

Warren-Forest Court of Common Pleas

Thirty Seventh Judicial District of the Commonwealth of Pennsylvania

ACTIONS PURSUANT TO PROTECTION FROM ABUSE ACT

RULE L1903. Protection from Abuse Enforcement

Rule L1903.1. Enforcement Methods.

Rule L1903.2. Probable Cause Arrest.

Rule L1903.3. Private Criminal Complaint.

Rule L1903.4. Preliminary Arraignment.

Rule L1903.5. Contempt-Delivery of District Justice File to Court.

Rule L1903.6. Contempt-Court Hearing.

Rule L1903.7. Civil Contempt.

Rule L1903.1. Enforcement Methods.

Generally, the Protection for Abuse Act, Act 1994-85, 23 Pa. C.S.A. § 6102 et seq., provides three methods for the enforcement of protection from abuse orders to-wit; arrest (23 Pa. C.S.A. § 6113); private criminal complaint (23 Pa.C.S.A. § 6113.1); and civil contempt (23 Pa. C.S.A. § 6114.1). Except as hereinafter provided the procedure with respect to enforcement by arrest and private criminal complaint shall be similar.

Rule L1903.2. Probable Cause Arrest.

A police officer may arrest a defendant for violation of a protection order (except for economic matters) upon probable cause which shall be supplied by the victim, officer, or witnesses or combination thereof. If necessary, the officer may verify the existence of said order by phone or radio with the appropriate police department, county control or the Prothonotary's office). A complaint for indirect criminal contempt in the form prescribed by Exhibit L1903.1A shall be completed, signed and filed by the arresting officer or the victim. The probable cause affidavit shall be in the form prescribed by Exhibit L1903.1B.

Rule L1903.3. Private Criminal Complaint.

A plaintiff may file a private criminal complaint against the defendant on a form similar to L1903.1A alleging indirect criminal contempt for non-economic violations of any provision of an order issued under the Protection from Abuse Act by the Court or a District Justice. The private criminal complaint shall be filed with the District Justice in the jurisdiction where the violation occurred.

1. Upon review and determination of probable cause the District Justice shall issue a warrant or summons. If the District Justice issues a summons the summons shall indicate the date, time and place for the hearing which the District Justice shall obtain from the Court Administrator unless the District Justice is unable to contact the Court Administrator. In the latter event the defendant shall be informed by the Court Administrator of the time, date and place for the hearing. If the District Justice issues a warrant the District Justice shall cause a warrant to be forwarded to the appropriate police agency for service. Upon arrest, the defendant shall be taken to the District Justice, without unnecessary delay for a preliminary arraignment in accordance with Rule L1903.4. The District Justice shall cause the complaint to be filed with the Clerk of Courts as soon as practicable. The Clerk of Courts shall docket the complaint and forward it to the Court Administrator who shall schedule a hearing.

2. The Sheriff shall not require a deposit for service however the cost of service may be assessed to one or both parties when the hearing is held.

Rule L1903.4. Preliminary Arraignment.

A. When a defendant is arrested by a police officer upon probable cause or pursuant to a private criminal complaint for violation of a protection from abuse order issued by a Judge or an emergency order issued by a District Justice, the defendant shall be preliminarily arraigned forthwith before a District Justice.

B. If the arraignment occurs during the Court's business hours the District Justice shall contact the Court Administrator to obtain a time and date for the hearing. The District Justice shall then inform the plaintiff and defendant of the date and time for the hearing in writing in the form of Exhibit L1903.2-B.

If the District Justice is unable to contact the Court Administrator at the preliminary arraignment he shall contact the Court Administrator as soon thereafter as possible. The District Justice shall advise the defendant, and if present the plaintiff, in the form of Exhibit L1903.2-B, that each will be receiving a notice from the Court Administrator setting forth the date, time and place of the hearing on contempt. The Court Administrator shall then schedule a hearing and notify the plaintiff and defendant of the date and time for the hearing in writing sent to their last known addresses shown on the documents filed before the District Justice in this action.

C. The Court of the District Justice shall set bail to insure the defendant's presence at the contempt hearing in accordance with Pennsylvania Rule of Criminal Procedure 4004 with conditions including, without limitation, a

condition that the defendant not contact the plaintiff or members of the plaintiff's household, directly or indirectly, until further order of Court.

