

HOW TO FILE FOR CONTEMPT OF A CUSTODY ORDER

JUDGE HENRY S. KENDERDINE, JR.



COURT SELF HELP CENTER

Disclaimer by the Court of Common Pleas of Lancaster County, Pennsylvania

Neither the staff in the Center nor the staff in any Court office will be able to give you legal advice or help you fill out/complete the forms. The information in the packets is not a substitute for professional legal advice. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. If you want to obtain the services of an attorney but do not know whom to contact, you may call the Lawyer Referral service at 393-0737.

07/12/17

STOP!!!

YOU MUST READ THIS INFORMATION BEFORE YOU START TO FILL OUT ANY FORMS IN THE PACKET!

Beginning on January 6, 2018, all filings in the Lancaster County Court of Common Pleas must be in compliance with the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* and Lancaster County Rules of Judicial Administration, Rule 520. There are links to the Policy and the Rule on the Court's website, www.court.co.lancaster.pa.us

How does this impact my filing?

First, beginning on January 6, 2018, if the document you are filing does NOT contain any Confidential Information or have Confidential Documents attached (see list below), you must file a Certificate of Compliance with your filing. A copy of a Certification is attached. (Form 1)

Second, if the document you are filing contains any Confidential Information, you must complete and file the Confidential Information Form (CIF); a copy of this form is attached. (Form 2) Under Section 7 of the Public Access Policy the information listed below is considered Confidential Information, and it shall not be included on any form included in the packet. If the forms in your packet require you to include any of this information, you must put the information on the CIF and use the Alternative Reference suggested on the CIF on the form in the packet. **DO NOT PUT THE CONFIDENTIAL INFORMATION ON THE FORM ITSELF; THE CONFIDENTIAL INFORMATION MUST APPEAR ONLY ON THE CIF.**

1. Social Security Numbers
2. Financial Account Numbers
3. Driver License Numbers
4. State Identification (SID) Numbers
5. Minors' Names and Dates of Birth
6. Abuse Victim's Address and other Contact Information, including employer's name, address and work schedule, in family court actions as defined by Pa. R.C.P. No. 1931(b) except for victim's name

Finally, if you have attached any of the following documents to your filing, you must complete the Confidential Document form (Form 3) and file it with your pleading:

1. Financial Source Documents
2. Minors Educational Records
3. Medical/Psychological Records
4. Children and Youth Services' Records
5. Marital Property Inventory and Pre-Trial Statement (see Pa.R.C.P. No. 1920.33)
6. Income and Expense Statement (see Pa. R.C.P. No. 1910.27(c))
7. Agreement between the Parties (see 23 Pa.C.S. sect 3105)

The Court or custodian is not required to review or redact any filed document for compliance with this policy. Failure to comply may lead to imposed sanctions.

(Rev. 7/1/2018)

CERTIFICATE OF COMPLIANCE

Docket No. _____

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

Signature _____

(Attorney or pro se litigant)

Print Name _____

Attorney No. (if applicable) _____

CONFIDENTIAL INFORMATION FORM



Case Records Public Access Policy of the Unified Judicial System of Pennsylvania
204 Pa. Code § 213.81
www.pacourts.us/public-records

(Party name as displayed in case caption)

Docket/Case No.

Vs.

(Party name as displayed in case caption)

Court

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

Pursuant to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*, the Confidential Information Form shall accompany a filing where confidential information is **required by law, ordered by the court, or otherwise necessary to effect the disposition of a matter**. This form, and any additional pages, shall remain confidential, except that it shall be available to the parties, counsel of record, the court, and the custodian. This form, and any additional pages, must be served on all unrepresented parties and counsel of record.

This Information Pertains to:	Confidential Information:	References in Filing:
<div>(full name of adult)</div> <div>OR</div> <div>This information pertains to a minor with the initials of _____ and the full name of _____</div> <div>(full name of minor)</div> <div>and date of birth: _____</div>	<div>Social Security Number (SSN): _____</div> <div>Financial Account Number (FAN): _____</div> <div>Driver License Number (DLN): _____</div> <div>State of Issuance: _____</div> <div>State Identification Number (SID): _____</div>	<div>Alternative Reference: SSN 1</div> <div>Alternative Reference: FAN 1</div> <div>Alternative Reference: DLN 1</div> <div>Alternative Reference: SID 1</div>
<div>(full name of adult)</div> <div>OR</div> <div>This information pertains to a minor with the initials of _____ and the full name of _____</div> <div>(full name of minor)</div> <div>and date of birth: _____</div>	<div>Social Security Number (SSN): _____</div> <div>Financial Account Number (FAN): _____</div> <div>Driver License Number (DLN): _____</div> <div>State of Issuance: _____</div> <div>State Identification Number (SID): _____</div>	<div>Alternative Reference: SSN 2</div> <div>Alternative Reference: FAN 2</div> <div>Alternative Reference: DLN 2</div> <div>Alternative Reference: SID 2</div>

**CONFIDENTIAL
INFORMATION
FORM**



Additional page(s) attached. _____ total pages are attached to this filing.

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 of Attorney or Unrepresented Party

Date

Name: _____

Attorney Number: (if applicable) _____

Address: _____

Telephone: _____

Email: _____

NOTE: Parties and attorney of record in a case will have access to this Confidential Information Form. Confidentiality of this information must be maintained.

**CONFIDENTIAL
INFORMATION
FORM**



Additional page (if necessary)

This Information Pertains to:	Confidential Information:	References in Filing:
<p>_____ (full name of adult)</p> <p>OR</p> <p>This information pertains to a minor with the initials of _____ and the full name of _____</p> <p>_____ (full name of minor)</p> <p>and date of birth: _____</p>	<p>Social Security Number (SSN): _____</p> <p>Financial Account Number (FAN): _____</p> <p>Driver License Number (DLN): _____</p> <p>State of Issuance: _____</p> <p>State Identification Number (SID): _____</p>	<p>Alternative Reference: SSN ____</p> <p>Alternative Reference: FAN ____</p> <p>Alternative Reference: DLN ____</p> <p>Alternative Reference: SID ____</p>
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CONFIDENTIAL INFORMATION FORM



Instructions for Completing the Confidential Information Form

The following information is confidential and shall not be included in any document filed with a court or custodian, except on a Confidential Information Form filed contemporaneously with the document:

1. Social Security Numbers
2. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified. "Financial Account Numbers" include financial institution account numbers, debit and credit card numbers, and methods of authentication used to secure accounts such as personal identification numbers, user names and passwords.
3. Driver License Numbers
4. State Identification (SID) Numbers
5. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S. § 6355). "Minor" is a person under the age of eighteen.
6. Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for victim's name. "Abuse Victim" is a person for whom a protection order has been granted by a court pursuant to Pa.R.C.P. No. 1901 et seq. and 23 Pa.C.S. § 6101 et seq. or Pa.R.C.P. No. 1951 et seq. and 42 Pa.C.S. § 62A01 et seq. **If necessary, this information must be provided on the separate Abuse Victim Addendum. Please note there are separate instructions for the completion of the Addendum located on the form.**

Please note this form does not need to be filed in types of cases that are sealed or exempted from public access pursuant to applicable authority (e.g. juvenile, adoption, etc.).

- **The best way to protect confidential information is not to provide it to the court. Therefore, only provide confidential information to the court when it is required by law, ordered by the court or is otherwise necessary to effect the disposition of a matter.**
- Do not include confidential information in any other document filed with the court under this docket.
- If you need to refer to a piece of confidential information in a document, use the alternate references. If you need to attach additional pages, sequentially number each alternate reference – i.e. SSN 3, SSN 4, etc.
- This form, and any additional pages, must be served on all unrepresented parties and counsel of record.

A court or custodian is not required to review or redact any filed document for compliance with the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*. A party's or attorney's failure to comply with this section shall not affect access to case records that are otherwise accessible.

If a filed document fails to comply with the requirements of the above referenced policy, a court of record may, upon motion or its own initiative, with or without a hearing, order the filed document sealed, redacted, amended or any combination thereof; a magisterial district court may, upon request or its own initiative, redact, amend or both. A court of record may impose sanctions, including costs necessary to prepare a compliant document for filing in accordance with applicable authority.

