MADERA COUNTY SUPERIOR COURT STATE OF CALIFORNIA

ORDER TO SHOW CAUSE AND AFFIDAVIT FOR CONTEMPT INSTRUCTIONS

- 1. Inside this Order to Show Cause and Affidavit for Contempt packet you will find the first set of documents, are samples that will teach you how to fill out the second set, that are the actual forms.
- 2. Once you have read the sample forms very carefully begin to fill out the actual forms the best you can. Make sure you answer every question that applies to your situation. They can be typed or printed neatly in black ink. Please locate an old copy of filed documents of your case and follow the format on these forms the Petition and Respondent never change; it is like a title of a book. If you do not have a copy of your old case document you will need to go to the CIVIL DIVISION of the COURT and get a copy of the "Docket Card"/Print out Page of your case. This will tell you who the Petitioner and Respondent are as well as the case number.
- 3. Once you have completed filling out all the forms in this packet following the sample documents or using one of your old forms you will need to follow the next set of instructions beginning with number 4
- 4. Make 2 copies of your Order to Show Cause and Affidavit for Contempt, 1 copy of the Fee Waiver, and Zero Copies of the Proof of Service. One copy for you, one copy for the other party turn them all in together with the original. When making your copies each original should be stapled and on the top, the copies of the documents should be behind it paper clipped.

Example: 1. Order to Show Cause and Affidavit for Contempt stapled the two copies behind it.

- 2. Fee Waiver Application plus copy paper clipped
- 5. Take your documents to the **CIVIL CLERK** at the **COURTHOUSE** at the **CIVIL DIVISION** to file and obtain a court date. You will have to wait for the Judge to sign your Order to Show Cause and Affidavit for Contempt. The clerk will call you when it is ready for you to pick-up. If you do not here from them in 5 work days call to check at (559) 416-5525
- 6. Have someone over the age of eighteen other than you; personally serve the other party/parent with their copy of Order to Show Cause and Affidavit for Contempt. They have to be served 16 court days prior to the court date. Complete the Proof of Service and have the person who served the other party for you sign the Proof of Service.
- 7. Take the Proof of Service, plus 1 copy to the civil clerk and file it. Keep the copy after you file it for your records
- 8. Go to your court date before you leave court make sure to listen to find out what is your next procedure. You need to make sure and listen to see if the Judge instructed one of the parties to fill out the Findings and Order after Hearing. If so that party can obtain a copy from the CIVIL CLERK at the CIVIL DIVISION, Fill it out the and return it back to the Civil Division for the Judge's signature. If the other party or you request for a trial date you need to let the Judge know and set the matter for a contested hearing. This is usually set for a Friday at 9:30 a.m... Any witness who will not come willingly you will need to subpoena. You may obtain subpoenas from the CIVIL CLERK at the CIVIL DIVISION. You will need to prepare for trial by having a list of questions for each witness, be prepared to prove how you feel the other party has violated the current order of the court.
- 10. For more information you can go online @ www.courts.ca.gov/selfhelp/ or www.icandocs.org/ca/

