

PETITION FOR PROTECTION FROM ABUSE

INSTRUCTION SHEET

USE THIS FORM IF THERE IS NO PROTECTION FROM ABUSE ORDER.

**These instructions are meant to give you
general information and not legal advice.**

1. Complete, date, and sign the Petition for Protection from Abuse. Detailed instructions on how to do this are included in this packet. **Do not include your address if it is not safe to disclose your location.**

Note: The Petition for Protection from Abuse is a packet.
All of the following should be included in your packet:

- Notice of Hearing and Order (Fill in caption only)
- Temporary ex parte Protection From Abuse order (Fill in caption only)
- Petition for Relief Under the Protection From Abuse Act
- Affidavit of service

2. There is no charge to file the Protection from Abuse petition. If the court grants your Protection Order, the Defendant will have to pay the fees and costs unless the court determines that s/he is not able to do so. The court will then waive the fees and costs. If your petition is **not granted**, the costs of filing and service may be assigned to you, unless the court determines that you are not able to pay the costs of filing and service. When a final protection order is granted after a hearing, a \$100.00 surcharge is assessed against the Defendant.

3. File the completed petition by hand-delivering it in person to:

Philadelphia Family Court
Domestic Violence Unit
34 S. 11th Street, Room 242
Philadelphia, Pa. 19107

If you have questions you can call: 215-686-3512.

4. When you file your Petition, include the original and two copies. When you deliver your Petition to the Domestic Violence Unit, you must wait or return for your Petition and Temporary Order. You will be given a packet that includes these documents along with a Notice of Hearing and Order and Affidavit of Service. The Defendant must be served with these documents.

5. After you receive the packet from the court, you must serve the Defendant. Service is accomplished by handing the Defendant one packet with the following documents:

- Notice of Hearing and Order,
- Temporary Protection From Abuse Order, if granted, and
- Petition.

While any responsible adult may serve the papers, it is suggested that you have the Philadelphia Police make service. To obtain police assistance, take all the necessary papers provided to you by the court to the Police District Headquarters in which the Defendant can be located (residence, work, etc.) and request an officer to assist you in serving the Protection From Abuse order. The person who serves the papers on the Defendant must complete, sign, and return the affidavit of service to you. You must bring this Affidavit of Service to court with you.

6. If the Defendant will not take the packet of materials, the person serving the packet should leave the packet in the Defendant's presence and complete the Affidavit of Service.

7. If you are unable to serve the Defendant, you may ask the court at the hearing for permission to serve by another means, including by mail.

8. IF GRANTED, KEEP A COPY OF THE TEMPORARY PROTECTION ORDER WITH YOU AT ALL TIMES.

9. Go back to court for the hearing date, even if you have not been able to serve the Defendant. IF YOU DO NOT APPEAR FOR THE HEARING, YOUR PETITION FOR A PROTECTION ORDER AND YOUR TEMPORARY ORDER WILL BE DISMISSED. Even if the Judge did not grant your Temporary Order, you may still receive a Final Order at the hearing.

WORDS AND PHRASES USED IN THE PROTECTION FROM ABUSE PETITION:

EX PARTE: An ex parte hearing is a hearing where only one side is present.

PLAINTIFF: Person who is filing the PETITION.

DEFENDANT: Person against whom you are filing.

ABUSE: The term ABUSE is defined under the Protection From Abuse Act (as amended

1994) as including the occurrence of one or more of the following acts between family or household members:

Attempting to cause or causing bodily injury (physical 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.

Being placed in “reasonable fear” of imminent serious bodily injury by a physical or verbal threat or menacing gesture.

Being kept in a place against your will by force or threat of force.

Physical or sexual abuse of a child.

Being followed or threatened in a way that places you in reasonable fear of bodily injury.

FAMILY OR HOUSEHOLD MEMBERS: In order for the Court to have the authority to consider a Protection From Abuse Order, the acts of abuse must occur between either adults or minors who have the following types of relationship:

Spouses

Ex-spouses

Persons acting as spouses

Persons related by blood or marriage, i.e., parents, children, uncles, aunts, cousins grandparents, step-parents, etc.

Former or current sexual partners

Former or current intimate partners

RELIEF AVAILABLE UNDER THE PROTECTION FROM ABUSE ACT:

The court may grant any protection order or approve any consent agreement to stop the Defendant from abusing you or your minor children. Presently, the order or agreement may last for up to 3 years. The order or agreement may include language:

Directing the Defendant to stop abusing you or your minor child/ren.

Evicting the Defendant from the residence or household, even when the Defendant is the sole owner or lessee, if the Defendant has a duty to support you or the minor child/ren, or to order the Defendant, with your consent, to provide suitable alternate housing.

Awarding temporary custody of or establishing temporary visitation rights with regard to minor child/ren.

Ordering the Defendant to pay financial support to those persons the Defendant has a duty to support, including health coverage for the minor child/ren and spouse, paying all of the unreimbursed medical expenses of a spouse or minor child/ren, and directing the Defendant to make rent or mortgage payments on your residence when the Defendant has a duty to support you or other dependent household members. The support order is temporary, and you must file a complaint for support within two weeks of the date of the issuance of the protection order or the support order becomes void.

Prohibiting the Defendant from having any contact with you or your minor child/ren at your place of employment or business or school and from harassing you or your relatives or minor child/ren.

