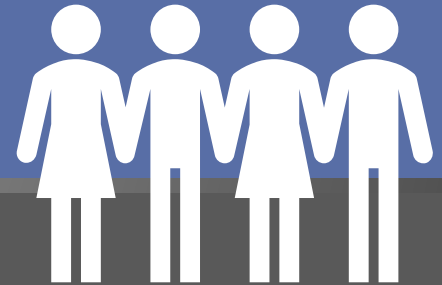




PENNSYLVANIANS
FOR MODERN COURTS

Protection from Abuse Hearing Process in Allegheny County



Allegheny County Law Library

November 18 , 2021

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The Allegheny County Law Library

- Located on the 9th Floor of the City-County Building, 414 Grant Street, Pittsburgh, PA 15219 (elevators on Grant St. side)
- Hours: 9 am – 4:30 pm Monday through Friday
- Phone: 412-350-5353
- Email: acll@duq.edu
- Website: acllib.org
- Open to the public, most services free of charge
- Legal research assistance but not legal advice





Our Host and Moderator

- Lori Hagen, Reference Librarian
Allegheny County Law Library, 921 City-County Building
414 Grant Street, Pittsburgh, PA 15219 412.350.5339
hagenl@duq.edu
- Thomas W. Bailey, Esquire,
Pennsylvanians for Modern Courts
Pittsburgh Program Coordinator
412.467.9262
tbailey@pmconline.org



30 Years of Fighting for Fair Courts in Pennsylvania

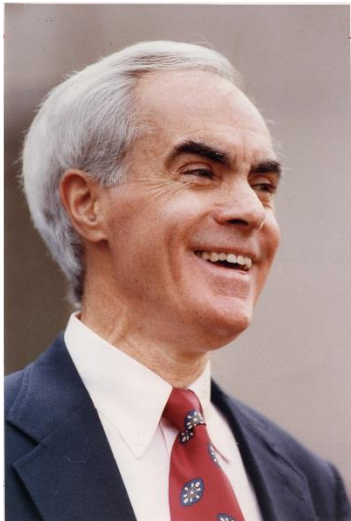
Pennsylvanians for Modern Courts is the **only statewide nonpartisan nonprofit organization** dedicated to ensuring that all Pennsylvanians can come to our courts with confidence that they will be heard by qualified, fair and impartial judges.

None of the speakers today are here to give legal advice. Should you wish to receive legal advice specific to your unique situation, please talk with an attorney individually.





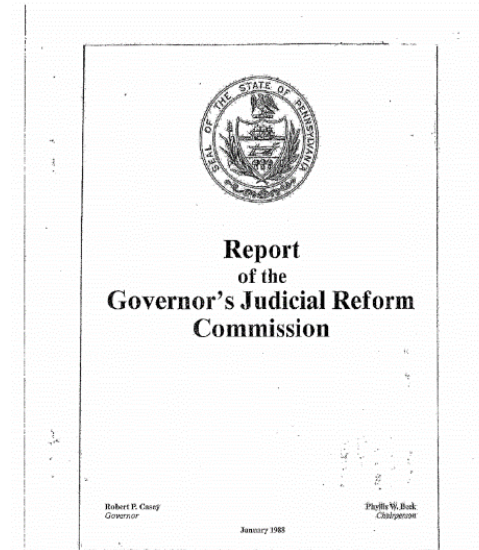
PMC's History



Governor Robert Casey commissioned a blue-ribbon panel of civic leaders, public officials, legal professionals and members of the judiciary to examine judicial reforms. Then Superior Court Judge Phyllis W. Beck chaired the commission.

The panel discovered that confidence in the judiciary was appallingly low, in large part due to the system of electing judges and the fundraising that goes along with it.

This finding, combined with several scandals in the late 1980s involving Pennsylvania judges, led our founders to determine that a nonprofit organization was needed to fill the vacuum of judicial oversight and be a herald for judicial ethics.