**CONFIDENTIAL
INFORMATION
FORM**



Abuse Victim Addendum

Instructions for Completing the Abuse Victim Addendum: The Abuse Victim Addendum shall accompany a filing where confidential information is being provided by an abuse victim, as defined in this policy, **in family court actions** (see Pa.R.C.P. No. 1931(a)), **as required by law, ordered by the court, or otherwise necessary to effect the disposition of a matter.** This addendum, and any additional pages, shall only be provided to the court and shall remain confidential. The best way to protect confidential information is not to provide it to the court. Therefore, only provide confidential information to the court when it is required by law, ordered by the court or is otherwise necessary to effect the disposition of a matter.

Type of Family Court Action		
Divorce, Annulment, Dissolution of Marriage		Child Custody
Support	Paternity	Protection from Abuse
This Information Pertains to:	Confidential Information:	References in Filing:
_____ (full name of abuse victim)	AV Address: _____	Alternative Reference: AV 1 Address
_____ Docket/Case No. of Protection Order	AV Employer's Name & Address: _____	Alternative Reference: AV 1 Employer's Name & Address
_____ Court/County	AV Work Schedule: _____	Alternative Reference: AV 1 Work Schedule
	AV Other contact information: _____	Alternative Reference: AV 1 Other contact information

Attach additional page(s) if necessary.

**CONFIDENTIAL
INFORMATION
FORM**



Abuse Victim Addendum

Additional page (if necessary)

Type of Family Court Action <div> <div>Divorce, Annulment, Dissolution of Marriage</div> <div>Child Custody</div> </div> <div> <div>Support</div> <div>Paternity</div> <div>Protection from Abuse</div> </div>		
This Information Pertains to:	Confidential Information:	References in Filing:
<div>(full name of abuse victim)</div> <div>Docket/Case No. of Protection Order</div> <div>Court/County</div>	<div>AV Address:</div> <div>AV Employer's Name & Address:</div> <div>AV Work Schedule:</div> <div>AV Other contact information:</div>	<div>Alternative Reference: AV __ Address</div> <div>Alternative Reference: AV __ Employer's Name & Address</div> <div>Alternative Reference: AV __ Work Schedule</div> <div>Alternative Reference: AV __ Other contact information</div>

Type of Family Court Action <div> <div>Divorce, Annulment, Dissolution of Marriage</div> <div>Child Custody</div> </div> <div> <div>Support</div> <div>Paternity</div> <div>Protection from Abuse</div> </div>		
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<div>(full name of abuse victim)</div> <div>Docket/Case No. of Protection Order</div> <div>Court/County</div>	<div>AV Address:</div> <div>AV Employer's Name & Address:</div> <div>AV Work Schedule:</div> <div>AV Other contact information:</div>	<div>Alternative Reference: AV __ Address</div> <div>Alternative Reference: AV __ Employer's Name & Address</div> <div>Alternative Reference: AV __ Work Schedule</div> <div>Alternative Reference: AV __ Other contact information</div>

CONFIDENTIAL DOCUMENT FORM



Case Records Public Access Policy of the Unified Judicial System of Pennsylvania

204 Pa. Code § 213.81

www.pacourts.us/public-records

(Party name as displayed in case caption)

Docket/Case No.

Vs.

(Party name as displayed in case caption)

Court

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

Pursuant to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*, the Confidential Document Form shall accompany a filing where a confidential document is required by law, ordered by the court, or is otherwise necessary to effect the disposition of a matter. This form shall be accessible to the public, however the documents attached shall not be publicly accessible, except as ordered by a court. The documents attached will be available to the parties, counsel of record, the court, and the custodian.

Please only attach documents necessary for the purposes of this case. Complete the entire form and check all that apply. This form and any additional pages must be served on all unrepresented parties and counsel of record.

Type of Confidential Document	Paragraph, page, etc. where the confidential document is referenced in the filing:
Financial Source Documents	
Tax Returns and schedules	
W-2 forms and schedules including 1099 forms or similar documents	
Wage stubs, earning statements, or other similar documents	
Credit card statements	
Financial institution statements (e.g., investment/bank statements)	
Check registers	
Checks or equivalent	
Loan application documents	
Minors' educational records	
Medical/Psychological records	
Children and Youth Services' records	
Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.C.P. No. 1920.33	
Income and Expense Statement as provided in Pa.R.C.P. No. 1910.27(c)	
Agreements between the parties as used in 23 Pa.C.S. §3105	

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 of Attorney or Unrepresented Party

Date

Name: _____

Attorney Number: (if applicable) _____

Address: _____

Telephone: _____

Email: _____



Instructions for Completing the Confidential Document Form

The following documents are confidential and shall be filed with a court or custodian with the “Confidential Document Form”:

1. Financial Source Documents as listed on the form
2. Minors’ educational records
3. Medical/Psychological records are defined as “records relating to the past, present, or future physical or mental health or condition of an individual”
4. Children and Youth Services’ records
5. Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.C.P. No. 1920.33
6. Income and Expense Statement as provided in Pa.R.C.P. No. 1910.27(c)
7. Agreements between the parties as used in 23 Pa.C.S. § 3105

For each confidential document, list the paragraph, page, etc. where the document is referenced in the filing. Please note, this form does not need to be filed in types of cases that are sealed or exempted from public access pursuant to applicable authority (e.g. juvenile, adoption, etc.)

- **Please only attach documents necessary for the purposes of this case.**
- Complete the entire form and check all that apply.
- This form, and any additional pages, must be served on all unrepresented parties and counsel of record.

A court or custodian is not required to review or redact any filed document for compliance with the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*. A party’s or attorney’s failure to comply shall not affect access to case records that are otherwise accessible.

If a filed document fails to comply with the above referenced policy, a court of record may, upon motion or its own initiative, with or without a hearing, order the filed document sealed; a magisterial district court may do so upon request or its own initiative. A court of record may impose sanctions, including costs necessary to prepare a compliant document for filing in accordance with applicable authority.

CUSTODY CONTEMPT PACKET

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I. INTRODUCTION

A custody contempt petition is a way to legally enforce a custody order which was willfully disobeyed by a party. **It is recommended that you at least speak to an attorney so you can find out your rights.**

COURT-STAFFED OFFICES IN THE COURTHOUSE ARE NOT PERMITTED TO GIVE YOU LEGAL ADVICE.

If you decide to represent yourself in the custody contempt action (known as “pro se”), it will take a lot of time, and cause you difficulty, confusion, and frustration. You **MUST** follow the Rules and Procedures, both state and county, as are required for attorneys. The Court will not allow you to skip any procedure because you “**did not know how or when**” to do something in your custody contempt action. This packet is not to be a substitute for professional legal advice tailored to a specific fact situation.

Also, the Judges and Conference Officers WILL NOT be available to you to provide advice or guide you through the proceedings. You are NOT ALLOWED to contact Judges or Conference Officers except for filing official paperwork or appearing in court proceedings.

If you feel you need an attorney, you may contact the **LANCASTER BAR ASSOCIATION. Telephone: (717) 393-0737.**

II. DEFINITIONS

“Action”

All proceedings for legal and physical custody partial custody or visitation, and proceedings for contempt and modification of prior Orders of any Court.

“Adult”

An individual 18 years of age or older.

“Caption”

The heading on a pleading which sets forth the name of the Court, the number of the action, the name of the pleading, and the names of all of the parties.

“Child”

An unemancipated individual under the age of 18 years, including children by birth or adoption.

“Complaint”

A formal pleading, filed in the Prothonotary's office, in the paragraph format and with all contents as required by the Pennsylvania Rules of Civil Procedure for pleadings requesting primary physical custody, or a schedule of partial physical custody or visitation, to begin a custody action when there is no pre-existing custody order.

“Contempt”

The willful failure to comply with a custody Order.

“Continuance”

A request to change the date of a Conference, Pretrial Conference, or Hearing to another date.

“Custody”

The legal right to keep, control, guard, care for and preserve a child and includes the terms “legal custody”, “physical custody”, and “shared custody.”

