

Sexual Violence Protection Orders and Protection from Intimidation Orders

(PROTECTION OF VICTIMS OF SEXUAL VIOLENCE OR INTIMIDATION ACT (PSVI))

42 Pa. C.S. § 62A

The **Protection of Victims of Sexual Violence or Intimidation Act** (PSVI) went into effect in Pennsylvania on July 1, 2015.

There are two orders available under the PSVI:

Sexual Violence Protection Order (SVPO)

and the Protection From Intimidation Order (PFI order).

Sexual Violence Protection Order (SVPO):

Definition of Sexual Violence

The PSVI Act defines **sexual violence** as conduct between persons who are not family or household members that constitutes one of the following crimes:

- Sexual offenses
- Endangering the welfare of children if the offense involved sexual contact with the victim
- Corruption of minors
- Sexual abuse of children
- Unlawful contact with minor
- Sexual exploitation of children

An **SVPO** is a civil order designed to protect victims of sexual violence from further abuse and/or intimidation, regardless of whether or not criminal charges have been filed against the perpetrator. Adults and minors (with a parent or guardian to file on their behalf) can petition for an SVPO.

Similar in many ways to a **Protection from Abuse order or PFA**, the key difference is that there is no relationship requirement between the alleged perpetrator and the victim.

(While PFAs require an intimate or household relationship between the two parties, an SVPO does not, and is available to all victims of sexual violence.)

Examples of situations where the **SVPO** may be appropriate relief:

- A victim is sexually assaulted by a co-worker (not related or in a relationship; not household members)
- A student is sexually assaulted by another student
- A tenant is fondled by a landlord
- A college student (an adult) who was sexually assaulted experiences harassment from the perpetrator's friends after reporting the assault

Protection From Intimidation (PFI) Order:

Definition of Intimidation

Intimidation under the PSVI Act can be described as harassment or stalking (according to statutes) of a minor (under the age of 18) by an adult (18 or older), when there is no family, dating, intimate or household relationship between them.

The **Protection From Intimidation Order** was created to protect minors who have experienced harassment or stalking when the offender is age 18 or older. An adult (parent or guardian) must petition for the PFI order on the minor's behalf.

Examples of situations where the PFI order may be the appropriate relief:

- A child victim whose offender repeatedly drives by the bus stop
- A teen athlete is stalked by an adult coach
- A teen is harassed on line by a teacher

Both SVPOs AND PFI orders prohibit an offender from having any contact with the victim. Protections can include preventing the offender from entering the victim's home, workplace, or school. **Both orders** can also be expanded to prevent intimidation/contact from a third party on behalf of the offender, or extend to protection to related parties, such as parents, siblings, or children of the victim.

The **SVPO and PFI order** may be entered for up to 36 months.

Violations: Criminal and Civil Contempt

Although SVPO and PFI orders are civil in nature, like PFA orders, violating them can have criminal consequences. If a violation of a SVP or PFI order is reported, law enforcement may arrest a defendant for Indirect Criminal Contempt (ICC). The arrest may be made without a warrant upon probable cause, whether or not an officer witnesses the violation.

Like criminal violations of a PFA, hearings on an ICC violation shall be scheduled within 10 business days of an officer filing the charge or complaint. Sentencing for an ICC conviction may include a fine of up to \$1,000, but no less than \$300, and up to six months either in prison or under supervised probation.

Upon an ICC conviction, and at the request of plaintiff, the court shall extend the order. Plaintiffs may also file a private criminal complaint for a violation of any provision of the order. The PSVI Act provides plaintiffs with additional remedies. Plaintiffs can file a petition for civil contempt alleging a violation of any provision of the order. Upon finding a defendant in civil contempt, a court may order a prison term of no more than six months until the defendant complies with the order.

HOW TO FILE FOR AN SVPO or PFI Order:

In Fayette County, a SVPO OR PFI Order may be entered by filing a Petition. PSVI Petitions are available by contacting one of the following:

- Crime Victims' Center, 6 Oliver Road, Suite 108, Oliver Square Plaza, Uniontown, PA 15401, Telephone: 724-438-1470, Fax: 724-437-6097 between 8:00 AM and 3:00 PM, Monday through Friday, or by calling the 24 hour hotline at (724) 724-437-3737.
- the office of the Prothonotary of Fayette County, 1st Floor of the Fayette County Courthouse, Uniontown, PA 15401 at (724) 430-1272 between 8:30 AM and 3:00 PM, Monday through Friday.
- in the Law Library, 2nd Floor of the Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401 between 8:00 AM through 4:30 PM, Monday through Friday. A small fee for the PSVI packet will be charged.
- the Magisterial District Court by contacting the Booking Center located on 45 Penn Street, Uniontown, PA at (724) 438-1760 after 3:00 PM on Monday through Friday and all day on Saturday and Sunday
- or, on the website of the Administrative Office of Fayette County Courts at www.co.fayette.pa.us .

