

CHAPTER 2

Domestic Violence and Elder Abuse in PA

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Domestic Violence and Elder Abuse in PA

LEGAL DEFINITIONS

Domestic Violence

*Protection From Abuse Act 23 Pa.C.S.A. § 6102. Definitions.

General rule – The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

- ▼ **Abuse** – The occurrence of one or more of the following actions between family or household members, sexual or intimate partners or persons who share biological parenthood:
 - 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.
 - Placing another in reasonable fear of imminent serious bodily injury.
 - The infliction of false imprisonment pursuant to 18 Pa.C.S. 2901 (relating to false imprisonment).
 - Physically or sexually abusing minor children, including terms as defined in Chapter 63 (relating to child protective services).
 - 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. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to criminal offenses).
- ▼ **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.

Notes

***Pennsylvania Older Adults Protective Services Act (15.2):**

▼ **Abandonment** – The desertion of an older adult by a caretaker.

▼ **Abuse** – The occurrence of one or more of the following acts:

- The infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish.
- The willful deprivation by a caretaker of goods or services, which are necessary to maintain physical or mental health.
- Sexual harassment, rape or abuse, as defined in the Protection From Abuse Act.
- No older adult will be found to be abused solely on the ground of environmental factors which are beyond the control of the older adult or caretaker, such as inadequate housing, furnishing, income, clothing or medical care.

▼ **Exploitation** – An act or course of conduct by a caretaker or other person against an older adult or an older adult's resources, without the informed consent of the older adult or with consent obtained through misrepresentation, coercion or threats of force, that results in monetary, personal or other benefit, gain or profit for the perpetrator or monetary or personal loss to the older adult.

▼ **Neglect** – The failure to provide for oneself or the failure of a caretaker to provide goods or services essential to avoid a clear and serious threat to physical or mental health. An older adult who does not consent to the provision of protective services will not be found to be neglected solely on the grounds of environment factors which are beyond the control of the older adult or the caretaker, such as inadequate housing, furnishing, income, clothing or medical care.

*Copies of the complete Protection From Abuse Act and the Pennsylvania Older Adults Protective Services Act are included in the Appendix.

DOMESTIC VIOLENCE PROGRAMS

What Is a Domestic Violence Program?

Pennsylvania has 62 community-based, private non-profit domestic violence organizations dedicated to ending violence against women and children.

Who Is Eligible for Services?

- ▼ Victims of domestic violence and their children. Services are available free of charge, without regard to gender, age, race, sexual orientation, ethnicity, socioeconomic status, mental or physical ability and religious background.
- ▼ Male victims may be offered emergency shelter in off-site housing.

What Types of Services Are Available?

Services vary, however, many domestic violence programs offer:

- ▼ Emergency shelter
- ▼ Peer counseling
- ▼ Information and referral
- ▼ 24-hour hotline
- ▼ Safety planning
- ▼ Programming for children
- ▼ Community education
- ▼ Free and confidential services
- ▼ Crisis centers
- ▼ Support groups
- ▼ Legal, children's, medical and economic justice advocacy assistance in accessing other services
- ▼ Court accompaniment

Where services are limited, the domestic violence program can work closely with programs in other counties to assist victims and their children.

How Are Clients Identified?

Generally, victims contact the domestic violence program (self-help model), often after contact with law enforcement, health care providers or other professionals in the community.

Where Are Services Located?

Services may be located at a shelter facility or other office settings. Sometimes the location of shelter services is confidential.

How Long Do Services Last?

Services are available on an as-needed-basis, as defined by the victim. Emergency shelter may be limited to 30 days in a six-month period.

How Can Clients Contact Services?

Call the 24-hour hotline (found under abuse/assault in the blue pages of the phone book), directory assistance or contact Pennsylvania Coalition Against Domestic Violence at 800-932-4632.

VICTIM SERVICES PROGRAMS

What Is a Victim Services Program?

In addition to victim service programs that serve a specific type of crime victim, such as domestic or sexual violence, there are various community-based and system-based programs that serve victims of other types of violent crimes, such as robbery, arson and attempted homicide. In addition to ensuring that victims are afforded their rights under the Crime Victims Bill of Rights, these programs may provide a variety of services that help the victim deal with the physical, emotional and financial consequences of the crime.

