

MOTION FOR AN ORDER TO SHOW CAUSE FOR CONTEMPT AND/OR TO ENFORCE

Filing fee: The fee to file this motion is \$25.

*If your case was originally filed as a Joint Petition divorce, there is an additional \$129 filing fee to file this motion.

This motion is for:

- A person who has a Nevada court order that has been signed by the judge and filed; AND
- The other party has received a copy of the signed Nevada court order; AND
- The other party is not following the order.

You have to try to resolve the issue with the other party privately: If you do not, you have to explain in the papers why you didn't try to work this out with the other party first. You may be sanctioned if the judge thinks you could have resolved this privately.

1. Fill out the forms: Use black ink and write clearly.

➤ **Motion for an Order to Enforce and for an Order to Show Cause**

This form tells the judge and the other party how the other person is violating the court order. You will have to explain what the other person has done (or not done) and how you are being harmed because of it.

➤ **Motion / Opposition Fee Information Sheet**

This form tells the Clerk of Court whether you need to pay a filing fee.

➤ **Schedule of Arrears (this form is not in this packet, but available separately)**

This form is only needed if the other person has violated court orders by not paying child support or spousal support. You must list each payment the other person did not pay in full, with a grand total at the bottom.

➤ **Ex Parte Application for an Order to Show Cause**

This form asks the judge to set a contempt hearing where the other party has to explain their actions.

➤ **Exhibit Appendix** – if you have exhibits to file, ask the SHC staff for this form.

2. File the forms:

Online: You can upload your documents at <https://nevada.tylertech.cloud/OfsWeb/Home>. There is a \$3.50 fee to e-file your documents, in addition to any filing fee required.

Mail: Send your forms and filing fee (*if applicable*) to Clerk of Court, 601 N Pecos, Las Vegas, NV 89101.

In person: Bring your forms and filing fee (*if applicable*) to the Family Courthouse. File them at the Clerk's Office on the 1st floor. Get a ticket for filing when you arrive.

Questions? Call (702) 455-1500, email flshcinfo@lacs.org or visit www.familylawselfhelpcenter.org

This packet includes basic, general information that may not fit all situations. It is your responsibility to know the court rules and the law that applies. The Self-Help Center cannot give you legal advice about your situation.

FILING CODE: MOT

Your Name: _____

Address: _____

Telephone: _____

Email Address: _____

Self-Represented

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Plaintiff,

vs.

Defendant.

CASE NO.: _____

DEPT: _____

**MOTION FOR AN ORDER TO ENFORCE AND/OR FOR AN ORDER TO SHOW
CAUSE REGARDING CONTEMPT**

NOTICE OF MOTION

The judge can make a decision based only on the written filings, or the judge can talk to both parties and ask questions at a court hearing first. You can choose which you prefer below.

Would you like to have a hearing with the judge? (check yes/no, the court will enter details)

Yes. Hearing Date: _____ Hearing Time: _____ at:

Family Courts & Services Center, 601 N. Pecos Rd. Las Vegas, NV 89101, courtroom _____

Regional Justice Center, 200 Lewis Ave. Las Vegas, NV 89101, courtroom _____

The hearing may be available online; if it is the court will send login information separately.

No. The judge will write a decision after reviewing the request in chambers on: _____

TO: (write opposing party's name): _____

NOTICE: You may file a written response to this motion with the Clerk of the Court and provide the undersigned with a copy of your response within 14 days of receiving this motion. Failure to file a written response with the Clerk of Court within 14 days of your receipt may result in the requested relief being granted by the Court without a hearing prior to the scheduled hearing date.

Submitted By: (your name) _____

Plaintiff / Defendant

MOTION

(Your name) _____, moves this Court for an order to enforce current court orders and for an order to show cause why the opposing party should not be held in contempt and punished accordingly for violating this court’s order. (check one)

- I tried to resolve this issue with the other party before filing this motion.
- I did not try to resolve this issue with the other party before filing this motion. Any attempt to resolve the issue would have been useless or impractical because *(explain why you did not try to resolve this issue directly with the other party before filing this motion)*

Financial Disclosure Form (“FDF”) Certification. (check one)

- This motion does not have anything to do with money or financial relief.
- I understand that I must file my FDF within 2 judicial days of filing this motion to support my request for financial relief. Failure to file a timely, complete, and accurate FDF may result in the court ruling against me and/or imposing sanctions.
- I filed a Financial Disclosure Form in the last 6 months and have no changes to report.

