

PETITION TO MODIFY PROTECTION FROM ABUSE ORDER

INSTRUCTION SHEET

USE THIS FORM IF YOU NEED TO CHANGE YOUR FINAL OR TEMPORARY PROTECTION FROM ABUSE ORDER.

These instructions are meant to give you general information and not legal advice.

1. Complete, date, and sign the Petition to Modify. Detailed instructions on how to do this are included in this packet. Do not include your address if it is not safe to disclose your location.
2. The Petition to Modify is a packet. You must have ALL of the following documents included in your packet:
 - Rule
 - Order Petition and Verification
 - Affidavit of Service
 - Blank Temporary Ex Parte Order
3. There is no cost to file a Petition to Modify.
4. File the original and two copies of the Packet at:

Philadelphia Family Court
Domestic Violence Unit
1501 Arch Street - 8th Floor
Philadelphia, PA 19102
5. When you file your Petition, include the original and two copies. When you deliver your Petition to the Domestic Violence Unit, you must wait or return for your Petition and Temporary Order. You will be given a packet that includes these documents along with a Notice of Hearing and Order and Affidavit of Service. The Defendant must be served with these documents.
6. When you pick up your papers ask the clerk if the Judge granted your temporary order.

7. You will receive a Rule with a hearing date when you pick up the packet. If your petition was granted, you will also receive a Temporary Ex Parte Order.

8. After you receive the packet from the court, you must serve the Defendant. Service is accomplished by handing the Defendant one packet with the following documents:

- Rule,
- Temporary Ex Parte Order (if one was given), and
- Petition to Modify.

While any responsible adult may serve the papers, it is suggested that you have the Philadelphia Police make service. To obtain police assistance, take all the necessary papers provided to you by the court to the Police District Headquarters in which the Defendant can be located (residence, work, etc.) and request an officer to assist you in serving the Protection From Abuse 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.

9. If the Defendant will not take the packet of materials, the person serving the packet should leave the packet in the Defendant's presence and complete the Affidavit of Service. The completed Affidavit of Service must be brought to court with you.

10. If you are unable to serve the Defendant, you may ask the court at the hearing for permission to serve by another means, including by mail.

11. KEEP A COPY OF YOUR ORIGINAL FINAL PROTECTION ORDER AND TEMPORARY ORDER WITH YOU AT ALL TIMES.

12. Go back to court for the hearing date, even if you have not been able to serve the Defendant. IF YOU DO NOT APPEAR FOR THE HEARING, YOUR PETITION TO MODIFY AND YOUR TEMPORARY ORDER WILL BE DISMISSED.

13. In addition to requesting a modification of the order, you may also want to request an extension of the Protection From Abuse Order. See the instructions for Petition to Extend Protection From Abuse Order.

WORDS AND PHRASES USED IN THE PROTECTION FROM ABUSE PETITION:

PLAINTIFF:	Person who filed the original PFA petition
DEFENDANT:	Person against whom the original PFA petition was filed
PETITIONER:	Person who is filing this modification petition
RESPONDENT:	Person against whom the modification petition is filed

RELIEF AVAILABLE UNDER THE PROTECTION FROM ABUSE ACT:

The court may grant any protection order or approve any consent agreement to stop the Defendant from abusing you or your minor child/ren. The order or agreement will last for up to 3 years. The order or agreement may include language:

Directing the Defendant to stop abusing you or your minor child/ren.

Evicting the Defendant from the residence or household, even when the Defendant is the sole owner or lessee, if the Defendant has a duty to support you or the minor child/ren, or to order the Defendant, with your consent, to provide suitable alternate housing.

Awarding temporary custody of or establishing temporary visitation rights with regard to minor child/ren.

Ordering the Defendant to pay financial support to those persons the Defendant has a duty to support, including health coverage for the minor child/ren and spouse, paying all of the unreimbursed medical expenses of a spouse or minor child/ren, and directing the Defendant to make rent or mortgage payments on your residence when the Defendant has a duty to support you or other dependent household members. The support order is temporary, and you must file a complaint for support within two weeks of the date of the issuance of the protection order or the support order becomes void.

