

McKean County

ENFORCING A CUSTODY ORDER (CONTEMPT)

FORMS AND INSTRUCTIONS

WARNING

Custody is civil litigation and is a very serious matter. It is highly recommended that you hire an attorney to represent you in any custody action. If you choose not to hire an attorney, you may lose rights important to you. The court will expect you to follow the rules of procedure the same as though you had an attorney representing you. The information contained in this packet is not to be used as a substitute for professional legal advice. Most individuals seeking a medical remedy for a medical problem will consult a medical expert—a doctor. If you are seeking a legal remedy for a legal problem, we recommend that you consult a legal expert—a lawyer.

Disclaimer

Court staff is not able to give you legal advice or help you fill out/complete these forms. The information in this packet 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.

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I. General Information

A. Introduction

These materials are intended to assist individuals involved in a custody action by providing general information and legal forms. IT IS HIGHLY RECOMMENDED THAT YOU HIRE AN ATTORNEY TO REPRESENT YOU IN ANY CUSTODY ACTION. The information contained in this packet is not to be used as a substitute for professional legal advice. Even if you do not hire an attorney to begin your custody action, you can change your mind and choose to hire an attorney at any time.

It is important to understand what constitutes contempt. A Court will only hold a person in contempt if he/she (1) is aware of a custody order; (2) fails to follow the custody order; and (3) that failure is willful. If the Court does hold a person in contempt, then the Court will also provide a purge condition; meaning it will order the person to follow the custody order in order to avoid jail time or a fine. It is also important to understand the limits of a contempt proceeding. **The Court cannot modify or change a custody order in any way through a contempt proceeding. If you want to modify or change your current custody arrangement, then you should file a petition for modification of custody.**

B. Legal Definitions

There are two forms of custody: Legal Custody and Physical Custody

1. Legal Custody is the right to make major decisions on behalf of the child, including, but not limited to, medical, religious and educational decisions. Legal Custody can be shared or can be solely with one person.
2. Physical Custody is when a person has actual physical possession and control of a child.

There are different types of physical custody, which include:

- a. Partial Physical Custody: The right to assume physical custody of the child for less than the majority of the time.
- b. Primary Physical Custody: The right to assume physical custody of the child for the majority of the time.
- c. 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.
- d. Sole Physical Custody: The right of one individual to exclusive physical custody of the child.
- e. 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.

Further information about custody law can be found in the Pennsylvania statutes (Purdon's) at 23 Pa.C.S.A. Sections 5321 to 5340.

C. Rules of Court

A copy of the McKean County Local Rules of Civil Procedure and the Pennsylvania Rules of Civil Procedure can be obtained from the law library located on the 2nd Floor of the Courthouse or on the County's website www.mckeancountypa.org. Select the "Court of Common Pleas" under "Departments" and from the menu on the right select "Rules and Statutes."

D. Basic Procedure

This packet contains forms and instructions on how to enforce a custody order. **There are separate packets for Custody Complaints, Emergency Petitions for Custody and Custody Relocations.**

STOP!! Read the next paragraph carefully!

E. Service (providing a copy of the documents you are filing to all other parties)

Pennsylvania Rule of Civil Procedure 1930.4 requires that Original Process (such as a Petition to Modify or Custody Complaint) must be properly served on (mailed or handed to) all other parties, or their attorney, if any. Please read this rule carefully and select the best method for service. Please file one of the Proof of Service documents with the Prothonotary's Office once you have served the other parties.

If you do not properly serve all other parties, your case may be delayed, or even dismissed.

II. Instructions

(If you have not already done so, prior to beginning this Section, please detach the Forms at the end of this packet. Please note that the Forms at the end of the packet are in the same order as these instructions. You **MUST** use Forms 1, 2, 3, 4, 5, and 6 and **EITHER** Form 7, 8, or 9.)