Agenda

1. Protection from Abuse Frequently Asked Questions; Q & A.
2. What to Expect at the Final Hearing; Q & A.
3. What happens if a Defendant violates the PFA Order; Q & A.
4. Our Feedback Poll. Your Safety Plan.
5. Allegheny County Law Library PFA Research Guide.

Handout for notes & contact info*



Our Presenters

Brittany Conkle, Esquire

- Senior Staff Attorney
- Women's Center & Shelter Civil Law Project
- Pittsburgh, PA
- Conkleb@wcspittsburgh.org



Our Presenters

Beth Keenan, Esquire

- Assistant Administrator for the Family Division PFA Department
- Pittsburgh, PA
- Beth.keenan@alleghenycourts.us



Our Presenters

Dan Hargreaves, Esquire

- Managing Attorney of Family Law
- Neighborhood Legal Services
- Pittsburgh, PA
- Hargreavesd@nlsa.us

What is a PFA?

A protection from abuse (PFA) order is a civil court order to help protect victims of domestic violence, providing relief from abuse by an intimate partner, family or household member.

Source:

<https://www.pacourts.us/news-and-statistics/news/news-detail/1084/a-closer-look-at-protection-from-abuse-orders-in-pennsylvania>.

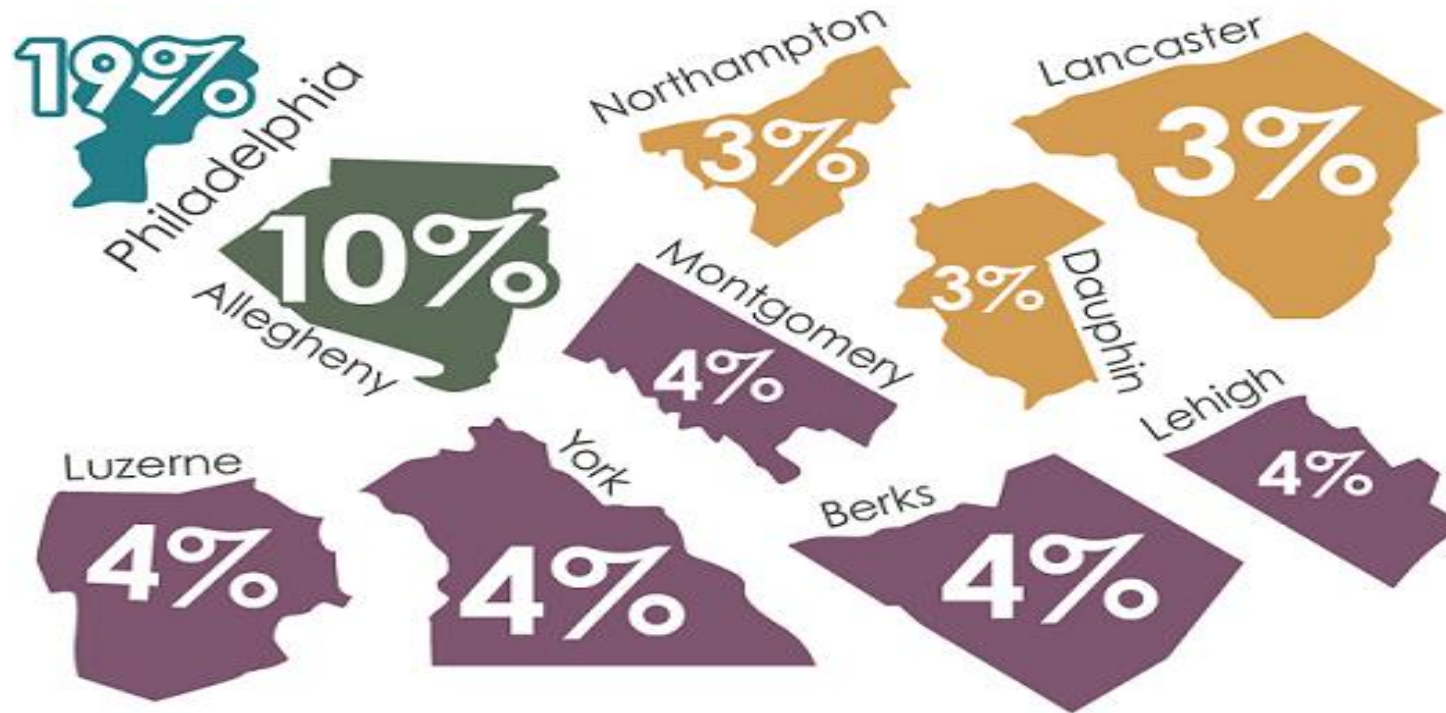
In 2020, the number of PFAs filed **decreased by 11% from 2019.**



