



Judicial District 19B | Family Court

(336) 328.3293 Randolph County & Montgomery | (910) 722.5015 Moore County

Motion for Order to Show Cause Packet

This packet is provided to individuals who wish to file a contempt action without the assistance of an attorney. If you want to hire an attorney you can contact the North Carolina Lawyer Referral Service at (800) 662.7660 or Legal Aid at (866) 219.5262.

USE THESE FORMS AT YOUR OWN RISK

These forms may not be appropriate in your case. Any desired outcome from the use of these forms cannot be predicted or guaranteed. **It is strongly recommended that you seek legal advice from an attorney.**

COURT EMPLOYEES ARE PROHIBITED FROM GIVING LEGAL ADVICE

The Family Court Staff can give you basic legal information about the process, but cannot tell you what you should file, what you should specifically write on the forms or what the Court will do.

Steps for filing a Contempt Action

Complete these forms:

1. Motion for Order to Show Cause and
2. Order to Appear and Show Cause for Failure to Comply (top section only)



Sign the Motion in the presence of a Notary Public.

Family Court Staff are not Notaries



Make two copies of each form.



Take the completed Motion and the two copies to the Clerk of Court. There is a \$20 filing fee.

- The Clerk will keep the original Motion for the file and return the stamped copies back to you.
- If you do not have a copy of the Court Order that you believe has been violated, you may obtain it from the Clerk of Court.



Bring the following to the Family Court Office:

- One stamped copy of the filed Motion
- The Show Cause Order (one original and two copies)
- A copy of the Court Order that you believe has been violated.
- Family Court Staff will present your motion to a judge for review. You may need to leave your materials with Family Court staff if a judge is not immediately available. Family Court will contact you once the judge has reviewed your motion.



File the Order to Show Cause with the Clerk of Court and Serve a copy of the Motion (with attachment) & Order on the other party:

- by Sheriff (fee may be required) or
- by Mail (Certificate of Service must be filed with the Clerk)

| | |
|--|--|
| STATE OF NORTH CAROLINA _____ County | In The General Court of Justice District Court Division Family Court |
| Plaintiff: | File No |
| VERSUS | MOTION FOR ORDER TO SHOW CAUSE |
| Defendant: | |
| Name, Address, and Telephone of <i>Plaintiff</i> | Name, Address, and Telephone of <i>Defendant</i> |
| | |

The undersigned, a party in the above-entitled action, moves the Court to require the **Plaintiff** **Defendant** to appear and show cause why he/she should not be held in civil or criminal contempt for failing to comply with a prior Order of this Court filed _____. **A copy of this Order is attached.**

Describe why the Court should issue an Order to Show Cause (Be specific about what the party was required to do along with how and when the party willfully failed to comply with the Order.)

I am informed and believe that the responding party has the means to comply with the Order. I want the Court to issue an Order that requires the Respondent to appear and to show cause, if any, why he/she should not be held in civil or criminal contempt for his/her failure to comply with the Court's Order.

| | |
|--|---|
| SWORN AND SUBSCRIBED TO BEFORE: | The Movant, being duly sworn, deposes and says that he/she is a party in the above-entitled action, that he/she has read the foregoing document and knows the contents thereof, that the same are true of his/her own knowledge, except as to those matters and things stated upon belief, and as to those matters and things, he/she believes them to be true. |
| <i>Date:</i> | <i>Signature of Person Making Motion</i> |
| <i>Signature of Notary</i> | <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant |
| <i>My commission Expires:</i> | |

| | |
|--|--|
| STATE OF NORTH CAROLINA _____ County | In The General Court of Justice District Court Division Family Court |
| Plaintiff: | File No |
| VERSUS | ORDER TO APPEAR AND SHOW CAUSE Assigned Judge: _____ |
| Defendant: | |

TO THE RESPONDING PARTY (PLAINTIFF DEFENDANT) NAMED ABOVE:

Name and address of person to be served:

YOU ARE HEREBY ORDERED to APPEAR and SHOW CAUSE why you should not be found in civil or criminal contempt for violating an Order of the Court as alleged in the Motion for Order to Show Cause, **a copy of which is attached.** You are hereby ordered to appear at the date, time, and place set out below to show cause, if any, why the Court should not enter an Order holding you in civil or criminal contempt. Your failure to appear as ordered may result in the issuance of an Order for Arrest or you being jailed for civil contempt.

FIRST APPEARANCE

At this first appearance you will be advised of your legal rights regarding counsel and the Court will schedule a future time to hear the merits of your case.

| | | |
|------|------|--------------|
| Date | Time | Family Court |
|------|------|--------------|

If the Court finds you in civil contempt, you may be committed to jail for as long as such civil contempt continues. If the Court finds you in criminal contempt, you may be fined up to \$500, imprisoned for up to 30 days, or both.

This the _____ day of _____, 20 _____.

District Court Judge Presiding

CERTIFICATE OF SERVICE (IF SERVED BY MAIL)

I hereby certify that a copy of this Order to Appear and Show Cause has been served on the opposing party/counsel in the following manner:

By depositing a copy in the US Mail in a property addressed, postpaid envelope to:

| | |
|-------|---|
| Date: | <div style="text-align: right;"><input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant</div> |
|-------|---|

SHERIFF'S AFFIDAVIT (IF SERVED BY SHERIFF)

I certify that this Order to Appear and Show Cause was received and served as follows:

| | |
|--------------|-------------------|
| Date Served: | Responding Party: |
|--------------|-------------------|

By delivering to the Responding Party named above a copy of this Order

By leaving a copy of this Order at the dwelling house or usual place of abode of the Responding Party named above with a person of suitable age and discretion then residing therein.

Name and address of person with whom copies left: _____

The Responding Party WAS NOT served for the following reason:

| | |
|-----------------|-------------------------------|
| Date Received: | Name of Sheriff: |
| | County: |
| Date of Return: | Deputy Sheriff Making Return: |