

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to defendant.
 - c. Second copy – to respondent, if different from defendant.
2. Prepared by
 - a. Elements 1-15 are prepared by petitioner or attorney for petitioner.
 - b. Elements 16-20 are prepared by the clerk or notary public.
3. Preparation details
 - a. This form may be used when charging someone with violating the terms of a court document (such as a witness ignoring a subpoena) or court order. Therefore, the subject of the Show Cause Summons process is called the Respondent.
 - b. If the Respondent is not the defendant, this summons should be treated as a new case.
 - c. This form provides a formal mechanism for documenting complaints about violations of court orders when a show cause summons is requested. It is not intended to supplement the ability of the court to issue show cause summons on its own motion.
 - d. The motion may be prepared for or by a party in a civil lawsuit who wishes to report to the court that the defendant is not in compliance with the court's order. The judge may issue a show cause summons or capias in those cases.

**MOTION FOR CIVIL SHOW CAUSE SUMMONS
OR CAPIAS**
COMMONWEALTH OF VIRGINIA

Case No. **1**

Circuit Court of the [] County [] City of **2**

3 v./In re

Party or Attorney making this request:

Person to be served:

4
NAME

5
NAME

.....
ADDRESS/LOCATION

.....
ADDRESS/LOCATION

.....
TELEPHONE NUMBER

.....
TELEPHONE NUMBER

6 [] The undersigned requests that this matter be reinstated on the court's docket for consideration of this Motion.

The undersigned requests that the respondent be imprisoned, fined, or otherwise punished according to law for failure to:

7 [] obey the final decree of divorce entered by this Court on, 20
DATE

8 [] obey the final decree of divorce entered by the Circuit Court of the [] County [] City of
on, 20 and transferred to this Court pursuant to Va. Code § 20-107.3(L).
DATE

9 [] obey a decree *pendente lite* entered by this Court on, 20
DATE

10 [] obey a decree entered by this Court on, 20
DATE

The respondent has violated the above-referenced decree by **10**

11 [] appear for, be sworn for, or answer a question at a deposition on, 20 Rule 4:12(b)(2)(D), (d).
DATE

12 [] appear for, be sworn for, or answer a question at debtor's interrogatories on, 20
Va. Code § 8.01-508. DATE

13 [] (Other – Explain) **13**

14 Therefore, I request the issuance of a [] show cause summons [] capias to the respondent to answer this Motion.

15
DATE

16
(PRINT OR TYPE) NAME

17
SIGNATURE

Subscribed and sworn to before me this **18** day of, 20

19
[] DEPUTY CLERK [] NOTARY PUBLIC

Data Elements

1. Court case number.
2. Court name.
3. Name of underlying case.
4. Name, street address and telephone number of party making request for court to issue show cause or capias. Space is provided for additional location information.
5. Name, street address and telephone number of party to be served. Space is provided for additional location information.
6. Check this box for the matter to be reinstated on the court's docket for consideration of this motion for show cause summons or capias.
7. If respondent allegedly failed to obey a final decree of divorce entered by the court listed in Element 2, check this box and list the date the decree was entered.
8. If respondent allegedly failed to obey a final decree of divorce entered by a different circuit court (not the court listed in Element 2), check this box and include the name of the circuit court and the date the decree was entered.
9. If respondent allegedly failed to obey a decree *pendente lite* entered by the court listed in Element 2, check this box and list the date the decree was entered.
10. If respondent allegedly failed to obey some other type of order entered by this court that is not covered by the other Data Elements, check this box and describe how the respondent has allegedly violated the court's order.
11. Check this box if requesting that the respondent appear at a deposition and include the date and time the deposition will take place.
12. Check this box if requesting that the respondent appear for debtor's interrogatories and include the date and time the interrogatories will take place.
13. Check this box if other reasons exist for the issuance of a show cause summons or capias and describe why a show cause summons or capias should be issued.
14. Check the box indicating whether you are requesting a show cause summons or capias be issued for the respondent.
15. Date motion signed.
16. Name of person seeking the show cause.
17. Signature of person seeking the show cause. Not filled out online.
18. Date of acknowledgement. Not filled outline.
19. Signature of deputy clerk or notary public. Not filled out online. If signed by a notary public, include registration number and expiration date for notary registration.