

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 516 Session of
1999

INTRODUCED BY O'PAKE, STAPLETON, TARTAGLIONE, COSTA, BELL,
BOSCOLA, WOZNIAK, GREENLEAF AND MELLOW, MARCH 9, 1999

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 21, 2000

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for IMPOUNDING OF <—
3 ADOPTION PROCEEDINGS AND ACCESS TO RECORD, FOR determination
4 of paternity; ~~PROVIDING FOR CUSTODY AND VISITATION PETITIONS~~ <—
5 ~~BY FATHERS; AND FURTHER PROVIDING PATERNITY, FOR VISITATION~~ <—
6 RIGHTS AND PARTIAL CUSTODY WHEN THERE IS A DECEASED PARENT,
7 FOR PROTECTION FROM ABUSE ORDERS AND FOR FULL FAITH AND
8 CREDIT AND FOREIGN PROTECTION ORDERS.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 ~~Section 1. Section 5104(a), (b), (c), (d) and (g) of Title~~ <—
12 ~~23 of the Pennsylvania Consolidated Statutes are amended to~~
13 ~~read:~~

14 SECTION 1. SECTIONS 2905(A), 5104(A), (B), (C), (D) AND (G) <—
15 AND 5311 OF TITLE 23 OF THE PENNSYLVANIA CONSOLIDATED STATUTES
16 ARE AMENDED TO READ:

17 § 2905. IMPOUNDING OF PROCEEDINGS AND ACCESS TO RECORDS.

18 (A) GENERAL RULE.--ALL PETITIONS, EXHIBITS, REPORTS, NOTES
19 OF TESTIMONY, DECREES, AND OTHER PAPERS PERTAINING TO ANY

1 PROCEEDING UNDER THIS PART OR FORMER STATUTES RELATING TO
2 ADOPTION SHALL BE KEPT IN THE FILES OF THE COURT AS A PERMANENT
3 RECORD THEREOF AND WITHHELD FROM INSPECTION EXCEPT ON AN ORDER
4 OF COURT GRANTED UPON CAUSE SHOWN OR EXCEPT AS OTHERWISE
5 PROVIDED IN THIS SECTION. IN THE CASE OF AN ADULT ADOPTEE WHO IS
6 ASSUMING A NAME UNDER SECTION 2904 (RELATING TO NAME OF
7 ADOPTEE), AN ORDER OF COURT IS NOT REQUIRED FOR THE COURT TO
8 FORWARD TO THE PENNSYLVANIA STATE POLICE DOCUMENTATION IN
9 ACCORDANCE WITH 54 PA.C.S. § 702 (RELATING TO CHANGE BY ORDER OF
10 COURT). ANY REPORT REQUIRED TO BE FILED UNDER SECTIONS 2530
11 (RELATING TO HOME STUDY AND PREPLACEMENT REPORT), 2531 (RELATING
12 TO REPORT OF INTENTION TO ADOPT) AND 2535 (RELATING TO
13 INVESTIGATION) SHALL BE MADE AVAILABLE TO PARTIES TO AN ADOPTION
14 PROCEEDING ONLY AFTER ALL IDENTIFYING NAMES AND ADDRESSES IN THE
15 REPORT HAVE BEEN EXTIRPATED BY THE COURT.

16 * * *

17 § 5104. [Blood tests] Tests to determine paternity.

18 (a) [Short title of section.--This section shall be known
19 and may be cited as the Uniform Act on Blood Tests to Determine
20 Paternity.] ~~Method of testing. Testing under this section shall~~ <—
21 ~~consist of blood testing~~ TESTING.--A TEST TO DETERMINE PATERNITY <—
22 SHALL BE CONDUCTED IN ACCORDANCE WITH THIS SECTION. THE TEST
23 SHALL BE CONDUCTED UPON BLOOD, deoxyribonucleic acid (DNA)
24 testing or both. <—

25 (b) Scope of section.--

26 (1) Civil matters.--This section shall apply to all
27 civil matters.

28 (2) Criminal proceedings.--This section shall apply to
29 all criminal proceedings subject to the following limitations
30 and provisions:

1 (i) An order for the tests shall be made only upon
2 application of a party or on the initiative of the court.

3 (ii) The compensation of the experts shall be paid
4 by the party requesting the [blood] test or by the
5 county, as the court shall direct.

6 (iii) The court may direct a verdict of acquittal
7 upon the conclusions of all the experts under subsection
8 (f). Otherwise, the case shall be submitted for
9 determination upon all the evidence.