Prohibiting the Defendant from having any contact with you or your minor child/ren at your place of employment or business or school and from harassing you or your relatives or minor child/ren.

Ordering the Defendant to give up any firearms, other weapons, ammunition and firearms license and prohibiting the Defendant from possessing any firearms or other weapons, ammunition or firearms license for the duration of the order.

Directing the Defendant to pay you for reasonable losses suffered as a result of the abuse, including medical, dental, relocation and moving expenses; counseling; loss of earnings or support; costs of repair or replacement of real or personal property damaged, destroyed or taken by the Defendant or at the direction of the Defendant; and other out-of-pocket

losses for injuries sustained. In addition to out-of-pocket losses, the court may direct the Defendant to pay reasonable attorney fees.

Directing the Defendant to refrain from stalking or harassing you.

Granting any other appropriate relief you seek.

HOW TO FILL IN THE RULE

Fill in the HEADING (CAPTION) only.

Fill in the names of the Plaintiff and Defendant in the heading of the petition. The Plaintiff is the person who originally filed the Protection From Abuse Petition, referred to as "PFA." The Defendant is the person the original PFA petition was filed against. Use the D.R. # on the original PFA petition.

HOW TO FILL IN THE ORDER

Fill in the HEADING (CAPTION) only.

Fill in the names of the Plaintiff and Defendant in the heading of the petition. The Plaintiff is the person who originally filed the Protection From Abuse Petition, referred to as "PFA." The Defendant is the person the original PFA petition was filed against. Use the D.R. # on the original PFA petition.

HOW TO FILL IN THE PETITION:

HEADING (CAPTION).

Fill in the names of the Plaintiff and Defendant in the heading of the petition. The Plaintiff is the person who originally filed the Protection From Abuse Petition, referred to as "PFA." The Defendant is the person the original PFA petition was filed against. Use the D.R. # on the original PFA petition.

LINE 1.

If you are filing this modification petition, you are the Petitioner. Fill in your name. Circle whether you were the Plaintiff or Defendant in the original PFA Petition. Fill in your address, unless it is confidential.

LINE 2.

The Respondent is the person who the petition is filed against. Fill in the Respondent's name. Circle whether the Respondent was the Plaintiff or Defendant in the original PFA Petition.

LINE 3.

Fill in the date of the Order you want to change, the name of the Judge who issued the Order, and the case information. This information can be found on the Order.

LINE 4.

You will need to make a copy of your Order. Mark the copy as “Exhibit A” and attach it.

LINE 5.

Describe to the court why you want the Protection From Abuse Order changed. You must be as specific as possible. If you need additional space, use a separate piece of paper.

LINE 6.

Tell the court how you would like the Order to be changed. You may ask for certain changes according to the law. For specific examples, see Instructions – Relief Available Under the Protection From Abuse Act.

SIGN AND DATE THE PETITION.

DATE AND SIGN THE VERIFICATION THAT THE STATEMENTS ARE TRUE.

HOW TO FILL IN THE TEMPORARY PROTECTION FROM ABUSE ORDER

Fill in only LINE 1 and LINE 2.

LINE 1.

Fill in the name of the Plaintiff in the original PFA Petition.

LINE 2.

Fill in the name of the Defendant in the original PFA Petition.

FILL IN THE CAPTION ON AFFIDAVIT OF SERVICE.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

_____	:	
PLAINTIFF	:	FAMILY COURT DIVISION
vs.	:	PROTECTION FROM ABUSE
	:	
_____	:	
DEFENDANT	:	D.R. NO.

RULE

AND NOW, this ____ day of _____, 20__, a Rule is granted upon the Defendant, _____, to show cause why the Final Protection Order of _____, entered by this Court, the Honorable _____ presiding, under the Protection From Abuse Act, should not be modified.