“Custody Conference”

A Conference, facilitated by a Custody Conference Officer, where the parties to an action mediate and/or narrow the issues in the custody action to facilitate the conciliation process and to encourage frank, open and meaningful exchanges between the parties and their respective counsel. Statements made by the parties at the Custody Conference shall not be admissible as evidence at a later Custody Hearing. The Custody Conference Officer shall not be a witness for or against any party.

“Custody Conference Officer”

A member of the Lancaster County Bar or other appropriate person appointed by the Court to conciliate custody cases filed with the Court and recommend to the Court Interim or Temporary Custody Orders.

“Defendant”

The person being sued.

“Ex Parte”

In order to preserve fairness in all proceedings, no one party or his/her lawyer may contact the Court or the Conference Officer about issues in the case without the other party’s participation. This includes by telephone, mail, fax, e-mail, or in person.

“Home County”

The county in which the child has resided preceding the time involved for at least the past 6 consecutive months, and in a case of a child less than 6 months old, the county in which the child lived from birth.

“*In loco parentis*”

Latin for “in the place of a parent” or “instead of a parent” refers to the legal responsibility of a person or organization to take on some of the functions of a parent.

“Jurisdiction”

The authority of the court to act regarding particular parties and the subject of litigation.

“Legal custody”

The legal right to make major decisions on behalf of the child, including, but not limited to, medical, religious, and educational decisions. ¹

“Order”

A formal written document, signed by a judge, directing schedules, procedures, arrangements and decision-making authority during the course of and at the conclusion of custody litigation.

“Partial Custody”

The right to assume physical custody of the child for less than a majority of the time.

“Party”

A named Plaintiff or Defendant in the action.

“Paternity”

The legal determination that someone is the father of the child.

“Person acting as parent”

A person other than a parent, including an institution, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody.

“Petition”

A formal pleading, filed in the Prothonotary’s office, in the paragraph format and with all contents as required by the related section of the Pennsylvania Rules of Civil Procedure for the particular type of petition: to modify an existing Custody Order, or to cite contempt (disobedience) of an existing Custody Order, or for “special relief.” Petitions for special relief which also request immediate court intervention must be presented in Family Business Court in accordance with all procedures required by those proceedings.

¹ Examples of legal custody issues are whether a child will attend public or some type of private school; who will be the child’s doctor or dentist; what religion, if any, will the child learn; whether a teenager may have a part time job or go on a trip; whether a child will play in organized sports, take music lessons, etc. All of these legal custody issues are for the parties, not the court, to decide, and therefore are called “co-parenting issues,” meaning the parents, even though separated, should discuss them and must be responsible enough to do so in a civil, respectful manner. “Informing” the other parent or party about a decision you made alone (except for medical emergencies) is not a “discussion” and instead is a violation of the shared legal custody process required by Pennsylvania custody law.

“Primary physical custody”

The right to assume physical custody of the child for the majority of time.

“Physical custody”

The actual physical possession and control of a child.

“Plaintiff”

The person filing the case.

“Pre-Trial conference”

A Conference with the Judge and the parties’ counsel, or the party if unrepresented, where the issues that will be presented at a Hearing are clearly enumerated and any special requests for witnesses are discussed.

“Pro Se”

For one’s own behalf or appearing for oneself.

“Putative Father”

The alleged biological father of a child born out of wedlock.

“Registered mail”

Either registered mail or certified mail.

“Relocation”

A change in a residence of the child which significantly impairs the ability of a non-relocating party to exercise custodial rights.

“Service”

(Meaning service of process) -- The formal delivery, to the other party, in the manner directed by the Pennsylvania Rules of Civil Procedure, of legal documents related to an action before the court, including original process (initial complaint, petition, etc.), and later pleadings filed in that action, as well as notices of petitions about to be filed. Because the date of service has legal significance in an action before the court, proof of the date of service of each such document on the other party must be filed by the party who performed the service, whether for original process or for later pleadings in the case.

“Shared legal custody”

The right of more than one individual to legal custody of the child.

“Shared physical custody”

The right of more than one individual to assume physical custody of the child, each having significant periods of physical custodial time with the child.

“Sole legal custody”

The right of one individual to exclusive legal custody of the child.

“Sole physical custody”

The right of one individual to exclusive physical custody of the child.

“Standing”

A legally recognized right to participate as a party in a custody action. This is determined by legal principles and not by the level of sincerity or amount of good faith of an interested person.

“Supervised Physical Custody”

Custodial time during which an agency or an adult designated by the court, or agreed upon by the parties, monitors the interaction between the child and the individual with those rights.

“Venue”

The county in which the child has lived for the past 6 months immediately preceding the filing of the action.

“Verification”

A written statement of fact by the signer, supported by oath or affirmation or made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

III. CUSTODY CONTEMPT FILING AND PROCEDURAL INFORMATION

- **WHEN SHOULD I FILE A PETITION FOR CONTEMPT OF A CUSTODY ORDER?**

You should file a contempt petition if any party has willfully disobeyed or interfered with any terms set forth in the Custody Order. Examples of this behavior are as follows:

- ☐ a party does not return the child/ren;
- ☐ a party does not permit you to have the child/ren per the terms of the custody order; and
- ☐ a party refuses to share important information about the child/ren per the terms of the custody order.

- **WILL AN EXISTING CUSTODY ORDER BE CHANGED BY THE FILING OF A CONTEMPT PETITION?**

A lawful remedy for contempt is **NOT** a change of the custody Order. If you want an existing custody Order changed because it is not being honored, you also must file a separate custody modification request. There is a Custody Modification packet that explains the procedure for requesting a modification of an existing custody Order.

- **WHO MAY FILE FOR CONTEMPT OF A CUSTODY ORDER?**

Any party listed in the caption of the custody order may file a contempt petition.

- **HOW MUCH DOES IT COST TO FILE?**

The current fee (as of 01/01/2018) is \$93.50. This is the filing fee and is subject to change. It is to be paid at the time that the custody contempt petition is filed at the Prothonotary's Office on the second floor of the Lancaster County Courthouse. It can be paid by cash, money order, or cashier's check; a money order or cashier's check should be made payable to the **Lancaster County Prothonotary**. The filing fee is non-refundable and non-returnable.

If you fit the financial requirement for low income families, the filing fee may be waived. To see if you qualify, you must file an IFP (in forma pauperis) petition with the court.

- **CAN I FILE FOR CONTEMPT OF A CUSTODY ORDER WITHOUT AN ATTORNEY?**

Yes. Effective July 5, 2013, if you are representing yourself, you must file a written Entry of Appearance (form 4) stating an address where you agree that pleadings and other legal papers may be served. The address does not have to be your home address. The entry of appearance shall also state a telephone number at which you may be contacted. If you choose, you may also provide a facsimile (fax) number.

** Note: If your address and/or your telephone number are confidential pursuant to a PFA Order, you are NOT required to state your address and/or telephone number on your Entry of Appearance of Self-Represented Party form. You are, however, required to maintain your address and telephone contact information up to date with the Prothonotary's staff, who keeps that information secured and confidential from other parties and the public.*

If you are representing yourself, you are under a continuing obligation to update your contact information with the Court, to other self-represented parties, and to attorneys of record.

If you are representing yourself, you are required to provide copies of your entry of appearance to all other self-represented parties and attorneys of record.

- **IN WHAT COUNTY COURT DO I FILE?**

If the original custody order was entered in Lancaster County, you can file for contempt of the custody order in Lancaster County. If the original order was entered in another county or state, you should consult an attorney.

- **WHAT DO I NEED TO FILE**

Please see the Filing Checklist on pg. 17 of this packet for a list of the items that you need to file.

- **WHAT HAPPENS AFTER I FILE THE CUSTODY CONTEMPT PETITION?**

The Prothonotary's Office will keep the original and all copies of the contempt petition and scheduling order. They will forward the paperwork to the office of Court Administration to have a contempt conference scheduled.

