

STATE OF NORTH CAROLINA
CUMBERLAND COUNTY
FAMILY COURT

ACCESS AND VISITATION
PROGRAM



Co-Parenting:
Working Together for Your Children

Contempt Packet

FILE IT YOURSELF CONTEMPT PACKET

The information provided in these packets is designed to assist individuals who are not represented by an attorney (“pro se”) to file or make motions in a domestic action and to represent themselves in a hearing before a Family Court Judge.

As a pro se litigant, you are responsible to make certain that the forms you use are appropriate for your situation. Therefore, you should review and research applicable laws and rules. If you are unable to do this, you should speak to an attorney.

Please Note: Family Court staff CANNOT assist you in filling out forms or checking to see that you have correctly filled out the forms.

The packet contains instructions for completing the forms. **READ ALL INSTRUCTIONS** before you complete the forms.

MOTION FOR ORDER TO SHOW CAUSE AND MOTION FOR CONTEMPT

This form is designed to be used to assist individuals who want to enforce a court order.

READ ALL INSTRUCTIONS before you complete the forms.

1. **Instructions:**

- Motion for Order to Show Cause and Motion for Contempt

2. **Forms:** Print and complete all of the following:

- Motion for Order to Show Cause and Motion for Contempt
- Order to Appear and Show Cause

INSTRUCTIONS FOR PREPARING AND FILING YOUR CONTEMPT PACKET

STEP 1

THE DOCUMENTS YOU NEED TO COMPLETE FOR SHOW CAUSE/CONTEMPT

- Motion for Order to Show Cause and Motion for Contempt
- A copy of the original Court Order that is not being followed
- Order to Appear and Show Cause
- Motion coversheet (AOC-CV-752)
- Notice of Hearing

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* contain “Verification” sections which must be signed in the presence of a Notary Public. (Check your bank, library, personal services near you on Google). 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 or you may contact the Clerk’s Office in your county.
4. Bring the **original plus 2 copies** (original – for the clerk, one copy – to be retained by you, other copy – for service) of all the documents you have now completed to the Clerk’s Office of your 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 for the first page and each additional page.**
5. The Clerk’s Office will file stamp the original and all copies of the **Motion only**.
6. **Take 1 copy of your Motion coversheet, Notice of Hearing and your Certificate of Service to the Family Court Office.**

STEP 3

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 Local Rules and Forms. If you are unclear as to how to serve the other party, you should speak to an attorney.

STEP 4

ACCESS AND VISITATION

If you have any questions about the Access and Visitation program, you may contact the Access and Visitation Office serving your county. Please contact the District Court Judges' Office in your county for that number.

STEP 5

APPEARING AT COURT ON THE DAY OF YOUR HEARING

1. Bring the Order to Appear and Show Cause to court with you on the date of the show cause hearing. On this date, testimony will be taken, and evidence may be produced.
2. If applicable, please check with your county Family Court office to determine when calendar call is scheduled. 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 the courtroom. It is recommended that you arrive no later than 8:15 a.m. on the date of your trial.
3. At calendar call, your assigned Judge will tell you on what date and/or time you need to return for your trial.
4. Your hearing will be conducted. At the conclusion of the trial, your assigned 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. A final Order will then be prepared. If the Defendant is represented by an attorney, the Judge may request that the attorney draft a proposed order for the Judge's signature. Make sure that the Defendant's attorney, District Court Judges' Office or Family Court Office has your address, telephone number, email address and any other pertinent contact information so that the opposing party can share with you a proposed draft order prior to submission to your Judge. **Please Note: The Judge may order you to prepare the court order. If so, once you have prepared the order, you must submit the original and 2 copies of the**

order to the District Court Judges’ office or Family Court office for the judge to review and sign. The judge may not be available when you submit your order so you might have to leave it at the office. Once the order is signed, you will need to pick up the order from the District Court Judges’ office or Family Court office, take the order to the Clerk’s office in your county to be filed, and send the opposing party a copy of said filed order.

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: Access and Visitation Coordinator or 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 any attorney, some resource information is available in your packet.

