

Checklist to Respond to Motion for Order to Show Cause in Districts 1 through 4

- You must complete a form before you file it. These instructions will help you complete the forms.
- The judicial services representative cannot complete a form for you.
 - Attach a copy of any document referred to in the form.
 - Keep a copy of all documents for your records.
 - Attend all court hearings.
 - Some forms may not apply in your case.
 - Check with your court about local requirements.

Procedures on Motions for an Order to Show Cause differ from one courthouse to another. Contact the court in which the motion is filed to confirm the procedures for that court.

This is a checklist for responding to a motion for an order to show cause in a family law case in [Judicial Districts 1, 2, 3 and 4](#). If the motion is filed in another district, use the checklist for that district. Motions decided by a judge are governed by [URCP 7](#). Motions decided by a commissioner are governed by [URCP 101](#).

(1) Statement(s) Opposing the Motion

- Some commissioners require or permit a written Statement Opposing the Motion. Some do not. You should contact the commissioner's judicial assistant to find out whether a Statement Opposing the Motion must be filed. Even if a commissioner does not require a written Statement Opposing the Motion, it may be to your advantage to file one.
- If you do not agree with the motion and want to file a statement opposing it, you must file and serve the Statement Opposing the Motion at least 7 days before the hearing. A party may file more than one statement.
- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or Respondent or a witness for the Petitioner or Respondent. If you were the Petitioner in the order you are asking the court to enforce, then you are still the Petitioner in these forms. If you were the Respondent in that order, you are still the Respondent in these forms even though you are now the party filing the motion.
- Check the correct box to show whether the court is the District, Juvenile or Justice Court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the

motion for order to show cause that was served on you. Print the name of the motion on the blank line.

- You do not need to check the box next to “hearing requested.” A hearing has already been scheduled. The date time and place of the hearing are in the order to show cause.
- Paragraph (1): State the facts relevant to the motion that are within the first-hand knowledge of the person signing the statement. This means the person must have observed the facts personally, rather than being told about the facts.
- Paragraph (2): List and attach any documents you want to use to support the facts.
- Paragraph (3): You do not need to check the box next to “hearing requested.” A hearing has already been scheduled. The date time and place of the hearing are in the order to show cause.
- Attach any required documents and forms.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and any attachments on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form, attachments and certificate of service with the judicial services representative.

(2) Reply Statement (if applicable)

- If you file a Statement Opposing the Motion, the other party may file a Reply, but only to respond to something being raised for the first time in your opposing statement. If the opposing statement and its supporting documents merely make statements of fact and legal arguments against the points made in the motion, then the other party cannot file a Reply. The Reply must be filed and served at least 3 business days before the hearing.

(3) Attend the Hearing

- All motions decided by a commissioner will be decided after a hearing, unless the parties agree to the motion.
- Be sure to attend the hearing. If you fail to attend, a judgment may be entered against you and the commissioner or judge may find you in contempt of court.
- For more information, see our webpage on [Going to Court](#).

(4) Order on Order to Show Cause

- The Order to Show Cause is a directive to a party to appear in court at a certain date and time and explain why they should not be held in contempt of court. After the hearing the court commissioner must enter recommendations for an order on the merits of the motion claiming that the party has not followed the controlling order.
- You can print the information in the form, but the form must be signed by the court commissioner and the judge.
- At the hearing, the court commissioner will decide the issues and may tell one of the parties to prepare the Order on Order to Show Cause. Listen carefully to the court commissioner's decision. The order must agree with that decision, and you may have to prepare it.
- If you need a copy of the audio recording of the hearing, you may order and purchase one at the court where your hearing was held. For more information, see our webpage on [Copies of Court Hearings](#).
- If the court commissioner asks you to prepare the Order on Order to Show Cause, complete all of it except the date and the signatures of the court commissioner and the judge. What you write in the order must agree with what the court commissioner decided.
- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or Respondent or the attorney for the Petitioner or Respondent. If you were the Petitioner in the order you are asking the court to enforce, then you are still the Petitioner in these forms. If you were the Respondent in that order, you are still the Respondent in these forms even though you are now the party completing the Order on Order to Show Cause.
- Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the other Order to Show Cause forms already filed.
- Complete all of the order except the date and the signatures of the court commissioner and the judge. What you write in the order must agree with what the court commissioner decided.
- Date and sign Order on Order to Show Cause under the phrase: "approved as to form."
- Within 15 days after being told to prepare the order, serve it on the other party by one of the methods described in the Certificate of Service. [URCP 5](#) governs service.

- The other party has 5 days in which to object in writing as to the form of the order. This is an objection to the way you prepared the order but not an objection to what the court commissioner decided.
- File the original Order on Order to Show Cause and the Certificate of Service with the judicial services representative after the time to object has ended.
- If the other party files an objection as to the form of the order you have prepared, then the court commissioner will determine whether to hold a hearing on that objection.

(5) Notice of Order

- If you prepared the order, or if the court commissioner says you have to serve the signed order:
 - Print your name and contact information at the top of the Notice of Order. Check whether you are the Petitioner or Respondent or the attorney for the Petitioner or Respondent.
 - Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the other Order to Show Cause forms already filed.
 - Attach any required documents and forms.
 - Date and sign the form.
 - Complete the Certificate of Service.
 - Serve the form and any attachments on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
 - File the original form and attachments with the judicial services representative.

(6) Request for Contempt Hearing

- If the court commissioner certifies the issue of contempt to be heard by a judge, the party asking for the order to show cause will complete, file and serve this form.
 - Attend the hearing that is scheduled.

(7) Objection to Court Commissioner's Recommendations URCP 108

- A recommendation of a court commissioner is the order of the court until modified by the court. A party may object to the recommendation by filing an objection in under [URCP 108](#) within 14 days after the recommendation is made in open court or, if the court commissioner takes the matter under advisement, 14 days after the minute entry of the recommendation is served.

- Your objection must be clear, specific and succinct. Identify which finding, conclusion or recommendation you disagree with and why. Explain what you think the result should have been. The time for filing, length and content of memoranda, affidavits, and request to submit for decision are as stated for motions in [URCP 7](#).
- A party may respond to the objection in the same manner as responding to a motion.
- The courts do not have an objection form.