

SELF-HELP CONTEMPT OF COURT KIT
SPOUSAL SUPPORT or ALIMONY

Sometimes problems arise after you have an Order for spousal support or alimony. If the other party repeatedly violated the Order, you may want to have that issue addressed.

Contempt is a very serious matter. Perhaps the problem could be resolved by negotiation or by changing the current Order. If you can reach an agreement, ask us for a form to change the current Order. It is called a Modification Of Existing Order.

If you are not able to resolve the issue yourselves, then you may need to file a Contempt Petition to get the matter before the Court. Again, this is a very serious matter and may carry harsh penalties.

Complete the caption on the Order, using the same docket number that was assigned to your initial Petition. Complete the caption on the Petition, and fill in the blanks providing the rest of the information on the Petition. Follow the directions to file the Contempt Petition.

**PLEASE READ ALL INSTRUCTIONS AND INFORMATION BEFORE
BEGINNING TO FILL OUT THE FORMS! ALSO, BE SURE TO CHECK ALL
DOCUMENTS AFTER COMPLETING THEM, BEFORE SIGNING THEM, TO
BE SURE THEY ARE COMPLETE AND TRUTHFUL!**

**YOU ARE RESPONSIBLE FOR PREPARING, FILING, AND SERVING ALL
LEGAL PAPERS ACCORDING TO THE LAWS AND RULES OF
PENNSYLVANIA. STAFF IN THE PROTHONOTARY'S OFFICE, DOMESTIC
RELATIONS, AND COURT ADMINISTRATOR'S OFFICE ARE NOT PERMITTED
TO GIVE LEGAL ADVICE. DO YOUR BEST, AND IF YOU STILL HAVE
QUESTIONS YOU MAY CALL LEGAL SERVICES FOR HELP**

Plaintiff
vs.

Defendant

: IN THE COURT OF COMMON PLEAS OF
: TIOGA COUNTY, PENNSYLVANIA
:
: CIVIL ACTION
:
:
: NO ____ FAMILY SECTION

NOTICE AND ORDER TO APPEAR

Legal proceedings have been brought against you alleging you have willfully disobeyed an Order of Court for spousal support or alimony.

If you wish to defend against the claims 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 objections or defenses in writing with the Court, you must appear in person on the _____ day of _____ 20____, at _____ A.M./P.M., at the Tioga County Courthouse, Wellsboro, Pennsylvania

**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 its Order for custody or visitation,
you may be found to be in contempt of court and committed to jail, fines, or both.**

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Office of the Tioga County Court Administrator
Tioga County Courthouse
118 Main Street
Wellsboro, PA 16901
570-724-9380

North Penn Legal Services
1-800-326-7436

BY THE COURT,

Date: _____

J.

AMERICANS WITH DISABILITIES
ACT OF 1990

The Court of Common Pleas of Tioga County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact the Court Administrator's office, telephone number 570-754-9380. All arrangements must be made at least 72 hours prior to any hearing or business before the court.

Plaintiff
vs.

Defendant

: IN THE COURT OF COMMON PLEAS OF
: TIOGA COUNTY, PENNSYLVANIA
:
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:
:
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**PETITION FOR CONTEMPT FOR DISOBEDIENCE OF AN ORDER
FOR ALIMONY OR SPOUSAL SUPPORT**

Petitioner respectfully represents:

1. The Plaintiff is _____ whose address is _____

2. The Defendant is _____ whose address _____

3. The existing Order of Court is dated _____ ;

a copy is attached hereto.

4. The Plaintiff Defendant has willfully disobeyed or failed to comply with said

Order of Court in that:

WHEREFORE, Petitioner request that _____ be held in
contempt of Court, and any other such relief that the Court may deem appropriate.

I verify that the statements made in this Petition For Contempt are true and correct.

I understand that false statements herein are made subject to the penalties of 18 Pa. §4904 relating to unsworn falsification to authorities.

Date:

(Plaintiff) (Defendant)

HOW TO FILE THE COMPLAINT AND PETITION

Take your papers to the Court Administrator's Office on the second floor of the Tioga County Courthouse on Main Street, Wellsboro, on any weekday (Monday through Friday) between 9:00 a.m. and 4:00 p.m. You should have an original and at least two copies (one for you and the Defendant).

Present the papers to the Court Administrator's Office. The Court Administrator's Office will keep the necessary forms to submit to the Judge asking for a Conference or hearing to be scheduled. Because the scheduling may take a number of days, ask the Court Administrator's Office when you should return to pick up the copies.

