

Protection From Abuse (PFA)

According to the Protection From Abuse Act, abuse is:

The occurrence of one or more of the following acts between family or household members, sexual or intimate partners, or persons who share biological parenthood:

1. Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury, serious bodily injury, rape, spousal sexual assault, or involuntary deviate sexual intercourse with or without a deadly weapon
2. Placing (by physical menace) another person in reasonable fear of imminent serious bodily injury.
3. The infliction of false imprisonment
4. Physically or sexually abusing minor children
5. Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority, under circumstances which place the person in reasonable fear of bodily injury.

If you are being abused by someone you know, you are a victim of domestic violence. It is against the law for anyone to hurt you, including someone who lives with you. There are legal options available to you. A Crossroads Legal Advocate may assist you in determining some of your options.

A LEGAL ADVOCATE IS NOT AN ATTORNEY, HE/SHE CANNOT GIVE YOU LEGAL ADVICE

Protection From Abuse Order

A PFA is a special type of restraining order which is available to victims of domestic violence. This is a court order telling the abuser not to harm the victim. Anyone who has been assaulted or threatened with bodily harm by a family or household member, or a former family or household member, may apply for a PFA.

If you are the victim of domestic violence, you have the right to go to court and file a petition requesting an order for the protection from domestic abuse pursuant to the Protection From Abuse Act (23 Pa. C.S. Ch. 61), which could include the following:

1. An order restraining the abuser from further acts of abuse.
2. An order directing the abuser to leave your household
3. An order preventing the abuser from entering your residence, school, business, or place of employment.
4. An order awarding you or the other parent temporary custody of or temporary visitation with your child or children
5. An order directing the abuser to pay support to you and the minor (children) if the abuser has a legal obligation to do so
6. An order directing the abuser to turn over any weapons used during the abuse

PFA and Individual Responsibility

1. Evaluation Process - An evaluation of your abuse is needed to assist in determining what options are available to you. This consists of a series of questions that you will be asked regarding current and past abuse and brief history of the relationship
2. Temporary PFA - Upon completion of the evaluation, you will be instructed to fill out a petition seeking relief from abuse. This petition will be presented to the judge and upon his ruling he will determine whether you have significant grounds to receive a temporary protection order. This order is in effect until the final hearing process.
3. Final PFA Hearing - This hearing is with the defendant present. A hearing may be held by the Judge (Jefferson County) or a Master (Clearfield County) to determine whether a final PFA will be granted. This order can be in effect for up to 18 months.
4. Withdrawal of the PFA - If at any time you desire to withdraw a PFA, please contact a Crossroads Legal Advocate for information on the withdrawal processing your county. Up until this point there is usually no cost, however, should you motion the court for a withdrawal you will be assessed the filing and court fees. These fees need to be paid prior to the withdrawal of the process.
5. It is your responsibility to uphold the Protection Order - This is not something to be taken lightly, nor should it be done without forethought. In your order it will state that the defendant shall not have contact with the petitioner in any manner. This means that you, also, must not have contact with the defendant. You may be contributing to a violation of your own order if you try to contact the defendant while the order is in effect. The police department may arrest the defendant if contact is made during an existing order:
 - a. If a violation of the order occurs, please contact the police department that services the area where the abuse occurred.
 - b. Notify your Legal Advocate of any and all violations

THERE IS HELP FOR YOU