

Civil Procedure

Actions Pursuant to Protection from Abuse Act

1903

Enforcement of Protection From Abuse Orders.
Contempt Proceedings

- A. Proceedings for indirect criminal contempt for violation of an abuse order may be initiated by filing a written complaint or by arrest without warrant, if authorized by statute or rule of court.
- B. Subsequent to an arrest for violation of a protection from abuse order, the defendant shall be taken by the police officer without unnecessary delay before the appropriate authority as follows:
1. If the arrest occurs other than during normal business hours of the court, defendant shall be taken before the District Justice in whose district the violation occurred or other assigned District Justice, when applicable, for arraignment and setting of bail.
 2. If the arrest occurs during normal business hours of the court, defendant shall be taken before the Judge who issued the Order, or if not available, before any Judge of the court then available, for preliminary arraignment and setting of bail. If no Judge is available, the police officer shall take the defendant before the District Justice in whose district the violation occurred, or other assigned District Justice, when applicable, for arraignment and setting of bail.
- C. Preliminary arraignment shall be held in the same manner as required under Pa. R.Crim.P. 104, except that no preliminary hearing will be scheduled.
- D. When a defendant has been arrested without a warrant, a complaint shall be filed against defendant without unnecessary delay.
- E. Following arraignment, the District Justice, at the beginning of the next working day, shall notify the Court Administrator and Clerk of Courts of the arraignment. The District Justice shall promptly deliver the original of all papers to the Clerk of Courts. The Clerk of Courts shall immediately provide a copy thereof to the Judge who entered the Order, the Court Administrator, and to the District Attorney.
- F. When a private criminal complaint alleging indirect criminal contempt is presented to the Court or office of District Attorney as authorized by the provisions of the Protection From Abuse Act, the complaint may be presented for issuance to a Judge in accordance with Motions Judge practice, or if not available, to the District Justice in whose district the violation occurred, or other assigned District Justice when applicable. If the complaint is filed with a District Justice, the District Justice shall act as issuing authority.
1. The issuing authority shall cause the complaint to be forwarded to the office of the Clerk of Courts for filing, without prepayment of fees or costs.
 2. If a warrant of arrest is not issued, the complaint shall be served on the defendant in the same manner as a petition for protection from abuse. If the complainant so elects, the complaint shall be served by the Sheriff, in which event the Clerk of Courts shall transmit a copy of the complaint to the Sheriff for service.
 3. It shall be the complainant's responsibility to provide copies of the complaint for service.
- G. Hearings for indirect criminal contempt for violation of protection from abuse orders shall be scheduled within such time limits as may be required by statute or Rule of Court, but in any event as promptly as reasonably possible.
- H. The Somerset County District Attorney's Office shall be responsible for notification of victims as required by Section 6114(c) of the Protection From Abuse Act. Notice shall be given in advance of the release of an offender from incarceration and shall otherwise meet the requirements of Section 6114.

Adopted Date: March 8, 1995**Order Number:** 16 Miscellaneous 1995**Effective Date:** May 1, 1995