Ordering the Defendant to give up any firearms, other weapons, ammunition and firearms license and prohibiting the Defendant from possessing any firearms or other weapons, ammunition or firearms license for the duration of the order.

Directing the Defendant to pay you for reasonable losses suffered as a result of the abuse, including medical, dental, relocation and moving expenses; counseling; loss of earnings or support; costs of repair or replacement of real or personal property damaged, destroyed or taken by the Defendant or at the direction of the Defendant; and other out-of-pocket losses for injuries sustained. In addition to out-of-pocket losses, the court may direct the Defendant to pay reasonable attorney fees.

Directing the Defendant to refrain from stalking or harassing you.

Granting any other appropriate relief you seek.

HOW TO FILL IN THE PETITION

The Petition is the part of the packet entitled “Petition for Protection from Abuse.”

HEADING (CAPTION).

Fill in the names of the Plaintiff and Defendant in the heading of the Petition. If you are filing this Petition, you are the Plaintiff. The Defendant is the person you are filing the complaint against. The Court will give the petition a number and put it on the copy that is handed to you.

LINE 1

Your name goes here.

LINE 2

In this section, state who you are filing the complaint for. If you are filing on behalf of another person, check the box that reflects your relationship to that person.

LINE 3

State the names of all the people who are seeking protection from abuse through this complaint. This may include yourself, family members, or other household members.

LINE 4

Your address should be stated here unless you require it to be confidential for your protection. If so, do not fill in your address; simply mark the box next to "Plaintiff's address is confidential."

LINE 5

State the Defendant's address, social security number, date of birth, place of employment, whether the Defendant's employment involves firearms, and whether he or she is 17 years old or younger as best you can.

LINE 6

State your relationship to the Defendant.

LINE 7.

If you and the Defendant are involved in any other court actions, check the box that reflects the type of court action here. Use the space provided to note, as best you can, the type of case, when and where the case was filed, and the court number of each case.

LINE 8

If the Defendant has ever been involved in a criminal court case or is presently on probation or parole, it should be noted here.

LINE 9

If you and the Defendant have minor child/ren, list their names, ages, and address (unless confidential).

LINE 10

If there is an existing custody court order for the minor child/ren, state the terms of that order here.

If you are asking the court to grant you temporary custody of the minor child/ren, state where the child/ren have lived for the past five years in section "A."

If you know of any other person other than you and the Defendant who have a right, or claim to have a right to custody of any of the child/ren, state that information in section "B."

NOTE: If the minor child/ren live(s) with you and your address is confidential, do not list it here.

LINE 11

List all other minor children who reside in the household, their ages, and your relationship to them.

LINE 12

In this section, describe the most recent incident of abuse, including the date, time and place that it occurred.

LINE 13

If the Defendant has abused you or the child/ren in the past, describe that prior abuse.

LINE 14

If the Defendant has ever threatened you or the child/ren with firearms or other weapons, describe what happened, and indicate whether, to your knowledge, the Defendant owns or possesses any firearm, other weapon or ammunition. If Defendant does, list those items in Attachment A, which follows the petition should be attached to it when it is filed.

LINE 15

You need not write anything here.

LINE 16

In section (a), check the box if you are asking the court to evict the Defendant from your home. You must provide the court with information as to who owns, rents, or leases the home and where it is located.

In section (b), check the box if the Defendant owes a duty of support. The Defendant

may owe you child support if you have a child in common who lives primarily with you. The Defendant may owe you spousal support if you are married to the Defendant.

LINE 17

Check the box if you have suffered monetary losses as a result of the Defendant's abusive conduct, and describe those losses.

FINAL SECTION: RELIEF REQUESTED

This section is where you check off all the forms of relief you are seeking. Be sure to check every item you need to assure your safety. This includes requesting any special arrangements necessary for the safety of the child/ren.

SIGN AND DATE THE PETITION.

DATE AND SIGN THE VERIFICATION THAT THE STATEMENTS ARE TRUE.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

| | | |
|-----------|---|-----------------------|
| | : | |
| PLAINTIFF | : | FAMILY COURT DIVISION |
| vs. | : | Protection From Abuse |
| | : | NO. |
| DEFENDANT | : | |

NOTICE OF HEARING AND ORDER

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following papers, you must appear at the hearing scheduled herein. If you fail to do so, the case may proceed against you and a FINAL order may be entered against you granting the relief requested in the petition. In particular, you may be evicted from your residence, be prohibited from possessing any firearm, other weapon, ammunition or any firearm license, and lose other important rights, including custody of your children. Any protection order granted by a court may be considered in subsequent proceedings under Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, including child custody proceedings under Chapter 53 (relating to custody).

A hearing on the matter is scheduled for the _____, day of _____, 20____, at ____ m. in Courtroom ____ at _____ Courthouse, Philadelphia, Pennsylvania.

You MUST obey the order that is attached until it is modified or terminated by the court after notice and hearing. If you disobey this order, the police or sheriff may arrest you. Violation of this order may subject you to a charge of indirect criminal contempt which is punishable by a fine of up to \$1,000 and/or up to six months in jail under 23 Pa.C.S.§6114. Violation may also subject you to prosecution and criminal penalties under the Pennsylvania Crimes Code. Under federal law, 18 U.S.C. § 2265, this order is enforceable anywhere in the United States, tribal lands, U.S. Territories and the Commonwealth of Puerto Rico. If you travel outside of the state and intentionally violate this order, you may be subject to federal criminal proceedings under the Violence Against Women Act, 18 U.S.C. §§2261-2262.

