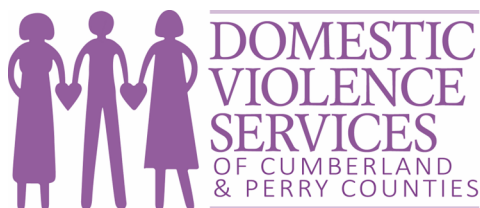


Protection From Abuse Act



**Call or text our hotline:
1-800-852-2102**

All services are FREE & CONFIDENTIAL

P.O. Box 1039 Carlisle PA 17013

Website: www.dvscp.org

Email: info@dvscp.org

DOMESTIC VIOLENCE SERVICES OF CUMBERLAND & PERRY COUNTIES

WHO CAN FILE FOR PROTECTION UNDER THE PROTECTION FROM ABUSE ACT?

1. You must be a victim of domestic violence.
2. You and the abuser must know each other in one of the following ways: family member related by blood or marriage, sexual or intimate partner (present or past).

TO INQUIRE ABOUT THE PROTECTION FROM ABUSE ACT (PFA) CONTACT DVSCP AT 1-800-852-2102

OBTAINING A PROTECTION FROM ABUSE ORDER IN PERRY COUNTY

- Call Domestic Violence Services of Cumberland & Perry Counties at 1-800-852-2102 to schedule an appointment with the Perry County legal advocate/counselor. We also accept walk ins.
- A legal advocate/counselor will assist victims in filing a petition for protection from abuse and accompany them throughout the process.
- The petition will be filed with the Perry County Court of Common Pleas and a judge will either choose to grant, change or deny a Temporary Protection Order.
- If the judge issues a Temporary Protection Order, a hearing will usually be scheduled within the next 10 business days.
- The Temporary Protection Order sets out the terms the abuser must abide by. The Sheriff's Department will serve the abuser with the Temporary Protection Order with the scheduled hearing date.
- The abuser may do one of three things: act as his/her own counsel agree to sign a consent order or proceed with a hearing; ask for a continuance to prepare or obtain counsel; appear with counsel to proceed with a hearing or negotiate a consent order.
- The legal advocate/counselor will refer the victim to MidPenn Legal Services for representation in court. If the hearing is continued, the Temporary Protection Order will remain in effect pending the new hearing.
- At the hearing a judge will either enter a Final Protection Order for a period of time up to 36 months or dismiss the petition.
- If the Protection Order is violated, the police should be contacted immediately.

OBTAINING A PROTECTION FROM ABUSE ORDER IN CUMBERLAND COUNTY

- Call Domestic Violence Services of Cumberland & Perry Counties at 1-800-852-2102 to schedule an appointment with a legal advocate/counselor.
- A legal advocate/counselor will conduct an intake, assist victims in filing a petition for protection from abuse and accompany them throughout the process.
- The petition will be filed with the Cumberland County Court of Common Pleas and a judge will either choose to grant, change or deny a Temporary Protection Order.
- If the judge issues a Temporary Protection Order, a hearing will usually be scheduled within the next 10 business days.
- The Temporary Protection Order sets out the terms the abuser must abide by. The Sheriff's Department will serve the abuser with the Temporary Protection Order with the scheduled hearing date.
- The abuser may do one of three things: act as his/her own counsel, agree to sign a consent order or proceed with a hearing; ask for a continuance to prepare or obtain counsel; appear with counsel to proceed with a hearing or negotiate a consent order.
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- If the Protection Order is violated, the police should be contacted immediately.

PROTECTION FROM ABUSE ACT

"Abuse". 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:

- 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, indecent assault or incest with or without a deadly weapon.
- Placing another in reasonable fear of imminent serious bodily injury.
- The infliction of false imprisonment pursuant to 18 Pa. C.S. 203 (relating to false imprisonment).
- Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).
- 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.

EMERGENCY vs. TEMP vs. FINAL ORDERS

EMERGENCY ORDERS

Emergency PFAs are only filed outside of normal business hours (Monday-Friday after 4:30 PM, weekends, and holidays.) A magisterial district judge will determine whether or not to grant you an emergency order based on if you are in immediate danger and cannot wait until the next business day. If you are granted an emergency order, it expires at the end of the next business day. To ensure that you are still protected, you will need to file a temporary order on the following business day.

TEMPORARY ORDERS:

Temporary orders are filed Monday-Friday and granted by a common pleas judge at your local courthouse. You must file a temporary order first, before being granted a final order. If granted, your temporary order stays in full force and effect until your final PFA hearing.

