

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 881 Session of 1989

INTRODUCED BY CALTAGIRONE, MOEHLMANN, BLAUM, GRUITZA, JOSEPHS,
HAYDEN, McNALLY, HECKLER, RITTER AND BORTNER, 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," further providing for the granting of emergency
5 relief.

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

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

11 Section 8. Emergency Relief.--(a) When:[, in counties with
12 less than four judges, the court is unavailable during the
13 business day by reason of duties outside the county, illness or
14 vacation, and when, in counties with at least four judges, the
15 court deems itself unavailable from the close of business at the
16 end of each day to the resumption of business the next morning
17 or from the end of the business week to the beginning of the
18 business week,]

19 (1) in counties with less than four judges, the court is

1 unavailable:

2 (i) from the close of business at the end of each day to the
3 resumption of business the next morning;

4 (ii) from the end of the business week to the beginning of
5 the business week; and

6 (iii) during the business day by reason of duties outside
7 the county, illness or vacation;

8 (2) in counties with at least four judges, the court is
9 unavailable:

10 (i) from the close of business at the end of each day to the
11 resumption of business the next morning; and

12 (ii) from the end of the business week to the beginning of
13 the business week;

14 a petition may be filed before a district justice, bail
15 commissioner or Philadelphia Municipal Court Judge who may grant
16 relief in accordance with section 6(a)(1) and (2) or (1) and (3)
17 if the district justice, bail commissioner or Philadelphia
18 Municipal Court Judge deems it necessary to protect the
19 plaintiff or minor children from abuse, upon good cause shown in
20 an ex-parte proceeding. Immediate and present danger of abuse to
21 the plaintiff or minor children shall constitute good cause for
22 purposes of this section.

23 * * *

24 Section 2. This act shall take effect immediately.