

ERIE COUNTY COURT OF COMMON PLEAS



PROTECTION FROM ABUSE

Procedures and Information
Revised August 2015

The information contained in this booklet is merely a summary of the PFA process in Erie County. There are both state and local rules governing the process and it is your responsibility to proceed in a manner consistent with those rules. Court staff members are available in the PFA Office to provide forms, clerical assistance, and referrals to local domestic violence programs and lawyer referral services. Our staff cannot, however, provide legal advice.

THE PROTECTION FROM ABUSE (PFA) PROCESS and FREQUENTLY ASKED QUESTIONS

WHAT IS A PFA?

Any person can request an Order of Protection from Abuse (PFA) from another person who is related by blood or marriage, biologically or legally or with whom there is or was an intimate or sexual relationship. To request a PFA there must be physical harm, threats of physical harm, or a reasonable fear of serious bodily injury.

WHERE DO I GO TO GET A PFA?

You can go through the Protection from Abuse Office at the Erie County Courthouse, Room 225, 140 West Sixth Street, Erie, PA (814-451-6324). The PFA office is open Monday through Friday and you must appear at 8:30 a.m. Allow approximately one to two hours to process. You will then be required to return at approximately 11:00 a.m. to appear before the Judge. You can also begin the process by contacting your own attorney or contacting SafeNet (Erie County) (814-455-1774) or Safe Horizons (Union City) (814-438-2675). SafeNet and Safe Horizon have emergency hotlines available 24 hours a day.

WHAT PROTECTION CAN THE COURT ORDER?

The court may grant any protection order or approve any agreement meant to bring an end to the abuse.

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);
2. Direct the abuser to stay away from the house or apartment where you live, even if that is also the abuser's home (temporary or final order);
3. Direct the abuser to stay away from your school or where you work (temporary or final order);
4. Prohibit the abuser from having any guns or gun permits (temporary or final order);
5. 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);
6. Grant you temporary support for yourself and for the abuser's children (final order only);
7. 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);
8. Grant any other relief or terms necessary to bring an end to the abuse. Sometimes this relief will include requiring the abuser to attend a domestic violence program (temporary or final order).

HOW DO I GET A PFA?

The case begins with a written petition in which you state all the facts in support of your request. You will then go before a Judge, be placed under oath, and asked about your facts. You may also be asked if you are in fear of the other person and if you want that person excluded from the home. If the Judge is satisfied that your facts justify a temporary PFA Order, that Order will be issued and a date will be set for a final hearing at which you must appear. The Sheriff will be given a copy of your petition and the temporary order to serve on the other person.

It is your responsibility to keep a copy of the temporary PFA and to provide a copy to your local police agency. You must check with the Sheriff's Office (814-451-6005) around 4:00 p.m. each day until you are informed that the other person has been served with the temporary PFA.

WHAT IS "SERVICE"?

Service refers to the receipt of the petition by the defendant. The defendant must see the allegations that have been made against him/her before a hearing can be held. The Erie County Sheriff's Department normally handles service. If your defendant is in another state, is avoiding service, or another special situation exists, you may want to consult with an attorney regarding other options for obtaining service.

WHAT IF SERVICE IS NOT MADE?

The case generally will be continued until service is made. If you have a temporary order, it will remain in effect until the final hearing. **You, the plaintiff, MUST appear at the final hearing or the case may be dismissed.**

HOW WILL THE POLICE KNOW THAT I AM TO BE PROTECTED?

The Pennsylvania State Police maintain a statewide registry to record all valid temporary and final orders. The Court will send a copy of the order to the Statewide registry. You must also take a copy of your Temporary Protection Order (and final order if granted) to your local police department as well as any other police jurisdictions where protection is needed (schools, businesses, abuser's residence or work, etc.).

WHAT IS A FINAL PFA?

At the final hearing scheduled by the temporary order, the other person has the right to be present in Court, to be represented by an attorney, to cross-examine you and your witnesses and to present his or her own witnesses. It is important that you bring with you any witnesses that support your petition.

