

MOTION AND ORDER TO SHOW CAUSE

***** There is now a \$20.00 fee to file this motion and a \$30.00 service fee from the Sheriff's Department to serve the paperwork. *****

DUE TO THE CHANGING NATURE OF THE LAW, the forms and instructions contained in this packet may become outdated. You should review and research statutes and rules of procedure referenced in the instructions to ensure that the forms are accurate and current.

IN NO EVENT will the Clerk of Court or anyone contributing to the production of these forms, instructions or guidelines be liable for any indirect or consequential damages resulting from use of the forms or information provided to you.

IF THERE ARE ANY QUESTIONS concerning these forms, or your legal rights, it is strongly recommended that you consult with an attorney.

USE THESE FORMS AT YOUR OWN RISK. THESE FORMS MAY OR MAY NOT BE APPROPRIATE IN YOUR PARTICULAR CASE. ANY DESIRED OUTCOME FROM THE USE OF THESE FORMS CANNOT BE PREDICTED OR GUARANTEED. IT IS STRONGLY RECOMMENDED THAT YOU SEEK LEGAL ADVICE! NO ONE AT THE JUDICIAL CENTER, CLERK OF COURT'S OFFICE OR JUDGE'S OFFICE, MAY GIVE LEGAL ADVICE OR TELL YOU HOW TO FILL OUT FORMS!

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.

Please read instructions before completing forms!

Steps for filing a Motion and Order to Show Cause

STEP 1

Filling out the documents

*****CHECKLIST*****

You must complete the following documents:

◆**Motion to Show Cause** (The plaintiff and defendant stay the same through out the entire case. Look on the previous order(s) to see who the plaintiff and defendant are.)

◆Order to Show Cause with Sheriff's return

Please note that the last page of the **MOTION** needs to be signed in the presence of a **Notary Public BEFORE coming to the COURTHOUSE!**

STEP 2

Filing the documents

THERE IS NOW A \$20.00 FEE TO FILE THIS PAPERWORK AND A \$30.00 FEE FOR SERVICE FROM THE SHERIFF'S DEPARTMENT.

- 1) After you have completed the forms, have them notarized (before coming to the courthouse) and make 2 copies.
- 2) Take these documents to the Clerk of Superior Court to be filed and pay the \$20.00 fee (cash).
- 3) Then you will take the Motion and the Orders to the District Court Judges' office (located on the 4th floor of the Union County Judicial Center). A Judge will need to sign the Order to Show Cause, and the Case Manager will set a court date. You will leave your paperwork there with a number where you can be contacted. Once the Judge has reviewed your paperwork someone will call you to pick the paperwork up.
- 4) Once the order has been signed you will need to return to the Judges' Office to pick the papers up.
- 5) You will then take the paperwork to the Clerk of Superior Court's office and pay the \$30.00 fee (cash) for the sheriff if the other party lives in Union County. If the other party resides in another North Carolina County, or in another state, it is still YOUR responsibility to have the other party served with the paperwork.

STEP 3

Service of Process

North Carolina General Statutes require that you give notice to the defendant about the filing of your motion. This is known as "Service of Process." The correct way to serve the respondent is determined by law. If the documents are not correctly served on the respondent, the court will not hear your case.

You are now ready to serve the documents on the respondent. You must take the paperwork to the Sheriff's Department in the county in which the respondent lives. Union County has a \$30.00 service fee.

STATE OF NORTH CAROLINA
COUNTY OF UNIION

IN THE GENERAL COURT OF JUSTICE
DISTIRCT COURT DIVISION
FILE NUMBER ____CVD_____

PLAINTIFF

VS

MOTION TO SHOW CAUSE

DEFENDANT

NOW COMES the ____ plaintiff ___defendant, a party in the above-entitled action, and moves the Court for an order directing the above ____plaintiff ___ defendant to appear and show cause why they should not be held in contempt for violation of an Order dated _____ (a copy attached hereto and incorporated herein by reference) wherein was granted ____ visitation ____ custody with the minor child(ren) of the parties. In support of the Motion, Movant alleges and says that Respondent has violated the Order in the following specific ways:

WHEREFORE, THE MOVANT PRAYS THE COURT AS FOLLOWS:

1. That an Order to Show Cause be issued directing the Respondent to appear before the Court and Show Cause why the respondent should be found in civil and/or criminal contempt of Court for violation of the Order regarding visitation as alleged
2. That the Court enforce the Order
3. That _____

This the _____ day of _____, _____.

Print name of Movant

Address/Telephone

_____, being duly sworn, deposes and says that I am the Movant in the foregoing action, that I have read the foregoing MOTION TO SHOW CAUSE and am familiar with the contents thereof, that same is true of my own knowledge except as to those matters as may therein be alleged upon information and belief as to those matters, I believe them to be true.

(Signature)

Sworn to and subscribed before me, this

day of _____, _____

My Commission

Expires: _____

(Notary Public)

STATE OF NORTH CAROLINA
COUNTY OF UNION

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
_____CVD_____

(Type or Print Plaintiff's name)

VS

ORDER TO SHOW CAUSE
AND APPEAR

_____)
(Type or Print Defendant's name)

To: _____

Address: _____

YOU ARE HEREBY ORDERED to APPEAR 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 in the Cause before the Judge presiding in the assigned Civil Courtroom, as follows:

YOU SHALL APPEAR at _____, ___am ___pm on _____, 20____, at the Union County Judicial Center 400 North Main Street, Monroe, NC COURTROOM _____.

The Party is seeking ENFORCEMENT of an Order regarding _____ visitation _____ custody and PUNISHMENT FOR CONTEMPT for your violation of that Order.

YOUR FAILURE TO APPEAR AFTER YOU HAVE BEEN SERVED WILL NOT DELAY THE HEARING OR ENTRY OF AN ORDER WHICH MAY AWARD THE RELIEF SOUGHT.

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 this date served this ORDER together with the Motion in the Cause 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