

County of Adams

Courts' Self-Help Center – Packets

PROTECTION FROM ABUSE

This packet is to be used to obtain a Protection from Abuse Order.

DISCLAIMER

Court staff cannot give you legal advice or help you complete these forms. The information in this packet is not a substitute for professional legal advice. The Court, the Adams County Bar Association and the Family Law Committee assume no responsibility and accept no liability for actions taken by users of these documents, including reliance on their contents. If you want to obtain the services of an attorney but do not know whom to contact, please call the Pennsylvania Lawyer Referral Service at 1-800-692-7375. A list of Attorneys Practicing in Adams County available for consultation on filling out self-help custody and divorce forms can be found on the Courts' Self-Help webpage at

<https://www.adamscountypa.gov/courts/courtadministration/selfhelpcenter>

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Notice to Protection from Abuse Petitioners

If you wish to file a petition seeking a protection from abuse pursuant to 23 Pa. C.S.A. § 6101 et seq, please be advised:

1. You have the absolute right to file a petition without being represented by counsel. Because a petition for protection from abuse is required to include certain information, the Court has adopted a form for your use that meets all filing requirements. If you are reading this information inside of the Protection from Abuse packet, then you have picked up the correct form. Once you have completed the information in this form, you may file these documents with the Adams County Prothonotary's Office, first floor of the Adams County Courthouse.
2. Although you have the right to file a petition for protection from abuse on your own, you are encouraged to seek the assistance of an advocate to help you through the process. An advocate is available to assist you 24 hours a day/7 days a week, at no charge to you, by contacting:

Safe Home
717-632-0007

<https://www.ywcahanover.org/what-were-doing/safe-home/>

3. During non-business hours (weekdays after 3:30 p.m. and weekends), you may obtain an emergency petition from a Magisterial District Judge by contacting "911" (Adams County Control) or calling either 717-334-8101 or 717-624-2101. If you contact an advocate from Safe Home, the advocate will be available to provide you with assistance in preparing and filing an emergency petition before a Magisterial District Judge unless you request otherwise.
4. The following services are available to assist you in obtaining legal services (between the hours of Monday-Friday 8:30 a.m.-3:30 p.m.):

MidPenn Legal Services
123 Baltimore Street, Suite 301
Gettysburg, PA 17325
Phone: 1-800-326-9177

Legal Aid & Referral Committee
717-337-9846 Ext. 3
to determine which attorney is assigned to the current month

5. The following is the procedure to obtain an emergency PFA petition (after 3:30 Monday-Friday or on the weekends):

In an emergency situation when the Courthouse is closed or after 3:30 p.m. Monday - Friday, you must file your PFA Petition with the Magisterial District Judge (MDJ) on duty. You can do this by calling Adams County Control (717-334-8101), tell them you want to file an emergency PFA Petition, and ask them to contact the on-duty MDJ. You can also review the instructions on how to fill out the emergency PFA documents that are included in this packet. You do not need an attorney to do this, but there are Legal Advocates from Safe Home available twenty-four hours a day, seven days a week to help you through this process. Safe Home offers free, emergency and crisis services, exit planning, safety planning and confidential counseling for victims of abuse. You can contact these agencies any time, during any step of this process at the numbers listed above and your information will be kept completely confidential.

Please be advised it is not necessary that an attorney be involved in the filing of a petition for protection from abuse as you may file a petition on your own. If you choose to do so, it is strongly recommended that you contact the advocate identified above for assistance.

6. The following additional victim services are available to victims of domestic violence:

Pennsylvania Coalition Against Domestic Violence
24-Hour National Helpline 1-800-799-SAFE (7233)

INSTRUCTIONS FOR FILING A PROTECTION FROM ABUSE (PFA) CASE

WHAT IS ABUSE?

