

**SUPREME COURT OF PENNSYLVANIA
Minor Court Rules Committee**

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.Civ.P.M.D.J. 1202 and 1209

The Minor Court Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P.M.D.J. 1202 and 1209, pertaining to the service of emergency protective orders, for the reasons set forth in the accompanying Publication Report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to include the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be officially adopted by the Supreme Court.

Additions to the text are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

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All communications in reference to the proposal should be received by **May 29, 2026**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Minor Court Rules Committee,

Hon. Alexandra Kokura Kravitz
Chair

Rule 1202. Definitions.

[As used in this chapter:]

(a) The following words and phrases when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise, or the particular word or phrase is expressly defined in the particular rule:

(1) **["abuse" means the] "Abuse." The** occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

[(a)](i) attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon[.];

[(b)](ii) placing another in reasonable fear of imminent serious bodily injury[.];

[(c)](iii) the infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment)[.];

[(d)](iv) physically or sexually abusing minor children, including such terms as defined in Chapter 63 of the Domestic Relations Code (relating to child protective services)[.]; **or**

[(e)](v) knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. This definition applies only to proceedings commenced under the Domestic Relations Code and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

(2) **["adult" means an] Adult. An** individual who is 18 years of age or older.

(3) **"Appropriate Law Enforcement Agency." The duly constituted municipal law enforcement agency that regularly provides**

primary police services to a political subdivision or, in the absence of any such municipal law enforcement agency, the Pennsylvania State Police installation that regularly provides primary police services to the political subdivision.

(4) ["court" means:] "Court."

- (a) **[the] The** court of common pleas of the judicial district **[in which] where** the office of the hearing officer taking action under these rules is located in actions brought under the Protection from Abuse Act, 23 Pa.C.S. §§ 6101-6122~~[,]~~; or
- (b) the court or magisterial district judge having jurisdiction over the matter in actions brought pursuant to **[Section 62A09 of Title 42,] 42 Pa.C.S. § 62A09** (providing for protection of victims of sexual violence or intimidation).

~~[(4)](5) ["family or household members" means spouses] "Family or Household Members." Spouses~~ or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

~~[(5)](6) ["hearing officer" means a] "Hearing Officer." A~~ magisterial district judge, judge of the Philadelphia Municipal Court, arraignment court magistrate appointed under 42 Pa.C.S. § 1123 (relating to jurisdiction and venue), master appointed under 42 Pa.C.S. § 1126 (relating to masters), and master for emergency relief appointed under 23 Pa.C.S. § 6110(e) or 42 Pa.C.S. § 62A09(e) (relating to master for emergency relief).

~~[(6)](7) ["intimidation" means conduct] "Intimidation." Conduct~~ constituting a crime under either of the following provisions between persons who are not family or household members:

~~[(a)](i)~~ 18 Pa.C.S. § 2709(a)(4), (5), (6) or (7) (relating to harassment) **[where] if the conduct is committed by a person 18 years of age or older against a person under 18 years of age~~[,]~~; **or****

[(b)](ii) 18 Pa.C.S. § 2709.1 (relating to stalking) **[where] if** the conduct is committed by a person 18 years of age or older against a person under 18 years of age.

[(7)](8) **["minor" means an] "Minor." An** individual who is not an adult.

[(8)](9) **["sexual violence" means conduct] "Sexual Violence."** **Conduct** constituting a crime under any of the following provisions between persons who are not family or household members:

[(a)](i) 18 Pa.C.S. Ch. 31 (relating to sexual offenses), except 18 Pa.C.S. §§ 3129 (relating to sexual intercourse with animal) and 3130 (relating to conduct relating to sex offenders)**[.]**;

[(b)](ii) 18 Pa.C.S. § 4304 (relating to endangering welfare of children) if the offense involved sexual contact with the victim**[.]**;

[(c)](iii) 18 Pa.C.S. § 6301(a)(1)(ii) (relating to corruption of minors)**[.]**;

[(d)](iv) 18 Pa.C.S. § 6312(b) (relating to sexual abuse of children)**[.]**;

[(e)](v) 18 Pa.C.S. § 6318 (relating to unlawful contact with minor)**[.]**;
or

[(f)](vi) 18 Pa.C.S. § 6320 (relating to sexual exploitation of children)**[.]**;

[(9)](10) **["victim" means a] "Victim." A** person who is a victim of abuse, sexual violence or intimidation.

(b) For any words and phrase not defined by these rules, see Pa.R.J.A. 106.

[Official Note:] Comment: These definitions are largely derived from 23 Pa.C.S. § 6102 and 42 Pa.C.S. § 62A03.

Rule 1209. Service and Execution of Emergency Protection Orders.

(a) Emergency Protection from Abuse.

