

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. Make four copies of the attached Petition for Contempt. We do not need copies of the Notice and Order.
3. Attach one copy of the original order from your Custody Conciliation Conference 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.
4. Take the original and copies to the Family Court Administrator's Office located in Room 205 to obtain a hearing date. The times to present this motion are 9:00 a.m. to 12:00 p.m. and 1:30 p.m. to 4:00 p.m. Monday through Friday.
5. After the hearing date is inserted by the Court Administrator 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.
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 PA Rules of Civil Procedure. If done by mail, the documents must be sent by both regular and certified mail and must be mailed least 7 days prior to the hearing date.
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
VS	:	OF ERIE COUNTY, PENNSYLVANIA
	:	FAMILY DIVISION
	:	
_____	:	Docket No. _____
Plaintiff	:	
Defendant	:	

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 for (custody) (partial custody) (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 or objections.

Whether or not you file written defenses or objections, you must appear in person in Court on _____, 201__ at _____ a.m./p.m. in Courtroom _____ before Judge _____ of 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 that you have willfully failed to comply with its order for (custody) (partial custody) (visitation), you may be found to be 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 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.

Lawyers Referral Service
 302 West 9 th Street
 Erie, Pa 16507-1427
 (814)459-4411
 Mon.-Fri. / 8:30 a.m. – 3:00 p.m.

_____ : IN THE COURT OF COMMON PLEAS
 Plaintiff :
 VS : OF ERIE COUNTY, PENNSYLVANIA
 :
 : FAMILY DIVISION
 _____ :
 Defendant : Docket No. _____

PETITION FOR CONTEMPT OF CUSTODY ORDER
(Custody) (Partial Custody) (Visitation)

AND NOW, Petitioner, _____ (name) 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 _____, 201____, Judge _____ entered an Order awarding (Petitioner) (Respondent) (custody) (partial custody) (visitation) of the minor child (ren). Names of child (ren) _____.

A true and correct copy of that Order is attached.

4. Since the entry of that Order of Court, it is alleged that Respondent (Mother/Father) has willfully failed to comply with the custody order by doing, or not doing the following: _____

 _____.

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

Respectfully submitted,

Date: _____

Petitioner

Attorney for Petitioner

Custody Contempt Petition Information per Tom A. 8/26/11

We can schedule up to 15 Pro Se Hearings in a given time slot-----Up to 10 on the half days unless otherwise indicated in schedule book.

Use 1½ days per month for Attorneys.

If filing Petition Pro Se but other side has an Attorney, schedule in PRO SE slot.

If filing Petition Pro Se but they will definitely have an Attorney at the hearing, then schedule for ½ hour in ATTORNEY time slot.

CUSTODY RELOCATION PROCEDURES

If other side signs consent and all parties are in agreement to the relocation, then the relocating party can go to Motion Court to obtain a Rule To Show Cause.

Then they come to Court Administration to get a hearing date. These are to be scheduled for 15 minutes and in the first available Custody Trial slot at 9:30 am or 1:30 pm or Custody Contempt slot. Does NOT have to be scheduled 10 days out.

If we have no time before they want to relocate then both sides can go to Motion Court.

If a counter-affidavit has been filed by the other side opposing to relocation then relocating side does not need to go to Motion Court. (15 minute hearing does not need to be scheduled.) Go ahead and schedule a Custody Trial.

April 19, 2011

CUSTODY CONTEMPT TIME SLOTS

Friday, September 30: 2:30-2:59_____ (3)

CAN PUT 3 PRO SE PETITIONS IN EACH TIME SLOT

CUSTODY CONTEMPT TIME SLOTS

Thursday, October 13: 2:30-2:59_____ (3) 3:00-3:29_____ (3) 3:30-3:59_____ (3)

Monday, October 17: 2:30-2:59_____ (3) 3:00-3:29_____ (3) 3:30-3:59_____ (3)

Friday, October 21: 3:30-3:59_____ (3)

Monday, October 31: 1:30-1:59_____ (3) 2:00-2:29_____ (3) 2:30-2:59_____ (3)

3:00-3:29_____ (3) 3:30-3:59_____ (3)