

RULE L1901.3. COMMENCEMENT OF ACTION.

(1) Commencement of Action - Court Unavailable.

The Court shall be unavailable to accept petitions on holidays, weekdays after the close of Court, weekend periods from 4:30 o'clock p.m. on Friday until 8:30 o'clock a.m. the next regular Court business day as well as all other times when the courthouse is closed for business. The Court may deem itself unavailable at such other times. During such times when the Court is unavailable a petition seeking protection from abuse shall be filed before a Magisterial District Judge in accordance with the Protection From Abuse Act. The Court Administrator shall notify all Magisterial District Judges when the Court deems itself unavailable.

(2) Procedure - Court Unavailable.

When a Magisterial District Judge enters an emergency order under Protection From Abuse Act:

(a) The Magisterial District Judge shall inform the plaintiff as follows:

(i) The emergency order shall be explained to the plaintiff;

(ii) A plaintiff may obtain counsel. The Court does not provide free counsel. If a plaintiff cannot afford counsel that he or she may try to get counsel through Northwestern Pennsylvania Legal Services or the Crawford County Bar Association Service to the Public Committee at no cost to the plaintiff;

(iii) Plaintiff has the right to file without first paying costs;

(iv) Programs that exist for victims of domestic violence;

(v) Plaintiff's failure to appear at the Common Pleas Court hearing may cause the petition to be dismissed;

(vi) Proceedings must be commenced in Common Pleas Court by the end of the next Court business day and of the procedure for initiating a contempt charge should be defendant violate the emergency order.

(b) The Magisterial District Judge shall cause the emergency order and petition to be delivered to the Court Administrator by the end of the next business day of the Court.

(c) The Emergency Protection From Abuse Order entered by the

Magisterial District Judge shall expire at the end of the next business day of the Court of Common Pleas. On that day the petitioner shall prepare and file a petition in the form required by the Rules of Civil Procedure and shall appear before a Judge of the Court of Common Pleas whereupon said Judge shall review and continue in effect protection orders that are necessary to protect the plaintiff and/or minor child(ren) from abuse and enter other temporary relief provided in the Act.

(3) Costs.

The petition shall be filed and served without prepayment of fees.

(4) Discontinuance.

(a) If a petitioner desires to discontinue an action after a temporary abuse order has been entered but before the hearing, the petitioner shall sign a written discontinuance on a form provided by the Prothonotary and file the same with the Prothonotary prior to the time scheduled for the hearing. All record Court costs shall be paid at the time the discontinuance is filed. If costs are not paid at that time, the Prothonotary shall not accept the discontinuance and the plaintiff is required to appear at the hearing so that the Court may determine the ability of the plaintiff to pay costs.

(b) A petitioner desiring to discontinue an action under the Protection From Abuse Act after a hearing and after the entry of a permanent order shall file a written discontinuance on a form provided by the Prothonotary and pay, or arrange for the payment of, the record Court costs. If costs are not paid at that time, the Prothonotary shall not accept the discontinuance.

(c) A discontinuance shall also automatically vacate any bench warrant issued for the defendant or bail requirement imposed upon the defendant.

(d) The Prothonotary shall deliver a copy of any discontinuance to County Control and to the appropriate police departments, and if a bench warrant has been issued upon the defendant or a bail requirement has been imposed upon the defendant, copies of the discontinuance shall be delivered to the Sheriff and Warden.