

CONTEMPT FOR VIOLATIONS OF PENNSYLVANIA CUSTODY ORDERS

Custody and visitation orders in Pennsylvania are based upon the best interests of the child involved. Parents can reach their own agreements about custody and visitation as long as their arrangement serves the child's best interests. If the arrangement does not work or one parent decides they do not wish to follow the agreement, then the parents may ask the court to enter a custody order.

However, when a court enters a custody order, whether by agreement of the parents or based upon the court's own decision, parents must follow that order or face consequences imposed by the judge, which can include contempt charges.

Custody Violations

"Contempt" is the act of violating (disobeying) a court's order. A parent may be found in violation or contempt of a custody order when they engage in one of the following acts: preventing visitation, interfering with communication, and/or denying visitation for non-payment of child support.

Even if the parent's conduct is not specifically prohibited by the terms of a custody order, any action by a parent that interferes with the parent-child relationship can be the basis for a variety of very serious court-ordered remedies, including the court awarding custody to the other (non-interfering) parent.

Preventing Visitation

A parent that makes the child unavailable for the other parent's visitation time, including arranging extracurricular activities that conflict with visitation times, is in violation of the court's custody order.

Before a court will find a parent in contempt, it must be shown that the interference with visitation has been an ongoing problem: not just a one-time interference. It is important to document that the other parent's lack of cooperation is a consistent problem, which requires the court's assistance. Ongoing interference with visitation can result in the parent being found in contempt of court in Pennsylvania.

Interfering With Communication

To be in violation of a custody or parenting order in Pennsylvania, a parent need not cut off contact between the other parent and child completely. Instead, interference includes any conduct that hurts the parent-child relationship, ranging from intercepting e-mails or blocking phone calls to preventing contact entirely.

Denying Visitation for Non-Payment of Child Support

Although a parent who fails to pay child support can also be held in contempt of court in Pennsylvania, some parents mistakenly believe that the failure to pay child support means the non-paying parent doesn't get to see his or her children.

However, visitation and child support are completely separate matters, and one is not dependent upon the other. Parents that haven't been receiving court-ordered child support can file a motion to enforce payments; but if they try to prevent visitation, they will be found in contempt of the custody order.

How to Seek Contempt Charges

If one parent has violated a custody or visitation order, the other parent can file a motion (legal paperwork) asking the court to enforce the order and hold the non-complying parent in contempt of court. By holding a person in contempt, a judge is saying that the person has disrespected the court and disobeyed its order. A person held in contempt of court can be forced to pay fines or face punishments from the judge as discussed in more detail below.

Filing procedures vary from county to county, but at a minimum, you will have to serve (deliver) your motion paperwork to the other parent. The court will set a hearing date and you will need to attend the hearing and explain to the judge (with evidence, including documentation) how the other parent has violated the custody order.

If you need more specific information, you should contact an experienced family law attorney in your area for help.

Sanctions for Contempt of Court in Pennsylvania

Pennsylvania courts can't order a change in custody during a hearing for contempt, but they can order sanctions (or punishments) if substantial visitation time has been lost because of the other parent's actions. Potential contempt sanctions include:

- ordering make-up parenting time or visitation
- ordering the interfering parent to attend parenting classes
- ordering the interfering parent to pay costs (including attorney's fees or transportation costs for visitation), and

- holding the interfering parent in contempt of court, which usually includes a fine and even jail-time.

For the full text of the law governing violations of custody and visitation orders in Pennsylvania, see 23 Pa.C.S.A. §5401 et seq.