Note: The Court may schedule a criminal history hearing depending on the matters disclosed in the Criminal Record Abuse History Verification. At the hearing, the Court shall consider evidence of criminal or abusive history presented by the parties. There is no obligation for the Court to conduct an independent investigation of the criminal or abusive history of either party or members of their household. The Court should not consider ARD or other diversionary programs. When determining whether a party or household member requires further evaluation or counseling, or whether a party or household member poses a threat to a child, the Court should give consideration to the severity of the offense, the age of the offense, whether the victim of the offense was a child or family member and whether the offense involved violence.

Copies of the custody contempt petition with a date and time for either a risk of harm hearing or a custody contempt conference (which typically will be held within *six* weeks after the filing date) will be returned to you. It is your responsibility to make sure any person who has physical custody of the child(ren) or claims to have custody of the child(ren) is given notice of the time and place of either the risk of harm hearing or the conference and the requirement for them to complete and file the Criminal Record/Abuse History verification within 30 days after service. Prior to the conference, proof of service must be filed with the Prothonotary. Service of the petition must be made by either first class mail or personal service (form 6(a)) or the Respondent may accept service of the petition (form 6(b)) in accordance with Pa R.C.P. 1915.12.

- **WHAT IF MY CONTACT INFORMATION CHANGES AFTER THE CUSTODY CONTEMPT PETITION IS FILED?**

You must file a Change of Contact of Party form (form 5) with the court and serve it upon all of the other parties and/or attorneys in the action.

- **DO I HAVE TO BRING ANYTHING TO THE CONFERENCE?**

Yes. Bring to the conference a copy of the service document for each person served which proves that the contempt petition and order scheduling either a risk of harm hearing or a conference was served.

NOTE: WITHOUT PROOF OF SERVICE, EITHER THE RISK OF HARM HEARING OR CONFERENCE MAY NOT BE HELD.

- **WHO RUNS THE CUSTODY CONTEMPT CONFERENCE?**

The conference is conducted by an attorney who has been appointed by the court to act as a

Custody Conference Officer (CCO). His or her job is to help the parents to resolve the issues that have been raised in the custody contempt petition. The conference officers cannot take sides, nor can they look at evidence you wish to present such as character references, letters from doctors or counselors, etc.

The custody conference officer MAY NOT be contacted by any party or by anyone on a party's behalf outside of the conference for any reason.

The custody conference officer CANNOT be subpoenaed to testify in a custody hearing.

- **WHAT IF I CHANGE MY MIND AFTER FILING THE CUSTODY CONTEMPT PETITION?**

Please be advised that after you file a custody contempt petition, you can only withdraw or discontinue the action by written agreement of the parties or by an Order of the Court. (See Pa. Rule of Civil Procedure 1915.3-1). Therefore, you should not start this action unless you plan to follow through with it.

- **WHAT IS THE APPROPRIATE CONDUCT AND DRESS AT ALL COURT APPEARANCES?**

The Conference Officer controls the conference and decides who talks first. Turn off your cell phone. Dress as if you were working in a business office - shorts are not permitted. Do not chew gum. Do not interrupt the Conference Officer or the other party. Each party will have an opportunity to speak. Remember to control your emotions and your remarks. If there are angry outbursts or inappropriate language, the offending party may be ejected and the conference may continue.

- **WHAT IS THE PROCEDURE AT THE CONFERENCE?**

The conference officer will first ask the party who filed the contempt petition what he or she wants to see happen. Then the other party will have a chance to respond. It is good to have worked out what you want to say ahead of time. If the parties cannot agree, the Conference Officer will schedule a contempt hearing before a judge. You will receive a handwritten copy of the recommendation summary of the results of the conference when you leave. You will later receive in the mail a typed Order signed by a family law judge. If recommended, a hearing typically is scheduled several months after the conference. At the end of the conference, if a hearing is to be scheduled, any party may request a pretrial conference before the judge.

- **WHO MAY COME TO THE CONTEMPT CONFERENCE?**

Only the parties on the caption of the contempt petition are allowed at the conference. Each party may bring an attorney. No other relatives, friends, etc. are allowed in the conference room. Children are permitted in the conference only if there is a specific court order allowing them to attend. Children must not be left unattended in the courthouse, so please make day care provisions for them elsewhere.

- **WHAT IF I AM UNABLE TO ATTEND THE CONTEMPT CONFERENCE ON THE DAY IT IS SCHEDULED?**

There are only certain conditions that allow for continuances. Work is not considered an adequate reason for a continuance. To request a continuance, you must first get permission from the other party. If there is an agreement, then the continuance form (form 7) must be signed by both parties and submitted to Court Administration. A court administration cover sheet (form 3) must also accompany the form. If the request is ***submitted less than*** fourteen (14) days before the conference, you **MUST** pay another \$93.50 to the Prothonotary's office. If there is no agreement to the continuance, you must petition the court to get permission. (*See Special Relief procedures herein.*)

- **WHAT HAPPENS IF A HEARING IS SCHEDULED?**

If no agreement is reached at the conference and the conference officer recommends a follow-up conference or a hearing, the date for the procedure will appear in the court order which results from the conference.

NOTE: ALL PARTIES MUST ATTEND THE EDUCATION SEMINAR AND PROVIDE PROOF OF ATTENDANCE TO THE PROTHONOTARY'S OFFICE IF YOU HAVE NOT ALREADY DONE SO.

There are six family law judges who hear custody cases. Custody cases are not heard before a jury. Two custody cases are scheduled for each hearing date - one at 9:00 a.m. and one at 10:00 a.m. If you are scheduled at 10:00 a.m., your case could get continued to another date if the 9:00 a.m. case is heard. If the 9:00 a.m. case settles, your case will be heard. You must be prepared to present your case even if the 9:00 a.m. case settles at the last minute.

Pretrial Conference

Any party may request a pretrial conference, see Pa. R.C.P. 1915.4-4. This is a meeting of the parties and the judge at least 30 days prior to the hearing to discuss the issues and explore whether there can be a resolution without going to a hearing. If a party wishes to request a pretrial conference, he/she must file with the Prothonotary's office and serve upon each party, a Praecipe for Pretrial Conference (form 8).

At least five (5) days prior to the pretrial conference, each party shall file a Pretrial Statement (form 9) with the Prothonotary's Office and serve a copy of the statement upon the court and the other party. The Pretrial Statement includes a proposed Custody Order. If you include a witness on the Pretrial Statement, the court will assume that you have communicated with that witness about the substance of their testimony. No testimony is taken or recorded at the pretrial conference.

Rules of Conduct

If you are not represented by an attorney, you are considered a "*pro se litigant*". Even though you are unrepresented, the court holds pro se litigants to the same standards of conduct in the courtroom as a party who is represented by an attorney. The parties are bound by the Pennsylvania Rules of Civil Procedure and the Pennsylvania Rules of Evidence. The Rules of Evidence sets standards for objections to what is being said by a witness, what constitutes relevant testimony, what exhibits can be admitted, etc. If you are the party who filed the contempt petition, you will present your case first. You will testify on your own behalf and present witnesses to help prove why the court should grant the relief you request. The other party will be able to cross examine or question you and your witnesses. You will also be able to cross examine or question the other party and his/her witnesses. The judge may also have questions.

The bailiff will tell you where you should sit. After the hearing has started, you may not leave the table without permission from the judge. Each party acting as an attorney must stand when addressing the judge (unless you are testifying on the witness stand) and must refer to the other party and witnesses as Ms. or Mr. This is a formal setting. The judge is always addressed as "Your Honor."

Attire

As noted above, this is a formal setting. You should dress in business attire. Shorts, flip flops, tank tops, tee shirts, mini skirts, jeans, etc. are not appropriate. You are not allowed to chew gum. Turn off your cell phone.

Witnesses

It is your responsibility to give your witnesses notice of the time and date for the hearing. Please check the *Pennsylvania Rules of Civil Procedure* regarding subpoenas for the witnesses, if necessary. A subpoena is a court order directing a witness to come to the hearing. It is your responsibility to inform your witnesses to dress in business attire and follow the proper decorum. See above under Attire.

Children at the hearing

Judges usually do not interview children who are under six years of age. You should ask the judge ahead of time (such as at the pretrial conference) if the children should be brought to the hearing.