A hearing will be held on the ____ day of _____, 20__, in courtroom ____, at 1501 Arch Street - 8th Floor, Philadelphia, PA 19102, Philadelphia, Pennsylvania, at ____ a.m./p.m., to determine whether the requested relief will be granted.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

_____	:	
PLAINTIFF	:	FAMILY COURT DIVISION
	:	
v.	:	PROTECTION FROM ABUSE
	:	
_____	:	
DEFENDANT	:	D.R. NO.

ORDER

AND NOW, this _____ day of _____, 20____, it is ORDERED and DECREED that the PETITION TO MODIFY in the above-captioned matter is hereby granted.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

PLAINTIFF	:	
vs.	:	FAMILY COURT DIVISION
	:	PROTECTION FROM ABUSE
	:	
	:	
DEFENDANT	:	D.R. NO.

PETITION TO MODIFY PROTECTION FROM ABUSE ORDER

1. Petitioner is (name) _____
is Plaintiff or Defendant (circle one) in the Protection From Abuse Petition,
and resides at
 Petitioner's address is confidential or
 Petitioner's address is as follows: (street, city, state, zip) _____

2. Respondent is (name) _____
is Plaintiff or Defendant (circle one) in the Protection From Abuse Petition,
and resides at (street, city, state, zip) _____

3. On _____ the parties appeared before The Honorable
_____, in an action filed under the Protection From Abuse Act;
_____ Term, _____, No. _____.

4. On the above date, a Final Protection Order was entered (attached hereto as Exhibit "A").

5. Petitioner seeks to have the above Protection Order modified for the following reasons:
A. _____

B. _____

C. _____

6. Petitioner requests that the order be changed to provide as follows: That this Court grant the Temporary Order be granted and that the Final Order be extended for a 3 year period of time until _____.

WHEREFORE, Petitioner prays this court to grant the petition to modify.

Date: _____
_____ Petitioner

VERIFICATION

I verify that the statements made in this petition are true and correct. I understand that false statements herein are made subject to the penalties of PA.C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: _____
_____ Petitioner

TEMPORARY PROTECTION FROM ABUSE ORDER <input type="checkbox"/> Amended Order <input type="checkbox"/> Continued Order	IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY, PENNSYLVANIA NO.
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1. PLAINTIFF

First	Middle	Last	Plaintiff's DOB

Name(s) of all protected persons, including minor child/ren and DOB:

V.

2. DEFENDANT

First	Middle	Last	Suffix

Defendant's Address:

CAUTION:

- Weapon Involved**
- Weapon Present on the Property**
- Weapon Ordered Relinquished**

DEFENDANT IDENTIFIERS			
DOB		HEIGHT	
SEX		WEIGHT	
RACE		EYES	
HAIR			
SSN			
Driver's License #			
Exp Date			

The Court Hereby Finds: That it has jurisdiction over the parties and subject matter, and the Defendant will be provided with reasonable notice and opportunity to be heard.

The Court Hereby Orders:

Defendant shall not abuse, harass, stalk or threaten any of the above persons in any place where they might be found.

Except for such contact with the minor child/ren as may be permitted under 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.

Additional findings of this order are set forth below.

Order Effective Date

Order Expiration Date

NOTICE TO THE DEFENDANT

Defendant is hereby notified that violation of this order may result in arrest for indirect criminal contempt, which is punishable by a fine of up to \$1,000 and/or up to six months in jail. 23 Pa.C.S.A. § 6114. Consent of Plaintiff to Defendant's return to the residence shall **not** invalidate this order, which can only be changed or modified through the filing of appropriate court papers for that purpose. 23 Pa.C.S.A. § 6108 (g). If Defendant is required to relinquish any firearms, other weapons or ammunition or any firearm license, those items must be relinquished to the sheriff within 24 hours of the service of this order. As an alternative, Defendant may relinquish any firearm, other weapon or ammunition listed herein to a third party provided Defendant and the third party first comply with all requirements to obtain a safekeeping permit. If, due to their current location, firearms, other weapons or ammunition cannot reasonably be retrieved within the time for relinquishment, Defendant shall provide an affidavit to the sheriff listing the firearms, other weapons or ammunition and their current location no later than 24 hours after the service of this order. Defendant is further notified that violation of this order may subject him/her to state charges and penalties under the Pennsylvania Crimes Code and to federal charges and penalties under the Violence Against Women Act, 18 U.S.C. § § 2261-2262.

