STEPS TO OBTAIN A TEMPORARY AND FINAL PROTECTION FROM ABUSE ORDER

If you believe that you have been the victim of abuse and want to petition the Court of Common Pleas for a Protection From Abuse order, you should report to the Court Administrator's office, located on the second floor of the Courthouse, between 8:30 a.m. and 9:30 a.m., Monday through Friday.

If you need to obtain an emergency order during the night, weekend or holiday hours, call the Beaver County Emergency Services Center (911) for the Magisterial District Judge on duty. The MDJ will be notified of the situation. You will then have to go to his or her office to receive an Emergency Order. An Emergency Order is only in effect until the next regular business day of the Court. If you need to extend the protection granted by the Emergency Order, you then must come to the Courthouse and file for a Temporary Order.

- The process of preparing a legal document and having the Court review it is time consuming: be prepared to spend at least one and a half to two hours at the Courthouse.

- Come prepared with information which will help locate the Defendant: his address, date of birth, social security number, where he works.

Court personnel will provide you with of all of the forms as well as the clerical (but not legal) assistance necessary to help you petition the Court on your own behalf and / or on behalf of your minor children. Additionally, an advocate from the Women's Center of Beaver County is usually on hand to guide petitioners through the process and to answer questions about domestic violence.

Filling Out Forms

1. You will be provided with an Intake Form, which will ask for information in order to aid the data entry clerk in preparing your petition. You will need to describe the incident(s) or act(s) of abuse from which you are seeking protection. The Court reviews the description of the alleged abusive incident or series of incidents to determine whether it is appropriate to enter a Temporary Protection From Abuse order.

2. The Service Information sheet requires you to provide information about the Defendant in order to help the Sheriff's department serve him / her with the Petition and Temporary Order. The Defendant must be served in order to have notice of the allegations made by the petition and to be made aware of the hearing date, where a Defendant has an opportunity to present a defense.

The Intake Form and the Service Information Sheet are available on this website to download and complete prior to coming to the Courthouse.

Interview and Review of Petition

1. After completing these forms you will be interviewed by a Judicial Law Clerk, who will review all of your paper work to ensure all necessary information has been obtained. This occurs after the data entry clerk enters the information into a computer and prints out all the necessary paperwork, including the Petition.

2. A Judge will then review your Petition to determine whether the incident which you described meets the criteria for entering a Temporary Order under the Protection From Abuse Act. At this stage of the proceedings, the Judge is only permitted to give you a Temporary Order. A Final Order cannot be entered until the Defendant has been given an opportunity to appear and be heard.

Granting of a Temporary Order:

1. The Temporary Protection Order will be in effect for approximately ten (10) days. When a Temporary Order is issued, a hearing is scheduled to determine at that time whether a Final Order will be entered. This is an opportunity for the Defendant to either consent to a final order or contest the entry of a final order. A Final Order can last for up to 3 years, but can be shorter in duration.

2. Once a Temporary Order is signed by the judge, the original Petition and Order must be filed at the Prothonotary's office. All necessary copies will be made for you in this office. You will be given a certified copy of the order to keep and any other copies you may need to give to your local police department.

3. A copy of the petition and order, along with the Service Information Sheet will be brought to the Sheriff's Department. The Sheriff will then send a deputy to serve the Defendant with the Petition and Order and carry out any other instructions contained in the order.

4. You should leave the Courthouse with copies of the following paperwork:

- Temporary Protection Order: This Order will include the date for a hearing to determine whether a Final Order will be entered.

- Copies of all other important information, including the Petition. This should be given the attorney who will represent you at the final hearing as soon as possible.

On the day you obtain your order, you should give certified copies of the Temporary Protection Order to the police department where you live and / or where you work. This gives the police notice that there is an Order entered against the Defendant directing him or her not to have any contact with you.

Denial of a Temporary Order

In the event that the Court of Common Pleas reviews your petition and denies you the relief that you are seeking, you have the right to appeal. You should contact an attorney to advise you on whether you should appeal the Court's order and how to file the appeal.

Preparing for the Final Hearing

1. If you do not already have an attorney, it is important that you obtain one before the next hearing. You can contact the **Beaver County Bar Association Lawyer Referral Service** at (724) 728-4888. If you cannot afford an attorney, contact **Neighborhood Legal Services Association** at (724) 378-0595. You should call for an appointment the same day you receive your Temporary Order.

2. At the next scheduled Court hearing, a Final Order may be entered after a hearing if the judge finds that you have met the burden of proof on the allegations of abuse. A Final Order can also be entered without a hearing if the parties can agree upon the conditions to be contained in the Order. The Final Order can be in effect for as long as 3 years.

