



Copyright © 2007-2011, Judicial Branch, State of Connecticut. All rights reserved.

2011 Edition

Domestic Violence in Connecticut

A Guide to Resources in the Law Library

- **Family violence:** “means an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault between family or household members. Verbal abuse or argument shall not constitute family violence unless there is present danger and the likelihood that physical violence will occur.” CONN. GEN. STAT. § [46b-38a](#) (1) (2011).
- **Family or household member:** “means (A) spouses, former spouses; (B) parents and their children; (C) persons eighteen years of age or older related by blood or marriage; (D) persons sixteen years of age or older other than those persons in subparagraph (C) presently residing together or who have resided together; (E) persons who have a child in common regardless of whether they are or have been married or have lived together at any time; and (F) persons in, or have recently been in, a dating relationship.” CONN. GEN. STAT. § [46b-38a](#) (2) (2011).
- **Family violence crime:** “means a crime as defined in section 53a-24 which, in addition to its other elements, contains as an element thereof an act of family violence to a family member and shall not include acts by parents or guardians disciplining minor children unless such acts constitute abuse.” CONN. GEN. STAT. § [46b-38a](#) (3) (2011).
- **Restraining orders vs. protective order:** “**Restraining orders** differ from protective orders in that the former are civil and can be issued without the accused person being arrested. **Protective orders** in a family violence situation are criminal and are issued after the accused has been arrested for committing a family violence crime.” OLR Bill Analysis substitute Senate Bill 334 (October 1, 2002). [Emphasis added]
- **Domestic violence docket:** “means a docket in a geographical area separate and apart from other criminal matters for the hearing of family violence matters.” CONN. GEN. STAT. § [51-181e](#) (a).
- **Leave from employment for victims of family violence:** “If an employee is a victim of family violence, an employer shall permit the employee to take paid or unpaid leave during any calendar year in which such leave is reasonably necessary (1) to seek medical care or psychological or other counseling for physical or psychological injury or disability for the victim, (2) to obtain services from victim services organization on behalf of the victim, (3) to relocate due to such family violence, or (4) to participate in any civil or criminal proceeding related to or resulting from such family violence. An employer may limit unpaid leave under this section to twelve days during any calendar year. Leave under this section shall not affect any other leave provided under state or federal law.” CONN. GEN. STAT. § [31-51ss](#) (b)

Contents

DOMESTIC VIOLENCE IN CONNECTICUT	1
SECTION 1: FAMILY VIOLENCE RESTRAINING ORDER.....	3
TABLE 1: CONN. GEN. STAT 46B-15.....	8
TABLE 2: UNREPORTED CONNECTICUT DECISIONS ON 46B-15 RESTRAINING ORDERS	10
SECTION 2: FAMILY VIOLENCE PROTECTIVE ORDER	12
TABLE 3: REGISTERING AN OUT-OF-STATE PROTECTIVE ORDER IN CONNECTICUT.....	16
TABLE 4: DUTIES OF SUPERIOR COURT RE APPLICANTS	17
SECTION 3: LEGAL PROTECTIONS FOR VICTIMS OF FAMILY VIOLENCE.....	18
TABLE 5: PROTECTION FOR ANIMALS IN DOMESTIC VIOLENCE CASES	21
APPENDIX A	22
APPENDIX B	24
APPENDIX C	25
APPENDIX D	26

**These guides are provided with the understanding that they represent
only a beginning to research.**

View our other pathfinders at

<http://www.jud.ct.gov/lawlib/selfguides.htm#Pathfinders>

**This guide links to advance release slip opinions on the Connecticut Judicial Branch website
and to case law hosted on Google Scholar. The online versions are for informational
purposes only.**

Domestic Violence Hotline: 1-888-774-2900

Section 1: Family Violence Restraining Order

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to a family violence restraining order issued under CONN. GEN. STATS. § [46b-15](#) (2011).

- DEFINITIONS:**
- **Application for relief from abuse:** “a) Any family or household member as defined in section 46b-38a who has been subjected to a continuous threat of present physical pain or physical injury by another family or household member or person in, or has recently been in, a dating relationship who has been subjected to a continuous threat of present physical pain or physical injury by the other person in such relationship may make an application to the Superior Court for relief under this section.” CONN. GEN. STAT. § [46b-15](#)(a) (2011).
 - **Affidavit:** “The application shall be accompanied by an affidavit made under oath which includes a brief statement of the conditions from which relief is sought.” CONN. GEN. STAT. § [46b-15](#)(b) (2011).
 - **Hearing:** “Upon receipt of the application the court shall order that a hearing on the application be held not later than fourteen days from the date of the order.” Ibid.
 - **Relief:** “The court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant and such dependent children or other persons as the court sees fit. Such order may include temporary child custody or visitation rights and such relief may include but is not limited to an order enjoining the respondent from (1) imposing any restraint upon the person or liberty of the applicant; (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the applicant; or (3) entering the family dwelling or the dwelling of the applicant. The court, in its discretion, may make such orders as it deems appropriate for the protection of any animal owned or kept by the applicant including, but not limited to, an order enjoining the respondent from injuring or threatening to injure such animal. If an applicant alleges an immediate and present physical danger to the applicant, the court may issue an ex parte order granting such relief as it deems appropriate.” Ibid.
 - **Ex parte order:** “If an applicant alleges an immediate and present physical danger to the applicant, the court may issue an ex parte order granting such relief as it deems appropriate.” Ibid.
 - **Time limitation:** “No order of the court shall exceed six months, except that an order may be extended by the court upon motion of the applicant for such additional time as the court deems necessary.” CONN. GEN. STAT. § [46b-15](#)(d) (2011).

- **Cost of service:** “The applicant shall cause notice of the hearing pursuant to subsection (b) of this section and a copy of the application and the applicant's affidavit and of any ex parte order issued pursuant to subsection (b) of this section to be served on the respondent not less than five days before the hearing. The cost of such service shall be paid for by the judicial branch.” § [46b-15](#)(e) (2011).
- **Other remedies:** “An action under this section shall not preclude the applicant from seeking any other civil or criminal relief.” CONN. GEN. STAT. § [46b-15](#)(h) (2011).

STATUTES:

- 42 U.S.C. (2011).
 - § [280b-1a](#) Interpersonal violence within families and among acquaintances
 - §§ [10401 – 10421](#) Family violence prevention and services
- CONN. GEN. STAT. (2011).
 - Chapter 815a. Family matters
 - § [46b-15](#). Relief from physical abuse by family or household member or person in dating relationship. Application. Court orders. Duration. Copies. Expedited hearing for violation of order. Other remedies.
 - § [46b-15a](#). Foreign order of protection. Full faith and credit. Enforcement. Affirmative defense. Child custody provision. Registration.
 - § [46b-15b](#). Duties of Superior Court re applicants for restraining orders in domestic violence situations.
 - § [46b-15c](#). Powers of court in family relations matter re taking out-of-court testimony when one party is subject to a protective order, restraining order or standing criminal restraining order. Videoconference hearings permitted. Oaths. Cross-examination.
 - § [46b-16](#). Petition to Superior Court for ex parte order re temporary care and custody of child when parent arrested for custodial interference. Duration of order.
 - Chapter 952. Penal code: Offenses
 - § [53a-107](#). Criminal trespass in the first degree: Class A misdemeanor.

PUBLIC ACT

HISTORY:

- [2010 CONN. ACTS 144](#) (Effective October 1, 2010)
- [2007 CONN. ACTS 78](#) (Effective October 1, 2007)
- [2005 CONN. ACTS 152 § 3](#) (effective October 1, 2005).