10 (iv) The refusal of a defendant to submit to the
11 tests may not be used in evidence against the defendant.

12 (c) Authority for test.--In any matter subject to this
13 section in which paternity, parentage or identity of a child is
14 a relevant fact, the court, upon its own initiative or upon
15 suggestion made by or on behalf of any person whose blood or DNA
16 is involved, may or, upon motion of any party to the action made
17 at a time so as not to delay the proceedings unduly, shall order
18 the mother, child and alleged father to submit to blood tests,
19 DNA tests or both. If any party refuses to submit to the tests,
20 the court may resolve the question of paternity, parentage or
21 identity of a child against the party or enforce its order if
22 the rights of others and the interests of justice so require.

23 (d) Selection of experts.--The tests shall be made by
24 experts qualified as examiners of blood types or DNA
25 identification, who shall be appointed by the court. The experts
26 shall be called by the court as witnesses to testify to their
27 findings and shall be subject to cross-examination by the
28 parties. Any party or person at whose suggestion the tests have
29 been ordered may demand that other experts qualified as
30 examiners of blood types or DNA identification perform

1 independent tests under order of court, the results of which may
2 be offered in evidence. The number and qualifications of experts
3 shall be determined by the court.

4 * * *

5 (g) Effect on presumption of [legitimacy] paternity.--The
6 presumption of [legitimacy] paternity of a child born during
7 wedlock as heretofore recognized in this Commonwealth is
8 reaffirmed and made subject to the following provisions:

9 (1) Upon petition for testing in an action in which
10 paternity of the child is an issue filed not later than ~~one~~ <—
11 ~~year~~ FIVE YEARS after the child's birth, the court shall <—
12 permit testing to rebut the presumption of paternity provided
13 that the overall interests of justice, including the best
14 interests of the child, would not be unreasonably harmed and:

15 (i) the ~~adult~~ parties subject to the presumption are <—
16 divorced or irreconcilably separated, and one or both
17 assert reasonable grounds to believe that application of
18 the presumption is likely to result in an incorrect
19 paternity determination; or

20 (ii) the ~~adult~~ parties subject to the presumption <—
21 mutually agree to submit to and be bound by the testing.

22 (2) The presumption of paternity is overcome if the
23 court finds that the conclusions of all the experts as
24 disclosed by the evidence based upon the tests show that the
25 husband is not the father of the child.

26 ~~Section 2. This act shall take effect in 60 days.~~ <—

27 § 5311. WHEN PARENT DECEASED. <—

28 (A) PARENTS AND GRANDPARENTS.--IF A PARENT OF AN UNMARRIED
29 CHILD IS DECEASED, THE PARENTS OR GRANDPARENTS OF THE DECEASED
30 PARENT MAY BE GRANTED REASONABLE PARTIAL CUSTODY OR VISITATION

1 RIGHTS, OR BOTH, TO THE UNMARRIED CHILD BY THE COURT UPON A
2 FINDING THAT PARTIAL CUSTODY OR VISITATION RIGHTS, OR BOTH,
3 WOULD BE IN THE BEST INTEREST OF THE CHILD AND WOULD NOT
4 INTERFERE WITH THE PARENT-CHILD RELATIONSHIP. THE COURT SHALL
5 CONSIDER THE AMOUNT OF PERSONAL CONTACT BETWEEN THE PARENTS OR
6 GRANDPARENTS OF THE DECEASED PARENT AND THE CHILD PRIOR TO THE
7 APPLICATION.

8 (B) SIBLINGS.--IF A PARENT OF AN UNMARRIED CHILD IS THE
9 VICTIM OF CRIMINAL HOMICIDE PERPETRATED BY THE OTHER PARENT, THE
10 SIBLINGS OF THE DECEASED PARENT MAY BE GRANTED REASONABLE
11 PARTIAL CUSTODY OR VISITATION RIGHTS, OR BOTH, TO THE UNMARRIED
12 CHILD BY THE COURT UPON A FINDING THAT PARTIAL CUSTODY OR
13 VISITATION RIGHTS, OR BOTH, WOULD BE IN THE BEST INTEREST OF THE
14 CHILD AND WOULD NOT INTERFERE WITH ANY ORDER OR DETERMINATION
15 UNDER SECTION 5303 (RELATING TO AWARD OF CUSTODY, PARTIAL
16 CUSTODY OR VISITATION). THE COURT SHALL CONSIDER THE AMOUNT OF
17 PERSONAL CONTACT BETWEEN THE SIBLINGS OF THE DECEASED PARENT AND
18 THE CHILD PRIOR TO THE APPLICATION.

