

CUSTODY FILING INSTRUCTIONS: PETITION FOR CIVIL CONTEMPT

DISCLAIMER: Court staff cannot provide you with legal advice. It is your decision to determine if this is the correct matter to be filed in your case. Assistance with providing forms and procedural advice is not equivalent or a replacement for advice from an attorney who represents you. The Court does not provide an attorney to represent you free of charge in a custody case. Please be advised that nothing contained in these instructions and forms should be construed as legal advice and does not guarantee that the action is correct or will be granted by the Judge.

1. Complete the forms.
2. **If you already have a custody order**, and a party is not following the custody order, attach a copy of your current custody order and complete the following attached forms:
 - **Petition for Civil Contempt/Disobedience of a Custody Order**
 - **Remote Client Information Sheet**
 - **Criminal Record/Abuse History Verification Form**
 - **Self-Represented Litigant Form**

PLEASE NOTE:

For a party to be found in contempt, you must prove that they willfully disobeyed the custody order. Please be prepared to provide the specific instances (dates and times) that the custody order was not followed. You cannot request a change in custody by filing a petition for civil contempt. Also, a party cannot be found in contempt for failing to exercise *their* custody time as ordered. You cannot request that a custody order be enforced if it is not the current custody order on your case.

3. You will need to comply with the requirements of the Public Access Policy.
4. Take all your completed forms (unredacted original and redacted copy), along with a copy of your current custody order, to the Allegheny County Department of Court Records (DCR) at 414 Grant Street, Pittsburgh, PA 15219 to file. For information on hours of operation, go to www.dcr.alleghenycounty.us.
5. You must give notice to the other party. It is your responsibility to ensure that the following are properly served on the other party:
 - a Copy of your petition for contempt
 - a Copy of your Criminal Record/Abuse History Verification Form
 - Blank Criminal Record/Abuse History Verification Form (for them to complete)
 - Remote Client Information Form, and Domestic Violence Waiver (if applicable).
6. The Court WILL NOT make service for you. Your case will not be scheduled until you file a Certificate of Service with the Department of Court Records (DCR) confirming that all required documents were served on the other party.

Service Deadlines:

-If the other party lives in Pennsylvania, you must complete service within 30 days of the date the service order is issued.

-If the other party lives outside of Pennsylvania, you have up to 90 days to complete service.

PLEASE NOTE: If you fail to complete service within these time frames, your petition may be dismissed and you may need to refile.

7. Once you have proven that the other party was served with your petition for contempt, the Court will contact you with a scheduling notice. The Court may send you an email, so please make sure you are regularly checking and responding to your email. You may also receive a scheduling notice by US regular mail.

8. If you did not complete and file the **Remote Client Information Form** your case may not be scheduled until you complete it and send it to the Custody Department by email at custodydepartment@allegheycourts.us or by mail to the Family Law Center Custody Department, 440 Ross Street, Suite 121, Pittsburgh, PA 15219.
9. If you did not provide a phone number, email address, or regular mail address for the other party, your case will not be scheduled until you contact the Court and indicate you are prepared to have the other party personally served with notices. You may contact the Custody Department by email at custodydepartment@allegheycourts.us .