

00-879-CD  
DARLENE J. CARNS -vs- JAMES M. CARNS

2005-849-20

①

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

② Darlene J. Carns  
PLAINTIFF

VS.

NO. 2000 - 879

-C.D.

⑤ James M. Carns  
DEFENDANT

**FILED**

JUL 28 2000

William A. Shaw  
Prothonotary

NOTICE TO DEFEND

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. Any Protection Order granted by a Court may be considered in subsequent proceedings under Title 23 of the Pennsylvania Consolidated Statutes, including child custody proceedings under Chapter 53.

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, EXTENTION 32

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

Darlene J. Carns  
PLAINTIFF

vs.

: NO. 2000 - 879 - C.D.

James M. Carns  
DEFENDANT

PRO SE FORM  
PETITION FOR PROTECTION FROM ABUSE

1. My name is Darlene J. Carns

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: Rt 2 Bx 513, Dubois

(street address) (city/township) (county)

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

Same

(street address) (city/township) (county)

Defendant's date of birth: 3/9/49 and Social Security No: 166 40 0597

☐ Check here if Defendant is 17 years old or younger.

4. The Defendant's relationship to me is: 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: Jointly

☐ Residence is rented by: \_\_\_\_\_

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

Name Colleen C. Caras D.O.B. 4/12/85  
Name \_\_\_\_\_ D.O.B. 1/1/  
Name \_\_\_\_\_ D.O.B. 1/1/  
Name \_\_\_\_\_ D.O.B. 1/1/

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

Date: 7/28/00

Time: 9:30 .m.

Location: \_\_\_\_\_

Describe in detail what happened, including any physical or sexual abuse, threat, injury, or incident of stalking: \_\_\_\_\_

Mike came home from work, and started an argument over the tv, which their daughter & friend was watching. After arguing and making threats, he slapped Darlene on her arm. Then went into bedroom and grabbed a handgun, pointing it at her as he walked toward her. She grabbed the gun & pointed it away from her self. While struggling, he fell back wards with the gun. In the struggle, he got on top of her pointing it in her face. He finally let go of the gun, at which time Darlene took it downstairs and placed it on the breakfast bar. He then came downstairs with a second gun in his hand. He was inserting the clip into the gun when Darlene grabbed it. They argued & then he struck her on her left side of her face. Their daughter had called 911 while the struggle took place. Darlene gathered all of the weapons she could, then went outside on the porch & waited for the police.

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. many similar incidents over 15 + years -  
punching, slapping, shoving, kicking, Spitting,  
stomping, dragging bodily (none reported)

B. \_\_\_\_\_

C. \_\_\_\_\_

D. \_\_\_\_\_

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

GUN

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:

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 or attempting to enter any temporary or permanent residence of Plaintiff.
- ☐ Require defendant to provide Plaintiff and/or minor child(ren) 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 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 child(ren).
- ☒ Prohibit Defendant from having any contact with Plaintiff's relatives and Plaintiff's child(ren) listed in this Petition, except as the Court may find necessary with respect to partial custody and/or visitation with the minor child(ren).
- ☒ 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 07 / 26 / 00

Donna J. Cams

PETITIONER

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

DARLENE J. CARNS,  
PLAINTIFF

vs.

JAMES M. CARNS,  
DEFENDANT

(d.o.b. March 9, 1949)

(S.S.# 166-40-0597)

NO. 2000 - 8 7 9 - C.D. (PNO)

TEMPORARY PROTECTION FROM ABUSE ORDER

AND NOW, this 28th day of July, 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.
- ( X ) 3. Plaintiff is granted exclusive possession of the residence where she/he resides which is located at:  
[ X ] R.R.#2, Box 513, Fourth Ward, DuBois, Pennsylvania 15801  
[ ] a confidential location, and any subsequent address in which Plaintiff resides during pendency of this Order.
- ( X ) 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.
- ( X ) 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.



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

Colleen C. CARNS

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.

- (X) 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:

Any guns in Defendants possession

- (X) 8. The following additional relief is granted: Defendant shall NOT use or possess alcoholic beverages

- (X) 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.

- (X) 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 7th day  
of AUGUST, 2000 at 9:00 a.m.

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.

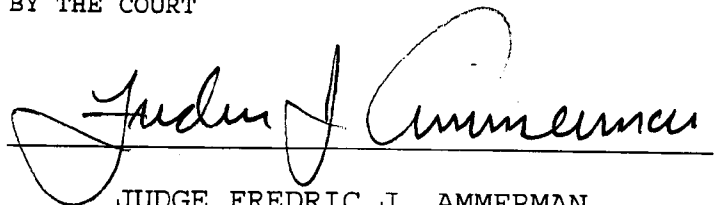
**Absolutely no continuances of the hearing shall be granted unless by Order of Court. The Hearing Officer shall not continue any hearing due to either party's request for counsel as neither party has an absolute right to be represented by counsel in civil Protection From Abuse proceedings.**

( 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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CARNS, DARLENE J.

