

	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	COUNTY, PENNSYLVANIA
	:	
	:	
v.	:	
	:	:NO.
	:	
	:	
	:	
Defendant	:	

FINAL ORDER OF COURT

Defendant's name: _____

Defendant's Date of Birth: _____ Defendant's Social Security Number: _____

Plaintiff's name: _____ Plaintiff's Date of Birth: _____

Check if Plaintiff is also a protected person.

Names and Dates of Birth of All protected persons, including minor children:

(Check all that apply)

Plaintiff or Protected Person(s) is/are:

- spouse or former spouse of Defendant
- parent of a child with Defendant
- current or former sexual or intimate partner with Defendant
- child of Plaintiff
- child of Defendant
- family member related by blood (consanguinity) to Defendant
- family member related by marriage or affinity to Defendant
- sibling (person who shares biological parenthood) of Defendant
- current or former cohabitant (person who lives with) Defendant

Defendant was served in accordance with Pa. R.C.P. 1930.4 and provided notice of the time, date and location of the hearing scheduled in this matter.

Appearances by Parties and/or Counsel: (Select One)

Plaintiff appeared personally and is represented by: _____

Plaintiff appeared personally and is unrepresented.

(Select One)

Defendant appeared personally and is represented by: _____

Defendant appeared personally and is unrepresented.

Defendant, though properly served, failed to appear.

AND NOW, on _____ the court having jurisdiction over the parties and the subject-matter, it is ORDERED, ADJUDGED and DECREED as follows:

This order was entered by (check one):

By agreement.

By agreement without admission.

After a hearing at which Defendant was not present, despite proper service being made.

By default.

Other: _____

Without regard as to how the order was entered, this is a final order of court subject to full enforcement pursuant to the Protection From Abuse Act.

Note: Space is provided below to allow for:

1. the court's general finding of abuse;
2. inclusion of the terms under which the order was entered (e.g., that the order was entered with the consent of the parties, or that the defendant, though properly served, failed to appear for the hearing, or the reasons why the plaintiff's request for a final PFA order was denied); and/or
3. information that may be helpful to law enforcement or the sheriff (e.g., whether a firearm or other weapon was involved in the incident of abuse and/or whether the defendant is believed to be armed and dangerous).

Plaintiff's request for a final protection order is **denied**.

OR

Plaintiff's request for a final protection order is **granted**.

1. Defendant shall not abuse, stalk, harass, threaten or attempt to use physical force that would reasonably be expected to cause bodily injury to Plaintiff or any other protected person in any place where they might be found.

2. Defendant is completely evicted and excluded from the residence at: _____
(NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED) or any other residence where Plaintiff or any other person protected under this order may live. Exclusive possession of the residence is granted to Plaintiff. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this order.

On the following date, (at right), Defendant may enter the residence to retrieve his/her clothing and other personal effects, provided that Defendant is in the company of a law enforcement officer or sheriff when such retrieval is made and [insert date and any other conditions]: _____

3. Except as provided in paragraph 5 of this order, Defendant is prohibited from having **ANY CONTACT** with Plaintiff, either directly or indirectly, or any other person protected under this order, at any location, including but not limited to any contact at Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this order.

___ 4. Except as provided in paragraph 5 of this order, Defendant shall not contact Plaintiff, or any other person protected under this order, by telephone or by any other means, including through third persons.

___ 5. Temporary custody of the minor children: (listed below)...

...shall be as follows:

___ The Plaintiff is awarded temporary exclusive custody of the children named.

Primary physical custody of the minor children is awarded to:

___ Plaintiff
___ Defendant

___ Defendant shall have no partial physical custody/visitation rights.

___ Defendant shall have the following partial physical custody/visitation rights:

___ The Defendant's partial physical custody/visitations shall take place at:

___ Defendant's contact with the children shall be limited to supervised visitation in a secure visitation facility.

___ Defendant's contact with the children shall be limited to supervised custodial access by a third party. The third party must agree to be accountable to the court for supervision and execute an affidavit of accountability and file it before custodial access may begin.

Transportation for partial physical custody/visitations shall be:

___ Shared by the parties, with the party receiving the child/ren to provide transportation.

___ By the Plaintiff.

___ By the Defendant.

___ With the assistance of a mutually agreed upon third party, who shall sign an affidavit of accountability, which shall be filed with the court before transfers of custody may begin.

