

## PETITION FOR CONTEMPT OF CUSTODY

### INSTRUCTION SHEET

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

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

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

Clerk of Court  
1501 Arch Street – 11<sup>th</sup> Floor  
Philadelphia, PA. 19102

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

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

##### § 5322. Definitions

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

Child - An unemancipated individual under 18 years of age.

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

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

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

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.

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

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.

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

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

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

Note: Pennsylvania's custody law does not use the word visitation. Partial physical custody, shared physical custody and supervised physical custody may be what you understand visitation to be.

## HOW TO FILL IN THE PETITION:

### HEADING (CAPTION).

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

### LINE 1.

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

LINE 2.

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

LINE 3.

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

LINE 4.

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

DATE AND SIGN THE PETITION.

DATE AND SIGN THE VERIFICATION THAT THE STATEMENTS ARE TRUE.

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

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

**PETITION FOR CONTEMPT OF CUSTODY ORDER**

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

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

3. On (month/date/year) \_\_\_\_\_,  
The Honorable (name of Judge) \_\_\_\_\_  
entered the following order \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

Date: \_\_\_\_\_  
\_\_\_\_\_ Petitioner

I verify that the statements made in this petition are true and correct. I understand that false statements herein are made subject to the penalties of PA.C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
\_\_\_\_\_ Petitioner