PENNSYLVANIA CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC's TA team if you have questions!

In Pennsylvania, there are 2 types of civil protection orders:

- **Protection from Abuse Orders** are available for individuals seeking protection from domestic violence committed by a household member (23 Pa.C.S. Ch. 61).
- **Protection from Sexual Violence or Intimidation Orders** are available for individuals seeking protection from someone other than a household or family member who sexually assaulted them, as well as for minors who have experienced stalking or harassment committed by an adult who is not a household or family member (42 Pa.C.S. Ch. 62A).

PROTECTION FROM ABUSE ORDER

Who can apply?	A victim of **abuse** by a **family or household member**. *23 Pa. C.S. §§ 6102, 6106.* **Abuse** is: • Causing or attempting to cause bodily injury, rape, sexual assault, or incest; • Placing someone in fear of imminent serious bodily injury; • False imprisonment; • Physically or sexually abusing minor children; or • Knowingly engaging in conduct that would put a person in reasonable fear of bodily injury. *23 Pa. C.S. § 6102(a).* See "Who can be Restrained?" for definition of **family or household member.**
Can minors apply?	A parent, adult household member, or guardian ad litem needs to file a petition on behalf of an unemancipated minor. *23 Pa. C.S. § 6106(a).*
Who can be restrained?	A **family or household member**, defined as: • Spouses or former spouses or those living as such; • Parents and children; • People related by blood or marriage; • Current or former sexual or intimate partners; or • Siblings. *23 Pa. C.S. § 6102(a).*

PROTECTION FROM ABUSE ORDER

What types of relief may a court order?	Relief can include: • Ordering defendant to refrain from abusing the plaintiff or minor children; • Evict defendant from residence or household, granting possession to plaintiff; • Awarding temporary custody or visitation rights with regard to minor children; • Temporary order of financial support to a spouse or minor child; • Ordering defendant refrain from contact; • Ordering defendant to stay away from plaintiff or minor children, including residence, schools, employer, etc.; • Prohibit defendant from acquiring or possessing firearms and ordering defendant relinquish firearms to the police; • Ordering defendant to pay plaintiff for reasonable losses suffered as a result of the abuse; • Ordering defendant to refrain from stalking or harassing specific people including the plaintiff; • Awarding temporary ownership and control of pets; and • Granting any other appropriate requested relief. *23 Pa. C.S. § 6108(a)(1-10).*
How long does the order last?	Up to 3 years. *23 Pa. C.S. § 6108(d).*
Can the order be renewed?	Yes, the court may extend the order an unlimited number of times: 1. After a hearing if the court finds the defendant committed additional abuse after the entry of a final PFA order or where defendant's conduct indicates a continued risk of harm; or *continued on next page*

PROTECTION FROM ABUSE ORDER

Can the order be renewed?	2. Without a hearing if a contempt petition or charge has been filed before the PFA order expires, but a contempt hearing has not yet occurred; or if the petitioner requests an extension and the defendant is incarcerated and will be released from custody in the next 90 days, or has been released from custody within the past 90 days. *23 Pa. C.S. § 6108(e)(1)(i); 23 Pa. C.S. § 6108(e)(1)(ii-iii).*
Is a hearing with the respondent required?	Yes, within 10 business days of the filing of the petition, the court must hold a hearing. At the hearing, the plaintiff must prove the allegation of abuse by a preponderance of the evidence. *23 Pa. C.S. § 6107(a).* However, a plaintiff can petition for a temporary order for protection from abuse before the court enters the PFA by alleging immediate and present danger of abuse to the plaintiff or minor children. The defendant will not be at the hearing on the temporary order for protection. If granted, this temporary order stays in effect until the full hearing (10 business days). *23 Pa. C.S. § 6107(b).*