Who Is Eligible for Services?

Any victim of crime, including economic crimes, may receive services free of charge. System-based programs primarily serve crime victims who are involved with the criminal and/or juvenile justice systems. Certain comprehensive victim service programs provide services specifically to older adults.

What Types of Services Are Available?

Services are designed to support and advocate for the victims, and ensure that the rights enumerated in the Crime Victims Bill of Rights are provided. Services include crisis intervention, advocacy, court orientation and accompaniment, supportive counseling, assistance in filing for Crime Victims Compensation and other services.

Where Are Services Located?

There are 41 community-based, comprehensive victim services centers throughout Pennsylvania. In every county, victim/witness coordinators are also available to work with the prosecutor's office to assist victims through criminal cases.

How Can Clients Contact Services?

Contact the county prosecutor's office for the local victim/witness program, or call the Pennsylvania Commission on Crime and Delinquency at 800-692-7292 for a referral to a comprehensive or system-based victim services provider.

OLDER ADULT PROTECTIVE SERVICES (OAPS)

What Is Older Adult Protective Services (OAPS)?

In Pennsylvania, OAPS is administered by Area Agencies on Aging (AAA). OAPS investigates allegations of abuse of vulnerable adults and delivers protective services to adults who accept them.

Who Is Eligible for Services?

An older adult (age 60 or older living in Pennsylvania) who is incapacitated and unable to perform or obtain services that are necessary to maintain physical or mental health, for whom there is no responsible caretaker and who is at imminent risk of danger to his person or property.

What Types of Services are Available?

Protective service activities, resources and support are provided to older adults under the Older Adults Protective Services Act to detect, prevent, reduce and eliminate abuse, neglect, exploitation and abandonment.

Protective services care planning include, but are not limited to, the following:

- ▼ Administering protective services plans
- ▼ Receiving and maintaining records of reported abuse
- ▼ Conducting investigations of reported abuse
- ▼ Conducting client assessment and developing service plans
- ▼ Petitioning the court
- ▼ Providing emergency involuntary interventions
- ▼ Arranging for available services needed to fulfill service plans, which may include, as appropriate, arranging for services for other household members in order to reduce, correct or eliminate abuse, neglect, exploitation or abandonment of an older adult
- ▼ Purchasing, on a temporary basis, as provided under 15.1112 (relating to uses of funding authorized by the act) services determined by a service plan to be necessary to reduce, correct or eliminate abuse, neglect, exploitation or abandonment of an older adult when the services are not available within the existing resources of the agency or other appropriate providers (15.91)

How Are Clients Identified?

OAPS receives reports of abuse and neglect from the community or professionals 24-hours a day. Reports are then screened and assigned to the following categories:

- ▼ Emergency (immediate investigation)
- ▼ Priority (immediate response)

Notes

- ▼ Non-priority (does not fall in the emergency or priority categories and does not require immediate attention of OAPS - care manager will respond in normal business hours of the current or following day)
- ▼ Another planning and service area (shall be referred to appropriate area)
- ▼ Not an OAPS case (not 60 years old, can perform services necessary to maintain physical or mental health, has a caregiver and is not in imminent risk of danger) (15.26)

Where Are Services Located?

Investigations and services generally come to the victim (at her/his home, nursing home or other institution, hospital etc.)

How Long Do Services Last?

The agency will provide protective services as long as necessary to reduce or eliminate the risk to the older adult or until the older adult withdraws consent.

How Can Clients Contact Services?

Call the Area Agency on Aging (AAA) for the county in which the older adult lives, or call the Statewide Elder Abuse Hotline 800-490-8505.

AGING SERVICES

Notes

What Are Aging Services?

Programs for persons age 60 and older.

Who Is Eligible for Services?

Persons age 60 and older.

What Types of Services Are Available?

