

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY, PENNSYLVANIA

CIVIL DIVISION

**IN RE: ADMINISTRATIVE ORDER)
 2009-8)
 PROCEDURE GOVERNING)
 ACTIONS FOR PROTECTION)
 FROM ABUSE PROCEEDINGS)**

ORDER OF COURT

AND NOW, this ^{5th} day of June, 2009, the policies, practices and procedures to employ, effectuate and enforce: (1) the Protection From Abuse Act, 23 Pa. C.S.A. § 6101 et seq., Act of December 19, 1990, P.L. 1240, No. 206, § 2, as amended; (2) Pa.R.C.P. 1901, et seq., as amended; and (3) Pa. R.C.P.D.J. 1201 et seq., as amended; are amended as follows, effective June 15, 2009.

It is the purpose and policy of the Court of Common Pleas of Northampton County by this administrative order to: (1) employ and effectuate the Protection from Abuse Act; and (2) streamline and facilitate enforcement, and to eliminate procedural obstacles and limitations where substantial justice requires forthright action on the part of the police, the district justices and this court.

1. STANDARD ORDERS

When this court orders the prohibition of abuse and, if applicable, the exclusion of defendant from certain premises, or otherwise enforces, modifies, vacates, or terminates a

protection order, in addition to any order dictated in open court the judge shall sign an order in accordance with Pa.R.C.P. 1905; the PFA Clerk, Civil Division, shall give copies to the parties, or otherwise deliver certified copies to the sheriff or other qualified adult for service upon either or both parties. The original thereof shall be filed immediately with the PFA Clerk, Civil Division, and certified copy lodged forthwith by the PFA Clerk, Civil Division, with the appropriate local police department(s) and the Clerk of Court, Civil Division, of any county where the court determines the order may be intended to prohibit abuse in any residence or place of employment. As stated thereon, a photocopy of the original order as certified by the Clerk of Court, Civil Division, shall be considered a duplicate original and sufficient to constitute the court's authorization for enforcement.

2. PETITIONS FOR PROTECTION FROM ABUSE (PFA)

The plaintiff may file a petition for protection from abuse with the PFA Clerk, Civil Division, located in the Northampton County Government Center, Seventh and Washington Streets, Easton, Pennsylvania, on any business day between 8:30 a.m. and 2:30 p.m. PFA petitions will be heard by the court at 9:00 a.m. and 2:30 p.m., or at other times designated by the court.

The court shall conduct all proceedings and effect all notices and enforce its orders as provided in the Protection from Abuse Act, 23 Pa. C.S.A. § 6101 et seq., as amended. The motions judge shall hear all petitions for a temporary order for protection from abuse and issue an appropriate order; when a temporary protection order is substantiated, in addition to entering a temporary order, the court shall set the matter for full hearing on the next available hearing day not less than three days from the date of the temporary order.

3. EMERGENCY PETITIONS

Emergency PFA Petitions shall be filed with a district judge pursuant to Pa. R.C.P.D.J. 1201 et seq.; during all official holidays of the Commonwealth, on all working weekdays between 2:30 p.m. and 8:30 a.m., and during weekend periods from 2:30 p.m. Friday to 8:30 a.m. Monday, or Tuesday if Monday is a court holiday. If Friday is a court holiday, the weekend period shall begin at 2:30 p.m. Thursday. The district judge shall conduct all emergency proceedings, effect all service and notices, secure execution of all orders, instruct all parties, and certify orders to the court pursuant to 23 Pa. C.S.A. 6110, relating to emergency relief by minor judiciary, and Pa. R.C.P.D.J. 1201 et seq.

4. CONTEMPT PROCEEDINGS

If a defendant is arrested for violation of a protection from abuse order issued by a judge of this court or an emergency order issued by a district judge, or other court order registered in the office of the Clerk of Court, Civil Division, the defendant shall forthwith be preliminarily arraigned before a judge, or a district judge assigned to hear matters in the district where the alleged violation occurred, regardless of the court of origin of the PFA order.

COURT ASSIGNMENTS are as follows:

BETWEEN 8:30 A.M. - 2:30 P.M.: Court of judicial district where the alleged violation occurred.

BETWEEN 2:30 P.M. - 4:30 P.M.: District judge in magisterial district where the alleged violation occurred.

BETWEEN 4:30 P.M. - 8:30 A.M.: Off hours duty district judge designated by rules of court.

In every case, when prima facie case for violation of an Order is found, the district judge or judge shall arraign defendant, set bond and notify both parties of contempt hearing date before Court of Common Pleas.

SEIZURE OF WEAPONS. Subsequent to an arrest, police shall seize all firearms and other weapons used, or directly or impliedly threatened to be used, in violation of the PFA Order or during prior incidents of abuse. Police shall deliver all confiscated weapons to the Sheriff's office promptly.

A. Notice

At the preliminary arraignment for alleged indirect criminal contempt, the judge or district judge shall notify the defendant:

a. That he is charged with criminal contempt for violation of the protection from abuse order;

b. That a hearing will be held in the Court of Common Pleas of Northampton County at 9:00 a.m. on the next date available for hearings, but not less than three (3) days from the date of the preliminary arraignment; and

c. That defendant is entitled to be represented by counsel and, if unable to afford counsel, counsel will be appointed free of charge.

The judge or district judge shall hand deliver to the defendant written notice of the time and place of the hearing, and the defendant shall sign a receipt therefor. When plaintiff is present at preliminary arraignment, the judge or district judge shall notify the plaintiff of time of hearing, and inform an unrepresented plaintiff that counsel may be obtained from the Northampton

County Bar Association Lawyer Referral Service.

B. Bail

At preliminary arraignment, the judge or district judge shall set bail in accordance with Pa. R.Crim.P. 4001 et seq., to insure defendant's presence at the contempt hearing. The determination regarding bail may include a condition that defendant not contact the plaintiff or members of the plaintiff's household, or anyone protected by the order, directly or indirectly.

C. Transmittal of Record

The district judge shall immediately forward, or cause to be immediately forwarded, the following completed forms to the PFA Clerk, Civil Division: (1) criminal complaint for indirect criminal contempt; (2) probable cause affidavit, if any; (3) certificate of bail, if any, and discharge of commitment; and (4) receipts for notice of the hearing.

D. Calendaring

Upon receipt of contempt proceedings the PFA Clerk, Civil Division, shall forthwith notify the office of the court administrator of all cases to be scheduled for hearings, and notify plaintiff of the time, date and place of hearing, and that the contempt petition may be dismissed if plaintiff fails to appear for hearing as scheduled.

5. FORMA PAUPERIS; COSTS

In all cases, if plaintiff files an affidavit stating that plaintiff does not have funds available to pay the costs of filing and service or any other costs, the petition shall be accepted for filing and service shall be made without payment of costs, and leave of court to proceed in forma pauperis shall not be required. When the petition is filed without payment of costs, if it is determined that the plaintiff is not indigent, the plaintiff may then be ordered to pay the court

costs.

6. PROCEDURES NOT EXCLUSIVE

No portion of this administrative order shall be construed to diminish the statutory authority granted to a police officer pursuant to 18 Pa. C.S.A. § 2711, relating to probable cause arrests in domestic violence cases, or otherwise prevent police or party from filing criminal charges for criminal conduct underlying the contempt.

7. PRIOR ORDERS VACATED

Administrative Order 1994-5, entered June 9, 1994, is hereby vacated, effective June 15, 2009.

BY THE COURT:



F.P. KIMBERLY McFADDEN, P.J.