REGULATIONS:

- CONN. AGENCIES REGS.
 - §§ [17a-101-11 to –13](#). Circumstances requiring immediate removal of child from his/her home 96 hour hold (3-95B).
 - §§ [17a-101\(e\) –1 to –6](#). Reports of child abuse and neglect (3-95B).

FORMS:

- [Filing an Application for a Restraining Order](#)
- [JD-FM-137](#). Application for Relief from Abuse (rev. 2-10)
- [JD-FM-138](#). Affidavit – Relief from Abuse (rev. 4-11)
- [JD-FM-75](#). Application for Waiver of Fees (rev.12-10)
- [JD-FM-173](#). Motion for Contempt (rev.10-10)
- [JD-FM-174](#). Motion for Modification (rev.8-09)

LEGISLATIVE:

- Sandra Norman-Eady, *Restraining Orders*, CONNECTICUT GENERAL ASSEMBLY. OFFICE OF LEGISLATIVE RESEARCH Report No. [2005-R-0861](#) (December 8, 2005).
“You asked for information on restraining orders in Connecticut, including whether there has been a recent increase in the number of such orders and whether Connecticut courts are doing anything to stop frivolous requests for them.”
- Benjamin H. Hardy, *Firearm at the Scene of Domestic Violence*, CONNECTICUT GENERAL ASSEMBLY. OFFICE OF LEGISLATIVE RESEARCH Report No. [99-R-0562](#) (April 26, 1999).
“Whether other states authorize police officers making arrests at the scene of family violence to seize firearms in an offender’s possession or in plain view.”

CASES:

- [Krystyna v. Janusz](#), 127 Conn. App. 586, 592, 14 A.3d 483 (2011). “The defendant’s final claim is that the court exceeded its statutory authority under § 46b-15 by extending the protection of the restraining order to the adult daughter. The defendant argues that the daughter, because she was not a minor, was required to make her own application for a restraining order under the statute in order to be afforded such protection. We disagree. As previously noted, the express language of § 46b-15 (b) provides in relevant part that ‘[t]he court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant and such dependent children *or other persons as the court sees fit*. . . .’ (Emphasis added.)”
- [Putman v. Kennedy](#), 104 Conn. App. 20, 25, 932 A.2d 439 (2007).
“Although the court had a reasonable concern that the defendant’s actions may have endangered the daughters, that concern does not fall within the plain meaning of the statute. Section 46b-15 specifically requires a direct causal link between the defendant and the continuous threat of physical harm to the subject. See *Putman v. Kennedy*, supra, 279 Conn. 171 (‘domestic violence restraining orders will not issue in the absence of the showing of a threat of violence’). The legislature promulgated § 46b-15 to provide an expeditious means of relief for abuse victims. See *id.*, 172. It is not a statute to provide a remedy in every custody and visitation dispute, however urgent.”
- [Putman v. Kennedy](#), 104 Conn. App. 26, 34, 932 A.2d 434 (2007).
“ ‘. . .neither a pattern of abuse nor the son’s subjective fear of the defendant is a requirement for the finding of a continuous threat. Had the legislature intended these factors to be requirements, the statute would have stated so explicitly.’ See *Farmers Texas County Mutual v. Hertz Corp.*, 282 Conn. 535, 546–47, 923 A.2d 673 (2007) (‘[i]t is well settled that we decline to engraft additional requirements onto clear statutory language’ [internal quotation marks omitted]); see also *Fedus v. Planning & Zoning Commission*, 278 Conn. 751, 770 n.17, 900 A.2d 1 (2006) (noting that legislature knows how to enact legislation consistent with its intent).”
- [Putman v. Kennedy](#), 279 Conn. 162, 172, 900 A.2d 1256 (2006).
“...in the sensitive and often explosively litigated context of family dysfunction and dissolution, there is a reasonable possibility that a domestic violence restraining order will have prejudicial collateral legal consequences for its subject, even after its expiration. Accordingly, the subject of an improperly rendered domestic violence restraining order is likely to benefit from the vacatur of that order, and dismissal of his or her appeal as moot

solely on the basis of that order's expiration is improper.”

- [Klein v. City Of Stamford](#), 43 Conn. Sup. 441, 441-442, 658 A.2d 986 (1994).
- [Thurman v. City of Torrington](#), 595 F.Supp. 1521 (1984).
- [DeShaney v. Winnebago County Department of Social Services](#), 489 U.S. 189, 109 S., Ct. 998, 103 L.Ed 2d 249(1989).

WEST KEY NUMBER:

- Criminal Law # 474.4(3) Battered or abused women or spouses

ENCYCLOPEDIAS:

- 6 [AM. JUR. 2D](#) *Assault and Battery* (2008).
 - § 27. Domestic Violence
 - § 28. Persons exercising parental authority
- 24 [AM. JUR. 2D](#) *Divorce and Separation* (2008).
 - §§ 39-42. Physical violence or threat of violence
- *Cause of Action for Modification of Child Custody or Visitation Arrangement Based on Abuse of Child*, 6 COA 2d 287 (1994).

PAMPHLETS:

- [How to Ask for a Restraining Order](#)
- [How to Extend a Restraining Order](#)
- [Domestic Violence and Temporary Family Assistance](#)

TEXTS & TREATISES:

- 7 ARNOLD H. RUTKIN AND KATHLEEN A. HOGAN, [CONNECTICUT PRACTICE SERIES, FAMILY LAW AND PRACTICE WITH FORMS](#) (1999).
 - § 22.2 Family violence and relief from abuse
 - § 22.3 Application for relief from abuse—Procedure
 - § 22.4 Application for relief from abuse—Form
 - § 22.5 Scope of relief available under C.G.S.A. §46b-15
 - § 22.6 Enforcement of orders under C.G.S.A. §46b-15
- 2 ANN M. HARALAMBIE, [HANDLING CHILD CUSTODY, ABUSE AND ADOPTION CASES](#) (1993).
 - Chapter 19. Interference with custody and visitation
- LEONARD KARP AND CHERYL KARP, [DOMESTIC TORTS: FAMILY VIOLENCE, CONFLICT AND SEXUAL ABUSE](#) (1989).
 - Chapter 1. Spousal abuse
 - § 1.17. Special statutes concerning domestic violence protective orders
- 1 [ARNOLD H. RUTKIN, FAMILY LAW AND PRACTICE](#) (2007).
 - Chapter 6. Handling domestic violence cases
 - § 6.02. Civil protection orders
 - [1]. Overview
 - [2]. When to seek a civil protection order
 - [3]. Obtaining a civil protection order; Procedural considerations
 - [4]. Obtaining emergency relief
 - [5]. Contested hearings
 - [6]. Enforcement of protective orders

LAW REVIEWS:

- Carol A. Bruch, *[The Unmet Needs Of Domestic Violence Victims And Their Children In Hague Child Abduction Convention Cases](#)*, 38 FAMILY LAW QUARTERLY 529 (Fall 2004).

COMPILER:

Catherine Hogan Mazur, Connecticut Judicial Branch Law Library at Hartford.
95 Washington St. Hartford, CT 06106 860-548-2866 [Email](#)

* Originally compiled by Lawrence Cheeseman, retired Connecticut Judicial Branch Supervising Law Librarian.

