

## WHAT HAPPENS IF THE DEFENDANT VIOLATES THE ORDER?

Once 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 SVP or PFI order, call the police to report the violation. You or the police must then file an Indirect Criminal Contempt Complaint. Typically, a 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.

## HOW IS THE DEFENDANT NOTIFIED OF THE PROTECTION ORDER?

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

## HOW MUCH WILL IT COST?

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

## WHAT IF I WANT TO CHANGE THE ORDER?

Because the order is a legal document, only a judge can change restrictions or terms in the order; the parties themselves cannot make different arrangements. If you want to change the order, you must file a petition with the court asking that the order be changed or "modified."

## DO OTHER LAWS APPLY TO SEXUAL VIOLENCE AND INTIMIDATION?

Yes. Sexual violence and intimidation are crimes. Criminal charges may also be filed against the defendant whether or not you file a petition. Filing a SVP or PFI 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, a local domestic violence shelter, or a local legal aid office. To meet with or speak to an attorney with our program, please call the 1-800 number on the front of this pamphlet.

**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.

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## GENERAL INFORMATION BROCHURE

# *Protection From Sexual Violence or Intimidation Act*

*SVP/PFI Orders*

*Who can file for protection?*

*What is sexual violence and intimidation?*

*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 at:  
**WWW.NWLS.ORG**

## WHAT IS SEXUAL VIOLENCE AND INTIMIDATION?

The PSVI Act defines **sexual violence** as conduct between persons who are not family or household members that constitutes one of the following crimes

- Sexual offenses
- Endangering the welfare of children if the offense involved sexual contact with the victim
- Corruption of minors
- Sexual abuse of children
- Unlawful contact with minor
- Sexual exploitation of children

**Intimidation** is defined as conduct constituting a crime between persons who are not family or household members under either of the following statutes:

1. Harassment or Stalking
2. Committed by a person 18 years or older against a person under 18 years when there is no family, dating, intimate or household relationship between them

## WHAT PROTECTION CAN I GET?

There are two separate protection orders available under the PSVI Act: Sexual Violence Protection Orders (SVP) for victims of sexual violence and Protection from Intimidation Orders (PFI) for minor victims of intimidation

- Adults and minors are eligible to petition for a SVP order. However, only minors are eligible for a PFI order, and the defendant must be age 18 or older

The relief available to plaintiffs under the PSVI Act is limited to two options that plaintiffs may request when obtaining either a SVP or PFI order:

1. “No contact” against a defendant which includes, but is not limited to, restraining a defendant from entering plaintiff’s residence, place of employment, business or school as well as prohibiting indirect contact through third parties;

2. Any other appropriate relief sought by plaintiff.

The final order of protection can last up to 36 months. The judge can extend it if there is more behavior that puts you or your children at risk.

## WHO CAN FILE FOR PROTECTION?

The PSVI Act applies only to victims who DO NOT have any of the relationships defined in the PFA Act.

- The PFA Act applies to victims who have the relationships defined within “family or household member.” “Family or household member” is defined as: Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

If you do not have a relationship like the one described above, you may file under the PSVI Act

## HOW DO I FILE FOR PROTECTION?

- 1) A plaintiff files a petition for a SVP or PFI order at the prothonotary’s office at his or her county’s courthouse during regular business hours.\*
  - a) Adults file a petition for their own SVP orders but minors must have an adult file a petition on their behalf for a SVP or PFI order.
- 2) After the Plaintiff files the petition, the court holds an ex parte hearing to determine whether a temporary order is granted.
- 3) A final hearing must be held within 10 business days of the petition being filed. The sheriff’s office or other designated agency/individual will serve the defendant with copies of the petitions and orders.
- 4) While you are not entitled to 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.

The process for obtaining an emergency order under the PSVI Act is also similar to the process found in the PFA Act. When the Court of Common Pleas is unavailable, a hearing officer/magisterial district justice can grant an emergency order that expires at the end of the next business day the court is available at which point the Plaintiff must file for a temporary order in order to remain protected.

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

## HOW QUICKLY CAN I GET PROTECTION?

If the judge believes that you need the court’s protection, the judge can issue a temporary protection order immediately, without the defendant being present, and schedule a final hearing to be held within 10 business days. If the defendant chooses to attend the final hearing, he/she can consent to the entry of a final SVP/PFI order and request a full hearing to have a judge decide the case. If the final hearing cannot be held because of some legitimate reason, the court can continue the temporary order’s protection until the rescheduled final hearing.