as well as information and referral. A domestic violence counselor may be available to help an abused person seek a protection order. Your local domestic violence hotline is available 24 hours a day, and all services are confidential. To find a Domestic Violence agency in your county, visit the Victim Service Programs directory or call 800-799-SAFE for more information.

How Can I Locate an Attorney?

Many people choose to be represented by a lawyer in PFA cases.
Visit the Pennsylvania Bar Association Lawyer Referral Service online at www.pabar.org. Most counties have this same service at the local level. You can also contact your local legal services office to see if they can provide legal representation to victims of domestic violence who are seeking protection from abuse.

100 South Street, Harrisburg, PA 17101

www.pabar.org

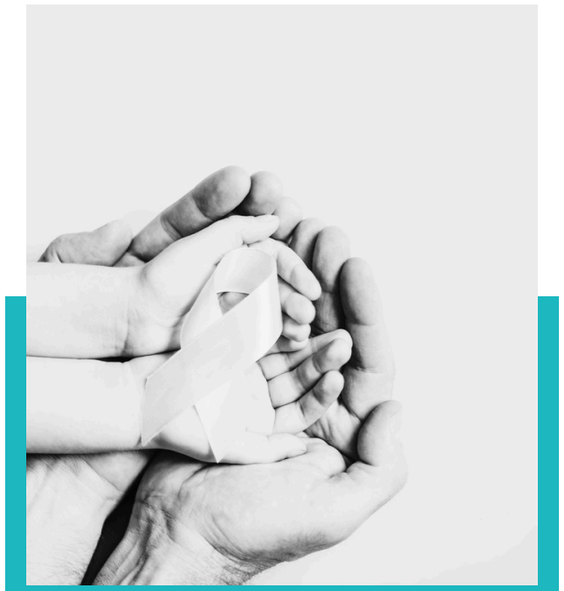
msc@pabar.org

800-932-0311

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Your Other Partner

CONSUMER LEGAL INFORMATION PAMPHLETS BY THE PENNSYLVANIA BAR ASSOCIATION



Protection from Abuse

How and Where Can I File a Protection From Abuse Action?

You can file your petition for a protection from abuse order with the Court of Common Pleas in the county where you live (permanently or temporarily), where you work, in any county where the abuser can be served (i.e., where s/he lives or works), or in the county where the abuse took place. However, if you are going to be asking the judge to remove the abuser from the home you share, you MUST file the petition in the county where your home is located. Specific filing procedures are different in every county. You will not be charged any fee for filing a PFA petition.
If you need to file a petition immediately and the county courthouse is closed, call your local police department or 911 to see which magisterial district judge is on-call. He or she may be able to grant you an emergency order that will last until the next business day when you must go to the courthouse to file for a petition for protection from abuse.

Who Can File for Protection Under the Act?

In order to file for a Protection From Abuse order you must be either an adult household member, or an adult guardian (if on behalf of a minor child); and you must have one of the following relationships with the abuser:

1. Related by marriage (current or former spouse, in-laws, etc.); or
2. Related by blood (parent, children, cousins); or
3. Biological parents of a child; or
4. Current or past intimate partner. (Intimate does not necessarily mean sexual could be dating, etc.)

What Is Abuse?

Under the Protection From Abuse Act, abuse is defined as any of the following:

1. Attempting to, intentionally or recklessly causing bodily injury.
2. Placing another, by physical threat, in fear of imminent serious bodily injury.
3. False imprisonment.
4. Physically or sexually abusing minor children.
5. Stalking a person and placing that person in reasonable fear of bodily injury.

How Do I Get a Temporary Protection Order After Filing a Petition for Protection From Abuse?

After filing a petition for protection from abuse the filing party will appear before a Judge who will review the case to determine if a temporary protection order should be granted. The judge's decision at this proceeding is based only on one person's statement—the person who is claiming to be abused. The Judge will then grant or deny a temporary protection order and schedule a final hearing that should be held within 10 days.

How is the Abuser Notified About the Temporary Protection From Abuse Order?

The abuser must be served with notice of the temporary protection order and the final hearing date. Generally, the sheriff's department or a local law enforcement agency will serve the Order on the accused abuser.

Special Note: This pamphlet has been issued to inform and not to advise. It is based on Pennsylvania law. The statements are general, and individual facts in a given case may alter their application or involve other laws not referred to here.

What is the Difference Between a Temporary and a Final Protection Order?

Temporary Order:

- Sets forth temporary restrictions against the abuser meant to immediately protect the person(s) filing for protection.
- Only the person ("party") seeking protection for that person give statements.
- Sets a Hearing date for a Final Order.
- Expires after 10 days unless extended.