19 ~~SECTION 2. TITLE 23 IS AMENDED BY ADDING A SECTION TO READ:~~ <—
20 ~~§ 5315. PETITION FOR PARTIAL CUSTODY AND VISITATION BY FATHER~~
21 ~~NOT MARRIED TO MOTHER.~~

22 ~~A FATHER WHO IS NOT MARRIED TO THE MOTHER OF HIS CHILD HAS~~
23 ~~STANDING TO PETITION FOR PARTIAL CUSTODY OR VISITATION OF THE~~
24 ~~CHILD IF ALL OF THE FOLLOWING APPLY:~~

25 ~~(1) HE WAS NOT MARRIED TO THE MOTHER OF THE CHILD AT THE~~
26 ~~TIME OF THE CHILD'S BIRTH.~~

27 ~~(2) THE MOTHER WAS MARRIED TO ANOTHER INDIVIDUAL AT THE~~
28 ~~TIME OF THE CHILD'S BIRTH.~~

29 ~~(3) THE MOTHER, BY STATEMENTS OR ACTIONS, HAS CONSIDERED~~
30 ~~HIM TO BE THE FATHER OF THE CHILD.~~

~~(4) HE HAS PROVIDED THE MOTHER WITH FINANCIAL SUPPORT
FOR THE CHILD ON A REGULAR BASIS.~~

~~(5) HE HAS VISITED THE CHILD REGULARLY WITH THE CONSENT
OF THE MOTHER.~~

SECTION 3 2. SECTION 6102(A) OF TITLE 23 IS AMENDED BY
ADDING DEFINITIONS TO READ:

§ 6102. DEFINITIONS.

(A) GENERAL RULE.--THE FOLLOWING WORDS AND PHRASES WHEN USED
IN THIS CHAPTER SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

* * *

"CERTIFIED COPY." A PAPER COPY OF THE ORIGINAL ORDER OF AN
ISSUING COURT ENDORSED BY THE APPROPRIATE CLERK OF THAT COURT OR
AN ELECTRONIC COPY OF THE ORIGINAL ORDER OF AN ISSUING COURT
ENDORSED WITH A DIGITAL SIGNATURE OF THE JUDGE OR APPROPRIATE
CLERK OF THAT COURT. A RAISED SEAL ON THE COPY OF THE ORDER OF
THE ISSUING COURT SHALL NOT BE REQUIRED.

"COMPARABLE COURT." A FOREIGN COURT THAT:

(1) HAS SUBJECT MATTER JURISDICTION AND IS AUTHORIZED TO
ISSUE EX PARTE, EMERGENCY, TEMPORARY OR FINAL PROTECTION
ORDERS IN THAT JURISDICTION; AND

(2) POSSESSED JURISDICTION OVER THE PARTIES TO A
PROTECTION ORDER WHEN THE PROTECTION ORDER WAS ISSUED IN THAT
JURISDICTION.

* * *

"FOREIGN PROTECTION ORDER." A PROTECTION ORDER AS DEFINED BY
18 U.S.C. § 2266 (RELATING TO DEFINITIONS) ISSUED BY A
COMPARABLE COURT OF ANOTHER STATE, THE DISTRICT OF COLUMBIA,
INDIAN TRIBE OR TERRITORY, POSSESSION OR COMMONWEALTH OF THE
UNITED STATES.

* * *

SECTION 4 3. SECTION 6104 OF TITLE 23 IS REPEALED. <—

SECTION 5 4. TITLE 23 IS AMENDED BY ADDING A SECTION TO <—

READ:

§ 6104.1. FULL FAITH AND CREDIT AND FOREIGN PROTECTION ORDERS.

(A) GENERAL RULE.--A COURT SHALL RECOGNIZE AND ENFORCE A
VALID FOREIGN PROTECTION ORDER ISSUED BY A COMPARABLE COURT. THE
VALIDITY OF A FOREIGN PROTECTION ORDER SHALL ONLY BE DETERMINED
BY A COURT.

