

Rule 1901.1. Venue.

- (a) **Generally.** Except as provided in subdivision (b), an action for protection from abuse may be brought in a county in which:
 - (1) the plaintiff resides, either temporarily or permanently, or is employed[, or];
 - (2) the defendant may be served[,]; or
 - (3) the abuse occurred.
- (b) **Possession of Residence or Household.** If the relief sought includes possession of the residence or household to the exclusion of the defendant, the action shall be brought only in the county in which the residence or household is located.
- (c) **Custody.** **A party may seek a change of venue, or the court may transfer venue sua sponte, prior to the evidentiary hearing if an award of custody is sought and a custody order is entered in another county. Venue may only be transferred to the county in which the custody order has been entered.**
- (d) **Indirect Criminal Contempt.** An action for indirect criminal contempt may be filed in, and heard by, the court in the county in which the order was issued or where the violation occurred.

Comment: **Subdivision (c) is intended as a mechanism to coordinate or consolidate concurrent custody proceedings in another county. The court should promptly determine whether venue for an award of custody should be transferred to the county in which a custody order has been entered and may continue the evidentiary hearing only to the extent necessary to make that determination.**

Alternatively, the court may limit the duration of any custody provision in the final order so that an award of custody can be made after full consideration of the factors in 23 Pa.C.S. §§ 5328, 5329, 5329.1 and 5330, as well as safety conditions, id. § 5323(e)-(e.1). See also 23 Pa.C.S. § 5323(g) (contempt for noncompliance with any custody order).

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

Explanatory Comment—1991

The statute and rules governing actions for protection from abuse formerly contained no provision for venue. Recommendation No. 84 of the Civil Procedural Rules Committee proposed a new rule to fill that void and the rule has been adopted as Rule 1901.1.

Subdivision (a) provides for venue in the following counties: (1) the county in which the abuse occurred, (2) the county in which the defendant may be served, (3) the county in which the plaintiff resides, either permanently or temporarily, and (4) the county in which the plaintiff is employed. These are the counties with which the plaintiff has the most significant contacts and the greatest interest in remaining free from abuse. The county of temporary residence is included because an abused person may have to flee the county of permanent residence to escape further abuse.

The rule imposes limited venue when the relief sought includes the sole possession of the residence or household. In that instance, the action must be brought in the county in which the residence or household is located.

Explanatory Comment—2006

The 2005 amendments to the Protection From Abuse Act grant jurisdiction over indirect criminal contempt complaints in either the county in which the order was issued or the county where the violation occurred. This rule allows for flexible and immediate enforcement of protection from abuse orders. With this amendment, indirect criminal contempt jurisdiction is parallel to prosecution for stalking and harassment. 23 Pa.C.S.A. § 6114 (a.1).

Rule 1901.3. Commencement of Action.

- (a) Except as provided in subdivision (b), a plaintiff shall commence an action by presenting to the court or filing with the prothonotary a petition setting forth the alleged abuse by the defendant. The petition shall be substantially in the form set forth in **[Pa.R.C.P. No.] Pa.R.Civ.P. 1905(b)** and shall have as its first page the Notice of Hearing and Order set forth in **[Pa.R.C.P. No.] Pa.R.Civ.P. 1905(a)**.
- (b) An action may be commenced by filing with the prothonotary a certified copy of an emergency order entered pursuant to 23 Pa.C.S. § 6110, including orders issued by a hearing officer.
- (c) Any fees associated with this action shall not be charged to the plaintiff.
- (d) The hearing officer shall follow the procedures set forth in the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges for emergency relief under the Protection From Abuse Act.
- (e) An action seeking an award of custody shall have appended:**
 - (1) a Criminal Record/Abuse History Verification pursuant to Pa.R.Civ.P. 1915.3-2 completed, signed, and filed by the plaintiff; and**
 - (2) a blank Criminal Record/Abuse History Verification form pursuant to Pa.R.Civ.P. 1915.3-2 to be completed, signed, and filed by the defendant in accordance with Pa.R.Civ.P. 1901.6(b).**

[Note] Comment: See **[Pa.R.C.P. No.] Pa.R.Civ.P. 1930.1(b)**. This rule may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*.

Rule 1901.4. Service of Hearing Notice, Petition, Temporary Order, Final Order, and Registration of Orders.

- [(a) Service of the petition and temporary order shall be in accordance with Rule 1930.4.**
- (b) An Affidavit of Service of the petition and temporary order substantially in the form set forth in Rule 1905(d) shall be filed with the prothonotary.]**
- (a) Service on Defendant Within Pennsylvania.**
 - (1) Hearing Notice; Petition; Temporary Order. The sheriff or appropriate law enforcement agency shall serve the hearing notice, petition and temporary order, and final order on a defendant located within Pennsylvania in the manner prescribed by Pa.R.Civ.P. 1930.4(a)(2).**
 - (2) Custody. If a plaintiff seeks custody, the plaintiff's completed Criminal Record/Abuse History Verification filed pursuant to Pa.R.Civ.P. 1901.3(e)(1), together with a blank Criminal Record/Abuse History Verification form, shall be included with the documents served pursuant to subdivision (a)(1).**
 - (3) Final Order. If a defendant is not present at the evidentiary hearing, the sheriff or appropriate law enforcement agency shall serve the final order on a defendant located within Pennsylvania in the manner prescribed by Pa.R.Civ.P. 1930.4(a)(2).**
 - (4) Alternative Service. If the sheriff or appropriate law enforcement agency cannot complete personal service within 48 hours after an order is filed, the court may authorize alternative service by special order as set forth in Pa.R.Civ.P. 1930.4(a)(2)(ii).**
- (b) Affidavit of Service. An Affidavit of Service of the hearing notice, petition and temporary order, or the final order, substantially in the form set forth in Pa.R.Civ.P. 1905(d) shall be filed with the prothonotary.**
- (c) PFA Registry. Upon the filing of a temporary or final protection order with the prothonotary, the prothonotary shall transmit a copy of the order to the**

State Police PFA Registry in the manner prescribed by the Pennsylvania State Police.

[Note: This provision also applies to an order denying a plaintiff's request for a final protection order.]

- (d) **No Plaintiff Fee.** No fee shall be charged to the plaintiff or petitioner for service of any protection from abuse order or pleading or for the registration, filing or service of any foreign protection order.
- (e) **Service on Other Persons.** The prothonotary shall serve a copy of the hearing notice, petition and temporary order, and final order by first class mail or electronically on any person identified by the plaintiff as known to have or claiming to have a right to custody of any minor child listed in the petition.

Comment: For the definitions of “sheriff” and “appropriate law enforcement agency,” as used in subdivision (a), see 23 Pa.C.S. § 6102.

Concerning subdivision (a)(4), court authorized alternative service may include, but is not limited to, service by mail or service by commercial carrier pursuant to Pa.R.Civ.P. 1930.4(b)-(c). For service on a defendant located outside of Pennsylvania, see Pa.R.Civ.P. 1930.4(e)(2)(ii).

Subdivision (c) also applies to an order denying a plaintiff's request for a final protection order.

Concerning subdivision (e), service on a person known to have or claiming to have a right to custody of a child is not intended to provide standing in a PFA proceeding unless a motion to intervene has been granted. The use of “electronically,” as a method of service, is intended to include service by email for the purpose of informing a person known to have or claiming to have a right to custody of a child, subject to Pa.R.Civ.P. 1930.1(b).

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

Explanatory Comment—1997

Subdivision (c) reflects the prothonotary's role in ensuring that all protection orders reach the new statewide PFA Registry. Pursuant to the 1994 amendments to the Protection From Abuse Act, the Pennsylvania State Police Department is mandated to establish this registry for all protection orders issued or registered in the Commonwealth.