- A. Instructions for Completing the Entry of Appearance(FORM 1)
- B. Instructions for Completing the State Cover Sheet (FORM 2)
- C. Instructions for Completing the Local Cover Sheet (FORM 3)
- D. Instructions for Completing the Supplemental Cover Sheet (FORM 4)
- E. Instructions for Competing the Notice (Form 5)
- F. Instructions for Completing the Petition for Contempt (Form 6)
- G. Instructions for Filing the Notice and Petition for Contempt
- H. Instructions for Completing Service (Forms 7, 8, and 9)

A. Instructions for Completing the Entry of Appearance – (FORM 1)

STOP!!! REMOVE FORM 1. All parties representing themselves must fill out and file an Entry of Appearance form before they can file their Petition for Contempt. The Prothonotary uses the information on the form to ensure that all legal documents and orders are sent to the required parties:

Caption

- Neatly print or type the name of the person or persons who originally filed the Custody Complaint above the word “Plaintiff(s)” (this may be you or the other Party – look at your existing Custody Order to be sure).
- Neatly print or type the name of the person or persons who the original complaint was filed against above the word “Defendant(s)” (this may be you or the other Party – look at your existing Custody Order to be sure).
- Fill in the Docket number next to “No.” on the right side of the caption – look at your existing Custody Order to get this number.

Litigant Information

The Rest of the Form

- Section 1: place an “X” on the line before the word “Plaintiff” or “Defendant” accordingly.
- Section 3: place an “X” on the situation that applies to you. Only check one. If you choose option 3, be sure the attorney signs the sheet as well.
- Section 4: place an “X” on the line before the word “I” and sign on the line at the end of the sentence.
- Section 5: place a full mailing address in the space provided unless protected as explained in the second paragraph.
- Section 6: place a telephone number in the space provided unless protected as explained in the second paragraph.
- Section 7: read and understand.
- Section 8: place the name and address of the opposing party or the opposing party’s attorney.
- Section 9: Read, date and sign the verification.

- Send a copy of the completed form to these individuals named via First Class Mail.
- File the Petition for Contempt as proscribed in Section G.

B. Instructions for Completing the State Cover Sheet– (FORM 2)

STOP!!! REMOVE FORM 2. The State Cover Sheet is used by the Pennsylvania Court Administrator to collect data that is used to improve the Pennsylvania Court System.

Section A: Case Information

- Second Box: neatly type or print your name under “Lead Plaintiff’s Name” or “Lead Defendant’s Name” accordingly
- Second Box: neatly type or print the name of the person or persons you are filing against under “Lead Defendant’s Name” or “Lead Plaintiff’s Name” accordingly.

DO NOT FILL IN ANYTHING FURTHER ON FORM 2

C. Instructions for Completing the Local Cover Sheet – (FORM 3)

STOP!!! REMOVE FORM 3. The Local Cover Sheet is used by the Court for case tracking purposes. Parties can use the Local Cover Sheet to quickly find contact information for the opposing party.

Caption

- Neatly print or type the name of the person or persons who originally filed the Custody Complaint above the word “Plaintiff(s)” (this may be you or the other Party – look at your existing Custody Order to be sure).
- Neatly print or type the name of the person or persons who the original complaint was filed against above the word “Defendant(s)” (this may be you or the other Party – look at your existing Custody Order to be sure).
- Fill in the Docket number next to “No.” on the right side of the caption – look at your existing Custody Order to get this number.

Case Information

- Write the current date in the space provided.

Section 2

- Put an “X” on the line before “Plaintiff or Defendant” accordingly.
- Do not fill in any other information on Section 2.

Section 3

- If you are the Plaintiff, do not fill in any information after the words “The plaintiff is represented by:” If you are the Defendant and you know the name and contact information of the Plaintiff’s attorney, then fill in the information after the words “The plaintiff is represented by:”
- If you are the Plaintiff, after the words “The plaintiff appears *pro se*” place your address, telephone number, and e-mail. If you are the defendant and you know that the Plaintiff is not

represented by an attorney, then place the Plaintiff's contact information after the words "The plaintiff appears *pro se*..."

