

INSTRUCTIONS

Requesting an Order to Show Cause

(Minn. Stat. § 588.04)

You can use this process if:

- It has been 10 days (or, if you served the *Order for Disclosure* by mail, then 13 days) since the **Order for Disclosure** and blank *Financial Disclosure Form* was served on the judgment debtor;
- You have not received the completed *Financial Disclosure Form* from the debtor; and
- The *Order for Disclosure* paperwork has not been returned by the post office as “undeliverable.”

You can also use this process if:

- You received the *Financial Disclosure Form* on time but it was incomplete.

Forms you will need to request an **Order to Show Cause**:

- *Affidavit in Support of Order to Show Cause* (JGM303)
- *Affidavit of Personal Service* (SOP102)

Overview of Steps to Request an Order to Show Cause

1. Complete and file the *Affidavit in Support of Order to Show Cause* (JGM303).
2. If an **Order to Show Cause** is issued, arrange for personal service by a sheriff’s office, or other law enforcement agency.
3. File proof of service with Court Administration (law enforcement may do this step for you).
4. Attend the Order to Show Cause hearing.

Resources

Have a question about court forms or instructions?

- Visit www.MNCourts.gov/SelfHelp
- Call the MN Courts Self-Help Center at (651) 435-6535

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit www.MNCourts.gov/Help-Topics/Find-a-Lawyer.aspx

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp>. For more information, contact your court administrator or call the Minnesota State Law Library at 651-297-7651.

General Information about Requesting an Order to Show Cause

The information in these instructions is a general guide to explain the legal process for requesting an **Order to Show Cause** in a judgment debtor disclosure matter. You can use this process if it has been 10 days (or 13 days if served by mail) since the **Order for Disclosure** and blank *Financial Disclosure Form* was served on the judgment debtor and the judgment debtor has failed to return the completed *Financial Disclosure Form* to you. You can also use this process if the judgment debtor returned the *Financial Disclosure Form* on time but it was incomplete. If you have not gone through the process of requesting an *Order for Financial Disclosure*, please visit www.mncourts.gov/Help-Topics/Judgments.aspx to learn how.

You can find more information about orders to show cause in judgment debtor disclosure matters in Minn. Stat. § 588.04 (www.revisor.mn.gov/statutes/cite/588.04).

You can find more information about judgment debtor disclosure requirements in Minn. Stat. § 491A.02, subd. 9 (www.revisor.mn.gov/statutes/cite/491A.02) and in Minn. Stat. § 550.011 (www.revisor.mn.gov/statutes/cite/550.011).

When you file an *Affidavit in Support of Order to Show Cause*:

- There may or may not be a hearing about your *Affidavit* (whether the judgment debtor returned the *Financial Disclosure Form* to you).

If the court grants your requests:

- The court will issue an *Order to Show Cause* requiring the judgment debtor to go to a hearing and explain why they did not return the *Financial Disclosure Form* to you.
- You will receive:
 - The *Order to Show Cause* to serve on the judgment debtor and
 - An *Order to Show Cause Instructions* for you.

At the Order to Show Cause Hearing:

- The judgment debtor may be able to fill out a *Financial Disclosure Form* at the hearing.
- **You must attend the hearing.** Check with Court Administration to see if you are allowed to participate remotely, either by telephone or some other technology.
- If the judgment debtor does not go to the hearing, the court may issue a bench warrant for the judgment debtor's arrest.

Definitions

- **“Judgment”** is a word that means “the judge’s decision” or “the judge’s order.”
- **“Judgment creditor”** is the party who won the case and is owed money (because a judgment was awarded by the court).

- **“Judgment debtor”** is the party who lost the case and owes money to the judgment creditor.
- **“Entry” or “Entered”** is the word used when a judgment is filed in the case by the Court Administrator. This usually starts the timeframe during which a judgment can be appealed.
- **“Docketed” or “Docketing”** is the word used when the judgment creditor files an *Affidavit of Identification* form with the court. Docketing the judgment is the first step a judgment creditor takes when he or she wants to try to collect payment of the judgment.

