

**FOURTEENTH JUDICIAL DISTRICT OF PENNSYLVANIA  
RULES OF THE COURT OF COMMON PLEAS OF  
FAYETTE COUNTY, PENNSYLVANIA  
FEBRUARY 2010**

**1901.1-6 PRIVATE CRIMINAL COMPLAINT FOR VIOLATION OF  
ORDER OR AGREEMENT**

(a) A private criminal complaint shall be filed with the District Justice in the district where the alleged abuse occurred, or if unavailable, with the court ordered Duty District Justice.

(b) The approval of the District Attorney is not required prior to the filing of a criminal complaint under this section.

(c) The procedure for filing a private criminal complaint for indirect criminal contempt for violation of a non-economic provision of an order or court approved consent agreement pursuant to Section 6113.1 of the Act is as follows:

(1) District Justice.

(i) The District Justice shall provide the complaint form and assist in the preparation thereof.

(ii) The District Justice shall set a date for hearing consistent with the schedule of the PFA Judge and prepare a notice of hearing.

(iii) The District Justice shall provide the plaintiff with a copy of the private criminal complaint and notice of hearing, receipt of which shall be acknowledged in writing by the plaintiff.

(iv) The District Justice shall serve a copy of the private complaint and notice of hearing on the defendant by certified mail return receipt requested.

(v) The District Justice shall notify the District Attorney that the return receipt has been received or that the criminal complaint has been returned undelivered.

(2) Clerk of Courts.

(i) The Clerk of Courts shall process the documents received from the District Justice and forward them to the PFA Judge.

**1901.1-7 OUT OF COUNTY ORDERS**

(a) A PFA order issued by a District Justice or Court in another judicial district within the Commonwealth or PFA order issued by a comparable court in another state shall be enforced in the same manner as a PFA order entered by a Fayette County Court provided, however, that such order has been properly recorded in the Registry of the Pennsylvania State Police, or until a Pennsylvania State Police Registry has been established, has been properly registered with the Prothonotary of Fayette County.

(b) Until the Pennsylvania State Police Registry is established and fully operational, the Prothonotary shall maintain a Registry in which shall be entered

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certified copies of protection from abuse orders issued by a court in another judicial district within the Commonwealth or a comparable court in another state.

(1) A valid PFA order may be registered by the plaintiff by obtaining a certified copy of the order of the issuing court endorsed by the Prothonotary of that court and by presenting that certified order to the Prothonotary or Clerk of Fayette County for filing.

(2) Upon receiving a certified order for registration and upon completion of filing and registration, the Prothonotary shall provide the plaintiff with a copy bearing proof of registration, which copy shall then be filed by the plaintiff with the appropriate law enforcement agency.

(3) No costs shall be assessed for registration of an order.

(4) Registration of PFA orders shall not be required upon the establishment and operation of the Pennsylvania State Police Registry.

### **1901.1-8 CIVIL CONTEMPT**

(a) A plaintiff may file a petition for civil contempt alleging that a defendant has violated any provision of an order or a Court-approved consent agreement.

(b) A petition for civil contempt shall be presented to the court as a routine motion in accordance with Fayette County Rule 211 and assigned to the issuing judge who will schedule a hearing on the petition.

### **1901.1-9 NOTIFICATION UPON RELEASE**

(a) The Warden of the Fayette County Prison shall use all reasonable means to notify the plaintiff sufficiently in advance of the release of the defendant from any incarceration imposed as a result of a finding of contempt.

(b) Notification shall be required for work release, furlough, medical leave, community service, discharge, escape and recapture. Notification shall include terms and conditions imposed on any temporary release from custody. The plaintiff shall keep the Warden of the Fayette County Prison and Crime Victim/Witness Coordinator apprised of contact information; failure to do so will constitute a waiver of any rights to notification under these provisions.

**NOTE: Adopted January 20, 1998, effective March 16, 1998.**