

Protection of Victims of Sexual Violence or Intimidation Act

42 Pa. C.S. § 62A



Purpose of the Act – The Protection of Victims of Sexual Violence or Intimidation (PSVI) Act provides victims of sexual violence or intimidation a civil remedy that requires the offender to stay away from the victim regardless of whether the victim seeks criminal prosecution.

42 Pa. C.S. §§ 62A01(5)-(6).

Jurisdiction – 42 Pa. C.S. § 62A03.

Victims of sexual violence and intimidation are eligible for relief who **do not have a family or household member relationship with the defendant**, i.e., who ARE NOT spouses, ex-spouses, living or lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood. Victims of sexual violence and intimidation who have a family or household relationship with a defendant would instead be eligible for civil relief under the Protection from Abuse Act.

What acts are covered – 42 Pa. C.S. § 62A03.

Sexual violence is defined as conduct constituting a crime under any of the following provisions between persons who are **not** family or household members:

- Sexual Offenses (18 Pa. C.S. Ch. 31) except Sexual intercourse with animals (18 Pa. C.S. § 3129) and Conduct relating to sex offenders (18 Pa. C.S. § 3130)
- Endangering welfare of children if the offense involved sexual contact with the children (18 Pa. C.S. § 4304)
- Corruption of minors (18 Pa. C.S. § 6301(a)(1)(ii))
- Sexual abuse of children (18 Pa. C.S. § 6312(b))
- Unlawful contact with minor (18 Pa. C.S. § 6318)
- Sexual exploitation of children (18 Pa. C.S. § 6320)

Intimidation is defined as conduct constituting a crime under either of the following provisions between persons who are **not** family or household members:

- Harassment where the conduct is committed by a person 18 years of age or older against a person under 18 years of age (18 Pa. C.S. §§ 2709(A)(4), (5), (6) or (7))
- Stalking where the conduct is committed by a person 18 years of age or older against a person under 18 years of age (18 Pa. C.S. § 2709.1)

Relief available – 42 Pa. C.S. § 62A07.

“No contact” orders which can include, but are not limited to, restraining a defendant from entering plaintiff’s residence, place of employment, business or school as well as prohibiting indirect contact through third parties

- Any other appropriate relief sought by plaintiff
- Final orders may remain in effect for up to three years

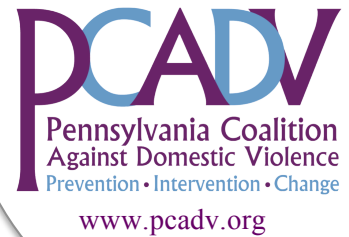
Hearings – 42 Pa. C.S. §§ 62A06 and 62A09.

Hearings are held within ten business days of filing a petition where plaintiffs must:

- Assert they are a victim of sexual violence or intimidation committed by a defendant who is not a family or household member
- Prove by a preponderance of the evidence that they are at continued risk of harm from defendant (continued on reverse)

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Temporary Orders – 42 Pa. C.S. § 62A06(b).

Upon an ex parte hearing, the court may enter a temporary order if it is necessary to protect plaintiff from immediate and present danger by defendant.

- Temporary order remains in effect until modified or terminated after notice and hearing

Emergency Orders – 42 Pa. C.S. § 62A09(a)(2)(ii).

When the court is unavailable, a hearing officer may enter an emergency order if it is necessary to protect the victim upon good cause shown in an ex parte proceeding.

- Immediate and present danger posed by the defendant to the victim constitutes good cause
- Emergency order expires at the end of the next business day the court is available

Extension/Modification of Orders – 42 Pa. C.S. § 62A07(d).

Order extended where the court finds it necessary because defendant engaged in one or more acts or finds some other circumstances that demonstrate a continued risk of harm to the victim.

- Defendant must be provided with notice and a hearing
- No limits on the number of extensions granted

Extension granted where defendant is convicted of an indirect criminal contempt *and* plaintiff requests an extension. 42 Pa. C.S. § 62A14(d)(3).

Orders modifiable at any time after filing, service and hearing on modification petition. 42 Pa. C.S. § 62A17(A).

Enforcement

Hearings must be scheduled within ten business days of an Indirect Criminal Contempt charge. 42 Pa. C.S. § 62A12(e).

Defendant may be sentenced to up to six months in jail or up to six months supervised probation and a \$300 to \$1,000 fine per offense. 42 Pa. C.S. § 62A14(d).

Special considerations:

- No fees charged to plaintiffs for filing, service, registration, withdrawals, dismissals or costs associated with appeals. 42 Pa. C.S. § 62A05(c).
- Courts shall provide simplified forms and clerical assistance in English and Spanish. 42 Pa. C.S. § 62A05(e)(1).
- Courts shall provide plaintiff with written referrals in English and Spanish to local sexual assault services, local legal services offices, and county bar associations. 42 Pa. C.S. § 62A05(e)(2).
- Address confidentiality:
 - Disclosure of address of rape crisis program address prohibited
 - Where plaintiff seeks address confidentiality and court concludes defendant poses a continued risk of harm, plaintiff's address must be kept confidential. 42 Pa. C.S. § 62A11.

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