If you do not understand any of the following steps or do not know if these forms are right for your situation, you should speak with an attorney for legal advice. **Court staff cannot give legal advice.**

Step 1
Complete the *Affidavit in Support of Order to Show Cause*
(JGM303).

The Caption

<p>State of Minnesota</p> <p>County A</p> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> <div style="text-align: center;">C</div> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> <p>Plaintiff</p> <p>vs.</p> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> <div style="text-align: center;">D</div> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> <p>Defendant</p>	<p style="text-align: right;">District Court</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border-right: 1px solid black; padding: 2px;">Judicial District:</td> <td style="border-bottom: 1px solid black; width: 100px;"></td> <td style="border: 1px solid black; border-radius: 50%; padding: 2px 8px; font-weight: bold; text-align: center;">B</td> </tr> <tr> <td style="border-right: 1px solid black; padding: 2px;">Court File Number:</td> <td style="border-bottom: 1px solid black;"></td> <td></td> </tr> <tr> <td style="border-right: 1px solid black; padding: 2px;">Case Type:</td> <td style="padding: 2px;">Civil</td> <td></td> </tr> </table> <p style="text-align: center; margin-top: 20px;">Affidavit in Support of Order to Show Cause</p> <p style="text-align: center;">(Minn. Stat. § 588.04)</p>	Judicial District:		B	Court File Number:			Case Type:	Civil	
Judicial District:		B								
Court File Number:										
Case Type:	Civil									

You can find the information needed for the caption on any official court document from your case.

- A. Fill in the county where the judgment was [docketed](#).
- B. Fill in the **Judicial District** for the county where the judgment was docketed. If you do not know the Judicial District, you can find a map with all of the Judicial Districts at <http://www.mncourts.gov/Find-Courts.aspx>.

Fill in the **Court File Number** from the case where the judgment was docketed. Sometimes the court assigns a new Court File Number when a judgment is docketed (for example, the Court File Number will be different for a Conciliation Court case where a judgment was entered than for the District Court case opened to docket the judgment). Be sure to enter the Court File Number for the case where the judgment was docketed.

Fill in the **case type**. This will generally be “Civil,” but in some cases it could also be something like “Restitution Judgment,” “Dissolution,” or “Support.” If you don’t know the case type, look at your court documents to find the information.

- C. Fill in the full name of the Plaintiff.
- D. Fill in the full name of the Defendant.

Statement of Facts

1 My name is _____, and I am the **Judgment Creditor** / **Judgment Creditor's Attorney** in this matter.

2 Regarding the following Judgment Debtor: _____: Agent of Judgment Debtor (if applicable)

Check one box:

The **Judgment Creditor** filed a *Request for Order for Disclosure*, and the Court issued an *Order for Disclosure* on _____.

3 OR

The **Judgment Creditor's Attorney** mailed a *Demand for Disclosure* to the Judgment Debtor as follows:

Name: _____

Title (if applicable): _____

Date mailed: _____

Address: _____

City, State, Zip: _____

1. Fill in your full name and check the appropriate box. **NOTE:** If you are a business or an organization, you must be represented by a lawyer.
2. Fill in the judgment debtor's name or the name of their agent, if applicable. Check the box if appropriate.
3. If you filed a *Request for Order for Disclosure*, fill in the date on which the court issued that order. If you have not gone through the process of requesting an *Order for Disclosure*, you must complete that step before requesting an *Order to Show Cause*.

OR

If, instead, your attorney mailed a *Demand for Disclosure* to the Judgment debtor, fill in the judgment debtor's name or the name of their agent, the date when the *Demand* was mailed, and the address to where the *Demand* was sent.