Section 4

- If you are the Plaintiff and you know the name and contact information of the Defendant's attorney, then fill in the information after the words "The defendant is represented by..."
- If you are the Defendant, then fill in your personal contact information after the words "The defendant appears *pro se*." Be sure to include your address, phone number, and e-mail.

D. Instructions for Completing the Supplemental Cover Sheet – (FORM 4)

STOP!!! REMOVE FORM 4. The Supplemental Cover Sheet is used by the Court for statistical purposes.

Caption:

- Neatly print or type the name of the person or persons who originally filed the Custody Complaint above the word "Plaintiff(s)" (this may be you or the other Party – look at your existing Custody Order to be sure).
- Neatly print or type the name of the person or persons who the original complaint was filed against above the word "Defendant(s)" (this may be you or the other Party – look at your existing Custody Order to be sure).
- Fill in the Docket number next to "No." on the right side of the caption – look at your existing Custody Order to get this number.

E. Instructions for Completing the Notice and Order to Appear – (FORM 5)

STOP!!! REMOVE FORM 5. The Notice and Order to Appear is used to make the other party aware that you are filing a petition to enforce the existing custody order. Although you are the one filing the Petition for Civil Contempt for you may be the "Plaintiff" or the "Defendant" depending on whether you were the one who filed the original custody action or whether you were the one the original custody complaint was filed against.

Neatly print or type the following information:

Caption:

- Neatly print or type the name of the person or persons who originally filed the Custody Complaint above the word "Plaintiff(s)" (this may be you or the other Party – look at your existing Custody Order to be sure).
- Neatly print or type the name of the person or persons who the original complaint was filed against above the word "Defendant(s)" (this may be you or the other Party – look at your existing Custody Order to be sure).
- Fill in the Docket number next to "No." on the right side of the caption – look at your existing Custody Order to get this number.

DO NOT FILL IN ANYTHING FURTHER ON FORM 5

F. Instructions for Completing the Petition For Civil Contempt for Disobedience of a Custody, Partial Custody or Supervised Physical Custody Order – (FORM 6)

Caption:

- Neatly print or type the name of the person or persons who originally filed the Custody Complaint above the word “Plaintiff(s)” (this may be you or the other Party – look at your existing Custody Order to be sure).
- Neatly print or type the name of the person or persons who the original complaint was filed against above the word “Defendant(s)” (this may be you or the other Party – look at your existing Custody Order to be sure).
- Fill in the Docket number next to “No.” on the right side of the caption – look at your existing Custody Order to get this number.

Section 1.

- Put your name on the line after the phrase “The Petition of...”
- Put your name after the word “I...”
- Put your address on the line after the phrase “Petitioner, currently reside at:...”

Section 2.

- Put the name of the person you are filing against on the blank line.
- Put the address of the person you are filing against on the line after the phrase “Respondent, currently resides at:...”

Section 3.

- Put the date of the current custody order on the line after the phrase “An Order was entered on...”
- Put the name(s) of the child or children whose custody is provided for in the current custody order on the line(s) above “Name of Child”.
- Put each child’s date of birth on the line(s) above “Date of Birth”.
- Attach, with a paper clip, **do not staple**, a complete copy of the current custody order to the Petition behind page 2. (If you do not have a current copy of your order, the Prothonotary’s Office will have the originals from which you can make a copy).

Section 4.

- List all of the ways you believe that the existing custody order has been violated by the other party – be as specific as possible.

Verification

- Put today’s date on the line next to “Date”.
- Sign your name on the line above “Signature” to verify that all the statements that you have made in the Petition For Contempt are true and correct to the best of your knowledge. You may be subject to criminal penalties if you make any statements in your Petition that you know are not true. The Verification **MUST BE SIGNED**.

