

Enforcement of Child Custody Orders Packet

PLEASE READ ALL OF THE INFORMATION CONTAINED IN THIS PACKET BEFORE YOU START FILLING OUT THE FORMS.

THIS PACKET DOES NOT CONSTITUTE LEGAL ADVICE. IF YOU HAVE ANY QUESTIONS ABOUT THIS PROCESS, YOU SHOULD SEEK THE ADVICE OF AN ATTORNEY. THE COURT ASSUMES NO RESPONSIBILITY AND ACCEPTS NO LIABILITY FOR ACTIONS TAKEN BY USERS OF THESE DOCUMENTS, INCLUDING RELIANCE ON THEIR CONTENTS.

We encourage you to contact an attorney to advise you on this matter. If you cannot afford an attorney, the Court will not appoint an attorney for you in child custody cases. You may contact Northwestern Legal Services at (800) 665-6957 or (814) 724-1040 to see if they will provide free legal services to you. They are not obligated to do so.

You will be required to follow the State and Crawford County Rules of Civil Procedure and all applicable laws even if you do not have an attorney.

This packet is intended to help people when the other party has willfully violated an existing custody order. He or she must have deliberately, voluntarily or intentionally acted to violate of the order. This packet cannot be used if there is no current custody order.

The primary way to enforce a custody order is in a contempt of court proceeding which begins when you file a Contempt Petition [page 3] with the court.

If this is an emergency situation, you can also file a a motion in Custody Motions Court. That packet is available at the Crawford County Law Library. In that packet, you will have to explain to the Court, in detail, the emergency situation that would cause you to file in Custody Motions Court instead of using this packet.

You will need the following to fill out this packet:

- A copy of the most recent custody order (attach to Petition as "Exhibit A");
- The other party's current contact information; and
- Detailed information on when and how the other party violated the custody order.

Instructions:

1. When filling out these forms, please write as clearly and neatly as possible.
2. Fill out these forms to the best of your ability, completing every line that applies. DO NOT LEAVE ANY LINES BLANK. Use "None" or "0" if necessary. Do NOT use "N/A" anywhere on the forms.
3. Be sure the caption is filled out EXACTLY the same on all forms; you should always have the same names in the same place on each form. Check the original case's caption and use the same names for the "Plaintiff" and "Defendant" in the captions in this packet. The "No." line is for the case number, which was assigned by the Prothonotary's Office when you or the other party filed the Complaint that began the custody case.
4. Since you are filing a petition, you are the "Petitioner". The other party is the "Respondent".
5. Complete the Petition for Civil Contempt for Disobedience of Custody Order [page 3]. When filling out line 5, be SPECIFIC. You must show the Court that the other party deliberately or intentionally violated the custody order. If you leave anything out, you will NOT be allowed to tell the Court at the hearing. You will **only** be allowed at the hearing to pursue any allegations you have made in the Petition you filed.
6. Attach a copy of the most recent custody order to the Petition. Mark it as Exhibit "A".
7. Fill out the caption on the Notice and Order to Appear [page 5]. Do not fill out the rest of the form.
8. Fill out the "Certificate of Compliance" [page 6].
9. You should give a copy of the Petition, Notice, and Certificate to the Respondent by either hand-delivering the forms to them, or you can mail the forms through standard mail service. This is done before you file the forms with the Prothonotary.
10. File the Petition, Notice, and Certificate with the Prothonotary's Office in the Judicial Center.
11. The hearing will be set by the Court Administrator. After receiving a copy of the signed Notice and Order to Appear, you must give another copy of the Petition and signed Order to the Respondent either by hand-delivery or through standard mail.
12. At the hearing, you and the Respondent will have the opportunity to appear in court and present witnesses, evidence and arguments based on the allegations in this Petition. You MUST bring any and all evidence and witnesses you will want the Court to hear.

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

Plaintiff :
 :
 v. : No. _____
 :

Defendant :

PETITION FOR CIVIL CONTEMPT FOR DISOBEDIENCE OF CUSTODY ORDER

The Petition of _____ respectfully represents:

1. Petitioner is _____ who resides at _____
_____.
2. Respondent is _____ who resides at _____
_____.
3. That on _____, the Honorable Judge _____ entered a custody order awarding Petitioner Respondent shared legal custody / sole legal custody / partial physical custody / primary physical custody / shared physical custody / sole physical custody / supervised physical custody of the minor child(ren) _____
_____.
4. A true and correct copy of the order is attached to this Petition as Exhibit A. Said order has not been modified or amended, is the last order entered in this case, and is still in effect.
5. Respondent has willfully failed to abide by that order in that: (allege facts which constitute a willful failure by respondent to comply with the Court Order – be specific.)

Wherefore, Petitioner requests that Respondent be held in Contempt of Court.

Petitioner, Self Represented

I verify that the statements made in this Petition 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.

Date: _____

Petitioner

NOTE:

1. Petitioner shall arrange service upon the Respondent by personal service or regular mail pursuant to Rule 1915.12(d) of the Pennsylvania Rules of Civil Procedure.
2. The facts set out in paragraph 5 must be specific and evidence a willful violation of the Court Order. **The Petitioner may only raise facts at the hearing that are set out in this Petition.**
3. The hearing that results from the filing of this Petition is a formal legal proceeding and therefore the **Petitioner should come to the hearing prepared to present testimony from any witnesses the Petitioner wishes to call to prove the allegations made. Likewise, the Respondent should come to the hearing prepared with any witnesses the Respondent wishes to call to defend against the allegations that have been made in the Petition for Civil Contempt.**

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

_____	:	
Plaintiff	:	
v.	:	No. _____
_____	:	
Defendant	:	

NOTICE AND ORDER TO APPEAR

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

If you wish to defend against the claim set forth in the following pages, you may, but are not required to file with 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 _____, 20____ at _____ o'clock _____m in Courtroom No. ____, Crawford County Judicial Center, Meadville, 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, 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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. 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.

Court Administrator
Crawford County Judicial Center
359 E. Center Street
Meadville, Pennsylvania 16335
Telephone: (814) 333-7498

FOR THE COURT

Date: _____

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

v. _____

No. _____

CERTIFICATE OF COMPLIANCE

This form is associated with the pleading titled _____, dated _____, 20__.

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Signature _____ Date _____
Name: _____ Attorney No. (if applicable): _____
Address: _____ Telephone: _____
_____ Email: _____
