

PETITION FOR CONTEMPT - PROTECTION FROM ABUSE

INSTRUCTION SHEET

USE THIS FORM IF YOU HAVE A PROTECTION FROM ABUSE ORDER THAT HAS BEEN VIOLATED

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

A violation of a Protection from Abuse Order can be handled in two ways. If the police have been involved in your case and an arrest has been made you should contact the District Attorney's Office and ask if your case is being pursued in criminal court. If you did not contact the police, and if you do not want to go through the police, then you can file a Civil Petition for Contempt. The following instructions detail how to file a Civil Petition for Contempt.

1. Complete, date and sign the Petition for Contempt. (Detailed instructions attached).

Note: The Petition for Contempt is a packet. You must have ALL of the following included in your packet:

- Rule
- Order)
- Petition and Verification
- Affidavit of Service
- Blank Temporary Protection Order(Fill in caption only)

2. File the original and two (2) copies of the completed Petition for Contempt packet with the Family Court Domestic Violence Unit. Make sure to keep a time stamped copy for your records.

Philadelphia Family Court
Domestic Violence Unit
1501 Arch Street - 8th Floor
Philadelphia, PA 19102

If you have questions you can call: 215-686-3514/5.

3. There is no fee for filing a Petition for Contempt.

4. When you deliver your Petition to the Domestic Violence Unit, you must wait or return for your Petition and Temporary Order. You will be given a packet that includes these documents along with a Rule to Show Cause which will indicate the date and time of your hearing, Order and Affidavit of Service.

5. If your petition was granted, you will also receive a Temporary Ex Parte Order. If you are not sure, ask the clerk if the Judge granted your temporary order.

6. After you receive the packet from the court, you must serve the Defendant. Service is accomplished by handing the Defendant one packet with the following documents:

- Rule,
- Temporary Ex Parte Order (if one was given), and
- Petition for Contempt.

While any responsible adult may serve the papers, it is suggested that you have the Philadelphia Police make service. To obtain police assistance, take all the necessary papers provided to you by the court to the Police District Headquarters in which the Defendant can be located (residence, work, etc.) and request an officer to assist you in serving the Protection From Abuse order. The person who serves the papers on the Defendant must complete, sign, and return the affidavit of service to you. You must bring this Affidavit of Service to court with you.

7. If the Defendant will not take the packet of materials, the person serving the packet should leave the packet in the Defendant's presence and complete the Affidavit of Service. The completed Affidavit of Service must be brought to court with you.

8. If you are unable to serve the Defendant, you may ask the court at the hearing for permission to serve by another means, including by mail.

9. KEEP A COPY OF YOUR ORIGINAL FINAL PROTECTION ORDER AND TEMPORARY ORDER WITH YOU AT ALL TIMES.

10. Go back to court for the hearing date, even if you have not been able to serve the Defendant. IF YOU DO NOT APPEAR FOR THE HEARING, YOUR PETITION FOR CONTEMPT AND YOUR TEMPORARY ORDER WILL BE DISMISSED.

11. In addition to requesting that the Defendant be found in contempt, you may also want to request a modification and/or extension of the Protection From Abuse Order. See the instructions and forms for Petition to Modify Protection From Abuse Order and Petition to Extend Protection From Abuse Order.

RELIEF AVAILABLE UNDER THE PROTECTION FROM ABUSE ACT:

The court may grant any protection order or approve any consent agreement to stop the Defendant from abusing you or your minor children. The order or agreement may include:

Directing the Defendant to stop abusing you or your minor children.

Evicting the Defendant from the residence or household, even when the Defendant is the sole owner or lessee, if the Defendant has a duty to support you or the minor children, or to order the Defendant, with your consent, to provide suitable alternate housing.

Awarding temporary custody of or establishing temporary visitation rights with regard to minor children.

Ordering the Defendant to pay financial support to those persons the Defendant has a duty to support, including health coverage for the minor child and spouse, paying all of the unreimbursed medical expenses of a spouse or minor child, and directing the Defendant to make rent or mortgage payments on your residence when the Defendant has a duty to support you or other dependant household members. The support order is temporary, and you must file a complaint for support within two weeks of the date of the issuance of the protection order or the support order becomes void.

