

INSTRUCTIONS FOR PETITION FOR CONTEMPT
FOR FAILURE TO COMPLY WITH CUSTODY/VISITATION ORDER

These instructions will help you file on your own and set up a hearing with the court for contempt of a custody/visitation Order.

BEFORE YOU BEGIN, READ COMPLETELY THESE INSTRUCTIONS.

A. COMPLETING THE FORMS - PETITION AND ORDER

This packet has three forms. You first need to complete the Petition and Order.

1. Petition.

Fill it out completely. Do not leave any blank spaces. Here are some suggestions:

a) At the top left, you are the "petitioner". The other parent is the "respondent".

b) At the top right, fill in the county in which you are filing. Write in the same Civil No. as the latest Court Order.

c) Fill in the current address for both parents. You will need a current address before there can be any hearing.

d) To complete #3, write in the date of the latest Court Order on custody and visitation.

e) Complete #4 by listing the facts which you believe show a wilful failure to comply with the Order.

f) Sign your name at the bottom. You are proceeding "pro se". This means you are acting on your own and have no attorney.

2. Order.

Fill out only the top of the Order form. The court will fill in the date of the hearing and sign it.

B. FILING - PRESENTING THE PAPERS TO THE COURT

1. You will need to file an original and two (2) copies of the Petition and Order.

2. On each staple the Order to the front of the Petition and a copy of the latest custody order to the back.

3. File in the Office of the Prothonotary, (Court Clerk). The office is on the first floor of the courthouse in both Columbia and Montour counties.

4. There is a \$ fee for filing the Petition for Contempt. You will need to pay at the time you file.

5. You will also need to give the Clerk a self-addressed, stamped envelope. The envelope needs (2) two stamps. The Clerk will use this to mail you back two copies of the Petition and Order after the Judge has signed the Order and scheduled a hearing on your Petition.

6. To file, you need to hand the papers to the Clerk. They will do the rest.

C. SERVING OF THE PETITION - GIVING THE OTHER PARENT NOTICE

1. The Prothonotary will mail to you two (2) copies of the Petition and Order to you after the Judge has scheduled a hearing date.

2. You must give the other party (parent) legal notice that you have filed the Petition. This type of notice is known as "service". One (1) copy of the Order and Petition must be given to the other parent as soon as you receive it back from the Court.

3. Service of the Petition and Order is your responsibility. To do it, the Petition must be served on the other parent by either regular mail or personal service. For personal service someone, other than you, over the age of 18, should hand the papers directly to the other party.

4. If the other parent is not served, the court will not hold the hearing.

5. If you serve the papers by regular mail and the other party does not show up at the hearing, the Court will require personal service before a hearing is held. The safest way is to have the papers served by a constable or the sheriff. There will be an additional charge for this. You are responsible for it.

D. PROOF OF SERVICE

You will need to prove to the Court that you have served the other parent with a copy of the Order and Petition. To do this you will need to file a third form, called a "Proof of Service". This should be filled out and filed with the Court as soon as service is complete.

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|------------|---|--|
| PETITIONER | * | IN THE COURT OF COMMON PLEAS |
| | * | 26TH JUDICIAL DISTRICT |
| vs. | * | COUNTY BRANCH, PENNA. |
| | * | (county) |
| | * | CIVIL ACTION - CUSTODY |
| RESPONDENT | * | NO. of 20 ___ |

PETITION FOR CONTEMPT FOR FAILURE TO COMPLY WITH
CUSTODY/VISITATION ORDER

TO THE HONORABLE, THE JUDGES OF SAID COURT:

1. The Petitioner is _____ who resides at _____.
2. The Respondent is _____ who resides at _____.
3. On _____ an Order of Custody/Visitation was entered by this Court, a true and correct copy of which is attached hereto, marked Exhibit "A" and made part hereof.
4. The Respondent has violated said Order in that:

WHEREFORE, Petitioner respectfully prays this Court grant a Rule upon the Respondent to show cause why (he) (she) should not be held in contempt for violation of the Order of this Court.

pro se

PETITIONER
vs.

RESPONDENT

* IN THE COURT OF COMMON PLEAS
* 26TH JUDICIAL DISTRICT
* _____ COUNTY BRANCH, PENNA.
* (county)
*
* CIVIL ACTION - CUSTODY
* NO. _____ of _____ 20__

O R D E R

Legal proceedings have been brought against you alleging you have willfully disobeyed an Order for 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 to the Court your defenses or objections.

Whether or not you file in writing with the Court your defenses or objections, you must appear in person in Court on _____ the _____ day of _____, at _____ M. in the Judge's Chambers, Columbia/Montour County Courthouse, Bloomsburg/Danville, PA, for a HEARING.

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 visitation, you may be found to be 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 OFFICER LEGAL SERVICES TO ELIGIBLE PERSONS:

COURT ADMINISTRATOR
COLUMBIA COUNTY COURTHOUSE
BLOOMSBURG PA 17815
570-389-5667

BY THE COURT:

DATE: _____ J.

PLAINTIFF
vs.

DEFENDANT

* IN THE COURT OF COMMON PLEAS
* 26TH JUDICIAL DISTRICT
* COUNTY BRANCH, PENNA.
* (County)
* CIVIL ACTION
* NO. _____ of _____ 20__

CERTIFICATE OF SERVICE

I, _____, Plaintiff, certify that on the
____ day of _____, 20 __, a true and correct copy of the
_____ was mailed by certified mail to the
Defendant, _____, at Defendant's current residence
of _____.
Defendant received the Complaint on the _____ day of _____,
20 __. Sender's receipt and return card are attached hereto.

Plaintiff