

**PROVISIONS OF LAW RELATING TO SERVICE OF
PROTECTION FROM ABUSE PETITIONS IN PHILADELPHIA**

PENNSYLVANIA PROTECTION FROM ABUSE ACT

As Amended November 10, 2005

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§ 6102. Definitions

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"SHERIFF."

(1) Except as provided in paragraph (2), the sheriff of the county.

(2) In a city of the first class, the chief or head of the police department.

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§ 6106. Commencement of proceedings

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(e) COURT TO ADOPT MEANS OF SERVICE.-- The court shall adopt a means of prompt and effective service in those instances where the plaintiff avers that service cannot be safely effected by an adult individual other than a law enforcement officer or where the court so orders.

(f) SERVICE BY SHERIFF.-- If the court so orders, the sheriff or other designated agency or individual shall serve the petition and order.

(g) SERVICE OF PETITION AND ORDERS.-- The petition and orders shall be served upon the defendant, and orders shall be served upon the police departments and sheriff with appropriate jurisdiction to enforce the orders. Orders shall be promptly served on the police and sheriff. Failure to serve shall not stay the effect of a valid order.

(G.1) SERVICE OF ORIGINAL PROCESS OF A FOREIGN PROTECTION ORDER.-- No plaintiff or petitioner shall be charged any costs or fees associated with the service of original process of a foreign protection order. Costs or fees associated with the service of original process of a foreign protection order may be assessed against the defendant.

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§ 6107. Hearings

(a) GENERAL RULE.-- Within ten business days of the filing of a petition under this chapter, a hearing shall be held before the court, at which the plaintiff must prove the allegation of abuse by a preponderance of the evidence. The court shall, at the time the defendant is given notice of the hearing, advise the defendant of the right to be represented by counsel, of the possibility that

any firearm, other weapon or ammunition owned and any firearm license possessed may be ordered temporarily relinquished, of the options for relinquishment of a firearm pursuant to this chapter, of the possibility that Federal law may prohibit the possession of firearms, including an explanation of 18 U.S.C. § 922(g)(8) (relating to unlawful acts), and that any protection order granted by a court may be considered in any subsequent proceedings under this title. This notice shall be printed and delivered in a manner which easily attracts attention to its content and shall specify that child custody is one of the proceedings where prior protection orders may be considered.

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§ 6109. Service of orders

(a) ISSUANCE.-- A copy of an order under this chapter shall be issued to the plaintiff, the defendant and the police department with appropriate jurisdiction to enforce the order or agreement in accordance with the provisions of this chapter or as ordered by the court or hearing officer.

(b) PLACEMENT IN REGISTRY.-- Upon receipt of an order, the police department shall immediately place the order in a county registry of protection orders. The police department shall assure that the registry is current at all times and that orders are removed upon expiration thereof. County registries shall not be required when the Pennsylvania State Police registry provided for in section 6105(e) (relating to responsibilities of law enforcement agencies) is established and is fully operational.

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CHAPTER 1900. ACTIONS PURSUANT TO THE PROTECTION FROM ABUSE ACT

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Rule 1901.4. Service and Registration of Order.

(a) Service of the petition and temporary order shall be in accordance with Rule 1930.4.

(b) An Affidavit of Service substantially in the form set forth in Rule 1905(d) shall be filed with the prothonotary.

(c) Upon the filing of a protection order with the prothonotary, the prothonotary shall transmit a copy of the order to the State Police PFA Registry in the manner prescribed by the Pennsylvania State Police.

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**CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS
GENERALLY**

Rule 1930.4. Service of Original Process in Domestic Relations Matters.

(a) *Persons Who May Serve.* Original process in all domestic relations matters may be served by the sheriff or a competent adult:

(1) by handing a copy to the defendant; or

(2) by handing a copy

(i) at the residence of the defendant to an adult member of the family with whom the defendant resides; but if no adult member of the family is found, then to an adult person in charge of such residence; or

(ii) at the residence of the defendant to the clerk or manager of the hotel, inn, apartment house, boarding house or other place of lodging at which the defendant resides; or

(iii) at any office or usual place of business of the defendant to the defendant's agent or to the person for the time being in charge thereof.

(3) or pursuant to special order of court.

Official Note

See Rule 76 for the definition of "competent adult."