If this order directs you to relinquish any firearm, other weapon, ammunition or any firearm license to the sheriff, you may do so upon service of this order. As an alternative, you may relinquish any firearm, other weapon, or ammunition listed herein to a third party provided you and the third party first comply with all requirements to obtain a safekeeping permit. 23 Pa. C.S.A. §6108.3. You must relinquish any firearm, other weapon, ammunition or any firearm license listed in the order no later than 24 hours after service of the order. If, due to their current location, firearms, other weapons or ammunition cannot reasonably be retrieved within the time for relinquishment, you must provide an affidavit to the sheriff listing the firearms, other weapons or ammunition and their current location no later than 24 hours after service of the order. Failure to timely relinquish any firearm, other weapon, ammunition or any firearm license shall result in a violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 Pa. C.S.A.§ 6105.

NOTICE: Even if this order does not direct you to relinquish firearms, you may be subject to federal firearms prohibitions and federal criminal penalties under 18 U.S.C. §922(g)(8).

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. YOU HAVE THE RIGHT TO HAVE A LAWYER REPRESENT YOU AT THE HEARING. THE COURT WILL NOT, HOWEVER, APPOINT A LAWYER FOR YOU. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE. IF YOU CANNOT FIND A LAWYER, YOU MAY HAVE TO PROCEED WITHOUT ONE.

**Philadelphia Bar Association
Lawyer Referral and Information Service
1101 Market Street, 11th Floor
Philadelphia, PA 19107
(215) 238-6326**

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

| | | |
|-----------|---|-----------------------|
| _____ | : | |
| PLAINTIFF | : | FAMILY COURT DIVISION |
| vs. | : | Protection From Abuse |
| _____ | : | |
| DEFENDANT | : | NO. |
| | : | |

PETITION FOR PROTECTION FROM ABUSE

1. Plaintiff's name is:

2. I, _____, am filing this Petition on behalf of: myself and/or another person. If you checked "myself", please answer all questions referring to yourself as "Plaintiff". If you checked "another person", please answer all questions referring to that person as the "Plaintiff, and provide your address here, unless confidential: _____.

If you checked "Another Person", indicate your relationship with Plaintiff:

- parent of minor Plaintiff(s)
- applicant for appointment as guardian ad litem of minor Plaintiff(s)
- adult household member with minor Plaintiff(s)
- court appointed guardian of incompetent Plaintiff(s).

3. Name(s) of ALL person(s), including Plaintiff and minor children, who seek protection from abuse:

4. Plaintiff's address is confidential or

Plaintiff's address is:

5. The Defendant is believed to live at the following address:

Defendant's Social Security Number (if known) is: _____

Defendant's date of birth is: _____

Defendant's place of employment is: _____

Check here if you have reason to believe that Defendant is a licensed firearms dealer, is employed by a licensed firearms dealer or manufacturer, is employed as a writer, researcher or technician in the firearms or hunting industry or is required to carry a firearm as a condition of employment.

Check here if Defendant is 17 years old or younger.

6. Indicate the relationship between Plaintiff and Defendant.

CHECK ALL THAT APPLY:

spouse or former spouse of Defendant

parent of a child with Defendant

current or former sexual or intimate partner with Defendant

child of Plaintiff

child of Defendant

family member related by blood (consanguinity) to Defendant

family member related by marriage or affinity to Defendant

sibling (person who shares parenthood) of Defendant

current or former cohabitant (person who lives with) Defendant

7. Have Plaintiff and Defendant been involved in any of the following court actions?

Divorce Custody Support Protection From Abuse

If you checked any of the above, briefly indicate when and where the case was filed and

the court number, if known:

8. Has Defendant been involved in any criminal court action?

If you answered Yes, is Defendant currently on probation?

9. Plaintiff and Defendant are the parents of the following minor child/ren.

| Name(s) | Age(s) | who reside at (list address unless confidential) |
|---------|--------|--|
| | | |
| | | |
| | | |
| | | |

10. If Plaintiff and Defendant are parents of any minor child/ren together, is there an existing court order regarding their custody?

If you answered "Yes", describe the terms of the order (e.g. primary, shared, legal and/or physical custody):

If you answered "Yes", in what county and state was the order issued?

If you are now seeking an order of child custody as part of this petition, list the following information:

a. Where has each child resided during the past five years?

| Child's Name | Person(s) With Whom Child Lived | Address, Unless Confidential | When |
|--------------|---------------------------------|------------------------------|------|
| | | | |
| | | | |
| | | | |
| | | | |

b. List any other persons who are known to have or claim a right to custody of each child listed above:

| Name | Address | Basis of Claim |
|------|---------|----------------|
| | | |
| | | |
| | | |

11. The following other minor child(ren) presently live with the Plaintiff:

| Name(s) | Ages | Plaintiff's relationship to child/ren |
|---------|------|---------------------------------------|
| | | |
| | | |
| | | |

12. The facts of the most recent incident of abuse are as follows:

Approximate Date: _____

Approximate Time: _____

Place: _____

Describe in detail what happened, including any physical or sexual abuse, threats, injury, incidents of stalking, medical treatment sought, and/or calls to law enforcement (attach additional sheets of paper if necessary):

13. If Defendant has committed prior acts of abuse against Plaintiff or the minor child/ren, describe these prior incidents, including any threats, injuries, or incidents of stalking, and indicate approximately when such acts of abuse occurred (attach additional sheets of paper if necessary):

14. (a) Has Defendant used or threatened to use any firearms or other weapons against Plaintiff or the minor child/ren? If so, please describe the use or threatened use below and list on Attachment A to Petition, which is incorporated by reference into this petition, any firearms, other weapons or ammunition Defendant used or threatened to use against Plaintiff and/or the minor child/ren:

(b) Other than the firearms, other weapons or ammunition Defendant used or threatened to use against Petitioner or the minor child/ren, does Defendant, to the best of your knowledge or belief, own or possess any additional firearm, other weapon, ammunition or any firearm license?