MADERA COUNTY STREETING COURT

COMMENDATION CANDAINS NA C

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):		FOR COURT USE ONLY
 PRINT OR TYPE YOUR NAME HERE		EXAMPLE PAGE ONLY: YOU NEED TO MAKE
PRINT OR TYPE YOUR ADDRESS HERE	AD WELL SHE LOS OOK	SURE YOU READ EACH
YOUR CITY, STATE AND ZIP CODE		
		QUESTION CAREFULLY.
TELEPHONE NO.: FAX NO.:		YOU NEED TO BE
ATTORNEY FOR (Name): IN PRO PER		DETAILED WITH EVERY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MADER	\mathbf{A}	QUESTION PERTAINING
STREET ADDRESS: 200 South G Street		TO THE CONTEMPT.
MAILING ADDRESS: $SAME$		PAGES 3 & 4 ARE
CITY AND ZIP CODE: MADERA CA 93637		INFORMATION TO
BRANCH NAME: CIVIL DIVISION		BETTER ASSIST YOU.
PETITIONER/PLAINTIFF: PRINT OR TYPE PETITION	ER'S NAME HERE	र हार्यन कारत विवस्तिको
RESPONDENT/DEFENDANT:PRINT OR TYPE RESPONDEN	IT'S NAME HERE	and the second s
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ORDER TO SHOW CAUSE AND		CASE NUMBER:
AFFIDAVIT FOR CONTEMPT	a Fundaliya atamadiy	ENTER YOUR COURT CASE # HERE
NOTICE!		¡AVISO!
A contempt proceeding is criminal in nature. If the court finds		r desacato es de índole criminal. Si la
you in contempt, the possible penalties include jail sentence,	48	d en desacato, las sanciones posibles
community service, and fine.	incluyen penas de pris	ión y de servicio a la comunidad, y
You are entitled to the services of an attorney, who should be	multas.	
	Usted tiene derecho a	los servicios de un abogado, a quien
consulted promptly in order to assist you. If you cannot afford		nora para obtener ayuda. Si no puede
an attorney, the court may appoint an attorney to represent		corte podrá nombrar a un abogado
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PETITIONER/PLAINTIFF: PRINT OR TYPE PETITIONER		CASE NUMBER: ENTER YOUR COURT CASE # HERE
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WARNING: IF YOU PURSUE THIS CONTEMPT ACTION, ATTORNEY TO PROSECUTE THE CITEE CRIMINALLY F	IT MAY AFFECT THE ABILITY OR THE SAME VIOLATIONS.	Y OF THE DISTRICT
I declare under penalty of perjury under the laws of the State of Ca	alifornia that the foregoing is tru	ue and correct.
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INFORMATION SHEET FOR ORDER TO SHOW CAUSE AND AFFIDAVIT OF FACTS CONSTITUTING CONTEMPT.

(Do NOT deliver this Information Sheet to the court clerk.)

Please follow these instructions to complete the *Order to Show Cause and Affidavit for Contempt* (form FL-410) if you do not have an attorney to represent you. Your attorney, if you have one, should complete this form, as well as the *Affidavit of Facts Constituting Contempt* (form FL-411 or form FL-412). You may wish to consult an attorney for assistance. Contempt actions are very difficult to prove. An attorney may be appointed for the citee.

INSTRUCTIONS FOR COMPLETING THE ORDER TO SHOW CAUSE AND AFFIDAVIT OF FACTS CONSTITUTING CONTEMPT (TYPE OR PRINT FORM IN INK):

If the top section of the form has already been filled out, skip down to number 1 below. If the top section of the form is blank, you must provide this information.

<u>Front page, first box, top of form, left side:</u> Print your name, address, telephone number, and fax number, if any, in this box. If you have a restraining order and wish to keep your address confidential, you may use any address where you can receive mail. **You can be legally served court papers at this address.**

<u>Front page</u>, <u>second box</u>, <u>left side</u>: Print the name of the county where the court is located and insert the address and any branch name of the court building where you are seeking to obtain a contempt order. You may get this information from the court clerk. This should be the same court in which the original order was issued.

<u>Front page, third box, left side:</u> Print the names of the Petitioner, Respondent, and Other Parent (if any) in this box. Use the same names as appear on the most recent court order disobeyed.

Front page, first box, top of form, right side: Leave this box blank for the court's use.

<u>Front page</u>, <u>second box</u>, <u>right side</u>: Print the court case number in this box. This number is also shown on the most recent court order disobeyed.

- Item 1: Insert the name of the party who disobeyed the order ("the citee").
- Item 2: The court clerk will provide the hearing date and location.
- <u>Item 3:</u> Either check the box in item 3 and attach an Affidavit of Facts Constituting Contempt (form FL-411 for financial orders or form FL-412 for domestic violence, or custody and visitation orders), or leave the box in item 3 blank but check and complete item 8.
- <u>Item 5:</u> Check the box that describes how the citee knew about the order that has been disobeyed.
- Item 6: a. Check this box if you have not previously applied for a contempt order.
 - b. Check this box if you have previously applied for a contempt order and briefly explain when you requested the order and results of your request. If you need more space, check the box that says "continued on Attachment 6b" and attach a separate sheet to this order to show cause.
- Item 7: Check this box if the citee has previously been found in contempt by a court of law. Briefly explain when the citee was found in contempt and for what. If there is not enough space to write all the facts, check the box that says "continued on Attachment 7" and attach a separate sheet to this order to show cause.
- Item 8: a. Check this box if the citee has disobeyed orders for child support, custody, visitation, spousal support, family support, attorney fees, and court or litigation costs. Refer to item 1a on Affidavit of Facts Constituting Contempt (form FL-411).
 - Check this box if the citee has disobeyed domestic violence orders or child custody and visitation orders.
 Refer to Affidavit of Facts Constituting Contempt (form FL-412).