(b) *Service in Protection From Abuse Matters.* In Protection from Abuse matters only, original process may also be served by an adult using any means set forth in subdivision (a) above. If personal service cannot be completed within forty-eight (48) hours after a Protection From Abuse petition is filed, the court may, by special order as set forth in subdivision (a)(3) above, authorize service by another means including, but not limited to, service by mail pursuant to subdivision (c) of this rule.

(c) *Service by Mail.* Except in Protection from Abuse matters unless authorized by special order of court pursuant to subdivision (b) above, original process may also be served by mailing the complaint and order to appear, if required, to the defendant's last known address by both regular and certified mail. Delivery of the certified mail must be restricted to addressee only, and a return receipt must be requested.

(1) If the certified mail is refused by defendant, but the regular mail is not returned within fifteen days, service may be deemed complete.

(2) If the mail is returned with notation by the postal authorities that it was unclaimed, service shall be made by another means pursuant to these rules.

(d) *Acceptance of Service.* In lieu of service pursuant to this rule, the defendant or the defendant's authorized agent may accept service of original process by filing with the prothonotary a separate document which shall be substantially in the following form:

(Caption)
ACCEPTANCE OF SERVICE

I accept service of the _____.
NAME OF DOCUMENT

I certify that I am authorized to accept service on behalf of the defendant.

DATE

DEFENDANT OR AUTHORIZED AGENT

MAILING ADDRESS

Official Note

If defendant accepts service personally, the second sentence should be deleted.

(e) *Time for Service Within the Commonwealth.* Original process shall be served within the Commonwealth within thirty days of the filing of the petition or complaint.

(f) *Service Outside of the Commonwealth.* Original process shall be served outside the Commonwealth within ninety days of the filing of the compliant:

- (1) by any means authorized by this rule; or
- (2) in the manner provided by the law of the jurisdiction in which defendant will be served; or
- (3) in the manner provided by treaty; or
- (4) as directed by the foreign authority in response to a letter rogatory or request.

In Protection from Abuse matters, the defendant must be personally served with original process outside of the Commonwealth. Such service may be made either in accordance with subdivisions (a) and (b) of this Rule governing personal service or as provided for by law in the jurisdiction where the defendant resides. If personal service cannot be completed within 48 hours after entry of the protection order, service outside of the Commonwealth may be made by any other means authorized by this rule.

Rule 76 Definitions

“competent adult” means an individual eighteen years of age or older who is neither a party to the action nor an employee or a relative of a party.

PHILADELPHIA COUNTY PROTECTION FROM ABUSE RULES

Rule 1903.1 Service of Process

(a) Service of original process, including the temporary order and the petition for relief filed under the Act, shall be made before the time of the hearing provided for by Section 5 of the Act. 35 P.S. §10185(a).

(b) Service may be made by the Sheriff of Philadelphia County or by any competent adult, including the plaintiff, by handing a copy to the defendant, or by handing a copy:

(i) at the residence of the defendant to an adult member of the family with whom he/she resides, but if no adult member of the family is found, then to an adult person in charge of such residence;

(ii) at the residence of the defendant to the clerk or manager of the hotel, inn, apartment house, boarding house or other place of lodging at which he/she resides; or

(iii) at any office or usual place of business of the defendant to his/her agent or to the person for the time being in charge thereof.

(c) Service may also be made by any other manner authorized by the Pennsylvania Rules of Civil Procedure, including service by certified mail, return receipt requested.

(d) A plaintiff who avers that service cannot be safely effected by an adult individual other than a law enforcement officer may request the Court to provide prompt and effective service of the petition upon the defendant. Verification of service of the petition under this subsection shall be provided to the plaintiff or plaintiff's attorney prior to the time of the hearing.

(e) At the time of the hearing, the plaintiff shall produce a verification of service, certifying the date, time place and manner of service, the identity of the person served and any other facts necessary for the Court to determine whether proper service has been made. The verification shall be substantially in the form provided by Rule 1903.1(A).

(f) If service of process has not been made by the time of the hearing, the Court may continue the hearing in order to permit service to be accomplished, in which event any temporary protection order previously entered by the Court shall remain in effect.

Editor's note: Adopted by the Board of Judges, February 16, 1989, General Court Regulation 89-2, effective June 13, 1989.