

Have You Been Served with a Petition for a Protection from Abuse Order?



Provided by:

WCBA

The
Wayne County
Bar Association



Pro Bono Partnerships

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**This fact sheet is provided by the Wayne
County Bar Association and Pro Bono
Partnerships as a general resource guide
for the public.**

The information in this pamphlet does not
take the place of legal advice from an
experienced attorney.

**Any time your legal rights are at issue,
you should consult with an attorney.**

There are many experienced attorneys in
Wayne County who can help you. A list of
local attorneys is available at
waynecountypalawyers.com/members.

**If you cannot afford an attorney,
you may qualify for help from
Pro Bono Partnerships.**

[waynecountypalawyers.com/pro-bono-
program](http://waynecountypalawyers.com/pro-bono-program).

What is a Protection From Abuse Order?

In Pennsylvania, a Protection from Abuse Order (PFA) is an order prohibiting someone from abusing or threatening someone else. If the person against whom the PFA is sought (called the defendant) violates the order, he or she can be arrested and punished.

The judge can enter a PFA against a family member or an intimate partner of the person seeking the PFA (called the plaintiff), such as the plaintiff's

- spouse (or ex-spouse),
- domestic partner,
- parent,
- child,
- person related to the plaintiff by blood or marriage, or
- current or former intimate partner, including from a dating relationship.

23 Pa. C.S. § 6102(a).

What does the plaintiff need to prove?

The plaintiff may be able to obtain a PFA if he or she can prove to the judge that the defendant has “abused” him or her, as that term is defined in the law.

What qualifies as “abuse” under the law?

- Causing or trying to cause bodily injury;
- Placing someone in fear of imminent serious bodily injury;
- Rape or sexual assault;
- Stalking;
- Physically or sexually abusing a child;
- Repeatedly committing acts that place an individual in fear of bodily injury; or
- Interfering with an individual’s freedom of movement (false imprisonment).

23 Pa. C.S. § 6102(a).

What can the judge order?

The judge can order the defendant to:

- Stop abuse, threats, harassment, or stalking;
- Leave the plaintiff's house and not enter his or her home, school, business, or workplace;
- Stop contacting the plaintiff;
- Pay temporary child or spousal support;
- Reimburse the plaintiff for reasonable out-of-pocket expenses that were incurred as a result of the abuse;
- Give up weapons and/or firearms permit;
- Attend batterers' counseling program; and/or
- Any other relief the judge decides is appropriate to stop the abuse.

The judge can also award the plaintiff temporary custody of minor children or establish temporary visitation rights.

23 Pa. C.S. § 6108.

Process of Defending Against a Protection from Abuse Order

Step 1: You are served with the Petition. If you have been served, this means that the plaintiff has already filed a Petition for a PFA. The packet served on you will include the Petition, Temporary PFA Order (if the judge granted one), and a notice of the date, time, and location of the final hearing.

Step 2: Read Petition carefully and comply with Order. If the judge granted the plaintiff a Temporary PFA Order, it is in effect immediately. If you violate it, you could be arrested, charged with contempt, and punished.

Step 3: Consult with an attorney. If you are served with a Petition, you should get an attorney because you will have to defend yourself in court. If you do not go to the final hearing, the judge will only consider one side of the dispute.

If you have a lawyer, he or she can help prepare you, gather evidence, and represent you at the hearing.

If you cannot afford an attorney, you may qualify for help.

Information on finding an attorney can be found on the inner cover of this pamphlet.

Step 4: Try to work it out. Through your lawyer, you may be able to negotiate a written agreement with the plaintiff. (Remember: if the judge has entered a Temporary PFA Order, you cannot contact the plaintiff directly.)

Step 5: Attend the hearing. Within 10 business days after the plaintiff files the Petition, the judge will hold the final hearing, at which you, the plaintiff, and any other witnesses will have a chance to speak to the judge. The judge will make a decision based on the testimony and any other evidence presented. The judge can then enter a Final PFA Order. If entered, the judge will decide how long the order will last, up to a period of three years.

Step 6: After the hearing. If the judge enters a Final PFA Order against you, you must comply with its terms.



The Wayne County Bar Association serves as a one-stop-shop for individuals seeking professional legal counsel.

waynecountypalawyers.com



Pro Bono Partnerships

Pro Bono Partnerships, Inc. is the non-profit legal aid subsidiary of The Wayne County Bar Association.

waynecountypalawyers.com/pro-bono-program/