Once it becomes fully operational, it will be available at all times to inform law enforcement officers, dispatchers and courts of the existence and terms of protection orders. The Registry represents a major improvement in the manner in which protection orders are registered and verified by not only eliminating the need to register the order in every county where the victim believes enforcement is necessary, but also enabling the police to immediately verify the order for purposes of enforcement. In order to ensure that the information in the Registry remains current, subdivision (c) requires the prothonotary to transmit all protection orders issued or registered in the Commonwealth, including temporary, final, modified and consent orders as well as any orders withdrawing, extending or denying the plaintiff's request for a protection order.

Explanatory Comment—2006

New subdivision (d) reflects the prohibition against charging fees to the plaintiff, even those related to foreign protection orders, as set forth in the 2005 amendments to the Protection From Abuse Act. 23 Pa.C.S.A. § 6106(b) and (g.1).

Rule 1901.6. Responsive Pleading Not Required.

- (a)** The defendant is not required to file an answer or other responsive pleading to the petition or the certified order, and all averments not admitted shall be deemed denied.
- (b)** Notwithstanding Pa.R.Civ.P. 1915.3-2(a)(3), a defendant served with the plaintiff's Criminal Record/Abuse History Verification pursuant to Pa.R.Civ.P. 1901.4(a)(2) shall complete, sign, and file, without fee, a Criminal Record/Abuse History Verification at the defendant's initial court appearance. The court shall thereafter provide the plaintiff with a copy of the defendant's Criminal Record/Abuse History Verification.

[Note] Comment: For procedures as to the time and manner of hearings and issuance of orders, see 23 Pa.C.S. § 6107. For provisions as to the scope of relief available, see 23 Pa.C.S. § 6108. For provisions as to contempt for violation of an order, see 23 Pa.C.S. § 6114.

See **[Pa.R.C.P. No.] Pa.R.Civ.P.** 1930.1(b). This rule may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*.

Subdivision (b) is intended to provide the court and the plaintiff with a defendant's Criminal Record/Abuse History Verification when custody is sought without requiring service by the defendant on the plaintiff. This is a departure from Pa.R.Civ.P. 1915.3-2(a)(3), which requires the defendant to serve the Criminal Record/Abuse History Verification on the plaintiff.

- The following text is entirely new. -

Rule 1901.9. Return of Firearms, Other Weapons, and Ammunition.

- (a) **Scope.** This rule applies to the return of any firearms, other weapons, and ammunition ordered to be relinquished when a protection from abuse action has been discontinued pursuant to Pa.R.Civ.P. 1901.8(a)-(b), dismissed, or the protection order has expired.
- (b) **Petition.** If a defendant is determined to be ineligible for the return of firearms, other weapons, and ammunition for failing to satisfy the conditions of 23 Pa.C.S. § 6108(a.1), the defendant or owner may file a petition seeking review of the determination substantially in the form provided in subdivision (k).
- (c) **Answer.** An answer shall not be required.
- (d) **Docket.** The petition shall be filed on the same docket as the protection from abuse petition.
- (e) **Exhibits.** The petitioner shall attach as exhibits to the petition:
 - (1) a certified copy of any dismissal order or expired protection from abuse order;
 - (2) the submitted weapons return form;
 - (3) the determination of ineligibility; and
 - (4) any order granting relief from the disabilities imposed pursuant to 18 Pa.C.S. § 6105, or a certified and corrected copy of Petitioner's criminal history record information pursuant to 18 Pa.C.S. § 9152(d)(2).
- (f) **Scheduled Hearing.** Upon receipt of the petition, the court shall schedule a hearing on the petition to be conducted within ten business days of its filing.
- (g) **Service.** The court shall promptly serve the petition and hearing notice on the sheriff or law enforcement office rendering the determination, the district attorney, and the plaintiff pursuant to Pa.R.Civ.P. 440.

- (h) **Hearing.** The plaintiff shall have the opportunity to be heard at the hearing, but not accorded standing unless a motion to intervene is granted by the court. The absence of a filed answer shall not preclude the sheriff or law enforcement office rendering the determination, and the district attorney, from introducing evidence.
- (i) **Notice of Decision.** The court's ruling on the petition shall be served on the petitioner, the plaintiff, the sheriff, and the district attorney.
- (j) **Fees.** The petitioner shall not be required to pay any fees, costs, or charges, including filing fees, associated with the return of the relinquished firearms, other weapons, or ammunition.
- (k) **Form.** The petition for return of relinquished firearms, other weapons or ammunition shall be substantially in the following form:

(CAPTION)

**Petition for Review of Denied Return of Relinquished Firearms,
Other Weapons, and Ammunition**

1. Petitioner's name is _____, the (indicate below):

___ Defendant in the above-captioned protection from abuse action.

___ Owner of the firearms, other weapons, or ammunition identified in Exhibit A appended to this petition.
2. Petitioner's address is _____

3. A protection from abuse order was entered on _____. Pursuant to that order, Petitioner relinquished to: (name of sheriff or law enforcement office)

4. The firearms, other weapons, and ammunition relinquished are set forth in Exhibit A appended to this petition.
5. Indicate below and append to this petition a certified copy of any dismissal order or expired protection from abuse order:

___ The petition for protection from abuse was dismissed.

___ A temporary protection from abuse order was dismissed or expired on _____.

___ The final protection from abuse order was dismissed or expired on _____.

___ There have been no extensions of the final protection from abuse order.

6. A weapons return form was completed by Petitioner and submitted to the sheriff or law enforcement office having custody of the relinquished firearms, other weapons, and ammunition. A copy of the submitted form is appended to this petition.

7. The sheriff or law enforcement office has determined that Petitioner is ineligible to regain possession of the firearms, other weapons, or ammunition. A copy of the determination of ineligibility is appended to this petition.

8. Petitioner is able to lawfully possess under all applicable federal and state laws to possess firearms, other weapons, and ammunition for the following reasons:

Any order granting relief from the disabilities imposed pursuant to 18 Pa.C.S. § 6105, or a certified and corrected copy of Petitioner's criminal history record information pursuant to 18 Pa.C.S. § 9152(d)(2), is appended to this petition.

9. The relinquished firearms, other weapons, or ammunition are not evidence of a crime.

Wherefore, Petitioner requests the court order the return of all relinquished firearms, other weapons, and ammunition to Petitioner.

VERIFICATION

I verify that I am the petitioner in the above captioned action and that the facts and statements in the above petition are true and correct to the best of my knowledge, information and belief. I understand that any false statements are

made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Signature

Exhibit A

The firearms, other weapons, and ammunition relinquished pursuant to the protection from abuse order that was entered on _____ are (identify each item):

NOTICE: Exhibit A shall be withheld from public inspection except as permitted by 23 Pa.C.S. § 6108(a)(7)(v)(A)-(a)(7)(v)(C).

Comment: For court orders for the relinquishment of firearms, other weapons, and ammunition, see 23 Pa.C.S. § 6108(a)(7), (a.1); Pa.R.Civ.P. 1905(c), (e).

This rule is intended to implement 23 Pa.C.S. § 6108.1(a)-(a.3), providing for a PFA defendant's return of relinquished firearms, other weapons, and ammunition. For the ability of a lawful owner, other than the defendant, to seek the return of firearms, other weapons, and ammunition, see *id.* § 6108.1(b). For the ability of the defendant to seek alternative means of relinquishing firearms, other weapons, and ammunition, see *id.* § 6108(c).

Concerning subdivision (c), given the ten-business day statutory deadline for a hearing, see 23 Pa.C.S. § 6108.1(d), an answer is not required to be filed.

Concerning subdivision (d), a court, by local rule of judicial administration, may assign petitions to another division for adjudication.

- The following text is entirely new. -

Rule 1901.10 Expungement.

Upon the defendant's *praecipe*, the prothonotary shall expunge the record if:

- (a) the petition has been dismissed by court order; or
- (b) the proceedings have not progressed beyond the temporary order stage.