Source:

<https://www.pacourts.us/news-and-statistics/news/news-detail/1084/a-closer-look-at-protection-from-abuse-orders-in-pennsylvania>

Top 10 counties with highest number of new PFA cases in 2020:



Percentages given reflect the percent of total state filings.

Source:

<https://www.pacourts.us/news-and-statistics/news/news-detail/1084/a-closer-look-at-protection-from-abuse-orders-in-pennsylvania>

Administrative Office of PA Courts stats reported so far this year for PFA Petitions filed each month in Allegheny County.

January	272
February	234
March	304
April	260
May	280
June	340
July	329
August	309
September	334



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Protection from Abuse (PFA) Frequently Asked Questions

Information on some of these slides have been adapted from Neighborhood Legal Services' website or <https://www.pacourts.us/news-and-statistics/news/news-detail/1084/a-closer-look-at-protection-from-abuse-orders-in-pennsylvania>

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What is
abuse?

- Causing, trying to cause or threatening to cause physical harm
- Rape or sexual assault
- Putting someone in reasonable fear of immediate and serious harm
- Stalking or performing acts that would put someone in fear of harm
- Kidnapping or extreme control

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- Adult household members or an adult who is a guardian of a minor child OR
- You must have one of the following relationships to the abuser:
 1. Related by marriage (spouse or in-laws)
 2. Related by bloodline (parents, children or cousins)
 3. Biological parents of a child or
 4. Current or past "intimate" partners (sexual and/or dating)

Who may
file for a
PFA?

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What types of relief may I seek?

- Stop abuse of adults & children
- Exclusion of alleged abuser from residence
- Suitable housing
- Temporary custody or visitation rights
- Pay spousal/child support or health insurance
- No contact/harassment of victims of abuse, including extended family members
- Alleged abuser relinquish weapons
- Pay reasonable economic losses due to abuse



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How do I
get
protection?

- An abused person can go to their local Magisterial District Judge (MDJ) after 11:00 a.m., during regular business hours. Call first to verify the MDJ is available.
- If the abuse occurs on a weekend, during court holidays or after business hours, you may get an Emergency PFA Order from a MDJ at the Pittsburgh Municipal Courts Building, 660 First Avenue, Pittsburgh, PA 15219.
 1. Emergency PFA Orders last until the close of the next business day.
 2. You should then file for a Temporary PFA Order.

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Municipal Courts Building, Pittsburgh

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How do I get
protection
during
normal
business
hours?

- If the abuse occurs during the week you may file for a Temporary PFA Order at the Allegheny County Family & Juvenile Court facility at 440 Ross Street, Suite 3030, Pittsburgh, PA 15219, Phone 412.350.4441 (PFA Court)
 1. Arrive between 8:30 and 11 am. Expect to stay at PFA Court for 3-4 hours.
 2. You will need to complete a PFA Petition and appear at a hearing before a Judge.
 3. A free, secure children's playroom is available at the PFA Court.
 4. This Temporary Order will only last until the date for the Final Hearing set by the PFA Court where both sides may present evidence to a Judge.
 5. The Final Hearing will take place within 10 business days of the issuance of the Temporary Order.

