

00-348-CD
KATHLEEN G. BURNS -vs- KEITH R. BURNS

PAID
3' 28.00

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD

Address: **109 NORTH BRADY STREET**
P.O. BOX 452
DUBOIS, PA 15801
Telephone: **(814) 371-5321**

**PETITION FOR EMERGENCY
RELIEF FROM ABUSE**

NAME and ADDRESS

KATHIE G. BURNS
R.D. # 2, Box 393-A
DuBois, PA 15801

VS.

DEFENDANT: NAME and ADDRESS

KEITH R. BURNS
(same as above)

Docket No.: **MD-28-00**
Date Filed: **3-19-00**



PLAINTIFF REQUESTS CONFIDENTIALITY OF
PERMANENT/TEMPORARY ADDRESS.

PETITION OF THE PLAINTIFF

I, **Kathie G. Burns**, hereby petition for emergency relief from abuse
(Name of Plaintiff-please type)

on behalf of myself

on behalf of the following (child)(children) to whom I am a (parent) (adult household member) (guardian)
 on behalf of the following incompetent adult to whom I am guardian

Jordan J. Burns

same as above

(Name)

(Address)

(Name)

(Address)

Emergency relief from abuse is required because there is immediate and present danger of abuse by the defendant to (me) and to the above listed (child) (children) (incompetent adult).

(Type additional names/addresses on a separate sheet of paper and attach hereto)



(Signature of Plaintiff)

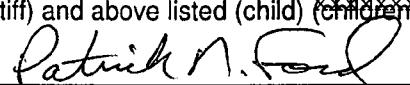
FINDINGS OF ISSUING AUTHORITY

At an ex parte hearing on **3-19-00**

I have found upon good cause that it is necessary to protect the (plaintiff) and above listed (child) (children) (incompetent adult).

(incompetent adult)

I have NOT found that it is necessary to issue a protective order.



(Signature of Issuing Authority)

ACTION OF ISSUING AUTHORITY

Having found upon good cause shown that it is necessary to protect the (plaintiff) and above listed (child) (children) (incompetent adult), I have taken the following action on this petition:

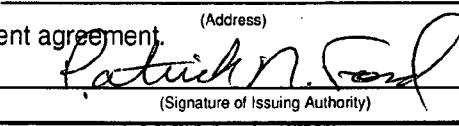
Ordered the defendant to refrain from abusing the plaintiff and/or minor child, children, incompetent adult.

Ordered the defendant to refrain from having any contact with the plaintiff or minor children, including restraining the defendant from entering the place of employment or business or school of plaintiff or minor children and from harassing plaintiff, plaintiff's relatives or minor children.

Ordered the eviction of the defendant from the (household) (residence) at **R.D. #2, Box 393-A, DuBois** (and)
(Address)

Ordered restoration of possession to the (household) (residence) at _____ (or)

Allowed the defendant to provide suitable, alternate housing by consent agreement.



(Signature of Issuing Authority)

ORDERS OF EVICTION AND RESTORATION OF POSSESSION

To: **Sandy Township Police Dept.** (Sheriff) (Constable) (Police Officer) (Police Department). In compliance with

the order(s) appearing above, you are hereby directed to evict **Keith R. Burns**

(Name of Defendant)

from the premises at **R.D. Box 393-A, DuBois, PA** (and) to restore premises
(Address)

at

(Address)

to **Patrick N. Ford** (Name of Plaintiff)

(Signature of Plaintiff)

NOTICE TO DEFENDANT

Orders issued are pursuant to the Protection from Abuse Act, Act No. 218 (1976), as amended. **WARNING:** Failure to comply with these orders may result in a finding of **CRIMINAL CONTEMPT** pursuant to 42 Pa. C.S. § 4137. This offense is punishable by a fine and/or imprisonment. These orders expire at the end of the next business day the Court deems itself available. These orders will be immediately certified to the Court of Common Pleas, WHICH HAS THE EFFECT OF COMMENCING PROCEEDINGS AGAINST YOU UNDER THE ABOVE MENTIONED ACT.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ORIGINAL

Kathleen B. Burns⁽⁶⁴⁾
PLAINTIFF

vs.

NO. 2000 - 348 - C.D.

Keith R. Burns⁽⁶⁴⁾
DEFENDANT

FILED

MAR 21 2000

NOTICE TO DEFEND

William A. Shaw
Prothonotary

YOU HAVE BEEN ORDERED TO APPEAR IN COURT. If you do not appear at the Hearing, the relief requested by the Plaintiff may be granted in your absence and you may lose money or property rights or other rights important to you; or a **BENCH WARRANT** may be issued directing the Sheriff to arrest and bring you to Court. Attached is a copy of the Petition which indicates the relief the Plaintiff is requesting. Also, included in the Petition are the Plaintiff's reasons for this request.