Information Sheet (continued)

- Item 8: c. If you are completing this item, use facts personally known to you or known to the best of your knowledge.

 State the facts in detail. If there is not enough space to write all the facts, check the box that says "continued on Attachment 8c" and attach a separate sheet to this order to show cause, including facts indicating that the violation of the orders was without justification or excuse.
 - d. Use this item to write other facts that are important to this order. If you are completing this item, insert facts personally known to you, or known to the best of your knowledge. State facts in detail. If there is not enough space to write all the facts, check the box that says "Continued on Attachment 8d" and attach a separate sheet to the order to show cause.
 - e. If you request attorney fees and/or costs for pursuing this contempt action, check this box. Attach a copy of your *Income and Expense Declaration* (form FL-150).

Type or print and sign your name at the bottom of page 2.

If you checked the boxes in item 3 and item 8a or 8b, complete the appropriate Affidavit of Facts Constituting Contempt (form FL-411), following the instructions for the affidavit above.

Make at least three copies of the Order to Show Cause and Affidavit for Contempt (form FL-410) and any supporting Affidavit of Facts Constituting Contempt (form FL-411 or FL-412) and the Income and Expense Declaration (form FL-150) for the court clerk, the citee, and yourself. If the district attorney or local child support agency is involved in your case, you must provide a copy to the district attorney or local child support agency.

Take the completed form(s) to the court clerk's office. The clerk will provide hearing date and location in item 2, obtain the judicial officer's signature, file the originals, and return the copies to you.

Have someone who is at least 18 years of age, who is not a party, serve the order and any attached papers on the disobedient party. For example, a process server or someone you know may serve the papers. You may not serve the papers yourself. Service must be personal; service by mail is insufficient. The papers must be served at least 21 calendar days before the court hearing. The person serving papers must complete a *Proof of Personal Service* (form FL-330) and give the original to you. Keep a copy for yourself and file the original *Proof of Personal Service* (form FL-330) with the court.

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If you need assistance with these forms, contact an attorney or the Family Law Facilitator in your county.

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ACTUAL FORMS TO BE TYPED OR PRINTED NEATLY IN BLACK INK

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AND THE RESERVE OF THE STATE OF	A VENETYAL KOL COMM	
TELEPHONE NO.: FAX NO.: ATTORNEY FOR (Name): IN PRO PER		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 200 South G Street MAILING ADDRESS: SAME CITY AND ZIP CODE: MADERA CA 93637 BRANCH NAME: CIVIL DIVISION		
PETITIONER/PLAINTIFF:		
	TANK MERITING SIN OF THE SAME WOLDEN	
ORDER TO SHOW CAUSE AND		CASE NUMBER:
AFFIDAVIT FOR CONTEMPT NOTICE! A contempt proceeding is criminal in nature. If the court finds you in contempt, the possible penalties include jail sentence, community service, and fine.	Un proceso judicial por corte le declara a usted incluyen penas de prisid	¡AVISO! desacato es de índole criminal. Si la en desacato, las sanciones posibles ón y de servicio a la comunidad, y
You are entitled to the services of an attorney, who should be consulted promptly in order to assist you. If you cannot afford an attorney, the court may appoint an attorney to represent you.	debe consultar sin dem	os servicios de un abogado, a quien ora para obtener ayuda. Si no puede corte podrá nombrar a un abogado
YOU ARE ORDERED TO APPEAR IN THIS COURT AS FOLLOW SHOULD NOT FIND YOU GUILTY OF CONTEMPT, PUNISH YO FORTH IN THE AFFIDAVIT BELOW AND ANY ATTACHED AFFI REQUIRE YOU TO PAY, FOR THE BENEFIT OF THE MOVING I PROCEEDING.	U FOR WILLFULLY DISOE DAVIT OF FACTS CONST	BEYING ITS ORDERS AS SET ITUTING CONTEMPT: AND
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Continued on Attachment 6b.		

