

**ERIE COUNTY
COURT OF COMMON PLEAS**



**PROTECTION
FROM
INTIMIDATION**

Procedures and Information
Revised August 2015

The information contained in this booklet is merely a summary of the PFA process in Erie County. There are both state and local rules governing the process and it is your responsibility to proceed in a manner consistent with those rules. Court staff members are available in the PFA Office to provide forms, clerical assistance, and referrals to local domestic violence programs and lawyer referral services. Our staff cannot, however, provide legal advice.

THE PROTECTION FROM INTIMIDATION (PFI) PROCESS **and FREQUENTLY ASKED QUESTIONS**

WHAT IS A PFI?

A Protection from Intimidation (PFI) order is an order entered through the civil process that requires the offender to stay away from a victim of intimidation, regardless of whether the victim seeks criminal prosecution. Only minors (persons under the age of 18) are eligible to obtain a PFI. Unless the minor is emancipated, a parent, adult household member or guardian must request a PFI order on the minor's behalf. . To request a PFI the wrongdoing must constitute either the crime of harassment, 18 Pa. C.S. §§ 2709(a)(4),(5),(6)or(7), (i.e. with the intent to harass, annoy or alarm the minor, the offender: (a) communicated lewd, lascivious, threatening or obscene words or drawings, (b) communicated repeatedly in an anonymous manner, (c) communicated repeatedly at extremely inconvenient hours, or (d) communicated repeatedly in some other manner) or the crime of stalking, 18 Pa. C.S. §2709.1, (i.e. the defendant engaged in a course of conduct, which may or may not involve following the minor, in a manner which shows either intent to place the minor in fear of bodily injury or cause substantial emotional distress to the minor. In order to constitute intimidation for PFI purposes, the defendant must be 18 years old or older **AND** the minor victim and the defendant cannot be family or household members (i.e. the defendant cannot be the minor's spouse, parent, sibling, other family member, or sexual or intimate partner).

WHERE DO I GO TO GET A PFI?

You can go through the Protection from Abuse Office at the Erie County Courthouse, Room 225, 140 West Sixth Street, Erie, PA (814-451-6324). The PFA office is open Monday through Friday and you must appear at 8:30 a.m. Allow approximately one to two hours to process. You will then be required to return at approximately 11:00 a.m. to appear before the Judge. If the Courthouse is closed for business, you may seek emergency relief from the magisterial district court. Any order granted by a magisterial district judge will expire at the end of the next business day that the Courthouse is open for business. You can also begin the process by contacting your own attorney.

IS MY PROTECTION ORDER ENFORCEABLE IN ANOTHER COUNTY?

Yes. The Pennsylvania State Police maintains a registry of all PFI Orders issued throughout the Commonwealth. A court will enforce a valid protection order that is issued in another county and recorded in the Pennsylvania State Police Registry.

HOW DO I GET A PFI?

The case begins with a written petition in which you state all the facts in support of your request. You will then go before a Judge, be placed under oath, and asked about your facts. You may also be asked if you are in fear of the other person and if you want that person excluded from the home. If the Judge is satisfied that your

facts justify a temporary PFI Order, that Order will be issued and a date will be set for a final hearing at which you must appear. The Sheriff will be given a copy of your petition and the temporary order to serve on the other person.

It is your responsibility to keep a copy of the temporary PFI and you should provide a copy to your local police agency. You must check with the Sheriff's Office (814-451-6005) around 4:00 p.m. each day until you are informed that the other person has been served with the temporary PFA.

WHAT IS "SERVICE"?

Service refers to the receipt of the petition and order by the defendant. The defendant must see the allegations that have been made against him/her before a hearing can be held. The Erie County Sheriff's Department normally handles service. If your defendant is in another state, is avoiding service, or another special situation exists, you may want to consult an attorney regarding other options for obtaining service.

WHAT IF SERVICE IS NOT MADE?

The case generally will be continued until service is made. If you have a temporary order, it will remain in effect until the final hearing. **You, the plaintiff, MUST appear at the final hearing or the case may be dismissed.**

HOW WILL THE POLICE KNOW THAT I AM TO BE PROTECTED?

The Pennsylvania State Police maintain a statewide registry to record all valid temporary and final orders. The Court will send a copy of the order to the Statewide registry, the City of Erie Police Department, the Erie County Sheriff's Office and the Erie County District Attorney's Office. You should also take a copy of your Temporary Protection Order (and final order, if granted) to your local police department as well as any other police jurisdictions where protection is needed (schools, businesses, offender's residence or work, etc.).

WHAT IS A FINAL PFI?

At the final hearing scheduled by the Temporary Order, the other person has the right to be present in Court, to be represented by an attorney, to cross-examine you and your witnesses, and to present his or her own witnesses. It is

important that you bring with you any witness(es) that support your position that the minor is a victim of intimidation and that the minor is at a continued risk of harm from the offender.