- ▼ **Apprise** – health insurance counseling and advice and paperwork assistance with health insurance claims and billing
- ▼ **Assessment** – of anyone considering application for assisted living or nursing home placement, including help with application for Medicaid payment
- ▼ **Benefits counseling** – assistance in securing any and all state and federal programs or discounts for seniors
- ▼ **Family caregiver support program** – reimbursement for part of the cost of caring for an elderly relative who is living with caregiver... like supplies, equipment, home modification, private pay help, adult day care, etc
- ▼ **In-home services** – may include meals-on-wheels, personal care and home support, respite
- ▼ **Legal services** – legal advice and wills and powers of attorney preparation for low-income persons
- ▼ **Medical equipment** (loan program) – walkers, wheelchairs, bedside commodes, toilet extenders, etc., to borrow at no cost for as long necessary
- ▼ **Older worker employment services** – training, referral and placement for persons age 55 and over
- ▼ **Ombudsman** – investigation of complaints and arbitration to ensure long-term care facility resident rights
- ▼ **Senior centers** – hot lunches, aerobics, special dinners, recreation trips, varied programs and activities
- ▼ **Transportation** – to medical appointments, grocery stores, banks, pharmacies, senior centers

How Are Clients Identified?

Self-referral and agency referral.

Where Are Services Located?

Locations vary, depending on the service. For more information, contact the AAA or local senior center.

How Long Do Services Last?

Aging services are provided as long as the older adult needs them. Aging care managers make regular home visits for reassessment to determine if additional services should be provided or if changes in the care plan are needed.

How Can Clients Contact Services?

Contact the AAA in the county in which the older adult lives.

ELDER ABUSE REPORTING LAWS

In the Protective Services program, there are two types of reporting – voluntary and mandatory.

☞ **Note: Battered women's advocates are NOT mandatory reporters.**

Voluntary Reporting

- ▼ Any person who believes that an older adult is being abused, neglected, exploited or abandoned may file a report 24 hours a day with any AAA or call the Statewide Elder Abuse Hotline at 800-490-8505.
- ▼ Abuse reports can be made on behalf of an older adult whether the person lives in the community or in a care facility such as a nursing home, personal care home, hospital, etc.
- ▼ Reporters may remain anonymous.
- ▼ Reporters have legal protection from retaliation, discrimination and civil or criminal prosecution.

Mandatory Reporting

- ▼ Employees and administrators of nursing homes, personal care homes, domiciliary care homes, adult day care centers and home health care are mandatory reporters. If the abuse involves serious injury, sexual abuse or suspicious death, reporters must also call police and the Pennsylvania Department of Aging at (717) 783-6207.
- ▼ Failure to report as required by Act 13-1997 can result in administrative or criminal penalties.

Every report of abuse received by the AAA must be investigated to determine if the reported victim needs protection from abuse, neglect, exploitation or abandonment. Each report must be classified as emergency, priority or non-priority. Emergency reports are investigated immediately; non-priority reports are investigated within 72 hours.

Once the incident has been identified as protective and it has been determined that service provision is necessary the AAA in most cases must have the older adult's consent to provide protective services. Permission is not required if the services have been ordered by a court, requested by the older adult's court-appointed guardian, or provided as part of an involuntary, emergency intervention court order because of imminent risk of death or serious physical injury.

All services offered to victims of abuse, neglect, exploitation or abandonment must be based on a comprehensive assessment of the victim's needs and described in a written service plan presented to the victim for her/his approval.

Finally, in the provision of protective services, certain rights must be guaranteed. Those rights are as follows:

- ▼ Victims have the right to be told that someone has reported that s/he might be the victim of abuse and need protective services.
- ▼ Victims have the right to refuse services.
- ▼ Victims have the right to legal counsel when the AAA attempts to obtain an emergency, involuntary intervention court order.
- ▼ Victims have the right to a guarantee that all information concerning their case will be maintained confidential.
- ▼ Alleged abusers have the right to be notified after substantiation of a report and given an opportunity to challenge the findings of the investigation.