You MUST obey the Order which is attached. If you disobey this Order, the police may arrest you. Under federal law, this Order is enforceable anywhere in the United States, and any violation of this Order in another state will result in federal proceedings against you. In addition, if you are subject to a FINAL PROTECTION ORDER, federal law will prohibit you from possessing, transporting, or accepting a firearm.

Attached you will find a copy of the **TEMPORARY ORDER** issued in this case. You **MUST** obey this Order until further Order of this Court. Failure to obey the **TEMPORARY ORDER** may result in your arrest by the police or Sheriff's Office. You will also be subject to the penalties of Indirect Criminal Contempt.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. YOU HAVE A RIGHT TO BE REPRESENTED BY AN ATTORNEY OF YOUR CHOICE; HOWEVER, EVEN IF YOU DO NOT HAVE AN ATTORNEY YOU MUST APPEAR AT THE HEARING. IF YOU NEED HELP IN LOCATING AN ATTORNEY, PLEASE CONTACT:

OFFICE OF THE COURT ADMINISTRATOR
230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-2641, EXTENSION 32

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

Kathleen B. Burns

PLAINTIFF

vs.

NO. 2000 -

348

- C.D.

Keith R. Burns

DEFENDANT

PRO SE FORM

PETITION FOR PROTECTION FROM ABUSE

1. My name is Kathleen B. Burns

I am filing this Petition on behalf of: Myself and/or Another Person(s). If you checked "Myself", please answer all questions referring to yourself as "Plaintiff". If you checked "Another Person(s)", please answer all questions referring to that person as the "Plaintiff", and provide your address here, unless confidential:

If you checked "Another Person(s)", also indicate your relationship with Plaintiff:

parent of minor plaintiff(s)
 adult household member with minor plaintiff(s)
 guardian ad litem of minor plaintiff(s)
 court appointed guardian of incompetent plaintiff(s)

2. My residence which is located at a confidential address within this county, said address to be kept confidential for my protection.

My address (which is not confidential) is: RD 2 BOX 393 A

Orbison PA 15801 (city/township) RD 393, Clearfield (county)

3. The person I am filing this Petition against is the Defendant, who resides at:

RD 2 BOX 393 A Orbison PA 15801, Clearfield
(street address) (city/township) (county)

Defendant's date of birth: 7/13/63 and Social Security No. 26-58-6971

Check here if Defendant is 17 years old or younger.

4. The Defendant's relationship to me is: common law husband

5. I wish the Defendant to be excluded from the following residence:

My residence of which the address is as listed above under question number '2'.

My residence of which the address is confidential.

Residence is owned by: Keith R. Burns & Kathleen B. Burns

Residence is rented by: _____

6. Plaintiff and Defendant are the natural/adoptive parents of the following child(ren):

Name	Hope J. Burns	D.O.B.	5/28/89
Name	Jordan J. Burns	D.O.B.	11/6/90
Name	Cole J. Burns	D.O.B.	3/28/94
Name	Remington J. Burns	D.O.B.	6/5/98

7. The facts of the most recent incident of abuse towards me [and the minor child(ren)] are as follows:

Date: 3/18/98

Time: 11:00 p.m.

Location: RD 2 Box 393 A Durbin on 15801

Describe in detail what happened, including any physical or sexual abuse, threat, injury, or incident of stalking: I came home from work at

3pm, Reid was drinking I told him to stop, I had to go back to work. I drove home again at 5:30, he was drunk & angry. He yelled at Jordan because of the baby, picked him up, threw him & then kicked him twice & sent him to his room, he told Cole he was going to get the sum if he misbehaved. He told me to stay "the fuck" out of it. At 8:30 I arrived back home w/the kids to put them to bed. We had company! he was still drinking. He then started calling me "fucking bitch" and left. Joe & Syz left. They had put in a new water tank & dumping that day, the ceiling was leaking in the back room from the pipes. I called my father in law to watch the kids. I went to Jessie's Bar & told my husband he needed to come home. He told me I was a "fucking cunt & bitch, to leave him alone or he was going to KILL ME". I took the car, I parked it at a friends

QUESTION 7 (most recent incident of abuse) CONTINUED:

to keep him from drinking & driving. I ~~walked~~ home and asked my brother & father in law to stay because I was afraid of what happened to Jessie & afraid he was going to hurt me. They stayed. About 15 mins later he came flying through the front door & said "where is that fucking bitch, she's dead". I ran upstairs, put my children in the back bedroom & locked the door. His father & brother were holding him downstairs, they convinced him to leave, he came downstairs to lock the door, he ran back in, grabbed me around the neck threw me down, jumped on top of me & started strangling me. My brother in law couldn't get him off - he punched him, my father in law couldn't get him to stop he shoved him back. I said call 911, his father said if you don't stop I'll call 911 he said "Go ahead, she'll be dead before they get here." When he heard the sirens, he

QUESTION 7 (most recent incident of abuse) CONTINUED:

run outside I hid, the police finally found him. I took him to jail for the night. When he was released the next day I got an emergency PFA. I packed his things. I have bruises on my wrist - elbows, feet, knees & finger. bruises on my thighs, my neck is swollen & I have a sore throat, I have a bump on the back of my head, my back & shoulders are stiff & sore from when he 1st threw me against the dryer.

