

# Do You Need Protection From Abuse?



**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](http://waynecountypalawyers.com/members).

**If you cannot afford an attorney, you may be eligible for free legal assistance.**

Call Victims Intervention Program (570-253-4401) or North Penn Legal Services (877-953-4250).

## ***What is a Protection From Abuse Order?***

In Pennsylvania, a Protection From Abuse Order (“PFA”) is a court order prohibiting someone from abusing or threatening someone else. If the abuser breaks these rules, he or she can be held accountable.

## ***Who does a PFA protect you from?***

You can apply for a PFA against a family member or an intimate partner, such as a

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

*23 Pa. C.S. § 6102(a).*

## ***What do I need to show to get a PFA?***

You may be able to obtain a PFA if you can demonstrate to the judge that the person against whom you are seeking the order (the “defendant”) has “abused” you, as that term is defined in the law.

### ***What qualifies as “abuse”?***

- 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 types of protections are available?***

The judge can order the defendant to:

- Stop abuse, threats, harassment, or stalking;
- Leave your house and not enter your home, school, business, or workplace;
- Stop contacting you;
- Pay temporary child or spousal support;

- Reimburse you for reasonable expenses you had to pay because 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 you temporary custody of minor children or establish temporary visitation rights.

*23 Pa. C.S. § 6108.*

## **Steps for Requesting a Protection from Abuse Order in Wayne County**

**Step 1: Fill out Petition.** Obtain and fill out a "Petition for Protection from Abuse." In the Petition, you will explain why you are seeking protection, describe the abuse you've suffered, and indicate what type of protection you are seeking. Blank copies of the Petition are available at the Prothonotary's Office in the Wayne County Courthouse, 925 Court Street, Honesdale, or online at: [www.pfad.pa.gov/Order/Forms](http://www.pfad.pa.gov/Order/Forms).

**Step 2: File Petition.** During regular court hours, bring your completed Petition to the Prothonotary's Office at the Wayne County Courthouse.

If you need a PFA due to an emergency outside of regular court hours, contact the police. There is a Wayne County magistrate on duty 24 hours a day, 7 days a week. The magistrate will speak with you and may issue an Emergency PFA Order. An Emergency PFA Order only lasts until the next business day that the courthouse is open. Even if the Emergency PFA Order is granted, you will still need to file the Petition in the courthouse on the next business day that the courthouse is open.

There is no fee to petition for a PFA.

**Step 3: Judge hears your side.** Once you file your PFA petition with the Prothonotary, you will be directed to a hearing with a judge. At this stage, the judge will only hear your side of the story.

The judge will ask you questions under oath to determine if you qualify for a Temporary PFA. The judge may grant a Temporary PFA providing you protection until a final hearing. A final hearing will be scheduled within 10 business days.

**Step 4: Defendant receives Petition.** If the judge granted you a Temporary PFA Order, the sheriff's office will serve it on the defendant, along with the Petition and a notice of the time and date of the final hearing. You should provide the sheriff's office with identification and contact information for the defendant, including the defendant's date of birth, phone number, employment information, and current address, if you know it.

**Step 5: Negotiate possible resolution.** You may consider negotiating with the defendant to reach a written agreement that will offer you protection. An attorney is especially helpful in these negotiations.

**Step 6: Attend final hearing.** Within 10 business days after you file the petition, the judge will hold a hearing, at which you, the defendant, and witnesses can testify. The judge will make a decision based on the testimony and 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.

**You can have an attorney represent you at the hearing.** Resources for finding an attorney are located on the inside cover of this pamphlet.



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

**[waynecountypalawyers.com](http://waynecountypalawyers.com)**

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