Table 1: CONN. GEN. STAT 46b-15

CONN. GEN. STAT. § 46b-15 (2011)	
<p>Affidavit</p> <p>Hearing</p> <p>Relief</p> <p>Ex parte order</p>	<p>“(b) The application form shall allow the applicant, at the applicant's option, to indicate whether the respondent holds a permit to carry a pistol or revolver or possesses one or more firearms. The application shall be accompanied by an affidavit made under oath which includes a brief statement of the conditions from which relief is sought. Upon receipt of the application the court shall order that a hearing on the application be held not later than fourteen days from the date of the order. The court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant and such dependent children or other persons as the court sees fit. Such order may include temporary child custody or visitation rights and such relief may include but is not limited to an order enjoining the respondent from (1) imposing any restraint upon the person or liberty of the applicant; (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the applicant; or (3) entering the family dwelling or the dwelling of the applicant. The court, in its discretion, may make such orders as it deems appropriate for the protection of any animal owned or kept by the applicant including, but not limited to, an order enjoining the respondent from injuring or threatening to injure such animal. If an applicant alleges an immediate and present physical danger to the applicant, the court may issue an ex parte order granting such relief as it deems appropriate. If a postponement of a hearing on the application is requested by either party and granted, the order shall not be continued except upon agreement of the parties or by order of the court for good cause shown.” CONN. GEN. STAT. § 46b-15(b) (2011). (emphasis added)</p>
<p>Warning</p> <p>Criminal Trespass</p>	<p>“(c) Every order of the court made in accordance with this section shall contain the following language: ‘This order may be extended by the court beyond six months. In accordance with section 53a-107, entering or remaining in a building or any other premises in violation of this order constitutes criminal trespass in the first degree. This is a criminal offense punishable by a term of imprisonment of not more than one year, a fine of not more than two thousand dollars or both.’” CONN. GEN. STAT. § 46b-15(c) (2011). (emphasis added)</p>
<p>Time limitation</p> <p>Extension</p>	<p>“(d) No order of the court shall exceed six months, except that an order may be extended by the court upon motion of the applicant for such additional time as the court deems necessary. If the respondent has not appeared upon the initial application, service of a motion to extend an order may be made by first-class mail directed to the respondent at his or her last known address.” CONN. GEN. STAT. § 46b-15(d) (2011). (emphasis added)</p>

<p>Notice</p> <p>Cost</p> <p>Jurisdiction</p>	<p>“(e) The applicant shall cause notice of the hearing pursuant to subsection (b) of this section and a copy of the application and the applicant's affidavit and of any ex parte order issued pursuant to subsection (b) of this section to be served on the respondent not less than five days before the hearing. The cost of such service shall be paid for by the judicial branch. Upon the granting of an ex parte order, the clerk of the court shall provide two certified copies of the order to the applicant. Upon the granting of an order after notice and hearing, the clerk of the court shall provide two certified copies of the order to the applicant and a copy to the respondent. Every order of the court made in accordance with this section after notice and hearing shall contain the following language: ‘This court had jurisdiction over the parties and the subject matter when it issued this protection order. Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, 18 USC 2265, this order is valid and enforceable in all fifty states, any territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and tribal lands.’ Immediately after making service on the respondent, the proper officer shall send or cause to be sent, by facsimile or other means, a copy of the application, or the information contained in such application, stating the date and time the respondent was served, to the law enforcement agency or agencies for the town in which the applicant resides, the town in which the applicant is employed and the town in which the respondent resides. The clerk of the court shall send, by facsimile or other means, a copy of any ex parte order and of any order after notice and hearing, or the information contained in any such order, to the law enforcement agency or agencies for the town in which the applicant resides, the town in which the applicant is employed and the town in which the respondent resides, within forty-eight hours of the issuance of such order.” CONN. GEN. STAT. § 46b-15(e) (2011). (emphasis added)</p>
<p>Contempt</p>	<p>“(g) When a motion for contempt is filed for violation of a restraining order, there shall be an expedited hearing. Such hearing shall be held within five court days of service of the motion on the respondent, provided service on the respondent is made not less than twenty-four hours before the hearing. If the court finds the respondent in contempt for violation of an order, the court may impose such sanctions as the court deems appropriate.” CONN. GEN. STAT. § 46b-15(g) (2011) (emphasis added).</p>
<p>Other remedies</p>	<p>“An action under this section shall not preclude the applicant from seeking any other civil or civil or criminal relief.” CONN. GEN. STAT. § 46b-15(h) (2011) (emphasis added)</p>

Table 2: Unreported Connecticut Decisions on 46b-15 Restraining Orders

<h1 style="margin: 0;">Unreported Connecticut Decisions:</h1> <h2 style="margin: 0;">46b-15 Restraining Orders</h2>	
<p><u>Angelia v. Timothy</u>, No. FA 07-4113654S (Conn. Super. Ct., J.D. New London at Norwich, January 4, 2011)</p>	<p>“In <i>Rondeau v. Parenteau</i>, 2010 Conn.Super. Lexis 263 [49 Conn. L. Rptr. 287] (2010, dos Santos, J.), the court, permitted a permanent restraining order. The court in <i>s</i>, 1997 Ct.Sup. 2220 [19 Conn. L. Rptr. 4] (1997, Tierney, J.), likewise found that under certain circumstances, a court may enter a permanent civil restraining order. Finally, the court in <i>Toal v. Toal</i>, 2008 Ct.Sup. 3738 (2008, Gordon, J.), permanently extended a restraining order.”</p>
<p><u>Terwilliger v. Ricciardi</u>, No. FA05 4004825S (Conn. Super. Ct., J.D. Ansonia-Milford at Milford, Nov. 7, 2005).</p>	<p>“Before a six-month restraining order may be granted, pursuant to General Statutes § 46b-15, the applicant must prove by a preponderance of the evidence that the alleged threat by the respondent caused her present physical pain or physical injury.”</p>
<p><u>Woods v. Berritieri</u>, No. TTD FA04 4000071 (Conn. Super. Ct., J.D. Tolland at Rockville, Oct. 31, 2005)</p>	<p>“General Statutes § 46b-15 provides relief to any family member as defined in § 46b-38a who has been subjected to continuous threat of physical pain or physical injury by another family member. The statute provides the Court with the power to extend orders as it deems appropriate for the protection of the applicant and such dependent children or other persons as the Court sees fit.”</p>
<p><u>Lawlor v. Curry</u>, No. FA 05-4006931S (Conn. Super. Ct., J.D. New Haven at New Haven, Feb. 4, 2005)</p>	<p>“This court would not have entered an ex parte temporary restraining order if it had been aware of the pending New Hampshire proceeding; and it therefore vacates the temporary restraining order, effective upon notice to both parties.”</p>
<p><u>Odom v. Odom</u>, No. FA 02-0097864S, 2002 Ct. Sup. 4896, 4900, 2002 WL 1042492 (Apr. 30, 2002).</p>	<p>“In extending the statute to encompass dating relationships, the legislature has thus shown that restraining orders are intended to apply to those in familial, or quasi-familial relationships, ones that have aspects of intimacy, or repeated contact, or personal familiarity in ways that differ from mere friendship: 'a relationship which is more than - certainly more than strangers or more than a casual friend, some type of personal relationship that goes beyond the run of the mill acquaintance-type situation.' ([H.R. Proceedings, 1999 Sess., May 28, 1999] Id. at 3554.) The entire legislative scheme is intended to offer legal protection to people where the threat or risk of violence derives from the powerful feelings that can occur in these intimate personal relationships.”</p>
<p>Ibid.</p>	<p>“This court thus concludes that the restraining order statute is indeed applicable to protect one former sister-in-law against a former sister-in-law. Their relationship arose out of marriage, but though matrimony has ended, the ‘affinity’ of the parties survives.” [Sister-in-law]</p>