The judge usually speaks with the children in his/her chambers after the testimony has ended for the day. It is boring for the children to spend the day in the hallway of the courthouse. The parties should make arrangements to have the children brought to the courthouse at a time designated by the judge. Children may not be left unattended in the hallway and the parties must be in the courtroom during the hearing. That means it is necessary to bring another responsible adult to watch them.

Need for more time

If the hearing is not completed in one day, another day of testimony will be scheduled at a later date. Even when testimony has been completed, you will usually not get a ruling from the judge on that day. He or she will take time to deliberate. This time varies based upon the complexity of the case and the judge's current work load.

• WHAT IF I AM UNABLE TO ATTEND THE HEARING ON THE DATE IT IS SCHEDULED?

Because of the large number of Family Court cases, if you request a continuance of your hearing, it will be months, not weeks, until a new hearing date will be scheduled. You are expected to make every effort to arrange your schedules so you can be available for a hearing on the important issue of your contempt petition. However, as with the continuance for the custody contempt conference, if there is some dire reason why the hearing needs to be continued, you first must get permission from all parties. If you have permission, you must have all parties sign the continuance form (form 7), and fill out the Court Administration Cover Sheet (form 3). If there is no agreement to the continuance, you must petition the court to get permission. (*See Special Relief packet.*)

- **MAY I COMMUNICATE WITH THE COURT- - IF I HAVE QUESTIONS ABOUT HOW TO PRESENT MY CASE, WHAT MY RIGHTS ARE, OR A PROBLEM WITH THE OTHER PARTY WHILE MY CASE IS PROCEEDING THROUGH THE COURT SYSTEM, MAY I WRITE OR CALL THE JUDGE ASSIGNED TO MY CASE FOR MORE INSTRUCTIONS ABOUT WHAT TO DO, OR AT LEAST TO LET THE JUDGE KNOW THE PROBLEMS I AM EXPERIENCING IN GETTING THE OTHER PARTY TO COOPERATE?**

NO. Attempts to communicate with the court without the other party present to know what you are telling the judge is called ex parte (without the other person) communication. This kind of one-sided effort to contact a judge is strictly prohibited. In addition, the judge's staff may not communicate with you. Even if you do not intend to discuss the facts of your case and limit your contact to requesting instructions about how to proceed, that may be considered legal advice, which neither a judge, the judge's staff, nor any other court related office may give you. If you do not understand what steps to take or how a custody contempt action proceeds after reading this packet, you should consult an attorney.

The court's authority to act is not exercised in response to letters or telephone calls, but only in response to formal pleadings and evidence presented in official proceedings. The permissible method of communicating with the court about your case is by filing formal pleadings (served on the other party as discussed above), or in an actual court proceeding where the other party is present to hear what you are relating to the judge or conference officer.

The only exception to these restrictions is when the court or its staff *requests* you to provide information to assist the court in handling your case. Examples of such court requests are:

- responding to a request by the other party for a continuance;
- furnishing school schedules or vacation plans;
- providing a list of suggested counselors or other experts; or
- submitting proposed custody schedules/arrangements.

Just as with any pleading you file, complete copies of any information you provide the court, even if requested by the court, must be provided at the same time to the other party.

- **WHAT IF I DO NOT AGREE WITH THE JUDGE'S DECISION?**

Due to the complexity of the procedure for filing an appeal, it is recommended that you consult an attorney.

IV. FILING CHECKLIST:

- ☐ The custody contempt petition (form 1), which includes the scheduling order.
Note: You must provide and attach to the petition (form 1) a copy of the current custody order.
- ☐ Attach a completed copy of the Criminal Record/Abuse History form (form 2) to the Contempt Petition.
- ☐ Attach a blank copy of the Criminal Record/Abuse History form (form 2) to the Contempt Petition for the other party to use when they are served with the Contempt Petition.
- ☐ A Court Administration cover sheet (form 3).
- ☐ Bring the money order, cash, or cashier's check for the current filing fee (currently \$93.50). Bring a self addressed stamped 9x12 envelope with enough postage to cover the cost of mailing **all** of the copies to you.
- ☐ A completed Entry of Appearance (form 4).
- ☐ Please note - the filing hours for the Prothonotary's Office are Monday through Friday - 8:30 a.m. - 4:30 p.m.

PLEASE NOTE-DO NOT SUBMIT AN INCOMPLETE CONTEMPT PETITION. IF YOUR CONTEMPT PETITION DOES NOT CONTAIN ALL OF THE REQUIRED INFORMATION, IT WILL BE REJECTED BY THE COURT. IF THE CONTEMPT PETITION IS REJECTED, YOU MAY BE REQUIRED TO RE-FILE YOUR PETITION AND PAY THE FILING FEE AGAIN.

V. STATUTES AND RULES

STATUTES

- The Pennsylvania statutes pertaining to custody are in Title 23 of the Pa. Consolidated Statutes, beginning at Section 5321.

RULES

- State Rules pertaining to custody can be found in the Pennsylvania Rules of Civil Procedure beginning at Rule No. 1915.1 through 1915.25.
- County Rules pertaining to custody can be found in the Lancaster County Local Civil Procedure Rules specifically Rules beginning at No. 1915.1.
- Procedures pertaining to presentation in Family Business Court are governed by Lancaster County Local Civil Procedure Rule 1931.

Copies of all of the above items can be found at the Lancaster County Law Library.

VI. FORMS

#	Name of Form
1.	CUSTODY CONTEMPT PETITION - includes the scheduling order
2.	CRIMINAL HISTORY/RECORD VERIFICATION - includes blank form for other party
3.	COURT ADMINISTRATION COVER SHEET
4.	ENTRY OF APPEARANCE
5.	CHANGE OF CONTACT INFORMATION OF PARTY
6(a).	AFFIDAVIT OF SERVICE BY PETITIONER
6(b).	ACCEPTANCE OF SERVICE BY RESPONDENT
7.	CONTINUANCE FORM - UNCONTESTED MOTION
8.	PRAECIPE FOR PRETRIAL CONFERENCE
9.	PRETRIAL STATEMENT

**NOTE: PLEASE SEE LOCAL RULE NO. 205.2(a) PHYSICAL
CHARACTERISTICS OF LEGAL PAPERS**

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

_____	:	
Plaintiff	:	
	:	
vs.	:	No. CI-
	:	Custody
_____	:	
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 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 in court on _____, 20__, at _____ o'clock ____ .m. in Conference Room No. ____ before Custody Conference Officer _____, at the Lancaster County Courthouse, 50 N. Duke St., Lancaster, Pennsylvania, 17602.

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 YO 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.

LANCASTER BAR ASSOCIATION
LAWYER REFERRAL SERVICE
TELEPHONE: 717 393-0737

AMERICANS WITH DISABILITIES
ACT OF 1990

The Court of Common Pleas of Lancaster County is required by law to comply with the Americans with Disabilities Act of 1990. For information about the accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT:

DATE: _____

J.

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

_____	:	
Plaintiff	:	
	:	
vs.	:	No. CI-
	:	Custody
_____	:	
Defendant	:	

PETITION FOR CIVIL CONTEMPT FOR DISOBEDIENCE OF CUSTODY ORDER

The Petition of _____ respectfully represents:

1. That on _____, _____, an Order of Court was entered
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):

_____ (names of child/ren)

_____, (names of child/ren)

_____ (names of child/ren)

_____, (names of child/ren)

_____ (names of child/ren)

_____, (names of child/ren)

A true and correct copy of the order is attached to this petition.

2. Respondent has willfully failed to abide by the order in that:

_____.

Name _____

CI-

WHEREFORE, Petitioner requests that the Respondent be held in contempt of court.

By: _____

(Plaintiff/Defendant)

(Address)

(Address)

(Telephone No.)

Dated: _____

Name _____

CI-

VERIFICATION

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. §4904, relating to unsworn falsification to authorities.