Prohibiting the Defendant from having any contact with you or your minor children, at your place of employment or business or school and from harassing you or your relatives or minor children.

Ordering the Defendant to give up any firearms, other weapons, ammunition and firearms license and prohibiting the Defendant from possessing any firearms or other weapons, ammunition or firearms license for the duration of the order.

Directing the Defendant to pay you for reasonable losses suffered as a result of the abuse, including medical, dental, relocation and moving expenses; counseling; loss of earnings or support; costs of repair or replacement of real or personal property damaged, destroyed or taken by the Defendant or at the direction of the Defendant; and other out-of-pocket losses for injuries sustained. In addition to out-of-pocket losses, the court may direct the Defendant to pay reasonable attorney fees.

Directing the Defendant to refrain from stalking or harassing you.

Granting any other appropriate relief you seek.

WORDS AND PHRASES USED IN THE PETITION

PLAINTIFF: Person who filed the original complaint

DEFENDANT: Person against whom the original complaint was filed

HOW TO FILL IN THE RULE

Fill in the HEADING (CAPTION) only.

Fill in the names of the Plaintiff and Defendant in the heading of the petition. The Plaintiff is the person who originally filed the Protection From Abuse Petition, referred to as "PFA." The Defendant is the person the original PFA petition was filed against. Use the D.R. # on the original PFA petition.

HOW TO FILL IN THE ORDER

Fill in the HEADING (CAPTION) only.

Fill in the names of the Plaintiff and Defendant in the heading of the petition. The Plaintiff is the person who originally filed the Protection From Abuse Petition, referred to as "PFA." The Defendant is the person the original PFA petition was filed against. Use the D.R. # on the original PFA petition.

HOW TO FILL IN THE PETITION:

HEADING (CAPTION).

Fill in the names and addresses of the Plaintiff and the Defendant in the heading of the petition exactly as they appear on your Protection Order. If your address is not known to the Defendant, write "CONFIDENTIAL ADDRESS" in the space for your address. Also, fill in the case number exactly as it appears on your Protection Order.

On the first line, which is not numbered, fill in your name as the Plaintiff.

LINE 1.

If you are filing the Petition for Contempt, you are the Plaintiff. Fill in your name and address, unless it is confidential.

LINE 2.

The person against whom the petition is filed is the Defendant. Fill in the name and address of the Defendant.

LINE 3.

Fill in the date you received your Final Protection Order (this can be found on the top of the second page of your Protection Order). Also, fill in the name of the Judge that signed your Order and the number that appears in the heading of your Order.

LINE 4.

Circle “Temporary” if you are filing a contempt petition based on your temporary protection order. Circle “Final” if you have already received a final protection order. Be sure to insert a copy of your Protection Order.

LINE 5.

Explain why you are filing a Petition for Contempt. Be sure to include a description about how you believe the Defendant violated your Order and what provisions of your Order you believe the Defendant violated.

WHEREFORE

In subsection (e), tell the court what you want them to do. In this section, you can ask the court to modify your order so that the Defendant is not allowed to have any contact with you.

SIGN AND DATE THE PETITION.

DATE AND SIGN THE VERIFICATION THAT THE STATEMENTS ARE TRUE.

HOW TO FILL IN THE TEMPORARY PROTECTION FROM ABUSE ORDER

Fill in only LINE 1 and LINE 2.

LINE 1.

Fill in the name of the Plaintiff in the original PFA Petition.

LINE 2.

Fill in the name of the Defendant in the original PFA Petition.

FILL IN THE CAPTION ON AFFIDAVIT OF SERVICE

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

_____	:	
PLAINTIFF	:	FAMILY COURT DIVISION
	:	
vs.	:	PROTECTION FROM ABUSE
	:	
_____	:	
DEFENDANT	:	D.R. NO.

ORDER

AND NOW, this _____ day of _____, 20____, it is ORDERED and DECREED that Defendant, _____, is found in Contempt of Court and that the following sanctions are entered against him/her:

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

PLAINTIFF	:	
vs.	:	FAMILY COURT DIVISION
	:	PROTECTION FROM ABUSE
	:	
	:	
DEFENDANT	:	D.R. NO.