<p><u>Carroll v. Carroll</u>, No. FA 99-104387, 1999 Ct. Sup. 9547 at 9548, 1999 WL 596382 (Judicial District, Hartford, July 26, 1999).</p>	<p>“Lastly, since this action began as a 46b-15 application, the court finds that the intent of this statute was to protect the citizens of Connecticut from conduct alleged in the application. The court may fashion any orders it deems appropriate under the statute. This may include the limitation or denial of custody and visitation for a minor child if the Court feels that there is a fear of immediate physical harm.”</p>
<p><u>Ryan v. Stankiewicz</u>, No. FA 00-0105280-S, 2000 Ct. Sup. 8807, 8808. (Jul. 26, 2000).</p>	<p>“Connecticut General Statutes § 46b-15 (as defined by the provisions in Section 46b-38a) is a statute in derogation of the common law and as such must be strictly construed.”</p>
<p><u>Kulak v. Grant</u>, No. FA 98 0103760S, 1999 Ct. Sup. 15459 at 15461, 1999 WL 1207152 (Judicial District, Hartford, Nov. 29, 1999).</p>	<p>“The statute authorizing the issuance of civil restraining orders provides that the court may impose such sanctions as it deems appropriate for contempt of the order. Connecticut General Statutes, Section 46b-15(g). These include, attorneys fees and costs. Connecticut General Statutes, Section 52-256b. To find a party in contempt, the court must find that a person has disobeyed an order of the court, <u>Fitzgerald v. Fitzgerald</u>, 16 Conn. App. 548, 551 (1988).”</p>
<p><u>Broxton v. Broxton</u>, No. 31 86 99, 1996 Ct. Sup. 2153, 2160-2161 (Mar. 19, 1996).</p>	<p>“On September 21, 1994, the defendant appeared in court for the scheduled hearing on the restraining order. On that date, the parties entered into an agreement that the ex parte restraining order, entered on September 13, 1994, be vacated. The agreement further provided and the court ordered, as follows: The parties, having appeared before the Court and having requested that the ex parte restraining order entered 9-13-94 be vacated;”</p>

Section 2: Family Violence Protective Order

A Guide to Resources in the Law Library

- SCOPE:** Bibliographic resources relating to family violence protective order under Conn. Gen. Stats. §§ [46b-38b](#) and [46b-38c](#) (2011).
- DEFINITION:**
- **Protective orders in a family violence situation:** “are criminal and are issued after the accused has been arrested for committing a family violence crime.” OLR Bill Analysis substitute Senate Bill 334 (October 1, 2002).
 - **Arrest:** “Whenever a peace officer determines upon speedy information that a family violence crime, except a family violence crime involving a dating relationship, has been committed within such officer's jurisdiction, such officer shall arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime. The decision to arrest and charge shall not (1) be dependent on the specific consent of the victim, (2) consider the relationship of the parties, or (3) be based solely on a request by the victim.” CONN. GEN. STAT. § [46b-38b](#)(a) (2011).
 - **Firearm at scene of domestic violence,** “Whenever a peace officer determines that a family violence crime has been committed, such officer may seize any firearm or electronic defense weapon, as defined in section 53a-3, at the location where the crime is alleged to have been committed that is in the possession of any person arrested for the commission of such crime or suspected of its commission or that is in plain view. Not later than seven days after any such seizure, the law enforcement agency shall return such firearm or electronic defense weapon in its original condition to the rightful owner thereof unless such person is ineligible to possess such firearm or electronic defense weapon or unless otherwise ordered by the court.” Ibid.
 - **Protective Order:** “Each law enforcement agency shall develop, in conjunction with the Division of Criminal Justice, and implement specific operational guidelines for arrest policies in family violence incidents. Such guidelines shall include, but not be limited to: (1) Procedures for the conduct of a criminal investigation; (2) procedures for arrest and for victim assistance by peace officers; (3) education as to what constitutes speedy information in a family violence incident; (4) procedures with respect to the provision of services to victims; and (5) such other criteria or guidelines as may be applicable to carry out the purposes of sections 46b-1, 46b-15, 46b-38a to 46b-38f, inclusive, and 54-1g. Such procedures shall be duly promulgated by such law enforcement agency.” CONN. GEN. STATS. § [46b-38c](#)(e) (2011).
- STATUTES:**
- Violence Against Women Act of 1994, [18 U.S.C. § 2265](#) (2011).
 - CONN. GEN. STAT. (2011)
 - [§ 46b-38a](#). Family violence prevention and response: Definitions
 - [§ 46b-38b](#). Investigation of family violence crime by peace officer.

Arrest. Assistance to victim. Guidelines. Education and training program.

[§ 46b-38c](#). Family violence response and intervention units. Local units. Duties and functions. Protective orders. Pretrial family violence education program.

[§ 46b-38d](#). Family violence offense report by peace officer. Compilation of statistics by Commissioner of Public Safety. Report to Governor and General Assembly.

[§ 46b-38f](#). Statistical summary of family violence cases maintained by Family Division. Reports.

[§ 46b-38g](#). Programs for children impacted by domestic violence

[§ 51-181e](#). Domestic violence dockets.

[§ 53a-40e](#). Standing criminal restraining order

[§ 53a-223a](#). Criminal violation of a standing criminal restraining order:
Class D Felony

[§ 54-63c](#). Release by law enforcement officer.

[§ 54-63d](#). Release by bail commissioner. Information, files and reports held by Court Support Services Division

(b). No person shall be released upon the execution of a written promise to appear or the execution of a bond without surety if the person is charged with the commission of a family violence crime, as defined in section 46b-38a, and in the commission of such crime the person used or threatened the use of a firearm.

REGULATIONS:

- REGULATIONS OF CONNECTICUT STATE AGENCIES
DEPARTMENT OF PUBLIC SAFETY
Duties of peace officer
§ 54-222a -3. Other victims shall receive a victim assistance card
(c). A victim of Family Violence, as defined by Section 46b-38b of the Connecticut General Statutes, shall receive a card. (eff. 9/26/90) (2-97)

OLR REPORTS:

- Sandra Norman-Eady, Chief Attorney, Protective Orders. CONNECTICUT GENERAL ASSEMBLY, OLR RESEARCH REPORT, [2007-R-0567](#) (2007).
“You asked if the law requires the person requesting a protective order to keep his or her distance from the person who is the target of the order. You also asked if any other state places such a requirement.”
- Laura Jordan, *Domestic Abuse Victims' Ability to Collect Unemployment Compensation and Explanation of Non-Chargeable Claims*, CONNECTICUT GENERAL ASSEMBLY. OFFICE OF LEGISLATIVE RESEARCH Report No. [99-R-0756](#) (July 27, 1999).

CASES:

- [State v. Fernando A.](#), 294 Conn. 1, 4-8, 981 A.2d 427 (2009). “In this public interest appeal, we consider the nature of the hearing that a defendant must receive prior to the issuance of a criminal protective order in a family violence case (criminal protective order) pursuant to General Statutes § 54-63c(b). The defendant, Fernando A., appeals, upon the grant of his application filed pursuant to General Statutes § 52-265a, from the trial court’s denial of his request for an evidentiary hearing prior to the issuance of a criminal protective order. We conclude that § 54-63c(b), and the cross-referenced General Statutes § 46b-38c, permit the trial court to issue a criminal protective order at the defendant’s arraignment after consideration of oral argument and the family violence intervention unit’s report (family

services report). We also conclude that the trial court is required to hold, at the defendant's request made at the initial hearing, a subsequent hearing within a reasonable period of time at which the state will be required to prove the continued necessity of that order by a fair preponderance of the evidence, which may include reliable hearsay."