After the Final Hearing: The Granting or Denial of a Final Order

1. If the Court issues a Final Order of Court, either after a hearing or if the Defendant agrees to have an order entered against him / her, you should leave the Courthouse with a certified copy of the Final Order as well as a copy for any local law enforcement agency which needs to be notified.

2. If the Court does not enter a Final Order of Court and dismisses the petition, the Temporary Order is no longer in effect. You have the right to appeal the Court's decision. Your appeal rights and the time for filing an appeal should be discussed with your attorney who will advise you on how to proceed.

Failure to Appear

1. If the Defendant fails to appear for the hearing after being served and having the opportunity to be heard, then the Court will enter a Final Order against the Defendant.

2. If you (the petitioner) fail to appear for the final hearing without notifying the Court and asking for a continuance, your petition will be dismissed and the Temporary Order is no longer in effect.

3. If both parties fail to appear, the Temporary Order will expire on the date of the hearing.

Violation of a Protection From Abuse Order

If the Order is granted in your case and the defendant violates the Order, you should notify your local police department. You also have the ability to file a private complaint if you believe the order has been violated and the police do not notify the Court of Common Pleas or the on-duty District Justice. If you were represented by an attorney at the Final Hearing, contact that lawyer for advice on how to proceed. If the Defendant contacts you and you are unsure whether the Defendant's conduct constitutes a violation, call your attorney and discuss the situation with him or her.

Once the Court is notified of an alleged violation, a hearing will be scheduled to determine if there has been a violation of the court order. If the order has been violated, the Court of Common Pleas of Beaver County may hold the defendant in Indirect Criminal Contempt and punish him / her in accordance with the law. Being found in contempt may result in a jail sentence for up to six (6) months and/or a fine not to exceed $1,000 and may include other relief set forth in the Protection From Abuse Act.

Other Help

If you need emergency counseling or shelter, contact the Women's Center of Beaver County by calling its 24 hour hotline at (724) 775-0131.

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA
CIVIL DIVISION

_____	:	
Plaintiff	:	
	:	
Vs	:	No. of 2020
	:	
_____	:	
Defendant.		

INTAKE INFORMATION FOR PROTECTION FROM ABUSE PETITION / TEMPORARY ORDER

1. Plaintiff's Name (person filing petition)

   _____

2. Plaintiffs Date of Birth: _____

3. Plaintiff's address: _____

   _____

   _____

   Is Address Confidential yes _____ No _____

4. The request for protection is being filed on behalf of: (check all that apply)
   _____ myself _____ and as parent of minor child(ren)

5. Defendant's Name:

   _____

6. Defendant's address: _____

_____

_____

7. Defendant's Social Security Number: (if known)

_____

8. Defendant's Date of Birth: _____

9. Defendant's Place of Employment, including address:

_____

10. The relationship between the Plaintiff and Defendant is:
(Example: husband / wife; boyfriend / girlfriend; ex-wife / ex- husband)

_____

11. The Plaintiff and Defendant have been involved in the following other court actions: (Example: divorce, custody, support)

_____

12. The result of the other court action(s) is / are as follows:

_____

_____

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

_____ yes _____ no _____ Don't Know

14. Is the Defendant currently on probation or parole?

_____ yes _____ no

15. Plaintiff and Defendant are the parents of the following children (if any):

Name (First and Last)	Date of Birth	Sex	Race

16. Please describe the most recent incident of abuse:

Date _____ Time _____

_____
_____
_____
_____
_____
_____
_____
_____

17. Please describe (briefly) any prior incidents of abuse that the Defendant has committed against the Plaintiff and / or minor children?

_____
_____
_____
_____
_____
_____
_____
_____

18. Has the Defendant used, or threatened to use a **weapon** against the Plaintiff and / or minor children? If so, please describe and be specific.

_____

_____

To the best of your knowledge or belief does defendant own or possess Any firearm, other weapon, ammunition or any firearm license?

Yes_____ No_____

If Yes Please list: _____ _____

_____ _____

If Yes would you like the Court to Order the Relinquish of the Firearms.

Yes_____ No_____

19. Please provide the name(s) of the local police departments where you Live and work

_____

_____

20. Please read and check the following forms of relief that you are asking the Court to provide you in the Temporary Order, and after a hearing, a Final Order:

(Check each form of relief requested.)

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

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

[ ] C. Require Defendant to provide Plaintiff and/or 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 child/ren.

[ ] E. Prohibit Defendant from having any contact with Plaintiff and / or 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 children.

[ ] F. Prohibit Defendant from having 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 children.

[ ] G. Order Defendant to temporarily turn over weapons to the Sheriff of Beaver County and prohibit Defendant from transferring, acquiring, or possessing any such weapons for the duration of this Order.

