

Order to Show Cause Guideline Form

12/18/08

This form serves to alert you that your filing may not comport to statutes or rules and to afford you the opportunity to make corrections. It is an overview of requirements and does not cover every circumstance.

Title of Action _____ Index # _____

Please note the following :

Order to Show Cause

- All forms being submitted shall be fully completed with legible print using black ink.
- Proper Heading (Jurat) **Fax # on legal back**
- Proper "Show Cause" statement
- Affidavit in Support (signed - dated - notarized)
- Part 130 Certification
- Exhibit tab on each supporting document identified and noted in the order to show cause
- CPLR 2217 prior or no prior application *in this or any other court* statement (affidavit or affirmation)

In addition

For New Actions

- Request for Judicial Intervention (RJI) with payment stamped by County Clerk (RM. 189)
- Stamped Copy of Summons with Notice or Summons and Complaint
- Simultaneous personal service of Summons clause within order to show cause when made by plaintiff, unless affidavits show previous service

For Money Requests - (Child Support, Maintenance)

- Net Worth Statement (signed - dated - notarized - **total net worth section completed**)
- Child Support Registry Form

For Counsel Fee Requests - attorney affirmation required

- Retainer Agreement (signed by attorney and client)
- Net worth Statement, if not filed previously

For Order of Protection Requests -

- Family Offense Registry Form
- T.O.P. Form

For Contempt Applications

- Proper Warning and Notice pursuant to Judicial Law 756
- Copy of order or judgment that contempt application is based on and any transcript or signed agreements that would support your application
- Personal service on other party

For All Post-Judgment Applications (first time applications from uncontested actions require an RJI)

- copy of signed Judgment

For Enforcement of Judgment & first time post judgment applications made by prevailing side

- copy of signed Judgment with proof of service and notice of entry (prevailing party only) along with any signed agreements or transcript that would support your application

For Emergency Applications (An attorney with knowledge of the action is required to appear)

- separate Affidavit of emergency (nature of emergency explained - signed - dated - notarized)

For Modification of an existing child support order or child support arrears

- updated Net Worth Statement (signed - dated - notarized)

For Up Front (ex-parte) Preliminary Injunctive Relief; Temporary Restraining Orders etc.

- Affirmation or affidavit includes information in compliance with UCR 202.7 (f) eff. (10/1/06)