G. Instructions for Filing the Entry of Appearance, Cover Sheets, Notice and Order to Appear and Petition for Contempt.

Once you have filled out the Entry of Appearance, Cover Sheets, Notice, and Petition for Contempt, each must be filed with the McKean County Prothonotary. The case is initiated once these documents are filed.

- Make four (4) copies of the Entry of Appearance, Notice, and Petition for Contempt.
- Bring all four (4) copies, plus the original, of each document and the cover sheets to the McKean County Prothonotary's Office located at the Courthouse on 500 W. Main Street, Smethport, Pennsylvania.
- Have the Prothonotary time stamp the original and each copy of each document. The Prothonotary will keep the original for filing and will give one copy to the Family Law Office.
- Pay the filing fee.
- Keep the other three (3) copies.

H. Instructions for Serving the Notice and Order to Appear and Petition for Contempt

STOP!!! REMOVE FORMS 7-9. There are three (3) documents in this packet that can be used to prove that the person(s) you are filing the Petition for Contempt against have been given a copy of the Notice and Petition. Use Form 7 if you send them their copies by certified mail restricted to the addressee only and the mail is accepted; meaning you received the green card back with their signature. Use Form 8 if you send them their copies by certified mail restricted to addressee only, but they refuse to accept the certified mail; meaning you receive the documents back with a notation from the Postal Service that says "refused." Please note that Form 9 must be signed in the presence a notary public. Use Form 9 if you hand a copy of the Notice, Petition and blank Criminal/Abuse Verification to the person you are filing against. **YOU ONLY NEED TO COMPLETE ONE OF THESE FORMS.**

Executing Proper Notice

You have two (2) options to properly provide notice. One, send a copy of the Notice and Petition for Contempt to the person you are filing against via certified **AND** first class mail. Two, personally hand a copy of the Notice and Petition for Contempt to the person you are filing against.

First Option, the Mail

- Send one (1) copy of the Notice and Petition to the person you are filing against via certified mail, restricted delivery to addressee only, return receipt requested **AND**
- Send one (1) copy of the Notice and Petition for Contempt to the person you are filing against via First Class Mail.
- Fill out either Form 7 or Form 8.

Second Option, In Person

- Hand a copy of the Notice and Petition for Contempt to the person you are filing against.
- Fill out Form 9.

Proof of Service (Certified Mail) (Form 7)

- Neatly print or type the name of the person or persons who originally filed the custody complaint above the word "Plaintiff(s)" (this may be you or the other Party – look at your existing Custody Order to be sure).
- Neatly print or type the name of the person or persons who the original complaint was filed against above the word "Defendant(s)" (this may be you or the other Party – look at your existing Custody Order to be sure).
- Fill in the Docket number next to "No." on the right side of the caption – look at your existing Custody Order to get this number.
- Put the date you mailed the documents after the words "I hereby certify that on..."
- Circle "Plaintiff" or "Defendant" accordingly.
- Put the address that you sent the documents to after the words "return receipt requested, at..."
- Put the green card on the form. THE ORIGINAL GREEN CARD MUST BE ATTACHED TO THIS FORM. You can tape it to a blank 8 ½ by 11 inch sheet of paper and paper clip that paper to this Form. DO NOT STAPLE THE GREEN CARD ONTO THE FORM.
- Put your signature on the line above the word "Plaintiff/Defendant."
- Circle "Plaintiff or Defendant" accordingly.
- After this Form is completed, you must file it in the Prothonotary's Office so the Court has proof that the person(s) you are filing against has been notified that you filed a Petition for Contempt.

Affidavit of Service (Form 8)

If you mailed all of the necessary documents and they came back "refused."