8. The Defendant has committed prior acts of abuse against me, my minor child(ren), or the Plaintiff (if I am filing on behalf of someone else). List examples of such abuse, including any threats, injuries, or incidents of stalking, and state when such acts of abuse occurred:

a. last Monday he started pushing me around, & saying he was going to kill me, I ran out of the house & spent the night on my in-laws couch

b. he is constantly calling me filthy names, calling the kids "little scaldes & bastards", threatening that he's going to beat them & bloody their noses if they don't behave

c. whenever he is at or work, he drinks, he threatens my life when I say anything about it.

d. several yrs ago he was arrested for hitting me I had a bloody nose, swollen jaw & bruises on my neck. I dropped the charges because he quit drinking and said he was going to get help

9. The Defendant has used or threatened to use the following weapon(s) against Plaintiff or the minor child(ren) listed above:

myself - I bin the children nothing except his hands

10. If Plaintiff and Defendant are parents of any minor child(ren), is there an existing Court Order regarding their custody? no. Who has primary physical custody under that Order? _____

11. Have you and the Defendant been involved in any of the following court actions? (If you are filing this Petition on behalf of another person, please answer this and all questions using that person as Plaintiff.)

Divorce Custody Support Protection From Abuse

If you checked any of the above, briefly indicate when and where the case was filed and the Court Number, if known:

1993 - I think - Clearfield by state Ammerman

12. Defendant owes a duty of support to Plaintiff and/or the minor child(ren).

13. As a result of the abuse described above, I have suffered financial losses.

FOR THE REASONS SET FORTH ABOVE, I REQUEST THAT THE COURT ENTER A TEMPORARY ORDER, and AFTER HEARING, A FINAL ORDER THAT WOULD DO THE FOLLOWING (check forms of relief requested):

- Restrain Defendant from abusing, threatening, harassing, or stalking Plaintiff and/or the minor child(ren) in any place where they may be found.
- Evict/exclude Defendant from Plaintiff's residence and prevent Defendant from living at or attempting to enter any temporary or permanent residence of the Plaintiff.
- Require Defendant to provide Plaintiff and/or minor children with other suitable housing.
- Award Plaintiff temporary custody of the minor child(ren) and place appropriate restrictions on contact between Defendant and the child(ren).
- Prohibit Defendant from having any contact with Plaintiff and/or the minor child(ren), either in person, by telephone, or in writing, personally or through third persons, including but not limited to any contact at Plaintiff's school, business, or place of employment, except as the court may find necessary with respect to partial custody and/or visitation with the minor children.
- Prohibit Defendant from having any contact with Plaintiff's relatives and Plaintiff's children listed in this Petition, except as the court may find necessary with respect to partial custody and/or visitation with the minor children.
- Order Defendant to temporarily relinquish weapons to the Sheriff of this County and prohibit Defendant from transferring, acquiring or possessing any such weapons for the duration of the Order.
- Direct Defendant to pay Plaintiff for the reasonable financial losses suffered as the result of the abuse, to be determined at the hearing.
- Order Defendant to pay the costs of this action, including filing and service fees.
- Order Defendant to pay Plaintiff's reasonable attorney's fees.
- Grant such other relief as the Court deems appropriate.
- Order the police or other law enforcement agency to serve Defendant with a copy of this Petition, any Order issued, and the Order for hearing. I will inform the police of any addresses, other than Defendant's residence, where he or she can be served.

VERIFICATION

I verify that I am the Petitioner in the present action and that the facts and statements contained in the above Petition are true and correct to the best of my knowledge, information, and/or belief.

I understand that any false statements are made subject to the penalties of 18 Pa. C.S. Section 4094, relating to Unsworn Falsification to Authorities.

Date: 3/20/14

Katherine Burns

PETITIONER

THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KATHLEEN GAY BURNS, :
PLAINTIFF :
vs. : NO. 2000 - 3 4 8 - C.D. (PNO)
KEITH ROBERT BURNS, :
DEFENDANT :
: :
(d.o.b. July 13, 1963) :
(S.S.# unknown) :

TEMPORARY PROTECTION FROM ABUSE ORDER

AND NOW, this 20 day of March, 2000, (ISD) upon consideration of the attached Petition for Protection From Abuse, the Court hereby enters the following TEMPORARY ORDER:

(X) 1. The Defendant shall refrain from *abusing, harassing, and threatening* the Plaintiff and the minor child(ren) or placing her/him/them in fear of abuse in any place where she/he/they may be found.