For clerical assistance in the preparation of the PSVI Petition and the filing of the petition you are directed to contact:

Crime Victims' Center
6 Oliver Road, Suite 108
Oliver Square Plaza
Uniontown, PA 15401
Telephone: 724-438-1470
Fax: 724-437-6097
24 Hour Hotline: 724-437-3737

During daytime hours between 8:30 AM and 3:00 PM, if you seek **temporary** relief, you, accompanied by a representative of the Crime Victim' Center, are to take your completed petition to the assigned Judge's courtroom. The PSVI Petition will be presented directly to the Judge, at which time a proceeding will be conducted without the other party or defendant present. The Judge may enter a temporary order if there are grounds to do so. If entered, a temporary order will be in effect until the final hearing is held.

During evening or weekend hours, if you are in need of **emergency** relief, a PSVI petition shall be filed with a Magisterial District Judge. A Magisterial District Judge can be notified by appearing at the Booking Center at 45 Penn St., Uniontown, PA 15401 or calling (724) 438-1760. The Magisterial District Judge will provide the petition and assist in the preparation. The Magisterial District Judge may grant you an emergency order which will remain in effect until 3:00 PM the next business day.

If the Magisterial District Judge enters an **emergency order**, he/she will instruct you that you are responsible for filing the documents along with a civil cover sheet with the Prothonotary on the next business day of court. If these documents are not filed within sufficient time to permit the Judge to hold an ex parte hearing by 3:00 PM on the next business day, the emergency order will expire and you will no longer be protected by an order. If you feel that you cannot safely serve the emergency order on the defendant by a competent adult, the Magisterial District Judge will have the emergency order served by a state constable.

On the next business day when you file the emergency order and documents with the Prothonotary, a fee will not be charged. The Prothonotary will give you a copy of the documents if necessary, provide you with a Verified Statement form to be completed by you and then direct you to the assigned Judge's courtroom. When available, the Judge may schedule a hearing on the emergency order issued by the Magisterial District Judge and will review and continue the protection order, if necessary, to protect you until the final hearing is held.

If a **temporary order** is entered, you may be given copies of the Petition and Order by the Prothonotary's Office before 4:00 PM. It is YOUR responsibility to see that the PETITION AND ORDER is immediately served upon your police department(s) so that they can always verify that there is an order in effect. **YOU MAY WANT TO MAKE EXTRA COPIES OF YOUR ORDER FOR YOURSELF, BABY SITTERS, SCHOOLS, WORK ETC.**

The Fayette County Sheriff's Department will serve the defendant with a copy of the PETITION AND ORDER as soon as possible. It is sufficient service that the defendant is handed the papers. THE DEFENDANT DOES NOT HAVE TO SIGN ANYTHING.

After service is made by the Sheriff, an AFFIDAVIT OF SERVICE must be completed and signed by the person who hands the papers to the defendant and filed with the Prothonotary. THE DEFENDANT DOES NOT HAVE TO SIGN THIS FORM.

If you **are not** in immediate danger you may choose to file a PSVI petition to be presented as a routine motion in daily Motions Court and assigned to a Judge for a hearing. You will not be required to appear for Motions Court, only for the scheduled hearing. Instructions for the preparation of this type of PSVI petition and presentment to the Judge will follow.

***** **IMPORTANT REMINDERS** *****

If you do not already have an attorney, you may obtain one before the next hearing. You can contact the following:

**FAYETTE COUNTY BAR ASSOCIATION
LAWYER REFERRAL SERVICE
84 EAST MAIN STREET
UNIONTOWN, PA 15401
(724) 437-7994**

If you cannot afford an attorney, you can contact the following:

**SOUTHWESTERN PENNSYLVANIA LEGAL AID SOCIETY
45 EAST MAIN STREET, SUITE 200
UNIONTOWN, PA 15401
(724) 439-3591**

If you need emergency assistance, you can call the following:

THE CRIME VICTIM'S CENTER OF FAYETTE COUNTY
109 W. FAYETTE STREET
UNIONTOWN, PA 15401
(724) 438-1470
HOT LINE—(724) 437-3737

Other Important contact information:

Booking Center

45 Penn Street
Uniontown, PA 15401
(724) 438-1760

Prothonotary

Fayette County Courthouse
1st Floor
61 E. Main St.
Uniontown, PA 15401
(724) 430-1272

Law Library

Fayette County Courthouse
2nd Floor
61 E. Main St.
Uniontown, PA 15401
(724) 430-1228

Administrative Office of Fayette County Courts

Fayette County Courthouse
3rd Floor
61 E. Main St.
Uniontown, PA 15401
(724) 430-1230

