

PROTECTION FROM ABUSE

PRESENTED BY:
WOMEN AGAINST ABUSE
LEGAL CENTER





INTRODUCTION

- Introduction

LEARNING OBJECTIVES

- Understand *what* a Protection from Abuse order (PFA) is, *who* can file for a PFA, and *where* to file
- Identify relief available through PFA
- Learn about Women Against Abuse Legal Center and assistance we provide
- Learn about criminal court options

ICEBREAKER...

- Let's see what you already know....

TRUE OR FALSE??

- A person can *only* get a Protection from Abuse (PFA) order if they've experienced physical violence...true or false?
- **False!**
- A person may qualify for a PFA if they are experiencing physical abuse, but also may file if they are experiencing **threats** of violence, **stalking** or are in **fear** of imminent violence

TRUE OR FALSE??

- A person can only file for a PFA if they've already called the police and made a police report...true or false?
- **False!**
- No requirement to have a police report or to call the police before filing
- Can use medical records, photos of injuries or can bring a witness to corroborate
- "Proof" can be the victim's own testimony and lived experience alone

TRUE OR FALSE??

- A person cannot file for a PFA if they are still married / still living together in the same home...true or false?
- **False!**
- A person **CAN** file a PFA against a spouse or an intimate partner while residing in the same home
- Victim can request to evict the abusive spouse from the marital home
- Or, victim can request a protection only order, to remain living together but ask the Judge to stop the abuse, harassment and threats

TRUE OR FALSE??

- A PFA is always the right option and the safest option for anyone experiencing domestic abuse...true or false?
- **False!**
- A PFA is a tool, it is an option
- Individuals experiencing abuse need information and options so that they can make informed decisions
- It is not always safe for victims to file a PFA - sometimes it can lead to escalation
- Can reach out to WAA LC to discuss options - we empower the client to decide

TRUE OR FALSE??

- Leaving an abusive relationship is the most dangerous and lethal time for a victim...true or false?

- **True.**

- Leaving an abusive relationship is when a victim is most vulnerable
- It is important to follow the client's lead on when to take legal action
- Best practice is to provide information and options and empower the victim to do what makes them feel safe and secure

WHAT IS A PFA?

- PFA stands for "Protection from Abuse"
- A PFA is a civil court order issued by a Family Court Judge
- It can provide protective "relief" to a victim from an abusive party
- It can last up to three years

WHAT CAN A PFA DO?

- A PFA can order the abuse to stop
- It can make it illegal for the abuser to contact the victim or their children
- In some cases, a PFA can evict and exclude an abuser from the marital home or shared residence
- It can order an abusive party to stay away from the victim's school or work
- Can provide emergency custody of the children to the victim

WHAT IS ABUSE?

- Abuse is:
 - Physical violence
 - Sexual violence
 - Threats of physical harm
 - False imprisonment
 - Physical or sexual abuse of children
 - Stalking or harassment

DOMESTIC VIOLENCE DEFINED

- PHYSICAL VIOLENCE

Pushing, Shoving, Slapping, Beating, Punching, Kicking, Burning, Holding, Stabbing, Shooting, Strangling (“Choking”), Attacking with Weapons or Objects, Hurting children

Essence: cause or attempt to cause bodily injury

DOMESTIC VIOLENCE DEFINED

- SEXUAL VIOLENCE

Rape (physical force not required), sexual assault (sex without consent), Indecent Assault, forcing to “have sex” or “sex without protection”, incest, molestation, sabotaging birth control, “stealthing.”

DOMESTIC VIOLENCE DEFINED

- THREATS OF PHYSICAL OR SEXUAL VIOLENCE

“I’m going to kill you.”

“I should rape you.”

“I’m going to beat you worse than I did last time.”

Essence: declaring an intent to hurt or kill

DOMESTIC VIOLENCE DEFINED

- FALSE IMPRISONMENT

Locking in basement, forcing to stay in bedroom, not allowing to go to work or school, kicking out of house

Essence: interfering with freedom of movement.

DOMESTIC VIOLENCE DEFINED

- **STALKING**
- Repeated acts towards another person that place the victim in fear of bodily injury
- Birthday card example
- **CONTEXT** is important

WHO CAN FILE FOR A PFA?

