

INSTRUCTIONS FOR COMPLETING AND FILING MOTION TO SHOW CAUSE FOR NON-SUPPORT

Failure to comply with a support order of court may be contempt of court. Support includes monthly payments and health care expenses. A motion to show cause is used to bring one party's failure to comply with a Court support order to the Court's attention. The motion to show cause must be completely filled out and must be supported by an Affidavit.

Caption: On the line labeled "Plaintiff/Petitioner-01" write the name of the same person who was the original Plaintiff or Petitioner-01 when the case was first filed.

On the line labeled "Defendant/Petitioner-02/Respondent write the name of the person who was the original Defendant, Petitioner-02 or Respondent when the case was first filed.

Use the same case number that was assigned by the Clerk of Courts when the case was first filed. Write the name of the same Judge also.

Paragraph 1: Write your name and whether you are "Plaintiff", "Defendant", etc. on the first line, your former spouse's name and whether he/she is "Plaintiff" or "Defendant" etc. on the second line. On the third line identify by date the Court order that you believe your former spouse has not obeyed. (This date is on the order in the stamp marked "Received for Filing" close to the Judge's signature.)

Check boxes: Check the boxes that describe the parts of the support order that you claim your former spouse did not obey. Fill in all applicable lines.

Signature: Print your name on the first line, sign it on the second line, and print your address and daytime telephone number where indicated.

Affidavit: You must prepare and attach a Non-Support Notarized Affidavit (last page of this packet) explaining how you believe your former spouse failed to comply with the Court order. You must fill in ALL appropriate information on the lines provided. If you are claiming that your former spouse failed to pay health care expenses you must attach an itemized list of those expenses.

FILING THE MOTION TO TERMINATE CURRENT SUPPORT

You must file the motion with the [Clerk of Court](#) located in Room 35 on the ground floor of the Cuyahoga County Courthouse, 1 W. Lakeside Ave., Cleveland, Ohio 44113. You will be required to pay a "filing fee" to the Clerk of Court at the time you file the motion. Please refer to [Local Rule 1](#) of this Court's Rules for the correct amount.

SERVICE

The Court cannot consider your motion unless it has been "served" on the other party in your case. The motion you file must be "served" by the Clerk of Court by "certified mail". You must instruct the Clerk to do this by filing ["Instructions for Service"](#) (found on this website), and you must provide the Clerk with a copy of the motion.

If the mail is returned to the Clerk from the Postal Service as "unclaimed" or "refused", that information is posted on the ["docket"](#) in your case, and you will be notified by post card. You must then instruct the Clerk to send a copy of your motion by "ordinary mail". To do this, you must file a new "Instructions for Service" form, requesting that service be made by "ordinary mail", and give the Clerk another copy of the motion.

PLEASE NOTE: IT IS YOUR RESPONSIBILITY TO MAKE SURE SERVICE IS COMPLETED. THIS WEBSITE DOES NOT EXPLAIN ALL THE EXCEPTIONS OR OTHER LEGAL METHODS OF SERVICE. FOR FURTHER INFORMATION REFER TO RULES 4 THROUGH 4.6 OF THE [OHIO RULES OF CIVIL PROCEDURE](#).

**COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
CUYAHOGA COUNTY, OHIO**

_____ : CASE NO. DR: _____
PLAINTIFF/PETITIONER-01

ADDRESS

CITY/STATE/ZIP
_____ :
vs. JUDGE _____
_____ :
DEFENDANT/PETITIONER-02 : **MOTION TO SHOW CAUSE**
RESPONDENT : **FOR NONPAYMENT OF SUPPORT**

ADDRESS :

CITY/STATE/ZIP :

Now comes _____, and respectfully moves this Honorable Court for an order requiring _____ to appear and show cause why **he/she** should not be held in contempt of this Court's order issued _____:

- requiring him/her to pay the child support in the amount of \$_____ per month;
- requiring him/her to pay spousal support in the amount of \$_____ per month;
- requiring him/her to pay health care expenses for the child(ren);
- (other) _____
_____.

The reasons in support of this motion are stated in the attached affidavit.

PRINT NAME

SIGNATURE

ADDRESS

CITY, STATE, ZIP CODE

MOBILE TELEPHONE NUMBER

EMAIL ADDRESS

STATE OF OHIO)
)
CUYAHOGA COUNTY)

SS: AFFIDAVIT

I, _____, having been first duly sworn according to law, hereby state and depose that:

1. I am the Obligee under the support order of this Court issued ____/____/20____;

Obligor should have paid \$_____ in child support, cash medical support, and/or spousal support, which includes 2% processing charge, since the commencement date of the order through ____/____/20____;

Obligor paid \$_____ in child support, cash medical support, and/or spousal support including the last payment received on ____/____/20____;

The arrearage is \$_____ as of ____/____/20____;

2. The order requires Obligor to pay _____% of health care expenses not covered or reimbursed by private health insurance or cash medical support for the parties' minor child(ren).

Obligor has failed to pay health care expenses not covered or reimbursed by private health insurance or cash medical support for the parties' minor child(ren) as ordered;

- I have demanded payment of said expenses.
- I have not demanded payment of said expenses.

An itemized list of said expenses is attached.

FURTHER AFFIANT SAYETH NAUGHT.

SIGNATURE

Sworn to and subscribed before me this _____ day of _____, 20____.



NOTARY PUBLIC

Notice

You have been accused of violating a court order. A Motion to Show Cause has been filed, asking this Court to find you in contempt of court.

If you fail to appear at the hearing on the Motion to Show Cause the Court may proceed without you or issue an order for your arrest. The Court may also order the payment of costs, which may include attorney fees.

You have the following rights:

- The right to a hearing.
- The right to be represented by an attorney at the hearing. If you are accused of failing to pay child- or spousal-support, or of denying court-ordered parenting time, and you are indigent, you may be entitled to an appointed attorney. *If you wait until the hearing to seek an attorney, the court may refuse to postpone the hearing.*
- The right to present evidence, subpoena witnesses, and call witnesses at the hearing.
- The right to testify in your own behalf.
- The right to require the person accusing you of contempt to prove the contempt by evidence beyond reasonable doubt for criminal contempt or by clear and convincing evidence for civil contempt.
- The right to purge the contempt if you are found in civil contempt.
- The right to request limited driving privileges if your driver's license is suspended for failing to pay support.

If you are found in contempt of court, you may be subject to the following penalties:

- **First offense:** up to 30 days in jail or up to \$250 fine or both.
- **Second offense:** up to 60 days in jail or up to \$500 fine or both.
- **Third offense:** up to 90 days in jail or up to \$1,000 fine or both.
- In civil contempt indefinite confinement until the court's order is complied with.

Failure to appear as ordered may result in a warrant for your arrest. Failure to appear is a separate violation of court orders and may result in additional charges and sanctions.



CUYAHOGA COUNTY COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS

THE STATE OF OHIO
Cuyahoga County

IN THE COURT OF COMMON PLEAS
INSTRUCTIONS FOR SERVICE

v.

Case No. DR _____

Judge _____

Method of Service

CERTIFIED MAIL

ORDINARY MAIL

FEDERAL EXPRESS

REGISTERED MAIL

PERSONAL (Please specify type)

RESIDENCE (Please specify type)

CUYAHOGA COUNTY SHERIFF

CUYAHOGA COUNTY SHERIFF

OUT OF COUNTY SHERIFF _____

OUT OF COUNTY SHERIFF _____

PROCESS SERVER _____

PROCESS SERVER _____

Name and Address of Party to Serve:

Name: _____

Street Address: _____

City/State/Zip: _____

Filing Party/ Attorney of Record