- Neatly print or type the name of the person or persons who originally filed the custody complaint above the word "Plaintiff(s)" (this may be you or the other Party – look at your existing Custody Order to be sure).
- Neatly print or type the name of the person or persons who the original complaint was filed against above the word "Defendant(s)" (this may be you or the other Party – look at your existing Custody Order to be sure).
- Fill in the Docket number next to "No." on the right side of the caption – look at your existing Custody Order to get this number.
- Put your name on the first blank line.
- Put the address of the person you are filing against on the line before the word "address."
- Put the date that you sent the certified mail on the line before the word "date." DO NOT SIGN THE FORM YET.
- Take the filled out form to a Notary Public.
- In front of the Notary Public, sign your name on the line above "Plaintiff/Defendant."
- Circle "Plaintiff or Defendant" accordingly.
- Have the Notary Public sign and date in the appropriate place on the form.
- After this Form is completed, you must file it in the Prothonotary's Office so the Court has proof that you attempted to give notice to the person(s) you are filing against.

Acceptance of Service (Form 9)

If you hand delivered all of the necessary documents to the person(s) you are filing against.

- Neatly print or type the name of the person or persons who originally filed the custody complaint above the word “Plaintiff(s)” (this may be you or the other Party – look at your existing Custody Order to be sure).
- Neatly print or type the name of the person or persons who the original complaint was filed against above the word “Defendant(s)” (this may be you or the other Party – look at your existing Custody Order to be sure).
- Fill in the Docket number next to “No.” on the right side of the caption – look at your existing Custody Order to get this number.
- Circle “Plaintiff” or “Defendant” accordingly.
- Put the date that the person you are filing against received the Notice, Petition to Modify, and blank Criminal/Abuse Verification Form.
- Have the person you are filing against sign on the line above “Plaintiff/Defendant or Authorized Agent.”
- Have the person you are filing against circle “Plaintiff or Defendant” accordingly.
- Put the address of the person you are filing against on the line above “Mailing Address.”
- After this Form is completed, you must file it in the Prothonotary’s Office so the Court has proof that the person(s) you are filing against have been notified that you filed a Petition for Contempt.

III. Forms

- A. Entry of Appearance (Form 1)
- B. State Cover Sheet (Form 2)
- C. Local Cover Sheet (Form 3)
- D. Supplemental Cover Sheet (Form 4)
- E. Notice (Form 5)
- F. Petition for Contempt (Form 6)
- G. Service Documentation Forms
 - 1. Proof of Service - Certified Mail (Form 7)
 - 2. Affidavit of Service (Form 8)
 - 3. Acceptance of Service (Form 9)

PLEASE DETACH THE FOLLOWING FORMS AND FILL IN THE FORMS WHILE GOING THROUGH THE INSTRUCTIONS.

PLEASE NOTE THAT YOU DO NEED TO FILL IN AND USE ALL THE FORMS THAT HAVE BEEN PROVIDED.

PLAINTIFF

IN THE COURT OF COMMON PLEAS
McKEAN COUNTY, PENNSYLVANIA

vs.

NO. _____

DEFENDANT

ENTRY OF APPEARANCE AS SELF-REPRESENTED PARTY

1. I am the ___ Plaintiff ___ Defendant in the above-captioned case.

2. I intend to represent myself in the X custody, ___ divorce case.

Check only one line in Question 3

3. ___ This is a new case and I am representing myself. I have decided not to hire an attorney to represent me. **OR**

___ This is not a new case and I am representing myself. I have decided not to hire an attorney to represent me. **OR**

___ This is not a new case. _____ previously
(Name of Attorney)

represented me in this case. I have decided not to be represented by that attorney and direct the Prothonotary to remove that attorney as my counsel of record in this case. I have provided a copy of this form to that attorney listed above at the following address:

That attorney has acknowledged his/her withdrawal from this case by signing this form.

_____, Esq.
(Attorney Signature)

4. ___ I am entering my appearance as a self-represented party _____
(Your Signature)

5. I understand that I need to provide a street address or P.O. Box for the purpose of receiving all future pleadings and other legal notices. I further understand that this does not need to be my home address. My address for the purpose of receiving all future pleadings and other legal notices is:

I understand that this address will be the only address to which notices and pleadings in this case will be sent and that I am responsible to check the mail at this address so I do not miss important deadlines or proceedings.