DATE

Plaintiff/Defendant

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

vs.	: : : : : : :	No. CI-

CRIMINAL RECORD/ABUSE HISTORY VERIFICATION

I _____, hereby swear or affirm, subject to penalties of law including 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities that:

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted or pled guilty or pled no contest or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. §6307 to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other jurisdiction, including pending charges:

<u>Check all that apply</u>	<u>Crime</u>	<u>Self</u>	<u>Other Household Member</u>	<u>Date of Conviction, guilty plea, no contest plea, or pending charges</u>	<u>Sentence</u>
<input type="checkbox"/>	18 Pa.C.S. Ch. 25 (relating to criminal homicide)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2702 (relating to aggravated assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2706 (relating to terroristic threats)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2709.1 (relating to stalking)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2901 (relating to kidnapping)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2902 (relating to unlawful restraint)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2903 (relating to false imprisonment)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2910 (relating to luring a child into a motor vehicle or structure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §3121 (relating to rape)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §3122.1 (relating to statutory sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

<input type="checkbox"/>	18 Pa.C.S. §3123 (relating to involuntary deviate sexual intercourse)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §3124.1 (relating to sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §3125 (relating to aggravated indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §3126 (relating to indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §3127 (relating to indecent exposure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §3129 (relating to sexual intercourse with animal)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §3130 (relating to conduct relating to sex offenders)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §3301 (relating to arson and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §4302 (relating to incest)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §4303 (relating to concealing death of child)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §4304 (relating to endangering welfare of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §4305 (relating to dealing in infant children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §5902(b) (relating to prostitution and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §5903(c) or (d)(relating to obscene and other sexual materials and performances)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §6301 (relating to corruption of minors)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §6312				

<input type="checkbox"/>	(relating to sexual abuse of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §6318 (relating to unlawful contact with minor)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §6320 (relating to sexual exploitation of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	23 Pa.C.S. § 6114 (relating to contempt for violation of protection order or agreement)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	Driving under the influence of drugs or alcohol	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	Manufacture, sale, delivery, holding, offering for sale or possession of any controlled substance or other drug or device	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

2. Unless indicated by my checking the box next to an item below, neither I nor any other member of my household have a history of violent or abusive conduct, or involvement with a Children & Youth Agency, including the following:

Check all that apply

	<u>Self</u>	<u>Other Household Member</u>	<u>Date</u>
<input type="checkbox"/> A finding of abuse by a Children & Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	_____	_____
<input type="checkbox"/> Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	_____	_____
<input type="checkbox"/> Involvement with a Children & Youth Agency or similar agency in Pennsylvania or another jurisdiction. Where?:	<input type="checkbox"/>	_____	_____
<input type="checkbox"/> Other: _____	<input type="checkbox"/>	_____	_____

3. Please list any evaluation, counseling or other treatment received following conviction or finding of abuse:

4. If any conviction above applies to a household member, not a party, state that person's name, date of birth and relationship to the child.

5. If you are aware that the other party or members of the other party's household has or have a criminal/abuse history, please explain:

I verify that the information above is true and correct to the best of my knowledge, information or belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Dated: _____

Signature

Printed Name:

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
COURT ADMINISTRATION OFFICE SCHEDULING COVER SHEET (CAOSCS)
IN ORDER TO BE PROCESSED ALL REQUESTED INFORMATION MUST BE COMPLETED
PLEASE TYPE OR PRINT LEGIBLY
ORIGINAL CAPTION

PLAINTIFF ☐ CHANGE OF ADDRESS

DOCKET NO.

DEFENDANT ☐ CHANGE OF ADDRESS

NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEYS/PRO SE

PLAINTIFF ☐ CHANGE OF ADDRESS

DEFENDANT ☐ CHANGE OF ADDRESS

Check one

☐ CIVIL

☐ FAMILY

☐ DOMESTIC RELATIONS (SEE INSTRUCTIONS ON BACK OF FORM)

Name of person submitting CAOSCS: _____

SECTION A: EVENT INFORMATION

☐ Hearing type _____ ☐ Conference type _____ Length of time _____

SECTION B: SCHEDULING INFORMATION (Select one option below)

☐ **REQUEST TO SCHEDULE AN EVENT:** Family Business Court pick-up date if applicable: _____

Date: _____ Time: _____ Place: _____ Judge/CCO/DM: _____

☐ **REQUEST FOR CHANGE OF A SCHEDULED EVENT:**

_____ Continuance _____ Cancellation Opposing Counsel/Parties _____ **IS** _____ **IS NOT** in agreement

Presently scheduled for: Date: _____ Time: _____ Place: _____ Judge/CCO/DM: _____

Continued to: Date: _____ Time: _____ Place: _____ Judge/CCO/DM: _____

Reason: _____

Special instructions for rescheduling event: _____

☐ **REQUEST TO SCHEDULE A CONTINUATION AFTER START OF HEARING:**

Date Started: _____ Time: _____ Place: _____ Judge/CCO/DM: _____

Continuation scheduled for: Date: _____ Time: _____ Place: _____ Judge/CCO/DM: _____

SECTION C: COURT USE ONLY

Approved by Judge _____ **Date:** _____

For Court Administration Use Only

☐ Report Entered/Deleted on CCSC

☐ CDAEVNT

☐ Scheduled in BANNER

☐ Letters Sent

(If a continuation, this must be indicated on CCSC)

Initials/Date _____

INSTRUCTIONS FOR COMPLETING CAOSCS

Section A: Event Information Select whether it is a hearing or a conference and specify the type. Type of Hearing example: Custody, Special Relief, License Appeal, Minor's Compromise, Adoption, Estate, Support, etc. Type of Conference example: Zoning Appeal, Custody, Support, etc. Enter estimated length of time needed.

Section B: Scheduling Information Select whether it is a Request to Schedule, Request for Change of a Scheduled Event, or a Request to Schedule a Continuation of an event that is in progress and complete that section accordingly.

Note: For Custody Conferences: Rescheduling fee must be attached along with a signed, ***Uncontested Motion for Continuance and Waiver*** form.

Any other Event changes: Continuances and Cancellations must have an Order (Original and 2 Copies)

Fees: Must be in the form of a Cashier's Check, Money Order, cash or Law Firm Check.

Section C: The date selected must be approved by a Judge and the CAOSCS sheet then given to Court Administration.

INSTRUCTIONS FOR COMPLETING CAOSCS - DOMESTIC RELATIONS SECTION, 150 NORTH QUEEN STREET, LANCASTER

First and second reschedule requests:

Agreement - Judges' approval is not required. File completed CAOSCS form at Domestic Relations Office.

Non-agreement - File completed CAOSCS form and motion in Family Business Court.

Third or subsequent reschedule requests: Must file a motion in Family Business Court.

GLOSSARY OF TERMS

PLAINTIFF - The party that institutes a suit in a court.

DEFENDANT - A person against whom an action is brought.

DOCKET # - The number assigned to the document.

HEARING - A session before a Judge in a courtroom or Divorce Master in a hearing room.

CONFERENCE - A meeting before a court appointed officer.

FAMILY BUSINESS COURT - Family petitions are presented to the Judge, assigned by defendant's last name.

COMPLAINT - The presentation by the plaintiff in a civil action, setting forth the claim on which relief is sought.

CAPTION - The heading which lists the plaintiff & defendant in the action.

PRO SE - for self - you represent yourself

JUDGE - The assigned judge for the event.

CCO - Custody Conference Officer - A court appointed officer assigned the custody conference.

DM - Divorce Master - A court appointed officer assigned the divorce hearing.

**INSTRUCTIONS IN COMPLETING THE FORM ON THE FOLLOWING
PAGE**

**PLEASE INSERT THE INFORMATION CORRESPONDING TO THE NUMBERS
BELOW WHERE INDICATED ON THE FOLLOWING PAGE**

- (1) Your name, including middle initial;
- (2) Your spouse's name, including middle initial;
- (3) Leave this blank (the Prothonotary's Office will fill in this number);
- (4) Your name, including middle initial; then check the box if you are the Plaintiff or Defendant in the action;
- (5) Place a mark on this line if you currently have an attorney who you want to withdraw from the case and proceed to step (6); otherwise, leave steps (5) and (6) blank and proceed to step (7);
- (6) Print your attorney's name who you want to remove from the action, if applicable;
- (7) Print your name;
- (8) Sign your name;
- (9) Print your telephone/cellular phone number;
- (10) Print your address;
- (11) Print your fax number, if applicable;
- (12) Print the date on the day you are filing the form with the Prothonotary's Office;
- (13) Print the type of service, such as first class mail, certified mail or personal service;
- (14) Print Defendant's address; and
- (15) Print the date in which you served the Entry of Appearance upon the Defendant.

