

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
COURT ADMINISTRATION

CUSTODY/VISITATION PACKET
FOR UNREPRESENTED PARTIES

PETITION FOR CONTEMPT OF CUSTODY ORDER

Required Forms:

(One of each of the following)

- **Family Court Cover Sheet** (required on all filings)
- **Order of Court**
- **Petition for Contempt of Custody** form
- **Certificate of Service** (filed after the above paperwork is served on all parties)

Contempt of Custody Filing Instructions for Unrepresented Parties

Follow these directions if you are filing a petition for contempt. The required forms that you will need for this process are attached.

The following steps apply to the filing party only:

Step #1: **Pick up and Complete Paperwork at Court Administration.** Go to Family Court Administration, 2nd Floor, Courthouse. You will need the correct address of the other parties. You will also need your custody case number and a copy of the current custody order.

NOTE: If filing for contempt of a custody order from a court OTHER than Montgomery County, you must first register a certified copy of your current custody order with the Prothonotary and pay the required fees.

Step #2: **File Original Documents in Prothonotary's Office.** All paperwork, including the Family Court Coversheet, Order of Court and Petition for Contempt must be filed in the Prothonotary's Office, 1st Floor, Courthouse. Unless you qualify to proceed without payment (IFP), there are fees for custody filings, and a minimal charge for making copies of the original, filed documents.

Step #3: ****IMPORTANT** The filing party must SERVE a copy of the completed paperwork, including all attached Notices, AND THIS INSTRUCTION SHEET, on the opposing party.** You may do this by regular mail, certified mail or in person.

Step #4: **The filing party must then complete and file the attached CERTIFICATE OF SERVICE.** Make sure that you include the names of the documents served, the date served, the name and address of the person(s) served, and the method of service. The completed Certificate of Service must be mailed or brought to the Prothonotary and filed on the docket as proof that the Respondent(s) has (have) been notified of the filing.

07/2014

The following is how the Custody Contempt process works (applies to all parties):

Step #1: **SHORT LIST CONFERENCE OR CUSTODY CONCILIATION CONFERENCE.** All parties and counsel will receive notice in the mail from the Court when the Short List Conference or Custody Conciliation Conference is scheduled.

If a Petition to Modify Custody is pending, any Contempt Petitions will be consolidated with the Petition to Modify for scheduling before the Custody Conciliator. The Custody Conciliator is an attorney appointed by the Court for the purpose of attempting to resolve the dispute prior to the need for judicial involvement. There is no “record” or transcript of the conference. Counsel and parties must attend. Children are NOT to attend the initial conference. If deemed necessary, a separate interview will be scheduled with the child(ren).

If your case is resolved at the Conciliation level, an Agreed Order will be submitted to the Court for a Judge to sign, and no further court appearance is required. Cases that are not resolved by the Conciliator are “forwarded to Court” for scheduling before a Judge.

If no Petition to Modify Custody is pending, Contempt Petitions will be scheduled before the assigned Judge for a Short List Conference. If the matter is not resolved at the short list hearing/conference, the matter will be scheduled for a “protracted” or full hearing before the Judge.

If your case is SETTLED OR RESOLVED prior to your scheduled Conference, an original agreement signed by all parties may be submitted to the Family Court Administration.

A sample Custody Agreement is available on the Court’s website at <http://www.courts.montcopa.org>. If the agreement is approved and signed by the Master or Judge prior to your scheduled date, parties will be excused from attending, and the agreement will be entered on the docket as an Agreed Order of the Court. Unless you are specifically excused you must attend the schedule proceeding.

Child care is available by calling Court Care (610-292-4956) at least 2 days prior to your scheduled date.

FAMILY COURT COVER SHEET

NO: _____

Attorney for Plaintiff ID: _____

Attorney for Plaintiff Phone Number & Email Address

VS.

Plaintiff Phone Number & Email Address (REQUIRED)

Attorney for Defendant ID: _____

Attorney for Defendant Phone Number & Email Address

Defendant Phone Number & Email Address (REQUIRED)

AVERMENT OF CONSOLIDATION

On the space below, please provide the docket number of all other companion cases associated with this case (including any closed files involving the same party-litigants) that related to:

- | | |
|--|-------------------------|
| 1. Divorce Annulment _____ | 2. Support _____ |
| 3. Equitable Distribution _____ | 4. Paternity _____ |
| 5. Custody/Visitation _____ | 6. Special Relief _____ |
| 7. Outstanding/Temporary/Final Protection from Abuse Order _____ | |

I certify that the information provided above is comprehensive and complete to the best of my knowledge and that I have formally entered my appearance for the case captioned above:

BY: _____

Check the box if this is a Custody matter involving RELOCATION.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION - CUSTODY

:
VS. : NO.
:

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 in writing 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 on the date and time provided by the Court on the Notice of Scheduling that will be mailed to you in the near future.

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, 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 OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**LAWYER REFERENCE SERVICE
MONTGOMERY BAR ASSOCIATION
100 WEST AIRY STREET
NORRISTOWN, PA 19401
610-279-9660, EXT. 201**

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

Plaintiff

v.

No.:

Defendant

CERTIFICATE OF SERVICE

I certify that on _____, 20____, a true copy of the
foregoing _____ has been served upon:
Title of Filing

Name

Address

Address

Manner of Service:

Regular First Class Mail _____
Certified Mail _____
Other (specify) : _____

Signed: _____

Dated: _____

***IF PETITION WAS FILED AS AN EMERGENCY, PLEASE FAX COMPLETED FORM
TO: 610-292-2027***

OTHERWISE, PLEASE MAIL THIS FORM TO THE FOLLOWING ADDRESS:

***PROTHONOTARY
P.O. BOX 311
NORRISTOWN, PA 19404***