- [State v. Calabrese](#), 279 Conn. 393, 398, 902 A.2d 1044 (2006). "In connection with the defendant's arraignment, the court, *Alexander, J.*, issued a family violence protective order on January 7, 2002 (protective order). The protective order directed the defendant, inter alia, to refrain from threatening, harassing or assaulting the complainant, and from entering the family dwelling or dwelling occupied by the complainant. According to the testimony of Tracy Genues-Johnson, a court clerk, the defendant was given a copy of and advised of his rights under the protective order. The protective order remained in effect and was not modified while the case was pending."
- [State v. Charles](#), 78 Conn. App. 125, 138-39, 826 A.2d 1172 (2003). "We conclude that the terms of the family violence protective order issued in this instance were adequate to give the defendant fair warning that the act of leaving two expletive and posturing laden messages on the victim's telephone answering machine would constitute a violation of the order prohibiting him from harassing or threatening her. Under those circumstances, the consequence of the court's charge was not impermissibly to curtail the defendant's constitutional right to speech, and the charge that outlined in detail the elements of behavior proscribed by the protective order was neither impermissibly vague nor overbroad."
- [State v. Doe](#), 46 Conn. Supp. 598, 598, 765 A.2d 518 (2000). "The defendant, John Doe, challenges the constitutionality of the laws and procedures used in Connecticut courts which provide for issuing protective orders that result in barring a person from their home as a result of an arrest for a family violence crime."
- [State v. Martino](#), 61 Conn. App. 118, 120-121, 762 A.2d 6 (2000). "In response, the victim called the police. Although the victim feared the defendant and did not want to press charges, the police arrested the defendant pursuant to the state's family violence law, General Statutes § 46b-38b. He was charged with disorderly conduct and interfering with a police officer, and was released on bail. Later that same day, the Superior Court issued a family violence protective order that prohibited the defendant from contacting the victim in any manner. The defendant received a copy of the protective order, and a police officer reviewed the terms of the order with him."
- [State v. Taveras](#), 49 Conn. App. 639, 716 A.2d 120 (1998).
- [In re Alana S.](#), 44 Conn. Sup. 235, 683 A.2d 425 (1996).
- Breach of the Peace
 - # 15 Security or order to keep peace or protect family
 - # 15.1 —In general
 - # 17 —Grounds for requiring

**WEST KEY
NUMBERS:**

ENCYCLOPEDIAS:

- 11 [C.J.S. Breach of the Peace](#) (1995).
§ 25. Orders of protection
- 28 [C.J.S. Domestic Abuse and Violence](#) (2008).
§§ 11-22. Authority and jurisdiction to grant relief; scope of relief
§§ 37-45. Violation of order
- 24 [AM. JUR. 2d Divorce and Separation](#) (2008).
§ 266. Orders of protection
§ 267. —Excluding spouse from home
§ 270. —Enjoining removal of child from jurisdiction

**TEXTS &
TREATISES:**

- 1 ARNOLD H. RUTKIN, [FAMILY LAW AND PRACTICE](#) (2009).
Chapter 6. Handling domestic violence cases
§ 6.03. Other types of protective orders
[1]. Criminal protective orders

LAW REVIEWS:

- Judith A. Smith, [Battered non-wives and unequal protection-order coverage: A call for reform](#), 23 YALE L. & POL'Y REV. 93 (2005).
- Carol A. Bruch, [The Unmet Needs Of Domestic Violence Victims And Their Children In Hague Child Abduction Convention Cases](#), 38 FAMILY LAW QUARTERLY 529 (Fall 2004).
- Michael J. Voris, *The Domestic Violence Civil Protection Order And The Role Of The Court*, 24 AKRON LAW REVIEW 423 (1990).

COMPILER:

Catherine Hogan Mazur, Connecticut Judicial Branch Law Library at Hartford.
95 Washington St. Hartford, CT 06106 860-548-2866 [Email](#)

- * Originally compiled by Lawrence Cheeseman, retired Connecticut Judicial Branch Supervising Law Librarian.

Table 3: Registering an Out-of-state Protective Order in Connecticut

Registering an Out-of-state Protective Order in Connecticut CONN. GEN. STAT. § 46b-15a (2011)
(a) “For the purposes of this section, ‘foreign order of protection’ means any protection order, as defined in 18 USC 2266, as from time to time amended, or similar restraining or protective order issued by a court of another state, the District of Columbia, a commonwealth, territory or possession of the United States or an Indian tribe.”
(b) “A valid foreign order of protection that is consistent with 18 USC 2265, as from time to time amended, shall be accorded full faith and credit by a court of this state and may be enforced as if it were the order of a court in this state. A foreign order of protection shall be presumed valid if such order appears authentic on its face. The fact that a foreign order of protection has not been entered into the automated registry of protective orders maintained pursuant to section 51-5c, the Connecticut on-line law enforcement communication teleprocessing system maintained by the Department of Public Safety or the National Crime Information Center (NCIC) computerized index of criminal justice information shall not be grounds for refusing to enforce such order in this state.”
(c) “A law enforcement officer shall enforce a foreign order of protection in accordance with its terms and the law of this state, and shall arrest any person suspected of violating such order and charge such person with a violation of section 53a-223b. Nothing in this subsection shall affect the responsibility of a law enforcement officer to make an arrest pursuant to section 46b-38b.”
(d) “It shall be an affirmative defense in any action seeking enforcement of a foreign order of protection or any criminal prosecution involving the violation of a foreign order of protection that such order is not consistent with or entitled to full faith and credit pursuant to 18 USC 2265, as from time to time amended.”
(e) “A child custody provision in a foreign order of protection may be enforced in this state if such provision (1) complies with the Uniform Child Custody Jurisdiction Act or the Uniform Child Custody Jurisdiction and Enforcement Act, and (2) is consistent with the Parental Kidnapping Prevention Act of 1980, 28 USC 1738A, as from time to time amended.”
(f) “A foreign order of protection may be registered in this state by sending to the Superior Court in this state: (1) A letter or other document requesting registration; (2) two copies, including one certified copy, of the foreign order of protection sought to be registered and a statement under penalty of perjury that, to the best of the knowledge and belief of the petitioner, the order has not been modified; and (3) the name and address of the person seeking registration, except if the disclosure of such name and address would jeopardize the safety of such person.”
(g) “On receipt of the documents required in subsection (f) of this section, the registering court shall: (1) Cause the foreign order of protection to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form; and (2) cause the foreign order of protection to be entered in the automated registry of protective orders maintained pursuant to section 51-5c, together with any accompanying information required or permitted to be contained in the registry of protective orders pursuant to the procedures adopted by the Chief Court Administrator under section 51-5c.”

Table 4: Duties of Superior Court re applicants

Duties of Superior Court re applicants for restraining orders in domestic violence situations CONN. GEN. STATS. § 46b-15b (2011)
“The Superior Court shall provide any person who applies for a restraining order in a domestic violence situation with information on steps necessary to continue such order beyond the initial period and shall provide an applicant with information on how to contact domestic violence counselors and counseling organizations.”

Section 3: Legal Protections for Victims of Family Violence

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to additional legal protections for victims of domestic violence.

