

PROTECTION FROM ABUSE

The Pennsylvania Protection from Abuse (PFA) Act allows a person who has been abused to quickly secure a court order that will keep away the abuser. This fact sheet offers a brief overview of the PFA Act.

What forms of "abuse" are covered by the PFA Act?

Under the PFA Act, abuse includes: (1) causing or attempting to cause physical injury, sexual assault, indecent assault, or incest whether or not any weapon is involved; (2) physical or sexual abuse of minor children; (3) interfering with your freedom of movement (false imprisonment); (4) placing you in reasonable fear of imminent serious physical injury; and (5) stalking or repeatedly committing other acts that cause you reasonable fear of bodily injury.

Are you protected by the PFA Act?

You are protected by the PFA Act if you have been subject to abuse by a member of your family or household, your sexual or intimate partner, or a sibling who shares a biological parent with you.

How can I seek a PFA Order?

You can file a Petition for Protection from Abuse in your county's Court of Common Pleas. You can file the petition on your own. People at the court will provide simplified forms in English and Spanish and can refer you to the local domestic violence organization or legal services programs that can offer you assistance if you need it. The petition describes the abuse and asks the judge to issue a protection order (called a PFA Order). PFA petitions can be filed by adults or emancipated minors, by parents, adult household member, or guardians ad litem on behalf of minor children, and by guardians of adults who are legally declared to be incapacitated. You don't have to pay any fees to file a PFA petition. You may be required to pay fees if you lose, but the court can waive those fees if you cannot afford to pay.

What happens after I file a PFA Petition?

After you file your Petition, the court will schedule a hearing to take place within 10 days. After you file your Petition, the sheriff will attempt to serve the alleged abuser. At the hearing both sides have the opportunity to testify and present evidence. If the judge grants the PFA Order, it takes effect immediately. You will receive copies to take with you and distribute where needed. You should deliver a copy to the local police department.

What if I need protection before a hearing can be scheduled?

If you need immediate protection before a hearing can be scheduled, you may be able to get an "emergency" or "temporary" PFA Order without a hearing. If the court is open, you can petition for a temporary PFA Order if you allege that there is an immediate and present danger of abuse. A temporary PFA Order will be terminated after the full hearing takes place (usually within 10 days). If the Court of Common Pleas is closed and you are in immediate and present danger of abuse, you can seek an emergency PFA Order by filing a petition before a hearing officer (usually the district justice). This emergency PFA Order will expire at the end of the next business day the court is open to give you an opportunity to seek a temporary PFA Order.

What kinds of protection will a PFA Order provide?

Depending on the circumstances, the judge will order the abuser to stop the abuse; evict him or her from your home (regardless of who owns the residence); establish custody and visitation rights; order the abuser to stay away from you and to stop harassing you or your relatives; prohibit the abuser from having weapons; order the abuser to pay financial losses caused by the abuse; and make any other orders that are necessary to stop the abuse. The judge may also order the abuser to pay support, but you must file a separate support case with the domestic relations office within two weeks. Once the PFA Order is granted, it is placed in the Pennsylvania State Police registry and can be enforced anywhere in the state. If you travel or move, you can file a certified copy of the Order with the court and the police in that state.

How long does a PFA Order last and can it be extended?

A final PFA Order can last for a maximum of 18 months. You can file a petition to extend the PFA Order. The court will give notice to the abuser, hold a hearing, and will grant the extension if it finds that the abuser committed one or more acts of abuse after the entry of the PFA Order or engaged in a pattern or practice that indicated continued risk of harm. If a contempt petition has been filed because of a violation of the PFA Order and no hearing has occurred before the expiration of the Order, the court can extend the Order until at least the disposition of the contempt petition.

What happens if the PFA Order is violated?

If further abuse takes place after a PFA Order is issued, the police can arrest the abuser for indirect criminal contempt. If found in contempt, the abuser can be fined up to \$1,000 and/or jailed for up to six months. However, once arrested, the abuser may or may not be jailed. Ask the police officer or prison to notify you when the abuser is released from custody. In addition to criminal charges, you can go back to the Common Pleas Court and file a charge of civil contempt.

Where can you get further information?

To obtain further information about PFAs, contact your local domestic violence program (listed in your telephone book's blue pages under Abuse/Assault); the Pennsylvania Coalition Against Domestic Violence at 717-545-6400 or 800-932-4632 (voice) or 800-553-2508 (TTD); or your local legal services organization.

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