(c) If the answer to (b) above is “yes,” list any additional firearm, other weapon or ammunition owned by or in the possession of Defendant on Attachment A to Petition, which is incorporated by reference into this petition.

(d) Plaintiff (check one) DOES DOES NOT request that the court order Defendant to relinquish firearms, other weapons or ammunition listed on Attachment A to Petition. If Plaintiff does seek relinquishment, identify on Attachment A to Petition

the firearms, other weapons and ammunition Plaintiff requests the court to order Defendant to relinquish.

15. Identify the sheriff, police department or law enforcement agency in the area in which Plaintiff lives that should be provided with a copy of the protection order:

16. There is an immediate and present danger of further abuse from the Defendant.

CHECK THE FOLLOWING BOXES ONLY IF THEY APPLY TO YOUR CASE AND PROVIDE THE REQUESTED INFORMATION

(a) Plaintiff is asking the Court to evict and exclude the Defendant from the following residence:

owned by (list owners, if known): _____

rented by (list all names, if known): _____

(b) Defendant owes a duty of support to Plaintiff and/or the minor child(ren).

17. Check here if Plaintiff has suffered out-of-pocket financial losses as a result of the abuse described above. Those losses are:

FOR THE REASONS SET FORTH ABOVE, I REQUEST THAT THE COURT ENTER A TEMPORARY ORDER, AND AFTER HEARING, A FINAL ORDER THAT WOULD DO THE FOLLOWING (CHECK ALL FORMS OF RELIEF REQUESTED):

A. Restrain Defendant from abusing, threatening, harassing, or stalking Plaintiff and/or minor child/ren in any place where Plaintiff and/or the child/ren may be found.

B. Evict/exclude Defendant from Plaintiff's residence and prohibit Defendant from attempting to enter any temporary or permanent residence of Plaintiff.

C. Require Defendant to provide Plaintiff and/or the minor child/ren with other suitable housing.

D. Award Plaintiff temporary custody of the minor child/ren and place the following restrictions on contact between Defendant and the child/ren:

E. Prohibit Defendant from having any contact with Plaintiff and/or the minor child/ren either in person, by telephone, or in writing, personally or through third persons, including but not limited to any contact at Plaintiff's school, business, or place of employment, except as the court may find necessary with respect to partial custody and/or visitation with the minor child/ren.

F. Prohibit Defendant from having any contact with Plaintiff's relatives and Plaintiff's children listed in this Petition, except as the court may find necessary with respect to partial custody and/or visitation with the minor child/ren. The following persons are Plaintiff's relatives or family and household members that Plaintiff believes require protection from stalking and harassment by Defendant.

| Name | Address (optional) | Relationship to Plaintiff |
|------|--------------------|---------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |

G. Order Defendant to temporarily relinquish some or all of the firearms, other weapons and/or ammunition listed on Attachment A to Petition and any firearm license to the sheriff of this county and/or prohibit Defendant from transferring, acquiring or possessing some or all firearms for the duration of the order.

- H. Order Defendant to pay temporary support for Plaintiff and/or the minor child/ren including medical support and payment of the rent or mortgage on the residence.
- I. Direct Defendant to pay Plaintiff for the reasonable financial losses suffered as the result of the abuse, to be determined at the hearing.
- J. Order Defendant to pay the costs of this action, including filing and service fees.
- K. Order Defendant to pay Plaintiff's reasonable attorney's fees.
- L. Order the following additional relief, not listed above:

- M. Grant such other relief as Plaintiff requests and/or the court deems appropriate.
- N. Order the police or other law enforcement agency to serve the Defendant with a copy of this petition, any order issued, and the order for hearing. Plaintiff will inform the designated authority of any addresses, other than Defendant's residence, where Defendant can be served.

VERIFICATION

I verify that I am the petitioner as designated in the present action and that the facts and statements contained in the above Petition are true and correct to the best of my knowledge. I understand that any false statements are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

Signature

Date

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

| | | |
|-----------|---|-----------------------|
| _____ | : | |
| PLAINTIFF | : | FAMILY COURT DIVISION |
| vs. | : | Protection From Abuse |
| _____ | : | |
| DEFENDANT | : | NO. |
| | : | |

**ATTACHMENT A TO PETITION
FIREARMS, OTHER WEAPONS, AND AMMUNITION INVENTORY**

I, _____, Plaintiff in this Protection From Abuse Action, hereby

(a) state that Defendant used or threatened to use the following firearms, other weapons and ammunition against Plaintiff and/or the minor child/ren (include addresses or locations, if known, such as “front seat of blue truck”, “gun cabinet”, “bedroom closet”, etc.):

| Firearm/Other Weapon/Ammunition | Location |
|---------------------------------|----------|
| 1. | |
| 2. | |
| 3. | |
| 4. | |
| 5. | |

(b) state that Defendant, to the best of my knowledge or belief, owns or possesses the following firearms, other weapons or ammunition not set forth in (a) above (include addresses or locations, if known):

Firearm/Other Weapon/Ammunition

Location

1.