Comment: This rule is intended to codify *Carlacci v. Mazaleski*, 798 A.2d 186 (Pa. 2002). Subdivision (b) would include discontinued actions. See Pa.R.Civ.P. 1901.8(a)-(b). Concerning the record of a denied petition for an emergency order, see Pa.R.Civ.P.M.D.J. 1208(b).

For sealing of the record if the parties have entered into a consent agreement accepted by the court, see 23 Pa.C.S. § 6108.7.

Rule 1905. Forms for Use in PFA Actions. Notice and Hearing. Petition. Temporary Protection Order. Final Protection Order.

- (a) **Notice of Hearing and Order.** The Notice of Hearing and Order required by [Pa.R.C.P. No.] **Pa.R.Civ.P.** 1901.3 shall be substantially in the following form:

(Caption)

NOTICE OF HEARING AND ORDER

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following papers, you must appear at the hearing scheduled herein. If you fail to do so, the case may proceed against you and a FINAL order may be entered against you granting the relief requested in the petition. In particular, you may be evicted from your residence, prohibited from possessing any firearm, other weapon, ammunition, or any firearm license, and lose other important rights, including custody of your children. A protection order granted by a court may be considered in subsequent proceedings under Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, including child custody proceedings under Chapter 53 (relating to custody) and Child Protective Services Law proceedings under Chapter 63 (related to juvenile matters).

A hearing on the matter is scheduled for the ___ day of _____, 20___, at __.m. in Courtroom _____ at _____ Courthouse, Pennsylvania.

If an order of protection has been entered, you MUST obey the order until it is modified or terminated by the court after notice and hearing. If you disobey this order, the police or sheriff may arrest you. Violation of this order may subject you to a charge of indirect criminal contempt under 23 Pa C.S. § 6114. Violation may also subject you to prosecution and criminal penalties under the Pennsylvania Crimes Code. Under federal law, 18 U.S.C. § 2265, this order is enforceable anywhere in the United States, tribal lands, U.S. Territories, and the Commonwealth of Puerto Rico. If you travel outside of the state and intentionally violate this order, you may be subject to federal criminal proceedings under the Violence Against Women Act. 18 U.S.C. §§ 2261-2262.

If this order directs you to relinquish any firearm, other weapon, ammunition, or any firearm license to the sheriff or the appropriate law enforcement agency, you may do so upon service of this order. As an alternative, you may relinquish any firearm, other weapon, or ammunition listed herein to a third party provided you and the third party first comply with all requirements to obtain a safekeeping permit. 23 Pa.C.S. § 6108.3. You must relinquish any firearm, other weapon, ammunition, or any firearm license listed in the order no later than 24 hours after service of the order. If, due to their current location,

firearms, other weapons, or ammunition cannot reasonably be retrieved within the time for relinquishment, you must provide an affidavit to the sheriff or the appropriate law enforcement agency listing the firearms, other weapons, or ammunition and their current location no later than 24 hours after service of the order. Failure to timely relinquish any firearm, other weapon, ammunition, or any firearm license shall result in a violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 Pa.C.S. § 6105.

NOTICE: Even if this order does not direct you to relinquish firearms, you may be subject to federal firearms prohibitions and federal criminal penalties under 18 U.S.C. § 922(g)(8) or state firearms prohibitions and state criminal penalties under 18 Pa.C.S. § 6105.

YOU HAVE THE RIGHT TO HAVE A LAWYER REPRESENT YOU AT THE HEARING, HOWEVER, THE COURT WILL NOT APPOINT A LAWYER FOR YOU. YOU HAVE THE RIGHT TO PRESENT EVIDENCE AT THE HEARING, INCLUDING SUBPOENAING WITNESSES TO TESTIFY ON YOUR BEHALF.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE. IF YOU CANNOT FIND A LAWYER, YOU MAY HAVE TO PROCEED WITHOUT ONE.

County Lawyer Referral Service
[Insert Street Address]
[Insert City, State, Zip Code]
[Insert Phone]

- (b) **Petition.** The petition in an action filed pursuant to the Act shall be substantially in the following form, but the first page (paragraphs 1 through 4), following the Notice of Hearing and Order, shall be exactly as set forth in this rule:

**PETITION FOR PROTECTION
FROM ABUSE**

IN THE COURT OF COMMON PLEAS OF
_____ COUNTY, PENNSYLVANIA

NO.

1. PLAINTIFF

First Middle Last Plaintiff's DOB

Plaintiff's Address:

☐ Plaintiff's address is confidential or ☐ Plaintiff's address is:

V.

2. DEFENDANT

First Middle Last Suffix

Defendant's Address:

DEFENDANT IDENTIFIERS			
DOB		HEIGHT	
SEX		WEIGHT	
RACE		EYES	
HAIR			
SSN			
DRIVERS LICENSE #			
EXP DATE		STATE	

CAUTION:

- ☐ **Weapon Involved**
- ☐ **Weapon Present on the Property**
- ☐ **Weapon Requested Relinquished**

Defendant's Place of employment is: _____

- ☐ Check here if you have reason to believe that Defendant is a licensed firearms dealer, employed by a licensed firearms dealer or manufacturer; employed as a writer, researcher, or technician in the firearms or hunting industry, or is required to carry a firearm as a condition of employment.

3. I am filing this Petition on behalf of: ☐ Myself or ☐ Another Person

If you checked "myself", please answer all questions referring to yourself as "Plaintiff". If you ONLY checked "another person", please answer all questions referring to that person as the "Plaintiff", and provide your name and address here, as filer, unless confidential.

Filer's Name:

_____	_____	_____	_____
First	Middle	Last	Suffix

☐ Filer's Address is Confidential or ☐ Filer's address is: _____

If you checked "Another Person", indicate your relationship with Plaintiff:

- ☐ parent of minor Plaintiff(s)
- ☐ applicant for appointment as guardian ad litem of minor Plaintiff(s)
- ☐ adult household member with minor Plaintiff(s)
- ☐ court appointed guardian of **[incompetent] incapacitated** Plaintiff(s)

4. Name(s) of all persons, including minor child/ren, who seek protection from abuse:

5. Indicate the relationship between Plaintiff and Defendant:

CHECK ALL THAT APPLY:

- ☐ spouse or former spouse of Defendant
- ☐ parent of a child with Defendant
- ☐ current or former sexual or intimate partner with Defendant
- ☐ child of Plaintiff
- ☐ child of Defendant
- ☐ family member related by blood (consanguinity) to Defendant
- ☐ family member related by marriage or affinity to Defendant
- ☐ sibling (person who shares parenthood) of Defendant
- ☐ Check here if Defendant is 17 years old or younger.

6. Have Plaintiff and Defendant been involved in any of the following court actions?

- ☐ Divorce ☐ Custody ☐ Support ☐ Protection from Abuse

If you checked any of the above, briefly indicate when and where the case was

filed and the court number, if known: _____

7. Has Defendant been involved in any criminal court action? _____

If you answered Yes, is Defendant currently on probation? _____

Has Defendant been determined to be a perpetrator in a founded or indicated report under the Child Protective Services Law, 23 Pa.C.S. §§ 6301 - 6386? _____

If you answered Yes, what county's court or child protective services agency issued the founded or indicated report? _____

8. Plaintiff and Defendant are the parents of the following minor child/ren:

Name(s)	Age(s)	who reside at (list address unless confidential)
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_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

9. If Plaintiff and Defendant are parents of any minor child/ren together, is there an existing court order regarding their custody? _____

If you answered "Yes," describe the terms of the order (e.g., primary, shared, legal or physical custody):

If you answered "yes", in what county and state was the order issued?

If you are now seeking an order of child custody as part of this petition, **complete, sign, and file with this petition a Criminal Record/Abuse History Verification pursuant to Pa.R.Civ.P. 1915.3-2, and** list the following information:

(a) Where has each child resided during the past five years?