(B) AFFIRMATIVE DEFENSE.--THE FAILURE BY A COMPARABLE COURT
TO PROVIDE REASONABLE NOTICE AND OPPORTUNITY TO BE HEARD SHALL
BE AN AFFIRMATIVE DEFENSE TO ANY CHARGE OR PROCESS FILED SEEKING
ENFORCEMENT OF A FOREIGN PROTECTION ORDER. A COMPARABLE COURT
SHALL HAVE COMPLIED WITH THAT COURT'S NOTICE REQUIREMENTS AND
SHALL HAVE GIVEN THE DEFENDANT THE OPPORTUNITY TO BE HEARD
BEFORE THE FOREIGN ORDER WAS ISSUED. IN THE CASE OF EX PARTE
ORDERS, THE COMPARABLE COURT SHALL HAVE COMPLIED WITH THAT
COURT'S NOTICE REQUIREMENTS AND HAVE GIVEN THE DEFENDANT AN
OPPORTUNITY TO BE HEARD WITHIN A REASONABLE PERIOD OF TIME AFTER
THE ORDER WAS ISSUED, CONSISTENT WITH DUE PROCESS.

(C) INVALID ORDERS.--A FOREIGN PROTECTION ORDER ISSUED BY A
COMPARABLE COURT AGAINST A PARTY WHO HAS FILED A PETITION,
COMPLAINT OR OTHER WRITTEN PLEADING FOR A PROTECTION ORDER SHALL
NOT BE VALID OR ENTITLED TO FULL FAITH AND CREDIT IF:

(1) NO CROSS OR COUNTER PETITION, COMPLAINT OR OTHER
WRITTEN PLEADING WAS FILED SEEKING THE PROTECTION ORDER; OR

(2) A CROSS OR COUNTER PETITION, COMPLAINT OR OTHER
WRITTEN PLEADING WAS FILED AND THE COURT DID NOT MAKE A
SPECIFIC FINDING THAT EACH PARTY WAS ENTITLED TO A PROTECTION
ORDER.

1 (D) FILING A FOREIGN PROTECTION ORDER.--A PLAINTIFF MAY FILE
2 A CERTIFIED COPY OF A FOREIGN PROTECTION ORDER WITH THE
3 PROTHONOTARY IN ANY COUNTY WITHIN THIS COMMONWEALTH WHERE THE
4 PLAINTIFF BELIEVES ENFORCEMENT MAY BE NECESSARY. THE FOLLOWING
5 PROVISIONS SHALL APPLY:

6 (1) FILING OF A FOREIGN PROTECTION ORDER SHALL BE
7 WITHOUT FEE OR COST.

8 (2) UPON FILING OF A FOREIGN PROTECTION ORDER, THE
9 PROTHONOTARY SHALL TRANSMIT, IN A MANNER PRESCRIBED BY THE
10 PENNSYLVANIA STATE POLICE, A COPY OF THE ORDER TO THE
11 PENNSYLVANIA STATE POLICE REGISTRY OF PROTECTION ORDERS.

12 (3) FILING OF A FOREIGN PROTECTION ORDER SHALL NOT BE A
13 PREREQUISITE FOR ENFORCEMENT.

14 (E) ORDERS ISSUED IN ANOTHER JUDICIAL DISTRICT WITHIN THIS
15 COMMONWEALTH.--THE FILING OF AN ORDER ISSUED IN ANOTHER JUDICIAL
16 DISTRICT WITHIN THIS COMMONWEALTH SHALL NOT BE REQUIRED FOR
17 ENFORCEMENT PURPOSES.

18 SECTION ~~6~~ 5. SECTION 6105(E)(1) OF TITLE 23 IS AMENDED AND <—
19 THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

20 § 6105. RESPONSIBILITIES OF LAW ENFORCEMENT AGENCIES.

21 * * *

22 (E) STATEWIDE REGISTRY.--

23 (1) THE PENNSYLVANIA STATE POLICE SHALL ESTABLISH A
24 STATEWIDE REGISTRY OF PROTECTION ORDERS AND SHALL MAINTAIN A
25 COMPLETE AND SYSTEMATIC RECORD AND INDEX OF ALL VALID
26 TEMPORARY AND FINAL COURT ORDERS OF PROTECTION [OR], COURT-
27 APPROVED CONSENT AGREEMENTS, AND A FOREIGN PROTECTION ORDER
28 FILED PURSUANT TO SECTION 6104(E) (RELATING TO FULL FAITH AND
29 CREDIT AND FOREIGN PROTECTION ORDERS). THE STATEWIDE REGISTRY
30 SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

(I) THE NAMES OF THE PLAINTIFF AND ANY PROTECTED PARTIES.

(II) THE NAME AND ADDRESS OF THE DEFENDANT.

(III) THE DATE THE ORDER WAS ENTERED.

(IV) THE DATE THE ORDER EXPIRES.

