

2006 Protection From Abuse Act Amendments

What Every Pennsylvania Lawyer Should Know

1. The plaintiff may not be compelled to pay any fees associated with the filing, withdrawal or appeal of a Protection From Abuse Order, or fees that may be associated with a private criminal complaint. 23 Pa. C.S.A. §§6106(b) and 6113.1(b).
2. The defendant must pay a \$100 surcharge if the defendant unsuccessfully contests the Protection From Abuse Order petition. 23 Pa. C.S.A. §6106(d).
3. The defendant may lose possession of all firearms if the court finds the defendant placed the plaintiff in immediate and present danger or the defendant used or threatened to use a firearm against the plaintiff. 23 Pa. C.S.A. §§6107(b); 6108(a)(7).
4. A complaint for indirect criminal contempt may be filed where the violation occurred *or* where the Protection From Abuse Order was issued. 23 Pa. C.S.A. §6114(a.1).
5. The plaintiff must receive immediate notification from the sheriff of the defendant's failure to relinquish firearms. 23 Pa. C.S.A. §§6108(a)(7)(i)(B); 6108(a)(7)(iv); 6108.2(c); 6108.3(b)(6).
6. The defendant may only transfer firearms to a licensed firearms dealer at the final order hearing stage of the Protection From Abuse proceeding. (See "What Every Pennsylvania Sheriff Should Know" for more details on transfer of firearms.) 23 Pa. C.S.A. §6108.2.
7. The defendant must transfer all firearms to the sheriff within 24 hours of receiving service of the Protection From Abuse Order. During this time the defendant may ask a third party to apply for and secure a third party safekeeping permit to hold the firearms. 23 Pa. C.S.A. §§6108(a)(7)(i); 6108.3.
8. The plaintiff may request protective, temporary custody provisions where there is a risk of harm either to the plaintiff or the children, and the court must consider the risk before ordering any custody of the minor children to the defendant. 23 Pa. C.S.A. §6108(a)(4).
9. The domestic violence advocate or an interpreter assisting a domestic violence advocate may not disclose any information gained in the course of the relationship with the victim, unless the victim signs a written release prior to disclosure. 23 Pa. C.S.A. §6102(a).
10. The *minimum* fine for violating a Protection From Abuse Order is \$300. 23 Pa. C.S.A. §6114(b)(1).
11. The Protection From Abuse Order may remain in effect for up to 36 months (three years). 23 Pa. C.S.A. §6108(d).
12. Sheriffs may arrest the defendant for violating a Protection From Abuse Order. 23 Pa. C.S.A. §6113.