___ **I am not providing my address because I reside at a confidential location** protected by the Protection From Abuse Act, 23 Pa. C.S. § 6112 and/or the Address Confidentiality Program, 23 Pa. C.S. §6701-6713, and/or the Child Custody Act, 23 Pa. C.S. §5336(b).

6. My telephone number where I can be reached is _____.

___ **I am not providing my telephone number because it is confidential** pursuant to the Protection From Abuse Act, 23 Pa. C.S. § 6112 and/or the Child Custody Act, 23 Pa. C.S. § 5336(c).

7. I UNDERSTAND I MUST FILE A NEW FORM EVERY TIME MY ADDRESS OR TELEPHONE NUMBER CHANGES.

8. I understand that I must ensure that a copy of this form is served on all other attorneys or other self-represented parties at the following addresses as listed below: (Use reverse side if you need more space)

Name _____ Address _____

Name _____ Address _____

9. **I verify that the statements made in this Entry of Appearance as a Self-Represented Party are true and correct. I understand that if I make false statements herein, that I am subject to the criminal penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities that could result in a fine and/or prison term.**

Date

(Your Signature)

FORM 1

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet



County _____

<i>For Prothonotary Use Only:</i>		TIME STAMP
Docket No: _____		

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:	
<input checked="" type="checkbox"/> Complaint	<input type="checkbox"/> Writ of Summons
<input type="checkbox"/> Transfer from Another Jurisdiction	<input type="checkbox"/> Declaration of Taking
<input type="checkbox"/> Petition	
Lead Plaintiff's Name: _____	Lead Defendant's Name: _____
Are money damages requested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Dollar Amount Requested: <input type="checkbox"/> within arbitration limits (check one) <input type="checkbox"/> outside arbitration limits
Is this a <i>Class Action Suit</i> ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is this an <i>MDJ Appeal</i> ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Name of Plaintiff/Appellant's Attorney: _____	
<input checked="" type="checkbox"/> Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)	

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

<p>TORT (do not include Mass Tort)</p> <input type="checkbox"/> Intentional <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Nuisance <input type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability (does not include mass tort) <input type="checkbox"/> Slander/Libel/ Defamation <input type="checkbox"/> Other: _____	<p>CONTRACT (do not include Judgments)</p> <input type="checkbox"/> Buyer Plaintiff <input type="checkbox"/> Debt Collection: Credit Card <input type="checkbox"/> Debt Collection: Other _____ <input type="checkbox"/> Employment Dispute: Discrimination <input type="checkbox"/> Employment Dispute: Other _____ <input type="checkbox"/> Other: _____	<p>CIVIL APPEALS</p> Administrative Agencies <input type="checkbox"/> Board of Assessment <input type="checkbox"/> Board of Elections <input type="checkbox"/> Dept. of Transportation <input type="checkbox"/> Statutory Appeal: Other _____ <input type="checkbox"/> Zoning Board <input type="checkbox"/> Other: _____
<p>MASS TORT</p> <input type="checkbox"/> Asbestos <input type="checkbox"/> Tobacco <input type="checkbox"/> Toxic Tort - DES <input type="checkbox"/> Toxic Tort - Implant <input type="checkbox"/> Toxic Waste <input type="checkbox"/> Other: _____	<p>REAL PROPERTY</p> <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Ground Rent <input type="checkbox"/> Landlord/Tenant Dispute <input type="checkbox"/> Mortgage Foreclosure: Residential <input type="checkbox"/> Mortgage Foreclosure: Commercial <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Other: _____	<p>MISCELLANEOUS</p> <input type="checkbox"/> Common Law/Statutory Arbitration <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Mandamus <input type="checkbox"/> Non-Domestic Relations Restraining Order <input type="checkbox"/> Quo Warranto <input type="checkbox"/> Replevin <input checked="" type="checkbox"/> Other: Custody _____
<p>PROFESSIONAL LIABILITY</p> <input type="checkbox"/> Dental <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional: _____		

Plaintiff

: IN THE COURT OF COMMON PLEAS OF
: McKEAN COUNTY, PENNSYLVANIA

vs.

