

PETITION FOR CONTEMPT - PROTECTION FROM ABUSE

INSTRUCTION SHEET

USE THIS FORM IF YOU HAVE A PROTECTION FROM ABUSE ORDER THAT HAS BEEN VIOLATED

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

A violation of a Protection from Abuse Order can be handled in two ways. If the police have been involved in your case and an arrest has been made you should contact the District Attorney's Office and ask if your case is being pursued in criminal court. If you did not contact the police, and if you do not want to go through the police, then you can file a Civil Petition for Contempt. The following instructions detail how to file a Civil Petition for Contempt.

1. Complete, date and sign the Petition for Contempt. (Detailed instructions attached).
Note: The Petition for Contempt is a packet. You must have ALL of the following included in your packet:
 - Rule (Fill in caption only)
 - Order (Fill in caption only)
 - Petition and Verification
 - Affidavit of Service
 - Blank Temporary Protection Order(Fill in caption only)
2. File the original and two (2) copies of the completed Petition for Contempt packet with the Family Court Domestic Violence Unit. Make sure to keep a time stamped copy for your records.

Philadelphia Family Court
Domestic Violence Unit
34 S. 11th Street, Room 242
Philadelphia, PA 19107
3. There is no fee for filing a Petition for Contempt.
4. When you deliver your Petition to the Domestic Violence Unit, you must wait or return for your Petition and Temporary Order. You will be given a packet that includes these documents along with a Rule to Show Cause which will indicate the date and time of your hearing, Order and Affidavit of Service.

5. If your petition was granted, you will also receive a Temporary Ex Parte Order. If you are not sure, ask the clerk if the Judge granted your temporary order.

6. After you receive the packet from the court, you must serve the Defendant. Service is accomplished by handing the Defendant one packet with the following documents:

- Rule,
- Temporary Ex Parte Order (if one was given), and
- Petition for Contempt.

While any responsible adult may serve the papers, it is suggested that you have the Philadelphia Police make service. To obtain police assistance, take all the necessary papers provided to you by the court to the Police District Headquarters in which the Defendant can be located (residence, work, etc.) and request an officer to assist you in serving the Protection From Abuse order. The person who serves the papers on the Defendant must complete, sign, and return the affidavit of service to you. You must bring this Affidavit of Service to court with you.

7. If the Defendant will not take the packet of materials, the person serving the packet should leave the packet in the Defendant's presence and complete the Affidavit of Service. The completed Affidavit of Service must be brought to court with you.

8. If you are unable to serve the Defendant, you may ask the court at the hearing for permission to serve by another means, including by mail.

9. KEEP A COPY OF YOUR ORIGINAL FINAL PROTECTION ORDER AND TEMPORARY EX PARTE ORDER WITH YOU AT ALL TIMES.

10. Go back to court for the hearing date, even if you have not been able to serve the Defendant. IF YOU DO NOT APPEAR FOR THE HEARING, YOUR PETITION FOR CONTEMPT AND YOUR TEMPORARY ORDER WILL BE DISMISSED.

11. In addition to requesting that the Defendant be found in contempt, you may also want to request a modification and/or extension of the Protection From Abuse Order. See the instructions for Petition to Modify Protection From Abuse Order and Petition to Extend Protection From Abuse Order.

RELIEF AVAILABLE UNDER THE PROTECTION FROM ABUSE ACT:

The court may grant any protection order or approve any consent agreement to stop the

Defendant from abusing you or your minor children. The order or agreement may include:

Directing the Defendant to stop abusing you or your minor children.

Evicting the Defendant from the residence or household, even when the Defendant is the sole owner or lessee, if the Defendant has a duty to support you or the minor children, or to order the Defendant, with your consent, to provide suitable alternate housing.

Awarding temporary custody of or establishing temporary visitation rights with regard to minor children.

Ordering the Defendant to pay financial support to those persons the Defendant has a duty to support, including health coverage for the minor child and spouse, paying all of the unreimbursed medical expenses of a spouse or minor child, and directing the Defendant to make rent or mortgage payments on your residence when the Defendant has a duty to support you or other defendant household members. The support order is temporary, and you must file a complaint for support within two weeks of the date of the issuance of the protection order or the support order becomes void.

Prohibiting the Defendant from having any contact with you or your minor children, at your place of employment or business or school and from harassing you or your relatives or minor children.

Ordering the Defendant to give up any firearms, other weapons, ammunition and firearms license and prohibiting the Defendant from possessing any firearms or other weapons, ammunition or firearms license for the duration of the order.

Directing the Defendant to pay you for reasonable losses suffered as a result of the abuse, including medical, dental, relocation and moving expenses; counseling; loss of earnings or support; costs of repair or replacement of real or personal property damaged, destroyed or taken by the Defendant or at the direction of the Defendant; and other out-of-pocket losses for injuries sustained. In addition to out-of-pocket losses, the court may direct the Defendant to pay reasonable attorney fees.

Directing the Defendant to refrain from stalking or harassing you.

