

COURT OF COMMON PLEAS
JUVENILE DIVISION
CUYAHOGA COUNTY, OHIO

IN THE MATTER OF:

CASE NUMBER(S):

JUDGE: _____

MOTION TO SHOW CAUSE
(VISITATION/CUSTODY VIOLATION)

Now comes _____, pro se, and moves this Honorable Court
(your name)
for an order requiring _____ to show cause why he she
(name of accused)
should not be held in contempt of this Court's order of _____, which is
(date of order)
attached to this Motion as Exhibit A, as required by Local Rule 39.

In support of this Motion is the attached affidavit incorporated herein and made a part hereof.

Respectfully submitted,

Your Signature

Print Name

Street Address

City, State, Zip Code

Telephone Number

Email Address

NOTICE TO FILING PARTY: YOU MUST INCLUDE A COPY OF THE COURT ORDER THAT THE ACCUSED IS ALLEGED TO HAVE VIOLATED WITH YOUR MOTION.

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AFFIDAVIT

I, _____, being duly sworn, deposes and states the following:
(your name)

- 1 I am the mother father legal custodian _____ in this case.
- 2 The father mother legal custodian _____ violated the attached court order, by not complying with the following paragraph(s) or section(s) (provide the exact language of the paragraph or section - not just page or paragraph/section numbers): _____

- 3 The specific violation was: _____

- 4 The specific violation occurred on: _____
5. _____

Further affiant sayeth naught.

Your Signature (Do Not Sign Until Before a Notary)

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

(NOTARIAL SEAL)

Notary Public

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MOTION TO SHOW CAUSE—NOTICE OF RIGHTS TO THE ACCUSED

1. Failure to appear may result in the issuance of an order of arrest, and in cases involving failure to pay support, the issuance of an order for the payment of support by withholding an amount from personal earnings of the accused or by deducting an amount from some other asset of the accused.
2. The accused has a right to counsel, and that if the accused believes he/she is indigent and cannot afford an attorney, he/she must apply for a public defender or appointed counsel within three business days after receipt of this summons.
3. The Court may refuse to grant a continuance at the time of the hearing for the purpose of the accused obtaining counsel, if the accused fails to make a good faith effort to retain counsel or a public defender.
4. If found guilty of contempt, the accused may be sentenced as follows:
 - a. First Offense—a fine of not more than \$250, a definite term of imprisonment of not more than thirty (30) days in jail, or both.
 - b. Second Offense—a fine of not more than \$500, a definite term of imprisonment of not more than sixty (60) days in jail, or both.
 - c. Third or Subsequent Offense—a fine of not more than \$1,000, a definite term of imprisonment of not more than ninety (90) days in jail, or both.
5. In addition to the above penalties, pursuant to R.C. 2705.06 when the contempt consists of the omission to do an act which the accused yet can perform, he/she may be imprisoned until he/she performs it.
6. The Court may grant the accused limited driving privileges under R.C. 4510.021 if his/her driver's license was suspended based on a notice issued by a child support enforcement agency because he/she is in default under a child support order or he/she failed to comply with a subpoena or warrant issued by a court or agency with respect to a proceeding to enforce a child support order. The accused must request limited driving privileges and the request must be accompanied by a recent copy of his/her driver's abstract driving record from the registrar of motor vehicles.

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