

How is the abuser notified of the protection order?

Both the emergency and temporary PFA hearings are usually held without the abuser being present. However, the temporary order will have the notice to the abuser advising him/her of the date, time and place of the final hearing. The abuser must be served with the PFA Petition before the final hearing. The police, sheriffs, or anyone 18 and over can serve the PFA petitions and orders. The server must sign your affidavit of service so that you can bring it to the final hearing to prove the abuser was served.

What happens if the abuser violates the court order?

If the judge grants your protection order it is automatically placed on the Pennsylvania State Police registry, and it can be enforced anywhere in the state. If you need protection in another state, you can file a certified copy of your protection order with the court and police in that state and they will also enforce the order.

If the defendant violates the PFA Order, call the police to report the violation. You or the police must then file an Indirect Criminal Contempt Complaint. Typically, warrant is then issued for the abuser's arrest. A contempt hearing will be scheduled before a judge.

If the judge decides that the order was violated, the defendant can be put in jail for up to 6 months and/or fined up to \$1,000, or the judge may issue such other orders as he/she may deem necessary. Upon an ICC conviction, and at the request of plaintiff, the court **shall** extend the order. If the defendant is sentenced to jail, make sure the prison knows how to contact you so that they can inform you before the abuser is released.

What if I Want To Change The Order?

If you want to change the order, you must file a petition with the court asking that the order be changed or "modified." The parties themselves cannot make different arrangements as this is a court order.

How much will it cost?

The victim does not have to pay any fees to the court to file a PFA Petition or to have the sheriff serve the abuser. Once the case is over, the judge will decide whether the abuser has to pay the expenses.

Do other laws apply to the abuse?

Yes. Abuse is a crime. Criminal charges may also be filed against the defendant whether or not you file a petition for a PFA. Filing a PFA petition does not mean the police cannot charge the defendant, and it is not the same as the defendant being charged criminally.

If you need further assistance, call the police or a local domestic violence shelter. To meet with or speak to an attorney with our program, please call the 1-800 number on the front of this pamphlet or apply online.

REMEMBER. The law often changes. Each case is different. This pamphlet is meant to give you general information and not to give you specific legal advice.

Please use the information found in this brochure carefully since the law is constantly changing and the information may not accurately reflect any changes in the law that occurred following the creation and publication of the brochure.

Pamphlet Updated 10/2018

Protection From Abuse

GENERAL INFORMATION BROCHURE

Protection from Abuse Orders

Who can file for protection?

What is abuse?

How can I get protection?

NORTHWESTERN LEGAL SERVICES

*To those who are in need of services,
contact our New Client Line at:*
1-800-665-6957

or

814-452-6957

Or Apply online www.nwls.org



PROTECTION FROM ABUSE ORDERS.

Physical and sexual abuse or the threat of either is against the law. Even if you choose not to bring criminal charges against the abuser, Pennsylvania has a civil law called the “Protection from Abuse Act” (PFA) that can give you and your children protection through the court system.

Who can file for protection?

(A) You must be an adult or an adult guardian or household member on behalf of a minor child to file for a PFA; *and*

(B) You must have one of the following relationships* with the abuser:

1. related by marriage); or
2. related by bloodline; or
3. biological parents of a child; or
4. current or past “intimate” partners. Intimate does not necessarily mean sexual (dating, etc.).

There is no longer a requirement that you live with the abuser currently or in the past.

*If you do not have one of these relationships, you may still be able to file for protection under the Protection from Sexual Violence or Intimidation act.

What is abuse?

The law says that ***abuse*** is:

- causing or trying to cause physical harm, whether or not any weapon is involved;
- rape or sexual assault; physical or sexual abuse of minor children;
- putting someone in reasonable fear of immediate and serious physical harm;
- following someone around (stalking) or repeatedly committing other acts that cause the person reasonable fear of bodily injury; or
- interfering with a person’s freedom of movement.

How can I get protection?

You can file for a PFA at your local Court of Common Pleas during regular business hours. Most courts have a system allowing you to file pro se (on your own) or through your own private attorney.

While you are not entitled to a free attorney at your final hearing, many legal aid programs do provide attorneys. Victims and you also have the right to hire an attorney if you choose to. The judge can issue an order without a hearing if both sides agree.

There is a law in Pennsylvania that automatically makes home and work addresses of victims of domestic violence confidential in domestic relation cases, so your address will not be made known to the abuser if you file for protection.

How quickly can I get protection?

The petition simply asks that you describe the abuse incident(s) and the approximate date the abuse took place. If the judge believes that you need the court’s protection, the judge can issue a temporary protection order immediately, without the abuser being present and schedule a final hearing to be held within 10 business days. If the abuser chooses to attend the final hearing, he/she can consent to the entry of a Final PFA Order or request a full hearing to have a judge decide the case.

When the court is closed on weekdays, nights, weekends or holidays, an emergency protection from abuse order may be granted by a Magisterial District Judge.

There may also be a domestic violence shelter that can help you find safe shelter and that can provide emotional guidance and support.

What protection can I get?

If the judge believes that you are in danger of further abuse, he/she can order any/all of the following:

- stoppage of the abuse;
- eviction of the abuser from the house;
- establishment of custody, partial custody and visitation rights;
- payment by the abuser of support, which can include health insurance coverage and rent or mortgage payments. (You must still file a separate support case with the domestic relations office within two weeks.);
- direction to the abuser to stay away from you, your residence, your place of employment, or your school;
- direction to the abuser to stop harassing you or your children;
- direction to the abuser not to stalk you;
- confiscation of weapons that were used or threatened to be to be used;
- prohibition of the abuser from having weapons for the duration of the PFA;
- payment by the abuser of financial losses, including medical and moving expenses, which you suffered as a result of the abuse;
- other orders to help stop the abuse

How long can a protection order last?

The emergency orders received from the Magisterial District Judge only last until the next business day when court is in session again.

The temporary orders last up to 10 business days, within which time the judge schedules a final hearing. However, if the final hearing cannot be held because of some legitimate reason, the court can continue the temporary order’s protection until the rescheduled hearing.

The final order of protection can last up to 36 months.