

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 880 Session of
1989

INTRODUCED BY MOEHLMANN, CALTAGIRONE, MILLER, SCHULER, BARLEY,
SCHEETZ, BRANDT, STRITTMATTER, BLAUM, GRUITZA, JOSEPHS AND
HECKLER, APRIL 3, 1989

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 3, 1989

AN ACT

1 Amending the act of October 7, 1976 (P.L.1090, No.218), entitled
2 "An act relating to abuse of adults and children by a person
3 who resides with them; and providing for remedies and
4 procedures," providing for hearings before a master.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 5 of the act of October 7, 1976
8 (P.L.1090, No.218), known as the Protection From Abuse Act,
9 amended April 20, 1988 (P.L.355, No.56), is amended to read:

10 Section 5. Hearings.--(a) Within [ten] 18 days of the
11 filing of a petition under this act a hearing shall be held
12 before the court or a master, at which (hearing) the plaintiff
13 must prove the allegation of abuse by a preponderance of the
14 evidence. The court or master shall advise the defendant of his
15 right to be represented by counsel. A master may be appointed by
16 the court to hear testimony on all or some issues and return the
17 record and a transcript of the testimony together with his
18 report and recommendation as provided by the Rules of Civil

1 Procedure, or a judge of the court in chambers may appoint a
2 master to hold a nonrecord hearing and to make recommendations
3 and return the same to the court, in which case, either party
4 may demand a hearing de novo before the court.

5 (b) If a plaintiff petitions for a temporary order for
6 protection from abuse and alleges immediate and present danger
7 of abuse to the plaintiff or minor children, the court or master
8 shall conduct an ex-parte proceeding. [The] After such a
9 hearing, the court may enter such a temporary order as it deems
10 necessary to protect the plaintiff or minor children when it
11 finds they are in immediate and present danger of abuse.

12 (c) If a hearing before a court or master under subsection
13 (a) is continued, the court may make or extend such temporary
14 orders under subsection (b) as it deems necessary.

15 (d) If the plaintiff prevails, the court shall assign costs
16 to the defendant unless the parties agree otherwise. If the
17 defendant is indigent, costs shall be waived.

18 Section 2. This act shall take effect in 60 days.