

What is a Protection From Abuse (PFA) Order?

A Protection From Abuse Order is an Order entered by the Court which tells the abuser to stop the abuse or face serious legal consequences. It offers civil legal protection from domestic violence to both female and male victims. There are three (3) types of Protection From Abuse Orders:

- 1) **Emergency** Protection From Abuse Orders are issued by a Magisterial District Judge when the Court is closed during non-business hours, or unavailable. An emergency Protection From Abuse Order expires at the end of the next business day for the Court.
- 2) **Temporary** Protection From Abuse Orders are issued by the Court of Common Pleas until a final hearing can be held, which is scheduled within 10 business days.
- 3) **Final** Protection From Abuse Orders are entered as a result of an appearance before the Court (at the Courthouse) where both parties have the chance to be heard by the Judge.

Where do you file for a PFA?

- 1) The county where the plaintiff resides, either temporarily or permanently, or is employed; or
- 2) the county where the defendant may be served; or
- 3) the county where the abuse occurred; or
- 4) If you are going to be asking the judge to remove the abuser from the home you share, you must file the petition in the county where your home is located.

Who can file?

There must be a current or former relationship between the plaintiff and the abuser to file a PFA. A **relationship** is defined as a spouse, ex-spouse or persons who have lived like spouses; a current or former sexual or intimate partner; a parent or child; a brother or sister; other persons related by blood or marriage.

If you are a minor (under the age of 18) a parent, guardian or another adult household member must file on your behalf.

****Note**** If you do not meet the relationship criteria above, a Protection From Abuse order cannot be entered.

What is Abuse?

Abuse is legally defined as 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, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault or incest with or without a deadly weapon.
- 2) Placing another 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 or bodily injury

When it is not a PFA?

You are not entitled to file a PFA petition:

- 1) against someone who is merely your neighbor or an acquaintance;
- 2) Merely to stop harassment, mental abuse, or property destruction;
- 3) Or to obtain a custody order or to resolve a custody dispute. (You should contact an attorney for information in this area.)

If a child is at risk, you should contact Children and Youth Services.

If the abuser committed a crime (such as assault, terroristic threats, harassment, theft, disorderly conduct, or trespass), you may also want to contact the police or an attorney. You may also consult with the Victim's Advocate, at the District Attorney's Office, regarding these options.

Through a PFA action, the Court does not have the power to divide up assets or debts.

Through a PFA action, the Court does not have the power to punish the abuser, unless the abuser violates the Protection Order.

The PFA filing process:

Parties desiring to file a Temporary Protection from Abuse Petition should appear in the Domestic Relations Office, located on Level L of the Butler County Government Center, between 8:30 and 10:30 AM Monday through Friday. You should plan to be at the Government Center the entire morning. Cases are handled in the order in which the parties appear in the Domestic Relations Office. You may be one of several filing on any given day. If you are filing on behalf of a child and they are over the age of nine (9), you are required to bring the child with you.

A representative from VOICe (the Victim Outreach Intervention Center) will be available at the Domestic Relations Section to speak with you concerning the incident and provide you with information and options.

All temporary PFA petitions will be presented to a Judge at approximately 11:30 a.m. that same morning. Whether the Judge grants or denies your petition, a final hearing will be scheduled within ten (10) business days. A deputy sheriff will be directed to notify the abuser, and serve him/her with the same paperwork you will receive.

While you are not required to have legal representation when seeking a Temporary Protection From Abuse Order, you are encouraged to have legal representation for the final hearing.

VOICe may be able to represent you in a PFA matter. Information is available by calling 724-283-8700.

You may also call Neighborhood Legal Services to request legal representation by calling 1-866-761-6572.

In addition, the Butler County Bar Association has a lawyer referral service and can be accessed by calling 724-841-0130 or online at www.butlercountypabar.org

Are there any costs for filing a PFA?

The filing party will not be charged any fees for filing a PFA. Prothonotary filing fees and the costs incurred by the Sheriff for serving papers on the defendant in this matter may be billed to the defendant. The costs will be assessed by the Court at the time of the final hearing.

NOTE:

Through a PFA action, the Court does not have the power to punish the abuser, unless the abuser violates the Protection from Abuse Order.

Butler County Domestic Relations

www.butlercountypa.gov/DRS

Protection From Abuse



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Domestic Relations**

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