() 2. Defendant shall not threaten or harass a member of the Plaintiff's family or household.

(✓) 3. Plaintiff is granted exclusive possession of the residence where she/he resides which is located at:

1/2 RD 2 Box 393 A Hungry Hollow Rd. Sandy Township

Dubois

[] a confidential location, and any subsequent address in which Plaintiff resides during pendency of this Order.

(✓) 4. Defendant is prohibited from having any contact with Plaintiff or any other person protected under this Order, at any location, including but not limited to any contact at Plaintiff's school, business, or place of employment.

(✓) 5. Defendant is restrained from making any communication with the Plaintiff or any other person protected under this Order, including but not limited to, personal, written or telephone contact, or others with whom the communication would be likely to cause annoyance or alarm the Plaintiff.

(6. Pending the outcome of the final hearing in this matter, Plaintiff is awarded temporary custody of the following minor child(ren):

Hope, Jordan, Cole and Remington Burns

The local law enforcement agency in the jurisdiction where the child(ren) are located shall ensure that the child(ren) are placed in the care and control of the Plaintiff in accordance with the terms of this Order.

(7. Defendant is prohibited from possessing and/or purchasing a firearm or other weapon. Defendant shall immediately relinquish the following weapons to the local law enforcement agency for delivery to the Sheriff's Office:

(8. The following additional relief is granted: Neither Plaintiff nor Defendant shall possess or consume alcohol. Neither shall enter any establishment which serves or provides alcohol.

(9. A COPY OF THIS ORDER SHALL BE SERVED ON THE LAW ENFORCEMENT AGENCY WHERE PLAINTIFF RESIDES AND ANY OTHER AGENCY SPECIFIED HEREAFTER:

(10. THIS ORDER SUPERSEDES [] ANY PRIOR PFA ORDER AND [] ANY PRIOR ORDER RELATING TO CHILD CUSTODY.

(11. THIS ORDER APPLIES IMMEDIATELY TO DEFENDANT AND SHALL REMAIN IN EFFECT UNTIL MODIFIED OR TERMINATED BY THIS COURT AFTER NOTICE AND HEARING. (EXP)

NOTICE TO THE DEFENDANT

Defendant is hereby notified that violation of this Order may result in arrest for Indirect Criminal Contempt, which is punishable by a fine of up to \$1,000.00 and/or up to six months in jail. 23 Pa.C.S. Section 6114. Consent of the Plaintiff to Defendant's return to the residence shall not invalidate this Order, which can only be changed or modified through the filing of appropriate court papers for that purpose. 23 Pa.C.S. Section 6113. Defendant is further notified that violation of this Order may subject him/her to state charges and penalties under the Pennsylvania Crimes Code and to federal charges and penalties under the Violence Against Women Act, 18 U.S.C. Sections 2261-2262.

NOTICE TO LAW ENFORCEMENT OFFICIALS

THIS ORDER SHALL BE ENFORCED BY THE POLICE WHO HAVE JURISDICTION OVER THE PLAINTIFF'S RESIDENCE 'OR' ANY LOCATION WHERE A VIOLATION OF THIS ORDER OCCURS 'OR' WHERE THE DEFENDANT MAY BE LOCATED. IF DEFENDANT VIOLATES ANY PROVISIONS OF THIS ORDER, DEFENDANT SHALL BE ARRESTED ON THE CHARGE OF INDIRECT CRIMINAL CONTEMPT. AN ARREST FOR VIOLATION OF THIS ORDER MAY BE MADE WITHOUT WARRANT, BASED SOLELY ON PROBABLE CAUSE, WHETHER OR NOT THE VIOLATION IS COMMITTED IN THE PRESENCE OF LAW ENFORCEMENT.

SUBSEQUENT TO AN ARREST, THE LAW ENFORCEMENT OFFICER SHALL SEIZE ALL WEAPONS USED OR THREATENED TO BE USED DURING THE VIOLATION OF THIS ORDER 'OR' DURING PRIOR INCIDENTS OF ABUSE. WEAPONS MUST FORTHWITH BE DELIVERED TO THE SHERIFF'S OFFICE OF THE COUNTY WHICH ISSUED THIS ORDER, WHICH OFFICE SHALL MAINTAIN POSSESSION OF THE WEAPONS UNTIL FURTHER ORDER OF THIS COURT, UNLESS THE WEAPON(S) ARE EVIDENCE OF A CRIME, IN WHICH CASE, THEY SHALL REMAIN WITH THE LAW ENFORCEMENT AGENCY WHOSE OFFICER MADE THE ARREST.