PETITION FOR CONTEMPT

TO THE HONORABLE JUDGE OF SAID COURT:

The Plaintiff, _____, respectfully represents that:

1. The Plaintiff, _____, is an adult individual residing at _____, Philadelphia, Pennsylvania.

2. The Defendant, _____, is an adult individual residing at _____, Philadelphia, Pennsylvania.

3. On _____, the parties appeared before The Honorable _____, in an action filed under the Protection From Abuse Act; No. _____.

4. On the aforementioned date, a Temporary/Final Protection Order was entered against the Defendant (attached hereto).

5. Since the entering of the aforementioned order, the Plaintiff alleges that the Defendant has engaged in the following behavior:

A. _____

B. _____

C. _____

WHEREFORE, the Plaintiff requests the Honorable Court to:

- a) Grant a hearing on the matters complained of above;
- b) Enter an ex parte Temporary Protection Order, and a Final Protection Order, after a hearing:
 - 1. restraining the Defendant from abusing, harassing, stalking, and/or threatening the Petitioner and/or the minor children, or placing him/her/they in fear of abuse in any place where he/she/they may be found;
 - 2. enjoining the Defendant from living at, entering, attempting to enter or visiting Petitioner's residence; and
 - 3. prohibiting the Defendant from having any contact with the Petitioner, including but not limited to, entering or attempting to enter any school, business or place of employment at which she may be found.
- c) After a hearing, hold the Defendant in contempt of the Protection Order entered on _____;
- d) Enter any and all sanctions authorized by the Protection From Abuse Act against the Defendant;
- e) _____

_____.

Respectfully Submitted,

Date

VERIFICATION

I verify that I am the petitioner as designated in the present action and that the facts and statements contained in the above Petition are true and correct to the best of my knowledge. I understand that any false statements are made subject to the penalties of 18 Pa.C.S.A.. §4904, relating to unsworn falsification to authorities.

Date

Plaintiff

TEMPORARY PROTECTION FROM ABUSE ORDER <input type="checkbox"/> Amended Order <input type="checkbox"/> Continued Order	IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY, PENNSYLVANIA NO.
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1. PLAINTIFF

First	Middle	Last	Plaintiff's DOB

Name(s) of all protected persons, including minor child/ren and DOB:

V.

2. DEFENDANT

First	Middle	Last	Suffix

Defendant's Address:

CAUTION:

- Weapon Involved**
- Weapon Present on the Property**
- Weapon Ordered Relinquished**

DEFENDANT IDENTIFIERS			
DOB		HEIGHT	
SEX		WEIGHT	
RACE		EYES	
HAIR			
SSN			
Driver's License #			
Exp Date			

The Court Hereby Finds: That it has jurisdiction over the parties and subject matter, and the Defendant will be provided with reasonable notice and opportunity to be heard.

The Court Hereby Orders:

Defendant shall not abuse, harass, stalk or threaten any of the above persons in any place where they might be found.

Except for such contact with the minor child/ren as may be permitted under paragraph 5 of this order, Defendant shall not contact Plaintiff, or any other person protected under this order, by telephone or by any other means, including through third persons.

Additional findings of this order are set forth below.

Order Effective Date

Order Expiration Date

NOTICE TO THE DEFENDANT

Defendant is hereby notified that violation of this order may result in arrest for indirect criminal contempt, which is punishable by a fine of up to \$1,000 and/or up to six months in jail. 23 Pa.C.S.A. § 6114. Consent of Plaintiff to Defendant's return to the residence shall **not** invalidate this order, which can only be changed or modified through the filing of appropriate court papers for that purpose. 23 Pa.C.S.A. § 6108 (g). If Defendant is required to relinquish any firearms, other weapons or ammunition or any firearm license, those items must be relinquished to the sheriff within 24 hours of the service of this order. As an alternative, Defendant may relinquish any firearm, other weapon or ammunition listed herein to a third party provided Defendant and the third party first comply with all requirements to obtain a safekeeping permit. If, due to their current location, firearms, other weapons or ammunition cannot reasonably be retrieved within the time for relinquishment, Defendant shall provide an affidavit to the sheriff listing the firearms, other weapons or ammunition and their current location no later than 24 hours after the service of this order. Defendant is further notified that violation of this order may subject him/her to state charges and penalties under the Pennsylvania Crimes Code and to federal charges and penalties under the Violence Against Women Act, 18 U.S.C. § § 2261-2262.