Safeguards for Those Who Make or Receive Reports (15.22)

- ▼ **Protection from retaliation** – under the act, a person or entity who takes discriminatory, retaliatory or disciplinary action against an employee or other person who makes a report, against a person who cooperates with the agency to provide testimony or other information about a report, or against a victim of abuse, commits a violation of the act. The person who takes the discriminatory, retaliatory or disciplinary action is subject to a civil lawsuit by the person who made the report, the victim of abuse named in the report, or the person who cooperated with the agency. If the court, which hears the lawsuit, decides in favor of the plaintiff, the plaintiff shall recover triple compensatory and punitive damages or \$5,000, whichever is greater, from the person or entity, which committed the violation.
- ▼ **Immunity from liability** – as provided under the act, a person who participates in the making of a report or who provides testimony in an administrative or judicial proceeding arising out of a report shall be immune from civil or criminal liability because of these actions unless the person acted in bad faith or with malicious purpose. The act does not extend this immunity to liability for acts of abuse, neglect, exploitation or abandonment, even if the acts are the subject of the report or testimony.
 - **15.24 (b) Anonymity for reporters** – a person who reports an older adult in need of protective services may remain anonymous, if desired. In an attempt to secure the reporter's name, if additional information or assistance is needed for investigating or services provision, a person who receives a report shall inform an anonymous reporter of the statutory protection from retaliation and liability.

ARREST LAWS

Pennsylvania does not have a mandatory arrest provision in the law for domestic violence crimes. The only mandatory arrest provision in the law relating to domestic violence is in the Protection From Abuse Act, 23 Pa.C.S.A. 6113 (a).

18 Pa.C.S.A. § 2711: Probable Cause Arrests in Domestic Violence Cases

General Rule – a police officer shall have the same right of arrest without a warrant as in a felony whenever he has probable cause to believe the defendant has violated section 2504 (relating to involuntary manslaughter), 2701 (relating to simple assault), 2702(a)(3), (4) and (5) (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2706 (relating to terroristic threats) or 2709(b) (relating to harassment and stalking) against a family or household member although the offense did not take place in the presence of the police officer. A police officer may not arrest a person pursuant to this section without first observing recent physical injury to the victim or other corroborative evidence. For the purposes of this subsection, the term “family or household member” has the meaning given that term in 23 Pa.C.S.A. § 6102 (relating to definitions).(See page 31)

23 Pa.C.S.A. § 6113: Arrest for Violation of Order

General rule – an arrest for violation of an order issued pursuant to this chapter or a foreign protective order may be without warrant upon probable cause whether or not the violation is committed in the presence of the police officer in circumstances where the defendant has violated a provision of an order consistent with section 6108(a)(1), (2), (3), (4), (6), (7) or (9) (relating to relief). The police officer may verify the existence of a protection order by telephone, radio or other electronic communication with the appropriate police department, Pennsylvania State Police registry, protection order file or issuing authority. A police officer shall arrest a defendant for violating an order issued under this chapter by a court within the judicial district, issued by a court in another judicial district within this Commonwealth or a foreign protection order issued by a comparable court.

Analysis

The arrest procedures in Pennsylvania require arrest only under very narrow circumstances. The circumstance that would most readily relate to domestic violence arrests is in the Protection From Abuse Statute. The statute contains language (23 Pa.C.S.A. 6113(a)) that requires a responding officer to make an arrest. This section requires arrest only when certain provisions of a protection order are violated.

These provisions include those:

- ▼ Directing the defendant to refrain from abuse
- ▼ Granting the plaintiff (protected party) the residence or household to the exclusion of the defendant
- ▼ Awarding temporary custody of the minor children to the plaintiff
- ▼ Prohibiting the defendant from contact with the plaintiff or minor children
- ▼ Ordering the defendant to relinquish and not acquire or possess weapons
- ▼ Prohibiting the defendant from stalking or harassing the plaintiff

Other circumstances that require arrest occur after a bench warrant has been issued, and then only after the defendant has been given due process notice of the proceeding s/he was to attend. Furthermore, there is no one specific crime of domestic violence in Pennsylvania.

Consequently, under general circumstances an officer may arrest when sufficient probable cause is found, but they are not mandated to so do. In addition, a warrantless arrest may be executed if the defendant has a “family or household” relationship with victim and when the officer believes the defendant has committed any one of the following crimes:

- ▼ Involuntary manslaughter
- ▼ Aggravated assault
- ▼ Reckless endangerment
- ▼ Terroristic Threats
- ▼ Harassment and Stalking

The Probable Cause Arrest Statute can be found in 18 Pa.C.S.A. 2711. The term “family or household” relationship is defined in the Protection From Abuse Act. 23 PA.C.S. 6102 (a). (See page 31.)

