

# Custody Contempt Procedures

## **IN ORDER TO SCHEDULE CONTEMPT HEARING,**

### **YOU MUST FOLLOW THESE DIRECTIONS**

1. Completely fill out the attached form Petition for Contempt including the Docket No. and the Plaintiff and Defendant information at the top. This information can be found on the original filings.
2. Make four copies of the attached Petition for Contempt. We do not need copies of the Notice and Order.
3. Attach one copy of the original order from your Custody Conciliation Conference that was signed by a Judge to your original Petition for Contempt. This is the order you feel the other party is in contempt of.
4. Take the original and copies to the Family Court Administrator's Office located in Room 205 to obtain a hearing date. The times to present this motion are 9:00 a.m. to 12:00 p.m. and 1:30 p.m. to 4:00 p.m. Monday through Friday.
5. After the hearing date is inserted by the Court Administrator into the order, you must file the Petition for Contempt, as well as the original Notice and Order to Appear for Contempt Hearing with the Prothonotary's Office located on the 1<sup>st</sup> floor, room 120, of the courthouse.
6. You must serve the respondent's attorney (or the respondent, if unrepresented) with the Notice and Order to Appear, as well as the Petition for Contempt. Failure to do so may result in a dismissal of the petition. Your petition must be served by following the PA Rules of Civil Procedure. If done by mail, the documents must be sent by both regular and certified mail and must be mailed least 7 days prior to the hearing date.
7. Court personnel are not permitted to provide legal advice. Therefore, do not request them to do so.

**Although you are not required, it is strongly recommended that given the importance of this matter, you consider obtaining the services of an attorney to assist you.**

	:	IN THE COURT OF COMMON PLEAS
VS	Plaintiff	:
	:	OF ERIE COUNTY, PENNSYLVANIA
	:	:
	:	FAMILY DIVISION
	:	:
	Defendant	Docket No. _____

**NOTICE AND ORDER TO APPEAR FOR CUSTODY CONTEMPT HEARING**

Legal proceedings have been brought against you alleging you have willfully disobeyed an Order of Court for (custody) (partial custody) (visitation).

If you wish to defend against the claim set forth in the following pages, you may, but are not required to, file in writing with the Court your defenses or objections.

Whether or not you file written defenses or objections, you must appear in person in Court on \_\_\_\_\_, 201\_\_ at \_\_\_\_\_ a.m./p.m. in Courtroom \_\_\_\_\_ before Judge \_\_\_\_\_ of the Erie County Court of Common Pleas.

**IF YOU DO NOT APPEAR IN PERSON, THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.**

If the Court finds that you have willfully failed to comply with its order for (custody) (partial custody) (visitation), you may be found to be in contempt of Court and committed to jail, fined or both.

BY THE COURT

Date: \_\_\_\_\_  
\_\_\_\_\_  
Judge

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW, THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Lawyers Referral Service  
429 West Sixth Street  
Erie, Pa 16507  
(814)459-4411

Mon.-Fri. / 8:30 a.m. - 12:00 p.m. & 1:15 p.m. - 3:00 p.m.

**AMERICANS WITH DISABILITIES ACT OF 1990** - The Court of Common Pleas of Erie County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact the Court's ADA Coordinator at Erie County Court of Common Pleas, 140 West Sixth Street, Room 205, Erie, PA 16501-1030, Phone-(814) 451-6308, TDD-(814) 451-6237, [E-mail- courtadacoordinator@eriecountygov.org](mailto:courtadacoordinator@eriecountygov.org). Requests should be made as soon as possible or at least three business days prior to any hearing or business before the court.

\_\_\_\_\_ : IN THE COURT OF COMMON PLEAS  
 Plaintiff :  
 VS : OF ERIE COUNTY, PENNSYLVANIA  
 :  
 : FAMILY DIVISION  
 :  
 \_\_\_\_\_ :  
 Defendant : Docket No. \_\_\_\_\_

**PETITION FOR CONTEMPT OF CUSTODY ORDER**  
**(Custody) (Partial Custody) (Visitation)**

AND NOW, Petitioner, \_\_\_\_\_ (name) by and through (his/her) attorney,  
 \_\_\_\_\_, Esquire, files this Petition for Contempt of a Custody Order against the  
 Respondent, and in support, alleges the following:

1. Petitioner is \_\_\_\_\_ (Mother/Father), who currently resides at \_\_\_\_\_.
2. Respondent is \_\_\_\_\_ (Mother/Father), who currently resides at \_\_\_\_\_.
3. On \_\_\_\_\_, 201\_\_\_\_, Judge \_\_\_\_\_ entered an Order awarding (Petitioner) (Respondent) (custody) (partial custody) (visitation) of the minor child (ren). Names of child (ren) \_\_\_\_\_ . A true and correct copy of that Order is attached.
4. Since the entry of that Order of Court, it is alleged that Respondent (Mother/Father) has willfully failed to comply with the custody order by doing, or not doing the following: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_.

WHEREFORE, Petitioner respectfully requests that this Honorable Court enter an Order finding the Respondent in Contempt.

**VERIFICATION**

I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18Pa.C.S. §4904 relating to unsworn falsification to authorities.

Respectfully submitted,

Date: \_\_\_\_\_

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Attorney for Petitioner