PETITIONER/PLAINTIFF:	CASE NUMBER:
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	violated, how the order was violated, and when the order was
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copy of my Income and Expense Declaration (form	m FL-150) is attached.)
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ATTORNET TO PROSECUTE THE CITEE CRIMINALLY P	FOR THE SAME VIOLATIONS.
declare under penalty of perjury under the laws of the State of C	alifornia that the foregoing is true and correct.
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INFORMATION SHEET FOR ORDER TO SHOW CAUSE AND AFFIDAVIT OF FACTS CONSTITUTING CONTEMPT

(Do NOT deliver this Information Sheet to the court clerk.)

Please follow these instructions to complete the Order to Show Cause and Affidavit for Contempt (form FL-410) if you do not have an attorney to represent you. Your attorney, if you have one, should complete this form, as well as the Affidavit of Facts Constituting Contempt (form FL-411 or form FL-412). You may wish to consult an attorney for assistance. Contempt actions are very difficult to prove. An attorney may be appointed for the citee.

INSTRUCTIONS FOR COMPLETING THE ORDER TO SHOW CAUSE AND AFFIDAVIT OF FACTS CONSTITUTING CONTEMPT (TYPE OR PRINT FORM IN INK):

If the top section of the form has already been filled out, skip down to number 1 below. If the top section of the form is blank, you must provide this information.

<u>Front page, first box, top of form, left side:</u> Print your name, address, telephone number, and fax number, if any, in this box. If you have a restraining order and wish to keep your address confidential, you may use any address where you can receive mail. You can be legally served court papers at this address.

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<u>Front page, second box, left side:</u> Print the name of the county where the court is located and insert the address and any branch name of the court building where you are seeking to obtain a contempt order. You may get this information from the court clerk. This should be the same court in which the original order was issued.

Front page, third box, left side: Print the names of the Petitioner, Respondent, and Other Parent (if any) in this box. Use the same names as appear on the most recent court order disobeyed.

Front page, first box, top of form, right side: Leave this box blank for the court's use.

Front page, second box, right side: Print the court case number in this box. This number is also shown on the most recent court order disobeyed.

- Item 1: Insert the name of the party who disobeyed the order ("the citee").
- Item 2: The court clerk will provide the hearing date and location.
- <u>Item 3:</u> Either check the box in item 3 and attach an *Affidavit of Facts Constituting Contempt* (form FL-411 for financial orders or form FL-412 for domestic violence, or custody and visitation orders), or leave the box in item 3 blank but check and complete item 8.
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- Item 6: a. Check this box if you have not previously applied for a contempt order.
 - b. Check this box if you have previously applied for a contempt order and briefly explain when you requested the order and results of your request. If you need more space, check the box that says "continued on Attachment 6b" and attach a separate sheet to this order to show cause.
- Item 7: Check this box if the citee has previously been found in contempt by a court of law. Briefly explain when the citee was found in contempt and for what. If there is not enough space to write all the facts, check the box that says "continued on Attachment 7" and attach a separate sheet to this order to show cause.
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Information Sheet (continued)

item 8: c. If you are completing this item, use facts personally known to you or known to the best of your knowledge.

State the facts in detail. It there is not enough space to write all the facts, check the box that says "continued on Attachment 8c" and attach a separate sheet to this order to show cause, including facts indicating that the violation of the orders was without justification or excuse.

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d. Use this item to write other facts that are important to this order. If you are completing this item, insert facts personally known to you, or known to the best of your knowledge. State facts in detail. If there is not enough space to write all the facts, check the box that says "Continued on Attachment 8d" and attach a separate sheet to the order to show cause.

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Have someone who is at least 18 years of age, who is not a party, serve the order and any attached papers on the disobedient party. For example, a process server or someone you know may serve the papers. You may not serve the papers yourself. Service must be personal; service by mail is insufficient. The papers must be served at least 21 calendar days before the court hearing. The person serving papers must complete a Proof of Personal Service (form FL-330) and give the original to you. Keep a copy for yourself and file the original Proof of Personal Service (form FL-330) and give the original to you. Keep a copy for yourself and file the original Proof of Personal Service (form FL-330) with the court.

If you need assistance with these forms, contact an attorney or the Family Law Facilitator in your county.