(V) THE RELIEF GRANTED UNDER SECTIONS 6108(A)(1), (2), (4), (6) AND (7) (RELATING TO RELIEF) AND 6110(A) (RELATING TO EMERGENCY RELIEF BY MINOR JUDICIARY).

(VI) THE JUDICIAL DISTRICT IN WHICH THE ORDER WAS ENTERED.

(VII) WHERE FURNISHED, THE SOCIAL SECURITY NUMBER AND DATE OF BIRTH OF THE DEFENDANT.

* * *

(H) ENFORCEMENT OF FOREIGN PROTECTION ORDERS.--

(1) ALL FOREIGN PROTECTION ORDERS SHALL HAVE THE PRESUMPTION OF VALIDITY IN THIS COMMONWEALTH AND POLICE OFFICERS SHALL MAKE ARRESTS FOR VIOLATIONS THEREOF IN THE SAME MANNER AS SET FOR VIOLATIONS OF PROTECTION ORDERS ISSUED WITHIN THIS COMMONWEALTH. UNTIL A FOREIGN ORDER IS DECLARED TO BE INVALID BY A COURT, IT SHALL BE ENFORCED BY ALL LAW ENFORCEMENT PERSONNEL IN THIS COMMONWEALTH.

(2) A POLICE OFFICER SHALL RELY UPON ANY COPY OF A FOREIGN PROTECTION ORDER WHICH HAS BEEN PRESENTED TO THE OFFICER BY ANY SOURCE AND MAY VERIFY THE EXISTENCE OF A PROTECTION ORDER CONSISTENT WITH THE PROVISIONS OF SECTION 6113(A) (RELATING TO ARREST FOR VIOLATION OF ORDER). THE FACT THAT A FOREIGN PROTECTION ORDER HAS NOT BEEN FILED WITH A PROTHONOTARY OR ENTERED INTO THE PENNSYLVANIA STATE POLICE REGISTRY SHALL NOT BE GROUNDS FOR LAW ENFORCEMENT TO REFUSE TO ENFORCE THE ORDER.

1 (3) LAW ENFORCEMENT PERSONNEL ACTING IN GOOD FAITH SHALL
2 BE IMMUNE FROM CIVIL LIABILITY IN ANY ACTION ARISING IN
3 CONNECTION WITH A COURT'S FINDING THAT A FOREIGN PROTECTION
4 ORDER IS INVALID OR UNENFORCEABLE.

5 SECTION ~~7~~ 6. SECTION 6106 OF TITLE 23 IS AMENDED BY ADDING A <—
6 SUBSECTION TO READ:

7 § 6106. COMMENCEMENT OF PROCEEDINGS.

8 * * *

9 (G.1) SERVICE OF ORIGINAL PROCESS OF A FOREIGN PROTECTION
10 ORDER.--THERE SHALL BE NO PREPAYMENT OF FEES FOR SERVICE OF
11 ORIGINAL PROCESS OF A FOREIGN PROTECTION ORDER.

12 * * *

13 SECTION ~~8~~ 7. SECTIONS 6113(A), 6113.1(A), 6114(A) AND (A.1) <—
14 AND 6114.1(A) AND (B) OF TITLE 23 ARE AMENDED TO READ:

15 § 6113. ARREST FOR VIOLATION OF ORDER.

16 (A) GENERAL RULE.--AN ARREST FOR VIOLATION OF AN ORDER
17 ISSUED PURSUANT TO THIS CHAPTER OR A FOREIGN PROTECTION ORDER
18 MAY BE WITHOUT WARRANT UPON PROBABLE CAUSE WHETHER OR NOT THE
19 VIOLATION IS COMMITTED IN THE PRESENCE OF THE POLICE OFFICER IN
20 CIRCUMSTANCES WHERE THE DEFENDANT HAS VIOLATED A PROVISION OF AN
21 ORDER CONSISTENT WITH SECTION 6108(A)(1), (2), (3), (4), (6) [OR
22 (7)], (7) OR (9) (RELATING TO RELIEF). THE POLICE OFFICER MAY
23 VERIFY[, IF NECESSARY,] THE EXISTENCE OF A PROTECTION ORDER BY
24 TELEPHONE [OR RADIO COMMUNICATION WITH THE APPROPRIATE POLICE
25 DEPARTMENT, COUNTY REGISTRY OR ISSUING AUTHORITY.], RADIO OR
26 OTHER ELECTRONIC COMMUNICATION WITH THE APPROPRIATE POLICE
27 DEPARTMENT, PENNSYLVANIA STATE POLICE REGISTRY, PROTECTION ORDER
28 FILE OR ISSUING AUTHORITY. A POLICE OFFICER SHALL ARREST A

