

INSTRUCTIONS TO REQUEST AN ORDER TO SHOW CAUSE

Use this packet if you need the court to enforce a previous order because the other party is not following it. This process asks the court to hold the other party in contempt for not obeying the order.

Before filling out the forms, read the instructions carefully to make sure you qualify to request an Order to Show Cause from the court.

Step 1: Getting Started

If the other party has knowingly and intentionally failed to follow a court order, you may be able to ask the court to hold them in contempt. To do this, you will need to complete and file the following forms:

1. **Motion and Affidavit for Order to Show Cause:** This form is used to explain how the other party has violated a court order and to request that the Court take action.
Note: You will need to attach a copy of your prior court order that you want to enforce.
2. **Order to Show Cause:** This form, if signed by the judge, orders the other party to appear in court and explain why they should not be held in contempt.

Make sure to complete each form completely and accurately. You must also attach a copy of the court order you are asking the court to enforce. If you don't have a copy, you can get one from the Clerk of District Court for a small fee.

Step 2: File your documents

Documents to Complete:

1. **Complete the Motion and Affidavit for Order to Show Cause:** This form is used to explain to the Court how the other party has violated a previous court order and to request that the Court take action. Be **as specific as possible** when describing how the other party has failed to follow the order. Provide details, including dates, actions (or lack of actions), and any relevant evidence.

NOTE: Enter the names of both parties in the Plaintiff/Petitioner and Defendant/Respondent sections as they appear on the Order you are seeking to enforce.

NOTE: Do not sign the **Motion and Affidavit for Order to Show Cause** until you are in front of the Clerk of Court or a Notary. The Clerk or the Notary must witness you signing the form. Since each Clerk's office has its own rules, check with them first to see if they can notarize your signature before looking for a notary public elsewhere.

2. **Complete the Order to Show Cause:** This form, if signed by the judge, requires the other party to appear in court and explain why they should not be held in contempt. To complete it, start by filling in the county where the case was filed, the Judicial District, and the case

number, which can be found on your previous court order. Next, enter the names of both parties in the Plaintiff/Petitioner and Defendant/Respondent sections as they appear on the Order you are seeking to enforce.

In the "To:" section, write the other party's name along with their current physical address, as this is where they will be served with the court documents. On page 3, complete the caption for the Return of Service section just as you did on the first page. Leave the rest of the Return of Service section blank, as it is for the person delivering the documents to complete after serving the other party.

The Court will fill out the remaining sections of the form if the judge decides to issue the Order to Show Cause.

Number of Copies:

Take the original and two copies of each document to the Clerk's office. The Clerk will stamp all the copies with the date they were filed. This is called a "file stamp." The original document will be filed with the Clerk. You should keep one copy for your records, and the other copy will need to be served on the other party if the Order to Show Cause is signed by the judge.

Where to File:

You will file your case only with the Clerk of District Court's Office where the order you are trying to enforce was filed. You'll usually find their office in the county courthouse or a branch of the courthouse.

File Your Documents:

1. Bring the original and two copies of the follow documents to the Clerk of District Court:

1. **Motion and Affidavit for Order to Show Cause**
2. **Order to Show Cause**

NOTE: There is not a cost to file these papers, but there is a cost to have the other party served with the documents.

Step 3: Serve the Other Party

After you file the **Motion and Affidavit for Order to Show Cause** and **Order to Show Cause** with the Clerk of District Court, the judge will review your request. If the judge signs the Order to Show Cause a file-stamped copy of the paperwork must be formally given to the other party. This is called serving the papers. The other party must be served with the **Motion and Affidavit for Order to Show Cause**, and the **Order to Show Cause**. This proves to the Court that the other party received the papers.

Service by Sheriff:

It's usually best to have a Sheriff in the county where the other party lives serve the papers. In Wyoming this service typically costs around \$50. Provide the Sheriff with the file-stamped **Motion and Affidavit for Order to Show Cause**, and the **Order to Show Cause**. The Sheriff will

complete a form called the "Return" or an "Affidavit of Service" and file the original with the Clerk. Either the Sheriff's office or the Clerk will give you a copy.

NOTE: If you receive the original return, call the Clerk's office to check if it has been filed. If it hasn't, you **MUST** file it with the Clerk yourself.

Proof of Service:

The Court needs to receive proof that the other party was properly served. This can be done in two ways: 1) either the Sheriff sends the original return directly to the Court, or 2) You file it yourself with the Clerk of Court.

Step 4: Attend Hearing

If the other party has been served and proof of service is on file with the Clerk's office, make sure to attend the scheduled hearing. Be sure to arrive on time and dress appropriately, as you would for a job interview. During the hearing, you will have the opportunity to present your case to the judge. The judge will then decide whether the other party has willfully failed to follow the prior court order and will make a decision on the motion.

NOTE: If you were unable to serve the other party in time for the hearing, follow Step 5 below.

Step 5: Dismissal

If you decide not to move forward with the Order to Show Cause action—whether because you cannot find the other party to serve them, the other party has corrected the issue that led to the contempt action, or for any other reason—you must file an **Order of Dismissal**.

If the other party has not been served with the **Order to Show Cause**, only your signature is required on the **Order of Dismissal**. However, if the other party has been served with the **Order to Show Cause**, both you and the other party must sign the **Order of Dismissal**.

Copies and Envelopes

Bring the original and two copies of the **Order of Dismissal** to file with the Clerk. Also, bring two addressed, stamped envelopes (one addressed to you, and one addressed to the other party), with enough postage to mail the **Order of Dismissal** to both of you. The Clerk will mail the Order to both parties once it has been signed by the Judge.