2.

3.

4.

5.

(c) request that the court order Defendant to relinquish the following firearms, other weapons and ammunition (include addresses or locations, if known):

Firearm/Other Weapon/Ammunition

Location

1.

2.

3.

4.

5.

All firearms, other weapons and ammunition owned or possessed by Defendant.

If more space is needed, more sheets may be attached to this document.

Name _____

Date _____

Notice: This attachment will be withheld from public inspection in accordance with 23 Pa.C.S.A. §6108(a)(7)(v).

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

| | | |
|-----------|---|-----------------------|
| PLAINTIFF | : | |
| vs. | : | FAMILY COURT DIVISION |
| DEFENDANT | : | Protection From Abuse |
| | : | NO. |

TEMPORARY PROTECTION FROM ABUSE ORDER

Defendant's Name: _____

Defendant's Date of Birth: _____

Defendant's Social Security Number: _____

Names of All Protected Persons, including Plaintiff and minor child/ren:

AND NOW, this _____ day of _____, 20____, upon consideration of the attached Petition for Protection from Abuse, the court hereby enters the following Temporary Order:

- 1. Defendant shall not abuse, harass, stalk or threaten any of the above persons in any place where they might be found.
- 2. Defendant is evicted and excluded from the residence at

 [NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED] or any other permanent or temporary residence where Plaintiff or any other person protected under this order may live. Plaintiff is granted exclusive possession of the residence. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this order.

3. Except for such contact with the minor child/ren as may be permitted under Paragraph 5 of this order, Defendant is prohibited from having ANY CONTACT with Plaintiff, or any other person protected under this order, either directly or indirectly, at any location, including but not limited to any contact at Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this order:

4. Except for such contact with the minor child/ren as may be permitted under Paragraph 5 of this order, Defendant shall not contact Plaintiff, or any other person protected under this order, by telephone or by any other means, including through third persons.

5. Custody.

There is a current custody order as to the child/ren of the parties:

(county court)

(docket number)

THIS ORDER SHALL NOT SUPERSEDE THE CURRENT CUSTODY ORDER.

THIS ORDER SUPERSEDES ANY PRIOR ORDER RELATING TO CHILD CUSTODY.

Until the final hearing, all contact between Defendant and the child/ren shall be limited to the following:

Pending the outcome of the final hearing in this matter, Plaintiff is awarded temporary custody of the following minor child/ren:

The local law enforcement agency in the jurisdiction where the child/ren are located shall ensure that the child/ren are placed in the care and control of the Plaintiff in accordance with the terms of this order.

6. FIREARMS, OTHER WEAPONS AND AMMUNITION RESTRICTIONS

Check all that apply:

- Defendant is prohibited from possessing, transferring or acquiring any firearms for the duration of this order.
- Defendant shall relinquish to the sheriff the following firearms licenses owned or possessed by Defendant:
- Defendant is directed to relinquish to the sheriff any firearm, other weapon or ammunition listed in Attachment A to Temporary Order, which is incorporated herein by reference.

Defendant may relinquish any firearms, other weapons or ammunition to the sheriff. As an alternative, Defendant may relinquish firearms, other weapons and ammunition to a third party provided Defendant and the third party first comply with all the requirements to obtain a safekeeping permit. Defendant must relinquish any firearm, other weapon, ammunition or firearm license ordered to be relinquished no later than 24 hours after service of this order. If, due to their current location, firearms, other weapons or ammunition cannot reasonably be retrieved within the time for relinquishment, Defendant shall provide to the sheriff an affidavit listing the firearms, other weapons or ammunition and their current location no later than 24 hours after service of this order. Failure to timely relinquish any firearm, other weapon, ammunition or any firearm license shall result in a violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 Pa.C.S.A. §6105.

- 7. The following additional relief is granted:

- Defendant is prohibited from stalking, as defined in 18 Pa.C.S.A. §2709.1, or harassing, as defined in 18 Pa. C.S.A. §2709, the following family and household members of Plaintiff:

| Name | Address (optional) | Relationship to Plaintiff |
|------|--------------------|---------------------------|
|------|--------------------|---------------------------|

- Other relief.

- 8. A certified copy of this order shall be provided to the sheriff or police department where Plaintiff resides and any other agency specified hereafter:[name of agency]

9. THIS ORDER SUPERSEDES ANY PRIOR PROTECTION FROM ABUSE ORDER OBTAINED BY THE SAME PLAINTIFF AGAINST THE SAME DEFENDANT.
10. THIS ORDER APPLIES IMMEDIATELY TO DEFENDANT AND SHALL REMAIN IN EFFECT UNTIL [insert expiration date] _____ OR UNTIL OTHERWISE MODIFIED OR TERMINATED BY THIS COURT AFTER NOTICE AND HEARING.