Sheriff's Department

Fayette County Courthouse
61 E. Main St.
Uniontown, Pa 15401
(724) 430-1295

Pennsylvania State Police (PSP)

(724) 439-7111

District Attorney

Fayette County Courthouse

61 E. Main St.

Uniontown, Pa 15401

(724) 430-1245

INSTRUCTIONS TO FILE A PSVI PETITION REQUESTING A NON-EMERGENCY HEARING THROUGH MOTIONS COURT

If you are not in immediate danger, you may submit a PSVI petition to a judge for a hearing to be scheduled. In order for a PSVI petition to be reviewed by a judge, you must submit a petition and forms through Motions Court. Motions Court is a daily court event, wherein, a petition/motion prepared by a party is delivered to an assigned judge. Below are the instructions and requirements to complete these forms. After completion, the original of all forms including the petition must be filed at the same time in the Prothonotary's Office, 1st Floor, Fayette County Courthouse, Uniontown, PA 15401, (724) 430-1272.

Complete the Suggested Court Order:

1. Print your name as the Plaintiff.
2. Print the name of the other person who is being named as a party in this petition as the Defendant.
3. The Prothonotary's office will insert the case number when you file this petition.

The judge will insert a hearing date and sign this court order. This completed order will be mailed to you and the Defendant by the Prothonotary's Office.

Complete the Certificate of Presentation:

1. Print your name as the Plaintiff.
2. Print the name of the person who is being named as a party in this petition as the Defendant.
3. You will receive a case number from the Prothonotary's Office when you file these documents.
4. Print or type your name on the line provided.
5. Select a date that you want this petition to be presented in Motions Court. You must deliver a copy of the forms and this petition to all parties involved. You must also deliver a copy of the forms and petition to the Administrative Office of Fayette County Courts, 3rd Floor, Fayette County Courthouse, 61 E. Main St., Uniontown, PA 15401 (724) 430-1230. You must deliver the forms and petition to the all parties involved two full business days prior to the day this petition is scheduled to be listed for Motions Court.
6. This petition is a "Routine" motion. You do not have to appear in Motions Court. A copy of this petition and forms will be given by the Administrative Office of Fayette County Courts to the assigned judge on the date you have selected in #2.
7. Print or type the judge's name that has been assigned to your case. The name of the judge can be obtained by contacting the Prothonotary's Office.
8. The specific citation/rule that gives the judge the authority to decide this request is 42 Pa.C.S. § 62A.
9. Fill in the estimated time the court is going to need to review your petition.
10. Enter the date, sign your name, address and phone number.

Complete the Certificate of Service:

1. Print your name as the Plaintiff.
2. Print the name of the other person who is being named as a party in this petition as the Defendant.
3. You will receive the case number from the Prothonotary's Office when you file this petition.
4. Complete #1, #2, or #3 as to how you delivered/served a copy of these forms on all parties involved. You must serve a copy on the defendant(s) (opposing party) and the Administrative Office of Fayette County Courts.
 - a. It is acceptable to deliver/serve each party in a different manner.
Example: serve the Defendant by mail with his/her information and the Administrative Office of Fayette County Courts by hand delivery.
5. Sign your name, enter the date and your phone number.

Notice to Defend:

1. Print your name as the Plaintiff.
2. Print the name of the other person who is being named as a party in this petition as the Defendant.
3. The Prothonotary's office will insert the case number when you file the petition.

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

_____	:	
PLAINTIFF	:	
	:	
v.	:	
	:	
_____	:	No. _____
DEFENDANT	:	

NOTICE TO DEFEND

Legal Proceedings have been brought against you, filed on behalf of the Plaintiff.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CAN NOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Pennsylvania Lawyers Referral Service
Pennsylvania Bar Association
100 South Street
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Fayette County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact the Administrative Office of Fayette County Courts at 724-430-1230 at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

Complete the Petition for Protection from Sexual Violence/Petition From Intimidation

(The same Petition form shall be completed and filed whether you are requesting an emergency order, a temporary order or requesting to schedule a hearing.)

Complete the Civil Cover Sheet and attached the cover sheet to the petition.

Deliver the following completed forms to the Prothonotary's office for filing:

- **original order**
- **original Certificate of Presentation**
- **original Certificate of Service**
- **original civil cover sheet**
- **original Notice to Defend**
- **original petition**

There are no fees charged for filing this petition.

Before filing, make three (3) copies of the order, Certificate of Presentation, Certificate of Service, civil cover sheet, Notice to Defend and petition:

- **1 copy of the petition and forms for yourself**
- **1 copy of the petition and forms for service by delivering a copy to the other party**
- **1 copy of the petition and forms are to be delivered to the Administrative Office of Fayette County Courts**