Child's name	Person(s) child lived with	Address, unless confidential	When
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(b) List any other persons who are known to have or claim a right to custody of each child listed above.

Name	Address	Basis of Claim
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

10. **(a)** The following other minor child/ren presently live with Plaintiff:

Name(s)	Age(s)	Plaintiff's relationship to child/ren
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(b) List any other persons who are known to have or claim to have a right to custody of each child listed above.

<u>Name</u>	<u>Address (mailing or electronic)</u>	<u>Basis of Claim</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

11. The following companion animal(s) (an animal not used in commercial agriculture or production) is owned, kept, leased, possessed, or held by the Plaintiff, Defendant, their minor child or a minor child presently living with Plaintiff:

<u>Species</u>	<u>Breed</u>	<u>Name</u>	<u>Color</u>	<u>Sex</u>
_____	_____	_____	_____	_____

[11.]12. The facts of the most recent incident of abuse are as follows:

Approximate Date: _____

Approximate Time: _____

Place: _____

Describe in detail what happened, including any physical or sexual abuse, threats, injury, incidents of stalking, medical treatment sought, or calls to law enforcement. (attach additional sheets of paper if necessary):

[12.]13. If Defendant has committed prior acts of abuse against Plaintiff or the minor child/ren, describe these prior incidents, including any threats, injuries, or incidents of stalking, and indicate approximately when such acts of abuse occurred (attach additional sheets of paper if necessary):

[13.]14. (a) Has Defendant used or threatened to use any firearms or other weapons against Plaintiff or the minor child/ren? If so, please describe the use or threatened use below and list on Attachment A to Petition, which is incorporated by reference into this petition, any firearms, other weapons, or ammunition Defendant used or threatened to use against Plaintiff or the minor child/ren: _____

(b) Other than the firearms, other weapons, or ammunition Defendant used or threatened to use against Plaintiff or the minor child/ren, does Defendant, to the best of your knowledge or belief, own or possess any additional firearm, other weapon, ammunition, or any firearm license?

(c) If the answer to (b) above is "yes," list any additional firearm, other weapon, or ammunition owned by or in the possession of Defendant on Attachment A to Petition, which is incorporated by reference into this petition.

(d) Plaintiff (*check one*) ☐ DOES ☐ DOES NOT request that the court order Defendant to relinquish firearms, other weapons, or ammunition listed on Attachment A to Petition. If Plaintiff does seek relinquishment, identify on Attachment A to Petition the firearms, other weapons, or ammunition Plaintiff requests the court to order Defendant to relinquish.

[14.]15. Identify the sheriff, police department, or law enforcement agency in the area in which Plaintiff lives that should be provided with a copy of the protection order: _____

[15.]16. There is an immediate and present danger of further abuse from Defendant.

CHECK THE FOLLOWING BOXES ONLY IF THEY APPLY TO YOUR CASE AND PROVIDE THE REQUESTED INFORMATION

- ☐ Plaintiff is asking the court to evict and exclude Defendant from the following residence: _____
 - ☐ owned by (list owners, if known): _____
 - ☐ rented by (list all names, if known): _____
 - ☐ Defendant owes a duty of support to Plaintiff or the minor child/ren:
 - ☐ Plaintiff has suffered out-of-pocket financial losses as a result of the abuse described above. Those losses are: _____
-

FOR THE REASONS SET FORTH ABOVE, I REQUEST THAT THE COURT ENTER A TEMPORARY ORDER, AND AFTER HEARING, A FINAL ORDER THAT WOULD DO THE FOLLOWING (CHECK ALL FORMS OF RELIEF REQUESTED)

- ☐ A. Restrain Defendant from abusing, harassing, stalking, threatening, or attempting or threatening to use physical force against Plaintiff or the minor child/ren in any place where Plaintiff or the child/ren may be found.
 - ☐ B. Evict/exclude Defendant from Plaintiff's residence and prohibit Defendant from attempting to enter any temporary or permanent residence of Plaintiff.
 - ☐ C. Require Defendant to provide Plaintiff or the 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 the child/ren: _____
-

☐ E. Prohibit Defendant from having any contact with Plaintiff or the minor child/ren, 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 with the minor child/ren.

☐ F. Prohibit Defendant from having any 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 with the minor child/ren. The following persons are Plaintiff's relatives or family and household members that Plaintiff believes require protection from stalking and harassment by Defendant.

Name	Address (optional)	Relationship to Plaintiff

☐ G. Order Defendant to temporarily relinquish the firearms, other weapons, or ammunition listed on Attachment A to Petition, under Defendant's control, or in Defendant's possession, or any firearm license to the sheriff or the appropriate law enforcement agency.

☐ H. Prohibit Defendant from acquiring or possessing firearms for the duration of the order.

☐ I. Order Defendant to pay temporary support for Plaintiff or the minor child/ren, including medical support and ☐ payment of the rent or mortgage on the residence.

☐ J. Direct Defendant to pay Plaintiff for the reasonable financial losses suffered as the result of the abuse, to be determined at the hearing.

☐ K. Order Defendant to pay the costs of this action, including filing and service fees.

☐ L. Order Defendant to pay Plaintiff's reasonable attorney's fees.

☐ **M. Grant Plaintiff temporary ownership rights over a companion animal and order Defendant to refrain from possessing, contacting, attempting to contact, transferring or relocating the companion animal, or contacting or entering the property of any person sheltering the companion animal(s).**

☐ **[M.]N.** Order the following additional relief, not listed above:

-
-
-
- ☐ **[N.]Q.** Grant such other relief as Plaintiff requests or the court deems appropriate.
- ☐ **[O.]P.** Order the police, sheriff, or other law enforcement agency to serve Defendant with a copy of this petition, any order issued, and the order for hearing. Plaintiff will inform the designated authority of any addresses, other than Defendant's residence, where Defendant can be served.
- ☐ **[P.]Q.** Direct the Pennsylvania State Police, the municipal police, or the sheriff to accompany Plaintiff to his or her residence to retrieve personal belongings or accompany Plaintiff while the petition or order is served on Defendant, if Plaintiff has reason to believe his or her safety is at risk.

VERIFICATION

I verify that I am the petitioner as designated in the present action and that the facts and statements contained in the above Petition are true and correct to the best of my knowledge. I understand that any false statements are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Signature

Date

(Caption)

ATTACHMENT A TO PETITION FIREARMS, OTHER WEAPONS, OR AMMUNITION INVENTORY

I, _____, Plaintiff in this Protection from Abuse Action, hereby

(a) state that Defendant used or threatened to use the following firearms, other weapons, or ammunition against Plaintiff or the minor child/ren (include addresses or locations, if known, such as "front seat of blue truck", "gun cabinet," "bedroom closet," etc.)

Firearm/Other Weapon/Ammunition

Location

- 1.
- 2.
- 3.
- 4.
- 5.

(b) state that Defendant, to the best of my knowledge or belief, owns or possesses the following firearms, other weapons, or ammunition not set forth in (a) above (include addresses or locations if, known):

Firearm/Other Weapon/Ammunition

Location

- 1.
- 2.
- 3.
- 4.
- 5.

Name: _____

Date: _____

Notice: This attachment will be withheld from public inspection in accordance with 23 Pa.C.S. § 6108 (a)(7)(v).

[Note: See Pa.R.C.P. No. 1930.1(b). This rule may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.]

- (c) **Temporary Order.** The Temporary Order of Court, or any continued, amended, or modified Temporary Order of Court, entered pursuant to the Act shall be substantially in the following form, but the first page shall be exactly as set forth in this rule:

TEMPORARY PROTECTION

FROM ABUSE ORDER

☐ Amended Order ☐ Continued Order

PLAINTIFF

IN THE COURT OF COMMON

PLEAS OF _____ COUNTY,

PENNSYLVANIA NO. _____

First

Middle

Last

Plaintiff's DOB

Name(s) of all protected persons, including minor child/ren and DOB:

V.

