

## **PROTECTION FROM ABUSE (PFA)**

### **Instructions**

#### **PRO SE**

(PRO SE - PLAINTIFFS NOT REPRESENTED BY COUNSEL)

#### **FAYETTE COUNTY**

1. A Protection From Abuse (PFA) Order is a special type of restraining order which is available only to victims of domestic violence. It is a civil order of the Court telling a defendant not to harm the victim.
2. A PFA Order may be entered by filing a PFA Petition. PFA Petitions are available by contacting one of the following:
  - a. Legal Advocate for Domestic Violence, 45 East Main Street, Suite 200, Uniontown, PA 15401 at (724) 562-7016, between 8:30 AM and 3:00 PM, Monday through Friday
  - b. by calling the Domestic Violence hotline at (724) 439-9500
  - c. the office of the Prothonotary of Fayette County, 1<sup>st</sup> Floor of the Fayette County Courthouse, Uniontown, PA 15401 at (724) 430-1272 between 8:30 AM and 3:00 PM, Monday through Friday
  - d. in the Law Library, 2<sup>nd</sup> Floor of the Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401 between 8:00 AM through 4:30 PM, Monday through Friday
  - e. the Magisterial District Court by contacting the Booking Center located on 45 Penn Street, Uniontown, PA at (724) 438-1760 after 3:00 PM on Monday through Friday and all day on Saturday and Sunday
  - f. or on the website of the Administrative Office of Fayette County Courts at [www.co.fayette.pa.us](http://www.co.fayette.pa.us) .
3. Anyone assaulted or threatened by a family or household member (or a former family or household member) can get a PFA Order. Family or household members are persons who:
  - Are or were married to one another; or
  - Are living or have lived together as spouses; or
  - Are parents and children; or
  - Are related by blood or marriage; or
  - Are or have been sexual or intimate partners; or
  - Have a child together

4. For clerical assistance in the preparation of the PFA Petition and the filing of the petition you are directed to contact:

**THE LEGAL ADVOCATE FOR DOMESTIC VIOLENCE SERVICES OF  
SOUTHWESTERN PA**

**(724) 562-7016**

5. During daytime hours between 8:30 AM and 3:00 PM, if you seek **temporary** relief from abuse and allege immediate and present danger of abuse to you and/or minor children you, you, accompanied by the Legal Advocate for Domestic Violence, are to take your completed petition to the assigned PFA judge's courtroom. The PFA Petition will be presented directly to the PFA Judge, at which time a proceeding will be conducted without the other party or defendant present. The PFA Judge may enter a temporary order if there are grounds to do so. If entered, a temporary order will be in effect until the final hearing is held.
6. During evening or weekend hours, if you are in need of **emergency** relief, a PFA petition shall be filed with a Magisterial District Judge. A Magisterial District Judge can be notified by appearing at the Booking Center at 45 Penn St., Uniontown, PA 15401 or calling (724) 438-1760. The Magisterial District Judge will provide the petition and assist in the preparation. The Magisterial District Judge may grant you an emergency order until 3:00 PM the next business day.
7. If the Magisterial District Judge enters an **emergency order**, he/she will instruct you that you are responsible for filing the documents with the Prothonotary on the next business day of court. If these documents are not filed within sufficient time to permit the PFA Judge to hold an ex parte hearing by 3:00 PM on the next business day, the emergency order will expire and you will no longer be protected by an order. If you feel that you cannot safely serve the emergency order on the defendant by a competent adult, the Magisterial District Judge will have the emergency order served by a state constable.
8. On the next business day when you file the emergency order and documents with the Prothonotary, a fee will not be charged. The Prothonotary will give you a copy of the documents if necessary, provide you with a Verified Statement form to be completed by you and then direct you to the assigned PFA Judge's courtroom. When available, the PFA Judge may schedule a hearing on the emergency order issued by the Magisterial District Judge and will review and continue the protection order, if necessary, to protect you until the final hearing is held.
9. If a **temporary order** is entered, you may be given copies of the PFA Petition and Order by the Prothonotary's Office before 4:00 PM. It is YOUR responsibility

to see that the PFA PETITION AND ORDER is immediately served upon your police department(s) so that they can always verify that there is an order in effect. **YOU MAY WANT TO MAKE EXTRA COPIES OF YOUR ORDER FOR YOURSELF, BABY SITTERS, SCHOOLS, WORK ETC.**