**POINTS AND AUTHORITIES
LEGAL ARGUMENT**

The refusal to obey a lawful order issued by the court is an act of contempt. NRS 22.010(3). The facts of contempt must be presented to the court through an affidavit. NRS 22.030(2). A person found guilty of contempt may be fined up to \$500 for each act of contempt, may be imprisoned for up to 25 days, or both. A person found guilty of contempt may also be required to pay the reasonable expenses, including attorney’s fees, of the person seeking to enforce the order. NRS 22.100.

FACTS AND ARGUMENT

1. **Violation.** I believe the other party is violating court orders. The Court should find the other party in contempt because the other party: (*check all that apply*)

Child Support:

- Does not pay child support at all
- Pays less child support than ordered
- Pays child support late

Alimony:

- Does not pay alimony at all
- Pays less alimony than ordered
- Pays alimony late

Other:

- Does not obey the custody / visitation schedule
- Does not obey the Behavior Order
- Has not returned property to me
- Other: _____

Details about the contempt(s) alleged above are in the attached Declaration.

2. **Garnishment.** (*check appropriate boxes below*)

Does the violation have to do with unpaid child support and/or alimony? Yes No

If yes, do you want the judge to order the other party to have his/her wages garnished to pay future child support and/or alimony? Yes No

3. **Enforcement.** I would like the Court to issue any orders necessary to effectuate compliance with the court order.

4. **Other Relief.** In addition to the relief requested above, I would like the Court to also order the following: (*Explain anything else that you would like the judge to order, or enter "N/A" if you do not want anything else. Be specific.*) _____

I respectfully ask the Court to grant me the relief requested above, including an award of attorney's fees if I am able to retain an attorney for this matter, and any other relief the Court finds appropriate.

DATED _____, 20____.

Submitted By: (*your signature*) _____
(*print your name*) _____

DECLARATION IN SUPPORT OF MOTION FOR AN ORDER TO ENFORCE AND/OR FOR AN ORDER TO SHOW CAUSE REGARDING CONTEMPT

I have personal knowledge of the facts constituting the contempt(s), which are explained in detail below:

How to Fill Out The Next Section:

Get a copy of the court order that is being violated.

The order shows on the upper right corner of the first page the date the order was filed. Write this date in the section that says “date court order was filed.” (*ex., 2/1/2018*)

Find the pages where the court order says what the other party is supposed to do. Find the line number or paragraph number where the order specifically says what the other party is supposed to do. Write these numbers on the “page” and “line/paragraph number” line. (*ex., page 3, line 21*)

Finally, write what the order says the party is supposed to do (*ex. Defendant is supposed to pay \$300 per month in child support*), how the party is violating the order (*ex. Defendant has not paid any child support*), and the dates of the violation (*ex. March 2018-present*).

List each violation separately.

You can include violations for 2 separate court orders, and 2 violations for each court order.
You can add more pages if needed to describe more violations.

1. **First Court Order Being Violated.** The other party is violating the terms of a Court order that the Court entered on (*date court order was filed*) _____.

a. The Court order says on page _____, line/paragraph number _____ that the other party is supposed to: (*write what the order says the other party is supposed to do*):

The other party is not following this part of the order. The other party is (*describe what the other party is doing or not doing that violates the order*) _____

The violation happened on (*date(s) of violation*) _____.

b. The Court order says on page _____, line/paragraph number _____ that the other party is supposed to: *(write what the order says the other party is supposed to do)*:

The other party is not following this part of the order. The other party is *(describe what the other party is doing or not doing that violates the order)* _____

The violation happened on *(date(s) of violation)* _____.

2. **Second Court Order Being Violated.** The other party is violating the terms of a Court order that the Court entered on *(date court order was filed)* _____. According to the Court order, the other party is supposed to do the following:

a. The Court order says on page _____, line/paragraph number _____ that the other party is supposed to: *(write what the order says the other party is supposed to do)*:

The other party is not following this part of the order. The other party is *(describe what the other party is doing or not doing that violates the order)* _____

The violation happened on *(date(s) of violation)* _____.

b. The Court order says on page _____, line/paragraph number _____ that the other party is supposed to: *(write what the order says the other party is supposed to do)*:

The other party is not following this part of the order. The other party is *(describe what the other party is doing or not doing that violates the order)* _____

The violation happened on *(date(s) of violation)* _____.