(x) 12. Hearing on this Petition is scheduled for the 27th day of March, 2000 at 11:00 am before Hearing Officer Warren B. Mikesell, II, Esquire, third floor, Clearfield County Courthouse Annex, Domestic Relations Office Conference Room, Clearfield, Pennsylvania. Please note: The only persons permitted to attend this hearing are the Plaintiff, Defendant and any witness(es) which Plaintiff and/or Defendant have requested to be present. All other persons will be asked to leave, but are permitted to wait on the first floor of the Courthouse Annex for the hearing to end. The hearing is scheduled for one (1) hour only.

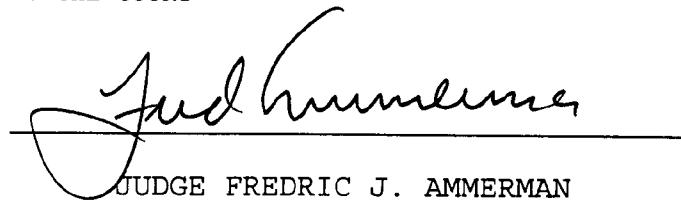
Absolutely no continuances of the hearing shall be granted unless by Order of Court. The Hearing Officer shall not continue any hearing due to either party's request for counsel as neither party has an absolute right to be represented by counsel in civil Protection From Abuse proceedings.

(x) 13. **THE PLAINTIFF AND DEFENDANT ARE HEREBY DIRECTED TO PROVIDE TO THE HEARING OFFICER AT THE HEARING A CURRENT PHOTOGRAPH OF THEMSELVES.**

If the Plaintiff fails to appear for the hearing as set forth in Paragraph 12 above or any subsequent Protection From Abuse hearing, the Plaintiff is advised that filing fee and costs may be assessed against the Plaintiff and that the action may automatically be dismissed.

If the Defendant fails to appear for the hearing as set forth in Paragraph 12 above or any subsequent Protection From Abuse hearing, the Defendant is advised that filing fee and costs may be assessed against the Defendant in addition to the entry of an Order.

BY THE COURT



JUDGE FREDRIC J. AMMERMAN

FILED

MAR 21 2000

William A. Shaw
Prothonotary

1 cc hearing officer

1 cc Sheriff

1 cc PPL

1 cc Sandy Township

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BURNS, KATHLEEN
VS
BURNS, KEITH R.

00-348-CD

PROTECTION FROM ABUSE

SHERIFF RETURNS

NOW MARCH 21, 2000 AT 9:50 AM EST SERVED THE WITHIN PFA ON
KEITH R. BURNS, DEFENDANT AT SHERIFF'S OFFICE, MARKET ST.,
CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO
KEITH R. BURNS A TRUE AND ATTESTED COPY OF THE ORIGINAL PFA
AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: SHULTZ

19.00 SHFF. HAWKINS (COSTS DUE)
10.00 SURCHARGE (COSTS DUE)

SWORN TO BEFORE ME THIS

24th DAY OF March 2000
William A. Shaw

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2002.
Clearfield Co., Clearfield, PA.

SO ANSWERS,

Chester A. Hawkins
by Marly H. Shaw
CHESTER A. HAWKINS
SHERIFF

FILED

MAR 24 2000
01121 am
William A. Shaw
Prothonotary
KED

PROTECTION FROM ABUSE DATA SHEET

Incident No.:

Originating Routing Indicator:

PA PSP 1300

Defendant's Name: (Last, First Middle):

BURNS, KEITH R.

Sex:

MALE

Race:

CAUCASION

Date of Birth:

07/13/1963

Order Expiration Date:

03/27/2000

Protection Order Conditions:

PFA DENIED

Date Order Issued:

03/27/2000-

Court Originating Routing Indicator:

PA 01 70 15J

Protection Order Number:

NO. 00-348-C.D.

Originaling Agency Case Number:

FBI Number:

Operator's License Number:

UNKNOWN

Social Security Number:

XXXXXXXXX 206-58-6971

Vehicle Registration Number:

RTS 520

Operator's License State:

PENNSYLVANIA

Operator's License Year:

Vehicle Registration State:

PENNSYLVANIA

Vehicle Registration Year:

1997

Vehicle Registration Type:

UNKNOWN

Vehicle Identification Number:

UNKNOWN

Vehicle Year:

1994

Vehicle Make:

SUZUKI

Vehicle Model:

side kick

Vehicle Style:

2 door

Vehicle Color:

dk grey

Defendant's Address:

R.D. #2, Box 391 (parent's residence)

Defendant's City:

DUBOIS

Defendant's State:

Pennsylvania

Defendant's Zip Code:

15801

Miscellaneous Information:

Plaintiff's request for a Final Protection Order is DENIED

Place of Birth:

DuBois, PA

Skin Tone:

fair

Height:

5' 8"

Weight:

180 lbs

Eye Color:

blue

Hair Color:

lt. brn

Fingerprint Classification:

Scars, Marks, Tattoos:

