

INFORMATION ABOUT PROTECTION FROM ABUSE FRANKLIN COUNTY

The Protection from Abuse Act is a Pennsylvania state law which gives a court the power to issue a civil (non-criminal) order to protect the following persons:

- A spouse or former spouse of the Defendant
- A parent of a common child of the Defendant
- A current or former sexual or intimate partner with the Defendant
- A child of the victim
- A child of the Defendant
- A family member related by blood/marriage to the Defendant
- A sibling (person who shares biological parenthood) of the Defendant
- A current or former cohabitant (person who lives with) like a spouse of the Defendant

To be eligible for an Order for Protection from Abuse, you must have been physically abused or be in real fear of serious physical abuse.

You can file a petition asking a Judge to grant you an Order for Protection from Abuse. You can have a lawyer represent you or you can file the petition by yourself.

GETTING HELP

PFA Petition forms: The petition forms which must be completed to start a protection from abuse action may be obtained from:

- Franklin County Courthouse (Prothonotary's office)
- PFAD.pa.gov

Emergency Protection Order forms: Emergency petitions may be obtained from the Magisterial District Courts when the Court of Common Pleas is unavailable. You can contact Franklin County Emergency Services (717.264.2813) to be put in touch with the on-call Magisterial District Judge.

Help with the forms: Free assistance, advice and guidance may be provided by Women In Need, MidPenn Legal Services, or PCAR's Sexual Violence Legal Assistance Project.

Women in Need: 717.264.4444 or www.winservices.org

MidPenn Legal Services: 800.326.9177 or www.midpenn.org

**PCAR Sexual Violence Legal Assistance Project: 717.901.6784 or
<https://pcar.org/help-pa/legal>**

Legal representation in court: An attorney may be able to represent you in court free of charge through Women In Need, MidPenn Legal Services, PCAR Sexual Violence Legal Assistance Project,

or the Franklin County Bar Association (717.267.2032). You may also hire a private attorney to represent you at your hearing.

TEMPORARY ORDER

If you are in immediate and present danger of abuse, you may request a Temporary Order. When making this request you must appear before a Common Pleas Court Judge for an *ex parte* hearing. *Ex parte* hearing means a hearing where the other party is not present. *Ex parte* hearings must occur **during courthouse business hours before 3:00 p.m.** In order to have the hearing on the same day you file your petition, you must present your completed petition to the Prothonotary **no later than 2:30 p.m.** The petition can take some time to fill out. Make sure you give yourself time to complete the petition so a judge can hear your case by 3:00 p.m. If you do not complete the paperwork timely, you may file an Emergency Protection from Abuse Order with a Magisterial District Judge or return to the courthouse the following business day.

If the judge determines you are in immediate and present danger of abuse, a temporary order will be entered by the court to provide protection between the time a petition is granted and the time of the court hearing. A court hearing where both parties are given notice to be present will be scheduled to take place within ten business days from the date the temporary order is entered.

Common Pleas Judges are unavailable after 3:00 p.m. each business day and on days the courthouse is closed, such as holidays and weekends.

FINAL ORDER FOR PROTECTION FROM ABUSE

This order can last for up to three years. It is issued by the Judge at a hearing at the Court of Common Pleas in Chambersburg, which both parties are provided notice to attend. To apply for a full order, you must fill out a petition asking the Judge to order any of the following types of relief:

- Protection from abuse, harassment, threats, or stalking.
- Evicting the defendant from the residence and/or granting you sole possession of the residence.
- Ordering the defendant not to have any contact with you and/or your children (if they have been physically abused or threatened with abuse) and/or an incompetent adult for whom you are guardian.
- Ordering the defendant not to harass your relatives.
- Granting you temporary custody of the children.
- Ordering the defendant to pay financial support for you and the children (if the defendant has a duty to support).
- Ordering the defendant to give the police or sheriff any weapons.
- Ordering the defendant to reimburse out-of-pocket expenses you had as a result of the abuse.
- Ordering the defendant to pay your legal fees.

An ORDER page for the Judge to fill in and sign on the day of the hearing must be included in your petition. **Do not write on the ORDER page.** Copies of all Final Protection Orders are sent to law enforcement agencies with jurisdiction or reason to enforce it. Copies also are maintained in a statewide database.

If you do not appear for the final PFA hearing before a Common Pleas Judge, your petition will be dismissed and any temporary orders will expire.

Violations of a Protection Order are considered contempt of court. All violations of the Temporary Orders or Final Orders should be promptly reported to the local law enforcement agency that has jurisdiction to enforce the order.

EMERGENCY ORDER

A Magisterial District Judge may only issue an Emergency Order when there is a true emergency AND the Court of Common Pleas is not available. An **emergency** order is designed to give you protection until a court opens and you have a chance to ask for an *ex parte* temporary **PFA**. If you **do** not go to court on the next business day to apply for an *ex parte* temporary **PFA**, your **emergency** order **will** expire **at 3:00 p.m. the next business day.**

Franklin County Department of Emergency Services or the Prothonotary's Office will assist you in contacting the appropriate Magisterial District Judge to request an Emergency Order after 3:00 p.m. Monday – Friday, on weekends, or on holidays.

If an Emergency Order is GRANTED:

You must contact the Court of Common Pleas the next business day to file a Petition for Protection from Abuse, request a Temporary Order, and schedule a hearing which will be held within 10 business days.

An Emergency Order may direct the Defendant from abusing the Plaintiff or minor children; exclude the Defendant from the residence or Plaintiff; and/or prohibit the Defendant from contacting the Plaintiff or the minor children protected by the order. An emergency order may not contain all the provisions or protections a temporary or final order may contain.

If an Emergency Order is NOT GRANTED:

You may still request a Temporary Order directly from the Court of Common Pleas. You will need to appear in person on a business day with your petition completed early enough to allow for a judge to hear your case by 3:00 p.m.

THIS GUIDE IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT LEGAL ADVICE. IT ALSO DOES NOT GUARANTEE THAT ANY AGENCY OR ORGANIZATION PROMISES TO HELP YOU OR TAKE YOUR CASE.