At the conclusion of the final hearing, the Judge will tell you whether a final PFA Order will be entered and its terms. It is very important for you to obtain two copies of the final Order, one for yourself and one for you to provide to your local police

department. The Court will take care of sending a copy to the Central Registry at the Lawrence Park State Police.

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. (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) 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. (See below.)
- At the hearing, both people ("parties") provide evidence, and witnesses for both can testify.
- Can be entered for a period of up to 36 months, unless extended.

YOU MUST APPEAR IN COURT FOR YOUR FINAL HEARING

Your failure to appear could result in a dismissal of the PFA. You must appear even if you are unsure whether the other person has been served with the temporary PFA. You must be on time and dress appropriately for a Court appearance. Please note that no baby-sitting services are available and children should not be brought to the hearing unless they are witnesses.

WHAT IF I WANT TO Change the PFA Order?

You must file a petition with the Court to request a modification of the Order. Because the Order is a legal document, only a judge can change the restrictions or terms in the Order; the parties themselves cannot make different arrangements.

WHAT IF THE OTHER PERSON VIOLATES THE TEMPORARY OR FINAL PFA?

You have immediate protection in an emergency by contacting the local police department and telling them what happened. The police can then arrest the other person for contempt and bring the other person before a Magisterial District Judge, who will set bail. A hearing will be set with a Judge at the courthouse.

You must appear at the contempt hearing and bring with you all witnesses. Your failure to appear could result in the contempt action being dismissed. If the other person is put in jail as a result of any actions taken against you, you should contact

Victim Witness Services (814-455-9515). That office can then contact you if and when the person is released from jail.

IS MY PROTECTION 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 protection order that is issued in another county and recorded in the Pennsylvania State Police Registry.

IS A PENNSYLVANIA PROTECTION 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. If you move to another state, take a copy of the order to the police jurisdiction where you reside.

CAN THE FINAL PROTECTION ORDER BE EXTENDED?

There are two reasons for the judge to choose to extend a final order. 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, the judge may extend the final order. In any case, you must file the petition for an extension before the end of the original order.

The Judge may also extend the final protection order if a contempt petition is pending, but the contempt hearing will not occur before the PFA order expires.

WHAT CAN I DO TO BE SAFE?

SafeNet and Safe Horizons are the certified domestic violence programs in Erie County that provide a variety of free and confidential services for victims of abuse and their children. The Protection From Abuse order you will receive today is a "tool" to help you to be safe. In order to combat the pattern of control and abuse you have been experiencing, safety planning, domestic violence education, support, and counseling are crucial elements of this tool that can help you to stay safe. SafeNet (Erie County) 455-1774. Safe Journeys (Union City) 438-2675.

SHELTER SERVICES:

Community Shelter Services, Inc.	453-5937
Horizon House (Union City)	438-2675
Hospitality House	454-8161

COUNSELING:

AA.....	452-2675
Al- ANON.....	454-4730
Catholic Social Services	456-2091
Counseling Services Center (Corry)	664-7761
Hotline.....	453-5656
Crisis Services	456-2014
Family Services	866-4500
Safe Journeys (Union City)	438-2675
SafeNet.....	455-1774
Mercy Center for Women.....	455-4577
Rainbows for all God's Children	824-1255
Union City Family Service	438-3655
Victim Services Program	455-9515
Toll Free Abuse Hotline.....	1-800-799-SAFE
Group Works, LLC (Anger Mgt & Domestic Violence).....	814-218-0551

HEALTH ASSISTANCE:

AA.....	452-2675
Al- ANON.....	454-4730
Pregnancy Counseling Services	456-2091
Hamot Medical Center	877-6000
Crimes Victim's Center.....	455-9515
St. Vincent Health Center	452-5000
St. Vincent Serenity Recovery Center	452-5555
Millcreek Community Hospital	864-4031
Corry Memorial Hospital.....	664-4641

LEGAL ASSISTANCE:

Lawyers Referral Service	459-4411
Northwestern Legal Services	452-6949