There are no other statutory provisions in the Pennsylvania Crimes Code or the Domestic Relations Code that require arrest in domestic violence cases.

Conclusion

There is no mandatory arrest procedure or statute in Pennsylvania other than arrest for certain provisions of the Protection From Abuse Act. Pro arrest procedures and policies are adopted county by county in the Commonwealth. If an officer is called to a scene where the defendant has a “family or household” relationship with the victim, the police officer may arrest without an arrest warrant, as long as there is corroborative evidence that one of the crimes listed has occurred.

DOMESTIC VIOLENCE-RELATED CRIMES IN PA

Aggravated Assault

A person is guilty of aggravated assault if he:

- ▼ attempts to cause serious bodily injury to another, or causes such injury intentionally, knowingly, or recklessly under circumstances manifesting extreme indifference to the value of human life;
- ▼ attempts to cause or intentionally, knowingly, or recklessly causes serious bodily injury to any of the officers, agents, employees...or to an employee, agency, company or other entity engaged in public transportation, while in the performance of duty;
- ▼ attempts to cause or intentionally or knowingly causes bodily injury to any of the officers or other persons enumerated in subsection (c) [including police officers, firefighters, adult/juvenile probation and parole officers/agents, sheriffs or deputies, liquor control agents, etc.];
- ▼ attempts to cause or intentionally or knowingly causes bodily injury to another with a deadly weapon;
- ▼ attempts to cause or intentionally or knowingly causes bodily injury to a teaching staff member, school board member or other employee, including a student employee, of any elementary or secondary publicly-funded educational institution, any elementary or secondary private school licensed by the Department of Education or any elementary or secondary parochial school while acting in the scope of his or her employment or because of his or her employment relationship to the school; or
- ▼ attempts by physical menace to put any of the officers, agents, employees or other persons enumerated in subsection (c), while in the performance of duty, in fear of serious imminent bodily injury.

Simple Assault

A person is guilty of simple assault if he:

- ▼ attempts to cause or intentionally, knowingly, or recklessly causes bodily injury to another;
- ▼ negligently causes bodily injury to another with a deadly weapon;
- ▼ attempts by physical menace to put another in fear of imminent serious bodily injury.

Unlawful Restraint

A person is guilty of unlawful restraint if he knowingly:

- ▼ restrains another unlawfully in circumstances exposing him to risk of serious bodily injury;
- ▼ holds another as a condition of involuntary servitude.

False Imprisonment

A person is guilty of false imprisonment if he:

- ▼ knowingly restrains another unlawfully so as to interfere substantially with his liberty.

Recklessly Endangering

A person is guilty of recklessly endangering another if he:

- ▼ recklessly engages in conduct which places or may place another person in danger of death or serious bodily injury.

Terroristic Threats

A person is guilty of terroristic threats if he:

- ▼ communicates, either directly or indirectly, a threat to:
 - commit any crime of violence with intent to terrorize another;
 - cause evacuation of a building, place of assembly or facility of public transportation; or
 - otherwise cause serious public inconvenience, or cause terror or serious public inconvenience with reckless disregard of the risk of causing such terror or inconvenience.

Harassment

A person is guilty of harassment when, with intent to harass, annoy, or alarm another, the person:

- ▼ strikes, shoves, kicks or otherwise subjects the other person to physical contact, or attempts or threatens to do the same;
- ▼ follows the other person in or about a public place or places; or
- ▼ engages in a course of conduct or repeatedly commits acts which serve no legitimate purpose.

Stalking

A person is guilty of stalking when he:

- ▼ engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either of the following:
 - an intent to place the person in reasonable fear of bodily injury
 - an intent to cause substantial emotional distress to the person.

*Notes***Rape**

A person is guilty of rape when he or she engages in sexual intercourse with a complainant:

- ▼ By forcible compulsion
- ▼ By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution
- ▼ Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring
- ▼ Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance
- ▼ Who suffers from a mental disability which renders the complainant incapable of consent
- ▼ Who is less than 13 years of age.