NOTICE TO THE DEFENDANT

Defendant is hereby notified that violation of this order may result in arrest for indirect contempt, which is punishable by a fine of up to \$1,000 and/or up to six months in jail. 23 Pa.C.S. §6114. Consent of Plaintiff to Defendant's return to the residence shall not invalidate this order, which can only be changed or modified through the filing of appropriate court papers for this purpose. 23 Pa.C.S.A. §6108(g). Defendant is required to relinquish any firearms, other weapons or ammunition or any firearm license, those items must be relinquished to the sheriff within 24 hours of the service of this order. As an alternative, Defendant may relinquish any firearm, other weapon or ammunition listed herein to a third party provided Defendant and the third party first comply with all requirements to obtain a safekeeping permit. If, due to their current location, firearms, other weapons or ammunition cannot reasonably be retrieved within the time for relinquishment, Defendant shall provide an affidavit to the sheriff listing the firearms, other weapons or ammunition and their current location no later than 24 hours after service of this order. Defendant is further notified that violation of this order may subject him/her to state charges and penalties under the Pennsylvania Crimes Code and to federal charges and penalties under the Violence Against Women Act, 18 U.S.C. §§2261-2262.

NOTICE TO LAW ENFORCEMENT OFFICIALS

This order shall be enforced by the police department or sheriff who has jurisdiction over Plaintiff's residence OR any location where a violation of this order occurs OR where the defendant may be located. If defendant violates Paragraphs 1 through 6 of this order, Defendant shall be arrested on the charge of Indirect Criminal Contempt. An arrest for violation of this order may be made without warrant, based solely on probable cause, whether or not the violation is committed in the presence of law enforcement.

Subsequent to an arrest, the law enforcement officer or sheriff shall seize all firearms, other weapons and ammunition in Defendant's possession which were used or threatened

to be used during the violation of the protection order or during prior incidents of abuse and any other firearms in Defendant's possession. Any firearm, other weapon, ammunition or any firearm license must be delivered to the sheriff's office of the county which issued the order, which office shall maintain possession of the firearms, other weapons and ammunition until further order of this court, unless the weapon/s are evidence of a crime, in which case, they shall remain with the law enforcement agency whose officer or sheriff made the arrest.

BY THE COURT:

Judge

Date

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

| | | |
|-----------|---|-----------------------|
| _____ | : | |
| PLAINTIFF | : | FAMILY COURT DIVISION |
| vs. | : | Protection From Abuse |
| _____ | : | |
| DEFENDANT | : | NO. |
| | : | |

**ATTACHMENT A TO TEMPORARY ORDER
FIREARMS, OTHER WEAPONS, AND AMMUNITION INVENTORY**

It is hereby ordered that Defendant relinquish the following firearms, other weapons and ammunition to the sheriff:

| Firearm/Other Weapon/Ammunition | Location |
|---------------------------------|----------|
| 1. | |
| 2. | |
| 3. | |
| 4. | |
| 5. | |
| 6. | |
| 7. | |
| 8. | |
| 9. | |
| 10. | |

All firearms, other weapons and ammunition owned or possessed by the defendant.

BY THE COURT:

Judge

Date

Notice: This attachment will be withheld from public inspection in accordance with 23 Pa.C.S.A. §6108(a)(7)(v).

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

| | | |
|-----------|---|-----------------------|
| _____ | : | |
| PLAINTIFF | : | FAMILY COURT DIVISION |
| vs. | : | Protection From Abuse |
| _____ | : | |
| DEFENDANT | : | NO. |
| | : | |

AFFIDAVIT OF SERVICE

I, _____, the undersigned, hereby state that I served a copy of the Notice of Hearing and Order, Petition and Temporary Order in the above-captioned action upon the Defendant by handing the papers to _____ at the following address: on the _____ day of _____, 20____, at approximately _____ m.

I verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Signature

Title

Address

Date

THIS FORM MUST BE COMPLETED AND SIGNED BY THE PERSON WHO SERVES THE DEFENDANT WITH THE NOTICE OF HEARING AND ORDER, PETITION AND TEMPORARY ORDER. IT MUST BE FILED WITH THE PROTHONOTARY OR BROUGHT TO THE COURT ON THE HEARING DATE.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

_____,
PLAINTIFF

vs.

_____,
DEFENDANT

:
:
: FAMILY COURT DIVISION
:
: Protection From Abuse
:
:
: NO.
:
:

FINAL ORDER OF COURT

Defendant's Name _____

Defendant's Date of Birth _____

Defendant's Social Security Number _____

Names and Dates of Birth of All Protected Persons, including Plaintiff and minor children:

Names

Dates of Birth

CHECK ALL THAT APPLY:

Plaintiff or Protected Person(s) is/are:

spouse or former spouse of Defendant

parent of a child with Defendant

current or former sexual or intimate partner with Defendant

child of Plaintiff

child of Defendant

- family member related by blood (consanguinity) to Defendant
- family member related by marriage or affinity to Defendant
- sibling (person who shares parenthood) of Defendant
- current or former cohabitant (person who lives with) Defendant

Defendant was served in accordance with Pa.R.C.P. 1930.4 and provided notice of the time, date and location of the hearing scheduled in this matter.

AND NOW, this _____ day of _____ 20_____, the court having jurisdiction over the parties and the subject-matter, it is ORDERED, ADJUDGED AND DECREED as follows:

This order is entered (check one) by agreement by agreement without an admission after a hearing and decision by the court after a hearing at which Defendant was not present, despite proper service being made by default. Without regard as to how the order was entered, this is a final order of court subject to full enforcement pursuant to the Protection From Abuse Act.

