

# **ORDER TO SHOW CAUSE**

## **WHAT TO DO WHEN THE OTHER SIDE IS VIOLATING THE COURT'S ORDER**

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If other party in the case is deliberately violating a court order [about child support or visitation, for example], you can ask the court to help you. Here's how to do it.

- **FILL IN** the Motion for Order to Show Cause with the names and case number just like it appears on the court's order. Explain the problem in the blank space. Remember to include details, such as dates and times. And remember your signature must be "notarized." There are many Notary Publics in the courthouse.
- **FILE** the Motion for Order to Show Cause with the Clerk of the Court [located on the first floor in the center of the building] and ask for two (2) endorsed copies. The Clerk will tell you which judge is assigned to you.

Take one (1) endorsed copy of the Motion for Order to Show Cause to the assigned Family Court Judge and ask the Judge to review your motion and sign the Order to Show Cause.

The Judge will set a **DATE** and **TIME** for a **HEARING**.

- **FILE** the signed Order to show Cause [with the date and time filled in] with the Clerk of the Court and ask for two (2) endorsed copies. Keep one copy for yourself.
- **SERVE** the other person the following papers:
  1. The endorsed Motion for Order to Show Cause;
  2. The endorsed Order to Show Cause;
  3. The Notice of Rights.

"Serve" means placing the Order to Show Cause in the hands of the other party; in other words, service must be personal. Mailing the papers in **NOT** good enough.

Anyone who is over 18 and who is not a party to the case may serve the papers. That means that **YOU -- the party -- CANNOT SERVE** the papers yourself. The Sheriff's Office or a professional process server can serve but they usually charge a fee. If the court has already found that you can't pay court fees, the Sheriff will serve the papers for free.

To help the Sheriff or Process Server find the other person, fill in the Information Sheet as completely as you can and give it to the Sheriff or Process Server.

Service is **VERY** important. To prove service, ask the person who performed the service to complete a "Return of Service" and then make sure it is filed with the Clerk of the Court.

- **ATTEND** the hearing at the date and time set and bring evidence, such as witnesses or documents, and be prepared to prove your claim in court. Let the court know if you need an Interpreter.

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**Here are some useful telephone numbers:**

Santa Fe Police Dept. 473-5080  
Santa Fe Sheriff 986-2455  
Rio Arriba Sheriff 753-3320  
Los Alamos Sheriff 662-8028

Child Support Enforcement 827-1900  
Judge Daniel Sanchez 827-5044  
Judge Raymond Ortiz 827-5083  
Domestic Violence Section 827-4350