DEFENDANT

First

Middle

Last

Suffix

Defendant's Address:

CAUTION:

- ☐ **Weapon Involved**
☐ **Weapon Present on the Property**
☐ **Weapon Ordered Relinquished**

DEFENDANT IDENTIFIERS			
DOB		HEIGHT	
SEX		WEIGHT	
RACE		EYES	
HAIR			
SSN			
DRIVERS LICENSE #			
EXP DATE		STATE	

The Court Hereby Finds: That it has jurisdiction over the parties and subject matter, and Defendant will be provided with reasonable notice and opportunity to be heard.

The Court Hereby Orders:

- ☐ Defendant shall not abuse, harass, stalk, threaten, or attempt or threaten to use physical force against any of the above persons in any place where they might be found.
- ☐ Except for such contact with the minor child/ren as may be permitted under Paragraph 5 of this order, Defendant shall not contact Plaintiff, or any other person protected under this order, by telephone or by any other means, including through third persons.
- ☐ Additional findings of this order are set forth below.

Order Effective Date _____ **Order Expiration Date** _____

NOTICE TO DEFENDANT

Defendant is hereby notified that failure to obey this order may result in arrest as set forth in 23 Pa.C.S. § 6113 and that violation of the order may result in a charge of indirect criminal contempt as set forth in 23 Pa.C.S. § 6114. Consent of Plaintiff to Defendant's return to the residence shall not invalidate this order, which can only be changed or modified through the filing of appropriate court papers for that purpose. 23 Pa.C.S. § 6108 (g). If Defendant is required to relinquish any firearms, other weapons, ammunition, or any firearm license, those items must be relinquished to the sheriff or the appropriate law enforcement agency within 24 hours of the service of this order. As an alternative, Defendant may relinquish any firearm, other weapon, or ammunition listed herein to a third party provided Defendant and the third party first comply with all requirements to obtain a safekeeping permit. If, due to their current location, firearms, other weapons, or ammunition cannot reasonably be retrieved within the time for relinquishment, Defendant shall provide an affidavit to the sheriff or the appropriate law enforcement agency listing the firearms, other weapons, or ammunition and their current location no later than 24 hours after the service of this order. Defendant is further notified that violation of this order may subject him/her to state charges and penalties under the Pennsylvania Crimes Code under 18 Pa.C.S. § 6105 and to federal criminal charges and penalties under 18 U.S.C. § 922(g)(8) and the Violence Against Women Act, 18 U.S.C. §§ 2261-2262.

AND NOW, this ____ day of _____, 20__, upon consideration of the attached Petition for Protection From Abuse, the court hereby enters the following Temporary Order:

- ☐ Plaintiff's request for a Temporary Protection Order is **denied**.
- ☐ Plaintiff's request for a Temporary Protection Order is **granted**.
- ☐ 1. Defendant shall not abuse, harass, stalk, threaten, or attempt or threaten to use physical force against any of the above persons in any place where they might be found.
- ☐ 2. Defendant is evicted and excluded from the residence at [NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED] or any other permanent or

temporary residence where Plaintiff or any other person protected under this order may live. Plaintiff is granted exclusive possession of the residence. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this order.

- ☐ 3. Except for such contact with the minor child/ren as may be permitted under Paragraph 5 of this order, Defendant is prohibited from having ANY CONTACT with Plaintiff, or any other person protected under this order, either directly or indirectly, at any location, including but not limited to any contact at Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this order: _____

- ☐ 4. Except for such contact with the minor child/ren as may be permitted under Paragraph 5 of this order, Defendant shall not contact Plaintiff, or any other person protected under this order, by telephone or by any other means, including through third persons.

- ☐ 5. CUSTODY.

- ☐ There is a current custody order as to the child/ren of the parties:

_____ (county court) _____ (docket number)

- ☐ THIS ORDER SHALL NOT SUPERSEDE THE CURRENT CUSTODY ORDER.

- ☐ THIS ORDER SUPERSEDES ANY PRIOR ORDER RELATING TO CHILD CUSTODY.

- ☐ Until the final hearing, all contact between Defendant and the child/ren shall be limited to the following: _____

- ☐ Pending the outcome of the final hearing in this matter, Plaintiff is awarded temporary custody of the following minor child/ren: _____

The local law enforcement agency in the jurisdiction where the child/ren are located shall ensure that the child/ren are placed in the care and control of [the] Plaintiff in accordance with the terms of this order.

Defendant shall complete, sign, and file a Criminal Record/Abuse History Verification pursuant to Pa.R.Civ.P. 1915.3-2 at Defendant's initial court appearance.

- ☐ 6. FIREARMS, OTHER WEAPONS, OR AMMUNITION RESTRICTIONS

Check all that apply.

- ☐ Defendant is prohibited from possessing or acquiring any firearms for the duration of this order.
- ☐ Defendant shall relinquish to the sheriff or the appropriate law enforcement agency the following firearm licenses owned or possessed by Defendant.

-
-
- ☐ Defendant is directed to relinquish to the sheriff or the appropriate law enforcement agency any firearm, other weapon, or ammunition listed in Attachment A to Temporary Order, which is incorporated herein by reference, under Defendant's control or in Defendant's possession.

Defendant may relinquish any firearms, other weapons, or ammunition to the sheriff or the appropriate law enforcement agency. As an alternative, Defendant may relinquish firearms, other weapons, or ammunition to a third party provided Defendant and the third party first comply with all the requirements to obtain a safekeeping permit. Defendant must relinquish any firearm, other weapon, ammunition, or firearm license ordered to be relinquished no later than 24 hours after service of this order. If, due to their current location, firearms, other weapons, or ammunition cannot reasonably be retrieved within the time for relinquishment, Defendant shall provide to the sheriff or the appropriate law enforcement agency an affidavit listing the firearms, other weapons, or ammunition and their current location no later than 24 hours after service of this order. Failure to timely relinquish any firearm, other weapon, ammunition, or any firearm license shall result in a violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 Pa.C.S. § 6105.

- ☐ **7. Plaintiff is granted temporary ownership rights over the following companion animal(s), and Defendant is prohibited from possessing, contacting, attempting to contact, transferring or relocating the following companion animal(s), or contacting or entering the property of any person sheltering the following companion animal(s):**

<u>Species</u>	<u>Breed</u>	<u>Name</u>	<u>Color</u>	<u>Sex</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

- ☐ **[7.]8.** The following additional relief is granted:

- ☐ Defendant is prohibited from stalking, as defined in 18 Pa.C.S. § 2709.1, or harassing, as defined in 18 Pa.C.S. § 2709, the following family and household members of Plaintiff:

Name	Address (optional)	Relationship to Plaintiff
_____	_____	_____
_____	_____	_____
_____	_____	_____

- ☐ Other relief: _____
- _____

- ☐ **[8.]9.** The Pennsylvania State Police, the municipal police, or the sheriff shall accompany Plaintiff to his or her residence to retrieve personal belongings or accompany Plaintiff while the petition or order is served on Defendant.
- ☐ **[9.]10.** A certified copy of this order shall be provided to the sheriff or police department where Plaintiff resides and any other agency specified hereafter: [insert name of agency]
- ☐ **[10.]11.** THIS ORDER SUPERSEDES ANY PRIOR PROTECTION FROM ABUSE ORDER OBTAINED BY THE SAME PLAINTIFF AGAINST THE SAME DEFENDANT.
- ☐ **[11.]12.** THIS ORDER APPLIES IMMEDIATELY TO DEFENDANT AND SHALL REMAIN IN EFFECT UNTIL [insert expiration date] OR UNTIL OTHERWISE MODIFIED OR TERMINATED BY THIS COURT AFTER NOTICE AND HEARING.

