



PLEASE CAREFULLY READ THE FORMS AND INSTRUCTIONS CONTAINED IN THIS PACKET. IF YOU HAVE ANY QUESTIONS, PLEASE CONSULT WITH AN ATTORNEY.

THESE ARE EDUCATIONAL FORMS AND INSTRUCTIONS DESIGNED TO ASSIST YOU, BUT YOU ARE REPRESENTING YOURSELF. PLEASE REVIEW AND FOLLOW THE DIRECTIONS TO IMPROVE YOUR PERFORMANCE IN YOUR CASE. FAILURE TO READ AND FOLLOW THE INSTRUCTIONS MAY ADVERSELY IMPACT YOUR CLAIM.

Instructions for Obtaining an Order to Show Cause

Use this Packet if you are trying to enforce a prior Court order because the other party is not following the order (i.e., you want to have the other party held in contempt). Please read through the following information and instructions before completing the forms to ensure that you qualify to seek an Order to Show Cause from the Court.

Step 1. Getting Started. If the other party has willfully failed to follow a prior Court order, then you may be able to have them held in contempt by the Court. To do so, the following forms are required:

1. Motion for Order to Show Cause (attach a copy of your prior court order)
2. Affidavit in Support of Order to Show Cause
3. Order to Show Cause

Be sure to complete each form completely and accurately. You will need to attach a copy of the prior court order that you are seeking to enforce. A copy can be obtained from the Clerk of District Court for a small fee.

Step 2. File the Documents. You will file your documents with the Clerk of District Court where the order you are trying to enforce was filed. There is not a cost to file these papers, but there is a cost to have the other party served with the documents.

Take the original and two (2) copies of each document to the Clerk's office. The Clerk will give you copies of each document back after stamping them with the date they were filed. You should keep one copy of each document for your records. The other set of documents will need to be served upon the other party. A judge will need to sign the Order to Show Cause, and the Court will set a date for a hearing on your motion.

RECAP for Step 2: To have the other party held in contempt for failing to follow a prior order issued by the Court, you will need to file the following documents with the Clerk of the District Court's office:

- A. *Motion for Order to Show Cause*; and
- B. *Affidavit in Support of Order to Show Cause*
- C. *Order to Show Cause*
- D. Take the original and two (2) copies of each document to the Clerk's office.
 - a. The Clerk will give you both copies back after file-stamping them
 - b. You should keep one copy for your records.
 - c. The other set of documents will need to be served upon the other party.
 - d. The Judge will sign the Order to Show Cause and set a date for a hearing.

Step 3. Serve the Other Party. Wyoming law requires that you give notice to the other party about the filing of the motion. This is known as “service of process.”

Service by Sheriff. To serve the documents on the other party, you must take the documents to the Sheriff’s Department in the county in which the other party lives. Service fees vary in Wyoming counties, but typically cost around \$50.00. Check with the Sheriff’s Department to determine how much the service fee is in your county. If the other party is to be served outside of Wyoming, you must contact the Sheriff’s office in the county where the respondent is to be served to determine the service fee and address for forwarding the documents you wish to have served on the Defendant or Respondent.

Proof of Service. The Sheriff’s Department will complete the last page of the *Order to Show Cause* called the “*Return of Service by Sheriff*” (or they may have their own form - an “*Affidavit of Service*”) and will usually file the original with the Clerk’s office and send you a copy. If you receive what looks like the original *Order to Show Cause* with the *Return* portion completed or an “*Affidavit of Service*” from the Sheriff, call the Clerk’s office to ensure the original has been filed. If it has not, then file the original with the Clerk’s office and keep a copy for yourself. This is the proof that the other party was given proper notice.

Note: Once the other party has been served, you **MUST** be sure the original *Order to Show Cause* with the completed *Return* (or *Affidavit of Service*) is on file with the Clerk’s office so that the Judge knows that proper service was made.

RECAP for Step 3: You **MUST** give the other party official notice that you have filed a motion to hold them in contempt. Notice is given by having the other party served by doing the following:

Service by Sheriff

- A. Provide copy of the *Motion for Order to Show Cause; Affidavit in Support of Order to Show Cause*, and *Order to Show Cause* to Sheriff where the other party lives;
- B. Pay the *service fee*; and
- C. Once the other party is served, be sure the original *Return* or *Affidavit of Service* is filed with the Clerk’s office.

Step 4. Attend Hearing. If the other party was served and proof of service is on file with the Clerk’s office, attend the scheduled hearing. Be on time and dressed appropriately (as if you were going to a job interview). Present your case to the Judge. The Judge will decide if the other party has willfully failed to follow the prior court order and advise you of his or her decision.

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

RECAP for Step 4: If the other party was served, attend the hearing. If the other party was **NOT** served, move on to Step 5.

- A. Be on time and be dressed appropriately.
- B. Present your side of the story to the Judge.
- C. The Judge will make a decision and advise you of his or her ruling.

Step 5. Dismissal. If you decide not to pursue the contempt action (because you cannot find the other party to serve him or her, or if the other party has cured the reason for the contempt action, or for any other reason), you must file the *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*. If, however, the other party has been served with a copy of the *Order to Show Cause*, both parties need to sign the *Order of Dismissal*.

RECAP for Step 5: If you no longer need to pursue the contempt action or if the other party was NOT served in time for the hearing, complete the following:

A. *Order of Dismissal*

- a. If the other party was not served, the *Order of Dismissal* only needs to be signed by you.
- b. If the other party was served, then he or she must also sign the *Order of Dismissal*.

B. Take an original and two (2) copies of the *Order of Dismissal* for filing with the Clerk and two (2) addressed, stamped envelopes (one addressed to you and one to the other party with enough postage to cover the cost of mailing the *Order of Dismissal* to you and the other party). The Clerk will mail the order to you once it has been signed by the Judge.