(1) **Plaintiff.** If the hearing officer grants the petition in whole or in part, then the hearing officer shall give the plaintiff a copy of the protection order issued pursuant to Pa.R.Civ.P.M.D.J. 1208(a)(1)(i).

(2) **Defendant.**

(i) **[The hearing officer or, when necessary, the plaintiff shall immediately deliver a service copy of the protection order issued pursuant to Pa.R.Civ.P.M.D.J. 1208(a)(1)(i) to a police officer, police department, sheriff, or certified constable for service upon the defendant and execution.] Except as provided by subdivision (a)(2)(ii), upon issuance, the hearing officer shall immediately deliver the protection order issued pursuant to Pa.R.Civ.P.M.D.J. 1208(a)(1)(i) to the sheriff or the appropriate law enforcement agency for service and execution upon the defendant.**

(ii) **If necessary, the hearing officer shall immediately provide the plaintiff with the protection order issued pursuant to Pa.R.Civ.P.M.D.J. 1208(a)(1)(i) for delivery to the sheriff or the appropriate law enforcement agency to serve and execute upon the defendant.**

(iii) After making reasonable effort, if the **[executing officer] sheriff or the appropriate law enforcement agency** is unable to serve the protection order upon the defendant in a timely fashion, the **[executing officer] sheriff or the appropriate law enforcement agency** shall leave a service copy of the petition containing the order with the police department with jurisdiction over the area **[in which] where** the plaintiff resides for service upon the defendant[,] and shall advise such police department that the order could not be served.

(b) Emergency Protection in Connection with Claims of Sexual Violence or Intimidation.

- (1) **Plaintiff.** If the hearing officer grants the petition in whole or in part, then the hearing officer shall give the plaintiff the protection order issued pursuant to Pa.R.Civ.P.M.D.J. 1208(a)(1)(ii).
- (2) **Defendant.**
 - (i) **[The hearing officer or, when necessary, the plaintiff shall immediately deliver a service copy of the protection order issued pursuant to Pa.R.Civ.P.M.D.J. 1208(a)(1)(ii) to a police officer, police department, sheriff, or certified constable for service upon the defendant and execution.] Except as provided by subdivision (b)(2)(ii), upon issuance, the hearing officer shall immediately deliver the the protection order issued pursuant to Pa.R.Civ.P.M.D.J. 1208(a)(1)(ii) to the sheriff or the appropriate law enforcement agency for service and execution upon the defendant.**
 - (ii) **If necessary, the hearing officer shall immediately provide the plaintiff with the protection order issued pursuant to Pa.R.Civ.P.M.D.J. 1208(a)(1)(ii) for delivery to the sheriff or the appropriate law enforcement agency to serve and execute upon the defendant.**
 - (iii) **After making reasonable effort, if the [executing officer] sheriff or the appropriate law enforcement agency is unable to serve the protection order upon the defendant in a timely fashion, the [executing officer] sheriff or the appropriate law enforcement agency shall leave a service copy of the petition containing the order with the police department with jurisdiction over the area [in which] where the plaintiff resides for service upon the defendant[,], and shall advise such police department that the order could not be served.**
- (3) **Law Enforcement.** Within two business days after the protection order is issued, the hearing officer shall serve the order upon the police department, sheriff, and district attorney in the jurisdiction where the order was entered.
- (4) **Minor Victims.** In the case of a minor victim of sexual violence, the hearing officer shall serve a copy of the petition and order upon the

county agency, as defined by 23 Pa.C.S. § 6303, and the Department of Human Services.

Comment: The hearing officer shall provide the plaintiff with at least one copy of the protection order, but more than one copy may be needed. For example, the plaintiff may wish to serve the order upon multiple police departments if the plaintiff lives and works in different police jurisdictions. If it is necessary for the plaintiff to deliver the protection order to the **[executing officer] sheriff or the appropriate law enforcement agency**, the hearing officer should make sure that the plaintiff fully understands the process and what must be done to have the order served upon the defendant.

Service of protection orders upon the defendant at the time of execution may not be possible under some circumstances. The intention of subdivisions **[(a)(2)(ii)] (a)(2)(iii)** and **[(b)(2)(ii)] (b)(2)(iii)** is for the local police to have a service copy if they are called to the plaintiff's residence should the defendant return there.

The hearing officer should make every effort to have the protection order served by **[a law enforcement officer] the sheriff or the appropriate law enforcement agency** in a timely fashion. For emergency protection orders to be meaningful, they must be served and executed at night or on a weekend. Therefore, the hearing officer **[should have] has** the authority to use **[police officers, sheriffs, and certified constables] the sheriff or the appropriate law enforcement agency** to serve and execute protection orders.

