

## **Checklist for a Bench Warrant or an Order to Show Cause**

Keep a copy of all documents for your records.  
Attend all court hearings.

### **(1) Bench Warrant or Order to Show Cause?**

- If the debtor does not attend the hearing to answer questions about his or her property, you can ask the court to issue a Bench Warrant or an Order to Show Cause (why the debtor should not be held in contempt of court) subject to the following conditions.
  - You can ask for a Bench Warrant if the Order Scheduling Hearing to Identify Judgment Debtor's Property was served on the debtor personally.
  - You can ask for an Order to Show Cause if the Order Scheduling Hearing to Identify Judgment Debtor's Property was served by some other method, such as mailed to the debtor or left with someone to give to the debtor.

### **(2) Motion for a Bench Warrant/Order to Show Cause**

- Write your name and contact information at the top of the first page. Check whether you are the plaintiff/petitioner or defendant/respondent or the attorney for the plaintiff/petitioner or defendant/respondent.
- Complete the heading exactly as it appears in the Judgment.
- Check Motion for "Bench Warrant" or "Order to Show Cause" in the heading. (You may ask for a Bench Warrant only if the order scheduling the hearing was served on the debtor personally.)
- Complete Paragraphs (2), (4) and (6). There is nothing to add to the other Paragraphs but they must be true in order to qualify for a Bench Warrant or Order to Show Cause.
- Attach the required documents.
- Date and sign the form.
- File the original form with the judicial services representative.

### **(3) Bench Warrant**

- Write your name and contact information at the top of the first page. Check whether you are the plaintiff/petitioner or defendant/respondent or the attorney for the plaintiff/petitioner or defendant/respondent.
- Complete the heading exactly as it appears in the Judgment.
- Complete Paragraph (1).
- Do not complete the rest of the form. The judicial services representative will do this.

#### **(4) Order to Show Cause**

- Write your name and contact information at the top of the first page. Check whether you are the plaintiff/petitioner or defendant/respondent or the attorney for the plaintiff/petitioner or defendant/respondent.
- Complete the heading exactly as it appears in the Judgment.
- Print the debtor's name in the blank on the "To" line.
- Complete Paragraph (1).
- Do not complete the rest of the form. The judicial services representative will do this.

#### **(5) Serve the Bench Warrant/Order to Show Cause**

- The Bench Warrant must be served by a constable or deputy sheriff. The constable or sheriff will try to collect the bail that was ordered by the court. You can ask that the bail be forfeited to you.
- The Order to Show Cause does not have to be served by a constable or deputy sheriff, but it must be served on the debtor personally if you want to ask for a bench warrant if the debtor fails to attend the hearing.
- The constable, deputy sheriff, or process server will prepare and file proof of service.
- There will be a service fee unless the court has ordered that service fees be waived. The court cannot waive the service fees of a private process server.

#### **(6) Hearing**

- Prepare for the hearing by making a list of questions about the debtor's property. If you are not represented, be prepared to question the debtor yourself.
- If the debtor does not attend after being personally served, you may ask the court to issue Bench Warrant. (Use the same process as described above. The court will usually set a higher bail for the second warrant.)
- If the debtor has posted bail, you can ask that the debtor forfeit the bail to you. If the debtor does not attend, you can ask the court to order that the bail be forfeited to you.