Granting any other appropriate relief you seek.

WORDS AND PHRASES USED IN THE PETITION

PLAINTIFF: Person who filed the original complaint

DEFENDANT: Person against whom the original complaint was filed

HOW TO FILL IN THE PETITION:

HEADING (CAPTION).

Fill in the names and addresses of the Plaintiff and the Defendant in the heading of the petition exactly as they appear on your Protection Order. If your address is not known to the Defendant, write “CONFIDENTIAL ADDRESS” in the space for your address. Also, fill in the case number exactly as it appears on your Protection Order.

On the first line, which is not numbered, fill in your name as the petitioner.

LINE 1.

If you are filing the Petition for Contempt, you are the petitioner. Fill in your name and address, unless it is confidential.

LINE 2.

The person against whom the petition is filed is the Defendant. Fill in the name and address of the Defendant.

LINE 3.

Fill in the date you received your Final Protection Order (this can be found on the top of the second page of your Protection Order). Also, fill in the name of the Judge that signed your Order and the number that appears in the heading of your Order.

LINE 4.

Circle “Temporary” if you are filing a contempt petition based on your temporary protection order. Circle “Final” if you have already received a final protection order. Be sure to insert a copy of your Protection Order.

LINE 5.

Explain why you are filing a Petition for Contempt. Be sure to include a description about how you believe the Defendant violated your Order and what provisions of your Order you believe the Defendant violated.

WHEREFORE

In subsection (e), tell the court what you want them to do. In this section, you can ask the court to modify your order so that the Defendant is not allowed to have any contact with you.

SIGN AND DATE THE PETITION.

DATE AND SIGN THE VERIFICATION THAT THE STATEMENTS ARE TRUE.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

_____	:	
PLAINTIFF	:	FAMILY COURT DIVISION
	:	
vs.	:	PROTECTION FROM ABUSE
	:	
_____	:	
DEFENDANT	:	D.R. NO.

RULE

AND NOW, this _____ day of _____, 20____, a Rule is granted upon, _____, to show cause why he/she should not be held in contempt of the Final Protection Order entered against him/her on _____, by this Court, The Honorable _____ presiding, and why appropriate sanctions should not be entered against him/her.

A hearing will be held on the _____ day of _____, 20____, in courtroom _____, at 34 South 11th Street, Philadelphia, Pennsylvania, at _____ a.m/p.m., to determine whether the requested relief will be granted.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

PLAINTIFF	:	
vs.	:	FAMILY COURT DIVISION
	:	
	:	PROTECTION FROM ABUSE
	:	
DEFENDANT	:	D.R. NO.

PETITION FOR CONTEMPT

TO THE HONORABLE JUDGE OF SAID COURT:

The Petitioner, _____, respectfully represents that:

1. The Plaintiff, _____, is an adult individual residing at _____, Philadelphia, Pennsylvania.
2. The Defendant, _____, is an adult individual residing at _____, Philadelphia, Pennsylvania.
3. On _____, the parties appeared before The Honorable _____, in an action filed under the Protection From Abuse Act; No. _____.
4. On the aforementioned date, a Temporary/Final Protection Order was entered against the Defendant (attached hereto).
5. Since the entering of the aforementioned order, the petitioner alleges that the Defendant has engaged in the following behavior:

A. _____

B. _____

C. _____

WHEREFORE, the petitioner requests the Honorable Court to:

- a) Grant a hearing on the matters complained of above;
- b) Enter an ex parte Temporary Protection Order, and a Final Protection Order, after a hearing:
 - 1. restraining the Defendant from abusing, harassing, stalking, and/or threatening the Petitioner and/or the minor children, or placing him/her/them in fear of abuse in any place where he/she/they may be found;
 - 2. enjoining the Defendant from living at, entering, attempting to enter or visiting Petitioner's residence; and
 - 3. prohibiting the Defendant from having any contact with the Petitioner, including but not limited to, entering or attempting to enter any school, business or place of employment at which she may be found.
- c) After a hearing, hold the Defendant in contempt of the Protection Order entered on _____;
- d) Enter any and all sanctions authorized by the Protection From Abuse Act against the Defendant;
- e) _____

_____.

Respectfully Submitted,

Date

VERIFICATION

I verify that I am the petitioner as designated in the present action and that the facts and statements contained in the above Petition are true and correct to the best of my knowledge. I understand that any false statements are made subject to the penalties of 18 Pa.C.S.A.. § 4904, relating to unsworn falsification to authorities.

