

* RULE 1905B. PRIVATE CRIMINAL COMPLAINT FOR VIOLATION OF ORDER OR AGREEMENT

(a) In lieu of filing a complaint with the police, a plaintiff may file a private criminal complaint against a defendant alleging indirect criminal contempt for a non-economic violation of any provision of an order or court-approved consent agreement issued under the Protection from Abuse Act, 23 Pa.C.S. §6101 et seq., with the Office of District Attorney or the Magisterial District Judge in the district where the violation occurred in accordance with the following procedure:

- (1) With the Office of District Attorney – The Plaintiff may file with the Office of District Attorney a private criminal complaint on a form approved by the Court. The District Attorney’s Office shall review the complaint and if the allegations taken as true support a finding of contempt, the District Attorney shall docket the complaint with the Prothonotary by 11:00 a.m. of the next business day and the Prothonotary shall forward it to the Judge who handled the original order or consent agreement. The Judge shall review the allegations and if the Judge finds that probable cause exists, the judge shall issue a warrant or summons. If the Court issues a summons, the summons shall indicate the time, date and place for hearing on the indirect criminal contempt allegations. If the court issues a warrant, the court shall forward the warrant to the Sheriff of Dauphin County. The Sheriff of Dauphin County shall forward the warrant to the appropriate police agency for service. Upon arrest, the defendant shall be taken to the appropriate Magisterial District Judge without unnecessary delay. The defendant shall be afforded a preliminary arraignment pursuant to 23 Pa.C.S. Section 6113(d) and bail shall be set. The court shall schedule a hearing within ten (10) days of the filing of the private criminal complaint if the Judge finds the probable cause exists. If the Judge finds that sufficient grounds are not alleged in the complaint, the Judge may summarily dismiss the complaint without a hearing.
- (2) With the Magisterial District Judge in the district where the violation occurred – The Plaintiff may file with the Magisterial District Judge in the district where the violation occurred a private criminal complaint on a form approved by the court. Upon review and determination of probable cause, the Magisterial District Judge shall issue a warrant or summons. If the Magisterial District Judge issues a summons, the summons shall indicate that the defendant will be informed by the court of the time, date and place for hearing on the indirect criminal contempt allegations. If the Magisterial District Judge issues a warrant, the Magisterial District Judge shall cause the warrant to be forwarded to the appropriate police agency for service. Upon arrest, the defendant shall be taken to the Magisterial District Judge without unnecessary delay. The defendant shall be afforded a preliminary arraignment pursuant to 23

Pa.C.S. Section 6113(d) and bail shall be set. The Magisterial District Judge shall cause the complaint to be forwarded to the Prothonotary by 11:00 a.m. of the next business day and the Prothonotary shall docket the complaint and forward it to the Judge who handled the original order or consent agreement. The Judge shall schedule a hearing within ten (10) days of the filing of the private criminal complaint.

- (b) The Dauphin County Sheriff's Office shall use all reasonable means to promptly serve the parties to the action with the complaint and hearing order. If service is not made, the Sheriff's Office must provide the court with an accounting of the steps taken to attempt service.

*Effective 5/29/95