FINAL ORDERS:

After filing a temporary order you will be scheduled for a final hearing. The person you are filing against will attend this hearing and either agree to the terms of the order or try to argue against it. At this hearing you will request your final order from the assigned common pleas judge. A final order can be granted for up to three years and will establish the relief outlined by the order.

IF YOU WISH TO CHANGE YOUR PROTECTION ORDER

- Consider talking to your legal advocate/counselor at DVSCP about your options. They can help you evaluate your situation before you commit to a decision to change or vacate (stop) your protection order.
- You must notify your lawyer to have your protection order modified or vacated by the court.

SAFETY PLANNING

- Call the police immediately to report a violation of your protection order.
- Make sure you know when your Final Protection Order expires. Contact your attorney prior to the expiration date to request extending your Final Protection Order if warranted.
- Keep your protection order with you at all times. Leave extra copies with a family member, friend, and/or your employer.
- In the event that you have been awarded temporary custody through your protection order, provide copies of the order to your children's daycare and/or school.
- If the abuser is evicted or excluded from the residence, inform your landlord or neighbors and ask them to call the police if they see the abuser at the residence.
- Change or add locks to your doors and windows.
- Try to avoid places that you know the abuser frequents.
- Talk to your employer about your safety at your workplace.

ACCOMPANIMENT FOR COURT PROCEEDING & VICTIM COMPENSATION

Contact your DVSCP legal advocate/counselor for accompaniment information regarding PFA proceedings at 1-800-852-2102.

Contact Victim Services for accompaniment and information regarding criminal procedures.

Cumberland County (717) 240-6220

Perry County (717) 582-2131, Ext. 5171

SPOUSAL/CHILD SUPPORT

For help with child and spousal support contact your local domestic relations office:

Cumberland County (717) 240-6225

Perry County (717) 582-2131, Ext. 2305

CUSTODY

Custody provisions in your PFA are temporary. If you need a custody order, you will need to contact your attorney. You may qualify for legal help from:

MidPenn Legal Services (Cumberland County), Carlisle PA

1-800-822-5288 or (717) 243-9400

Dickinson Family Law Clinic (Cumberland County), Carlisle PA

(717) 243-2968

MidPenn Legal Services (Perry County), Harrisburg PA

1-800-932-0356 or (717) 232-0581

YWCA Legal Center (Perry County), New Bloomfield PA

(717) 582-2660 or (717) 724-0516

WHAT CAN A PROTECTION ORDER DO?

A protection order may include provisions that:

- Direct the abuser to not abuse, threaten, harass or stalk you;
- Evict or exclude the abuser from the residence;
- Prohibit the abuser from contacting you;
- Give you temporary custody of your minor children;
- Prohibit the abuser from damaging or destroying any jointly owned property or any property solely owned by you;
- Confiscate the abuser's weapons;
- Allow the judge to grant any other relief deemed appropriate.

YOUR PROTECTION ORDER IS NOT:

- A bulletproof vest (some abusers will violate protection orders);
- A guarantee that the abuser will go to jail if the protection order is violated;
- A defense plan against physical harm if the abuser attacks you (safety planning is needed);
- A safety net (consider calling DVSCP for emergency shelter if in danger);
- A plan to improve your relationship with the abuser.

EMERGENCY PROTECTION ORDERS

***Emergency protection from abuse orders can only be issued when the courts are closed** (between the hours of 4:30PM—8:00AM weekdays, and on weekends and holidays) when deemed appropriate by the on-call magisterial district judge in each county. This order only remains in effect until the end of the following business day. If you obtain an emergency order, you must file a temporary order the following day with the court of common pleas. To obtain an emergency protection order:

Cumberland County: Call or text our DVS hotline at 1-800-852-2102 to connect with an advocate.

Perry County: Call the YWCA at 1-800-654-1211 to connect with an advocate.

***Temporary Protection from Abuse orders are granted during regular courthouse business hours.**

VICTIM COMPENSATION

Victims of a crime may be eligible to receive financial help from the Victims Compensation Assistance Program for a variety of expenses, such as medical and counseling expenses, loss of earnings, loss of support, stolen cash, relocation, funeral, or crime scene cleanup.

**Contact PCCD for assistance:
1-800-233-2339 or 717-783-5153**

Email: ra-davesupport@pa.gov

IF THE ABUSER VIOLATES THE PROTECTION ORDER

- CALL THE POLICE (911)
- The police can arrest the abuser and charge the abuser with indirect criminal contempt for violating the protection order.
- A hearing will be scheduled with a judge to determine whether or not a violation occurred.
You must be present at this hearing.
- If the judge finds the abuser guilty, the abuser can be put in jail for up to six months and/or fined up to \$1,000.00.