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Allegheny County Family & Juvenile Court Facility

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In 2020:

34,678

new petitions requesting relief under the PFA Act (Title 23, Chp. 61) were filed

89%

of temporary PFAs filed (valid until a final hearing) were granted

Source:

<https://www.pacourts.us/news-and-statistics/news/news-detail/1084/a-closer-look-at-protection-from-abuse-orders-in-pennsylvania>

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How do I
establish a
“safety
plan?”

- A legal advocate from one of the area domestic violence shelters and a family law attorney from Neighborhood Legal Services will be on-site at the PFA Court's Safe Families Resource Center to assist and provide information.
 1. Women's Center and Shelter of Greater Pittsburgh
 2. Crisis Center North
 3. Center for Victims;
 4. Alle-Kiski Area HOPE Center (Your safety plan slide below)



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- The PFA Court strongly recommends that plaintiffs obtain legal representation for the Final Hearing.
 1. Free Legal Representation- When applying for a Temporary PFA order, plaintiffs may complete a Lawyer Referral Application at the PFA Court. They may meet with a legal advocate to determine if they qualify for free representation for the Final hearing.
 2. Neighborhood Legal Services, 928 Penn Avenue, Pittsburgh, PA 15222-3757 412.255.6700 www.nlsa.us
 3. Private Legal Representation- Plaintiffs may retain their private or divorce attorney to represent them at the Final hearing. Plaintiffs may also contact the Allegheny County Bar Association's Lawyer Referral Service 412.261.5555.

Legal
Represen-
tation for
the Final
PFA
Hearing?

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How is the Abuser notified of the Protection Order?

- Both Emergency and Temporary Orders are issued without the abuser present.
- A victim of abuse, who files for a PFA, is known as the Plaintiff. It is the Plaintiff's responsibility to transport a copy of the Temporary Order to the police for service.
- The police department, where the alleged abuser lives or works, will then serve him/her with a copy of the Temporary Order. The alleged abuser is known as the Defendant.
- A second option is where someone over the age of 18 may personally serve a copy to the Defendant. The person serving the notice signs an affidavit of service afterwards.
- The affidavit of service must be brought to the Final Hearing.



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Your questions?

Please raise your hand or enter your question in the Chat.

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What to expect at the Final Hearing?

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What to expect at the Final Hearing?

The Final PFA Hearing is the scheduled date and time for the Defendant to appear in PFA Court to either contest or consent to the issuance of a Final PFA Order.

- **DISMISSALS:** If the Plaintiff does not appear at the Final PFA Hearing, the Temporary PFA Order may be dismissed.
- **WITHDRAWALS:** The Plaintiff may withdraw the request for a PFA and the Temporary PFA Order will be terminated.

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- CONTINUANCES: A Temporary PFA Order may be extended and a new Final PFA Hearing date may be rescheduled for various reasons:
 1. Continuances may be granted when the police have been unable to locate and serve the Defendant,
 2. Defendant requests more time to obtain legal representation, or
 3. Either party or their attorneys makes a reasonable request for a continuance.

What to
expect at the
Final
Hearing?



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What to expect at the Final Hearing?

- FINAL PFA ORDER BY DEFAULT: If the Defendant does not appear at the Final PFA Hearing and there is sufficient proof that the Defendant received proper notice of the date and time of the hearing, then a Final PFA Order may be issued against the Defendant, for up to three (3) years.
- FINAL PFA ORDER BY CONSENT: If the Defendant appears at the Final PFA Hearing, the parties are given the opportunity to negotiate a settlement of the case through the entry of a Final PFA Order, for up to three (3) years.
 1. Both parties must agree and give written consent to the length and terms contained in the Final PFA Order.



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- FINAL PFA ORDER AFTER A HEARING: If the parties can not negotiate a settlement of the case, a Final PFA Hearing will be conducted by a Judge.
 1. Both parties may testify and present relevant witness testimony and evidence about the case to the Judge.
 2. The Judge will decide if a Final PFA Order is issued and, if so, for how long of a time period.

