

**ERIE COUNTY
COURT OF COMMON PLEAS**



**PROTECTION
FROM
SEXUAL VIOLENCE**

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 SEXUAL VIOLENCE (SVP) **PROCESS and FREQUENTLY ASKED QUESTIONS**

WHAT IS A SVP?

A Sexual Violence Protection (SVP) order is an order entered through the civil process that requires the offender to stay away from a victim of sexual violence, regardless of whether the victim seeks criminal prosecution. Any person can request entry of an SVP order against another person who is **NOT** a family or household member (i.e. the person is not related by blood or marriage, biologically or legally or a current or former sexual or intimate partner). To request a SVP the conduct must constitute one of the following crimes: sexual offense (18 Pa. C.S. Ch. 31), sexual contact which constitutes endangering the welfare of a child ((18 Pa. C.S. §4304), corruption of minor (18 Pa. C.S. §6301(a)(1)(ii)), sexual abuse of children (18 Pa. C.S. §6312(b)), unlawful contact with minor (18 Pa. C.S. §6318), or sexual exploitation of children (18 Pa. C.S. §6320). If the victim is a minor, a parent, guardian, or adult household member must file the SVP petition on behalf of the minor.

WHERE DO I GO TO GET A SVP?

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. If the Courthouse is closed for business, you may seek emergency relief from the magisterial district court. Any order granted by a magisterial district judge will expire at the end of the next business day that the Courthouse is open for business. You can also begin the process by contacting your own attorney.

IS MY PROTECTION ORDER ENFORCEABLE IN ANOTHER COUNTY?

Yes. The Pennsylvania State Police maintains a registry of all PSV 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.

HOW DO I GET A SVP?

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 SVP 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 SVP and you should 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 and order 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 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, the City of Erie Police Department, the Erie County Sheriff's Office and the Erie County District Attorney's Office. You should 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, offender's residence or work, etc.).

WHAT IS A FINAL SVP?

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 witness that support your position that you or the minor are a victim of sexual violence and that you or the minor is at a continued risk of harm from the offender.

At the conclusion of the final hearing, the Judge will tell you whether a final SVP 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 offender meant for protection from an immediate and present danger to 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. Remains in effect until modified or terminated by the Court after the final hearing.

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; witnesses for both parties 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 SVP. 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 SVP 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 SVP?

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.

WHAT PROTECTION CAN THE COURT ORDER?

The court may grant any protection order or approve any agreement meant to protect the victim of sexual violence.

A Protection from Sexual Violence Order may include some or all of the following:

1. Direct the Defendant not to have any contact with the sexual violence victim (temporary or final order);
2. Direct the Defendant to stay away from the house or apartment where you live, your place of employment or school (temporary or final order); as well as prohibiting indirect contact through third parties.

IS A PENNSYLVANIA PROTECTION ORDER ENFORCEABLE IN ANOTHER STATE?

Yes, if it is a final order issued after the offender 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 offender engaged in one or more acts that indicate a 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 PFI order expires.

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