3. **Notice.** (*check one*)

The other party was served with a copy of the first court order on *(date the party was served with the order)* _____ and was served with a copy of the second court order on *(date the party was served with the order)* _____.

The other party knows about the court order(s) because *(explain how the other party is aware of the court order)* _____

4. **Harm.** I am being harmed or will be harmed by the other party's violation in the following ways: *(explain how the other party's violation is affecting you)* .

5. **Money Due / Arrears.** *If the other party is not paying child support or alimony, you have to fill out a form called a "Schedule of Arrears." The Schedule of Arrears lists every missed or partial payment with a grand total of what is now due (including any applicable interest or penalties).*

check all that apply)

The other party's violation does not have to do with unpaid money.

The other party owes me for unpaid child support. The other party has not paid a total of \$_____ in child support. This amount should be reduced to judgment.

The other party owes me for unpaid spousal support. The other party has not paid a total of \$_____ in spousal support. This amount should be reduced to judgment.

The other party has not paid me other amounts owed (*Explain how much money the other party owes you and why*): _____

This amount should be reduced to judgment.

6. **Need for Contempt Ruling.** The judge should find (*write the name of other party who is violating court orders*) _____ in contempt because (*explain why the judge should hold the person in contempt*) _____

7. Any Exhibit(s) in support of this Motion will be filed separately in an Exhibit Appendix.

I have personal knowledge of the facts constituting the contempt(s) explained above. I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED _____, 20____.

Submitted By: (*your signature*) _____

(*print your name*) _____

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Plaintiff/Petitioner

v.

Defendant/Respondent

Case No. _____

Dept. _____

**MOTION/OPPPOSITION
FEE INFORMATION SHEET**

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the \$25 or \$0 filing fee in the box below.

<input type="checkbox"/> \$25 The Motion/Opposition being filed with this form is subject to the \$25 reopen fee. -OR- <input type="checkbox"/> \$0 The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because: <input type="checkbox"/> The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered. <input type="checkbox"/> The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order. <input type="checkbox"/> The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____. <input type="checkbox"/> Other Excluded Motion (must specify) _____.

Step 2. Select the \$0, \$129 or \$57 filing fee in the box below.

<input type="checkbox"/> \$0 The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because: <input type="checkbox"/> The Motion/Opposition is being filed in a case that was not initiated by joint petition. <input type="checkbox"/> The party filing the Motion/Opposition previously paid a fee of \$129 or \$57. -OR- <input type="checkbox"/> \$129 The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order. -OR- <input type="checkbox"/> \$57 The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.
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Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:

\$0 \$25 \$57 \$82 \$129 \$154

Party filing Motion/Opposition: _____ Date _____

Signature of Party or Preparer _____

FILING CODE: EPAP

Name: _____

Address: _____

Telephone: _____

Email Address: _____

In Proper Person

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Plaintiff,

vs.

Defendant.

CASE NO.: _____

DEPT: _____

EX PARTE APPLICATION FOR AN ORDER TO SHOW CAUSE

(*Your name*) _____, in Proper Person, submits this ex parte application for issuance of an Order to Show Cause directed to the opposing party pursuant to EDCR 5.509(b). This application is based on the pleadings and papers on file and the declaration attached to this application.

DATED _____, 20____.

Submitted By: (*your signature*) _____

(*print your name*) _____

DECLARATION IN SUPPORT OF EX PARTE APPLICATION FOR AN ORDER TO SHOW CAUSE

I declare, under penalty of perjury:

1. I am the moving party in this action. I have personal knowledge of the facts contained in the Motion and in this Declaration and I am competent to testify to the same.
2. I filed a Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt on *(date you filed the motion)* _____. The memorandum of points and authorities, legal arguments, and declaration contained in the Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt are incorporated here as if set forth in full.
3. I am requesting the Court issue an Ex Parte Order to Show Cause because: _____

4. This Ex Parte Application for an Order to Show Cause is made in good faith.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED _____, 20____.