29 DEFENDANT FOR VIOLATING AN ORDER ISSUED UNDER THIS CHAPTER BY A
30 COURT WITHIN THE JUDICIAL DISTRICT, ISSUED BY A COURT IN ANOTHER

JUDICIAL DISTRICT WITHIN THIS COMMONWEALTH OR A FOREIGN
PROTECTION ORDER ISSUED BY [ANOTHER STATE AND REGISTERED
PURSUANT TO THIS CHAPTER OR VERIFIED THROUGH THE PENNSYLVANIA
STATE POLICE REGISTRY] A COMPARABLE COURT.

* * *

§ 6113.1. PRIVATE CRIMINAL COMPLAINTS FOR VIOLATION OF ORDER OR
AGREEMENT.

(A) GENERAL RULE.--A PLAINTIFF MAY FILE A PRIVATE CRIMINAL
COMPLAINT AGAINST A DEFENDANT, ALLEGING INDIRECT CRIMINAL
CONTEMPT FOR A NONECONOMIC VIOLATION OF ANY PROVISION OF AN
ORDER OR COURT-APPROVED CONSENT AGREEMENT ISSUED UNDER THIS
CHAPTER OR A FOREIGN PROTECTION ORDER, WITH THE COURT, THE
OFFICE OF THE DISTRICT ATTORNEY OR THE DISTRICT JUSTICE IN THE
JURISDICTION OR COUNTY WHERE THE VIOLATION OCCURRED, EXCEPT
THAT, IN A CITY OF THE FIRST CLASS, A COMPLAINT MAY ONLY BE
FILED WITH THE FAMILY DIVISION OF THE COURT OF COMMON PLEAS OR
THE OFFICE OF THE DISTRICT ATTORNEY.

* * *

§ 6114. CONTEMPT FOR VIOLATION OF ORDER OR AGREEMENT.

(A) GENERAL RULE.--WHERE THE POLICE OR THE PLAINTIFF HAVE
FILED CHARGES OF INDIRECT CRIMINAL CONTEMPT AGAINST A DEFENDANT
FOR VIOLATION OF A PROTECTION ORDER ISSUED UNDER THIS CHAPTER, A
FOREIGN PROTECTION ORDER OR A COURT-APPROVED CONSENT AGREEMENT,
THE COURT MAY HOLD THE DEFENDANT IN INDIRECT CRIMINAL CONTEMPT
AND PUNISH THE DEFENDANT IN ACCORDANCE WITH LAW.

(A.1) JURISDICTION.--A COURT SHALL HAVE JURISDICTION OVER
INDIRECT CRIMINAL CONTEMPT CHARGES FOR VIOLATION OF A PROTECTION
ORDER ISSUED PURSUANT TO THIS CHAPTER OR A FOREIGN PROTECTION
ORDER IN THE COUNTY WHERE THE VIOLATION OCCURRED.

* * *

1 § 6114.1. CIVIL CONTEMPT OR MODIFICATION FOR VIOLATION OF AN
2 ORDER OR AGREEMENT.

3 (A) GENERAL RULE.--A PLAINTIFF MAY FILE A PETITION FOR CIVIL
4 CONTEMPT WITH THE ISSUING COURT ALLEGING THAT THE DEFENDANT HAS
5 VIOLATED ANY PROVISION OF AN ORDER OR COURT-APPROVED AGREEMENT
6 ISSUED UNDER THIS CHAPTER OR A FOREIGN PROTECTION ORDER.

7 (B) CIVIL CONTEMPT ORDER.--UPON FINDING OF A VIOLATION OF A
8 PROTECTION ORDER OR COURT-APPROVED CONSENT AGREEMENT ISSUED
9 UNDER THIS CHAPTER OR A FOREIGN PROTECTION ORDER, THE COURT,
10 EITHER PURSUANT TO PETITION FOR CIVIL CONTEMPT OR ON ITS OWN
11 ACCORD, MAY HOLD THE DEFENDANT IN CIVIL CONTEMPT AND CONSTRAIN
12 HIM IN ACCORDANCE WITH LAW.

13 * * *

14 SECTION ~~9~~ 8. SECTION 6118 OF TITLE 23 IS REPEALED. <—

15 SECTION ~~10~~ 9. THIS ACT SHALL TAKE EFFECT IN 60 DAYS. <—