

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. 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 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.

A copy of your original petition may be obtained from the Office of Prothonotary.

You must also complete an Entry of Appearance as a Self-Represented Party and file it at the Office of Prothonotary along with the Contempt Petition and a Confidential Information Form.

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

You must follow the same procedures for service of the Contempt Petition as you did for the Custody Complaint. Service instructions are included in the packet.

IN THE COURT OF COMMON PLEAS OF CLINTON COUNTY, PENNSYLVANIA

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

NOTICE AND ORDER TO APPEAR

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

If you wish to defend against the claims 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 objections or defenses in writing with the Court, you must appear in person in Court on the _____ day of _____, 20____, at _____ o'clock _____ M., in Court Room No. _____, Clinton County Court House, 230 E. Water St., Lock Haven, Pennsylvania.

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 or visitation, you may be found in contempt of court and committed to jail, fined, or both.

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.

Office of the Clinton County Court Administrator
Clinton County Court House
230 E. Water St.
Lock Haven, PA 17745
570-893-4016

BY THE COURT:

_____ J.

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clinton 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 our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

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:

_____, Age _____

_____, Age _____

_____, Age _____

_____, Age _____

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.

Note: Make a copy of everything for your records.

HOW TO FILL OUT AND FILE THE AFFIDAVIT OF SERVICE

Caption -- You must fill out the names of the parties (Plaintiff and Defendant). Now that the action has been filed, there is a docket number in the right side of the caption that was 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 and circle whether you are Plaintiff or Defendant. Fill in the date you sent the papers to the other party and circle whether they are Plaintiff or Defendant (this date appears on your little white sender's receipt), the other party's name and address, and the date that the other party 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 other party's signature) to the Affidavit. Sign and date the Affidavit and make one 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 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.
)		
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)

PLAINTIFF
vs.

DEFENDANT

IN THE COURT OF COMMON PLEAS

COUNTY, PENNSYLVANIA

NO. _____

ENTRY OF APPEARANCE AS A SELF-REPRESENTED PARTY

- 1. I am the Plaintiff Defendant in the above-captioned case.
- 2. I intend to represent myself in the custody, divorce, support, protection from abuse, paternity case.

Check only one box in Question 3

- 3. This is a new case and I am representing myself. I have decided not to hire an attorney to represent me.
OR
- This is not a new case and I am representing myself. I have decided not to hire an attorney to represent me.
OR
- This is not a new case. _____ previously
(Name of Attorney)
represented me in this case. I have decided not to be represented by that attorney and direct the Prothonotary to remove that attorney as my counsel of record in this case.
I have provided a copy of this form to that attorney listed above at the following address:

That attorney has acknowledged his/her withdrawal from this case by signing this form.
_____, Esq.
(Attorney signature)

- 4. I am entering my appearance as a self-represented party _____
(Your Signature)

- 5. I understand that I need to provide a street address or P.O. Box for the purpose of receiving all future pleadings and other legal notices. I further understand that this does not need to be my home address. My address for the purpose of receiving all future pleadings and other legal notices is:

I understand that this address will be the only address to which notices and pleadings in this case will be sent and that I am responsible to check the mail at this address so I do not miss important deadlines or proceedings.

I am not providing my address because I reside at a confidential location protected by the Protection From Abuse Act, 23 Pa. C.S. § 6112 and/or the Address Confidentiality Program, 23 Pa. C.S. § 6701-6713, and/or the Child Custody Act, 23 Pa. C.S. § 5336(b).

- 6. My telephone number where I can be reached is _____
 I am not providing my telephone number because it is confidential pursuant to the Protection From Abuse Act, 23 Pa. C.S. § 6112 and/or the Child Custody Act, 23 Pa. C.S. § 5336(c).

7. I UNDERSTAND I MUST FILE A NEW FORM EVERY TIME MY ADDRESS OR TELEPHONE NUMBER CHANGES.

- 8. I understand that I must ensure that a copy of this form is served on all other attorneys or other self-represented parties at the following addresses as listed below: (Use reverse side if you need more space)

Name _____ Address _____
Name _____ Address _____

- 9. I verify that the statements made in this Entry of Appearance as a Self-Represented Party are true and correct. I understand that if I make false statements herein, that I am subject to the criminal penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities that could result in a fine and/or prison term.

Date (Your Signature)