Plaintiff's request for a final protection order is denied.

OR

Plaintiff's request for a final protection order is granted.

1. Defendant shall not abuse, stalk, harass, threaten or attempt to use physical force that would reasonably be expected to cause bodily injury to Plaintiff or any other protected person in any place where they might be found.

2. Defendant is completely evicted and excluded from the residence at (NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED) _____ or any other residence where Plaintiff or any other person protected under this order may live. Exclusive possession of the residence is granted to Plaintiff. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this order.

On _____ [insert date and time], Defendant may enter the residence to retrieve his/her clothing and other personal effects, provided that Defendant is in the company of a law enforcement officer or sheriff when such retrieval is made and _____ [insert any other conditions]

3. Except as provided in paragraph 5 of this order, Defendant is prohibited from

having ANY CONTACT with Plaintiff, either directly or indirectly, or any other person protected under this order, at any location, including but not limited to any contact at Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this order:

4. Except as provided in paragraph 5 of this order, Defendant shall not contact Plaintiff, either directly or indirectly, or any other persons protected under this order, by telephone or by any other means, including through third persons.

5. Temporary custody of the minor children, [NAMES OF THE CHILDREN SUBJECT TO THE FOLLOWING PROVISION OF THIS PARAGRAPH]

shall be as follows:

Check all that apply:

STATE TO WHOM PRIMARY PHYSICAL CUSTODY IS AWARDED, STATE TERMS OF PARTIAL CUSTODY OR VISITATION, IF ANY:

There is a current custody order as to the children of the parties:

(county court) (docket number)

A custody petition is pending

A hearing is scheduled for _____ (date, time and location)

THIS ORDER SHALL NOT SUPERSEDE THE CURRENT CUSTODY ORDER

THIS ORDER SUPERSEDES ANY PRIOR ORDER RELATING TO CHILD CUSTODY

6. FIREARMS, OTHER WEAPONS AND AMMUNITION RESTRICTIONS

Check all that apply:

Defendant is prohibited from possessing, transferring or acquiring any firearms for the duration of the order.

Defendant shall relinquish to the sheriff the following firearms licenses owned or possessed by Defendant.

Defendant is directed to relinquish to the sheriff any firearm, other weapon or ammunition listed in Attachment A to Final Order, which is incorporated herein by reference.

Defendant may relinquish any firearms, other weapons or ammunition to the sheriff. As an alternative, Defendant may either relinquish firearms, other weapons and ammunition to a third party provided Defendant and the third party first comply with all the requirements to obtain a safekeeping permit, or relinquish firearms, other weapons and ammunition to a licensed firearms dealer for consignment sale, lawful transfer, or safekeeping pursuant to 23 Pa.C.S.A. § 6108.2(e). Defendant must relinquish any firearm, other weapon, ammunition or firearm license ordered to be relinquished no later than 24 hours after service of this order. Failure to timely relinquish any firearm, other weapon, ammunition or any firearm license ordered to be relinquished shall result in a violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 Pa.C.S.A. §6105.

7. Any firearm delivered to the sheriff or transferred to a licensed firearm dealer, or a qualified third party who satisfies the procedural and substantive requirements to obtain a safekeeping permit issued under 23 Pa.C.S.A. §6108.3 pursuant to this order or the temporary order shall not be returned to Defendant until further order of court or as otherwise provided by law.

8. The following additional relief is granted as authorized by §6108 of the Act:

Defendant is prohibited from stalking, as defined by 18 Pa.C.S.A. §2709.1 or harassing, as defined in 18 Pa.C.S.A. §2709, the following family and household members of Plaintiff:

Name Address (optional) Relationship to Plaintiff

Other relief.

9. Defendant is directed to pay temporary support for [INSERT THE NAMES OF THE PERSONS FOR WHOM SUPPORT IS TO BE PAID]

as follows: [INSERT AMOUNT, FREQUENCY AND OTHER TERMS AND CONDITIONS OF THE SUPPORT ORDER].

This order for support shall remain in effect until a final support order is entered by this court. However, this order shall lapse automatically if Plaintiff does not file a complaint for support with the Domestic Relations Section of the court within two weeks of the date of this order. The amount of this temporary order does not necessarily reflect Defendant's correct support obligation, which shall be determined in accordance with the guidelines at the support hearing. Any adjustments in the final amount of support shall be credited, retroactive to this date, to the appropriate party.

10. (a) The costs of this action are imposed on Defendant.

(b) Because this order followed a contested proceeding, or a hearing at which Defendant was not present, despite being served with a copy of the petition, temporary order and notice of the date, time and place of the hearing. Defendant is ordered to pay an additional \$100 surcharge to the court, which shall be distributed in the manner set forth in 23 Pa.C.S.A. §6101(d).

(c) Upon a showing of good cause or a finding that Defendant is unable to

pay, the costs of this action are waived.

11. Defendant shall pay \$ _____ to Plaintiff by (insert date) as compensation for Plaintiff's out-of-pocket losses, which are as follows:

An installment schedule is ordered as follows:

OR

Plaintiff is granted leave to present a petition, with appropriate notice to Defendant, to [INSERT THE NAME OF THE JUDGE OR COURT TO WHICH THE PETITION SHOULD BE PRESENTED] _____ requesting recovery of out-of-pocket losses. The petition shall include an exhibit itemizing all claimed out-of-pocket losses, copies of all bills and estimates of repair, and an order scheduling a hearing. No fee shall be required by the prothonotary's office for the filing of this petition.