NO

Protected Person's Name: (Last, First Middle)

BURNS, KATHLEEN GAY

Protected Person's Sex:

FEMALE

Protected Person's Race:

CAUCASION

Protected Person's Date of Birth:

07/09/1960

Protected Person's Telephone:

(814) 371-4039

Protected Person's Address:

R.D. #2, Box 393A

Protected Person's City:

DUBOIS

Protected Person's State:

Pennsylvania

Protected Person's Zip Code:

15801

Plaintiff's Name: (Last, First Middle)

Same as above (PPN)

Plaintiff's Sex:

Plaintiff's Race:

Plaintiff's Date of Birth:

Plaintiff's Address:

Plaintiff's City:

Plaintiff's State:

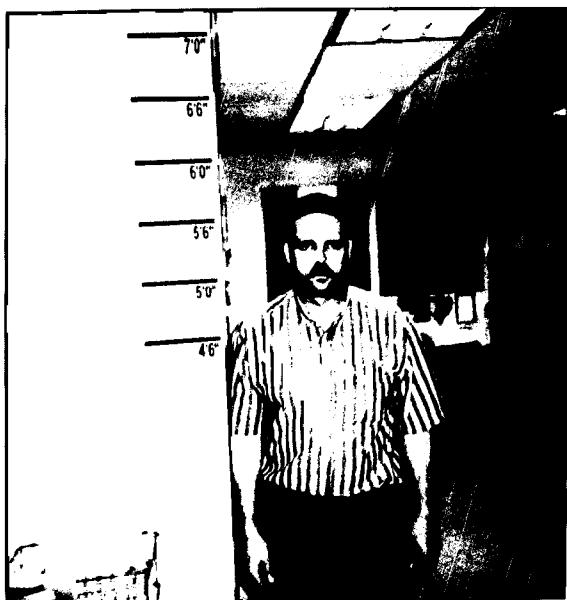
Plaintiff's Zip Code:

WILLIAM A. SHAW
PROTHONOTARY
and CLERK of COURTS
P.O. Box 549
CLEARFIELD, PENNSYLVANIA 16830

000-348-CD



KATHLEEN BURKE
2000-348-CD



Keith R BURNS
2000-348-CD

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KATHLEEN GAY BURNS, :
Plaintiff :
: :
VS. : NO. 2000-348-C.D.
: :
KEITH ROBERT BURNS, :
Defendant :
: :
FILED

MAR 27 2000

William A. Shaw
Prothonotary

PROTECTION FROM ABUSE FINAL ORDER OF COURT

Plaintiff's Address: R.D. #2 Box 393A DuBois PA 15801

Plaintiff's Social Security Number: 180-54-3662

Plaintiff's Date of Birth: July 9, 1960

Counsel of Record for Plaintiff: NA

Defendant's Address: 46 Donald & Sarah Burns
R.D #2 Box 391 DuBois PA 15801

Defendant's Social Security Number: 806-58-6971

Defendant's Date of Birth: July 13, 1963

Counsel of Record for Defendant: NA

Names of ALL PROTECTED PERSONS:

NA

AND NOW, this 27th day of March, 2000, an action under the Protection From Abuse Statute having been filed by the Plaintiff; the Petition and Notice of said Hearing having been served on the Defendant by the Clearfield County Sheriff's Office on or about March 21, 2000;

Plaintiff having appeared or having failed to appear;
Defendant having appeared or having failed to appear;
 following a full Hearing or
 by Consent Order - *without determination of facts on the underlying complaint*;

upon consideration of the Petition in the above-captioned case, the following Order is Issued:

Plaintiff's request for a Final Protection Order is DENIED; or
 Plaintiff's request for a Final Protection Order is GRANTED subject to the following terms and conditions:

1. Except as otherwise provided in Paragraph 2, the Defendant is:

01 a. Directed to refrain from abusing, harassing, threatening or stalking Plaintiff or the minor child(ren) named as Protected Persons above.

02 b. Directed to refrain from threatening any member of Plaintiff's immediate family or household.

03 c. Defendant is completely excluded from the residence located at:

Clearfield County, Pennsylvania or any other residence where Plaintiff may live. Exclusive possession of the residence is granted to Plaintiff; Defendant shall have no right or privilege to enter or be present on the premises.

04 d. Defendant is prohibited from entering the residence, place of employment, business or school of the Plaintiff and/or the minor child(ren).
Name(s) of Plaintiff and/or minor children is/are listed on Page 1 of this Final Order under ALL PROTECTED PERSONS.

05 e. Defendant is prohibited from having ANY CONTACT with:
Plaintiff, KATHLEEN GAY BURNS, or
Plaintiff's minor child(ren) _____

Contact with the Plaintiff and/or the minor child(ren) herein listed shall include, but not be limited to, personal, written and/or telephone contact.