10. The Fayette County Sheriff's Department will serve the defendant with a copy of the PFA PETITION AND ORDER as soon as possible. It is sufficient service that the defendant is handed the papers. THE DEFENDANT DOES NOT HAVE TO SIGN ANYTHING.
11. After service is made by the Sheriff, an AFFIDAVIT OF SERVICE must be completed and signed by the person who hands the papers to the defendant and filed with the Prothonotary. THE DEFENDANT DOES NOT HAVE TO SIGN THIS FORM
12. If you **are not** in immediate danger you may choose to file a PFA Petition to be presented as a routine motion in daily Motions Court and assigned to a PFA Judge for a hearing. You will not be required to appear for Motions Court, only for the scheduled hearing. Instructions for the preparation of this type of PFA petition and presentment to the Judge will follow.

**\* Complete the Petition for Protection from Abuse**

***(The same Petition for Protection From Abuse form shall be completed whether you are requesting an emergency order, a temporary order or requesting to schedule a hearing.)***

\*\*\*\*\* **IMPORTANT REMINDERS** \*\*\*\*\*

If you do not already have an attorney, you may obtain one before the next hearing. You can contact the following:

**FAYETTE COUNTY BAR ASSOCIATION  
LAWYER REFERRAL SERVICE  
84 EAST MAIN STREET  
UNIONTOWN, PA 15401  
(724) 437-7994**

If you cannot afford an attorney, you can contact the following:

**SOUTHWESTERN PENNSYLVANIA LEGAL AID SOCIETY  
45 EAST MAIN STREET, SUITE 200  
UNIONTOWN, PA 15401  
(724) 439-3591**

If you need emergency counseling or shelter, you can call the following:

**DOMESTIC VIOLENCE SERVICES OF SOUTHWESTERN PA  
(724) 562-7016  
Hotline: (724) 439-9500**

Or you can also call the following:

**THE CRIME VICTIM'S CENTER OF FAYETTE COUNTY  
109 W. FAYETTE STREET  
UNIONTOWN, PA 15401  
(724) 438-1470  
HOT LINE - (724) 437-3737**

## **Important contact information:**

### **Booking Center**

45 Penn Street  
Uniontown, PA 15401  
(724) 438-1760

### **Prothonotary**

Fayette County Courthouse  
1<sup>st</sup> Floor  
61 E. Main St.  
Uniontown, PA 15401  
(724) 430-1272

### **Law Library**

Fayette County Courthouse  
2<sup>nd</sup> Floor  
61 E. Main St.  
Uniontown, PA 15401  
(724) 430-1228

### **Administrative Office of Fayette County Courts**

Fayette County Courthouse  
3<sup>rd</sup> Floor  
61 E. Main St.  
Uniontown, PA 15401  
(724) 430-1230

### **Sheriff's Department**

Fayette County Courthouse  
61 E. Main St.  
Uniontown, Pa 15401  
(724) 430-1295

### **Pennsylvania State Police (PSP)**

(724) 439-7111

### **District Attorney**

Fayette County Courthouse  
61 E. Main St.  
Uniontown, Pa 15401  
(724) 430-1245

## **INSTRUCTIONS TO FILE A PFA PETITION REQUESTING A HEARING THROUGH MOTIONS COURT**

If you are not in immediate danger, you may submit a PFA petition to a judge for a hearing to be scheduled. In order for a PFA petition to be reviewed by a judge, you must submit a petition and forms through Motions Court. Motions Court is a daily court event, wherein, a petition/motion prepared by a party is delivered to an assigned judge. Below are the instructions and requirements to complete these forms. After completion, the original of all forms including the petition must be filed at the same time in the Prothonotary's Office, 1<sup>st</sup> Floor, Fayette County Courthouse, Uniontown, PA 15401, (724) 430-1272.

### **Complete the Suggested Court Order:**

1. Print your name as the Plaintiff.
2. Print the name of the other person who is being named as a party in this petition as the Defendant.
3. The Prothonotary's office will insert the case number when you file this petition.