The term “abuse” is specifically defined in the Protection from Abuse law to include:

- Attempting to cause or causing “bodily injury” or committing various sexual offenses. “Bodily injury” includes substantial pain or impairment of a bodily function.
- Engaging in course of conduct that makes another person fear bodily injury, such as following them around without a proper reason (“stalking”) and/or threatening them.
- Placing another person in reasonable fear of imminent serious bodily injury
- Keeping another person in a place against his/her will by force or threat of force
- Physical or sexual abuse of a child (in this case, the Adams County Children’s Advocacy Center can offer assistance at:
Phone: 717-337-9888 or www.kidsagaincac.org.)

WHO CAN ASK FOR A PFA ORDER?

In order for the Court to have the authority to consider and grant a Protection from Abuse Order, the acts of abuse must occur between adults and/or between an adult and a minor. The people involved must have one of the following types of relationships:

- Spouses
- Ex-Spouses
- Persons acting like spouses
- Persons related by blood or marriage
- Former or current sexual partner
- Former or current intimate partner

WHAT PAPERS DO YOU NEED TO FILE?

1. Entry of Appearance as a Self Represented Party (required only if you are not represented by a lawyer) (Form A)
2. Petition for Protection from Abuse and Notice of Hearing and Order (Form B)
3. Proposed Temporary Protection From Abuse Order (Form C)

4. PFA Data Sheet (Form D)
5. Sheriff's Service form (Form E)

THE FOLLOWING PAPER IS REQUIRED IF REQUESTING CHILD CUSTODY AS PART OF THE PETITION:

6. Criminal Record/Abuse History Verification (Form I) AND Confidential Document Form (Form J)

You may contact MidPenn Legal Services (1-800-326-9177) or Safe Home (717-632-0007) to assist you in completing these forms. The Petition, Data Sheet and Sheriff's Service form are included in this packet. You may get additional copies outside of the Adams County Law Library (located on the third floor of the Adams County Courthouse), or online at www.adamscountypa.gov/courts/courtadministration/protectionfromabuse. You may also get Sheriff's Service forms at the Sheriff's Office or at <https://www.adamscountypa.gov/departments/sheriff>.

1. COMPLETING THE PETITION FOR PROTECTION FROM ABUSE (PFA) and NOTICE OF HEARING AND ORDER

CAPTION: The caption includes all the information at the top of the Petition – the name of the Plaintiff, the name of the Defendant, and the case number. You are the Plaintiff and the abuser is the Defendant. Make sure you fill in COMPLETE NAMES (first, middle and last). The Prothonotary will give you the case number, so leave that part blank. Fill in the caption on both the Petition and the Notice of Hearing and Order. THE JUDGE WILL FILL OUT THE REST OF THE INFORMATION ON THE NOTICE OF HEARING AND ORDER.

PARAGRAPH 1 OF THE PETITION: You are the Plaintiff. Write your first, middle and last names and your date of birth in the space provided. List your address, or check the box saying that your address is confidential. If you are staying at Safe Home's shelter, or at another confidential location, mark the box that says your address is confidential. If you have been granted a protective order pursuant to the protection from Abuse Act or the Protection for Victims of Sexual Violence or Intimidation Act, you are not required to list your address, your current employer's name or your current work schedule. Instead, you should list that information on a separate form, called the "Confidential Information Form" and submit it to the Prothonotary with your Petition. You can find the Confidential Information Form outside of the Law Library on the third floor of the Adams County Courthouse. **Be advised that if you do not list a specific address for yourself, you must make arrangements (other than by mail) with the Prothonotary's Office to get copies of any orders that are issued by the Judge. If you are asking for a temporary custody order as part of your PFA case, you must at least say that the child is living at a confidential address in Adams County.**

PARAGRAPH 2: Fill in the blanks with the requested information about the abuser ("the defendant"). Include defendant's identifiers such as social security number, date of birth, and physical description. If you don't know an answer, leave the space blank. Indicate defendant's employer in the space provided. Also indicate whether a weapon was involved in the space provided. Check the box if Defendant is a licensed firearms dealer or is required to carry a weapon as a condition of employment.

PARAGRAPH 3: If you are filing the petition only for yourself, only check the box "myself." If you are only filing the petition for another person, such as a child, check the box "another person." If you are filing the petition for yourself and another person, check both boxes. If you have checked the box for "another person," check the box below that shows your relationship to that other person. If you are the "filer," then state whether your address is confidential.