00-879-CD

VS

CARNS, JAMES M.

PROTECTION FROM ABUSE

SHERIFF RETURNS

NOW JULY 31, 2000 RETURN THE WITHIN PFA "NOT SERVED" BY THE  
CLEARFIELD COUNTY SHERIFF. THE PFA WAS SERVED BY DUBOIS  
CITY POLICE ON JULY 28, 2000.

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

SWORN TO BEFORE ME THIS

1st DAY OF August 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 Hamr

CHESTER A. HAWKINS  
SHERIFF

FILED

AUG 01 2000  
011:36 no cc  
William A. Shaw  
Prothonotary E. Shaw

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

JANICE J. CARNES,

Plaintiff

CIVIL ACTION - LAW

vs.

No. 879 - 2000

JAMES M. CARNES,

Defendant

Type of Pleading:  
**Praecipe for Entry  
of Appearance**

Filed on Behalf of:  
**Defendant,  
James M. Carnes**

Counsel of Record for this Party:  
**Jeffrey M. Gordon, Esquire**  
Supreme Court No. 55835  
152 Jefferson Street  
Brookville, PA 15825  
(814) 849-6800

**FILED**

AUG 07 2000

William A. Shaw  
Prothonotary

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA  
CIVIL ACTION - LAW

JANICE J. CARNES,	:	
Plaintiff	:	
	:	
vs.	:	No. 879 - 2000
	:	
JAMES M. CARNES,	:	
Defendant	:	

**PRAECIPE FOR ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of James M. Carnes, the Defendant, in the  
above-referenced matter.

August 4, 2000

  
Jeffrey M. Gordon, Esquire  
Attorney for Defendant

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

Darlene J. Carns,  
Plaintiff

vs.

James M. Carns,  
Defendant

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No. 90 - 879 - C.D.  
PROTECTION FROM ABUSE

ENTRY OF APPEARANCE

Please enter my appearance on behalf of James Carnes,  
the ~~Plaintiff~~/Defendant in the above captioned case.

Jeffrey M. Gordon, ATTORNEY

152 Jefferson St.  
ADDRESS

Brookville, Pa. 15825

(814) - 849 - 6800  
PHONE

**FILED**

AUG 07 2000

William A. Shaw  
Prothonotary

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

Darlene J. Carus  
Plaintiff

**VS.**

JAMES M. CARNS  
Defendant

No. 00 - 879 - C.D.  
PROTECTION FROM ABUSE

ENTRY OF APPEARANCE

Please enter my appearance on behalf of Barlene J. Capps  
the Plaintiff/~~Defendant~~ in the above captioned case.

**FILED**

AUG 07 2000

**William A. Shaw**  
Prothonotary

GARY KARRISBRO  
ATTORNEY

ADDRESS

278 S. 2<sup>ND</sup> ST., Cital, Pa

765-6555  
PHONE

ORIGINAL (6)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DARLENE J. CARNS,  
Plaintiff

VS.

JAMES M. CARNS,  
Defendant

NO. 2000-879-C.D.

FILED

AUG 08 2000

William A. Shaw  
Prothonotary

PROTECTION FROM ABUSE FINAL ORDER OF COURT

Plaintiff's Address: R.R. #2 Box 513, DuBois Pa 15801

Plaintiff's Social Security Number: 193-34-5808

Plaintiff's Date of Birth: February 11, 1946

Counsel of Record for Plaintiff: Gae y Kwasbun, Esq

Defendant's Address: R.R. #2 Box 514, DuBois, PA 15801

Defendant's Social Security Number: 166-40-0597

Defendant's Date of Birth: March 9, 1949

Counsel of Record for Defendant: Jeff Goran, Esq.

Names of ALL PROTECTED PERSONS: Darlene J. Carns AND Colleen Carns

AND NOW, this 7th day of August, 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 City of DuBois Police Department on or about July 28, 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:

R.R. #2 Box 513, DuBois

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**, Darlene J. Carns, 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: Colleen C. Caens

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 Plaintiff/Defendant is/are ORDERED to provide the following additional relief:

The Defendant shall be permitted to return to the marital residence during the periods when Plaintiff is absent for the purpose of making repairs to the swimming pool located at the marital residence - during the period 8-9-00 through 8-16-00.  
The Defendant shall arrange for a 3rd party to enter the garage area of the marital residence to retrieve tools and equipment necessary to make the repairs.