**DO NOT ATTACH THESE INSTRUCTIONS
WHEN FILING YOUR ENTRY OF APPEARANCE**

INSTRUCTIONS

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

(1) _____ :
Plaintiff :
 :
vs. : (3) No. CI- _____
 :
(2) _____ : CUSTODY
Defendant :

ENTRY OF APPEARANCE OF SELF-REPRESENTED PARTY
PURSUANT TO Pa. R.C.P. No. 1930.8

I, (4) _____ () Plaintiff or () Defendant, represent myself in the within
action.

REMOVAL OR WITHDRAWAL OF COUNSEL OF RECORD (if applicable)

(5) _____ Remove (6) _____, Esq., as my attorney of record.

_____ Withdraw my appearance for the filing party.

_____, Esq. (Print name) ID# _____

_____ Signature DATE: _____

I understand that I am under a continuing obligation to provide current contact information to the court,
to other self-represented parties, and to attorneys of record.

All pleadings and legal papers can be served on me at the address listed below, which may or
may not be my home address pursuant to Rule 1930.8:

(7) _____
Print Name

(8) _____
Signature

(9) _____
Telephone Number

(10) _____
Address

(11) _____
FAX

(10) _____
City, State, Zip Code

(12) _____
Date

**THE PARTY FILING THIS ENTRY OF APPEARANCE MUST PROVIDE NOTICE BY SENDING A
COPY TO ALL PARTIES AND ATTORNEYS, INCLUDING ANY ATTORNEY REMOVED FROM THE
CASE.**

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

(1) _____	:	
Plaintiff	:	
	:	
vs.	:	(3) No. CI- _____
	:	
(2) _____	:	CUSTODY
Defendant	:	

CERTIFICATE OF SERVICE

This is to certify that on this date, a true and correct copy of the foregoing Entry of Appearance of Self-represented Party Pursuant to Pa. R.C.P. No. 1930.8 was served upon the Defendant by (13) _____ to the following:

(2) _____

(14) _____

(14) _____

BY (8) _____
(1) _____
(10) _____
(10) _____

(15) _____
Date

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

_____	:	
Plaintiff	:	
	:	
vs.	:	No. CI-_____
	:	
_____	:	
Defendant	:	

CHANGE OF CONTACT INFORMATION OF PARTY

My name is: _____

Legal papers may be served on me at the following address (unless said address and/or
telephone number is confidential pursuant to PFA Order):

(Street address)

(City, State, Zip Code)

My telephone number is: _____

My facsimile (fax) number is: _____

I understand that I have a continuing obligation to provide current contact information to
the Court and other parties and/or their attorneys.

I understand that I must provide a copy of this document as well as all other documents
that I file to all other parties and/or their attorneys.

Dated: _____

signed by Pro Se Party

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

_____	:	
Plaintiff	:	
	:	
vs.	:	No. CI-
	:	
_____	:	
Defendant	:	

AFFIDAVIT OF SERVICE

I, _____, hereby depose and say that on this date, I personally served the above-captioned Defendant, with a Custody Complaint and Order (setting a conference date), by personally handing the same to him/her.

I verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. CS. §4904 relating to unsworn falsification to authorities.

Dated: _____

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

_____	:	
Plaintiff	:	
	:	
vs.	:	No. CI-
	:	
_____	:	
Defendant	:	

ACCEPTANCE OF SERVICE

I, _____, Defendant in the above-captioned action depose and say that on this date, I hereby accept service of the Custody Complaint and Order (setting a conference date).

I verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. CS. §4904 relating to unsworn falsification to authorities.

Dated: _____

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

_____	:	
Plaintiff	:	
	:	
vs.	:	No. CI-
	:	
_____	:	
Defendant	:	

UNCONTESTED MOTION FOR CONTINUANCE AND WAIVER OF
CUSTODY CASE TIME REQUIREMENTS

Motion is hereby made to continue the above-captioned case scheduled on Date: _____
(date) Time: _____ (time), , Officer/Judge: _____ (name), for a
_____ (Conference or hearing), for reason(s) as follows:
_____ (state reason).

Signature of applying Counsel of Pro Se

Date

Signature of opposing Counsel or Pro Se

Date

By signature of both parties, this is a waiver of the time requirements of PA Rule of Civil
Procedure 1915.4 for

_____ Initial conciliation conference
_____ Start of hearing
_____ Completion of hearing

ORDER

AND NOW, this ____ day of _____, 20____, the Motion is granted. The custody
_____ conference or _____ hearing is rescheduled to Date: _____, 20____,
Time: _____, Place: _____, Officer/Judge: _____.
_____.

BY THE COURT:

J.

cc:
CSHC

FORM 7

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

_____	:	
Plaintiff	:	
	:	
vs.	:	CI-
	:	
_____	:	
Defendant	:	

PRAECIPE FOR PRE-TRIAL CONFERENCE

To the Prothonotary:

Please schedule a pre-trial conference in the above-captioned custody matter pursuant to Pa. R.C.P. 1915.4-4.

The parties' initial in-person contact with the court (conference with a conference officer or judge, conciliation or mediation) occurred on _____.

Plaintiff/Defendant/Attorney for Plaintiff/Defendant

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

_____	:	
Plaintiff	:	
	:	
vs.	:	No. CI-
	:	
_____	:	
Defendant	:	

CUSTODY PRETRIAL STATEMENT

Submitted by _____ (Plaintiff or Defendant).

I. A concise statement of the custody question at issue and proposal resolution.

II. A list of any contempt issues.

III. A list of fact and expert witnesses, their relationship to the party and their addresses.

Expert witnesses:

Fact witnesses:

IV. A statement by the party or the party's counsel that he/she has communicated with each listed witness.

V. A list of Exhibits.

VI. A list of all deposition transcripts to be used in lieu of testimony and a statement of all known objections thereto.

VII. A statement of all stipulations sought from opposing parties.

VIII. A statement of any special requests such as a special time for a witness, courtroom needs, etc.

By: _____

_____ (Plaintiff/Defendant)

_____ (Address)

_____ (Address)

_____ (Telephone No.)

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

_____	:	
Plaintiff	:	
	:	
vs.	:	No. CI-
	:	
_____	:	
Defendant	:	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date, a true and correct copy of the foregoing
Custody Pretrial Statement was served by first class mail to the following:

_____ (Plaintiff/Defendant)

_____ (Address)

_____ (Address)

By: _____
_____ (Plaintiff/Defendant)
_____ (Address)
_____ (Address)
_____ (Telephone No.)

Dated: _____

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

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

**ORDER GRANTING SHARED LEGAL CUSTODY AND PRIMARY PHYSICAL
CUSTODY /PARTIAL PHYSICAL CUSTODY**

AND NOW, this ____ day of _____, _____, the Court enters this Custody
Order regarding the Child/Children of the parties, _____
_____ **(name(s) and date(s) of birth of child/children)** as
follows:

1. The parties shall have shared legal custody of the child/children such that each
party shall have the right to participate in the major decisions affecting the child/children,
including, but not limited to, medical, religious and educational decisions. The parties shall
provide each other advance information on a timely basis regarding the child/children's school
programs and events.

2. _____ is granted primary physical custody of the child/children.

3. _____ is granted partial physical custody of the child/children as

follows: _____

Or, the parties shall equally share physical custody as (cross off the paragraphs 2 and 3 above):

4. Holidays and special days:

(a) (1) The parties shall alternate Easter, Memorial Day, Independence Day, Labor Day, and Thanksgiving Day.

(2) In even-numbered years, _____ shall have custody on Easter, Memorial Day, and Independence Day, and _____ shall have custody on Labor Day and Thanksgiving Day. In odd-numbered years, the schedule shall reverse.