Submitted By: *(your signature)* _____
(print your name) _____

OSC – PART 2

3. Mail or E-Serve the other party:

Make a copy of the Motion, the Schedule of Arrears (if you filed one), Exhibit Appendix (if you filed one) and the Clerk's Notice of Hearing to serve on the other party. *Do not serve the Ex Parte Application for an Order to Show Cause yet.*

Who and how to serve: Usually, you can serve the documents by **regular mail** (*not certified*) or by e-service. **E-service:**

- The other party must have registered for e-service by adding their email as a Service Contact.
- When filing, select “EFileAndServe” from the FilingType drop down menu. After uploading your document and clicking Save Changes, you will be able to see a list of the parties and check whether the other party has added their email. If they did not, you will have to serve by mail.

Mail:

- **If the other party has an attorney:** Send a copy of the forms to the attorney.
- **If the other party does not have an attorney:** Send a copy of the forms to the other party.
 - ❖ **You have to mail the forms to the address the court has on file for the other party**, even if you know they do not live there anymore. If the address on file is not their current address, you ALSO need to mail the forms to the **current address** PLUS **email** it to them. If you don't do all THREE, your hearing could get cancelled.

File a Certificate of Service as proof you served the forms.

4. Submit the Order to Show Cause to the Judge:

Fill out the Order to Show Cause. This form sets the formal contempt hearing. The judge might sign it now or might want to wait until after the motion hearing to sign it.

Fill out every section except the judge's signature. Submit it to the judge in one of these ways:

- **Mail it to the courthouse:** Mail it to: Family Court, 601 N. Pecos Rd., Las Vegas, NV 89101
- **Email it to your judge:** Find the letter that your case is assigned to (for example, Dept C, Dept F, etc.). Insert the department letter where the _ is in the following email format: dept_inbox@clarkcountycourts.us and send it by email.

If the judge does not sign the order: The judge might want to wait until your hearing before signing this form. Attend the hearing and save this form for later in case the judge wants it after the hearing.

FILING CODE: CSERV

Your Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

Email: _____

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Plaintiff,
vs.

CASE NO.: _____

DEPT: _____

Defendant.

CERTIFICATE OF SERVICE

I served the: (*check all that apply*)

- Motion Clerk's Notice of Hearing Opposition Answer
 Exhibit Appendix Financial Disclosure Form Other: _____

In the following manner: (*check one*)

- By Mail** on (*date you mailed it*) _____, 20____ pursuant to NRCP 5(b) and EDCR 5.511 by depositing a copy in the U.S. Mail, postage prepaid, addressed to:

<p>Address on file with the Court:</p> <p>_____ Name</p> <p>_____ Address</p> <p>_____ City, State, Zip Code</p>	<p>Current Address: <i>(leave blank if it is the same as the address on file with the Court)</i></p> <p>_____ Name</p> <p>_____ Address</p> <p>_____ City, State, Zip Code</p> <p><input type="checkbox"/> I do not know the other party's current address</p>
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If the address on file with the court is not the current address, I also emailed the same documents on the same date to: (*other party's known email address*) _____
or I do not know the other party's current email address.

- The other party is registered for eservice and was served through the Court's electronic service system on (*date*) _____.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Date

Your printed name

Your signature

FILING CODE: OSC

Your Name: _____

Address: _____

Telephone: _____

Email Address: _____

**DISTRICT COURT
CLARK COUNTY, NEVADA**

<p style="text-align: center;">_____ Plaintiff,</p> <p style="text-align: center;">vs.</p> <p style="text-align: center;">_____ Defendant.</p>	<p>CASE NO.: _____</p> <p>DEPT: _____</p> <p>DATE OF HEARING: _____</p> <p>TIME OF HEARING: _____</p>
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ORDER TO SHOW CAUSE

The Court, having reviewed the moving party’s Motion for an Order to Show Cause, the papers and pleadings filed, and relevant testimony, hereby finds that there is good cause to grant the moving party an Order to Show Cause.

IT IS HEREBY ORDERED that *(name of opposing party)* _____ shall appear **IN PERSON** on the date and time above before the Eighth Judicial District Court - Family Division located at: (*check one*)

- Family Court, 601 N. Pecos Road, Las Vegas, Nevada 89101, courtroom _____.
- Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada 89101, courtroom _____.

to show cause, if any, why the party should not be held in contempt of this Court for:

1. Failure to obey this Court’s order entered on *(date of order)* _____ by *(summarize what the other party is doing to violate that order)* _____

_____ on *(date that the violation occurred)* _____.

2. Failure to obey this Court's order entered on *(date of order)* _____ by
(summarize what the other party is doing to violate that order) _____

on *(date that the violation occurred)* _____.