2. Temporary custody of the below named child(ren) is awarded to:

a. The *Plaintiff*
 06 b. The *Defendant*

The child(ren)'s name(s) is/are:

until *final Order of Court or as per Addendum "A"* attached to this Order.

Visitation shall be as per Addendum "A", and/or: _____

07 3. Defendant shall immediately turn over to the local law enforcement agency, or deliver to the Sheriff's Office, any and all weapons used or threatened to be used by Defendant in an act of abuse against Plaintiff and/or the minor child(ren). Defendant is prohibited from acquiring or possessing any other like or similar weapons for the duration of this Order.

08 4. The *Defendant* is ORDERED to provide the following additional relief:

08 5. The *Plaintiff/Defendant* is ORDERED to permit the

Plaintiff/Defendant to return to the *Plaintiff's/Defendant's* residence, as herein described, on

_____, 2000, between ____ : ____

a.m./p.m. and ____ : ____ a.m./p.m. for the sole purpose of permitting the *Plaintiff/Defendant* to retrieve items of personal property belonging to *Plaintiff/Defendant*. Any items of personal property in dispute as to ownership shall remain at the *Plaintiff's/Defendant's* residence until the Court of proper jurisdiction shall have determined its rightful owner. There shall be no conversation as to the basis or circumstances surrounding this Order or the nature of the *Plaintiff and Defendant's* broken relationship.

6. Defendant shall pay \$ _____ to Plaintiff as compensation for Plaintiff's losses, which are as follows:

7. The Plaintiff/Defendant shall provide the Clearfield County Prothonotary a recent photograph of herself/himself within fifteen (15) days of this Order.

8. The Plaintiff/Defendant shall pay the costs and fees of this suit within ~~FOURTY-FIVE (45) DAYS~~ of the date of this Order to the Clearfield County Protection From Abuse Coordinator's Office located on the second floor in the Annex of the Clearfield County Courthouse (230 East Market Street, Clearfield, PA 16830):

*Before the
Court of Business
on 3-27-00*

Prothonotary's Office.....	filing fee:	\$ 80.00
Prothonotary's Office.....	state assessment fee:	\$ 0.00
Sheriff's Office.....	service fee:	\$ 29.00
Hearing Officer.....	fee:	\$ 40.00
Hearing Officer.....	costs:	\$ 20.00
Administrative.....	costs:	\$ 10.00
Additional Relief..... (see Paragraph 4):		\$ 0.00
Other.....	costs:	\$ 0.00

TOTAL AMOUNT DUE: \$ 179.00

PLEASE SUBMIT A MONEY ORDER MADE PAYABLE TO "PROTHONOTARY'S OFFICE" AS PAYMENT. NO OTHER FORM OF PAYMENT WILL BE ACCEPTED BY THE COORDINATOR.

PLAINTIFF'S share of fees and costs: 100 % / \$ 179.00.

DEFENDANT'S share of fees and costs: 0 % / \$ 0.00.

ALL COSTS PERTAINING TO THIS ACTION MUST BE PAID WITHIN THE FORTY-FIVE (45) DAY PERIOD.
FAILURE TO COMPLY WITH THIS PROVISION OF THIS 'FINAL ORDER' WILL RESULT IN THE RESPONSIBLE PARTY BEING IN CONTEMPT AND IN THE AUTOMATIC ISSUANCE OF A BENCH WARRANT FOR THAT PARTY'S ARREST WITHOUT FURTHER NOTICE OR HEARING. THERE WILL BE ADDITIONAL COSTS ASSIGNED ONCE THE BENCH WARRANT HAS BEEN ISSUED AND THE RESPONSIBLE PARTY WILL BE OBLIGED TO PAY ANY AND ALL ADDITIONAL COSTS RELATED THERETO.

The Plaintiff/Defendant shall ALSO be responsible for payment of all service fees registered with the Prothonotary's Office within thirty (30) days of the date of this Order. Payment shall be made directly to the Protection From Abuse Coordinator within the 45 day payment period.

9. In the event either party shall relocate or have a change of address, the said party shall immediately, in writing, notify the Court of same. Said writing shall contain the new address and shall reference the caption in this matter. All mail shall be addressed to the Protection From Abuse Coordinator, 230 East Market Street, Clearfield, Pennsylvania 16830.

10. **BRADY INDICATOR.** [] YES response [x] NO response

a. The **Plaintiff** or protected person(s) is a spouse, former spouse, a person who cohabits or has cohabited with the **Defendant**, a parent or a common child, a child of that person, or a child of the **Defendant**.

b. This Order is being entered either in lieu of a full hearing and by consent of both parties, OR following a full hearing during which the **Defendant** was present and had an opportunity to be heard or of which the **Defendant** received actual notice thereof and failed to appear.

c. Paragraph 1(a) of this Order has been checked to restrain the **Defendant** from harassing, stalking, or threatening the Plaintiff or the listed protected persons.

d. The **DEFENDANT** represents:

i. A credible threat to the physical safety of the **Plaintiff** or the other listed protected person(s); OR

ii. The terms of this Order prohibit the **DEFENDANT** from using, attempting to use, or threatening to use physical force against the **Plaintiff** or the listed protected person(s) that would reasonably be expected to cause bodily injury.