Final Order:

- Sets forth restrictions against the abuser meant to protect the person(s) filing for protection for as long as the order lasts.
- At the Hearing, both people ("parties") provide evidence and witnesses for both can testify.
- Can be for a period of up to three years, unless extended.

How Do I Get a Final Protection From Abuse Order?

A Final Protection From Abuse Order can be granted in two ways, either after a Hearing by the Judge, or by agreement of both parties. At the Final Hearing both the person claiming to be abused and the alleged abuser are given a chance to tell the judge his or her side of the case and provide evidence. The Judge can grant the final protection order or deny the request for a final order and dismiss the case.

The person seeking protection and the abuser can also have a final order entered by agreement. The parties can give the judge a written agreement before or at the time of the hearing.

What Protection Can the Court Order?

A Temporary or Final PFA Order may contain the following relief:

1. direct the Defendant not to abuse, threaten, harass or stalk you.
2. direct the Defendant to stay away from your home.
3. direct the Defendant to stay away from your school or where you work.
4. prohibit the Defendant from having firearms.
5. direct the Defendant to pay you for losses resulting from abuse. These could include medical bills and lost wages.
6. direct the Defendant to attend a batterers counseling program depending on jurisdiction.
7. award you temporary custody of your children and grant you temporary support for yourself and/or the children of the Defendant (This may not apply in all cases.)
8. possession/custody of pets or companion animals.

I am Afraid of My Abuser and Am Hiding. Can I file for Protection and Keep My Address Secret?

The addresses of domestic violence agencies/shelters are protected by law. If you request address confidentiality and a judge grants you confidentiality, the judge can direct police, social service agencies and school districts to keep your address and telephone number confidential.

Is My Protection Order Enforceable in Another County or in Another State?

Yes. The Pennsylvania State Police maintains a registry of all protection from abuse orders issued throughout the commonwealth. A court will enforce a valid protection from abuse order that is issued in another county and recorded in the PSP registry.

A final protection from abuse order is also enforceable in another state if the order was issued after the abuser received notice of the hearing and had the opportunity to be involved in that final hearing, even if the abuser failed to appear or the order was entered based on an agreement.

What if the Abuser Violates the Order?

If the abuser violates any part of the order, you can call the police and report the violation. A police officer can arrest the abuser, even if the officer does not witness the abuse. After an arrest, the officer must take all weapons that were used or threatened to be used during the violation of the order or during prior acts of the abuse. An abuser who violates a PFA can face criminal contempt charges for the violation in addition to charges for any crime(s) he or she commits during the violation. After a hearing, he or she can be found in contempt and placed in jail for up to six months and/or be fined.

You can also file a private complaint for enforcement of the protection from abuse order.

What If I Want to Change or Withdraw 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 by changed or "modified."

If you wish to withdraw your temporary or final protection from abuse order you also must appear before a Judge who will decide whether to approve your request or not.

What if I Want to Live With the Abuser After Receiving a Final Protection Order?

Any provision that an abuser must not abuse the victim(s) remains in effect even if the parties are living together or choose to live together again.

Are there Other Types of Protective Orders?

Yes. Different from a Protection From Abuse Petition and Order, a person may seek a Sexual Violence Protection Order (SVPO) or a Protection From Intimidation Order (PFI).

For the purpose of getting a protection from sexual violence or intimidation order, the abuser must have committed one of two crimes against you: "sexual violence" or "intimidation" (although the abuser does not have to be arrested/reported to the police). Sexual violence is defined as actions that fall under any of these crimes:

- sexual offenses;
- endangering the welfare of children if the offense involved sexual contact with the children;
- corruption of minors;
- sexual abuse of children;
- unlawful contact with a minor; or
- sexual exploitation of children.

Unlike a PFA, an SVPO does not require a close relationship between the victim and the abuser. You can get help with filing an SVPO and access counseling, legal advice, medical help, or safety planning from an advocate in a rape crisis program. All services are private.

A Protection From Intimidation Order (PFI) is for cases of harassment or stalking where the victim is under 18 and the abuser is over 18.

Can the Final Protection Order be Extended?

There are two reasons for the Judge to choose to extend a final order: (1) If you can show that, after the final order, the abuser continued the abuse, or, if the abuser engaged in a pattern that indicates continued risk of harm; or (2) the judge may also extend the final protection order as part of a contempt proceeding.

In any case, you must file the petition for an extension before the end of the original order.

Domestic Violence Programs

Domestic violence services are offered in every county in Pennsylvania. These services include crisis hotlines, safety planning, safe homes or shelters, legal advocacy, community education, counseling, systems intervention, transportation,