

## **Protection From Abuse Act Information**

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The following offices may be able to provide you with information and/or assistance:

### **DOMESTIC VIOLENCE PROGRAM HOTLINE NUMBERS**

Schuylkill Women in Crisis  
P.O. Box 96  
Pottsville, PA 17901  
[www.s-wic.org](http://www.s-wic.org) 570.622.6220 or  
800.282.0634

### **LEGAL SERVICES**

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### **I HAVE BEEN ABUSED — HOW DO I GET PROTECTION?**

*Criminal* -Violent behavior and threats, harassment and stalking are crimes. If you have been threatened or assaulted, contact your local police department.

*Civil*-There is also a way to seek protection in civil court under the Protection From Abuse Act by obtaining a Protection From Abuse (PFA) order. If you need to file for a PFA Order and the courthouse is closed or a judge is not available, papers may be filed before a Magisterial District Judge or Municipal Court Judge.

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1. Attempting to, or intentionally or recklessly causing bodily injury, serious bodily injury, rape, spousal sexual assault or involuntary deviate sexual intercourse with or without a deadly weapon;
2. Placing another in reasonable fear of imminent serious bodily injury;
3. False imprisonment, as defined under the crimes code;
4. Physically or sexually abusing minor children; and/or
5. Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, under circumstances which place the person in reasonable fear of bodily injury.

**The PFA Act does not cover emotional abuse.**

## **WHO CAN FILE FOR PROTECTION UNDER THE ACT?**

You can file for protection if the person who has harmed or threatened or is trying to harm you:

- is or was your spouse;
- is or was living with you in a common-law marriage or as your boyfriend/girlfriend;
- is the parent of your child;
- is your child;
- is or was a sexual or intimate partner;
- is your parent; or
- is related to you by blood or marriage.

Dating relationships are covered under the PFA Act. If the abuser is a neighbor, unrelated caregiver, or roommate, this relationship is not covered under the PFA Act.

## **IS THE PFA ACT ONLY FOR ADULTS?**

An adult or emancipated minor can file for a PFA Order. If the abused person is a minor, then a parent, adult household member or guardian ad litem can file on behalf of the child.

## **HOW MUCH DOES IT COST TO REQUEST A PFA ORDER?**

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## **WHAT HAPPENS AFTER I FILE A PFA PETITION?**

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## **HOW IS THE ABUSER NOTIFIED OF THE TEMPORARY PROTECTION FROM ABUSE ORDER?**

The abuser must be served with notice of the temporary PFA Order and the final order hearing date. Generally, the sheriff's department or a local law enforcement agency will serve the PFA order on the abuser. Once the abuser knows about the PFA order, he/she can be arrested for violating it.

## **WHAT IS THE DIFFERENCE BETWEEN A TEMPORARY AND A FINAL PFA ORDER?**

Temporary order:

- States temporary restrictions against the abuser meant to immediately protect the person(s) filing for protection. (see below)
- Only the person ("party") seeking protection and witnesses (if any) for that person give statements.
- Sets the hearing date for the final order hearing.
- Expires after 10 (ten) business days, unless extended.

Final order:

- States restrictions against the abuser meant to protect the person(s) filing for protection for as long as the order lasts. (see below)
- At the hearing, both people ("parties") provide evidence, and witnesses for both can testify.
- Can be for a period of up to 36 (thirty-six) months, unless extended.

## **HOW DO I GET A FINAL PFA ORDER?**

A final PFA Order can be granted in two ways, either after a hearing or by an agreement between both parties.

*Hearing-* If there is a final order hearing, both the person claiming to be abused and the alleged abuser are given a chance to tell the judge their side of the case and provide evidence. The judge can grant the final PFA Order, or deny the final order request and dismiss the PFA Order case.

*Agreement-* The person seeking protection and the abuser can also have a final PFA Order entered by agreement. The parties can give the judge a written agreement before or at the time of their final order hearing. The parties can also appear before the judge at the scheduled time of the hearing and tell the judge the terms of their agreement on the record.

The judge may issue the final PFA Order for up to 36 (thirty-six) months.

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A Protection From Abuse order may include some or all of the following:

1. direct the abuser not to abuse, threaten, harass or stalk you or your minor children (temporary or final order);
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4. direct the abuser to refrain from harassing you, your friends or your relatives (temporary or final order);
5. prohibit the abuser from having any guns or gun permits (temporary or final order);
6. award you temporary custody of your children, and depending on the degree of abuse, award visitation or supervised visitation or deny visitation to the abuser (temporary or final order);
7. grant you temporary support for yourself and for the abuser's children (final order only);
8. direct the abuser to pay you for losses resulting from the abuse. These could include, for example, medical bills, lost wages, relocation expenses, and attorney's fees (temporary or final order);
9. grant any other relief or terms necessary to end the abuse. Sometimes this will include, for example, requiring the abuser to return keys, driver's license, or personal papers or attend a batterer's intervention program (temporary or final order);

**I AM AFRAID OF MY ABUSER AND AM IN HIDING. CAN I FILE FOR A PFA ORDER AND KEEP MY ADDRESS A SECRET?**

Addresses of domestic violence agencies/shelters are protected by law. In addition, if you request address confidentiality, and a judge decides that you are in danger, the judge can direct police, social service agencies, and school districts to keep your address and telephone number confidential. For information about programs related to confidentiality, please see the end of this information sheet.