Statutory Sexual Assault

A person is guilty of statutory sexual assault when that person:

- ▼ Engages in sexual intercourse with a complainant under the age of 16 years and that person is four or more years older than the complainant and the complainant and the person are not married to each other.

Involuntary Deviate Sexual Intercourse

A person is guilty of involuntary deviate sexual intercourse when he or she:

- ▼ Engages in deviate sexual intercourse with a complainant:
 - By forcible compulsion
 - By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution
 - Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring
 - Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other mean for the purpose of preventing resistance
 - Who suffers from a mental disability which renders him or her incapable of consent
 - Who is less than 13 years of age
 - Who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

Sexual Assault

A person is guilty of sexual assault when that person:

- ▼ Engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.

Aggravated Indecent Assault

A person is guilty of aggravated indecent assault when a person:

- ▼ Engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person's body for any purpose other than good faith medical, hygienic or law enforcement procedures. A person commits aggravated indecent assault, if the:
 - Person does so without the complainant's consent
 - Person does so by forcible compulsion
 - Person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution
 - Complainant is unconscious or the person knows that the complainant is unaware that the penetration is occurring
 - Person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance
 - Complainant suffers from a mental disability which renders him or her incapable of consent
 - Complainant is less than 13 years of age
 - Complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

PROTECTION FROM ABUSE ORDERS

Preventing Abuse with a Protection From Abuse Order

A Protection From Abuse (PFA) order is a binding civil court order that prohibits batterers from harming their victims again. These orders can be a critical component of a battered woman's safety plan.

These orders can be effective in:

- ▼ Deterring repeated incidents of physical and/or sexual abuse
- ▼ Helping a battered woman achieve safety for herself and her children
- ▼ Legitimizing her right to be free from violence
- ▼ Holding a batterer accountable in a court of law
- ▼ Demonstrating that a battered woman has access to, and the support of, the legal system
- ▼ Linking her to community resources

Providing Relief to Battered Women

In addition to ordering the abuse to cease, PFAs also may include such lifesaving provisions as:

- ▼ Directing a batterer to have no contact with the victim and/or her family
- ▼ Barring or evicting the batterer from the home
- ▼ Confiscating a batterer's weapons
- ▼ Granting temporary custody of children to the battered woman
- ▼ Limiting a batterer's visitation or allowing only supervised visits with children

Expediting the Protection

Battered women may be eligible for an emergency, a temporary, and/or a final PFA order. The orders offer different relief and are issued based on the circumstances of the abuse and the timing of the petition.

Emergency Order

An emergency order is issued by a hearing officer, usually a district justice, in an emergency situation when the court is unavailable (can be issued 24-hours a day, seven days a week).

Temporary Order

A temporary order is issued by the court to provide immediate safety for a battered woman and/or her children until a hearing is held.

Final Order

A final order is issued by the court for a period of up to 18 months after a hearing is held, or upon consent of both parties, and may include a broad array of protections for the battered woman and her children.

Penalizing the Violators

Even though PFA petitions and orders are obtained through civil actions, Pennsylvania law mandates criminal penalties for violations. A batterer who violates a PFA (e.g., going to a victim's home, stalking her) may face indirect criminal contempt charges and could be fined up to \$1,000 and/or jailed for up to six months.

PFA orders are valid throughout the country, regardless of the state in which they were issued. This full faith and credit is mandated in Pennsylvania's PFA Act and in the federal Violence Against Women Act.

Recognizing the Limitations

Although PFAs can enhance safety substantially, they do not offer a workable option in every case of abuse.

PFAs constitute only a small part of society's response to domestic violence – and just one step in a difficult process of helping battered women regain their physical, social and economic dignity. Preventing abuse depends upon all community systems working together – police, courts, health care, advocates, everyone who can provide a lifeline to safety.

Making Enforcement Easier

Protection order registries, available 24-hours-a-day, have been established to allow timely and consistent verification of PFAs by law enforcement agencies. Pennsylvania State Police are responsible for maintaining a statewide registry of PFA orders, while the National Crime Information Center manages a nation-wide registry. Additionally, the Pennsylvania Coalition Against Domestic Violence oversees the Protection From Abuse Database (PFAD), which contains the comprehensive data on both PFA petitions and orders in Pennsylvania.