When scheduled, you will go to the Court Administrator's Office to pick up the original and all copies. You then take the documents to the Prothonotary's Office, located on the 1st floor of the Tioga County Courthouse, to be filed and the copies file-stamped. The original documents which you filled out become part of the permanent court records and remain in the Prothonotary's Office. You should keep one copy of each document for yourself. Put everything (copies, receipts, notices, this set of instructions, etc.) in an envelope or folder and keep it in a safe place. You must have this with you when you go to the conference. You must then promptly serve one copy of the Order and Notice and the Petition for Contempt upon each Defendant. Go to the next set of instructions to find out how to serve the Defendant. You must then promptly serve one copy of the Order and Notice and the Petition for Contempt upon each Defendant. Go to the next set of instructions to find out how to serve the Defendant.

HOW TO SERVE THE PETITION FOR CIVIL CONTEMPT

It is not enough to just talk to the other party (Plaintiff/Defendant) about the contempt petition. A copy of the papers must be sent to the Plaintiff/Defendant, following the instructions below. You must give the Plaintiff/Defendant legal notice that you have filed for contempt, and this kind of notice is described as "service."

Service of the Notice And Order To Appear and Petition For Contempt is **YOUR** responsibility. The documents may be served by certified mail. To do so, you must send the Notice And Order To Appear and Petition by certified mail, return receipt requested, restricted delivery to the Plaintiff/Defendant's address. "Restricted delivery" means that the return receipt must be signed by the Plaintiff/Defendant only.

When you go to the post office, someone at the window can help you to prepare and send the certified mail. The cost **MUST** be paid, and it will be approximately \$6.

When you send the certified mail, you will be given a "sender's receipt" (a little white receipt). Keep this receipt to include with your proof of service. For the time being, put this receipt into your folder of papers to save. You should mail the documents to the Plaintiff/Defendant as soon as possible after you pick them up from the Prothonotary's Office. The Plaintiff/Defendant must receive them at least ten (10) days before the hearing.

Once the Plaintiff/Defendant has signed the green receipt, indicating that he or she has received the documents, service is complete. You will have proof that service is complete when you receive the green receipt with the Plaintiff/Defendant's signature on it. When you receive that green receipt, you must save it. It is to be included with your original receipt and attached to the Affidavit of Service.

The final document in your packet is the Affidavit of Service. It should be completed and filed with the Prothonotary as soon as you receive the return receipt from the Plaintiff/Defendant. The sender's receipt (the little white receipt that you got at the post office) and the green card with the Plaintiff/Defendant's signature should be stapled to the Affidavit of Service when it is filed.

The Affidavit of Service is quite simple to fill out. It states that on a certain day you mailed a correct copy of the Notice And Order To Appear and Petition by certified mail to the Plaintiff/Defendant's address. It also says that the Plaintiff/Defendant received it on a specific day. That date is on the green receipt. Go to the next section to find out how to prepare and file the Affidavit of Service.

HOW TO FILL OUT AND FILE THE AFFIDAVIT OF SERVICE

Caption - Once again, you must fill out the names of the parties (Plaintiff and Defendant). Now that the action has been filed, there is a docket number in the right side of the caption, that was assigned by the Prothonotary. That number appears on your copies which you got back from the Prothonotary. Be sure that you neatly print or type the correct docket number in the space provided in the last line of the right hand side of the caption.

Fill in your name, Plaintiff/Defendant, the date you sent the papers to the Plaintiff/Defendant (this date appears on your little white sender's receipt), the Plaintiff/Defendant's name and address, and the date that the Plaintiff/Defendant received the papers (this date is written on the green card). Staple your sender's receipt (the white receipt) and the green card (with the Plaintiff/Defendant's signature) to the Affidavit. Sign and date the Affidavit, and make one copy of it. (Be sure you copy the receipt and green card also.) Take the original and the copy to the Prothonotary. There is no fee to file this document. Have your copy file-stamped and **BRING IT WITH YOU TO THE CONTEMPT HEARING.** The original will remain in the Prothonotary's Office and become part of the Court record. Put your copy in your file of documents which you are taking to the hearing.

Plaintiff
vs.

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AFFIDAVIT OF SERVICE

I, _____, Plaintiff/Defendant, certify that on the ____ day of _____, 20 ____, a true copy of the Petition for Contempt and Notice And Order To Appear were mailed by certified mail, restricted delivery to the

Defendant Plaintiff at this address:

_____ .

Defendant Plaintiff received the Petition on the ____ day of _____, 20 ____, Sender's receipt and return receipt are attached hereto.

I verify that the foregoing is true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. §4904 relating to unsworn falsification to authorities.

Date

(Plaintiff) (Defendant)