The custody exchanges shall take place at: _____

Or shall be as: _____

(In the space above, state to whom primary physical custody is awarded; state terms of partial custody or visitation, if any.)

___ There is a current custody order as to the children of the parties: _____
(Enter the county court and docket number.)

___ A custody petition is pending.

___ A hearing is scheduled for: _____
(Date, time and location)

___ THIS ORDER DOES NOT SUPERSEDE THE CURRENTCUSTODY.

___ THIS ORDER SUPERSEDES ANY PRIOR ORDER RELATING TO CHILD CUSTODY.

___ 6. FIREARMS, OTHER WEAPONS AND AMMUNITION RESTRICTIONS
(Check all that apply)

___ Defendant is prohibited from possessing, transferring or acquiring any firearms for the duration of this order.

___ Defendant shall relinquish to the sheriff the following firearms licenses owned or possessed by Defendant:

___ Defendant is directed to relinquish to the sheriff any firearm, other weapon or ammunition listed in Attachment A to Final Order, which is incorporated herein by reference.

Defendant may relinquish any firearms, other weapons or ammunition to the sheriff. As an alternative, Defendant may either relinquish firearms, other weapons and ammunition to a third party provided Defendant and the third party first comply with all the requirements to obtain a safekeeping permit, or relinquish firearms, other weapons and ammunition to a licensed firearms dealer for consignment sale, lawful transfer or safekeeping pursuant to 23 Pa.C.S.A. § 6108.2(e). Defendant must relinquish any firearm, other weapon, ammunition or firearm license ordered to be relinquished no later than 24 hours after service of this order. Failure to timely relinquish any firearm, other weapon, ammunition or any firearm license ordered to be relinquished shall result in a violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 Pa.C.S.A. § 6105.

___ 7. Any firearm delivered to the sheriff or transferred to a licensed firearm dealer, or a qualified third party who satisfies the procedural and substantive requirements to obtain a safekeeping permit issued under 23 Pa. C.S.A. §6108.3 pursuant to this order or the temporary order shall not be returned to Defendant until further order of court or as otherwise provided by law.

___ 8. The following additional relief is granted as authorized by §6108 of the Act:

___ Defendant is prohibited from stalking, as define in 18 Pa.C.S.A. §2709.1, or harassing, as described in 18 Pa.C.S.A. §2709, the following family and household members of Plaintiff:

1. _____
Name Relationship to Plaintiff

_____ Address (optional)

2. _____
Name Relationship to Plaintiff

_____ Address (optional)

3. _____
Name Relationship to Plaintiff

_____ Address (optional)

___ (other relief) _____

Awarding of Personal Property:

___ Plaintiff is awarded use and possession of the following personal property: _____

___ Defendant is awarded use and possession of the following personal property: _____

Insurance Coverage:

___ Defendant shall continue all currently available insurance coverage.

Other additional relief: _____

___ 9. Defendant is directed to pay temporary support for... _____

As follows: _____

(In the space above, insert amount, frequency and other terms and conditions of the support order.)

This order for support shall remain in effect until a final support order is entered by this court. However, this order shall lapse automatically if Plaintiff does not file a complaint for support with the Domestic Relations Section of the court within two weeks of the date of this order. The amount of this temporary order does not necessarily reflect Defendant's correct support obligation, which shall be determined in accordance with the guidelines at the support hearing. Any adjustments in the final amount of support shall be credited, retroactive to this date, to the appropriate party.

10. ___ (a) The costs of this action are imposed on Defendant, as follows:

___ (b) Because this order followed a contested proceeding, or a hearing at which Defendant was not present, despite being served with a copy of the petition, temporary order and notice of the date, time and place of the hearing, Defendant is ordered to pay an additional \$100 surcharge to the court, which shall be distributed in the manner set forth in 23 Pa C.S.A. §6106(d).

___ (c) Upon a showing of good cause or a finding that the Defendant is unable to pay, the costs of this action are waived.

___ 11. Defendant shall pay \$ _____ to Plaintiff by _____ as compensation for Plaintiff's out-of-pocket losses, which are as follows: _____. An installment scheduled is ordered as follows: _____.

___ Plaintiff is granted leave to present a petition, with appropriate notice to Defendant, to: _____
(Insert the name of the judge or court to which the petition should be presented)
requesting recovery of out-of-pocket losses. The petition shall include an exhibit itemizing all claimed out-of-pocket losses, copies of all bills and estimates of repair, and an order scheduling a hearing. No fee shall be required by the prothonotary's office for the filing of this petition.

