

## Directions for Custody Contempt

### Filing Fees

Elk County: \$25.00

Cameron County: \$25.00

**Read these instructions carefully and look over the forms before you start filling out the papers.**

**Courthouse employees cannot give you legal advice.**

**If you have questions about your custody rights, you should talk to a lawyer.**

1. If you are the person who wants to file the Petition for Contempt, you are the **Petitioner** and the person you are filing against is the **Respondent**. Your current custody order must be filed in either Elk or Cameron County. If your custody order is filed in a county other than Elk or Cameron County, you must file the petition for contempt in that county. You must know an address for the Respondent so the Respondent can be mailed or given copies of the petition for contempt and other papers.

If the current custody order is from Elk County, file the petition with the Prothonotary's Office at the Elk County Courthouse in Ridgway. If the current custody order is from Cameron County, file the petition with the Prothonotary's Office at the Cameron County Courthouse in Emporium.

Use a typewriter or pen to fill in the blanks on the forms. Circle the county you are filing the custody papers in. Print clearly, making sure your name and the Respondent's name are spelled right, and also use middle names or middle initials. Use the same case number from your custody order. Make sure you sign all forms on the signature lines for the Petitioner.

2. Fill in the blanks of the **Notice and Order** and the **Petition for Contempt**. The Plaintiff and Defendant names are the same as shown on your custody order. Make four (4) copies of your current custody order. Make three (3) copies of the Notice and the Petition. Attach one copy of your custody order to the original Petition for Contempt and one to each of the three (3) copies. You must also complete the information requested in the **Order** (found on the Notice) but leave blank the part where a date will be scheduled.
3. Take the original petition and notice and the three (3) copies to the Prothonotary's office in the county where your custody order is filed. Once the Prothonotary takes the original paperwork and stamps it with a date stamp, the paperwork is "filed."

4. Ask the clerk at the Prothonotary's office to certify the three (3) copies. The Prothonotary will send the original and the three (3) copies to court administration to schedule a hearing and the judge will sign the order. This will not happen while you wait. The Prothonotary's Office will contact you when you can return to pick up your copies.
5. Once you have your copies back, you will need to deliver a copy to the Respondent. This is called "service." The Respondent must be served at least seven (7) days before the date of the hearing. If the Respondent is not served correctly, the hearing cannot be held.

**You cannot hand a copy of the paperwork to the Respondent in person, so choose one of the service methods below:**

- a. **Regular Mail:** Mail one copy of the Petition and Notice to the Respondent by regular first class mail.

After the petition and notice have been mailed, fill out and file the **Proof of Service** with the Prothonotary. The Proof of Service must be filed before the date of the hearing.

- b. **Personal Service:** The Sheriff can serve the Respondent. You must give a certified copy of your paperwork to the Sheriff's Department and a deputy will take the copy to the Respondent, either at the Respondent's home or place of work, etc. There is a fee for the Sheriff to serve the paperwork. The deputy will file an affidavit of service at the Prothonotary's Office.
  - c. **Personal Service:** A person who is over 18 years of age who is not a party to your case or an employee or a relative of either party may hand deliver the certified copy of the paperwork to the Respondent. The person who does this must fill out the **Affidavit of Service** form and you must file the Affidavit with the Prothonotary. The Affidavit of Service must be filed before the date of the hearing.
6. Once a custody contempt hearing is scheduled, you will need to prepare for your case. If you plan to represent yourself, read the information included called "7 Tips When Representing Yourself In Court." If you are representing yourself, you are expected to know the correct way to ask questions of your witnesses, the correct courtroom procedures and follow the rules of court.
  7. After the hearing, the judge will enter an order of court. Once the order is filed, the Prothonotary will mail a copy to you and the Respondent.