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 FORTY-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):

Prothonotary's Office.....filing fee:	\$ 80.00
Prothonotary's Office.....state assessment fee:	\$ 0.00
Sheriff's Office.....service fee:	\$ 34.00
Hearing Officer.....fee:	\$ 40.00
Hearing Officer.....costs:	\$ 20.00
Administrative.....costs:	\$ 10.00
Additional Relief.....(see Paragraph 7):	\$ 0.00
Other.....costs:	\$ 0.00

**TOTAL AMOUNT DUE:** \$ 184.00

**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: 0 % / \$ 0.00

DEFENDANT'S share of fees and costs: 100 % / \$ 184.00

**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~~ <sup>FSA</sup> ] YES response [ ] 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 August 7, 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:

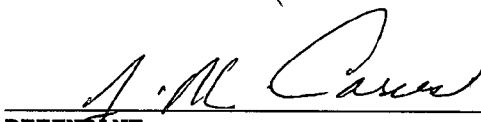
BY THE COURT:

  
WARREN B. MIKESELL, II, ESQUIRE

  
FREDRIC J. AMMERMAN, JUDGE

  
PLAINTIFF

  
COUNSEL FOR PLAINTIFF

  
DEFENDANT

  
COUNSEL FOR DEFENDANT

**ATTACHMENT "A"**

**Visitation issues continued from page 3, item 2.**

~~Plaintiff/Defendant~~ shall enjoy Temporary Visitation with the parties' child(ren) Colleen C. Carn,

- ☐ 1. Every other weekend commencing on Friday / Saturday, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock a.m./p.m. and continuing until Sunday at 6 o'clock p.m. and continuing thereafter every other weekend during the pendency of this Order.
- ☐ 2. Every \_\_\_\_\_ from \_\_\_\_\_ o'clock a.m./p.m. until \_\_\_\_\_ o'clock a.m./p.m. commencing on \_\_\_\_\_, \_\_\_\_\_ and thereafter on a weekly basis during the pendency of this Order.
- ☒ 3. Visitation as agreed upon by the parties.
- ☒ 4. For purposes of fulfilling the Temporary Visitation as ordered, ~~Defendant/Plaintiff~~ shall be permitted limited contact with the ~~Plaintiff/Defendant~~.

NOTE: limited contact shall mean:

1. ~~Defendant/Plaintiff~~ shall be permitted to contact ~~Plaintiff/Defendant~~ for the sole purpose of confirming that Temporary Visitation will occur. Any such communication shall occur between the hours of 8:00 o'clock a.m. and

10:00 o'clock p.m. **There is to be no conversation between the parties as to the remaining issues of Plaintiff and Defendant's relationship of any type.**

2. ~~Plaintiff/Defendant~~ shall be permitted to retrieve and return said minor child(ren) from and to ~~Defendant's/Plaintiff's~~ residence; however, no lengthy conversation shall be permitted other than discussing the child(ren)'s needs and making arrangements for Temporary Visitation to continue as ordered.

☒ 5. The **Plaintiff/Defendant** shall be responsible for transportation of the child(ren) during her/his Temporary Visitation.

☐ 6. The **Plaintiff and Defendant** shall share equally the transportation of the child(ren). **Plaintiff/Defendant** is hereby directed to transport the child(ren) to **Defendant's/Plaintiff's** residence/or designated area for purposes of commencing Temporary Visitation. **Plaintiff/Defendant** is hereby directed to transport the child(ren) to **Defendant's/Plaintiff's** residence/or designated area for purposes of ending Temporary Visitation.

For Temporary Visitation purposes Plaintiff's residence/designated area is:

\_\_\_\_\_

and Defendant's residence/designated area is:

\_\_\_\_\_

☒ 7. The ~~Plaintiff/Defendant~~ shall not consume nor shall she/he have in her/his possession any alcohol during any period of Temporary Visitation.

☒ 8. The ~~Plaintiff/Defendant~~ shall be permitted to contact the above listed child(ren) by telephone on no more than 3 days per week between the hours of 9:00 o'clock a.m. and 9:00 o'clock p.m. During such conversations, the ~~Plaintiff/Defendant~~ shall not malign or run down the ~~Defendant/Plaintiff~~ or discuss the motive or reason for the **Plaintiff** obtaining a Protection From Abuse Order.

☒ 9. Other: The party's minor child shall contact her father to arrange for visitation. Visitation to be at the discretion of the minor child

☒ 10. **Plaintiff or Defendant shall file with the Court a separate action for custody or a divorce action which includes a count for custody wherein an Order of Court in the custody and/or divorce case will determine the matter of custody of the minor child(ren).**

The Temporary Custody provision of the Final Order in this case [listed on Page 3, Item 2 awarding temporary custody of, and rights of visitation with, the child(ren)] shall expire after **Sixty (60) days** from the date of this Final Order unless an action for custody shall have been duly filed with the Court by *one of the parties* as directed above. To maintain the Temporary Visitation provisions listed herein, either party, Plaintiff or Defendant must timely file a custody action with the Court within the sixty (60) day period. If *Plaintiff or Defendant* timely file a custody action, the Temporary Custody and Temporary Visitation provisions of this Final Order shall remain in effect until further Order has been entered in the custody action by the Court.