

PHILADELPHIA EMERGENCY DOMESTIC VIOLENCE SITE

The Philadelphia Emergency Domestic Violence site is responsible for issuance of Emergency Protection from Abuse Orders. It is located at the **Criminal Justice Center, Room B-03 at 1301 Filbert St**, Philadelphia, PA (215-683-7280). The office is **open daily after 5 p.m.** (until 8 a.m. when Family Court re-opens). It is **open 24 hours on weekends and holidays**.

WHAT SERVICE DOES THE EMERGENCY PROTECTION FROM ABUSE SITE PROVIDE?

The Emergency Protection from Abuse site is open when Family Court is closed to help people who need protection from abuse. For example, if you believe that you or your children are in immediate and present danger of being harmed by a relative or intimate partner before Family Court is open (M-F, 8-5), you can ask the Emergency site to give you an emergency order of protection that will order the person from whom you fear abuse not to contact you or hurt you.

WHO IS ELIGIBLE FOR AN EMERGENCY PROTECTION FROM ABUSE ORDER?

An emergency protection from abuse order can only be given to persons abused by a:

- Current or former spouse
- Parent
- Child
- Current or former sexual or intimate partner, including same sex partners, such as a boyfriend/girlfriend or father/mother of your children
- Others related by blood or marriage

A protection from abuse order is **not available** to protect you from anyone else who might be threatening you (ex: neighbor, co-worker, stranger).

WHAT IS ABUSE?

State law defines abuse as:

- Attempting or causing physical injury
- Placing another in fear of bodily injury
- Sexual assault
- False Imprisonment
- Stalking

This brochure is meant to give you general information and not legal advice.

WHAT IS THE PROCESS FOR GETTING AN EMERGENCY ORDER?

You will be interviewed and assisted in preparing a petition. A master will read your petition and hear what you have to say about what happened to you and why you need immediate protection. If the petition is approved, the master will issue an emergency order and give you a hearing date in family court for a final order.

WHAT CAN THE EMERGENCY SITE INCLUDE IN AN EMERGENCY ORDER?

The emergency site master can only order the defendant to:

- stop abusing, stalking, threatening, and harassing you,
- not to have any contact with you and your children, and
- leave a Philadelphia County residence under many circumstances, including if the defendant has a duty to support the plaintiff or minor children, if the residence is solely owned or leased by the plaintiff or jointly owned or leased by the plaintiff and defendant.

AN EMERGENCY ORDER CANNOT INCLUDE CUSTODY OF CHILDREN.

ARE THERE ANY FEES INVOLVED?

You do not have to pay to file a PFA petition.

HOW LONG DOES THE EMERGENCY ORDER LAST?

Your emergency order will last until 5 p.m. on the next day that Family Court is open, at which time the Family Court may issue a temporary order. You can get a copy of your temporary order by picking it up in person from Family Court at 1501 Arch Street before 5 p.m. the afternoon it expires).

In some cases, the judge who reviews your order might change it, so the temporary order could be different from the emergency order. For example, if you were granted “protection only” at the emergency site, the reviewing judge may have increased your protection and granted your request to evict the defendant from the household. That is why it is important to get the temporary order from Family Court on its next open day.

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WHAT HAPPENS AFTER THE MASTER GRANTS THE EMERGENCY ORDER?

The master who issues your order will give you 1) a copy of the order for yourself, 2) a copy for service on the defendant (to tell this person about the order and upcoming hearing), 3) instructions on obtaining police assistance to serve the defendant, and 4) an Affidavit of Service form.

While any responsible adult may serve the papers, it is suggested that you have the Philadelphia Police make service. Take all the necessary papers the court gave you to the Police District Headquarters in which the Defendant can be located (residence, work, etc.) and request an officer to help you in serving the PFA order. The person who serves the papers on the Defendant must complete, sign, and return the Affidavit of Service to you. You must bring this Affidavit of Service to court with you on your hearing date.

WHAT IF I HAVE NOT SUCCEEDED IN SERVING THE DEFENDANT BY THE TIME OF THE HEARING DATE?

Go to the hearing even if the defendant has not been served with the papers. You may get a new hearing date to give you time to serve the defendant.

WHAT IF I AM DENIED AN EMERGENCY ORDER?

If you are denied an emergency order, you may still be eligible for a regular PFA order when Family Court re-opens. Being turned down for an emergency order means the master determined that you were not in **immediate danger** and could wait to file the usual way. While the emergency site handles only crisis situations where protection must be provided before Family Court opens, it may be that you have experienced a pattern of domestic violence you that can be addressed through Family Court's normal process.

You may go to the **Domestic Violence Intake Unit on the 8th Floor of Family Court** (1501 Arch Street) from **Monday through Friday** between **8 a.m. and 5 p.m.** for assistance and to file a petition.

Please see brochure entitled Protection from Abuse in Philadelphia County for further information on the process in Family Court.

IS THERE A DEADLINE FOR GOING TO FAMILY COURT IF I WAS DENIED AN EMERGENCY ORDER?

No, but if you believe you are in danger, it is a good idea to go as soon as possible. It will be harder to convince a judge you need protection the longer you wait because the judge looks at the facts from the most recent abusive incident to make a decision.

However, you can file for a PFA at any time and bring up past examples of ways the defendant has physically abused you or your children even if you did not get an order for those incidents.

IS HELP AVAILABLE?

Remember: If you get an emergency order, your next hearing will be held at Family Court, at 1501 Arch Street, not at the Criminal Justice Center where you got your emergency order. You may contact one of the resources listed below for legal help.

* SAFETY TIPS *

KEEP A COPY OF THE TEMPORARY PROTECTION ORDER WITH YOU AT ALL TIMES.

Call the police if the order is violated and show the officers the order.

IF YOU ARE IN DANGER, CALL 911

**PHILADELPHIA DOMESTIC VIOLENCE HOTLINE
1-866-SAFE 014 1-866-723-3014**

Toll-free, confidential hotline for immediate crisis intervention, counseling, and emergency shelter.

**Legal representation may be available from:
WOMEN AGAINST ABUSE LEGAL CENTER
215-686-7082**

**PHILADELPHIA LEGAL ASSISTANCE
215-981-3800**

**SENIORLAW CENTER
215-988-1244**

Legal Service Department of the Mazzone Center
215-563-0657

**LEGAL CLINIC FOR THE DISABLED
215-587-3350**

**PHILADELPHIA BAR ASSOCIATION LAWYER
REFERRAL AND INFORMATION SERVICE
215-238-6333**

SEE RESOURCE LIST FOR MORE HELP