What to
expect at the
Final
Hearing?



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How long
can a PFA
Order last?

- Emergency Orders only last for the weekend they are issued.
- Temporary Orders last up to 10 days, within which time the Judge schedules the Final Hearing
- Final Orders can last anywhere from one day to three years.
- A judge can extend any of these orders if they feel you are still at risk or if the Defendant violates the order.

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Source:

<https://www.pacourts.us/news-and-statistics/news/news-detail/1084/a-closer-look-at-protection-from-abuse-orders-in-pennsylvania>

PFA case outcomes:

	processed cases	% of total
Plaintiff did not appear in court	8,065	(24%)
Withdrawn by plaintiff	7,928	(24%)
Final order granted	6,095	(18%)
Agreement reached between parties	5,464	(17%)
Temporary order dismissed/denied	3,870	(12%)
Final order denied	1,489	(5%)
Other	165	(<1%)

Total # of PFA **cases processed** in 2020: **33,076**



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Your questions?

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What happens if a
Defendant violates
the PFA Order?

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There are two different types of “provisions” within PPFA Orders.

A PFA Order is composed of many sentences and sections.

Some of these sections or provisions guarantee the safety of the Plaintiff and any other abused person. These provisions include--no abuse--exclusion from property--custody—no contact—no harassment—stay away from work/school—giving up weapons.

These are safety provisions.

A second type of provision does not involve physical safety. These non-safety provisions discuss support, damage, attorney fee payments and orders for Defendants to go to batterers’ counseling.



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What
happens
if Defendant
violates a
safety
provision?

- Immediately call 911 and request police support. Local law enforcement may be able to arrest the Defendant for violating the PFA Order.
- If the police do not arrest the Defendant immediately, you must take a copy of your PFA Order to either your local MDJ's office or to Arraignment Court in the Pittsburgh Municipal Courts Building.
- File an Indirect Criminal Contempt Complaint For Violation of a Protection From Abuse Order (ICC).
- An arrest warrant may then be issued so that the Defendant may be arrested.

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- If there is enough evidence that the Defendant might have violated the PFA, they will notify the PFA Court and a contempt hearing will be scheduled.
- A hearing will take place in front of a Judge who will determine if the PFA was violated and, if so, how the Defendant will be punished.
- The Judge can order the following:
 1. An Extension of the PFA Order
 2. A fine up to \$1,000.00 and/or
 3. Up to six months in jail

What
happens if a
Defendant
violates a
safety
provision?



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What
happens
if Defendant
violates a
non-safety
provision?

- Plaintiff must file a motion for Civil Contempt with the PFA Court to schedule a hearing.
- At this hearing, Plaintiff and Defendant will appear before a Judge who will determine whether the Defendant has violated a non-safety provision of the PFA Order.
- The Defendant is not subject to being arrested, sentenced to jail or to pay a fine.
- The Judge may modify or extend the PFA Order as a result of the Civil Contempt hearing.



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Your questions?

Please raise your hand or enter your question in the Chat.

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Please Take Our Poll.
Give us Feedback.

Your Safety Plan.

tiny.one/PMCPoll

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Your Safety Plan.

Domestic Violence Program Resources

- ▶ Pennsylvania Coalition Against Domestic Violence (PCADV)
 - umbrella agency for Domestic Violence Programs that provide services for DV victims in all counties in Pennsylvania
 - see map of programs at <http://www.pcadv.org>
- ▶ NCADV-National Coalition Against Domestic Violence
1-800-799-SAFE (English & Spanish)

Your Safety Plan.

Allegheny County Domestic Violence Programs

Women's Center and Shelter of Greater Pittsburgh

(City of Pittsburgh and Allegheny County)

Crisis Center North

(Northern and Western Suburbs of Allegheny County)

Center for Victims

(Mon-Yough area and Allegheny County)

Alle-Kiski Area HOPE Center

(Alle-Kiski Valley and Northeastern Allegheny County)



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Your Safety Plan.