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PETITIONER/PLAINTIFF:		CASE NUMBER:
RESPONDENT/DEFENDANT:		
OTHER PARENT:		

	AFFIDAVIT OF FACTS CONST Domestic Violence/Custor Attachment to Order to Show Cause and Affid	dy and Visitation
1.	The Citee has violated the restraining order issued on (date): harassing, attacking, striking, threatening, sexually assaulting, be stalking, destroying the personal property of, disturbing the peace public places and thoroughfares of me or any other person prote violated, how the order was violated, and when the violation occur.	e of, keeping under surveillance, or blocking movements in acted by the restraining order. (Specify which order was
		Continued on Attachment 1.
2.	The Citee has violated the restraining order issued on (date): staying away from the residence as ordered by the court. (Specific occurred):	by not moving from and y how the order was violated and when the violation
		Continued on Attachment 2.
3.		by not staying otected persons, my residence, my place of work, the children's and when the violation occurred):
		Continued on Attachment 3.
4.	The Citee has violated the restraining order issued on (date): or her firearm(s) as ordered by the court. (Specify which order was violation occurred):	by not relinquishing his as violated, and when the
		Continued on Attachment 4.
5.	The Citee has violated the restraining order issued on (date): court-ordered batterer's treatment/anger management class (spe	by failure to complete
		Continued on Attachment 5.
6.	The Citee has violated order issued on (date): visitation order (specify which order was violated, how the order to	by violating the following custody or
		Continued on Attachment 6.
7.	The Citee has violated the order issued on (date): order was violated and how the order was violated):	by violating other orders (specify which
l d	leclare under penalty of perjury under the laws of the State of California	Continued on Attachment 7.
	ate:	and the lengthing is true and confect.
	(TYPE OR PRINT NAME)	(SIGNATURE)
		Page 1 of 1

	ne soder penalty of corpary under the terra of the Sustain Californie martination on the	Level Confines of an attention of 7. He and particular
	The Cloe has violated are order tasued on (edita): order was violated and how the order was violated (i):	Continues on Attache ant 6. by violating after artists (specify which
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		Continued on Africhment 5.
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2000	(Specify: years may trees my other protected point of, my residently to place of child case, my venicle, or other (specify). (Specify which order was whitten, now the order was veriated, and what the distance	eldence, toy place of work, the children's
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PETITIONER/PLAINTIFF:			CASE NUMBER:	
RESPONDENT/DEFENDANT:				
OTHER PARENT:				
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AFFIDAVIT OF FACTS CONSTITUTING CONTEMPT Financial and Injunctive Orders

Attachment to Order to Show Cause and Affidavit for Contempt (form FL-410)

1. a. Orders for child support, spousal support, family support, attorney fees, and court and litigation costs (separately itemize each default on installment payments):

DATE DUE	TYPE OF ORDER AND DATE FILED	PAYABLE TO	AMOUNT ORDERED	AMOUNT PAID	AMOUNT DUE
	ued on Attachment 1a.	ding all attachments):	TOTAL AMOUNT ORDERED	TOTAL AMOUNT PAID	TOTAL AMOUNT DUE
Child suppo Spousal su Family sup Attorney fe Court and c	pport: port: es:				
Total			\$	\$	s
	orders (specify which order	was violated, how the		nd when the violation od	ocurred):
declare under per	nalty of perjury under the la	ws of the State of Cali	Continued fornia that the foregoin	d on Attachment 1c. g is true and correct.	
Date:					

(TYPE OR PRINT NAME)

(SIGNATURE)

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(Name, State Bar number, and address).	Family Code, §§ 17400, 17406)	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO.:		
ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF Made	ra	
STREET ADDRESS: 200 South G Street		
MAILING ADDRESS: Same		
CITY AND ZIP CODE: Madera CA 93637		
BRANCH NAME: Civil Division		
PETITIONER/PLAINTIFF:		CASE NUMBER:
RESPONDENT/DEFENDANT:		
		(If applicable, provide):
OTHER PARENT/PARTY:		HEARING DATE:
		HEARING TIME:
PROOF OF PERSONAL SERV	ICE	DEPT.:
By personally delivering copies to the person served, as f a. Date: c. Address:	follows: b. Time:	
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