NOTICE TO DEFENDANT

Defendant is hereby notified that failure to obey this order may result in arrest as set forth in 23 Pa.C.S. § 6113 and that violation of the order may result in a charge of indirect criminal contempt as set forth in 23 Pa.C.S. § 6114. Consent of Plaintiff to Defendant's return to the residence shall not invalidate this order, which can only be changed or modified through the filing of appropriate court papers for that purpose. 23 Pa.C.S. § 6108(g). If Defendant is required to relinquish any firearms, other weapons, ammunition, or any firearm license, those items must be relinquished to the sheriff or the appropriate law enforcement agency within 24 hours of the service of this order. As an alternative, Defendant may relinquish any firearm, other weapon, or ammunition listed herein to a third party provided Defendant and the third party first comply with all requirements to obtain a safekeeping permit. If, due to their current location, firearms, other weapons, or ammunition cannot reasonably be retrieved within the time for relinquishment, Defendant shall provide an affidavit to the sheriff or the appropriate law enforcement agency listing the firearms, other weapons, or ammunition and their current

location no later than 24 hours after the service of this order. Defendant is further notified that violation of this order may subject him/her to state charges and penalties under the Pennsylvania Crimes Code under 18 Pa.C.S. § 6105 and to federal criminal charges and penalties under 18 U.S.C. § 922(g)(8) and the Violence Against Women Act, 18 U.S.C. §§ 2261-2262.

NOTICE TO SHERIFF, POLICE, AND LAW ENFORCEMENT OFFICIALS

This order shall be enforced by the police department or sheriff who has jurisdiction over Plaintiff's residence OR any location where a violation of this order occurs OR where Defendant may be located. If Defendant violates Paragraphs 1 through **[6]7** of this order, Defendant shall be arrested on the charge of indirect criminal contempt. An arrest for violation of this order may be made without warrant, based solely on probable cause, whether or not the violation is committed in the presence of a police officer or sheriff.

Subsequent to an arrest, the law enforcement officer or sheriff shall seize all firearms, other weapons, or ammunition in Defendant's possession which were used or threatened to be used during the violation of the protection order or during prior incidents of abuse and any other firearms in Defendant's possession. Any firearm, other weapon, ammunition, or any firearm license must be delivered to the sheriff or the appropriate law enforcement agency, which sheriff or agency shall maintain possession of the firearms, other weapons, or ammunition until further order of this court, unless the weapon(s) are evidence of a crime, in which case, they shall remain with the law enforcement agency whose officer or sheriff made the arrest.

BY THE COURT:

Judge

Date

(Caption)

**ATTACHMENT A TO TEMPORARY ORDER
FIREARMS, OTHER WEAPONS, OR
AMMUNITION INVENTORY**

It is hereby ordered that Defendant relinquish the following firearms, other weapons, or ammunition to the sheriff or the appropriate law enforcement agency:

Firearm/Other Weapon/Ammunition

Location

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

☐ All firearms, other weapons, or ammunition owned or possessed by Defendant.

BY THE COURT:

Judge

Date

NOTICE: This attachment will be withheld from public inspection in accordance with 23 Pa.C.S. § 6108(a)(7)(v).

(d) **Affidavit of Service.** The form of the Affidavit of Service in a Protection From Abuse matter shall be substantially in the following form:

(Caption)

AFFIDAVIT OF SERVICE

I, _____, the undersigned, hereby state that I served a copy of the **(check one):**

____ Notice of Hearing and Order, Petition, and Temporary Order

____ **Final Order**

in the above-captioned action upon Defendant by handing the papers to _____ at the following address: _____ on the ____ day of _____, 20____, at approximately ____ o'clock ____ .m.

I verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.[A.] § 4904, relating to unsworn falsification to authorities.

(Signature) _____

(Title) _____

(Address) _____

(Date) _____

THIS FORM MUST BE COMPLETED AND SIGNED BY THE PERSON WHO SERVES THE DEFENDANT WITH THE NOTICE OF HEARING AND ORDER, PETITION AND TEMPORARY ORDER. IT MUST BE FILED WITH THE PROTHONOTARY OR BROUGHT TO THE COURT ON THE HEARING DATE.

- (e) **Final Order.** The Final Order of Court, or any amended, modified, or extended Final Order of Court, entered pursuant to the Act shall be substantially in the following form, but the first page must be exactly as set forth in this rule:

FINAL PROTECTION FROM

ABUSE ORDER

☐ **Extended Order** ☐ **Amended Order**

IN THE COURT OF COMMON

PLEAS OF _____ COUNTY,

PENNSYLVANIA NO. _____

PLAINTIFF

First

Middle

Last

Plaintiff's DOB

Name(s) of all protected persons, including minor child/ren and DOB:

V.

DEFENDANT

First

Middle

Last

Suffix

Defendant's Address:

DEFENDANT IDENTIFIERS

DOB		HEIGHT	
SEX		WEIGHT	
RACE		EYES	
HAIR			
SSN			
DRIVERS LICENSE #			
EXP DATE		STATE	

CAUTION:

- ☐ **Weapon Involved**
- ☐ **Weapon Present on the Property**
- ☐ **Weapon Ordered Relinquished**

The Court Hereby Finds: That it has jurisdiction over the parties and subject matter, and Defendant has been provided with reasonable notice and opportunity to be heard.

The Court Hereby Orders:

- ☐ Defendant shall not abuse, harass, stalk, threaten, or attempt or threaten to use physical force against any of the above persons in any place where they might be found.
- ☐ Except as provided in Paragraph 5 of this order, Defendant shall not contact Plaintiff, or any other person protected under this order, by telephone or by any other means, including through third persons.
- ☐ Additional findings of this order are set forth below.

Order Effective Date _____ **Order Expiration Date** _____

NOTICE TO DEFENDANT

Defendant is hereby notified that failure to obey this order may result in arrest as set forth in 23 Pa.C.S. § 6113 and that violation of the order may result in a charge of indirect criminal contempt as set forth in 23 Pa.C.S. § 6114. Violation may also subject you to prosecution and criminal penalties under the Pennsylvania Crimes Code. A violation of this order may result in the revocation of the safekeeping permit, which will require the immediate relinquishment of your firearms, other weapons, or ammunition to the sheriff or the appropriate law enforcement agency. Plaintiff's consent to contact by Defendant shall not invalidate this order which can only be modified by further order of court. 23 Pa.C.S. § 6108(g).

This order is enforceable in all fifty (50) States, the District of Columbia, Tribal Lands, U.S. Territories, and the Commonwealth of Puerto Rico under the Violence Against Women Act, 18 U.S.C. § 2265. If you travel outside of the state and intentionally violate this order, you may be subject to federal criminal proceedings under that act. 18 U.S.C. §§ 2261-2262. If you possess a firearm or any ammunition while this order is in effect, you may be charged with a federal criminal offense even if this Pennsylvania order does not expressly prohibit you from possessing firearms or ammunition under 18 U.S.C. § 922(g)(8) or state criminal offenses and state criminal penalties under 18 Pa.C.S. § 6105.

CHECK ALL THAT APPLY:

Plaintiff or Protected Person(s) is/are:

- ☐ spouse or former spouse of Defendant
- ☐ parent of a child with Defendant
- ☐ current or former sexual or intimate partner with Defendant
- ☐ child of Plaintiff
- ☐ child of Defendant
- ☐ family member related by blood (consanguinity) to Defendant
- ☐ family member related by marriage or affinity to Defendant
- ☐ sibling (person who shares parenthood) of Defendant

Defendant was served in accordance with **[Pa.R.C.P. No.] Pa.R.Civ.P.** 1930.4 and provided notice of the time, date, and location of the hearing scheduled in this matter.

AND NOW, this ____ day of _____, 20 __, the court having jurisdiction over the parties and the subject-matter, it is ORDERED, ADJUDGED, and DECREED as follows:

This order is entered by (check one) ☐ by agreement ☐ by agreement without an admission ☐ after a hearing and decision by the court ☐ after a hearing at which Defendant was not present, despite proper service being made ☐ by default. Without

regard as to how the order was entered, this is a final order of court subject to full enforcement pursuant to the Protection From Abuse Act.

