

_____ County

In The General Court Of Justice
District Court Division

Name Of Plaintiff

VERSUS

Name Of Defendant

**MOTION FOR ORDER
TO SHOW CAUSE
DOMESTIC VIOLENCE
PROTECTIVE ORDER**

G.S. 50B-4; 5A-15, -23

The Court issued a Domestic Violence Protective Order in this case on *(Give date of Order.)* _____ .
The defendant has willfully violated that Order by *(Tell what the defendant did that violated the Order.):*

I am informed and believe that the defendant has the means to comply with the Order.

I want the Court to issue an Order which requires the defendant to appear and to show cause, if any, why the defendant should not be held in contempt for the defendant's failure to comply with the Court's Order.

SWORN AND SUBSCRIBED TO BEFORE ME

Date

Date

Signature

Signature Of Person Making Motion

Title Of Person Authorized To Administer Oaths

Name Of Person Making Motion (Type Or Print)

Date Commission Expires

SEAL

INSTRUCTIONS ON HOW TO FILL OUT THIS FORM

1. Use this form only if a judge has already signed a Domestic Violence Protective Order or an Ex Parte Order. Do not use this form to start a domestic violence proceeding.
2. Use this form when the defendant has done something which was forbidden by the Order, or has failed to do something which was required by the Order.
3. THE PEOPLE IN THE CLERK'S OFFICE CANNOT HELP YOU FILL OUT THIS FORM OR TELL YOU WHAT TO SAY. The law forbids them from doing that.
4. Use the space on the front of this form to tell which item or items in the Order have not been complied with. Then, tell how the defendant failed to comply with those items. Tell what happened in your own words. Tell what the defendant did and said. Tell when and where the defendant did it or said it. Or, tell what the defendant has not done. Finally, tell what shows that the defendant acted **willfully**. Willfully means that the defendant knew that something was forbidden and **did it on purpose**. Willfully also means that the defendant knew that something was required, and **was able to do it**, and still did not do it.
5. Date and sign the form. Then take it to a notary public or the clerk. Tell the notary or the clerk that you want to notarize a show cause order in a domestic violence proceeding. The notary or clerk will have you take an oath or affirmation. Then you will date and sign the form a second time, and the notary or clerk will "notarize" it.
6. Now this form is ready to be "filed" with the clerk. There will be no cost in the clerk's office, but there may be a charge for having the sheriff give papers to the defendant.
7. After this form is filed, the clerk will fill out an "Order to Appear And Show Cause For Failure To Comply With Domestic Violence Protective Order," form AOC-CV-308, commonly called a "Show Cause Order." The Show Cause Order will tell the defendant to appear before a judge at the date, time and place shown on the form. A hearing will be held at that time. The defendant must show cause, if any, why the defendant should not be found in contempt. You will receive a copy of the Show Cause Order and must also attend the hearing. If the judge finds the defendant in criminal contempt, the defendant can be sentenced to serve up to thirty (30) days in jail and fined up to \$500 or both. If the judge finds the defendant in civil contempt, the defendant can be kept in jail until what has been ordered has been done.