WC&S Trauma-Informed Programs and Services

Call/Text/Chat - 24/7 Hotline

Emotional support, safety planning, information, referrals, and screening for Shelter/services

Call 412-687-8005 (available 24/7), text 412-744-8445 (9 a.m. - 9 p.m. daily), or visit [WCSCanHelp.org](https://www.wcscanhelp.org) and click Chat for Help (9 a.m. - 9 p.m. daily).

Emergency Shelter

Empowerment Center

Support groups & individual therapy

Children's Program

Child care program, Counseling, & Behavioral Support

Legal Advocacy and Civil Law Project

Immediate Needs Coordination

[WWW.PMCONLINE.ORG](https://www.pmconline.org)

Your Safety Plan.

Shelter living room, dining area, and hallway





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THE
VIOLENCE
AT HOME
SIGNAL
FOR HELP



1. Palm to camera and tuck thumb



2. Trap thumb

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Allegheny County Law Library PFA Research Guide

Compiled by Lori Hagen, Reference Librarian



Allegheny County
Law Library
Room 921
City-County Building
414 Grant Street,
Pittsburgh, PA 15219

Phone: 412-350-5353

Website: acclib.org

Email: accl@duq.edu

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Pennsylvania Protection From Abuse

Primary Sources

1. Statutes (State laws):

Purdon's Pennsylvania Statutes, Annotated

- Title 23, Domestic Relations
- Chapter 61 – 67, Abuse of Family § 6101 et.seq.

2. Administrative Codes and Regulations:

Pennsylvania Code

- Title 231, Rule 1905

Pennsylvania Bulletin

Pennsylvania Rules of Court - Actions Pursuant to Protection from Abuse Act Pa R.C.P Rule 1901

3. PA Cases:

West's Pennsylvania Digest 2d Protection of Endangered Persons, Vol. 49B

Secondary Sources

1. Encyclopedias

Pennsylvania Law Encyclopedia, 2d KFP65.P42

- Domestic Violence - vol. 32 Mag Judg 22, 42 et seq.,
- Protection from Abuse Act, vol. 20 , Crim Law 1541, 1542

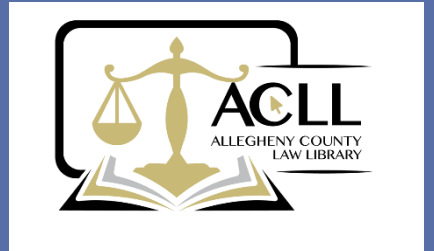
Standard Pennsylvania Practice 2d. KFP 530.S7, Abuse of Persons, §126:1366, et seq.

Summary of Pennsylvania Jurisprudence 2d. KFP 65.L42, Protection from Abuse Act, FAMLAW 12:1-51

Domestic Violence and Domestic Abuse by Sara J. Berman, <https://www.nolo.com/legal-encyclopedia/domestic-violence-33813.html>

2. Citators

- ***Shepard's Pennsylvania Citations***
- ***KeyCite*** (Westlaw)
- ***Family Law Citator*** by Carol Behers. PBI. 12th edition. KFP 94 .A53 R3812 (2021)



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3. Book Subjects

- Domestic Relations – Law and Legislation – Pennsylvania
- Divorce – Law and Legislation – Pennsylvania
- Also, browse the Main Reading Room shelves at KFP 94

4. Forms

- **Civil / Family Court Forms, Filing Fees & FAQs**
<https://www.alleghenycourts.us/family/Default.aspx>
- **Library of Pennsylvania Family Law Forms** by Joseph Britton. KFP 94 .A65 B75 2017
- **Dunlap-Hanna Pennsylvania Forms** KFP 68.M4, Vol. 9 Protection from Abuse, Chapter 108.
- **Family Law Practice in Western Pennsylvania**, by Ronald M. Friedman. KFP 94 .A75 F32 2018
- **Court Information – Pennsylvania Courts – Self-Help Centers, Information and Forms**
<https://www.palawhelp.org/issues/children-and-families/domestic-violence-protection-from-abuse?channel=court%2Dinformation&location=all&category=pennsylvania%2Dcourts%2Dself%2Dhelp%2Dcenters%2Dinforma>
- **West's Pennsylvania Forms** KFP 68.W48, vol. 4 Domestic Abuse, Chapter 11