PROTECTION FROM SEXUAL VIOLENCE OR INTIMIDATION ORDER

Who can apply?	A victim of **sexual violence** or **intimidation** where the perpetrator is not a **family or household member**. *42 Pa. C.S. § 62A05(a).* **Sexual violence** is defined as: • Conduct constituting a crime under 18 Pa.C.S. § 31 (relating to sexual offenses) except for sexual intercourse with an animal; • Endangering the welfare of a child (if the offense involved sexual contact); • Corruption of a minor; • Sexual abuse of a child; • Unlawful contact with a minor; and • Sexual exploitation of a child. *42 Pa.C.S. § 62A03.* **Intimidation** is defined as the following if committed by someone who is not a family or household member: • **Harassment**, if the victim is under 18 and the perpatrator is over 18; or • **Stalking**, if the victim is under 18 and the perpetrator is over 18. *42 Pa. C.S. § 62A03.* **Harassment,** in this context, means any of the following committed with the intent to harass, annoy, or alarm: • Communicating any lewd, threatening, or obscene language or drawings; • Repeated anonymous communication; or • Any other repeated communication. *18 Pa. C.S. § 2709(a)(4-7).* *continued on next page*

PROTECTION FROM SEXUAL VIOLENCE OR INTIMIDATION PROTECTION ORDER

Who can apply?	**Stalking** means: A person engages in a course of conduct that demonstrates an intent to cause the other person reasonable fear of bodily injury or emotional distress through acts or communications. A course of conduct is 1 or more acts evidencing continuity of conduct. *18 Pa. C.S. § 2709.1(a), (f).* See "Who Can be Restrained?" for a definitions of **family or household member**.
Can minors apply?	Yes, but unless the minor is emancipated, a parent, adult household member, or guardian ad litem must file on behalf of the minor victim. *42 Pa. C.S. § 62A05.*
Who can be restrained?	Any person engaging in sexual violence who is not a **family or household member** of the plaintiff, or any person engaging in **intimidation** (by definition, an adult other than a **family or household member** against a minor victim). *42 Pa. C.S. § 62A03.* A **family or household member** is defined as: • Spouses or former spouses or those living as such; • Parents and children; • People related by blood or marriage; • Current or former sexual or intimate partners; or • Siblings. *23 Pa. C.S. § 6102(a).*
What types of relief may a court order?	Relief can include an order to: • Prohibit defendent from contact with plaintiff; *continued on next page*

PROTECTION FROM SEXUAL VIOLENCE OR INTIMIDATION PROTECTION ORDER

What types of relief may a court order?	• Restrain the defendent from entering the plaintiff's residence, place of employment, business, or school; • Prohibit defendent from indirect contact through third parties; • Prohibit direct or indirect contact with other designated persons; and • Any other appropriate relief sought by the plaintiff. *42 Pa. C.S. § 62A07(b).*
How long does the order last?	Up to 3 years. *42 Pa. C.S. § 62A07(c).*
Can the order be renewed?	Yes, the court may extend the order an unlimited number of times: 1. After a hearing if the court finds the defendant committed additional abuse after the entry of a final order or where defendant's conduct indicates a continued risk of harm; or 2. Without a hearing if a contempt petition or charge has been filed before the order expires, but a contempt hearing has not yet occurred. *42 Pa. C.S. § 62A07(d)(1)(i-ii).*
Is a hearing with the respondent required?	Yes, within 10 business days of the filing of a petition, the court must hold a hearing. At the hearing, the plaintiff must (1) assert that the plaintiff or another individual, as appropriate, is a victim of sexual violence or intimidation committed by the defendant; and (2) prove by preponderance of the evidence that the plaintiff or another individual, as appropriate, is at a continued risk of harm from the defendant. *42 Pa. C.S. § 62A06(a).* However, a plaintiff can petition for a temporary order for protection before the court enters the final order by alleging immediate and present danger from the defendant. The defendant will not be at the hearing on the temporary order for protection. *42 Pa. C.S. § 62A06(b).*

HOW TO APPLY

Forms are available at courthouse and online at: https://www.pacourts.us/learn/protection-orders

Pennsylvania Courts have an explanation for how to file for a protection order in Pennsylvania available at: https://www.pacourts.us/learn/protection-orders

Plaintiff files petition in circuit court for county (1) where the defendant may be served, or (2) where the cause of action arose, such as the where the defendant's conduct occurred that is the basis of the petition.
231 Pa. Code Rule 1006.

Under the petition for emergency relief, the plaintiff can file where (1) the plaintiff resides, either temporarily or permanently, or (2) the abuse, sexual violence or intimidation occurred.
246 Pa. Code Rule 1204.

SCAN ME!

For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

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