

PROTECTION FROM ABUSE IN PHILADELPHIA COUNTY

If someone is abusing you or someone in your household, this brochure can help you understand how to seek protection from abuse in Philadelphia Family Court.

WHAT IS ABUSE?

State law defines abuse as:

- Attempting or causing physical injury
- Placing another in fear of bodily injury
- Sexual assault
- False Imprisonment
- Stalking

WHAT PROTECTION DOES THE LAW OFFER?

The law permits a court to issue a **Protection From Abuse Order (PFA)** directing the defendant to:

- Not abuse, threaten, harass or stalk
- Stay away from the victim's residence, even if it also the abuser's residence
- Stay away from the victim, including at school or work
- Turn over weapons to the police

The order can also include:

- Temporary child custody
- Temporary child support
- Payments to the victim for losses
- Plaintiff's counsel fees

HOW LONG DOES A PFA LAST?

A PFA can be issued for up to 36 months. The PFA can sometimes be extended for additional time after a petition is filed and a hearing held as described above (for example, if there has been additional abuse after the order was entered).

WHO IS ELIGIBLE FOR A PFA ORDER?

A PFA Order is available to anyone abused by a:

- Current or former spouse
- Parent
- Child
- Current or former sexual or intimate partner, including same sex partners, such as a boyfriend/girlfriend or father/mother of your children
- Others related by blood or marriage

WHERE DOES ONE FILE FOR A PFA ORDER?

Monday through Friday, between 8 a.m. and 5 p.m., a petition for a PFA can be filed free of charge in the Domestic Violence Intake Unit in Room 242 of the Family Court at 34 S. 11th Street, Philadelphia.

The Unit will provide assistance in preparing and filing the necessary papers to those who do not have legal representation. Language interpretation services are available at the filing unit and at the hearing. To request an interpreter for your hearing, fill out the Interpreter Request Form at the filing unit.

You should go as early as possible and be prepared to wait your turn. Information is available by telephone 24 hours a day at 215-686-3511.

IS HELP AVAILABLE AT NIGHT, ON WEEKENDS OR HOLIDAYS?

In an emergency, when the Family Court is closed, a request for an emergency PFA order can be made at the Criminal Justice Center, Room B-03 at 1301 Filbert Street, Philadelphia, PA (215-683-7280).

No fee is required to file. If the petition is approved, a master will issue an emergency order which will last only until 5 p.m. on the next day that Family Court is open, at which time the Family Court may issue a temporary order.

Anyone who receives an emergency PFA order when Family Court is closed should call Family Court on the next business day at 215-686-3512 to receive instructions for obtaining a copy of the temporary order if one has been issued. If you are denied an emergency order, you may go to the Domestic Violence Intake Unit in Room 242 of Family Court at 34 S. 11th Street Monday through Friday between 8 a.m. and 5 p.m. for assistance.

WHO MAY FILE IN PHILADELPHIA?

A PFA action may be filed in Philadelphia County if it is the county in which:

- the plaintiff lives or is employed, or
- the defendant may be served, or
- the abuse occurred.

If possession of the residence to the exclusion of the defendant is requested, the action must be filed in the county where the residence is located.

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WHAT HAPPENS AFTER THE PETITION FOR A PFA IS FILED?

Soon after the petition is filed, a judge will review it and determine whether a temporary order should be issued. A hearing will be held within 10 days to determine whether to grant a final PFA.

The Temporary Order, Petition, and Notice to Appear must be served on the defendant. The petitioner may serve it or have a responsible adult serve it, including the police. We suggest you ask the police to serve it for you. **Go to the hearing even if the defendant has not been served with the papers.**

WHAT HAPPENS AT THE COURT HEARING?

The judge will listen to both parties and decide whether to issue a final order. The parties will also be given an opportunity to reach an agreement on the order.

HOW TO PREPARE FOR THE HEARING?

- You can hire an attorney to represent you.
- A domestic violence counselor may assist you.
- You will be expected to testify about the facts in your petition.
- You can bring written evidence, such as medical records or photos of injuries.
- You can bring eyewitnesses to alleged incidents of abuse to testify.
- Witnesses must present a subpoena to be admitted to the court. Ask any domestic violence counselor or court employee at 34 S. 11th Street where to get a subpoena. Give your witness the subpoena before the date of the hearing and tell him or her to show it to the security guard upon entering the courthouse. You may want to prepare and bring with you a list of questions to ask your witnesses.

This brochure is meant to give you general information and not legal advice.

HOW IS THE PFA ENFORCED?

It is a crime to violate a PFA. The police should be called immediately. The District Attorney is responsible for prosecuting anyone who is arrested for violating a PFA. You may also file a petition for contempt in Room 242 of the Family Court located at 34 S. 11th Street. After the petition is filed, a hearing will be scheduled within ten days. If a judge finds the defendant guilty of violating the PFA, the defendant can be sentenced to prison for up to 6 months and/or fined up to \$1000.

IS HELP AVAILABLE?

PHILADELPHIA DOMESTIC VIOLENCE HOTLINE
1-866-SAFE 014 1-866-723-3014

Legal representation may be available from:
WOMEN AGAINST ABUSE LEGAL CENTER
215-686-7082

PHILADELPHIA LEGAL ASSISTANCE
215-981-3800

SENIORLAW CENTER
215-988-1244

CENTER FOR LESBIAN AND GAY CIVIL RIGHTS
215-731-1447

LEGAL CLINIC FOR THE DISABLED
215-587-3350

PHILADELPHIA BAR ASSOCIATION LAWYER REFERRAL AND INFORMATION SERVICE
215-238-6333

Other Important Numbers:
WOMEN IN TRANSITION
215-426-8610 Counseling

LUTHERAN SETTLEMENT HOUSE
215-739-9999

CONGRESO DE LATINOS UNIDOS
215-291-8742; 1-800-575-0028

SEWAA (for women from Pakistan, Nepal, Sri Lanka, India) 215-627-3922

KOREAN WOMEN'S CENTER
215-869-5703

WOMEN'S LAW PROJECT
215-928-9801 Telephone Counseling

IF YOU ARE IN DANGER, CALL 911