm on _____, 20____,
at the _____.

(Insert name and address of court)

The Movant/Petitioner is seeking ENFORCEMENT of an Order regarding

VISITATION CUSTODY CHILD SUPPORT

Other: (explain) _____

and PUNISHMENT FOR CONTEMPT for your violation of that Order.

YOUR FAILURE TO APPEAR IN PERSON AFTER YOU HAVE BEEN SERVED WILL NOT DELAY THE HEARING OR ENTRY OF AN ORDER WHICH MAY AWARD THE RELIEF SOUGHT, AND A BENCH WARRANT MAY BE ISSUED FOR YOUR ARREST.

SO ORDERED this ____ day of _____, 20____.

DISTRICT COURT JUDGE

RETURN OF SERVICE BY SHERIFF

This is to certify that the undersigned Sheriff's Office of _____ County has on this date served this ORDER together with the Motion for an Order to Show Cause, and Affidavit, if filed, by personally delivering to each person named below a copy of the same:

Date Served

Name of Person Personally Served

This is to certify that the above named person(s) cannot be found by a diligent effort because

Date Received

Name of Sheriff

Date Returned

Deputy Making Return

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

Petitioner: _____,)
(Print name of person filing))

Civil Action Case No. _____

vs.)

Respondent: _____,)
(Print name of other party))

ORDER OF DISMISSAL

THIS MATTER having come before the Court pursuant to:

Request of Plaintiff/Defendant (as evidenced by his/her signature below) and the Plaintiff/Defendant having not yet filed an answer; or

By stipulation of the parties (as indicated by **both** of their signatures below)

And the Court, having reviewed the file and being otherwise fully advised; FINDS that the action for an Order to Show Cause should be dismissed.

THEREFORE, IT IS ORDERED that the Order to Show Cause action be dismissed without prejudice and that the hearing, if any, be vacated.

DONE THIS _____ day of _____, 20____.

BY THE COURT:

DISTRICT COURT JUDGE

Approved as to Form and Content:

Movant/Petitioner's Signature

Respondent's Signature

Movant/Petitioner's Address:

Respondent's Address: