

Frequently Asked Questions

The Protection from Sexual Violence and Intimidation Act provides victims of sexual violence or intimidation a civil remedy that requires the defendant to stay away from the victim regardless of whether the victim seeks criminal prosecution.

There are two separate protection orders available under the PSVI Act:

1. **Sexual Violence Protection Orders (SVP)** - For victims of sexual violence **who are not family or household members**. Adults and minors are eligible to file for an SVP Order.
2. **Protection from Intimidation Orders (PFI)** - For minor victims of intimidation **who are not family or household members**. Only minors are eligible for a PFI Order, and the defendant must be age 18 or older. A parent or guardian must file on behalf of the victim.

Who Qualifies?

The PSVI Act applies only to victims who **DO NOT** fall under the definition of "family or household member" as found in the Protection from Abuse (PFA) Act. The law defines "family or household member" as:

"Spouses, former spouses, or persons living as spouses, parents and children, other persons related by blood (consanguinity) or by marriage or affinity, current or former sexual or intimate partners or persons who share biological parenthood."

What is Sexual Violence?

- ◆ Sexual offenses including, but not limited to, rape, sexual assault, statutory sexual assault, indecent assault, and indecent exposure.
- ◆ Endangering the welfare of children if it involves sexual contact with the child
- ◆ Corruption of minors
- ◆ Unlawful contact with a minor
- ◆ Sexual exploitation of children

What is Intimidation?

Harassment and/or stalking by a person 18 years or older against a person under 18 years of age.

What Can I Ask for in an SVP or PFI ?

There are two forms of relief a plaintiff may request when filing an SVP or PFI:

1. "No contact" against a defendant which includes, but is not limited to, restraining defendant from entering plaintiff's residence, place of employment, business or school as well as prohibiting indirect contact through third parties.
 2. Any other appropriate relief sought by the plaintiff.
- There are no provisions for firearm relinquishment in the PSVI Act.

Do I Need a Lawyer?

You do NOT need a lawyer to proceed with an SVP or a PFI Order. However, it is a very good idea to have a lawyer represent your interests for the Final Hearing.

Neighborhood Legal Services may be able to represent you at no cost as long as they have not previously represented the defendant in your case. Call for more information at 724-378-0595.

If you prefer to have a private attorney, you can call the Beaver County Bar Association Lawyer Referral Service at 724-728-4888.

Domestic & Sexual Violence Services

The Women's Center of Beaver County provides many services to victims of domestic & sexual violence including shelter, counseling, legal & medical advocacy and support groups. In most cases, a Legal Advocate is present to help with the filing process and to provide accompaniment to the Final Hearing. You can reach the Women's Center of Beaver County's helpline 24/7 at 724-775-0131.

Contacts

Women's Center Helpline

724-775-0131

Toll Free 1-877-629-1841

www.womenscenterbc.org

District Attorney

724-773-8550

Victim

Witness Assistance

724-773-8570

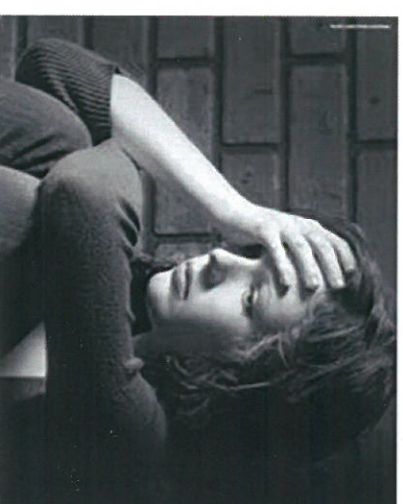
Neighborhood Legal Services

724-378-0595

724-774-3522



SEXUAL VIOLENCE & PROTECTION ORDERS PROTECTION FROM INTIMIDATION ORDERS A GUIDE FOR VICTIMS



Steps to Obtain a Temporary & Final Protection from Sexual Violence (SVP) or Intimidation (PFI) Orders

If you believe that you have been the victim of sexual abuse or intimidation and want to petition the Court of Common Pleas for an Order of Protection, you should report to the PFA Room at the Beaver County Court House at 8:30 a.m., Monday through Friday.

