

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.

08/05/2014

©2014 Judge Henry S. Kenderdine, Jr. Court Self Help Center

CUSTODY CONTEMPT PACKET

	<u>Page No.</u>
I. INTRODUCTION	2
II. DEFINITIONS	3
III. CUSTODY CONTEMPT FILING AND PROCEDURAL INFORMATION	8
IV. FILING CHECKLIST	17
V. STATUTES AND RULES	18
VI. FORMS	19
VII. APPENDIX A - Special Relief	i

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, 28 PENN SQUARE, P.O. BOX 30, LANCASTER, PENNSYLVANIA, 17608. Telephone: 717/393-0221.**

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.

“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.

“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 01/01/2015) is \$92.50. 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.

Copies of the custody contempt petition with a date and time for the 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 or claims to have custody of the child is given notice of the time and place of the conference. 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 the conference was served.

NOTE: WITHOUT PROOF OF SERVICE, THE 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 motion cover sheet (form 4) must also accompany the form. If the request is *submitted less than* fourteen (14) days before the conference, you **MUST** pay another \$90.75 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. 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 each party with a Praecipe for Pretrial Conference (form 8). A Pretrial Statement must be given to the judge and the other party five days prior to the pretrial conference (form 9.) 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 4). If there is no agreement, you must petition the court with an attached proposed continuance order (form 10) and business court notification (form 11). (*See Special Relief procedures in this 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) with a scheduling order on the top (form 2).
- A Court Administration cover sheet (form 3).
- Bring the money order, cash, or cashier's check for the current filing fee (currently \$90.75). 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 8:30 a.m. - 4:30 p.m., Monday - Friday.

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

#	FORM
1.	CUSTODY CONTEMPT PETITION
2.	SCHEDULING ORDER
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-
 :
 :

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

Plaintiff :

vs. : No. CI-

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 person at 50 North Duke Street, Lancaster County Courthouse, Lancaster, Pennsylvania, on the _____ day of _____, 20____, at _____ o'clock _____.m. for a custody contempt conference to be held in Conference Room No. _____ before _____, Custody Conference Officer.

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 this 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.

LANCASTER BAR ASSOCIATION
LAWYER REFERRAL SERVICE
28 PENN SQUARE
P.O. BOX 30
LANCASTER, PA 17608
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:

J.

DATE: _____

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.

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

Plaintiff :

vs. : No. CI-_____

Defendant : Custody

ENTRY OF APPEARANCE OF SELF-REPRESENTED 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 : Custody

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 Contempt Petition and Order (setting a contempt conference date), by:

(choose one) personally handing the same to him/her; or
 by first class mail to his/her last known address of _____
_____.

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, _____, Respondent, also the Plaintiff/Defendant in the above-captioned action depose and say that on this date, I hereby accept service of the Custody Contempt Petition and Order (setting a contempt 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

_____ (contempt 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
_____ contempt 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 contempt question(s) at issue and proposal
resolution.**

**II. A separate list of fact and expert witnesses, showing the address of each and a concise
statement of each witness's proposed testimony.**

Expert witnesses:

Fact witnesses:

III. A separate list of Exhibits.

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

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

VI. 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: _____

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-_____

Defendant : Divorce

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