PARAGRAPH 4: List the names of all the people for whom you are seeking a protection order. You should only list the names of the people whom you believe the defendant has abused, as described in paragraphs 11 and 12 below.

PARAGRAPH 5: Check a box to indicate the relationship(s) between you, any other protected person, and the defendant/abuser. Check the box if Defendant is 17 years of age or younger.

PARAGRAPHS 6-7: Complete the blanks with the requested information about civil and criminal cases.

PARAGRAPHS 8-9: If you and the abuser have any children together, fill in the blanks with the requested information about those children. Use ONLY initials for the names of children.

PARAGRAPH 10: Complete the blanks about any other children (NOT children of the defendant/abuser) who live with you, using ONLY the children's initials.

PARAGRAPHS 11-12: Before completing this section, please refer to page 4 of these instructions, discussing how the term "abuse" is defined in the PFA law. Once you have done that, then describe the incidents of physical violence, sexual abuse, threats of physical violence, etc., starting with the most recent incident. Attach extra pages if necessary. Be sure to include the date(s) and place(s) of the alleged abuse along with a description of the abuse that occurred.

PARAGRAPH 13: a) Indicate whether the defendant/abuser has used or threatened to use any firearms or other weapons against you or your minor children and describe how those items were used during the abuse; b) Indicate whether the defendant/abuser owns or possesses any additional firearms, other weapons,

ammunition and/or any firearm licenses and, if the answer is "yes", then proceed to c) and list those items; d) check the box to indicate whether you want the court to order the defendant/abuser to relinquish firearms, firearm licenses, other weapons or ammunition.

If you are requesting the Court to Order Defendant to relinquish firearms, other weapons, firearm licenses or ammunition, you MUST list these items on Attachment A to Petition: Firearms, Other Weapons and Ammunition Inventory.

How to Complete ATTACHMENT A TO PETITION: FIREARMS, OTHER WEAPONS AND AMMUNITION INVENTORY:

1. List any firearms, other weapons and/or ammunition that the defendant/abuser used or threatened to use during the incidents of abuse; b) state whether the defendant/abuser possesses any firearm licenses and describe each license; c) List any other weapons, firearms, ammunition other than the items listed in section a; d) list the firearms, other weapons, ammunition and firearm licenses that you want the Court to order the defendant/abuser to surrender, including the location of those items OR check the boxes indicating that you want all firearms, other weapons, ammunition and firearm licenses owned or possessed by the defendant/abuser to be surrendered.

PARAGRAPH 14: List any police departments **other than the Pennsylvania State Police** that should get a copy of the PFA Order (a copy is automatically sent to the Pennsylvania State Police). You should identify those police departments who serve the municipality where you live, work and go to school. Copies will be sent electronically via email by the Prothonotary.

CHECK BOXES FOR ADDITIONAL INFORMATION: If you are asking the court to order the defendant/abuser to leave the home, answer the questions about the residence. If you are asking for child support or spousal support, check the box saying that the abuser owes you a duty of support. If you are asking the court to order the alleged abuser to reimburse you for lost wages, medical expenses, or other losses caused by the abuse, check that box and list what items you want the defendant/abuser to reimburse you for.

CHECK BOXES FOR WHAT YOU WANT THE JUDGE TO ORDER: Look at boxes A through N, and check the ones that you want the judge to order. Check **ONLY** the boxes for the things that you want the judge to order.

SIGNATURE: Sign and date the petition on the last page. Please note that it is a crime to make false statements in a Petition.

2. COMPLETING THE PFA DATA SHEET

Fill in as much information as you can on the PFA Data Sheet. This information will be passed along to the Pennsylvania State Police, so it is very important that it is complete and accurate. Once you have filled this out, give it to the Prothonotary.

3. COMPLETING THE SHERIFF'S SERVICE FORM

You must complete the Sheriff's Service Form. (Form E).