NORTH CAROLINA
COUNTY OF _____

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO.: _____

Assigned Judge: _____

Plaintiff,

**MOTION FOR ORDER TO SHOW CAUSE
AND
MOTION FOR CONTEMPT**

v.

Defendant.

Name, address, telephone number of Plaintiff:

Name, address, telephone number of Defendant:

The undersigned, being first duly sworn, hereby moves the Court to require the Plaintiff Defendant to appear and show cause why he/she should not be held in contempt for failing to comply with a prior order of this Court dated _____. **A copy of this order is attached.**

IN THE ALTERNATIVE, the undersigned, being first duly sworn, hereby moves pursuant to North Carolina General Statutes 5A-23(al) that the Plaintiff Defendant be held in civil contempt for failing to comply with a prior order of this Court dated _____. **A copy of this order is attached.**

1. By the order of this Court referenced above, the Plaintiff Defendant was required to:

2. The Plaintiff Defendant has willfully failed to comply with that Order in that:

3. I am informed and believe that the Plaintiff Defendant has the means to comply with that Order.

4. I am requesting an award of attorney's fees for the prosecution of this motion - Yes No (Choose One)

5. A **Parenting Coordinator?** has been appointed in this case Yes No. (Choose One)

6. If the answer to #5 is yes, and the issue relates to custodial provisions in the Order. I have submitted these issues to the Parent Coordinator prior to filing this Motion - Yes No. (Choose One)

Dated: _____

Plaintiff Defendant

Other: _____

Daytime Telephone Number: _____

Email Address: _____

NORTH CAROLINA

VERIFICATION

COUNTY OF _____

_____, being first duly sworn, deposes and says that he/she is the Plaintiff Defendant in the above-entitled action, that he/she has read the foregoing documents 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.

Date _____

_____ Plaintiff Defendant

NORTH CAROLINA

COUNTY OF _____

I certify that the following person personally appeared before me this day, and I have personal knowledge of the identity of the principal; or I have seen satisfactorily evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a _____; or a credible witness has sworn to the identity of the principal; acknowledging to me that he/she voluntarily signed the foregoing document for the purpose stated therein, and in the capacity indicated:

Date: _____

(Official Signature of Notary Public)

(Official Seal)

_____, Notary Public
(Typed or Printed Name of Notary Public)

My Commission expires: _____

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion for Order to Show Cause and Motion for Contempt has been served pursuant to Rule 4 on the opposing party in the following manner:

By Sheriff

By certified mail properly addressed to:

Other: _____

Date: _____

Plaintiff

Attorney for Plaintiff

Other: _____

Defendant

Attorney for Defendant

NORTH CAROLINA
COUNTY OF _____

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO.: _____

Assigned Judge: _____

Plaintiff,

v.

Defendant.

**ORDER TO APPEAR
AND
SHOW CAUSE**

TO THE PLAINTIFF DEFENDANT NAME ABOVE:

Name and address of Person to be Served:

The Court finds probable cause to believe that you are in civil or criminal contempt for failing to comply with the Court's order as specified in the Motion for Order to Show Cause and Motion for Contempt (**DATED:** _____). (A copy of which is attached), You are hereby ordered to appear at the dates, times and places set out on the attached NOTICE OF HEARING 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.,

This the _____ day of _____, 20__

DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion for Order to Show Cause and Motion for Contempt has been served pursuant to Rule 4 on the opposing party in the following manner:

By Sheriff

By certified mail properly addressed to:

Other: _____

Date: _____

Plaintiff

Attorney for Plaintiff

Other: _____

Defendant

Attorney for Defendant

SHERIFF COMPLETES THE FORM BELOW THIS BOX

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

Date Served:	Name of Obligor:
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By delivering to the Obligor 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 obligor named above with a person of suitable age ad discretion then residing therein

Name And Address Of Person With Whom Copies Left:

The obligor WAS NOT served for the following reason(s): _____

Date Received:	Name of Sheriff:
Date of Return:	County:
Service Fee:	Deputy Sheriff Making Return: