

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. Attach one copy of the **MOST RECENT CUSTODY ORDER** 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.
3. Take the petition to the Court Administration Office located in Room 205 to obtain a hearing date. The times to present this motion are 8:00 AM through 4:15 PM Monday through Friday.
4. After the hearing date is inserted by Court Administration 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 1st floor, Room 120 of the courthouse.
5. 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.
6. 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
Plaintiff	:	
vs	:	OF ERIE COUNTY, PENNSYLVANIA
	:	FAMILY DIVISION
	:	
	:	
	:	Docket Number _____

PETITION FOR CONTEMPT OF A CUSTODY CONTEMPT

AND NOW, Petitioner _____ 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 _____, 20____, Judge _____ entered an Order awarding (Petitioner) (Respondent) custody/partial custody/ visitation of the minor children. Names of children: _____.
4. Since the entry of the Order of the Court, it is alleged that the Respondent has willfully failed to comply with the custody order by doing, or not doing the following:

A true and correct copy of that Order is attached.

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 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Respectfully submitted:

Date _____

Petitioner

Attorney for Petitioner

	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	
vs	:	OF ERIE COUNTY, PENNSYLVANIA
	:	FAMILY DIVISION
	:	
	:	
	:	Docket Number _____

NOTICE AND ORDER TO APPEAR FOR CUSTODY CONTEMPT

Legal proceedings have been brought against you alleging you have willfully disobeyed an Order of Court of Custody, Partial Custody and/or 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 and objections.

Whether or not you file written defenses or objections, you MUST appear in person in Court on:

_____, 201__ at _____ AM/PM in Courtroom _____

Before Judge _____ at 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 you have willfully failed to comply with its order for Custody, Partial Custody and/or Visitation, you may be found in contempt of Court and committed to jail, fined or both.

BY THE COURT

Date: _____

Judge Joseph M. Walsh, III

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 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 6th Street
Erie, PA 16507
814-459-4411

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 16501-10360, Phone – (814) 451-6308, TDD- (814) 451-6237, E-mail courtadacoordinator@eriecountypa.gov. Requests should be made as soon as possible or at least three business days prior to any hearing or business of the court.