Protection orders issued pursuant to Pa.R.Civ.P.M.D.J. 1208(a)(1)(ii) in accordance with 42 Pa.C.S. § 62A09, providing for protection of victims of sexual violence or intimidation, are subject to additional service requirements. *Compare* 23 Pa.C.S. § 6109(a) *with* 42 Pa.C.S. § 62A05(d).

Service shall be made without prepayment of costs. See Pa.R.Civ.P.M.D.J. 1206(c).

**SUPREME COURT OF PENNSYLVANIA
Minor Court Rules Committee**

PUBLICATION REPORT

Proposed Amendment of Pa.R.Civ.P.M.D.J. 1202 and 1209

The Minor Court Rules Committee (“Committee”) is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P.M.D.J. 1202 and 1209, pertaining to the service of emergency protective orders.

Background

A recent statutory enactment, among other things, designates who is authorized to serve an emergency protection from abuse order. See Act of June 30, 2025, P.L. 76, No. 23 (“Act 23”). Prior to the enactment of Act 23, the Protection From Abuse Act, 23 Pa.C.S. §§ 6101 – 6122 (“PFA Act”), provided that “[i]f the court so orders, the sheriff or other designated agency or individual shall serve the petition and order.” See 23 Pa.C.S. § 6106(f). Act 23 amends § 6106(f) to provide that “the court shall adopt a means of prompt and effective service and order that the sheriff or appropriate law enforcement agency serve the petition and order.” See 23 Pa.C.S. § 6106(f).

The PFA Act defines an “appropriate law enforcement agency” as: “The duly constituted municipal law enforcement agency that regularly provides primary police services to a political subdivision or, in the absence of any such municipal law enforcement agency, the Pennsylvania State Police installation that regularly provides primary police services to the political subdivision.” See 23 Pa.C.S. § 6102 (definition of “appropriate law enforcement agency”). As defined, an “appropriate law enforcement agency” does not include a constable.

Currently, a service copy of an emergency protection from abuse order can be served upon a defendant by “a police officer, police department, sheriff, or certified constable.” See Pa.R.Civ.P.M.D.J. 1209(a)(2)(i). This is consistent with the Court’s constitutional authority to direct who is to make service of emergency protection from abuse orders. “The Supreme Court shall have the power to prescribe general rules governing practice, procedure and the conduct of all courts, justices of the peace and all officers serving process or enforcing orders, judgments or decrees of any court or justice of the peace ...” See Pa. Const., art. V, § 10(c).

Proposed Rule Changes

Notwithstanding the Court’s authority to promulgate rules governing service, the Committee is considering proposing to the Supreme Court the amendment of

Pa.R.Civ.P.M.D.J. 1209(a)(2)(i) to conform with Act 23, *i.e.*, by removing a certified constable as someone who can serve an emergency protective order and adding an appropriate law enforcement agency as an entity that can make service. The Committee does not believe that a significant number of protective orders are served by constables. In many instances, law enforcement is already involved in the situation and can proceed to serve the protective order when it is issued by the hearing officer. The Committee specifically invites comments on the extent to which constables are used throughout the Commonwealth to serve emergency protective orders.

Second, due to the short duration of emergency protective orders, timely service of such orders is paramount. The Committee believes that on-duty law enforcement personnel are better equipped to make such service within the narrow window that the emergency protective order is in force, which is “the end of the next business day the court deems itself available.” See Pa.R.Civ.P.M.D.J. 1210. Relying on law enforcement to make service would eliminate delays in service while the hearing officer locates a certified constable that is willing to do so.

A review of Act 23 reveals that its provisions are limited to protective orders issued under the PFA Act and not protective orders issued in connection with claims of sexual violence or intimidation, see 42 Pa.C.S. §§ 62A01 – 62A20. Currently, Pa.R.Civ.P.M.D.J. 1209(b)(2)(i), pertaining to the service of an emergency protective order in connection with claims of sexual violence or intimidation, has service requirements identical to emergency protection from abuse orders, *i.e.*, service by a police officer, police department, sheriff, or certified constable. The Committee believes that the considerations behind amending the service requirements for emergency protection from abuse orders apply equally to emergency protective orders issued in connection with claims of sexual violence or intimidation. Therefore, it is considering amending Pa.R.Civ.P.M.D.J. 1209(b)(2)(i) in the same manner as subdivision (a)(2)(i).

In addition to the proposed changes to Pa.R.Civ.P.M.D.J. 1209, the Committee is also considering proposing the addition of a definition of an “appropriate law enforcement agency” to Pa.R.Civ.P.M.D.J. 1202 (Definitions). The definition is derived directly from 23 Pa.C.S. § 6102.

Finally, stylistic changes were made throughout the rule, including, but not limited to, the reformatting of Pa.R.Civ.P.M.D.J. 1202 (Definitions)..

The Committee welcomes all comments, concerns, and suggestions regarding this proposal.