12. THIS ORDER SUPERCEDES ANY PRIOR PROTECTION FROM ABUSE ORDER OBTAINED BY THE SAME PLAINTIFF AGAINST THE SAME DEFENDANT.

13. All provisions of this order shall expire:

Check one

in [INSERT DAYS, MONTHS OR YEARS] _____ on [INSERT EXPIRATION DATE] _____.

in three years, on [INSERT EXPIRATION DATE] _____.

NOTICE TO THE DEFENDANT

VIOLATION OF THIS ORDER MAY RESULT IN YOUR ARREST ON THE CHARGE OF INDIRECT CRIMINAL CONTEMPT WHICH IS PUNISHABLE BY A FINE OF UP TO \$1,000 AND/OR A JAIL SENTENCE OF UP TO SIX

MONTHS. 23 PA.C.S.A §6114. VIOLATION MAY ALSO SUBJECT YOU TO PROSECUTION AND CRIMINAL PENALTIES UNDER THE PENNSYLVANIA CRIMES CODE. A VIOLATION OF THIS ORDER MAY RESULT IN THE REVOCATION OF THE SAFEKEEPING PERMIT, WHICH WILL REQUIRE THE IMMEDIATE RELINQUISHMENT OF YOUR FIREARMS, OTHER WEAPONS AND AMMUNITION TO THE SHERIFF. PLAINTIFF'S CONSENT TO CONTACT BY DEFENDANT SHALL NOT INVALIDATE THIS ORDER WHICH CAN ONLY BE MODIFIED BY FURTHER ORDER OF COURT. 23 Pa.C.S. A. §6108(g).

THIS ORDER IS ENFORCEABLE IN ALL FIFTY (50) STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, U.S. TERRITORIES AND THE COMMONWEALTH OF PUERTO RICO UNDER THE VIOLENCE AGAINST WOMEN ACT, 18. U.S.C. §2265. IF YOU TRAVEL OUTSIDE OF THE STATE AND INTENTIONALLY VIOLATE THIS ORDER, YOU MAY BE SUBJECT TO FEDERAL, CRIMINAL PROCEEDINGS UNDER THE ACT. 18 U.S.C. §§2261-2262. IF YOU POSSESS A FIREARM OR ANY AMMUNITION WHILE THIS ORDER IS IN EFFECT, YOU MAY BE CHARGED WITH A FEDERAL OFFENSE EVEN IF THIS PENNSYLVANIA ORDER DOES NOT EXPRESSLY PROHIBIT YOU FROM POSSESSING FIREARMS OR AMMUNITION 18 U.S.C. §922(g)(8).

NOTICE TO SHERIFF, POLICE AND LAW ENFORCEMENT OFFICIALS

The police and sheriff who have jurisdiction over Plaintiff's residence OR any location where a violation of this order occurs OR where Defendant may be located, shall enforce this order. The court shall have jurisdiction over any indirect criminal contempt proceeding, either in the country where the violation occurred or where this protective order was entered. An arrest for violation of paragraphs 1 through 7 of this order may be without warrant, based solely on probable cause, whether or not the violation is committed in the presence of the police or any sheriff. 23 Pa.C.S.A. §6113.

Subsequent to an arrest, and without the necessity of a warrant, the police officer or sheriff shall seize all firearms, other weapons and ammunition in Defendant's possession that were used or threatened to be used during the violation of the protection order or during prior incidents of abuse and any other firearms in Defendant's possession. The [insert the appropriate name or title]
_____ shall maintain possession of the firearms, other weapons or ammunition until further order of court.

When Defendant is placed under arrest for violation of the order, Defendant shall be taken to the appropriate authority or authorities before whom Defendant is to be arraigned. A "Complaint for Indirect Criminal Contempt" shall then be completed and signed by the police officer, sheriff OR Plaintiff. Plaintiff's presence and signature are not required to file the complaint.

If sufficient grounds for violation of this order are alleged, Defendant shall be arraigned, bond set, if appropriate and both parties given notice of the date of hearing.

BY THE COURT:

Judge _____ Date _____

If entered pursuant to the consent of plaintiff and defendant:

(Plaintiff's signature)

(Defendant's signature)

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

| | | |
|-----------|---|-----------------------|
| _____ | : | |
| PLAINTIFF | : | FAMILY COURT DIVISION |
| vs. | : | Protection From Abuse |
| _____ | : | |
| DEFENDANT | : | NO. |
| | : | |

**ATTACHMENT A TO FINAL ORDER
FIREARMS, OTHER WEAPONS, AND AMMUNITION INVENTORY**

It is hereby ordered that Defendant relinquish the following firearms, other weapons and ammunition to the sheriff:

| Firearm/Other Weapon/Ammunition | Location |
|---------------------------------|----------|
| 1. | |
| 2. | |
| 3. | |
| 4. | |
| 5. | |
| 6. | |
| 7. | |
| 8. | |
| 9. | |
| 10. | |

All firearms, other weapons and ammunition owned or possessed by the defendant.

BY THE COURT:

Judge

Date

Notice: This attachment will be withheld from public inspection in accordance with 23 Pa.C.S.A. §6108(a)(7)(v).