Date Petitioner

3. Except for such contact with the minor child/ren as may be permitted under Paragraph 5 of this order, Defendant is prohibited from having ANY CONTACT with Plaintiff, or any other person protected under this order, either directly or indirectly, at any location, including but not limited to any contact at Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this order:
4. Except for such contact with the minor child/ren as may be permitted under Paragraph 5 of this order, Defendant shall not contact Plaintiff, or any other person protected under this order, by telephone or by any other means, including through third persons.
5. Custody.
- There is a current custody order as to the child/ren of the parties:
(county court) (docket number)
- THIS ORDER SHALL NOT SUPERSEDE THE CURRENT CUSTODY ORDER.
- THIS ORDER SUPERSEDES ANY PRIOR ORDER RELATING TO CHILD CUSTODY.
- Until the final hearing, all contact between Defendant and the child/ren shall be limited to the following:
- Pending the outcome of the final hearing in this matter, Plaintiff is awarded temporary custody of the following minor child/ren:

The local law enforcement agency in the jurisdiction where the child/ren are located shall ensure that the child/ren are placed in the care and control of the Plaintiff in accordance with the terms of this order.

6. FIREARMS, OTHER WEAPONS AND AMMUNITION RESTRICTIONS

Check all that apply:

- Defendant is prohibited from possessing, transferring or acquiring any firearms for the duration of this order.

- Defendant shall relinquish to the sheriff the following firearms licenses owned or possessed by Defendant:
- Defendant is directed to relinquish to the sheriff any firearm, other weapon or ammunition listed in Attachment A to Temporary Order, which is incorporated herein by reference.

Defendant may relinquish any firearms, other weapons or ammunition to the sheriff. As an alternative, Defendant may relinquish firearms, other weapons and ammunition to a third party provided Defendant and the third party first comply with all the requirements to obtain a safekeeping permit. Defendant must relinquish any firearm, other weapon, ammunition or firearm license ordered to be relinquished no later than 24 hours after service of this order. If, due to their current location, firearms, other weapons or ammunition cannot reasonably be retrieved within the time for relinquishment, Defendant shall provide to the sheriff an affidavit listing the firearms, other weapons or ammunition and their current location no later than 24 hours after service of this order. Failure to timely relinquish any firearm, other weapon, ammunition or any firearm license shall result in a violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 Pa.C.S.A. §6105.

- 7. The following additional relief is granted:

- Defendant is prohibited from stalking, as defined in 18 Pa.C.S.A. §2709.1, or harassing, as defined in 18 Pa. C.S.A. §2709, the following family and household members of Plaintiff:

Name	Address (optional)	Relationship to Plaintiff
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- Other relief.

- 8. A certified copy of this order shall be provided to the sheriff or police department where Plaintiff resides and any other agency specified hereafter: [name of agency]

- 9. THIS ORDER SUPERSEDES ANY PRIOR PROTECTION FROM ABUSE ORDER OBTAINED BY THE SAME PLAINTIFF AGAINST THE SAME DEFENDANT.

10. THIS ORDER APPLIES IMMEDIATELY TO DEFENDANT AND SHALL REMAIN IN EFFECT UNTIL [insert expiration date] _____ OR UNTIL OTHERWISE MODIFIED OR TERMINATED BY THIS COURT AFTER NOTICE AND HEARING.

NOTICE TO THE DEFENDANT

Defendant is hereby notified that violation of this order may result in arrest for indirect contempt, which is punishable by a fine of up to \$1,000 and/or up to six months in jail. 23 Pa.C.S. §6114. Consent of Plaintiff to Defendant's return to the residence shall not invalidate this order, which can only be changed or modified through the filing of appropriate court papers for this purpose. 23 Pa.C.S.A. §6108(g). Defendant is required to relinquish any firearms, other weapons or ammunition or any firearm license, those items must be relinquished to the sheriff within 24 hours of the service of this order. As an alternative, Defendant may relinquish any firearm, other weapon or ammunition listed herein to a third party provided Defendant and the third party first comply with all requirements to obtain a safekeeping permit. If, due to their current location, firearms, other weapons or ammunition cannot reasonably be retrieved within the time for relinquishment, Defendant shall provide an affidavit to the sheriff listing the firearms, other weapons or ammunition and their current location no later than 24 hours after service of this order. Defendant is further notified that violation of this order may subject him/her to state charges and penalties under the Pennsylvania Crimes Code and to federal charges and penalties under the Violence Against Women Act, 18 U.S.C. §§2261-2262.

NOTICE TO LAW ENFORCEMENT OFFICIALS

This order shall be enforced by the police department or sheriff who has jurisdiction over Plaintiff's residence OR any location where a violation of this order occurs OR where the defendant may be located. If defendant violates Paragraphs 1 through 6 of this order, Defendant shall be arrested on the charge of Indirect Criminal Contempt. An arrest for violation of this order may be made without warrant, based solely on probable cause, whether or not the violation is committed in the presence of law enforcement.

Subsequent to an arrest, the law enforcement officer or sheriff shall seize all firearms, other weapons and ammunition in Defendant's possession which were used or threatened to be used during the violation of the protection order or during prior incidents of abuse and any other firearms in Defendant's possession. Any firearm, other weapon, ammunition or any firearm license must be delivered to the sheriff's office of the county which issued the order, which office shall maintain possession of the firearms, other weapons and ammunition until further order of this court, unless the weapon/s are evidence of a crime, in which case, they shall remain with the law enforcement agency whose officer or sheriff made the arrest.

BY THE COURT:

Judge

Date