

INSTRUCTIONS FOR MOTION AND AFFIDAVIT FOR ORDER TO SHOW CAUSE IN WYOMING

Read these instructions carefully.

These Instructions can be used by a Petitioner on a current Order of Protection.

Before You Get Started

This form will be used to ask the Court to issue an Order to Show Cause. You might choose to file this form if the Respondent (the person the protection order is against) has been breaking the rules that are listed in the Order of Protection.

The title might be confusing, but these instructions can help you understand how to fill out the form. (You can learn more about the role of this form by reading the section below called What does “show cause” mean?)

Here is what you need to know to get started:

- If the Respondent has been breaking the rules in your Order of Protection, you can file a **Motion and Affidavit for Order to Show Cause**.
- A judge will read what you wrote on the form.
- If the judge thinks the Respondent might be breaking rules, the judge will issue an **Order to Show Cause**. In the Order, a hearing (meeting) will be scheduled, and the Respondent will be required to go to the Court and explain their side of the situation.

It will be helpful to have a copy of the Order of Protection with you when you fill out this form. It also might be helpful to have a calendar.

The top of the page on this Motion and Affidavit.

The top of the page has blanks for the name of the county that the Court is in (for example, County of Big Horn) and the number of the judicial district (for example, Fifth Judicial District). This information will be on the top of the Order of Protection.

The next blanks are for the name of the Petitioner and the name of the Respondent. Copy these exactly the way they are written on the Order of Protection.

The next blank is for the Case Number. Copy the number that is written on the Order of Protection. (The number may include letters.)

Next you will see the title of the document. It is written between the two long bars on the page. The title tells the Court that this is a Motion and Affidavit for Order to Show Cause.

After the Title.

You will see the line “The Petitioner being duly sworn upon oath deposes and says.” These words are used because this form is a special kind of legal document called an Affidavit. You will need to sign this form in front of the Clerk or a notary (there is more information about that below), and that is when you will “swear an oath” that everything you wrote on this form is true.

Section 1 is about you.

This is a statement to let the Court know you are the Petitioner. Do not write anything in this section.

Section 2 is about the Order of Protection.

In the short blanks, write the date when the Order of Protection was issued. That date will be near the judge’s signature at the end of the Order.

Section 3 is about what the Respondent did.

In the long blank lines, explain what the Respondent did that breaks the rules listed in the Order of Protection. Explain clearly and give the judge enough information to understand the situation you are explaining. If the Respondent broke the rules on certain days, include the dates in your explanation.

Section 4 is your request.

This is a statement that tells the Court what you are asking for. You are asking the Court to issue a document called an Order to Show Cause. In that Order, a hearing will be scheduled, and the Respondent will be required to go to the Court and explain their side of the situation. Do not write anything in this section.

The space after this section is labelled “intentionally left blank” because nothing is supposed to be written there. The empty space is there so that all of the parts in the signature section will be together on the second page.

Signature Section – Important!

Do not sign this form until you are in front of the Clerk of Court or a Notary. The Clerk or the Notary must witness you signing the form.

By signing the form, you are telling the Court that everything you wrote on the form is true. If the information is not true, you might be criminally charged with perjury. Perjury is a felony punishable by imprisonment or a fine or both.

Review your answers carefully before you sign the Petition.

Important Things You Need to Know

What do I do after I fill out the form?

File the form with the Clerk of Circuit Court in the county named at the top of the Order of Protection.

The Wyoming Judicial Branch website has a list of circuit court locations. The Clerk's office is at the court.

How will I know what is happening with the case?

The Court will mail papers about your case to you. It is very important that you give the Clerk of Court your **current mailing address**. If you do not know if the Court has your current address, talk to someone at the Clerk's office.

Will there be a hearing about my Motion?

Maybe.

The judge might choose to schedule a hearing (meeting), or the judge might choose not to. Remember to pay attention to any mail you receive from the Court so you will know if a hearing is scheduled.

What does "show cause" mean?

The words "show cause" can be confusing, and Courts use them in two different ways. A Court might tell a Respondent to "show cause why you failed to comply with the order." Or a Court might tell a Respondent to "show cause why you should not be held in contempt." These two things are a little bit different, but, in general, an Order to Show Cause means the Respondent has a chance to explain why they should not be in trouble for violating the Order of Protection. After the Respondent explains, the judge will decide whether the Respondent is in trouble.

Some people may refer to a show cause action as a "contempt hearing." Contempt is the word Courts use when someone is in trouble for breaking the rules in an Order (violating the Order).

If the Court does schedule a hearing, do I have to take part?

Yes.

The judge will read what you wrote on the form and decide whether to issue an Order to Show Cause. If the judge does issue the Order you are asking for, there will be a hearing. You must participate in the hearing and present your evidence about the Respondent violating the rules.

What will happen if the judge decides the Respondent did break the rules?

The judge will decide what consequences the Respondent faces.

A judge *can* send someone to jail for being in contempt, but it is important for you to understand that judges often choose other kinds of consequences. Some examples are: warning the Respondent, making the Respondent pay a fine, and making the rules harder to break. The judge will decide the consequences, and you and the Respondent will both be expected to accept them.