

# **Custody Contempt Procedures**

## **IN ORDER TO SCHEDULE A CONTEMPT HEARING YOU MUST FOLLOW THESE DIRECTIONS**

1. Completely fill out the attached Petition for Contempt form including the Docket Number and the Plaintiff and Defendant information at the top. This information can be found on the original filings and remains the same as the Custody Order's caption.
2. Attach one copy of the **MOST RECENT CUSTODY ORDER** that was signed by a Judge to your original Petition for Contempt.
3. Take the Petition for Contempt with the most recent Custody Order attached to the petition **AND** one copy to the Prothonotary's Offices located on the first floor, Room 120 of the Courthouse. **YOU MUST FILE** the Petition for Contempt with the attached Custody Order with the Prothonotary and **PAY** the required filing fee. The Prothonotary will file stamp the copy of the Petition for Contempt with the attached Custody Order.
4. After you file the Petition for Contempt with the attached Custody Order, you will need to bring the **stamped copy** to the Court Administration Office located on the second floor, Room 205 of the Courthouse to obtain a hearing date.
5. After the hearing date is inserted by Court Administration into the Order, **YOU MUST FILE** the Original Notice and Order to Appear for Contempt Hearing with the Prothonotary's Office located on the first 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 Pennsylvania Rules of Civil Procedure.
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
Plaintiff	:	
vs	:	OF ERIE COUNTY, PENNSYLVANIA
	:	FAMILY DIVISION
	:	
	:	
	:	Docket Number _____

**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 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:

\_\_\_\_\_, 20\_\_ 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

**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 6<sup>th</sup> 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](mailto: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.

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

**PETITION FOR CONTEMPT OF A CUSTODY ORDER**

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