- a) Follow the instructions provided on the back of the Sheriff's Service Form
- b) Where it asks for Type of Writ, write "PFA Pet./Order/Notice.
- c) Under Special Instructions/Additional Information, provide any information that will help the Sheriff find and serve the Defendant. Also, please note if the Court has ordered an eviction or a seizure of weapons.
- d) Where the form asks for Attorney/Originator, you should provide your name, address and phone number and sign the form where indicated.

Note: You do not have to use the Sheriff to serve the Temporary Protection Order (TPO) on the Defendant/abuser, but it is strongly recommended that you do so because the Sheriff is specially trained to carry out this duty in a safe manner and it is free to a PFA plaintiff. The Pennsylvania Rules of Civil Procedure require that the TPO be served by an adult individual. That means that you can serve the TPO on the Defendant/abuser yourself, but you probably should not do so due to safety concerns. If you choose to have an adult other than the Sheriff to serve the Defendant/abuser, then that person must fill out the Affidavit of Service form found in this packet. The Affidavit of Service form must then be filed by you at the Prothonotary's office on or before the date of the hearing.

4. COMPLETING THE PROPOSED TEMPORARY PROTECTION ORDER (TPO)

The Judge hearing your case will fill this out.

5. COMPLETING THE CRIMINAL RECORD/ABUSE HISTORY VERIFICATION FORM AND CONFIDENTIAL DOCUMENT FORM (ONLY IF SEEKING CHILD CUSTODY AS PART OF PETITION)

You must complete the Criminal Record/Abuse History Verification Form and the Confidential Document Form only if you are seeking child custody as part of your petition. If you are not seeking child custody as part of your petition, you do not need to complete this step.

- a) At the top of the Criminal Record/Abuse History Verification Form, write your name as "Plaintiff" and the name of the person you have identified as the abuser as "Defendant".
- b) Check the box next to "Confidential Document"
- c) Under Section 1 (Participants), follow the instructions and check the box regarding residence confidentiality for your household.
- d) Under Sections 2-6, follow the instructions and write all requested information.
- e) You must sign the document to verify that the information you provided is true and correct to the best of your knowledge.
- f) At the very end of the form, you must sign the document to certify that you are filing the document in compliance with state requirements related to confidential information.
- g) When filing the Criminal Record/Abuse History Verification Form, you must also file a Confidential Document Form to ensure the record remains confidential. Failure to do so may expose your personal information to public inspection.
- h) At the top of the Confidential Document Form, write your name in the first "Party name" space and the name of the person you have identified as the abuser as "Defendant" in the second "Party name" space. In the "Court" space, write "Civil-PFA".
- i) In the line where it asks you to enter the title of the pleading ("This form is associated with the pleading titled _____", write "Criminal Record/Abuse History Verification Form".
- j) Under the "Type of Confidential Document", check the box for "Child and Youth Services' records" and in the space next to this checkbox selection, write "Criminal Record/Abuse History Verification Form".
- k) Complete the bottom of the page after signing the form.

6. WHAT HAPPENS NEXT?

After you have completed all of these sections/documents:

- Entry of Appearance as a Self Represented Party
- the Petition for Protection from Abuse and Notice of Hearing;
- the PFA Data Sheet; and
- the Sheriff's Service Form
- the Criminal Record/Abuse History Verification Form and Confidential Document Form (only if seeking child custody as part of the petition)

You must file them with the Prothonotary (located on the first floor of the Courthouse). The Prothonotary will then escort you to Court Administration and take the papers promptly to the Court Administrator, who will give them to a judge. If you have requested the Court to order Defendant's weapons relinquished (as you indicated in Paragraph 14 of your Petition), attach "Attachment A To Temporary Order: Firearms, Other Weapons and Ammunition" to the Temporary Protection Order form before you present it to the Prothonotary. Remember that if you are filing a protection from abuse petition when the courthouse is closed or after 3:30 p.m. on a weekday, then your emergency petition must be filed with the on-call Magisterial District Judge (MDJ). You can find out who the on-call MDJ is by calling Adams County Control at 717-334-8101.