5. Introductory Resources

- **Pennsylvania Family Law: Practice and Procedure** by Joanne Ross Wilder
- West's Pennsylvania Practice. KFP 80 .W47 Vol. 17 2019 (2021 Suppl)
- **Goodrich –Amram 2d** Rule 1900



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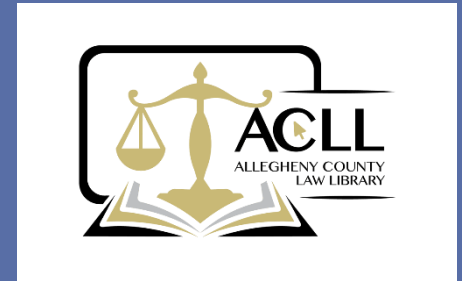
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6. Treatises

- *Bisel's Pennsylvania Domestic Relations Lawsource*. KFP94 .B57 2021

7. Websites

- **Protection Orders. The Unified Judicial System of Pennsylvania**
<https://www.pacourts.us/learn/protection-orders>
- **Pennsylvania Office of Victim Services** <https://pcv.pccd.pa.gov/available-services/Pages/Protection-Orders.aspx>
- **Pennsylvania Restraining Orders.** WomensLaw.org – <https://www.womenslaw.org/laws/pa/restraining-orders/protection-abuse-orders-pfa>
- **Protection From Abuse** PaLawHelp.org - [https://www.palawhelp.org/resource/protection from abuse-7](https://www.palawhelp.org/resource/protection%20from%20abuse-7)
- **Pennsylvania Coalition Against Domestic Violence** - <https://www.pcadv.org/about-abuse/intervention/how-to-get-a-restraining-order/>
- **Protection From Abuse** PaLawHelp.org - [https://www.palawhelp.org/resource/protection from abuse-7](https://www.palawhelp.org/resource/protection%20from%20abuse-7)
- **Pennsylvania Coalition Against Domestic Violence** - <https://www.pcadv.org/about-abuse/intervention/how-to-get-a-restraining-order/>
- **Protection from Abuse (PFA)** Neighborhood Legal Services -
<https://www.womenslaw.org/laws/pa/restraining-orders/protection-abuse-orders-pfa>



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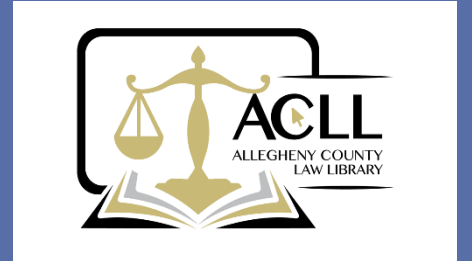
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Alle-Kiski HOPE Center (Alle-Kiski Valley)
1-(888) 299-4673 or (724) 224-1100
www.akhopecenter.org

Women's Center & Shelter of Pittsburgh
(412) 687-8005 or text (412) 744-8445
www.wcspittsburgh.org

Crisis Center North
(Northern Suburbs & Allegheny County)
(412) 364-5556 or (866) 782-0911
www.crisiscenternorth.org

Center for Victims
Mon-Yough & Allegheny. County
1-866-644-2882
3433 East Carson Street
Pittsburgh, PA 15203
412-432-3240
www.centerforvictims.org



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Thank you to our audience
and presenters.

Special thanks to Nick Wedig
and Marty Barron for their
technical help.

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about court processes and
procedures? Call our PMC
Listens™ helpline.

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PITTSBURGH AREA
(412) 368-2877

