

PROTECTION FROM ABUSE ACT

Physical/sexual abuse, harassment, threats of violence or stalking is against the law. PA has a civil law called the "Protection from Abuse Act" (PFA) that can give you & your children protection through the court system. Abuse is a crime & criminal charges may be filed independent of whether or not you choose to file a PFA action.

ABUSE MAY INCLUDE, BUT IS NOT LIMITED TO:

- ♦ Causing or attempting to cause bodily injury
- ♦ Placing someone in fear of imminent serious bodily injury
- ♦ Rape or sexual assault
- ♦ Physically or sexually abusing a minor child
- ♦ Interfering with an individual's freedom of movement (blocking exits, taking your keys, locking you in a room, etc.)
- ♦ Repeatedly committing acts, such as stalking, which place an individual in fear of bodily injury

WHO CAN FILE FOR PROTECTION?

1. You must be a victim of domestic violence (if under the age of 18 this needs to be discussed with a lawyer)
2. You must have one of the following relationships to the abuser:
 - t related by marriage (spouse, in-laws, etc.);
 - t related by blood or kinship (parent, child, cousin; or biological parent of a child); or
 - t current or past sexual or intimate partner (e.g. dating relationship, living together).

To begin the PFA process contact 1(800) 852-2102.

WHAT CAN A PROTECTION ORDER DO?

A Protection Order issued by the court can:

- ♦ Direct the abuser not to abuse, threaten, harass, or stalk you;
- ♦ Possibly evict or exclude the abuser from the residence;
- ♦ Prohibit the abuser from contacting you;
- ♦ Possibly grant you temporary custody of your minor children;
- ♦ Possibly grant you temporary child/spousal support;
- ♦ Prohibit the abuser from damaging or destroying any jointly owned property or any property owned solely by you;
- ♦ Confiscate the abuser's weapons;
- ♦ Reimburse you for costs incurred as a result of the abuse;
- ♦ Direct the abuser to attend a batterer's treatment program, and
- ♦ Allow the judge to grant any other relief deemed appropriate.

PROTECTION FROM ABUSE

The Protection from Abuse Act is a civil action granted by a judge at no charge to victims of domestic violence. Obtaining the order is a two-step process.

1. Temporary Order: A judge can issue a Temporary Protection Order based on the victim's Petition for Protection From Abuse and schedule a hearing to be held within 10 days. The abuser does not need to be present at this time.

2. Final Order: A Final Protection from Abuse Order can be issued by a judge if consented to by the victim and the abuser or, if the matter is contested, a judge may enter the final order after hearing the testimony of the parties involved. The Final Protection Order may be in effect for up to 3 years, and it can be extended for additional time, if necessary.

A special procedure is in place to handle emergency situations.

Emergency Order: Emergency Orders can be issued by the on-call district justice in each county in emergency situations, which generally refer only to incidents of abuse that occur after the courts are closed (between the hours of 4:30 p.m.-8a.m. weekdays, also on weekends and holidays). This order only remains in effect until 4:30 pm the next business day. MPLS and/or DVSCP must be contacted immediately to ensure the order is extended.

Obtaining a Protection From Abuse Order

- Call Domestic Violence Services of Cumberland & Perry Counties at 1-800-852-2102 to schedule an appointment with a legal advocate/counselor.
- A legal advocate/counselor will conduct an intake, assist victims in filing a petition for a PFA and accompany them throughout the process.
- The petition will be filed with the Cumberland County Court of Common Pleas and a judge will either choose to grant, change or deny a Temporary Protection Order.
- If the Judge issues a Temporary Protection Order, a hearing will usually be scheduled within the next 10 business days.
- The Temporary Protection Order sets out the terms the abuser must abide by. The Sheriff's Department will serve the abuser with a copy of the Temporary Protection Order, which formally notifies the abuser of the terms of the Order and the scheduled hearing date.
- The abuser may do one of three things: 1) acting as his/her own counsel agree to sign the consent order or proceed with a hearing; 2) ask for a continuance to prepare or obtain counsel; 3) appear with counsel to proceed with a hearing or negotiate a consent order.
- The legal advocate/counselor will refer the victim to MidPenn Legal Services for representation in court. If the hearing is continued, the Temporary Protection Order will remain in effect pending the new hearing.
- If the matter goes to a hearing, a judge will either enter a Final Protection Order for a period of time up to 36 months or dismiss the petition.
- If the Protection Order is violated, the police should be contacted immediately.