DEFINITION:

- **Address Confidentiality Program:** “There shall be an address confidentiality program established in the office of the Secretary of the State to provide a substitute mailing address for any person who has been a victim of family violence, injury or risk of injury to a child, sexual assault or stalking, and who wishes to keep such person's residential address confidential because of safety concerns.” CONN. GEN. STAT. [§ 54-240a](#) (a)
- **Leave from employment for victims of family violence:** “If an employee is a victim of family violence, an employer shall permit the employee to take paid or unpaid leave during any calendar year in which such leave is reasonably necessary (1) to seek medical care or psychological or other counseling for physical or psychological injury or disability for the victim, (2) to obtain services from victim services organization on behalf of the victim, (3) to relocate due to such family violence, or (4) to participate in any civil or criminal proceeding related to or resulting from such family violence. An employer may limit unpaid leave under this section to twelve days during any calendar year. Leave under this section shall not affect any other leave provided under state or federal law.” CONN. GEN. STAT. [§ 31-51ss](#) (b)
- **Termination of rental agreement because of family violence:** “any tenant who (1) is a victim of family violence, as defined in section 46b-38a, and (2) reasonably believes it is necessary to vacate the dwelling unit due to fear of imminent harm to the tenant or a dependent of the tenant because of family violence, may terminate his or her rental agreement with the landlord for the dwelling unit that the tenant occupies without penalty or liability for the remaining term of the rental agreement by giving written notice to the landlord at least thirty days prior to the date the tenant intends to terminate the rental agreement.” CONN. GEN. STAT. [§ 47a-11e](#) (a)

STATUTES:

- Family Violence Prevention and Services Act [42 U.S.C. 10401](#) (2010)
- CONN. GEN. STAT. (2011)
 - [§ 17b-112a](#). Definitions. Notification of referrals to applicants and recipients of temporary family assistance who are victims of domestic violence. Domestic violence training program. Regulations.
 - [§ 17b-112b](#). Exemptions and extensions for applicants and recipients of temporary family assistance who are victims of domestic violence. Standards and procedures. Regulations.
 - [§ 17b-808\(a\)\(2\)](#). Special needs benefit for emergency housing. Limitation.

[§ 31-51ss.](#) Leave from employment for victims of family violence.
Action for damages and reinstatement.
[§ 31-236\(a\)\(2\)\(A\)\(iv\).](#) Disqualifications. Exceptions.
[§ 38a-816\(18\).](#) Unfair practices defined.
[§ 46b-38g.](#) Programs for children impacted by domestic violence.
[§ 47a-11e.](#) Termination of rental agreement because of family violence.
[§ 54-85b.](#) Employment protection for witnesses and victims of crime.
Penalty. Action for damages and reinstatement.
[Chapter 968a](#) - Address Confidentiality Program

PUBLIC ACT HISTORY:

- [2011 CONN. ACTS 52](#) (Effective January 1, 2012)
- [2010 CONN. ACTS 37](#) (Effective October 1, 2010 and July 1, 2010)

REGULATIONS:

- REGULATIONS OF CONNECTICUT STATE AGENCIES
DEPARTMENT OF PUBLIC SAFETY
Duties of peace officer
§ 54-222a -3. Other victims shall receive a victim assistance card
(c). A victim of Family Violence, as defined by Section 46b-38b of the Connecticut General Statutes, shall receive a card. (eff. 9/26/90) (2-97)

OLR REPORTS:

- Soncia Coleman, Associate Legislative Attorney, *Housing And Employment Protections For Domestic Violence Victims*, Connecticut General Assembly, OLR Research Report, [2009-R-0443](#) (2009).
“This report summarizes the law in Connecticut and neighboring states related to domestic violence victims' housing and employment rights, if such laws exist.”

TEXTS & TREATISES:

- [THE TRI-STATE EMPLOYER](#) (2011-2012).
Chapter 3. Statutory Rights under Connecticut Law
F-Employee Leaves
3.6.5. Time Off to Appear as Subpoenaed Witness in a Criminal Proceeding and for Victims of Crime
- JEFFREY L. HIRSCH, [LABOR AND EMPLOYMENT IN CONNECTICUT](#), 2nd ED. (2010).
Chapter 16. Termination of Employment
16-5 Unemployment Compensation
(a) –Eligibility
- PETER A. JANUS, ED., [CONNECTICUT LABOR AND EMPLOYMENT LAW](#), 3rd ED. (2004).
Chapter 3. Unemployment Compensation
E. Miscellaneous Eligibility and Liability Issues
10. Domestic Abuse Victims
- STEPHEN B. HARRIS, [CONNECTICUT PRACTICE SERIES, v.14](#) (2005).
Chapter 6. Leaves of Absence/Time Off
6:5 Witnesses and victims of crime
- NANCY MCKENNA, [DOMESTIC VIOLENCE PRACTICE AND PROCEDURE](#) (2010).
Chapter 5. Federal Law
5:16.20 Low-income housing

5:17. Confidentiality of postal addresses
5:21-23 Immigrant protections
Chapter 10. Domestic Violence and the Workplace
10:20 Tort claims against employers-Wrongful Discharge-Public
policy theory
10:28 Family and medical leave
10:40 Unpaid leave for victims of domestic violence

COMPILER:

Catherine Hogan Mazur, Connecticut Judicial Branch Law Library at Hartford.
95 Washington St. Hartford, CT 06106 860-548-2866 [Email](#)

Table 5: Protection for animals in domestic violence cases

<p style="text-align: center;">AN ACT CONCERNING THE PROTECTION OF PETS IN DOMESTIC VIOLENCE CASES</p>
<p style="text-align: center;">2007 Conn. Acts 78</p> <p>Be it enacted by the Senate and House of Representatives in General Assembly convened:</p> <p>Section 1. Subsection (b) of section 46b-15 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2007):</p> <p style="text-align: center;">. . . .</p> <p>“ The court, in its discretion, may make such orders as it deems appropriate for the protection of any animal owned or kept by the applicant including, but not limited to, an order enjoining the respondent from injuring or threatening to injure such animal.” §1(b) (3).</p> <p>. . . . “A protective order issued under this section may include provisions necessary to protect any animal owned or kept by the victim including, but not limited to, an order enjoining the defendant from injuring or threatening to injure such animal.” § 2(e)(3).</p> <p style="text-align: center;">. . . .</p> <p>. . . . A protective order issued under this section may include provisions necessary to protect any animal owned or kept by the victim including, but not limited to, an order enjoining the defendant from injuring or threatening to injure such animal. § 3(e)(3).</p> <p style="text-align: center;">(Effective October 1, 2007)</p> <p style="text-align: center;">Approved May 30, 2007</p>
<p style="text-align: center;">SUMMARY</p> <p>This act permits courts to issue protective orders for animals owned or kept by victims of family violence, stalking, or harassment. The orders may, at a minimum, prohibit respondents or defendants from injuring or threatening to injure the animals. In family violence cases, the order may be in the form of a civil restraining, or criminal protective, order.</p>

Appendix A

OLR Research Report

December 8, 2005

2005-R-0861

RESTRAINING ORDERS

By: Sandra Norman-Eady, Chief Attorney

You asked for information on restraining orders in Connecticut, including whether there has been a recent increase in the number of such orders and whether Connecticut courts are doing anything to stop frivolous requests for them.

RESTRAINING ORDERS

Restraining orders are court-issued civil orders typically issued to protect victims of family violence crimes from threatened or further harm. A family or household member who has been subjected to a continuous threat of present physical pain or physical injury by another family or household member or person in a dating relationship can apply to the Superior Court for a restraining order.