[Note: Space is provided to allow for 1) the court's general findings of abuse; 2) inclusion of the terms under which the order was entered (e.g., that the order was entered with the consent of the parties, or that Defendant, though properly served, failed to appear for the hearing, or the reasons why the plaintiff's request for a final PFA order was denied); or 3) information that may be helpful to law enforcement (e.g., whether a firearm or other weapon was involved in the incident of abuse or whether Defendant is believed to be armed and dangerous).]

☐ Plaintiff's request for a final protection order is denied.

OR

☐ Plaintiff's request for a final protection order is granted.

- ☐ 1. Defendant shall not abuse, stalk, harass, threaten, or attempt or threaten to use physical force against Plaintiff or any other protected person in any place where they might be found.
- ☐ 2. Defendant is completely evicted and excluded from the residence at (NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED) or any other residence where Plaintiff or any other person protected under this order may live. Exclusive possession of the residence is granted to Plaintiff. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this order.
- ☐ On [insert date and time], Defendant may enter the residence to retrieve his/her clothing and other personal effects, provided that Defendant is in the company of a law enforcement officer or sheriff when such retrieval is made and [insert any other conditions]: _____

-
- ☐ 3. Except as provided in Paragraph 5 of this order, Defendant is prohibited from having ANY CONTACT with Plaintiff, either directly or indirectly, or any other person protected under this order, at any location, including but not limited to any contact at Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this order.

-
-
-
- ☐ 4. Except as provided in Paragraph 5 of this order, Defendant shall not contact Plaintiff, either directly or indirectly, or any other person protected under this order, by telephone or by any other means, including through third persons.
 - ☐ 5. Temporary custody of the minor children: [NAMES OF THE CHILDREN SUBJECT TO THE PROVISION OF THIS PARAGRAPH] shall be as follows:

Check all that apply.

- ☐ STATE TO WHOM PRIMARY PHYSICAL CUSTODY IS AWARDED; STATE TERMS OF PARTIAL CUSTODY **AND SUPERVISED CUSTODY**, IF ANY.
-
-
-

These custody provisions of this order are temporary. Either party may initiate custody proceedings pursuant to the custody statute at 23 Pa.C.S. §§ 5321 — 5340. Any valid custody order entered after the final Protection From Abuse order supersedes the custody provisions of this order

- ☐ There is a current custody order as to the children of the parties:
_____ (county court) _____ (docket number)
 - ☐ **This order shall not supersede the current custody order.**
 - ☐ **This order shall supersede any prior order relating to child custody.**
 - ☐ **[A] There is a** custody petition **[is]** pending.
 - ☐ A hearing is scheduled for _____ (Date, time, and location)
 - ☐ **There is neither a current custody order as to the children of the parties nor a pending custody petition.**
 - ☐ **If there is no subsequent custody order within _____ days of the date of this order, the custody provisions contained herein shall lapse automatically.**
- [☐ THIS ORDER SHALL NOT SUPERSEDE THE CURRENT CUSTODY ORDER.**
- ☐ THIS ORDER SUPERSEDES ANY PRIOR ORDER RELATING TO CHILD CUSTODY.**

The custody provisions of Paragraph 5 of this order are temporary. Either party may initiate custody proceedings pursuant to the custody statute at 23 Pa.C.S. §§ 5321 — 5340. Any valid custody order entered after the final Protection From Abuse order supersedes the custody provisions of this order.]

☐ 6. FIREARMS, OTHER WEAPONS, OR AMMUNITION RESTRICTIONS

Check all that apply:

- ☐ Defendant is prohibited from possessing or acquiring any firearms for the duration of this order.
- ☐ Defendant shall relinquish to the sheriff or the appropriate law enforcement agency the following firearm licenses owned or possessed by Defendant:

-
- ☐ Defendant is directed to relinquish to the sheriff or the appropriate law enforcement agency any firearm, other weapon, or ammunition listed in Attachment A to Final Order, which is incorporated herein by reference.

Defendant may relinquish any firearms, other weapons, or ammunition to the sheriff or the appropriate law enforcement agency. As an alternative, Defendant may either relinquish firearms, other weapons, or ammunition to a third party provided Defendant and the third party first comply with all the requirements to obtain a safekeeping permit, or relinquish firearms, other weapons, or ammunition to a licensed firearms dealer for consignment sale, lawful transfer, or safekeeping pursuant to 23 Pa.C.S. § 6108.2(e). Defendant must relinquish any firearm, other weapon, ammunition, or firearm license ordered to be relinquished no later than 24 hours after service of this order. Failure to timely relinquish any firearm, other weapon, ammunition, or any firearm license ordered to be relinquished shall result in a violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 Pa.C.S. § 6105.

- ☐ 7. Any firearm delivered to the sheriff or the appropriate law enforcement agency or transferred to a licensed firearm dealer or a qualified third party, who satisfies the procedural and substantive requirements to obtain a safekeeping permit issued under 23 Pa.C.S. § 6108.3 pursuant to this order or the temporary order, shall not be returned to Defendant, until further order of court or as otherwise provided by law.
- ☐ **8. Plaintiff is granted temporary ownership rights over the following companion animal(s), and Defendant is prohibited from possessing, contacting, attempting to contact, transferring or relocating the following companion animal(s), or contacting or entering the property of any person sheltering the following companion animal(s):**

<u>Species</u>	<u>Breed</u>	<u>Name</u>	<u>Color</u>	<u>Sex</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

- ☐ **[8.]9.** The Pennsylvania State Police, the municipal police, or the sheriff shall accompany Plaintiff to his or her residence to retrieve personal belongings.
- ☐ **[9.]10.** The following additional relief is granted as authorized by § 6108 of the Act:
- ☐ Defendant is prohibited from stalking, as defined in 18 Pa.C.S. § 2709.1, or harassing, as defined in 18 Pa.C.S. § 2709, the following family and household members of Plaintiff:

Name	Address (optional)	Relationship to Plaintiff
_____	_____	_____
_____	_____	_____
_____	_____	_____

- ☐ Other relief:

- ☐ **[10.]11.** Defendant is directed to pay temporary support for: [INSERT THE NAMES OF THE PERSONS FOR WHOM SUPPORT IS TO BE PAID] as follows: [INSERT AMOUNT, FREQUENCY AND OTHER TERMS AND CONDITIONS OF THE SUPPORT ORDER]. This order for support shall remain in effect until a final support order is entered by this court. However, this order shall lapse automatically if Plaintiff does not file a complaint for support with the Domestic Relations Section of the court within two weeks of the date of this order. The amount of this temporary order does not necessarily reflect Defendant's correct support obligation, which shall be determined in accordance with the guidelines at the support hearing. Any adjustments in the final amount of support shall be credited, retroactive to this date, to the appropriate party.

- ☐ **[11.]12.**
- ☐ (a) The costs of this action are imposed on Defendant.

- ☐ (b) Because this order followed a contested proceeding, or a hearing at which Defendant was not present, despite being served with a copy of the petition, temporary order and notice of the date, time and place of the hearing, Defendant is ordered to pay an additional \$100 surcharge to the court, which shall be distributed in the manner set forth in 23 Pa.C.S. § 6106(d).
- ☐ (c) Upon a showing of good cause or a finding that Defendant is unable to pay, the costs of this action are waived.
- ☐ **[12.]13.** Defendant shall pay \$_____ to Plaintiff by (insert date) as compensation for Plaintiff's out-of-pocket losses, which are as follows: _____

An installment schedule is ordered as follows: _____

OR

- ☐ Plaintiff is granted leave to present a petition, with appropriate notice to Defendant, to [INSERT THE NAME OF THE JUDGE OR COURT TO WHICH THE PETITION SHOULD BE PRESENTED] requesting recovery of out-of-pocket losses. The petition shall include an exhibit itemizing all claimed out-of-pocket losses, copies of all bills and estimates of repair, and an order scheduling a hearing. No fee shall be required by the prothonotary's office for the filing of this petition.
- ☐ **[13.]14.** THIS ORDER SUPERSEDES ANY PRIOR PROTECTION FROM ABUSE ORDER OBTAINED BY THE SAME PLAINTIFF AGAINST THE SAME DEFENDANT.

