

**Form DC-420 MOTION FOR SHOW CAUSE SUMMONS OR CAPIAS Form DC-420  
(GENERAL DISTRICT)**

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**Using This Revisable PDF Form**

1. Copies
  - a. Original – to court.
  - b. First copy – to defendant.
2. Prepared by petitioner.
3. Attachments
  - a. Form DC-360, SHOW CAUSE SUMMONS, or
  - b. Form DC-361, CAPIAS
4. 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. Data Element No. 9 is not used for charging contempt for mere failure to comply with an order. It is used for failure to comply with terms of a suspended sentence. For contempt for failure to comply with an order, use Data Elements Nos. 11 through 13.
  - c. This form should name both the surety (if any) and the principal when breach of bail terms is alleged.
  - d. If the Respondent is not the defendant, this summons should be treated as a new case.
  - e. If additional information is to be typed on the reverse of the form, carbon paper must be inserted.
  - f. 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.
  - g. Please note that the motion for show cause summons or capias may arise in a criminal or civil context. The motion may be prepared for a case that originated as a criminal matter, for instance, by a Commonwealth's attorney against a defendant who failed to pay fines and costs. The judge has the option to issue a criminal show cause, DC-360 SHOW CAUSE SUMMONS, or a capias, DC-361 CAPIAS, on such motion ordering the person or corporation to appear in court and show cause why the court should not take action. 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. Similarly, the judge may issue a show cause summons or capias in those cases.

**MOTION FOR SHOW CAUSE SUMMONS OR CAPIAS**

Commonwealth of Virginia

Case No. **1** .....

..... **2** .....  
HEARING DATE AND TIME

..... **3** ..... General District Court

This motion is filed in connection with Case No. **4** .....

**5** .....  
Party Making this Request:

**6** .....  
NAME  
.....  
ADDRESS/LOCATION  
.....  
.....

v. |

Party to be Served:

**7** .....  
NAME  
.....  
ADDRESS/LOCATION  
.....  
TELEPHONE NUMBER

COMPLETE DATA BELOW IF KNOWN									
RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
SSN <b>8</b>									

The undersigned respectfully represents to the Court that the respondent should,  
**9** [ ] pursuant to Va. Code § 19.2-306, serve the sentence previously suspended on ..... for conviction of .....  
DATE  
because .....

**10** [ ] pursuant to Va. Code § 19.2-123, have his or her recognizance revoked or modified because of the following violation of conditions of release:  
.....

**11** [ ] be imprisoned, fined or otherwise punished or dealt with according to law

**12** [ ] pursuant to Va. Code §§ 18.2-456/16.1-69.24 for failure to obey an order of [ ] this court [ ] .....  
ordering .....  
such act of the respondent being described as ..... on .....  
DATE

**13** [ ] pursuant to Va. Code [ ] §§ 18.2-456/16.1-69.24 [ ] § 19.2-358 [ ] § 19.2-305.2 (restitution only), for failure to pay fines, costs, forfeitures, restitution and/or penalties or an installment thereof; payment due:  
\$ ..... on .....  
DATE

**14** [ ] pursuant to [ ] § 18.2-271.1, have his or her VASAP participation revoked because [ ] § 46.2-395, have his or her driving privilege revoked because .....

**15** { [ ] pursuant to § 19.2-303.3, have his or her local community-based probation revoked or modified because .....  
[ ] pursuant to § 19.2-304, have his or her probation period or conditions modified as follows: .....  
because .....

**16** [ ] pursuant to [ ] § 4.1-305 [ ] § 18.2-57.3 [ ] § 18.2-251 [ ] § 19.2-303.2, have his or her deferral of proceedings revoked and be subjected to the proceedings as provided by law because .....

**17** [ ] (Other – Explain) .....

Therefore, the undersigned requests the issuance of process to the respondent to answer the above motion.

**18** .....  
DATE

**19** .....  
TITLE

..... **20** .....  
SIGNATURE

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**Data Elements**

1. Court case number.
2. Hearing date and time.
3. Court name.
4. Case number of underlying case.
5. Name of underlying case.
6. Name and street address of party making request for court to issue show cause or capias. Space is provided for additional location information.
7. Name, street address and telephone number of party to be served. Space is provided for additional location information.
8. Description of party to be served.
9. If violation of conditions of suspended sentence is alleged, check this box, insert date of sentence, suspended, and conviction and insert a description of the alleged violation of conditions. See Using This Form, 4.b.
10. If breach of bail conditions is alleged, check this box, insert name of person released on bail, and insert a description of the alleged breach of bail conditions. See Using This Form, 4.c.
11. Check this box if any of the Data Elements below (Data Elements Nos. 12 or 13) is checked.
12. If respondent allegedly failed to obey some other type of order not covered by other Data Elements, check this box (if applicable) name the court whose order was violated, and describe the terms of the order that were allegedly violated.
13. If respondent allegedly failed to make a timely payment, check this box, and insert the amount of the payment due and its due date.
14. If respondent allegedly violated conditions of restricted driving privilege or VASAP, check this box and describe the violation.
15. If respondent allegedly violated conditions of probation, check the box and describe the violation.
16. If respondent has allegedly violated conditions of order for deferral, check the box and describe the violation.
17. Check this box and complete this section if other reasons exist for the issuance of this show cause summons or capias. If needed, continue on the reverse side. See Using This Form, 4.e.
18. Date of signing of the motion.
19. Title of person seeking the show cause.
20. Signature of person seeking the show cause.