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Thirty years ago, Pennsylvania led the nation in creating a civil remedy for victims of domestic violence by enacting the Protection From Abuse Act. The purpose of the Act was not to penalize past criminal conduct but to advance the prevention of physical abuse and to allow persons to reside peaceably and without fear of injury within their own families or residences. On May 9, 2006, new sweeping amendments will take effect. How these amendments play out in the court system throughout the Commonwealth will determine whether Pennsylvania still leads the nation in combating domestic violence and whether survivors of domestic violence can reside peaceably and without fear of injury.

Certain provisions of the new Amendments are welcome changes. First, the amendments increase the potential duration of a protection order from 18 to 36 months. Domestic violence advocates have called for the increase the duration of protection orders to mirror the typical progression of a family law case. Family law cases such as divorce, support, and custody can range from a few months to in excess of two years. When children are involved it is not unusual for cases to span the child's age until eighteen. As a survivor of domestic violence challenges her batterer in divorce, support or custody proceedings the potential for further abuse increases. Therefore, the longer period of time that holds the batterer accountable through the PFA Act the safer for the survivor.

Second, under the new amendments the survivor may not be charged any fees for filing a PFA Petition, registering the order, serving the order or withdrawing the order (even for non-appearance). The economic burden of being charged with court costs weighs heavily on most petitioners for a PFA. The burden of these costs often shifts to the petitioner. The problem with the shift in the costs centers on the fact that a survivor of domestic abuse must constantly assess her own safety. Often that means in order to secure her own safety she must withdraw the PFA Petition. In 1995, the U.S Department of Justice issued a Special Report on Violence Against Women wherein it was reported that women who were separated from their husbands were three times more likely to be victimized by their spouses than divorced women and 25 times more likely to be victimized by their spouses than married women. Although this seems to be counter-intuitive, the underlying reasoning is clear: separation from an abuser is an extraordinarily dangerous time for a survivor of domestic violence.

Traditionally, when a survivor withdraws a PFA costs are assessed against the petitioner, who far too often has limited economic means. The assessment becomes part of the court record and could be held against her in future PFA proceedings. With the new amendments, a survivor who files a petition with the court does not have to face the dilemma of incurring costs should she feel the necessity to withdraw the petition.

Third, a defendant may lose possession of all firearms if the court finds the defendant placed the petitioner in immediate and present danger or the defendant used or threatened to use

a firearm against the plaintiff. The court, when determining whether an immediate and present danger exists, may consider the following: past violations of PFAs; injury to the petitioner or child; threat of suicide; threats to harm pets; drug or excessive alcohol use.

As the Managing Attorney of the Barbara J. Hart Justice Center, I am compelled to note that the new amendments include firearm possession and confiscation provisions which are troubling in substance and procedural complexity. At first blush, the changes as to firearm possession and confiscation intimate that the Pennsylvania legislature is more concerned about preserving a batterers' access to guns than the safety of victims of domestic violence. However, it is premature to speculate as to the consequences of these provisions as they are litigated in the court system. Be assured, the attorneys at the Justice Center will remain steadfast in our duty to address the barriers to justice and secure the safety of the extraordinary women and children that we have the privilege to serve.