

PETITION FOR CONTEMPT OF CUSTODY

INSTRUCTION SHEET

These instructions are meant to give you general information and not legal advice.

USE THIS FORM IF THE OTHER PARTY VIOLATES AN EXISTING CUSTODY ORDER. IF YOU ALSO WANT TO CHANGE THE CUSTODY ORDER, YOU MUST FILE A PETITION TO MODIFY IN ADDITION TO A PETITION FOR CONTEMPT.

1. Fill in the Domestic Relations Information Sheet with as much information as you have.
2. Complete, date, and sign the Petition for Contempt. (detailed instructions attached)
3. There is no filing fee for petitions for contempt.
4. File the completed Petition for Contempt and Information Sheet by mailing or hand-delivering them in person to:

Clerk of Court
1133 Chestnut Street.
Philadelphia, PA. 19107

5. Whether you file the complaint/petition by mail or hand-deliver to the office of the Clerk of Family Court, you must file the original **AND** six (6) copies. A copy machine is available at the Clerk's office at a cost of \$.25 per page

PROVISIONS OF LAW THAT MAY HELP YOU FILL OUT THE PETITION:

§ 5301 Declaration of policy

The General Assembly declares that it is the public policy of this Commonwealth, when in the best interest of the child, to assure a reasonable and continuing contact of the child with both parents after a separation or dissolution of the marriage and the sharing of the rights and responsibilities of child rearing by both parents and continuing contact of the child or children with grandparents when a parent is deceased, divorced, or separated.

[1985, Oct. 30, P.L. 264, No 66 §1.]

§ 5302. Definitions

The following words and phrases when used in this subchapter shall have the meaning given to them in this section unless the context clearly indicated otherwise.

Child - any unemancipated person under 18 years of age.

Legal Custody - The legal right to make major decisions affecting the best interest of a minor child, including, but not limited to, medical, religious, and educational decisions.

Partial Custody - The right to take possession and control of a child.

Physical Custody - The actual physical possession and control of a child.

Shared Custody - An order awarding shared legal or shared physical custody, or both, of a child in such a way as to assure the child of frequent and continuing contact with and physical access to both parents.

Visitation - The right to visit a child. The term does not include the right to remove a child from the custodial parent's control.

HOW TO FILL IN THE PETITION:

HEADING (CAPTION).

Fill in the names of the plaintiff and defendant in the heading of the petition exactly as they appear in the custody complaint. The plaintiff is the person who filed the custody complaint. The defendant is the person against whom the custody action was filed. The plaintiff and defendant keep those titles throughout the case. The Domestic Relations Number (D.R. No.) is the number assigned your case by the Court. You can find this number in the caption of your Complaint for Custody.

LINE 1.

If you are filing the petition for contempt, you are the petitioner. Fill in your name and address as the petitioner. Indicate whether you are the plaintiff or defendant in the custody complaint by circling the appropriate term.

LINE 2.

The person against whom the petition is filed is the respondent. Fill in the name and address of the respondent. Indicate whether the respondent is the plaintiff or defendant in the custody complaint by circling the appropriate term.

LINE 3.

If you know the date and terms of your last custody order fill in line three. If not skip this line.

LINE 4.

Fill in a brief statement describing how respondent has violated the order.

DATE AND SIGN THE PETITION.

DATE AND SIGN THE VERIFICATION THAT THE STATEMENTS ARE TRUE.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

PLAINTIFF	:	
VS.	:	FAMILY COURT DIVISION
DEFENDANT	:	CIVIL ACTION
	:	D. R. NO.
	:	

PETITION FOR CONTEMPT OF CUSTODY ORDER

1. Petitioner is (name) _____
is **plaintiff or defendant** (circle one) in the custody complaint
and resides at (street, city, state, zip) _____

2. Respondent is (name) _____
is **plaintiff or defendant** (circle one) in the custody complaint.
and resides at (street, city, state, zip) _____

3. On (month/date/year) _____,
The Honorable (name of Judge) _____
Entered the following order _____

4. Since the entry of said order, the respondent has willfully failed to obey said order as follows:

WHEREFORE, petitioner prays this court to adjudge the respondent in contempt of court and order appropriate sanctions.

Date: _____
_____ Petitioner

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 PA.C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: _____
_____ Petitioner