Request for Order to Show Cause

I ask the Court to for an Order directing _____, **4**
the **Judgment Debtor** to appear and show cause, if any, why the Court should not find the
Judgment Debtor in civil contempt for intentionally failing to obey the *Order / Demand for
Disclosure*.

I declare under penalty of perjury that everything I have stated in this document is true and
correct. Minn. Stat. § 358.116.

_____ **5**
Dated Signature

County and state where signed Name: _____
Address: _____
City/State/Zip: _____
Telephone: _____
Email: _____
For Attorneys Only:
Attorney Reg. # _____
Firm
Name: _____

4. Fill in the name of the judgment debtor.
5. Sign and date the *Affidavit in Support of Order to Show Cause* with your name, address, telephone number, and email address. Write in the county and state where the form was signed. As a reminder, if you are a business or an organization, you must be represented by a lawyer.

When you sign the *Affidavit*, you are signing under penalty of perjury. This means you are saying that everything in the form is true and correct; if you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury (see Minn. Stat. § 609.48, <https://www.revisor.mn.gov/statutes/?id=609.48>).

Step 2

**File the *Affidavit in Support of Order to Show Cause* (JGM303)
where the Judgment was docketed.**

File the completed and signed *Affidavit in Support of Order to Show Cause* where the Judgment was docketed. Court Administration will give the affidavit to a judge for review. If approved, a hearing will be scheduled and a signed **Order to Show Cause** will be given to you. The judge may not always be immediately available to review requests, so you may receive the order in the mail. The judgment debtor must be served with the order (see Step 3 below).

Service of Process Fee

If you cannot afford the cost of having a sheriff serve the **Order to Show Cause** on the judgment debtor (see Step 3 below), you can ask the court to waive the fee. The application for a fee waiver is available online at <https://mncourts.gov/GetForms.aspx?c=19&p=69>. File your fee waiver application with the court at the same time you file your *Affidavit in Support of Order to Show Cause*, or shortly after.

Step 3

Serve the Order to Show Cause on the Judgment Debtor at least 7 days before the hearing.

Once you receive the **Order to Show Cause**, you have to arrange for the judgment debtor to be personally served with a copy of the order. You cannot do this yourself. The order must be served by a sheriff's office or other law enforcement agency. See Step 2 above for information about requesting a fee waiver if you cannot afford the sheriff's service of process fee.

Service and Filing Deadline: At least 7 days before the hearing.

Remember, you must serve the judgment debtor and file the completed *Affidavit of Personal Service* at least 7 days before the hearing date. (NOTE: the sheriff's office or law enforcement agency may file the *Affidavit of Personal Service* for you). To figure out the service and filing deadline: the day before the hearing is Day 1. Counting backwards. For example, if the hearing date is January 30, the *Order to Show Cause* must be served on or before January 23. If January 23 is a Saturday, Sunday, or legal holiday (as defined in [Minn. Stat. § 645.44, subd. 5](#)), then keep counting backwards to the next day that is not a Saturday, Sunday, or legal holiday.

Step 4

Order to Show Cause Hearing.

If the judgment debtor responds and gives you the required information before the hearing, you must call Court Administration to cancel the hearing. If the judgment debtor fails to respond or provide you with the required information, or if you think the information provided is wrong, you must attend the hearing.

You can ask Court Administration if you are allowed to participate remotely, either by telephone or some other technology. If you fail to appear at the hearing, the **Order to Show Cause** may be vacated and you will have to start the process over by filing a new *Request for Order for Disclosure Form* with the court.

On the day of the hearing, the judgment debtor will be expected to fill out the *Financial Disclosure Form*. If that happens, you will get the completed form and then you can decide how

you can/will proceed with collecting the debt. If you need help with options for trying to collect the debt, you can visit a [Self-Help Center](#) walk-in location or call the Statewide Self-Help Center at (651) 435-6535 for additional information.

If the judgment debtor fails to appear at the **Order to Show Cause** hearing, you may request the judge issue a bench warrant for the judgment debtor's arrest.