**IS MY PFA ORDER ENFORCEABLE IN ANOTHER COUNTY?**

Yes. The Pennsylvania State Police maintains a registry of all Protection From Abuse orders issued throughout the Commonwealth. A court will enforce a valid PFA Order that is issued in another county and recorded in the Pennsylvania State Police Registry.

**IS ANOTHER STATE'S FINAL PFA ORDER ENFORCEABLE IN PENNSYLVANIA? IS A PENNSYLVANIA PFA ORDER ENFORCEABLE IN ANOTHER STATE?**

Yes, if it is a final order issued after the abuser received notice of the hearing and had the opportunity to be involved in that 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 terms of the order ("provisions") designed primarily for your safety, such as provisions that keep the abuser from your home, provisions regarding child custody and provisions that specify no abuse, no contact, no harassment, and/or no stalking, you should immediately call the police and report the violation. A police officer can arrest the abuser, even if he/she does not witness the abuse. When an abuser is arrested, all of his/her firearms are to be seized by the police or sheriff.

An abuser can be charged with "indirect criminal contempt of a PFA Order" for violating the PFA order. After a hearing, the court can find the abuser in contempt and sentence him/her to jail for up to six (6) months and/or fine of not less than \$300 or more than \$1,000. The abuser can also face other criminal charges.

You can also file a private criminal complaint for enforcement of the Protection From Abuse order. Ask (insert name of local court office) if you wish to file a private criminal complaint to enforce a PFA Order.

If the abuser violates support provisions of the order, such as child or spousal support, contact the local domestic relations office. If the abuser fails to comply with provisions that require that your losses be repaid, or certain other provisions, you may file a civil contempt complaint.

## **WHAT IF I WANT TO CHANGE THE PFA 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."

## **WHAT IF I WANT TO LIVE WITH THE ABUSER AFTER RECEIVING A FINAL PFA ORDER?**

Any provision that an abuser must not abuse the victim(s) remains in effect even if the parties are or resume living together. However, if you choose to live with the abuser after receiving an order excluding the abuser from your home, you may file papers with the court asking the court to change the PFA order to read that the abuser may live with you, but still must not abuse you and/or other people named in the order.

## **CAN THE FINAL PFA ORDER BE EXTENDED?**

There are two reasons for the judge to choose to extend a final PFA order:

1. If you can show that, after the final PFA order, the abuser continued the abuse, or, if the abuser engaged in a pattern that indicates continued risk of harm, the judge may extend the final PFA order. You must file the petition for an extension before the end of the original PFA order.
2. The judge may also extend the final PFA Order as part of an indirect criminal contempt hearing.

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6. award you temporary custody of your children, and depending on the degree of abuse, award visitation or supervised visitation or deny visitation to the abuser (temporary or final order);
7. grant you temporary support for yourself and for the abuser's children (final order only);
8. direct the abuser to pay you for losses resulting from the abuse. These could include, for example, medical bills, lost wages, relocation expenses, and attorney's fees (temporary or final order);
9. grant any other relief or terms necessary to end the abuse. Sometimes this will include, for example, requiring the abuser to return keys, driver's license, or personal papers or attend a batterer's intervention program (temporary or final order);

**I AM AFRAID OF MY ABUSER AND AM IN HIDING. CAN I FILE FOR A PFA ORDER AND KEEP MY ADDRESS A SECRET?**

Addresses of domestic violence agencies/shelters are protected by law. In addition, if you request address confidentiality, and a judge decides that you are in danger, the judge can direct police, social service agencies, and school districts to keep your address and telephone number confidential. For information about programs related to confidentiality, please see the end of this information sheet.

**IS MY PFA ORDER ENFORCEABLE IN ANOTHER COUNTY?**

Yes. The Pennsylvania State Police maintains a registry of all Protection From Abuse orders issued throughout the Commonwealth. A court will enforce a valid PFA Order that is issued in another county and recorded in the Pennsylvania State Police Registry.

**IS ANOTHER STATE'S FINAL PFA ORDER ENFORCEABLE IN PENNSYLVANIA? IS A PENNSYLVANIA PFA ORDER ENFORCEABLE IN ANOTHER STATE?**

Yes, if it is a final order issued after the abuser received notice of the hearing and had the opportunity to be involved in that 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 terms of the order ("provisions") designed primarily for your safety, such as provisions that keep the abuser from your home, provisions regarding child custody and provisions that specify no abuse, no contact, no harassment, and/or no stalking,

## **ADDRESS CONFIDENTIALITY PROGRAM**

Pennsylvania's Office of the Victim Advocate operates an Address Confidentiality Program (ACP) that provides program participants with a substitute address and a free confidential mail forwarding service. This program is for victims of sexual assault, stalking, or domestic violence. Participation in this program requires the victim to move to a location unknown to their perpetrator. The ACP is **not** a victim protection program but can be an important part of safety planning for some victims. To learn more about the ACP, and/or to apply, please contact your local domestic violence, sexual assault, or victim witness program, or call the Office of the Victim Advocate at 1(800) 563-6399.

**Special Note: This information sheet is not a replacement for an attorney trained in the law who can represent you in an abuse case. This sheet is intended 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.**

This information sheet is an update and revision of information provided by the Pennsylvania Bar Association at <http://www.pabar.org/clips/protectionfromabuse.pdf>. This sheet is updated to reflect the current status of the law as of March 20, 2013.

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