Or, as follows (cross off the paragraph above):

(3) The times for such periods of holiday custody shall be from _____ until _____.

(b) (1) Mother shall have physical custody of the child/children on Mother's Day, and Father shall have physical custody of the child/children on Father's Day.

(2) The times for such periods of special day physical custody shall be from _____ until _____.

5. Christmas:

(a) The Christmas holiday shall consist of two blocks of time. Block 1 shall extend from Christmas Eve (December 24) at 12:00 noon until Christmas Day (December 25) at 12:00 noon. Block 2 shall extend from Christmas Day (December 25) at 12:00 noon until December 26 at 12:00 noon.

Or, as follows (cross off the paragraph above):

(b) The blocks of time shall alternate between the parties from year to year, with _____ having physical custody of the child/children for block 1 in even-numbered years and _____ having physical custody of the child/children for block 2. In odd-numbered years, the schedule shall reverse.

6. Vacation:

(a) Each party shall be entitled to two (2) non-consecutive weeks of uninterrupted partial physical/vacation custody with the child/children each year.

(b) Vacation weeks shall be scheduled to avoid encroaching upon the non-vacationing party's holiday periods of physical custody of the child/children and shall incorporate the vacationing party's regular weekend period of physical custody of the child/children.

(c) Each party shall provide the other party with written notice at least thirty (30) days in advance of any week which is chosen for vacation.

7. Precedence:

Holiday periods of physical custody of the child/children, special day periods of physical custody of the child/children, and vacation weeks of physical custody of the child/children shall take precedence over all other scheduled periods of physical custody of the child/children.

8. Transportation:

The party receiving the child/children shall provide the transportation for each custody exchange.

Or, as follows (cross off the paragraph above):

9. Each party shall immediately notify the other by telephone of any serious illness or other emergency that may arise while the child/children are in his or her custody.

10. Each party shall permit reasonable telephone access to the child/children by the other party while the child/children are in his or her physical custody.

11. Each party shall encourage the child/children to love and respect the other party.

12. Each party is prohibited from stating, or allowing third parties to state, derogatory, critical or uncomplimentary remarks about the other party whenever the child/children are present to hear such statements, regardless of whether such derogatory remarks or name calling is spoken directly to the child/children or whether the party did not intend the child/children to hear the statements.

13. Each party shall encourage the child/children to have significant contact with the other party.

14. Each party shall make certain that the child/children are ready on time for the transfer of physical custody from one party to the other.

15. Each party is encouraged to accommodate the reasonable requests of the other party for alterations of any agreed upon schedule, as the circumstances and the best interest of the child/children requires.

FUTURE RELOCATION

IF YOU ARE PROPOSING TO RELOCATE TO ANOTHER AREA WITH THE CHILDREN NAMED IN THIS ACTION, YOU MUST COMPLY WITH THE REQUIREMENTS OF SECTION 5337 OF THE PENNSYLVANIA CUSTODY LAW WHICH INCLUDES SENDING NOTICE OF YOUR PROPOSED MOVE TO EVERY OTHER INDIVIDUAL WHO HAS CUSTODY RIGHTS TO THE CHILDREN AND PROVIDING SPECIFIC INFORMATION CONCERNING YOUR RELOCATION. THE LAW MAY BE FOUND AT 23 Pa. C.S.A. § 5337. IF YOU DO NOT COMPLY WITH THE NOTICE PROVISION OR PROVIDE THE REQUIRED INFORMATION, THE COURT HAS THE ABILITY TO CONSIDER YOUR FAILURE AS AN ELEMENT IN THE CUSTODY OR RELOCATION DECISION.

BY THE COURT:

JUDGE

Attest:

Copies to:

APPENDIX A

VIII. SPECIAL RELIEF

CAN I GET THE COURT TO RULE ON PARTICULAR DISAGREEMENTS I HAVE WITH THE OTHER PARTY ABOUT MY CHILD(REN) BEFORE MY CASE GETS TO THE STAGE OF THE CUSTODY CONFERENCE OR THE COURT HEARING?

For some kinds of disagreements, yes. For others, no, because they are matters for parties to decide, not the court system. This is called “special relief” (see *Pennsylvania Rule of Civil Procedure* 1915.13). Examples of special relief are:

- requesting the court to grant a continuance of a custody contempt conference or hearing when the other party does not agree;
- requesting that an expert, such as a licensed psychologist (paid for by the parties, not the court system), becomes involved in the case by performing an evaluation of both parents, and sometimes other adult household members, preparing a report, and testifying at the hearing (see *Pennsylvania Rule of Civil Procedure* 1915.8); and
- requesting that the other parent follow the provisions of a custody order, such as honoring any agreed upon vacation schedule, etc.

HOW DO I MAKE REQUESTS FOR THESE TYPES OF “SPECIAL RELIEF”?

Such requests must be prepared as a formal pleading, similar to a custody complaint, with the full caption at the top, signature verification at the end, and the relief you are requesting in numbered paragraphs in the body of the petition.

MAY I JUST MAIL IN A SPECIAL RELIEF PETITION OR STOP BY A JUDGE’S CHAMBERS TO PRESENT AND DISCUSS MY REQUEST FOR A TEMPORARY CUSTODY ORDER, OR TO HAVE A CUSTODY EVALUATION ORDERED, ETC.?

NO. All requests for special relief regarding contempt must be presented in Family Business Court.

The Lancaster County Court of Common Pleas has adopted the concept of “One Judge/One Family” for assignment of family court cases. The judge is assigned pursuant to the first letter of the first Defendant's last name.

Refer to the Lancaster County Court of Common Pleas website:
www.co.lancaster.pa.us/courtcal/Public/CourtCalendar.aspx to learn which judge is assigned to your case and what time and day of the week that judge holds Family Business Court.

When you have determined the assigned judge, the courtroom, and the time and the day of the week that the assigned judge holds Family Business Court, you must send the other parent (or the other party), a complete copy of the formal petition you intend to present, including the relief you are requesting and a cover Notice of Intention to Present (Appendix form 1) to the other parent or party of the courtroom, date and time when you will be presenting your petition to the judge.

This advance copy of your intended presentation must be provided to the other party
FIVE DAYS BEFORE YOU PRESENT YOUR REQUEST TO THE COURT.

For instance, if your assigned judge holds Family Business Court on Thursday mornings, the other party must have been provided with a copy of your petition by the previous Friday, either by first class mail or by personally handing a copy of what you intend to present in court to the other party(s). Service of the Notice of Intention to Present does not accomplish service (see definition, p. 6) of the custody contempt petition.

Prior to the day you present your request for “special relief,” you must bring an original to the Prothonotary's office and a copy for every other party in the case, including yourself. After the judge signs an order, all copies will be processed in the Prothonotary's office and returned to you by mail for you to serve the time-stamped copies of your petition or complaint and any order on all parties (see definition of service, p. 6). There may be additional filing fees required to process your special relief petition and requested order. Check with the Prothonotary's office to determine whether filing fees for those pleadings are required. You must also provide envelopes with the correct pre-paid postage addressed to each party.

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

_____	:	
Plaintiff	:	
	:	
vs.	:	No. CI-_____
	:	Custody
_____	:	
Defendant	:	

NOTICE OF INTENTION TO PRESENT

To: _____ (other party/ies name/es)

You are hereby notified that the attached Petition and the preceding proposed Order will be presented in Family Business Court before the Honorable _____ (Judge's name) on _____ (date), at _____ (time) __.m. in Courtroom No. _____ of the Lancaster County Courthouse, 50 N. Duke Street, Lancaster, PA 17602.

You may appear in person or by a lawyer at the time and place set forth.

Your failure to appear in person or by a lawyer at the time and place set forth may result in the Court granting the relief requested in the attached Petition in the form of the preceding proposed Order, or other relief, without further notice to you.

Dated: _____

signed by Pro Se Party

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date, a true and correct copy of the foregoing
Petition was served by _____ (mail/personal service) to the following:

_____ (party name/s)

_____ (address)

Dated: _____

signed by Pro Se Party