The court can make appropriate orders to protect the applicant and dependant children or others, including temporary child custody or visitation rights. It can enjoin the person from imposing any restraint on the person or liberty of the applicant; threatening, harassing, assaulting, molesting, sexually assaulting, or attacking the applicant; entering the family dwelling or the applicant's dwelling. The orders generally follow notice and an opportunity for a hearing; however, a court can issue an *ex parte* order (i.e., temporary order issued without a hearing) if the applicant alleges immediate and present physical danger.

Orders are effective for up to six months, except *ex parte* orders are effective for only 14 days. A court may extend an order based on the facts. The law contains procedural provisions including distributing copies of an order to certain law enforcement agencies.

A person who violates a restraining order can be held in contempt of court and subject to any sanctions the court deems appropriate. People who enter or remain in a building or any other premises in violation of an order are guilty of 1st degree trespass and subject to up to a year in prison, a \$2,000 fine, or both (CGS § 46b-15).

RESTRAINING ORDER STATISTICS AND FRIVOLOUS ORDERS

The Judicial Department just recently began keeping statistics on the number of restraining orders issued by year. Table 1 shows the number of *ex parte* and permanent orders (i.e., those issued after a hearing) by year since 2003. These statistics show that the total number of orders increased over 17% and *ex parte* increased over 25% from 2003 to 2004. Although the statistics are not complete for 2005, both numbers appear to be slightly lower than those in 2004. The number of permanent orders has been less fluid.

According to the Judicial Department's legislative liaison Stephen Ment, nothing is being done to stop frivolous requests for restraining orders. Courts rely on the application for an order and the testimony of the parties involved when determining whether to issue it. If a court believes a request is frivolous or not otherwise supported by the evidence, it can refuse to issue the order.

TABLE 1: NUMBER OF RESTRAINING ORDERS

	<i>2003</i>	<i>2004</i>	<i>2005 (through 12/4/05)</i>
<i>Ex Parte</i> Restraining Orders	4,535	6,248	5,657
Permanent Restraining Orders	3,094	3,142	2,865
Total	7,629	9,390	8,522

Source: Judicial Department

Appendix B

OLR Research Report

July 27, 1999

99-R-0756

DOMESTIC ABUSE VICTIMS' ABILITY TO COLLECT UNEMPLOYMENT COMPENSATION AND EXPLANATION OF NON-CHARGEABLE CLAIMS

By: Laura Jordan, Research Attorney

You asked for an explanation of (1) a new law that allows domestic abuse victims to collect unemployment compensation and (2) how non-chargeable unemployment compensation claims are paid.

SUMMARY

The new law (PA 99-123) makes an employee who voluntarily leaves her job to protect herself or a child living with her from domestic violence eligible for unemployment compensation. She must make reasonable efforts to keep her job. Her claim will not directly affect her employer's unemployment compensation taxes, but it indirectly affects them because all "non-charged" claims are pooled and ultimately paid through the solvency tax (currently . 1%).

NON-CHARGEABLE CLAIMS

Unemployment compensation benefits are paid out of the state's unemployment compensation fund, which is funded through employer taxes. Each employer's taxes consist of (1) an experience tax (which is based on the number of employees whose claims are charged to the employer's account) and (2) the fund solvency tax. (This tax is the same for all employers. It maintains a statutorily set amount in the fund.) An employer's total tax rate is determined by adding its experience rate to the flat, solvency rate.

By law, certain benefits that are paid to claimants are not charged to the employer's account. Instead, the costs are pooled and paid for from the fund (CGS, 31-225a(f)). Therefore, although no single employer is directly affected by a non-chargeable benefit, all employers are indirectly affected in the sense that the fund must remain at a certain level and to the extent that noncharged benefits lower the fund solvency, they could, theoretically, cause the fund solvency rate to increase to make up for the loss. However, non-chargeable benefits are unlikely to be significant enough to affect the fund's solvency.

Non-chargeable benefits include: (1) domestic violence claims (beginning October 1, 1999), (2) dependency allowances, (3) benefits paid on account of natural disasters resulting in damage to place of employment, (4) benefits paid to a claimant who is later disqualified or who left the base period employer for a disqualifying reason, (5) reimbursements to other states for benefit costs on combined wage claims, (6) benefits paid to a claimant that the base-period employer continues to employ on the same part-time basis as during base period, and (7) benefits paid to a claimant discharged for violating an employer's legal drug testing policy (CGS _ 31-225a(c)(1)(A)).

LJ: gt

Appendix C

April 26, 1999

99-R-0562

FIREARM AT THE SCENE OF DOMESTIC VIOLENCE

By: Benjamin H. Hardy, Research Analyst

You asked whether other states authorize police officers making arrests at the scene of family violence to seize firearms in an offender's possession or in plain view.

Focusing on New England, we examined statutes of Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. None contains language specifically addressing police action given the presence of firearms in such a situation.

Maine permits relief under a protection or consent agreement to include directing the defendant not to possess a firearm or other dangerous weapon for the duration of the order (MRS 19A § 4007. 1-A. 1).

Massachusetts authorizes the court issuing a temporary or emergency order in an abuse prevention complaint to require the defendant to surrender his firearms identification card and firearms to appropriate law enforcement officials (MGL 209A § 3B).

New Hampshire authorizes the court providing temporary relief to order the defendant to relinquish temporarily to the peace officer all deadly weapons. And it authorizes the court to issue a search warrant to seize the weapons at the defendant's residence (NHRS § 173-B: 6).

Rhode Island and Vermont laws are silent on weapons in domestic violence.

BH: lc

Appendix D

October 2, 2009

2009-R-0349

SUMMARY OF FAMILY VIOLENCE LAWS

By: Sandra Norman-Eady, Chief Attorney

You asked for a summary of Connecticut's family violence laws, including all major changes by year.

SUMMARY

Since 1977, Connecticut has had laws designed to protect spouses from domestic abuse. Initially, the law sought to provide this protection by authorizing courts to grant protective orders. In 1986, Connecticut enacted a comprehensive family violence act. Among other things, the law defines family violence, gives police officers and courts directions on handling family violence cases, and requires the Judicial Department to maintain family violence intervention units in each of its geographical areas.

Domestic violence laws have been amended almost every year since 1986. The amendments are both civil and criminal in nature and cover aspects of family violence ranging from the definition of a family or household member to the creation of an address protection program.

CONNECTICUT'S FAMILY VIOLENCE LAWS

Family Violence Defined

Connecticut law defines "family violence" as an incident between family or household members that either causes physical injury or creates fear that physical injury is about to occur. Verbal abuse or argument is not considered family violence unless there is present danger and the likelihood that physical violence will occur. The discipline of minor children by parents or guardians is not considered family violence unless abuse occurs. Family violence is not a separate criminal offense. Crimes that may be charged as a family violence offense include assault, kidnapping, and sexual assault. Those who engage in violence against a spouse or family member can be charged with a misdemeanor or a felony depending on the facts of the case.

"Family or household members" are spouses, former spouses, parents and their children; people age 18 or older related by blood or marriage; people age 16 or older either living together or who have lived together; people who have a child together whether or not they are or have been married or have lived together; and people in, or who were recently in, a dating relationship (CGS § 46b-38a).

Restraining Order

Any family or household member who has been subjected to a continuous threat of present physical pain or physical injury by a family or household member may apply to the Superior Court for a restraining order. A restraining order differs from a protective order in that restraining orders are civil and can be issued without the accused person being arrested. Protective orders are criminal and are issued after the accused has been arrested for committing a family violence crime. However, courts may issue standing criminal restraining orders when they believe the history and character of the offender and circumstances warrant it (see below).