- A **relationship** is required to file for a PFA
 - Spouses or former spouses (includes separated & divorced)
 - Former or current intimate or sexual relationship
 - Former or current dating relationship, includes same sex relationships
 - Parents and children
 - Family or household members

LITTLE QUIZ

- ✓ Can a woman who is being touched inappropriately by her coworker at work, with no prior dating relationship or intimate relationship, file a PFA against the coworker?
- ✓ NO – there is no qualifying relationship
- Can a woman who is being stalked and harassed by her boss at work file a PFA against the boss? The woman and boss had a prior intimate relationship that lasted 2 years, and they are now broken up.
- YES – a prior intimate relationship exists AND the woman is experiencing abuse as defined in the PFA Act (stalking and harassment)

WHERE TO FILE FOR PROTECTION

- Monday - Friday, during business hours, file at **Family Court, 1501 Arch St. 8th Floor.**
 - Arrive early and be prepared to wait.
 - Option to speak with Women Against Abuse paralegal
- After hours, holidays and weekends, file at **Criminal Justice Center (CJC), 1301 Filbert Street, Basement.**
 - Requires **immediate and present danger** of abuse
 - Orders expire the **next business day**
 - Go to Family Court the next business day to pick up copy of Temporary Order.
- Request an interpreter, if necessary.

HOW TO HELP SOMEONE EXPERIENCING ABUSE

- Provide options and information in a nonjudgmental manner
- Encourage the person to contact a domestic violence service agency, such as Women Against Abuse Legal Center
- Provide support and follow the abused party's lead

WAA LC

- Women Against Abuse Legal Center provides:
 - Free attorney representation,
 - Court advocacy in family and criminal court, and
 - Telephone counseling to thousands of people each year

WAA LC

- We represent victims of abuse in:
 - Protection from Abuse Order cases
 - Protection from Sexual Violence Orders
 - Child Custody & Child/Spousal Support
- We provide:
 - Innovative Programs allow us to reach out to victims of abuse:
 - Fast Track Attorney Program
 - Police Telephone Outreach Project
 - Court accompaniment

WAA LC

- **Do we represent immigrant survivors with limited or no English proficiency?**
- YES!
 - We use Language Line interpretation services to communicate
 - We prioritize immigrant victims with limited English proficiency because of the barriers they face navigating the court system
- **Should undocumented immigrant survivors feel safe calling us for legal assistance in family court?**
- YES!
 - We maintain **confidentiality** of all client information; we will never share our client information outside of our agency or with law enforcement unless client wants us to share it

WAA LC

- **Our services are client lead and client driven**
- **We never tell our clients that they MUST file a PFA or they MUST file for custody or that they MUST call the police**
- **We respect our client's autonomy and empower our clients to make informed decisions by providing all options and pros and cons to each option**
- **When our clients are ready to move forward with legal case, we can assist by providing advice, accompaniment and direct legal representation**

CRIMINAL OPTIONS

- When victims are experiencing abuse and need police intervention
 - If they feel safe doing so, -->
 - Can call 911
 - Or, if not imminent danger, can go to police district to make a police report
 - If they want to prosecute, can ask to speak to a domestic violence detective

CRIMINAL OPTIONS

- Depending on situation, person who is causing harm to the victim may be arrested and charged with crimes
- The case would proceed to court at the Criminal Justice Center and a prosecutor would handle the case
- Prosecutors represent the state's interests in enforcing the law, take victim's goals and interests into account, while balancing safety of the community
- If victim is involved in a criminal case, can contact WAA LC for criminal advocacy and accompaniment

CRIMINAL OPTIONS

- Q&A

LEGAL ASSISTANCE + LOCAL REFERRALS

- WOMEN AGAINST ABUSE: 215-686-7082
- PHILADELPHIA LEGAL ASSISTANCE: 215-981-3800
- TEMPLE LEGAL AID: 215-204-1800
- MAZZONI CENTER: 1-866-LGBT-LAW
- LEGAL CLINIC FOR THE DISABLED: 215-587-3350
- SENIOR LAW CENTER: 215-988-1242
- WOMEN'S LAW PROJECT: 215-928-9801
- COMMUNITY LEGAL SERVICES: 215-981-3700