Filling Out Forms

You will be provided with an Intake Form that you must fill out as thoroughly as possible. A Women's Center Advocate is usually available to assist with this process. You will need to describe the most recent incident from which you are seeking protection and any past abuse or intimidation in a more general manner.

The Service Information sheet requires you to provide information about the defendant in order to help the Sheriff's Department to serve him/her with the Petition and Temporary Order should the SVP or PFI be granted. The defendant must be served to be made aware of the allegations against him/her and of the hearing date, where he/she has the opportunity to present a defense. A Final Order cannot be granted unless the defendant has been served.

The Interview

After completing the Intake Form, your answers will be entered into the system and printed out. At that time, you will be interviewed by a Judicial Law Clerk, who will review all of your paperwork to ensure that the necessary information has been obtained and is included in the Petition.

The Law Clerk will take the forms to a Judge for his/her review. You will have to appear before the Judge, be placed under oath, and testify to the allegations of abuse. The Judge will either grant or deny the Petition based on whether the incident you described meets the criteria for entering a Temporary Order under the Protection From Sexual Violence or Intimidation Act.

If your Temporary SVP or PFI is Granted

The Temporary Protection Order will be in effect for approximately 7-10 days and a Final Hearing will be scheduled to determine whether a Final Order will be entered.

The Original Petition and Order will be filed at the Prothonotary's Office and copies will be given to you for your records, to keep with you at all times, and to file with your local police department(s). Your copies will have the date, time, and courtroom of your Final Hearing. You may contact Neighborhood Legal Services to obtain representation, at no cost, for your Final Hearing at 724-378-0595.

If your Temporary SVP or PFI is Denied

In the event that the Court of Common Pleas reviews your petition and denies you the relief you are seeking, you may challenge that decision and request that a final hearing be scheduled. At the hearing, you can put forth additional evidence, including testimony, to show that you are entitled to protection under the Protection from Sexual Violence and Intimidation Act. You may wish to contact an attorney to represent you at the Final Hearing.

If you do not wish to challenge the decision, you may waive your right to a final hearing and that ends the process.

You are **NOT** barred from petitioning the court again if another incident occurs.

You can talk to a Women's Center Legal Advocate for information on safety planning and what to do in the event of further abuse.

The Final Hearing

You should arrive at the Courthouse, **on time**, the day of your hearing.

If the defendant has been served, he/she is required to be at the Final Hearing. Before going into the hearing, you and the defendant, through your attorney or the Judicial Law Clerk, will have a chance to work out an agreement. If you can agree upon a period of time for the defendant to stay away, the Final Order will be granted for that amount of time. If no agreement can be reached, the Final Hearing will take place. The Judge will make the determination and will either deny the order or grant it for whatever period of time the Judge deems necessary.

If the defendant has not been served, the hearing will be continued for one week in order to try to find him/her. You will be required to appear again the following week. If the defendant still has not been served, the Temporary Order may be continued generally until the defendant has been served.

Failure to Appear

If the defendant fails to appear for the Final Hearing and has been served, the Court may enter a Final Order for up to three years against him/her.

If you (the petitioner) fail to appear without notifying the Court and asking for a continuance, your petition will be dismissed and the Temporary Order will no longer be in effect.

Violation of an SVP or PFI

If the defendant violates the Temporary or Final Order, you should notify the police immediately. The police may arrest the defendant if they have probable cause to believe the defendant has violated the order. You also have the right to file a private complaint if you believe the order has been violated and the police do not notify the on-duty District Justice.

Once the District Justice's office notifies the Court of an alleged violation, a hearing will be scheduled. If the Court determines that the Order has been violated, the Court of Common Pleas may hold the defendant in Indirect Criminal Contempt and punish him/her in accordance with the law.

The maximum punishment for Indirect Criminal Contempt is 6 months in jail, supervised probation, and/or up to a \$1,000 fine.