: CIVIL DIVISION - ___ Law ___ Equity
___ Medical Professional Liability Action

Defendant

: NO. _____

LOCAL COVER SHEET

Dated: _____, 20____

1. Type of Pleading (e.g. Complaint in Divorce) Petition for Contempt

2. By whom filed: ___ Plaintiff ___ Defendant Are monetary damages requested? ___ Yes X No

Jury trial demanded ___ Yes X No Complex* ___ Yes X No Small Claim (<\$12,000) ___ Yes X No

To be listed for Arbitration? ___ Yes X No *Note: A civil action is to be listed for Arbitration unless (1) the amount in controversy exceeds \$50,000 exclusive of interest and costs or (2) the case involves title to real property. * For definition: See Note following [L205.2\(b\)\(2\)](#).*

3. The plaintiff is represented by:

Attorney _____ Email _____

Firm _____

Address _____

Tel. # _____ Fax # _____ Supreme Court ID No. _____

The plaintiff appears *pro se*:

Address _____

Telephone number _____ Email _____

4. The defendant(s) is (are) represented by (attach a separate sheet of paper, if necessary):

Attorney _____ Email _____

Firm _____

Address _____

Tel.# _____ Fax # _____ Supreme Court ID No. _____

The defendant(s) appear(s) *pro se* (attach a separate sheet of paper, if necessary):

Address _____

Telephone number _____ Email _____

Plaintiff

vs.

Defendant

IN THE COURT OF COMMON PLEAS
OF McKEAN COUNTY, PENNSYLVANIA

CIVIL DIVISION

NO. C.D.

McKEAN COUNTY COURT OF COMMON PLEAS
SUPPLEMENT TO Pa.R.C.P. No. 205.5 COVER SHEET

FAMILY LAW

- Annulment
 Child Custody/Visitation
 Divorce
 Paternity

Divorce Counts

Check all that apply

- Alimony/Spousal Support
 Alimony *pendente lite*, counsel fees & costs
 Child Custody/Visitation
 Child Support
 Equitable Distribution/Property Rights

Other: _____

ORPHAN'S COURT

- Adoption
 Wills
 Administration of Estates
 Accounts
 Trust Estates
 Minors
 Incapacitated Persons
 Auditors & Masters
 Official Examiners
 Absentees & Presumed Decedents
 Real Property Transactions
 Non-Profit Corporations
 Other: _____

Nature of the Case

Petition for Contempt

Note: Be brief and concise. Type or print legibly.

FORM 4

Plaintiff

vs.

Defendant

**IN THE COURT OF COMMON PLEAS
OF McKEAN COUNTY, PENNSYLVANIA**

CIVIL DIVISION

NO. C.D.

NOTICE

Legal proceedings have been brought against you alleging you have willfully disobeyed an order of court for custody, partial custody or supervised physical 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.

If the court finds that you have willfully failed to comply with its order for custody, partial custody or supervised physical custody, 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.

Northwestern Legal Services
100 Main Street
Bradford, PA 16701
814-362-6596

**FORM 5
FORM 6**

Plaintiff

vs.

Defendant

**IN THE COURT OF COMMON PLEAS
OF McKEAN COUNTY, PENNSYLVANIA**

CIVIL DIVISION

NO. C.D.

PETITION FOR CONTEMPT

The Petition of _____ respectfully requests:

1. I, _____, Petitioner, currently reside at:

2. _____, Respondent, currently resides at:

3. An Order was entered on _____, for Custody of the following minor children:

_____	_____
Name of Child	Date of Birth
_____	_____
Name of Child	Date of Birth
_____	_____
Name of Child	Date of Birth
_____	_____
Name of Child	Date of Birth

A true and correct copy of this Order is attached to this Petition.

FORM 6

_____ ,

Plaintiff,

vs.