AND NOW, this ____ day of December, 2008, upon consideration of the attached Petition for Protection from Abuse, the court hereby enters the following Temporary Order:

1. Defendant shall not abuse, harass, stalk or threaten any of the above persons in any place where they might be found.

2. Defendant is evicted and excluded from the residence at _____ or any other permanent or temporary residence where Plaintiff may live. Plaintiff is granted exclusive possession of the residence. Defendant shall have no right or privilege to enter or be present on the Premises.

3. Defendant is prohibited from having ANY CONTACT with Plaintiff 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. Defendant shall not contact Plaintiff by telephone or by any other means, including through third persons.

5. Pending the outcome of the final hearing in this matter, Plaintiff is awarded temporary custody of the following minor child/ren:

Until the final hearing, all contact between Defendant and the child/ren shall be limited to the following:

The local law enforcement agency in the jurisdiction where the child/ren are located shall ensure that the child/ren are placed in the care and control of the Plaintiff in accordance with the terms of this Order.

6. Defendant shall immediately relinquish the following weapons to the Sheriff's Office or a designated local law enforcement agency for delivery to the Sheriff's office:

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

7. The following additional relief is granted:

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

9. THIS ORDER SUPERSEDES ANY PRIOR PFA ORDER AND ANY PRIOR ORDER RELATING TO CHILD CUSTODY.

10. THIS ORDER APPLIES IMMEDIATELY TO DEFENDANT AND SHALL REMAIN IN EFFECT UNTIL MODIFIED OR TERMINATED BY THIS COURT AFTER NOTICE AND HEARING.

NOTICE TO THE DEFENDANT

Defendant is hereby notified that violation of this Order may result in arrest for indirect criminal contempt, which is punishable by a fine of up to \$1,000.00 and/or up to six months in jail. 23 Pa.C.S. §6114. Consent of the Plaintiff to Defendant's return to the residence shall not invalidate this Order, which can only be changed or modified through the filing of appropriate court papers for that purpose. 23 Pa.C.S. §6713. Defendant is further notified that violation of this Order may subject him/her to state charges and penalties under the Pennsylvania Crimes Code and to federal charges and penalties under the Violence Against Women Act, 18 U.S.C. §§2261-2262.

NOTICE TO LAW ENFORCEMENT OFFICIALS

This Order shall be enforced by the Police who have jurisdiction over the plaintiff's residence OR any location where a violation of this order occurs OR where the defendant may be located. If defendant violates Paragraphs 1 through 6 of this Order, defendant may be arrested on the charge of Indirect Criminal Contempt. An arrest for violation of this Order may be made without warrant, based solely on probable cause, whether or not the violation is committed in the presence of law enforcement.

Subsequent to an arrest, the law enforcement officer shall seize all weapons used or threatened to be used during the violation of this Order OR during prior incidents of abuse. Weapons must forthwith be delivered to the Sheriff's office of the county which issued this Order, which office shall maintain possession of the weapons until further Order of this court, unless the weapon/s are evidence of a crime, in which case they shall remain with the law enforcement agency whose officer made the arrest.

BY THE COURT:

J.

Date

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

PLAINTIFF	:	
vs.	:	FAMILY COURT DIVISION
DEFENDANT	:	Protection From Abuse
	:	
	:	NO.
	:	

AFFIDAVIT OF SERVICE

I, _____, the undersigned, hereby state that I served a copy of the Rule, Petition and Temporary Order in the above-captioned action upon the Defendant by handing the papers to _____ at the following address:
on the _____ day of _____, 20____, at approximately _____ m.

I verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Signature

Title

Address

Date

THIS FORM MUST BE COMPLETED AND SIGNED BY THE PERSON WHO SERVES THE DEFENDANT WITH THE NOTICE OF HEARING AND ORDER, PETITION AND TEMPORARY ORDER. IT MUST BE FILED WITH THE PROTHONOTARY OR BROUGHT TO THE COURT ON THE HEARING DATE.