**The judge will insert a hearing date and sign this court order. This completed order will be mailed to you and the Defendant by the Prothonotary's Office.**



## **Complete the Certificate of Presentation:**

1. Print your name as the Plaintiff.
2. Print the name of the person who is being named as a party in this petition as the Defendant.
3. You will receive a case number from the Prothonotary's Office when you file these documents.
4. Print or type your name on the line provided.
5. Select a date that you want this petition to be presented in Motions Court. You must deliver a copy of the forms and this petition to all parties involved. You must also deliver a copy of the forms and petition to the Administrative Office of Fayette County Courts, 3<sup>rd</sup> Floor, Fayette County Courthouse, 61 E. Main St., Uniontown, PA 15401 (724) 430-1230. You must deliver the forms and petition to the all parties involved two full business days prior to the day this petition is scheduled to be listed for Motions Court.
6. This petition is a "Routine" motion. You do not have to appear in Motions Court. A copy of this petition and forms will be given by the Administrative Office of Fayette County Courts to the assigned judge on the date you have selected in #2.
7. Print or type the judge's name that has been assigned to your case. The name of the judge can be obtained by contacting the Prothonotary's Office.
8. List the specific citation/rule that gives the judge the authority to decide this request. You can ask for assistance in the Fayette County Law Library to find this citation/rule.
9. Fill in the estimated time the court is going to need to review your petition.
10. Enter the date, sign your name, address and phone number.

**IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY,  
PENNSYLVANIA**

\_\_\_\_\_  
Plaintiff

:

VS

:

\_\_\_\_\_  
Defendant

:

NO. \_\_\_\_\_

**CERTIFICATE OF PRESENTATION**

1. The undersigned, (you) \_\_\_\_\_, the moving party herein.
2. The attached motion will be presented in Motions Court on \_\_\_\_\_,  
\_\_\_\_\_, 20\_\_\_\_ at 9:00 o'clock A.M.
3. The attached motion shall be classified as a Routine motion.  
(If the motion is Routine, parties or counsel are not required to be present in  
Motions Court.)
4. Judge \_\_\_\_\_ has been assigned on a matter relevant to this motion.
5. The SPECIFIC citation for the Court's authority to grant the relief requested is  
\_\_\_\_\_.
6. Estimated time for hearing or argument to resolve the motion on its  
merits: \_\_\_\_\_.

Date: \_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone number

## **Complete the Certificate of Service:**

1. Print your name as the Plaintiff.
2. Print the name of the other person who is being named as a party in this petition as the Defendant.
3. You will receive the case number from the Prothonotary's Office when you file this petition.
4. Complete #1, #2, or #3 as to how you delivered/served a copy of these forms on all parties involved. You must serve a copy on the defendant(s) (opposing party) and the Administrative Office of Fayette County Courts.
  - a. It is acceptable to deliver/serve each party in a different manner.  
Example: serve the Defendant by mail with his/her information and the Administrative Office of Fayette County Courts by hand delivery.
5. Sign your name, enter the date and your phone number.

**IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY,  
PENNSYLVANIA**

\_\_\_\_\_  
Plaintiff

:

VS

:

\_\_\_\_\_  
Defendant

:

NO. \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, hereby certify, that I am this day serving the within document upon the persons and in the manner indicated below. Must list everyone you are serving.

1. Service by regular mail:  
Name of person served: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Address: \_\_\_\_\_
  
2. Service by facsimile at FAX number: \_\_\_\_\_  
Name of person served: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Address: \_\_\_\_\_
  
3. Service in person:  
Name of person served: \_\_\_\_\_  
Phone number \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Phone number

## **Notice to Defend:**

1. Print your name as the Plaintiff.
2. Print the name of the other person who is being named as a party in this petition as the Defendant.
3. The Prothonotary's office will insert the case number when you file the petition.

**IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA**

\_\_\_\_\_  
Plaintiff

:

:

NO. \_\_\_\_\_

:

v.

:

:

\_\_\_\_\_  
Defendant

**NOTICE TO DEFEND**

Legal Proceedings have been brought against you, filed on behalf of the Plaintiff.

**YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CAN NOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

Pennsylvania Lawyers Referral Service  
Pennsylvania Bar Association  
100 South Street  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

**AMERICANS WITH DISABILITIES ACT OF 1990**

The Court of Common Pleas of Fayette 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 Administrative Office of Fayette County Courts at 724-430-1230 at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

## **Complete the Petition for Protection from Abuse (PFA)**

*(The same Petition for Protection From Abuse form shall be completed and filed whether you are requesting an emergency order, a temporary order or requesting to schedule a hearing.)*

**Deliver the original petition, original order, original Certificate of Presentation and original Certificate of Service to the Prothonotary's office for filing. There are no fees charged for filing a PFA petition.**

**Make three (3) copies of the PFA petition, Order, Certificate of Presentation and Certificate of Service.**

- **You will make a copy of the petition and forms for yourself.**
- **You will make 2 more copies of the petition and forms for service and deliver a copy to the other party and a copy to the Administrative Office of Fayette County Courts.**