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WYOMISSING-READING-BERKS COUNTY PROTECTION FROM ABUSE ATTORNEY

Attorney Jana R. Barnett regularly represents clients who are involved in Protection from Abuse matters.

Victims of domestic abuse in Pennsylvania can be protected by Court Orders, which are available quickly, and - initially - *ex parte* (without the other party present).

The Pennsylvania Protection from Abuse Act (PFA), 23 Pa.C.S. §§ 6101-6118, protects family members, household members, sexual or intimate partners, as well as persons who share biological parenthood.

The Act defines abuse as:

- Actual or attempted bodily injury;
- Placing another in reasonable fear of imminent serious bodily injury;
- False imprisonment;
- Physical or sexual abuse of minor children; and,
- Placing a person in reasonable fear of bodily injury through a course of conduct or repeated acts.

Any one of these types of abuse can entitle someone to get a Protection from Abuse (PFA) Order.

The types of bodily injury that can result in a PFA are intentional, knowing or reckless serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault, and incest.

When an alleged victim files for an emergency order, he or she is the plaintiff in the case. The alleged abuser is the defendant in the case.

Normally, the plaintiff will describe what happened in a document called a petition, verify under penalties that the statements are true, appear before the Court, and ask that a temporary PFA order be entered. The alleged abuser normally has no advance notice that the first hearing will be held.

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If the request for a temporary protection order is granted, the temporary order will be served on the defendant, as well as the Berks County Prothonotary, Berks County Sheriff, the police department where the defendant lives, and the Pennsylvania State Police. The defendant may also be served at home, at work, or at other places.

The notice accompanying the order will give the date, time and place of the next hearing. The temporary order will also grant relief to the plaintiff. Because most defendants have no opportunity to appear at the first hearing, and because of the severity of the relief granted in temporary orders, the next hearing will be scheduled within weeks of the temporary order.

The Berks County Sheriff's Office will notify the defendant that the law requires him or her to relinquish all firearms within twenty-four hours.

A Court has the power to order many kinds of relief in both the temporary and final PFA. The relief, which is intended to protect the victim from abuse rather than punish the abuser, can include: (1) requiring the defendant to refrain from abusing the plaintiff and/or minor children; (2) evicting the defendant from a residence which the plaintiff and defendant jointly own or lease, or which the plaintiff owns or leases; (3) giving the plaintiff exclusive possession of the residence if the defendant owns or leases it and has a duty to support the plaintiff and/or minor children; (4) awarding temporary custody or visitation; (5) requiring the defendant to pay financial support to the plaintiff; (6) requiring the defendant to stay away from the plaintiff and/or minor children, including their schools, and places of employment; (7) prohibiting the defendant from harassing the plaintiff or plaintiff's relatives or minor children; (8) requiring the defendant to relinquish weapons; (9) requiring the defendant to compensate the plaintiff for reasonable losses, such as expenses, counseling, loss of earnings or support, and reasonable attorneys fees; and (10) requiring the defendant to refrain from stalking or harassing the plaintiff.

If PFA orders are violated, the plaintiff can ask the Court to find the defendant in contempt of court. Although the proceeding is for civil contempt, the Court may imprison the defendant until he or

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she complies with the Order, until the defendant demonstrates an intent to comply, or until six months pass.

Criminal contempt proceedings can be brought as well.

To read statutes and related materials, please visit www.janarbarnettesq.com

If you would like to speak with Attorney Jana R. Barnett about a Protection from Abuse matter and learn how she can assist you, call her at 610-478-1860, or click here to send her an e-mail, and she will reply as quickly as possible.

Attorney Jana R. Barnett's offices are located at 525 Kenhorst Boulevard, Reading, PA 19611 and 1238 Cleveland Avenue, Wyomissing, PA 19610-2102. Attorney Jana R. Barnett practices family law, employment law, and employment discrimination law in Reading, Wyomissing and the surrounding cities and towns, as well as in Berks County, Bucks County, Chester County, Delaware County, Lancaster County, Lehigh County, Montgomery County, Northampton County, Philadelphia County and in the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the Middle District of Pennsylvania.