



SECTION 14

EMERGENCY PROTECTIVE RELIEF

When Immediate Protection Cannot Wait

KNOW THE DIFFERENCE



PFA

Protection From Abuse
(23 Pa.C.S. §§ 6101-6122)

- ✓ Family relationship
- ✓ Intimate partner relationship
- ✓ Household member relationship
- ✓ Abuse does **NOT** need to be a crime

VS.



PFSVI

Protection From
Sexual Violence or Intimidation
(42 Pa.C.S. §§ 62A01-62A20)

- ✓ Stranger
- ✓ Coach
- ✓ Coworker
- ✓ Classmate
- ✓ No qualifying family/intimate relationship required

VICTIM NEEDS EMERGENCY PROTECTION

IS THERE A FAMILY /
INTIMATE RELATIONSHIP?

YES

PFA

(Protection From Abuse)

NO

PFSVI

(Protection From Sexual Violence
or Intimidation)

MDJ HIGH-YIELD RULE



**MDJs DO NOT
HANDLE NORMAL
PFAs OR PFSVIs.**

**MDJ INVOLVEMENT OCCURS
ONLY WHEN:**

- ✓ **CCP UNAVAILABLE**
Court of Common Pleas
is not available
- ✓ **EMERGENCY RELIEF NEEDED**
Immediate protection is
needed to prevent harm



QUICK EXAMPLES



Domestic violence
by spouse

PFA



Former intimate
partner

PFA



Sexual assault
by stranger

PFSVI



Intimidation
by coach

PFSVI



Assault
by coworker

PFSVI



**RELATIONSHIP
= PFA**



**NO RELATIONSHIP
= PFSVI**



**MDJ ONLY ACTS
WHEN CCP IS
UNAVAILABLE**



Source: Emergency Protective Relief, Section 14.

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★ ★ SECTION 14 ★ ★

EMERGENCY PROTECTIVE RELIEF

— WHEN IMMEDIATE PROTECTION CANNOT WAIT —



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WHO MAY SEEK EMERGENCY RELIEF? 23 Pa.C.S. § 6105

ADULT



An adult may seek emergency relief for themselves.

EMANCIPATED MINOR



An emancipated minor may seek emergency relief independently.

PARENT OR ADULT HOUSEHOLD MEMBER



A parent or adult household member may seek emergency relief for a minor child.

GUARDIAN AD LITEM



A guardian ad litem may seek emergency relief on behalf of a child.

GUARDIAN OF INCAPACITATED PERSON



A guardian of an incapacitated person may seek emergency relief for that person.

HOW A CASE BEGINS



The plaintiff files a **PETITION** requesting emergency protective relief with the Magisterial District Judge (MDJ).

COST TO FILE?

- ✓ NO filing fee
- ✓ NO issuance fee
- ✓ NO registration fee

VENUE – WHERE MAY A PETITION BE FILED? 23 Pa.C.S. § 6104

A petition may generally be filed in:



The county where the plaintiff resides.

OR



The county where the abuse, sexual violence, or intimidation occurred.

SPECIAL VENUE RULE



If the petition requests possession, use, and occupancy of a residence, the action **MUST** be filed in the county where the residence is located.

RELATED STATUTES



EMERGENCY PROTECTION FROM ABUSE (PFA)
23 Pa.C.S. §§ 6101–6122



PROTECTION OF VICTIMS OF SEXUAL VIOLENCE OR INTIMIDATION (PFSVI)
42 Pa.C.S. §§ 62A01–62A20



ACTIONS FOR EMERGENCY PROTECTIVE RELIEF
Pa.R.Civ.P.M.D.J. 1200–1211

KEY POINTS TO REMEMBER



Emergency relief is designed for situations involving immediate danger where protection cannot wait.



The MDJ's authority to act is limited to emergency situations when the Court of Common Pleas (CCP) is unavailable.



Venue rules ensure petitions are filed in the proper county to avoid delays.



No fees are required to ensure victims have access to emergency protection.



NOTE: This material is for educational purposes only and is not legal advice.





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MDJ EMERGENCY JURISDICTION

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MDJ AUTHORITY EXISTS ONLY WHEN THE COURT OF COMMON PLEAS (CCP) IS UNAVAILABLE.

COUNTIES WITH FEWER THAN 4 JUDGES

CCP IS UNAVAILABLE WHEN:



**AFTER
BUSINESS HOURS**



WEEKENDS



**NO JUDGE AVAILABLE DUE TO
DUTIES, ILLNESS, OR VACATION**



COUNTIES WITH 4 OR MORE JUDGES

CCP IS UNAVAILABLE WHEN:



**AFTER
BUSINESS HOURS**



WEEKENDS



EMERGENCY HEARING



**CONDUCTED
EX PARTE**

Only the plaintiff
is present.



**IMMEDIATE AND
PRESENT DANGER
= GOOD CAUSE**

The plaintiff must
allege immediate
and present danger.



**HEARING OFFICER
MAY ISSUE
EMERGENCY
PROTECTION ORDER**



**WRITTEN ORDER
PROVIDING
TEMPORARY
PROTECTION**



REMEMBER Emergency jurisdiction is **TEMPORARY**.
MDJ authority ends once the Court of Common Pleas becomes available.



★ LEGAL BASIS ★



The MDJ's emergency
authority is created by
statute and rule.

- ✓ 23 Pa.C.S. §§ 6101–6122 (PFA)
- ✓ 42 Pa.C.S. §§ 62A01–62A20 (PFSVI)
- ✓ Pa.R.Civ.P.M.D.J. 1200–1211
Actions for Emergency
Protective Relief

★ KEY TERMS ★

EX PARTE – A proceeding in which
only one side is present.