If the judge believes that your petition alleges sufficient facts to show that there is a need for immediate and present protection, the Judge will conduct an ex parte hearing to determine whether a Temporary Order should be entered. An ex parte hearing is a short hearing held without the Defendant being present to determine if a temporary order should be entered. If after that hearing a Temporary Protection Order (TPO) is entered it will stay in effect until the final hearing.

The Judge will also complete the Notice of Hearing & Order setting a final hearing date, which will be within ten (10) days of the date you have filed your petition. Even if an ex parte hearing is NOT held or if a TPO is NOT entered, a final hearing will be scheduled. Denial of a Temporary Protection Order (TPO) does not necessarily mean a Plaintiff is not entitled to a Final Protection Order.

All of these papers – the Petition, Temporary Protection Order, and the Notice of Hearing & Order – will then be sent back to the Prothonotary's Office by the Court. You will be given one copy of these papers, which **you should keep with you at all times**. Make sure you make arrangements with the Prothonotary (717-337-9834) to get a copy of your papers. If you lose your copy, you can obtain another one from the Prothonotary's office.

The Prothonotary will send a copy of the Temporary Protection Order (TPO) to the Pennsylvania State Police and other appropriate police departments as ordered by the Court. The TPO must be served on the Defendant. If you want the Sheriff to serve the TPO, then the Prothonotary will give you a copy of the TPO, Petition and Notice of Hearing and Order, along with the Sheriff's Service Form for you to take to the Sheriff, so that the Sheriff can serve the papers on the Defendant as quickly as possible.

Make sure that you appear in court on the day and time that your final hearing has been scheduled. The defendant may be present at the final hearing. You must be prepared to prove your case at that time. While your own testimony may be sufficient to obtain a final PFA Order, you are strongly advised to bring other relevant evidence such as photographs of your injuries and witnesses who observed the abuse to the

final hearing. You should be prepared to present that evidence, in addition to your own testimony. Other people with whom you have discussed the abuse may be able to testify subject to the Pennsylvania Rules of Evidence. It is very important that you have all of the evidence – documents, witnesses, etc. - necessary to prove that the defendant has abused you. If you are asking the Court to make the defendant reimburse you for expenses, such as for medical bills you have incurred due to the abuse, property damage done by the abuser, etc., make sure you bring billing statements with you to show to the Judge.

If you cannot prove your case by a **preponderance of the evidence**, your Petition will be dismissed. A “preponderance of the evidence” standard means that the Court must believe it is more likely true than not that abuse, as defined by the Protection From Abuse Act, has occurred.

If you do not appear in court at the time for your hearing, your case will probably be dismissed. If you have a good reason for not being in court and you know about it before the hearing, you should call Court Administration at 717-337-9846 and also file a written request for a continuance of the hearing as soon as possible at the Prothonotary’s office, which explains why you cannot be in court at the scheduled time.

MID-PENN LEGAL SERVICES IS AVAILABLE TO PROVIDE FREE, CONFIDENTIAL LEGAL SERVICES TO ASSIST YOU AT ANY TIME DURING THIS PROCESS. YOU CAN CONTACT MIDPENN LEGAL SERVICES AT 123 BALTIMORE STREET, SUITE 301, GETTYSBURG, PENNSYLVANIA, TELEPHONE 1-800-326-9177.

7. COMPLETING THE PROPOSED FINAL PFA ORDER (“FINAL ORDER OF COURT”)

The Judge who hears your case will fill out the “Final Order of Court” form.

8. WHAT DO YOU DO WHEN THE JUDGE ISSUES A FINAL PFA ORDER?

If the Judge grants your Petition for a final PFA Order, the Judge will fill in and sign the Order and you can pick it up in at the Prothonotary’s Office. **Make sure that you keep a copy of your PFA Order with you AT ALL TIMES.** The Pennsylvania State Police will automatically receive a copy too, and so will the police departments who are identified in your order. If you lose your copy of the PFA Order, you can obtain another copy at the Prothonotary’s Office during regular business hours.