[14.]15. All provisions of this order shall expire:

CHECK ONE

- ☐ in [INSERT DAYS, MONTHS OR YEARS] on [INSERT EXPIRATION DATE]
- ☐ in three years, on [INSERT EXPIRATION DATE]

NOTICE TO DEFENDANT

Defendant is hereby notified that failure to obey this order may result in arrest as set forth in 23 Pa.C.S. § 6113 and that violation of the order may result in a charge of indirect criminal contempt as set forth in 23 Pa.C.S. § 6114. Violation may also subject you to prosecution and criminal penalties under the Pennsylvania Crimes Code. A violation of this order may result in the revocation of the safekeeping permit, which will require the immediate relinquishment of your firearms, other weapons, and ammunition to the sheriff or the appropriate law enforcement agency. Plaintiff's consent to contact by Defendant shall not invalidate this order, which can only be modified by further order of court. 23 Pa.C.S. § 6108(g).

This order is enforceable in all fifty (50) States, the District of Columbia, Tribal Lands, U.S. Territories, and the Commonwealth of Puerto Rico under the Violence

Against Women Act, 18 U.S.C. § 2265. If you travel outside of the state and intentionally violate this order, you may be subject to federal criminal proceedings under that act. 18 U.S.C. §§ 2261-2262. If you possess a firearm or any ammunition while this order is in effect, you may be charged with a federal criminal offense even if this Pennsylvania order does not expressly prohibit you from possessing firearms or ammunition under 18 U.S.C. § 922(g)(8) or state criminal offenses and state criminal penalties under 18 Pa.C.S. § 6105.

NOTICE TO SHERIFF, POLICE, AND LAW ENFORCEMENT OFFICIALS

The police and sheriff who have jurisdiction over Plaintiff's residence OR any location where a violation of this order occurs OR where Defendant may be located, shall enforce this order. The court shall have jurisdiction over any indirect criminal contempt proceeding, either in the county where the violation occurred or where this protective order was entered. An arrest for violation of Paragraphs 1 through **[7]8** of this order may be without warrant, based solely on probable cause, whether or not the violation is committed in the presence of the police or any sheriff. 23 Pa.C.S. § 6113.

Subsequent to an arrest, and without the necessity of a warrant, the police officer or sheriff shall seize all firearms, other weapons, and ammunition in Defendant's possession that were used or threatened to be used during the violation of the protection order or during prior incidents of abuse and any other firearms in Defendant's possession. The [insert the appropriate name or title] shall maintain possession of the firearms, other weapons, or ammunition until further order of this court.

When Defendant is placed under arrest for violation of the order, Defendant shall be taken to the appropriate authority or authorities before whom Defendant is to be arraigned. A "Complaint for Indirect Criminal Contempt" shall then be completed and signed by the police officer, sheriff, OR Plaintiff. Plaintiff's presence and signature are not required to file the complaint.

If sufficient grounds for violation of this order are alleged, Defendant shall be arraigned, bond set, if appropriate, and both parties given notice of the date of the hearing.

BY THE COURT:

Judge

Date

This order was entered pursuant to the consent of Plaintiff and Defendant:

(Plaintiff's Signature)

(Defendant's Signature)

(Caption)
**ATTACHMENT A TO FINAL ORDER
FIREARMS, OTHER WEAPONS, OR
AMMUNITION INVENTORY**

It is hereby ordered that Defendant relinquish the following firearms, other weapons, or ammunition to the sheriff or the appropriate law enforcement agency:

Firearm/Other Weapon/Ammunition	Location
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- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

☐ All firearms, other weapons, or ammunition owned or possessed by Defendant.

BY THE COURT:

Judge

Date

NOTICE: This attachment will be withheld from public inspection in accordance with 23 Pa.C.S. § 6108(a)(7)(v).

Comment: Concerning the petition form in subdivision (b), see Pa.R.Civ.P. 1930.1(b), which may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

Concerning the final order form in subdivision (e), space is provided in the order prior to the court's decision on whether to deny or grant the petition to allow for 1) the court's general findings of abuse; 2) inclusion of the terms under which the order was entered, e.g., that the order was entered with the consent of the parties, or that the defendant, though properly served, failed to appear for the hearing, or the reasons why the plaintiff's request for a final PFA order was denied; or 3) information that may be helpful to law enforcement, e.g., whether a firearm or other weapon was involved in the incident of abuse or whether the defendant is believed to be armed and dangerous.

Rule 1930.4. Service of Original Process in Domestic Relations Matters.

(a) **Personal Service.**

(1) **Persons Who May Serve.** A sheriff or competent adult, as defined in Pa.R.Civ.P. 76, may effectuate personal service of original process in domestic relations matters, including Protection of Victims of Sexual Violence or Intimidation matters.

(2) **Manner of Service.**

(i) A sheriff or competent adult may serve original process:

(A) by handing a copy of the original process to the defendant;

(B) at the defendant's residence by handing a copy of the original process to:

(I) an adult member of the family with whom the defendant resides; but if an adult family member is unavailable, then to an adult in charge of the residence; or

(II) the clerk or manager of the hotel, inn, apartment house, boarding house, or other place of lodging; or

(C) at the defendant's office or usual place of business by handing a copy of the original process to the defendant's agent or the person for the time being in charge; or

(ii) pursuant to special order of court.

(3) **Service in Protection From Abuse and Protection of Victims of Sexual Violence or Intimidation Matters.**

(i) **[If the sheriff or competent adult cannot complete personal service within 48 hours after a Protection From Abuse or a Protection of Victims of Sexual Violence or Intimidation petition is filed, the court may authorize alternative service by special order as set forth in subdivision (a)(2)(ii).] For service of Protection From Abuse hearing notices, petitions and orders, see Pa.R.Civ.P. 1901.4.**

(ii) **If the sheriff or competent adult cannot complete personal service within 48 hours after a Protection of**

Victims of Sexual Violence or Intimidation temporary order is filed, the court may authorize alternative service by special order as set forth in subdivision (a)(2)(ii), including, but not limited to, [Alternative service may include, but is not limited to,] service by mail pursuant to subdivision (b) or service by commercial carrier pursuant to subdivision (c).

Comment: Additional alternative procedures for service outside the Commonwealth are set forth in 42 Pa.C.S. §§ 5323 and 5329(2). For Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation matters served outside of the Commonwealth, the party shall attempt personal service first before service can be made by certified and first class regular mail or by other means prescribed in subdivision (e)(2).

Subdivision (f) addresses service of original process on an incarcerated party, and the incarcerated party's right to seek permission to appear and testify. See *Vanaman v. Cowgill*, 526 A.2d 1226 (Pa. Super. 1987) and *Salemo v. Salemo*, 554 A.2d 563 (Pa. Super. 1989).

The Domestic Relations Section is the filing office for child support, spousal support, and alimony pendente lite cases. See Pa.R.Civ.P. 1910.4(a).

The timing of an attorney's solicitation of a prospective client in actions governed by the Family Court Rules, see Pa.R.Civ.P. 1931(a), and actions pursuant to the Protection of Victims of Sexual Violence or Intimidation Act, see 42 Pa.C.S. §§ 62A03—62A20, are restricted until proof of service appears on the docket. See Pennsylvania Rule of Professional Conduct [7.3(b)(4)] 7.3(d)(4).

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

Explanatory Comment—1995

This new rule replaces the numerous rules which previously governed service of process in domestic relations matters.