

2006 Protection From Abuse Act Amendments

What Every Pennsylvania Trial Court Judge Should Know

1. A court may not compel a domestic violence advocate or an interpreter assisting a domestic violence victim to disclose any information gained in the course of the relationship with the victim. 23 Pa. C.S.A. §6102(a).
2. A court has jurisdiction over a defendant not residing in Pennsylvania where the provisions of the Pennsylvania Long Arm Statute apply. See 42 Pa. C.S. §5322; 23 Pa. C.S.A. §6103(b)(2).
3. A court may not order the plaintiff to pay any fees associated with the filing, withdrawal or appeal of a Protection From Abuse Order. 23 Pa. C.S.A. §6106(b).
4. At the *ex parte* proceeding, a court has authority to order the defendant to relinquish all of his firearms. 23 Pa. C.S.A. §§6107(b)(3) and 6108(a)(7).
5. A court may grant a good cause exemption from the 24-hour relinquishment and permit an extension of time for relinquishment if the firearms cannot reasonably be retrieved in the time prescribed. 23 Pa. C.S.A. §§6108(a)(7)(i)(A) and (C).
6. A court must receive, at a minimum, notification from the sheriff of the defendant's failure to relinquish firearms in a timely manner. 23 Pa. C.S.A. §§6108(a)(7)(i)(B); 6108(a)(7)(iv); 6108.2(c); 6108.3(b)(6).
7. A court may permit the transfer of firearms to a licensed firearms dealer only at the final order hearing stage of the Protection From Abuse proceeding. 23 Pa. C.S.A. §6108.2.
8. A court must consider the risks posed to the plaintiff or the children before ordering any custody of the minor children to the defendant. 23 Pa. C.S.A. §6108(a)(4).
9. A court must order a defendant to pay a \$100 surcharge if the defendant unsuccessfully contests a Protection From Abuse petition. 23 Pa. C.S.A. §6106(d).
10. A court has jurisdiction to hear a complaint for indirect criminal contempt either where the violation occurred or where the Protection From Abuse Order was issued. 23 Pa. C.S.A. §6114(a.1).
11. A defendant who is found guilty of violating a Protection From Abuse Order may be assessed a fine of not less than \$300 and imprisonment, or a fine and supervised probation. 23 Pa. C.S.A. §6114(b)(1).
12. The Protection From Abuse Order may remain in effect for up to 36 months (three years), and may be extended up to an additional 36 months when the defendant is convicted of indirect criminal contempt. 23 Pa. C.S.A. §§6108(d) and 6114(b)(4).