At the conclusion of the final hearing, the Judge will tell you whether a final PFI Order will be entered and its terms. It is very important for you to obtain two copies of the final Order – one for yourself and one for you to provide to

your local police department. The Court will take care of sending a copy to the Central Registry at the Lawrence Park State Police.

WHAT IS THE DIFFERENCE BETWEEN A TEMPORARY AND A FINAL PROTECTION ORDER?

Temporary order:

- Sets forth temporary restrictions against the Defendant meant for protection from an immediate and present danger to the person(s) filing for protection. (See below.)
- Only the person ("party") seeking protection and witnesses (if any) for that person gives statements.
- Sets the hearing date for the final order hearing.
Remains in effect until modified or terminated by the Court after the final hearing.

Final order:

- Sets forth restrictions against the Defendant meant to protect the child/ren filing for protection for as long as the order lasts. (See below.)
- At the hearing, both people ("parties") provide evidence; witnesses for both parties can testify.
- Can be entered for a period of up to 36 months, unless extended.

YOU MUST APPEAR IN COURT FOR YOUR FINAL HEARING

Your failure to appear could result in a dismissal of the PFI. You must appear even if you are unsure whether the other person has been served with the temporary PFI. You must be on time and dress appropriately for a Court appearance. Please note that no baby-sitting services are available and children should not be brought to the hearing unless they are witnesses.

WHAT IF I WANT TO Change the PFI Order?

You must file a petition with the Court to request a modification of the Order. Because the Order is a legal document, only a judge can change the restrictions or terms in the Order; the parties themselves cannot make different arrangements.

WHAT IF THE OTHER PERSON VIOLATES THE TEMPORARY OR FINAL PFI?

You have immediate protection in an emergency by contacting the local police department and telling them what happened. The police can then arrest the other person for contempt and bring the other person before a Magisterial District Judge, who will set bail. A hearing will be set with a Judge at the courthouse.

You must appear at the contempt hearing and bring with you all witnesses. Your failure to appear could result in the contempt action being dismissed. If the other person is put in jail as a result of any actions taken against you, you should contact Victim Witness Services (814-455-9515). That office can then contact you if and when the person is released from jail.

WHAT PROTECTION CAN THE COURT ORDER?

The court may grant any protection order or approve any agreement meant to protect the minor from the defendant.

A Protection From Intimidation order may include some or all of the following:

1. Direct the Defendant not to harass or stalk a minor child/ren (temporary or final order);
2. Direct the Defendant not to have any contact with the minor; and/or
2. Direct the Defendant to refrain from entering the minor's residence, place of employment, business, or school as well as prohibiting indirect contact through third parties.

IS A PENNSYLVANIA PROTECTION ORDER ENFORCEABLE IN ANOTHER STATE?

Yes, if it is a final order issued after the offender received notice of the hearing and had the opportunity to be involved in that hearing, even if the abuser failed to appear or the order was entered based on an agreement. If you move to another state, take a copy of the order to the police jurisdiction where you reside.

CAN THE FINAL PROTECTION ORDER BE EXTENDED?

There are two reasons for the judge to choose to extend a final order. If you can show that, after the final order, the Defendant continued the intimidation or engaged in a pattern that indicates continued risk of harm the judge may extend the final order. In any case, you must file the petition for an extension before the end of the original order.

The Judge may also extend the final protection order if a contempt petition is pending, but the contempt hearing will not occur before the PFI order expires.

SHELTER SERVICES:

Community Shelter Services, Inc. 453-5937
Horizon House (Union City) 438-2675
Hospitality House 454-8161

COUNSELING:

AA..... 452-2675
Al- ANON..... 454-4730
Catholic Social Services 456-2091
Counseling Services Center (Corry) 664-7761
Hotline..... 453-5656
Crisis Services 456-2014
Family Services 866-4500
Safe Journeys (Union City) 438-2675
SafeNet..... 455-1774
Mercy Center for Women..... 455-4577
Rainbows for all God's Children 824-1255
Union City Family Service 438-3655
Victim Services Program 455-9515
Toll Free Abuse Hotline..... 1-800-799-SAFE
Group Works, LLC (Anger Mgt & Domestic Violence)..... 814-218-0551

HEALTH ASSISTANCE:

AA..... 452-2675
Al- ANON..... 454-4730
Pregnancy Counseling Services 456-2091
Hamot Medical Center 877-6000
Crimes Victim's Center 455-9515
St. Vincent Health Center 452-5000
St. Vincent Serenity Recovery Center 452-5555
Millcreek Community Hospital 864-4031
Corry Memorial Hospital..... 664-4641

LEGAL ASSISTANCE:

Lawyers Referral Service 459-4411
Northwestern Legal Services 452-6949