___ 12. A certified copy of this Order shall be provided to the police department where Plaintiff resides and any other agency specified hereafter: _____

___ 13. THIS ORDER SUPERSEDES ANY PRIOR PROTECTION FROM ABUSE ORDER OBTAINED BY THE SAME PLAINTIFF AGAINST THE SAME DEFENDANT.

___ 14. All provisions of this order shall expire on: _____.

BY THE COURT: _____
Judge Date

___ This order was entered pursuant to the consent of the plaintiff and defendant.

(Parties sign below if pursuant to the consent of the plaintiff and defendant.)

Plaintiff's Signature

Defendant's Signature

Attorney for Plaintiff

Attorney for Defendant

NOTICE TO THE DEFENDANT

VIOLATION OF THIS ORDER MAY RESULT IN YOUR ARREST ON THE CHARGE OF INDIRECT CRIMINAL CONTEMPT WHICH IS PUNISHABLE BY A FINE OF UP TO \$1,000 AND/OR A JAIL SENTENCE OF UP TO SIX MONTHS. 23 PA.C.S.A. §6114. VIOLATION MAY ALSO SUBJECT YOU TO PROSECUTION AND CRIMINAL PENALTIES UNDER THE PENNSYLVANIA CRIMES CODE. A VIOLATION OF THIS ORDER MAY RESULT IN THE REVOCATION OF THE SAFEKEEPING PERMIT, WHICH WILL REQUIRE THE IMMEDIATE RELINQUISHMENT OF YOUR FIREARMS, OTHER WEAPONS AND AMMUNITION TO THE SHERIFF. PLAINTIFF'S CONSENT TO CONTACT BY DEFENDANT SHALL **NOT** INVALIDATE THIS ORDER WHICH CAN ONLY BE MODIFIED BY FURTHER ORDER OF COURT. 23 Pa.C.S.A. § 6108(g).

THIS ORDER IS ENFORCEABLE IN ALL FIFTY (50) STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, U.S. TERRITORIES AND THE COMMONWEALTH OF PUERTO RICO UNDER THE VIOLENCE AGAINST WOMEN ACT, 18 U.S.C. §2265. IF YOU TRAVEL OUTSIDE OF THE STATE AND INTENTIONALLY VIOLATE THIS ORDER, YOU MAY BE SUBJECT TO FEDERAL CRIMINAL PROCEEDINGS UNDER THAT ACT. 18 U.S.C §§2261-2262. IF YOU POSSESS A FIREARM OR ANY AMMUNITION WHILE THIS ORDER IS IN EFFECT, YOU MAY BE CHARGED WITH A FEDERAL OFFENSE EVEN IF THIS PENNSYLVANIA ORDER DOES NOT EXPRESSLY PROHIBIT YOU FROM POSSESSING FIREARMS OR AMMUNITION. 18 U.S.C. §922(g)(8).

NOTICE TO SHERIFF, POLICE AND LAW ENFORCEMENT OFFICIALS

The police and sheriff who have jurisdiction over Plaintiff's residence OR any location where a violation of this order occurs OR where Defendant may be located, shall enforce this order. The court shall have jurisdiction over any indirect criminal contempt proceeding, either in the county where the violation occurred or where this protective order was entered. An arrest for violation of paragraphs 1 through 7 of this order may be without warrant, based solely on probable cause, whether or not the violation is committed in the presence of the police or any sheriff. 23 Pa.C.S.A. §6113.

Subsequent to an arrest, and without the necessity of a warrant, the police officer or sheriff shall seize all firearms, other weapons and ammunition in Defendant's possession that were used or threatened to be used during the violation of the protection order or during prior incidents of abuse and any other firearms in Defendant's possession.

The _____ shall maintain possession of the firearms, other weapons or ammunition until further order of this court.

When Defendant is placed under arrest for violation of this order, Defendant shall be taken to the appropriate authority or authorities before whom Defendant is to be arraigned. A "Complaint for Indirect Criminal Contempt" shall then be completed and signed by the police officer, sheriff OR Plaintiff. Plaintiff's presence and signature are not required to file the complaint.

If sufficient grounds for violation of this order are alleged, Defendant shall be arraigned, bond set and both parties given notice of the date of the hearing.

Distribution to: _____