D. At the preliminary arraignment, the defendant shall be notified:

1. That he/she is charged with criminal contempt for violation of the Protection From Abuse Order.

2. That a hearing will be held in the Court of Common Pleas of Forest/Warren County when scheduled by the Court Administrator; and

3. That the defendant is entitled to be represented by counsel, and if unable to afford counsel, free counsel may be appointed if the Defendant cannot afford counsel. The defendant should immediately contact the office of the Public Defender of Forest/Warren County.

E. Defendants who fail to post bail shall be committed to the Warren County Jail pending the hearing.

F. The hearing shall be scheduled within ten (10) days.

Rule L1903.5. Contempt-Delivery of District Justice File to Court.

The District Justice shall cause the following completed forms and bail, if entered, to be delivered immediately to the Judges Chambers or Court Administrator: (1) criminal complaint; (2) probable cause affidavit, if any; (3) certificate of bail, if any was required, and discharge or commitment; and (4) receipts or copies of notice of the hearing.

Rule L1903.6. Contempt-Court Hearing.

The unavailability of plaintiff's counsel shall not be grounds for the dismissal of the contempt action, and said hearing shall not be unduly delayed by the unavailability of counsel.

Rule L1903.7. Civil Contempt.

A petition for civil contempt shall be filed by the plaintiff with the Prothonotary and then transmitted by the Prothonotary to the Court Administrator. The Court Administrator shall set a time for hearing. The plaintiff shall arrange to have the petition and order setting the hearing served upon the defendant in any manner by which service of original process may be made in a civil action. The order scheduling a hearing shall be in a form identical to Exhibit L1903.6-A.

IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF PENNSYLVANIA
_____ COUNTY BRANCH
CIVIL ACTION-LAW
INDIRECT CRIMINAL CONTEMPT FOR VIOLATION
OF PROTECTION FROM ABUSE ORDER

Plaintiff
vs.
Defendant

NOTICE OF HEARING

TO: Defendant _____

1. _____ You are hereby ORDERED to appear for hearing on:

DATE: _____ TIME _____ PLACE _____

The Forest/Warren County Court Administrator will notify you _____ by mail of the date, time, and Courtroom

for your hearing at which you must appear. Defendant states that his mailing address is: _____

2. You have been charged with the following: _____

3. Your bail has been set at: _____

To protect your rights you should have a lawyer represent you at this hearing. If you do not have a lawyer, these referral services will give you information about finding one.

CONTACT:

PA Lawyer Referral Services Northwestern Legal Services
PA Bar Association Warren, PA 16365
100 South Street Phone (800) 665-6957
Harrisburg, PA 17108
Phone (800) 692-7375

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information

about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or

If you do not have the money to hire a lawyer, you must apply within 48 hours at the Office of the Public Defender of Forest/Warren County at the Courthouse in Warren or Tionesta.

_____ (SEAL)

_____ (DATE)

District Justice

CERTIFICATE OF SERVICE OF NOTICE OF HEARING

I certify that on this day I personally served the above notice of hearing on the defendant in this case. Defendant is: ___ released on bail or ___ incarcerated in lieu of bail in the amount of \$ _____

_____ (SEAL)

_____ (DATE)

District Justice

EXHIBIT L1903-2B

Form for Order and Notice for Civil Contempt for Violation of Protection From Abuse Order.

IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF PENNSYLVANIA
_____ COUNTY BRANCH
CIVIL ACTION-LAW

Plaintiff

vs. No. A.D. _____

Defendant

NOTICE AND ORDER TO APPEAR

TO THE DEFENDANT:

Legal proceedings have been brought against you alleging that you have willfully disobeyed an Order of Court under the Protection From Abuse Act.

If you wish to defend against the claim set forth in the following pages you may but are not required to file in writing with the Court your defenses or objections.

Whether or not you file in writing with the Court your defenses or objections you must appear in person in Court on the _____ day of _____, _____, at _____ o'clock a.m./p.m. in Courtroom _____ of the Forest/Warren County Courthouse.

IF YOU DO NOT APPEAR IN PERSON THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

If the Court finds that you have willfully violated the Protection From Abuse Order you may be found in contempt of court and committed to jail for up to six months and a fine from \$100 to \$1,000 or both.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, YOU MAY TELEPHONE THE OFFICES SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PA Lawyer Referral Services Northwestern Legal Services
PA Bar Association Warren, PA 16365
100 South Street Phone (800) 665-6957
Harrisburg, PA 17108
Phone (800) 692-7375

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Forest/Warren County is required by law to

comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT

Date: _____

EXHIBIT L1903.6-A