_____ ,

Defendant.

**IN THE COURT OF COMMON PLEAS OF
McKEAN COUNTY, PENNSYLVANIA
CIVIL DIVISION**

NO. C.D.

PROOF OF SERVICE

I hereby certify that on _____ (date), a copy of the Notice and Petition for Contempt was served upon Plaintiff/Defendant by regular mail, postage pre-paid, and by certified mail, restricted delivery to addressee only, return receipt requested, at _____ (address). The return receipt signed by Plaintiff/Defendant is attached.

Plaintiff/Defendant

FORM 7

_____ ,

Plaintiff,

vs.

_____ ,

Defendant.

**IN THE COURT OF COMMON PLEAS OF
McKEAN COUNTY, PENNSYLVANIA
CIVIL DIVISION**

NO. C.D.

AFFIDAVIT OF SERVICE

_____, being duly sworn according to the law deposes and states that he/she served a true and correct copy of the Notice and Petition to Modify filed in this matter by certified/registered mail, return receipt requested, restricted to addressee only and also by regular mail at _____ (address), on _____ (date). The regular mail has not been returned within fifteen days after mailing. Attached to this affidavit is the returned letter with the notation that the defendant refused to accept delivery.

Plaintiff/Defendant

Sworn and subscribed before me this _____ day of _____, 20_____.

Notary Public

_____ ,

Plaintiff,

vs.

_____ ,

Defendant.

IN THE COURT OF COMMON PLEAS OF

McKEAN COUNTY, PENNSYLVANIA

CIVIL DIVISION

NO. C.D.

ACCEPTANCE OF SERVICE

I accept service of the Notice and Petition to Modify. I certify that I am authorized to accept service on behalf of Plaintiff/Defendant.

Date

Plaintiff/Defendant or Authorized Agent

Mailing Address

STATUTORY APPENDIX

23 Pa.C.S. § 6112 (Protection from Abuse)

During the course of a proceeding under this chapter, the court or hearing officer may consider whether the plaintiff or plaintiff's family is endangered by disclosure of the permanent or temporary address of the plaintiff or minor children. Neither in the pleadings nor during proceedings or hearings under this chapter shall the court or hearing officer require disclosure of the address of a domestic violence program. Where the court concludes that the defendant poses a threat of continued danger to the plaintiff and where the plaintiff requests that his or her address, telephone number and information about whereabouts not be disclosed, the court shall enter an order directing that law enforcement agencies, human service agencies and school districts (both in which a plaintiff's child in custody of the plaintiff is or has been enrolled) shall not disclose the presence of the plaintiff or the child in the jurisdiction or district or furnish any address, telephone number or any other demographic information about the plaintiff and child except by further order of the court.

23 Pa.C.S. § 6703

- (a) Establishment.--The Office of Victim Advocate shall establish a program to be known as the Address Confidentiality Program. Upon application and certification, persons eligible under section 6704 (relating to persons eligible to apply) shall receive a confidential substitute address provided by the Office of Victim Advocate.
- (b) Administration.--The Office of Victim Advocate shall forward all first class, registered and certified mail at no expense to a program participant within three business days. The Office of Victim Advocate may arrange to receive and forward other classes or kinds of mail at the program participant's expense.
- (c) Notice.--Upon certification, the Office of Victim Advocate shall provide notice of participation and the program participant's substitute address to appropriate officials involved in an ongoing civil or criminal case in which a program participant is a victim, witness, plaintiff or defendant.
- (d) Records.--All records relating to applicants and program participants are the property of the Office of Victim Advocate. These records, including program applications, participants' actual addresses and waiver proceedings, shall be kept confidential and shall not be subject to the provisions of the act of June 21, 1957 (P.L. 390, No. 212),¹ referred to as the Right-to-Know Law, except that records may be released as specifically set forth in this chapter and to a district attorney to the extent necessary for the prosecution of conduct as set forth in section 6711 (relating to penalties).