AND NOW, this ____ day of December, 2008, upon consideration of the attached Petition for Protection from Abuse, the court hereby enters the following Temporary Order:

1. Defendant shall not abuse, harass, stalk or threaten any of the above persons in any place where they might be found.

2. Defendant is evicted and excluded from the residence at _____ or any other permanent or temporary residence where Plaintiff may live. Plaintiff is granted exclusive possession of the residence. Defendant shall have no right or privilege to enter or be present on the Premises.

3. Defendant is prohibited from having ANY CONTACT with Plaintiff at any location, including but not limited to any contact at Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this Order:

4. Defendant shall not contact Plaintiff by telephone or by any other means, including through third persons.

5. Pending the outcome of the final hearing in this matter, Plaintiff is awarded temporary custody of the following minor child/ren:

Until the final hearing, all contact between Defendant and the child/ren shall be limited to the following:

The local law enforcement agency in the jurisdiction where the child/ren are located shall ensure that the child/ren are placed in the care and control of the Plaintiff in accordance with the terms of this Order.

6. Defendant shall immediately relinquish the following weapons to the Sheriff's Office or a designated local law enforcement agency for delivery to the Sheriff's office:

Defendant is prohibited from possessing, transferring or acquiring any other weapons for the duration of this order.

7. The following additional relief is granted:

8. A certified copy of this Order shall be provided to the police department where Plaintiff resides and any other agency specified hereafter:

9. THIS ORDER SUPERSEDES ANY PRIOR PFA ORDER AND ANY PRIOR ORDER RELATING TO CHILD CUSTODY.

10. THIS ORDER APPLIES IMMEDIATELY TO DEFENDANT AND SHALL REMAIN IN EFFECT UNTIL MODIFIED OR TERMINATED BY THIS COURT AFTER NOTICE AND HEARING.

NOTICE TO THE DEFENDANT

Defendant is hereby notified that violation of this Order may result in arrest for indirect criminal contempt, which is punishable by a fine of up to \$1,000.00 and/or up to six months in jail. 23 Pa.C.S. §6114. Consent of the Plaintiff to Defendant's return to the residence shall not invalidate this Order, which can only be chanced or modified through the filing of appropriate court papers for that purpose. 23 Pa.C.S. §6713. Defendant is further notified that violation of this Order may subject him/her to state charges and penalties under the Pennsylvania Crimes Code and to federal charges and penalties under the Violence Against Women Act, 18 U.S.C. §§2261-2262.

NOTICE TO LAW ENFORCEMENT OFFICIALS

This Order shall be enforced by the Police who have jurisdiction over the plaintiff's residence OR any location where a violation of this order occurs OR where the defendant may be located. If defendant violates Paragraphs 1 through 6 of this Order, defendant may be arrested on the charge of Indirect Criminal Contempt. An arrest for violation of this Order may be made without warrant, based solely on probable cause, whether or not the violation is committed in the presence of law enforcement.

Subsequent to an arrest, the law enforcement officer shall seize all weapons used or threatened to be used during the violation of this Order OR during prior incidents of abuse. Weapons must forthwith be delivered to the Sheriff's office of the county which issued this Order, which office shall maintain possession of the weapons until further Order of this court, unless the weapon/s are evidence of a crime, in which case they shall remain with the law enforcement agency whose officer made the arrest.

BY THE COURT:

J.

Date

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

_____	:	
PLAINTIFF	:	FAMILY COURT DIVISION
	:	
vs.	:	PROTECTION FROM ABUSE
	:	
_____	:	
DEFENDANT	:	D.R. NO.

AFFIDAVIT OF SERVICE

I, _____, the undersigned, hereby state that I served a copy of the Rule, Petition, and Temporary Order in the above-captioned action upon the Defendant by handing the papers to _____ at the following address:

on the _____ day of _____, 20__, at approximately _____ m.

I verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

Signature

Title

Address

Date