11. **This Order supersedes**

[] any prior Protection From Abuse Order **AND/OR**

[] any prior Order of Court relating to child custody.

12. **All provisions of this Order shall expire in one year, on March 27, 2001.**

NOTICE TO THE DEFENDANT

VIOLATION OF THIS ORDER MAY RESULT IN YOUR ARREST ON THE CHARGE OF INDIRECT CRIMINAL CONTEMPT WHICH IS PUNISHABLE BY A FINE OF UP TO \$1,000 AND/OR A JAIL SENTENCE OF UP TO SIX MONTHS. 23 PA. C.S. § 6114. VIOLATION MAY ALSO SUBJECT YOU TO PROSECUTION AND CRIMINAL PENALTIES UNDER THE PENNSYLVANIA CRIMES CODE. THIS ORDER IS ENFORCEABLE IN ALL FIFTY (50) STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, U.S. TERRITORIES AND THE COMMONWEALTH OF PUERTO RICO UNDER THE VIOLENCE AGAINST WOMEN ACT, 18 U.S.C. SECTION 2265. IF YOU TRAVEL OUTSIDE OF THE STATE AND INTENTIONALLY VIOLATE THIS ORDER, YOU MAY BE SUBJECT TO FEDERAL CRIMINAL PROCEEDINGS UNDER THAT ACT. 18 U.S.C. §§ 2261-2262. IF PARAGRAPH 12 OF THIS ORDER HAS BEEN CHECKED, YOU MAY BE SUBJECT TO FEDERAL PROSECUTIONS AND PENALTIES UNDER THAT "BRADY" PROVISION OF THE GUN CONTROL ACT, 18 U.S.C. § 922(g), FOR POSSESSION, TRANSPORT OR RECEIPT OF FIREARMS OR AMMUNITION.

NOTICE TO LAW ENFORCEMENT OFFICIALS

THE POLICE WHO HAVE JURISDICTION OVER THE PLAINTIFF'S RESIDENCE OR ANY LOCATION WHERE A VIOLATION OF THIS ORDER OCCURS OR WHERE THE DEFENDANT MAY BE LOCATED, SHALL ENFORCE THIS ORDER. AN ARREST FOR VIOLATION OF PARAGRAPHS 1 THROUGH 5 OF THIS ORDER MAY BE WITHOUT WARRANT, BASED SOLELY ON PROBABLE CAUSE, WHETHER OR NOT THE VIOLATION IS COMMITTED IN THE PRESENCE OF THE POLICE. 23 PA. C.S. § 6113. SUBSEQUENT TO AN ARREST, THE POLICE OFFICER SHALL SEIZE ALL WEAPONS USED OR THREATENED TO BE USED DURING THE VIOLATION OF THE PROTECTION ORDER OR DURING PRIOR INCIDENTS OF ABUSE. THE CLEARFIELD COUNTY SHERIFF'S OFFICE SHALL MAINTAIN POSSESSION OF THE WEAPONS UNTIL FURTHER ORDER OF THIS COURT. WHEN THE DEFENDANT IS PLACED UNDER ARREST FOR VIOLATION OF THE ORDER, THE DEFENDANT SHALL BE TAKEN TO THE APPROPRIATE AUTHORITY OR AUTHORITIES BEFORE WHOM DEFENDANT IS TO BE ARRAIGNED. A "COMPLAINT FOR INDIRECT CRIMINAL CONTEMPT" SHALL THEN BE COMPLETED AND SIGNED BY THE POLICE OFFICER OR THE PLAINTIFF. PLAINTIFF'S PRESENCE AND SIGNATURE ARE NOT REQUIRED TO FILE THE COMPLAINT. IF SUFFICIENT GROUNDS FOR VIOLATION OF THIS ORDER ARE ALLEGED, THE DEFENDANT SHALL BE ARRAIGNED, BOND SET AND BOTH PARTIES GIVEN NOTICE OF THE DATE OF HEARING.

BY THE COURT:



WARREN B. MIKESELL, II, ESQUIRE

BY THE COURT:



FREDRIC J. AMERMAN

PLAINTIFF

DEFENDANT

COUNSEL FOR PLAINTIFF

COUNSEL FOR DEFENDANT

FILED

12/27/2000
OJ/SS/SHAW
Postponed by
W.M. Shaw

IC-58
IC-standby
IC-18
IC-odd
IC-HS/CR. *get*