

CONTEMPT OF CUSTODY ORDER

Sometimes problems arise after you have a Custody or Visitation Order. The other party may be violating the Order and you want to have that issue addressed.

Contempt is a very serious matter. However, as stated above, whenever possible, it is usually in the best interest of the child for the parties to reach an amicable solution without the necessity of Court intervention. The problem may be able to be resolved by negotiation or by changing or modifying the existing Order.

If you are not able to resolve the issue amicably, then you need to file a Contempt Petition to get the matter before the Court. Again, this is a very serious matter and carries with it harsh penalties.

You must follow the same procedures for service of the Contempt Petition as you did for the Custody Complaint. You use the same docket number that was assigned to your initial Petition. This number appears on the right-hand side of the caption.

The caption is to be filled in exactly as it appeared on your initial Custody Petition and Order.

Once you have completed the forms, make two (2) copies and file the original and two copies at the Prothonotary's Office in the Clinton County Court House.

IN THE COURT OF COMMON PLEAS OF CLINTON COUNTY, PENNSYLVANIA

_____)	No. _____ Misc.
Plaintiff)	
Vs.)	
)	
_____)	
Defendant)	

PETITION FOR CONTEMPT FOR DISOBEDIENCE OF A
CUSTODY OR VISITATION ORDER

Petitioner respectfully represents:

1. The Plaintiff is _____, whose address is _____.
Plaintiff's telephone number is _____.

2. The Defendant is _____, whose address is _____.
Defendant's telephone number is _____.

3. The parties are the parents of:

_____, born _____

_____, born _____

_____, born _____

_____, born _____

4. The existing Order of Court is dated _____.

5. The (Plaintiff) (Defendant) has willfully disobeyed or failed to comply with said Order of Court in that: (what is the violation?)

WHEREFORE, Petitioner requests that _____
be held in contempt of Court.

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

(Plaintiff) (Defendant)

Date: _____

HOW TO SERVE THE PETITION FOR CONTEMPT

After filing the Contempt Petition at the Prothonotary's Office in the Clinton County Court House, it is not adequate to simply talk to the other party (Plaintiff/Defendant) about the custody action. A copy of the papers must be sent to the Plaintiff/Defendant by following the instructions below. You must give the Plaintiff/Defendant legal notice that you have filed for contempt, and this kind of notice is described as "service".

Service of the Notice and Order to Appear and Petition for Contempt is **YOUR** responsibility. The documents may be served by certified mail. To do so, you must send the Notice and Order to Appear and Petition for Contempt by certified mail, return receipt requested, restricted delivery to the Plaintiff/Defendant only.

When you go to the post office, someone at the window can help you prepare and send the certified mail. The cost **MUST** be paid, and it will be approximately \$5.00.

When you send the certified mail, you will be given a "sender's receipt" (a little white receipt). Keep this receipt to include with your proof of service. For the time being, put this receipt in your folder of papers to save.

You should mail the documents to the Plaintiff/Defendant as soon as possible after you pick them up from the Prothonotary's Office. The Plaintiff/Defendant must receive them at least ten (10) days before the hearing date.

Once the Plaintiff/Defendant has signed the green receipt indicating that he or she has received the documents, service is complete. You will have proof that service is complete when you receive the green receipt with the Plaintiff/Defendant's signature on it. When you receive that green receipt, you must save it. It is to be included with your original receipt and attached to the Affidavit of Service.

The final document in your packet is the Affidavit of Service. It should be completed and filed with the Prothonotary as soon as you receive the return receipt from the Plaintiff/Defendant. The sender's receipt (the little white receipt that you got at the post office) and the green card with the Plaintiff/Defendant's signature should be stapled to the Affidavit of Service when it is filed.

The Affidavit of Service is quite simple to fill out. It states that on a certain day you mailed a correct copy of the Notice and Order to Appear and Petition for Contempt by certified mail to the Plaintiff/Defendant's address. It also says that the Plaintiff/Defendant received it on a specific day. That date is on the green receipt. Go to the next section to find out how to prepare and file the Affidavit of Service.

Note: Make a copy of everything for your records.

HOW TO FILL OUT AND FILE THE AFFIDAVIT OF SERVICE

Caption - Once again, you must fill out the names of the parties (Plaintiff and Defendant). When the action was filed, there was a docket number assigned by the Prothonotary. That number appears on your copies which you got back from the Prothonotary. Be sure that you neatly print or type the correct docket number in the space provided in the last line of the right hand side of the caption.

Fill in your name, Plaintiff/Defendant, the date you sent the papers to the Plaintiff/Defendant (this date appears on your little white sender's receipt), the Plaintiff/Defendant's name and address, and the date that the Plaintiff/Defendant received the papers (this date is written on the green card). Staple your sender's receipt (the white receipt) and the green card (with the Plaintiff/Defendant's signature) to the Affidavit. Sign and date the Affidavit and make a copy of it. (Be sure you copy the receipt and green card also). Take the original and the copy to the Prothonotary. There is no fee to file this document. Have your copy file-stamped and BRING IT WITH YOU TO THE COURT HEARING. The original will remain in the Prothonotary's Office and become part of the Court record. Put your copy in your file of documents which you are taking to the hearing.

IN THE COURT OF COMMON PLEAS OF CLINTON COUNTY, PENNSYLVANIA

_____)	No. _____ Misc.
Plaintiff)	
Vs.)	
)	
_____)	
Defendant)	

AFFIDAVIT OF SERVICE

I, _____, Plaintiff/Defendant, certify that on the _____ day of _____, 20_____, a true and correct copy of the Petition for Contempt and Notice and Order to Appear were mailed by certified mail, restricted delivery to the Plaintiff/Defendant, _____, at this address: _____.

Plaintiff/Defendant received the Petition for Contempt and Notice and Order to Appear on the _____ day of _____, 20_____. Sender's receipt and return receipt are attached hereto.

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

Date

(Plaintiff) (Defendant)