3. Failure to obey this Court's order entered on *(date of order)* _____ by
(summarize what the other party is doing to violate that order) _____

on *(date that the violation occurred)* _____.

4. Failure to obey this Court's order entered on *(date of order)* _____ by
(summarize what the other party is doing to violate that order) _____

on *(date that the violation occurred)* _____.

5. Failure to obey this Court's order entered on *(date of order)* _____ by
(summarize what the other party is doing to violate that order) _____

on *(date that the violation occurred)* _____.

IT IS FURTHER ORDERED that this Order to Show Cause shall be served on the other party by _____.

JUDGE

Submitted By: *(your signature)* _____
(print your name) _____

OSC – PART 3

4. If the judge signs the order:

Serve the other party with the Order to Show Cause and any other documents.

Make Copies: Make a copy of the Order to Show Cause and the Ex parte Application for an Order to Show cause to serve on the other party. Keep the originals.

Serve the Documents on the Other Party:

Who to Serve: WARNING! If you do not serve the right person, your case may be delayed.

- **If the other party has an attorney:** Serve the attorney.
- **If the other party does not have an attorney:** Serve the other party.

How to Serve: The judge will indicate how to serve on the Order to Show Cause. You must serve the Order to Show cause in all of the different ways the order says. Some judges require personal service, some require certified mail, and some require regular mailing.

5. Fill out and file the Proof of Service:

The person who served the papers should fill this out after serving the other party. File this after the other party is served. **WARNING!** If you do not do this, the judge may cancel your hearing.

If the other party files an Opposition: You may file a Reply to respond.

6. Attend the hearing:

Before the Hearing: Check with your department to find out whether your hearing will be in-person or through video conferencing.

- **If you have an in-person hearing:** Arrive at least 20 minutes early to allow enough time to park, get through security, and find the courtroom.
- **If you have a video hearing:** Find a quiet place to participate and test to make sure your camera and microphone are working. **Dress appropriately!** This is still a Court hearing. Dress like you would if you were going to an in-person hearing.

FILING CODE: PSER

Name: _____

Address: _____

Telephone: _____

Email Address: _____

Self-Represented

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Plaintiff,

vs.

Defendant.

CASE NO.: _____

DEPT: _____

PROOF OF SERVICE (Ex Parte Application for OSC/ Order to Show Cause)

I, *(name of person who served the documents)* _____, declare
that I served *(name of person who was served)* _____
with a copy of the (*check all that apply*)

Ex Parte Application for an Order to Show Cause

Order to Show Cause

Other: _____

in the following manner: (*check one*)

By Mail on *(date you mailed it)* _____, 20____ pursuant to NRCP 5(b) and
EDCR 5.511 by depositing a copy in the U.S. Mail, postage prepaid, addressed to:

<p>Address on file with the Court:</p> <p>_____ Name</p> <p>_____ Address</p> <p>_____ City, State, Zip Code</p>	<p>Current Address: <i>(leave blank if it is the same as the address on file with the Court)</i></p> <p>_____ Name</p> <p>_____ Address</p> <p>_____ City, State, Zip Code</p> <p style="text-align: right;"><input type="checkbox"/> I do not know the other party's current address</p>
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If the address on file with the court is not the current address, I also emailed the same documents on the same date to: *(other party's known email address)* _____ **or** I do not know the other party's current email address.

Electronic: Through the Court's electronic service system on *(date)* _____.

Personal Service:

I am not a party to nor interested in the outcome of this action, I am over 18 years of age, and I (*check one*) am a licensed process server / am not a licensed process server or an employee of a licensed process server - I am a natural person serving legal process without compensation, not more than three times per year, on behalf of a litigant who is a natural person, and therefore I am not required to be licensed pursuant to NRS 648.063(2). I served the documents named above by delivering and leaving them with *(name of person served)* _____ at *(street address)* _____ *(city)* _____, *(state)* _____, *(zip code)* _____.

The documents were served on *(date you served the documents)* _____, 20__ at the hour of *(time)* ____:____ am pm. If the person who was served is not the party, the person served is a person of suitable age and discretion that resides with the party.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED _____, 20__.

Server's Signature: ▶ _____

Server's Printed Name: _____

Residential / Business Address: _____

City, State, Zip: _____

Server's Phone Number: _____

Server's License/Registration Number: _____
(if applicable)