**589.08 RETURN TO WRIT; CONTENT REQUIREMENTS.**

The detaining authority upon whom a writ of habeas corpus is duly served shall state in the return, plainly and unequivocally, the information specified in paragraphs (a) to (c):

(a) The return shall state whether the detaining authority is detaining or has at any time in the past detained the petitioner. If the petitioner was detained before or after the writ was issued, the detaining authority shall indicate the date and time of detention.

(b) If the petitioner is being detained, the detaining authority shall state the reason for detention and authority under which the person is being detained.

(c) If the detaining authority has detained the petitioner at any time before or after the date of the writ, but has transferred custody to another, the return must state particularly to whom, at what time, for what cause, and by what authority, the transfer took place.

If the petitioner is detained under writ, warrant, or other written authority, a copy of the document authorizing detention must be attached to the return. On the return of the writ to the judge before whom the writ is returnable, a copy of the original document authorizing detention must be produced and exhibited.

The person making the return must sign it and except where the person is a sworn public officer, and makes the return in an official capacity, verify it by oath.

**History:** *(9746) RL s 4580; 1985 c 265 art 9 s 1; 1986 c 444*