

## WAKE COUNTY FAMILY COURT INSTRUCTIONS: MOTION FOR ORDER TO SHOW CAUSE AND MOTION FOR CONTEMPT

### STEP 1 THE DOCUMENTS YOU NEED TO COMPLETE FOR SHOW CAUSE

- [Motion for Order to Show Cause and Motion for Contempt \(WAKE-DOM-05A\)](#)
- A copy of the original Court Order that is not being followed
- [Order to Appear and Show Cause \(WAKE-DOM-05B\)](#)
- [Custody Mediation Cover Sheet \(WAKE-DOM-06\)](#)
- [Order to Attend \(WAKE-DOM-07\)](#)

### STEP 2 COMPLETING & FILING YOUR DOCUMENTS

1. You may handwrite or type the information required in these forms. It is preferred that you TYPE the information.
2. Please note that the *Motion for Order to Show Cause and Motion for Contempt* contains a “Verification” section which must be signed in the presence of a Notary Public. There are no notaries in the Family Court Office.
3. There may be a filing fee for this motion. To determine the amount of the fee, please refer to [www.nccourts.org/Courts/Trial/Costs](http://www.nccourts.org/Courts/Trial/Costs) or contact the Clerk’s Office at (919) 792-4125.
4. Take the **original plus 3 copies** of all the documents you have completed to the Clerk’s Office in Room 102 of the Wake County Courthouse for filing. Please note that the Family Court Office cannot make photocopies for you. **If you do not bring the appropriate number of copies at the time of filing, the clerk’s office will make your copies at a cost of \$2.00 for the first page, and \$0.25 for each additional.**
5. The Clerk’s Office will file stamp the original and all copies of the **Motion only** (**do not** stamp the *Custody Mediation Cover Sheet* (WAKE-DOM-06), *Order to Attend* (WAKE-DOM-07), *Order to Appear and Show Cause* (WAKE-DOM-05B) or your underlying Order).
6. Take **1** copy of your *Motion for Order to Show Cause* (*including a copy of the underlying Court Order that is not being followed*), **3** copies of the *Order to Appear and Show Cause*, and, if applicable, **3** copies of both the *Custody Mediation Cover Sheet* and *Order to Attend* to your Assigned Judge’s Family Court Case Coordinator in Room 1112. If you have filed a *Motion and Order to Waive Custody Mediation* (AOC-CV-632), you should *also* have 3 copies of this Motion.

### **STEP 3**

## **THE JUDGE’S DECISION REGARDING YOUR MOTION**

1. Your Family Court Case Coordinator will contact you once your Judge renders his/her decision.
2. You must then return to the Family Court Office to retrieve your documents, and, if applicable, obtain a mediation date from the Custody Mediation Office on the 6<sup>th</sup> floor (919-792-4425).

### **STEP 4**

## **SERVING THE OTHER PARTY**

You are now ready to serve the other party. See Rules 4 and 5 of the North Carolina Rules of Civil Procedure regarding process and service and filing of pleadings and other papers. A copy of the North Carolina Rules of Civil Procedure is available on this website under *Domestic Rules & Forms*. If you are unclear as to how to serve the other party, you should speak to an attorney.

### **STEP 5**

## **CUSTODY MEDIATION**

Rule 8 of the Tenth Judicial District Family Court Rules for Domestic Court sets forth the procedures involved in Custody Mediation. A copy of the Tenth Judicial District Family Court Rules for Domestic Court is available on this website under *Domestic Rules & Forms*. If you have any questions about Custody Mediation, you may contact the Custody Mediation Office at (919) 792-4425.

### **STEP 6**

## **APPEARING AT COURT ON THE DAY OF YOUR HEARING**

1. The *Order to Appear and Show Cause* (WAKE-DOM-05B) will contain two court dates: one for an Advisement Hearing which the moving party does NOT need to attend. The second date is for the Show Cause Hearing, at which testimony will be taken and evidence may be produced.
2. Calendar call for both hearings will take place at 9:00 a.m. on the dates set forth in the *Order to Appear and Show Cause*. Please arrive at the assigned courtroom no later than 8:45 a.m. Make sure you allow yourself ample time to find parking (either on-street or in one of the public garages), go through courthouse security, and take the busy elevators up to your judge’s courtroom on the 2<sup>nd</sup> floor. It is recommended that you arrive downtown no later than 8:15 a.m. on the date of your hearing.
3. At calendar call, your Judge will tell you what time your case will be heard, or if your Show Cause Hearing is not reached, you may reschedule the hearing.
4. Your hearing will then be conducted. At the conclusion of the hearing, your Judge will render his/her ruling, or take the matter under advisement and announce his/her ruling at a later date.

## **STEP 7**

### **FINAL SHOW CAUSE ORDER**

1. Your Judge will then typically prepare a final order concerning the Show Cause. If one of the parties is represented by an attorney, the Judge may request that the attorney prepare a proposed order for the Judge's signature. Make sure that the opposing party's attorney has your address, telephone number, facsimile number, email address and any other pertinent contact information so that the attorney can share with you a proposed draft order prior to submission to the Judge. If there is no attorney on the other side, make sure that your contact information is correct in the Court file.
  
2. Your Family Court Case Coordinator will contact the parties when the final Order has been signed by the Judge. You (the moving party) will need to pick the Order up from the Family Court Office in Room 1112, and *serve* the other party with a copy.

## **QUESTIONS**

After reading these instructions and reviewing the forms and all relevant statutory laws and procedural rules, if you feel that you are unable to represent yourself or complete the paperwork **ON YOUR OWN** (note: Family Court staff **CANNOT** assist you in preparing your paperwork), or if any of the instructions are unclear to you, you should speak with an attorney. If at any point during the process you should wish to proceed with the help of an attorney, please contact a private attorney directly. Some resource information is also available on this website under *Domestic Attorneys in Wake County*.