

## What is a Protection Order (PFA)?

A Protection Order is a special type of restraining order available only to certain victims of domestic & sexual violence. It is a civil (not criminal) order of the Court directing a defendant not to harm or contact the victim for a specified period of time.

## Who can get a Protection Order?

### Anyone abused by another person where those persons:

Are or were married to one another; or  
Are living or have lived together as spouses; or  
Are the parent or child of one another; or  
Are related by blood or marriage; or  
Are or have been sexual or intimate partners; or  
Have a child together

## Will My Situation Qualify?

### A person is the victim of abuse under the PFA Law if one of the above listed persons:

Tried to or actually injured the victim;  
Tried to or actually sexually assaulted the victim;  
Acted in a way to make the victim fear immediate serious injury;  
Held or imprisoned the victim against his/her will;  
Engaged in stalking behavior that places the victim in fear of bodily injury;  
And/or did any of the above to their children

## What can a Protection Order provide?

### A Protection Order can:

Direct the defendant to stop threatening or hurting the victim and to stop contacting the victim by telephone or other communication methods either directly or through a third party;  
Evict the defendant from the home of the victim;  
Direct the abusing person to refrain from stalking or harassing the victim;  
Order the defendant to relinquish firearms used or threatened to be used against the victim to the Sheriff's Department.

## Do I need a lawyer?

You do **NOT** need a lawyer to proceed with a protection order. However, it is a very good idea to have a lawyer represent your interests for the Final Hearing.

In most cases Neighborhood Legal Services will represent you for free, regardless of income, as long as they have not previously represented the defendant in your case. Call them for more information at 724-378-0595.

If you prefer to have a private attorney, you can call the Beaver County Bar Association Lawyer Referral Service at 724-728-4888.

## Domestic Violence & Sexual Assault Services

The Women's Center of Beaver County provides many services to victims of domestic & sexual violence including, shelter, counseling, support groups, and legal advocacy. In most cases, a Legal Advocate is present to help with the PFA process and to provide accompaniment to the PFA final hearing. You can reach the Women's Center of Beaver County's helpline 24 hours a day at 724-775-0131.

## Contacts

### Women's Center Helpline

724-775-0131

Toll Free 1-877-629-1841

[www.womenscenterbc.org](http://www.womenscenterbc.org)

### Neighborhood Legal Services

724-378-0595 or 724-774-3522

### District Attorney

724-773-8550

### Victim Witness Assistance

724-773-8570



## Protection From Abuse Order

*What it is...  
Who can get it...  
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# Steps to Obtain a Temporary & Final Protection from Abuse Order

If you believe that you have been the victim of abuse and want to petition the Court of Common Pleas for a Protection From Abuse order, you should report to the PFA Room at the Beaver County Court House at 8:30 a.m., Monday through Friday.

## Filling Out Forms

You will be provided with an Intake Form that you must fill out as thoroughly as possible. A Women's Center Advocate is usually available to assist with this process. You will need to describe the most recent incident from which you are seeking protection and any past abuse in a more general manner.

The Service Information sheet requires you to provide information about the defendant in order to help the Sheriff's Department to serve him/her with the Petition and Temporary Order should the PFA be granted. The defendant must be served to be made aware of the allegations against him/her and of the hearing date, where he/she has the opportunity to present a defense. A Final Order cannot be granted unless the defendant has been served.

## The Interview

After completing the Intake Form, your answers will be entered into the system and printed out. At that time, you will be interviewed by a Judicial Law Clerk, who will review all of your paperwork to ensure that the necessary information has been obtained and is included in the Petition.

The Law Clerk will take the forms to a Judge for his/her review. You will have to appear before the Judge, be placed under oath, and testify to the allegations of abuse. The Judge will either grant or deny the Petition based on whether the incident you described meets the criteria for entering a Temporary Order under the Protection From Abuse Act.

## If your Temporary PFA is granted:

The Temporary Protection Order will be in effect for approximately 7-10 days and a Final Hearing will be scheduled to determine whether a Final Order

will be entered.

The Original Petition and Order will be filed at the Prothonotary's Office and copies will be given to you for your records, to keep with you at all times, and to file with your local police department. Your copies will have the date, time, and courtroom of your final hearing.

You may contact Neighborhood Legal Services to obtain representation, free of charge, for your Final Hearing at 724-378-0595.

## If your Temporary PFA is denied:

In the event that the Court of Common Pleas reviews your petition and denies you the relief you are seeking, you may challenge that decision and request that a final hearing be scheduled. At the hearing, you can add additional evidence, including testimony, to show that you are entitled to protection under the Protection from Abuse Act. You may wish to contact an attorney before the final hearing to represent you.

If you do not wish to challenge the decision, you may waive your right to a final hearing and that ends the process.

You are **NOT** barred from petitioning the court again if another incident occurs.

You can talk to a Women's Center Advocate for information on safety planning and what to do in the event of further abuse.

## The Final Hearing

You should be at the Courthouse, **on time**, on the day of your hearing.

*If the defendant has been served*, he/she is required to be at the Final Hearing. Before going into the hearing, you and the defendant, through your attorney or the Judicial Law Clerk, will have a chance to work out an agreement. If you can agree upon a period of time for the defendant to stay away, the Final Order will be granted for that amount of time. If no agreement can be reached, the Final Hearing will take place. The Judge will make the

determination and will either deny the order or grant it for whatever period of time the Judge deems necessary.

*If the defendant has not been served*, the hearing will be continued for one week in order to try to find him/her. You will be required to appear again the following week. If the defendant still has not been served, the Temporary Order may be continued generally until the defendant has been served.

## Failure to Appear

If the defendant fails to appear for the Final Hearing and has been served, the Court may enter a Final Order for up to three years against him/her.

If you (the petitioner) fail to appear without notifying the Court and asking for a continuance, your petition will be dismissed and the Temporary Order will no longer be in effect.

## Violation of a PFA

If the defendant violates the Temporary or Final PFA Order, you should notify the police immediately. The police may arrest the defendant if they have probable cause to believe the defendant has violated the order. You also have the right to file a private complaint if you believe the order has been violated and the police do not notify the on-duty District Justice.

Once the District Justice's office notifies the Court of an alleged violation, a hearing will be scheduled. If the Court determines that the Order has been violated, the Court of Common Pleas may hold the defendant in Indirect Criminal Contempt and punish him/her in accordance with the law.

The maximum punishment for Indirect Criminal Contempt is 6 months in jail, supervised probation and/or up to \$1,000 fine.