[ ] H. Order Defendant to pay temporary support to Plaintiff and / or minor children, including medical support and [ ] payment of the rent or mortgage on residence.

[ ] I. Direct Defendant to pay Plaintiff for the reasonable financial losses suffered as a 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.

VERIFICATION

I verify that the information contained within this petition is true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. 4904.

_____ _____

Date Petitioner

IN THE COURT OF COURT PLEAS OF BEAVER COUNTY
PENNSYLVANIA
CIVIL ACTION-LAW

_____ :
Plaintiff

: No. _____
Protection from Abuse

Vs.

:

_____
Defendant

To Plaintiff:

You are required to furnish the following information as a result of the above captioned Protection from Abuse (PFA) proceeding. This information is mandated to ensure compliance with 18 U.S.C. 922,et seq. and 23 PA.C.S. 6108 (9) (b).

It will be kept on file if a permanent PFA order is entered in the proceeding. It will remain on file as long as a permanent PFA order remains in effect.

****

PLEASE PRINT

1. YOUR FULL LEGAL NAME _____
Last First MI

2. DATE OF BIRTH _____
Month-Day-Year

3. SOCIAL SECURITY NO. _____

4. DRIVERS LICENSE NO. _____

I,_____, VERIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMSTION AND BELIEF. I UNDERSTAND THAT FALSE STATEMENTS HEREIN ARE MADE SUBJECT TO THR PENALTIES OF 18 PA. C. S. 4904 RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES

DATE _____

_____
Plaintiff

_____

Plaintiff

Case # _____

_____

Defendant

Plaintiff Information Sheet

The following Information is being collected so that Authorized Court Personnel may contact you regarding your case. This information is strictly confidential and Will Not be disclosed to the defendant.

Plaintiff's Name: _____

Address _____

_____

Phone Number _____

Alternate Phone Number _____

Beaver County Sheriff's Office

TONY GUY, *SHERIFF*

• CRIMINAL DIVISION •
(724) 770-4602
Fax (724) 728-5080

• CIVIL DIVISION •
(724) 770-4612
Fax (724) 728-2412

PROTECTION FROM ABUSE - SERVICE INFORMATION SHEET

Defendant's Name:		Race:	Sex:
Date of Birth:	Social Security Number:	Last Known Address:	
Height:	Weight:	Hair:	Eyes:
Defendant's Contact Information (Home Phone, Cell Phone, Email, Facebook):			
Scars/Tattoos:		Defendant's Employer:	
Is the Defendant on Probation or Parole? If so, please identify the County/State Agency supervising the Defendant, if known:			
Defendant's Vehicle Description:			
Does the Defendant own or carry weapons? If so, please describe the type of weapon and where it is kept:			
Places that the Defendant is likely to be found:			
Other persons likely to know the Defendant's whereabouts (name and phone number):			
Plaintiff's name and phone number:			
Photographs: If available, please forward a recent digital photo of the Defendant to: sheriff@beavercountypa.gov			
Any additional information that would assist the Sheriff's Office in locating this individual:			

PLAINTIFFS/PROTECTED PERSON INFORMATION

17. Protected Person Name _____
Last First Middle

18. Protected Person Sex _____ Race _____ Date of Birth _____

19. Protected Person Address : _____
Street Address Apt. No

_____
City State Zip Code

20. Protected Person Phone No. _____

21. Protected Person Employer : _____

_____
Street Address City State Zip Code

22. List any additional Protected Person(s)

Name Date of Birth Sex/Race Relationship

1. _____

Address _____

2. _____

Address _____

3. _____

Address _____

Plaintiff _____ Date _____

IN THE COURT OF COURT PLEAS OF BEAVER COUNTY
PENNSYLVANIA
CIVIL ACTION-LAW

_____ :
Plaintiff : No. _____
Protection from Abuse

Vs. :

_____
Defendant

To Defendant:

You are required to furnish the following information as a result of the above captioned Protection from Abuse (PFA) proceeding. This information is mandated to ensure compliance with 18 U.S.C. 922,et seq. and 23 PA.C.S. 6108 (9) (b).

It will be kept on file if a permanent PFA order is entered in the proceeding. It will remain on file as long as a permanent PFA order remains in effect.

****

PLEASE PRINT

1. YOUR FULL LEGAL NAME _____
Last First MI

2. DATE OF BIRTH _____
Month-Day-Year

3. SOCIAL SECURITY NO. _____

4. DRIVERS LICENSE NO. _____

I,_____, VERIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMSTION AND BELIEF. I UNDERSTAND THAT FALSE STATEMENTS HEREIN ARE MADE SUBJECT TO THR PENALTIES OF 18 PA. C. S. 4904 RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES

DATE _____ _____
Defendant