

ADAMS COUNTY COURT OF COMMON PLEAS
RULES OF CIVIL PROCEDURE

Rule 51. Title and Citation of Rules. Scope.

All civil procedural rules adopted by the Adams County Court of Common Pleas shall be known as the Adams County Rules of Civil Procedure and may be cited as "Adams C.Civ.R. No. ____ ." These rules shall be read in conformity with the Pennsylvania Rules of Civil Procedure and shall apply to all civil actions, including appeals, brought before the Adams County Court of Common Pleas.

**ACTION PURSUANT TO PROTECTION FROM
ABUSE ACT**

Rule 1901. Commencement and Referral

The Prothonotary and any Magisterial District Judge shall provide written and oral referrals to any person desiring to file a pro se petition under the Protection From Abuse Act, 23 Pa.C.S. § 6101 et. seq. to Legal Services, Inc. and Survivors, Inc. at their Adams County offices, and the Adams County Bar Association referral service. They shall also maintain sample forms

16

and written instructions, in both Spanish and English, and give clerical assistance in completing forms.

The Prothonotary shall accept petitions without requiring the prepayment of filing fees and transmit copies to the Court Administrator for presentment to a judge for the entry of an order. Upon request by plaintiff, the Court may direct that the petition be served upon defendant by the Sheriff.

In the event an emergency petition is to be filed during a business day when the courthouse is open but a Judge is unavailable as contemplated under 23 Pa.C.S.A. Section 6110(a)(1)(iii), such emergency petition shall be filed with the Magisterial District Judge in the district where the petitioner is residing either temporarily or permanently.

Rule 1902. Hearing after Relief by Magisterial District Judge

Whenever relief is granted by a Magisterial District Judge, the Magisterial District Judge issuing the order shall contact the Court Administrator as soon as possible. The Court will, thereafter, schedule a preliminary hearing and continue the temporary order in effect pending a plenary hearing. Preliminary hearings before the Court will be conducted at 1:00 p.m. on the next Business Court Day following the granting of temporary relief by the Magisterial District Judge. The Magisterial District Judge issuing the order shall provide both parties a notice in the form set forth in Adams C.Civ.R. 1906. The District Justice issuing the temporary order will forward all papers for filing in the Prothonotary's office so that the papers will be available to the Court at the hearing before the Court.

Rule 1903. Petition for Temporary Relief

Petitions for temporary relief may be presented to the Court without the necessity of scheduling an ex parte hearing if the petition is accompanied by an affidavit verifying the averments in the petition and the relief temporarily sought does not include eviction, or transfer of custody of minor children from defendant to plaintiff. Where eviction or custody transfer is requested, an ex parte hearing shall be scheduled.

Rule 1904. Plenary Hearing

Unless the parties agree otherwise, plenary hearings shall be scheduled within ten (10) days after the filing of the petition.

Rule 1905. Contempt Hearing

A. Arrest. When the Court is available, a defendant arrested for contempt shall be produced without unnecessary delay before a judge for arraignment. If arrest occurs when the Court is unavailable, the defendant shall be arraigned before the on-call Magisterial District Judge. Upon request, defendant shall be provided with an application form for the appointment of a lawyer. Unless scheduled by a court order for a different time, contempt hearings shall be scheduled for 1:00 p.m. on the first business day of the week, at least seven (7) and no more than ten (10) days after the defendant's arrest. Bail shall be set by the Magisterial District Judge, and defendant given an opportunity to post bail. The bail may be subject to special conditions such as cessation of abuse. If the defendant is not released on bail, he or she shall be produced before a judge at the first available opportunity following arrest. The Magisterial District Judge shall also,

17

when applicable, follow the procedure outlined in Pa.R.C.P. Rule 1901. At arraignment, the Magisterial District Judge shall advise the defendant of the following:

1. A description of the alleged contemptuous acts;
2. That those acts violate a specific Order of Court;
3. Defendant is subject because of the alleged contempt to a prison sentence of six (6) months and a fine of One Thousand Dollars (\$1,000.00);
4. A hearing will be held by a judge on a specified court business day at 1:00 p.m.
5. Defendant is entitled to be represented by a lawyer in the contempt proceeding and that, if defendant qualifies, a lawyer will be appointed to represent him or her free of charge. The defendant shall be notified that he or she must apply for the appointment of a free counsel, and the Magisterial District Judge shall provide an application form upon request;

B. Petition and Rule: Plaintiff will first enter the petition in the Prothonotary's office and then present it to the Court Administrator for the scheduling of a hearing. Except in unusual circumstances, hearings will be scheduled in the same manner as in arrest cases. If a specific time is requested, the Court Administrator will select a time, which will afford speedy relief and afford defendant time to prepare a defense. No answer shall be required by defendant.

C. Criminal Complaint: Contempt proceedings may be commenced by the filing of a criminal complaint before a Magisterial District Judge. Service shall be accomplished as in other criminal proceedings, by a constable, or police officer. If neither is available, the complaint shall be

served by the Sheriff. Procedures will be the same as are followed in other protection from abuse proceedings begun before a Magisterial District Judge.

Rule 1906. Form of Notice

NOTICE

A Petition Under the Protection from Abuse Act has been filed against you as set forth in the attached Complaint. A temporary order has been entered against you. This order will remain in effect until 1:00 p.m. on _____, 20____, when it will be considered in a Courtroom that will be designated on that date, in the Adams County Courthouse, Gettysburg, Pennsylvania. At that time, the temporary order may be continued, modified, or terminated. If the order against you is continued or modified, a full hearing on the merits will be scheduled. You may appear and either object or consent to an order against you being continued in effect until a full hearing on the merits. You may, but are not required to, appear and consent to the entry of an order for a longer period of time. Any order entered after a full hearing may remain in force for one (1) year. The Court may proceed in your absence to take testimony and enter an order granting relief to the Petitioner. You are entitled to be represented by an attorney at these hearings. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

18

Adams County Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325

Telephone Number: (717) 337-9846 or 1-888-337-9846

Magisterial District Judge