GOOD CAUSE – Immediate and
present danger as required by law.

UNAVAILABLE – The CCP cannot
be accessed due to time, day,
or lack of available judges.

EMERGENCY ORDER – A temporary
order issued to provide immediate
protection until CCP is available.

WHY IT MATTERS

Victims cannot always
wait for the CCP.

**THE MDJ STEPS IN
ONLY WHEN
NEEDED MOST.**

Protection When
It Cannot Wait.



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The purpose of emergency protective relief
is to prevent harm before it occurs.



★ SECTION 14 ★

EMERGENCY PROTECTIVE RELIEF

MDJ JURISDICTION – THE LIMITED AUTHORITY

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MDJs DO NOT HANDLE NORMAL PFAs OR PFSVIs.

MDJ involvement occurs **ONLY** when the Court of Common Pleas (CCP) is unavailable and **emergency relief** is needed.

WHEN CCP IS UNAVAILABLE MDJ MAY ACT

- ✓ Emergency situations only
- ✓ Temporary relief until CCP becomes available
- ✓ Authority is limited by statute and rule
- ✓ Purpose: Immediate protection of person(s) in danger



WHEN CCP IS AVAILABLE MDJ MUST NOT ACT

- ✗ Normal PFA and PFSVI petitions must be filed in CCP
- ✗ MDJ has no jurisdiction to grant relief
- ✗ Case must be transferred or re-filed in CCP
- ✗ Purpose: Full judicial review and due process in CCP

THE PROCESS FLOW



1. PETITION FILED

Plaintiff files a petition requesting emergency protective relief with the MDJ.



2. REVIEW FOR EMERGENCY

MDJ reviews the petition to determine if emergency relief is necessary.



3. EX PARTE HEARING

If necessary, MDJ conducts an ex parte hearing. Only the plaintiff is present.



4. TEMPORARY ORDER

If granted, MDJ issues a temporary emergency protection order.



5. TRANSFER TO CCP

Once CCP becomes available, the case is transferred for further proceedings.

EXAMPLES OF EMERGENCY SITUATIONS



Recent assault with immediate fear of harm



Victim must be removed from residence immediately



Law enforcement advises immediate court intervention



Imminent threat of violence or continued harassment



REMEMBER:

EMERGENCY RELIEF = IMMEDIATE PROTECTION UNTIL THE CCP CAN ACT.

LEGAL BASIS & AUTHORITIES



Protection From Abuse (PFA)
23 Pa.C.S. §§ 6101–6122



Protection From Sexual Violence
or Intimidation (PFSVI)
42 Pa.C.S. §§ 62A01–62A20



Actions for Emergency
Protective Relief
Pa.R.Civ.P.M.D.J. 1200–1211



MDJ authority is statutory and limited to emergency relief only.



★ KEY TAKEAWAY ★

MDJ emergency jurisdiction is a safety net—it protects victims when the CCP door is closed. It does not replace the CCP.



Protecting Victims.
Upholding the Law.
Ensuring Justice.



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MDJ JURISDICTION – BALANCING URGENCY WITH DUE PROCESS



EMERGENCY RELIEF IS POWERFUL BUT TEMPORARY.

MDJs must act quickly—but the protections of due process remain essential.

KEY PRINCIPLES FOR MDJs



PROTECT IMMEDIATELY

Act when immediate danger exists and protection cannot wait.



LIMITED AUTHORITY

Jurisdiction is limited to emergency relief only—CCP must become available for full review.



TEMPORARY BY NATURE

Orders are short-term and exist only until the CCP can hear the case.



PRESERVE DUE PROCESS

Ex parte orders are allowed, but respondents must receive notice and an opportunity to be heard in CCP.



FOCUS ON SAFETY

The goal is to prevent harm, not to decide the full merits of the case.

RESPONDENT'S RIGHTS: DUE PROCESS MATTERS



Respondents are entitled to notice of the order as soon as practicable.



Once served, the respondent has the right to a hearing in CCP.



Failure to provide due process may result in modification or termination of the order.



MDJs should explain to petitioners that the order is temporary and not a final determination.

WHAT HAPPENS NEXT?



CCP BECOMES AVAILABLE

The case must be transferred to the Court of Common Pleas.



HEARING IN CCP

Both parties have the opportunity to present evidence and arguments.



FULL JUDICIAL REVIEW

The CCP reviews the case, may modify, continue, or terminate the order.



ONGOING PROTECTION

If continued protection is needed, appropriate relief is issued by CCP.

CAUTION: AVOID COMMON PITFALLS



Do not use emergency relief for routine or non-urgent matters.



Do not issue orders without a clear basis of immediate danger.



Do not exceed the limits of authority granted by law.



Do not delay transfer once CCP becomes available.

QUICK REFERENCE CHEAT SHEET

- ✓ Immediate danger? YES – Act Now
- ✓ CCP unavailable? YES – MDJ may act
- ✓ Ex parte hearing? YES – If needed
- ✓ Temporary order? YES – Until CCP available
- ✓ Transfer required? YES – As soon as CCP available
- ✓ Due process preserved? YES – Notice & hearing in CCP

“JUSTICE DELAYED CAN BE JUSTICE DENIED.”

Emergency relief ensures safety today. The Court of Common Pleas ensures justice tomorrow.



PROTECT SAFETY
RESPECT RIGHTS
UPHOLD THE LAW



Thank you for your commitment to protecting victims and upholding the law.



QUESTIONS?

Always consult statute, rules, and local court procedures.