To obtain a restraining order the victim must file an application and affidavit with the court stating the condition from which relief is sought. The court must hold a hearing within 14 days of receipt of the application

and give the alleged offender at least five days notice before the hearing. But the court may issue an order without notice or hearing if there is an immediate and present physical danger to the applicant (i.e., *ex parte order*). The Judicial Branch pays the fee for serving notice.

The court includes in the order any provisions necessary to protect a victim from injury or intimidation, including requirements for temporary child custody or visitation rights. But each restraining order, except an *ex parte* order, must state that (1) the court issuing it had jurisdiction to do so; (2) the respondent was given notice and the opportunity to be heard; and (3) it is valid in all 50 states, Washington D.C., Puerto Rico, U.S. territories or possessions, and on tribal lands. (Valid foreign protection orders are registered in this state through the Superior Court and, in compliance with the federal Violence Against Women Act, enforced as if they were issued in this state (CGS 46b-15a)).

The order is effective for six months unless extended by the court upon the applicant's or its own motion. Anyone violating the order can be held in contempt of court. Additionally, entering or remaining on property in violation of the order constitutes first-degree criminal trespass. Any motion for contempt based on a restraining order violation is heard at an expedited hearing held within five court days of the date the motion is served, provided service is not less than 24-hours before the hearing (CGS § 46b-15). In any such court proceeding the court may order out-of-court testimony for parties under restraining orders, including by videoconference. (CGS 46b-15c)

Lastly, a person is guilty of criminal violation of a restraining order when he or she is the target of a restraining order; knows the terms of the order; and violates the order by contracting, failing to stay away from, restraining, or threatening or assaulting another person. Criminal violation of a restraining order is a class D felony, punishable by up to five years in prison, a \$5,000 fine, or both (CGS § 53a-223b).

Police Approach

The law outlines appropriate action by police responding to family violence crimes. With one exception, the police must arrest the person or persons suspected of committing the violence and charge them with the appropriate crime. However, a police officer does not have to arrest a party he or she reasonably believes used force as a means of self defense.

In making their decision whether to arrest, the police may not take into account the relationship of the victim and suspect or whether the victim wants the suspect arrested, except an arrest is not mandatory when the parties are in a dating relationship. The police may not discourage intervention requests by threatening or suggesting the arrest of the victim and suspect. When the police receive complaints from two or more opposing parties, they must evaluate each complaint separately to determine whether to make an arrest or seek an arrest warrant. If no cause exists for an arrest, the officer must remain on the scene until the likelihood of imminent violence is eliminated (CGS § 46b-38b).

Upon determining that a family violence crime has been committed, a police officer may seize any firearm or electronic defense weapon in the possession of the suspect or in plain view and return it not later than seven days thereafter unless the owner is prohibited from possessing it or a court orders otherwise. A person may be prohibited from owning a gun for several reasons, including a restraining order prevents it.

Police officers must also help victims get medical treatment, inform them of their right to file an affidavit or warrant for arrest, inform them of services available to victims, and refer them to the Office of Victim Services (CGS § 46b-38b).

Reports

Police officers responding to a family violence incident must complete a family violence offense report whether or not an arrest is made. All arrests must be reported to the public safety commissioner on a form prescribed by him that includes the parties' ages and sex; whether weapons were used; the existence of substance abuse; the existence of any prior court orders; and an indication of whether children were involved or present. A copy of the report is sent to the state's attorney in the judicial district where the arrest was made.

Anyone who fails to make such a report can be fined up to \$500. The commissioner must compile statistics on family violence crimes and publish them annually (CGS § 46b-38d).

Additionally, the Judicial Department's Court Support Services Division must maintain a statistical summary of all family violence cases referred to its units. Its report must include the number of cases referred, the nature of the cases, and the charges and dispositions. The division must submit the report to the Department of Public Safety monthly (CGS § 46b-38f).

Police Immunity

Police are exempt from civil liability for personal or property injury when a party brings a family violence action for an arrest based on probable cause or for any conditions of release. By law, if a person is arrested for a family violence offense and the police officer does not intend to impose certain specified conditions of release, the officer must (1) release the arrestee on a written promise to appear or (2) set a bond amount and release any arrestee who posts it. These conditions include an order for the defendant to have no contact with the victim (CGS §§ 46b-38b (c) and 54-63c).

Pretrial Family Violence Education Program

There is a Pretrial Family Violence Education program for people who are charged with family violence crimes. A defendant can ask the court to place him or her in the program. If placed in the program, the defendant is released to the custody of a family violence intervention unit for up to two years under such condition as the court orders. If the defendant successfully completes the program, the charges will be dismissed. If the defendant violates the program's conditions, he or she will be brought to trial. In order to qualify for the program the following conditions must be present.

1. The crime charged must not be more serious than a misdemeanor, or if there is good cause, a class D felony. For example, anyone charged with first-degree assault or risk of injury to a minor is ineligible.
2. The defendant must not have previously participated in the program.
3. The defendant must not have been convicted of, or accepted accelerated rehabilitation for, a family violence crime committed after October 1, 1986.

The court must notify the victim of the defendant's request for the program and, if possible, give the victim an opportunity to be heard. The defendant must, if he or she is able, pay a \$200 fee to the court to participate in the program (CGS § 46b-38c (g) & (h)).

Family Violence Response and Intervention Units

The Judicial Department, through the Court Support Services, has a family violence intervention unit in each geographical area court. The units are coordinated and governed by a formal agreement between the Judicial Department and the chief state's attorney. The units must:

1. accept family violence referrals from judges or prosecutors,
2. prepare written or oral reports on each case for the court,
3. provide or arrange for victim and offender services,
4. administer contracts to carry out these services, and
5. establish centralized reporting procedures.

Each unit must use information given to it to prepare the report and protective order forms for each case and recommend services. The information is otherwise confidential, retained in each unit's files, and protected against a subpoena or use in any other way in court proceedings, except the family relations officer must disclose to the court and prosecutor information obtained from a victim about a defendant having a gun permit.

The unit's report and recommendations are available to the judge at the first court appearance. The judge may impose conditions to protect the parties, including issuance of a protective order or an order prohibiting further violence against the victim, referral to a family violence education program for batterers, and immediate referral for more extensive case assessment. The chief court administrator maintains an automated registry of protective orders issued by the courts, which may be accessed by agencies determined by the administrator as having a legitimate interest.

The court clerk sends a certified copy of the protective order to the victim and within 48 hours to the appropriate law enforcement agency. The order may include any actions necessary to protect a victim from injury or intimidation, including an order prohibiting the offender from assaulting, threatening, molesting, or restraining the victim or entering the family's or victim's dwelling. The order is a condition of bail or release. Criminal violation of a protective order is a class D felony (CGS § 53a-223). Entering or remaining on property in violation of the order constitutes criminal trespass in the first degree, which is also a class A misdemeanor, punishable by up to one year in prison, a \$2,000 fine, or both (CGS § 53a-107). In addition to these penalties, courts may raise or revoke the offender's bail or release for a violation (CGS § 46b-38c).

Standing Criminal Restraining Order

Courts may issue standing criminal restraining orders, in addition to any sentence of incarceration, against people convicted of the following crimes committed against a family or household member:

1. first and second degree assault;
2. first and second degree assault of a victim age 60 or older;
3. second and third degree assault with a firearm;
4. second degree assault of a victim 60 or older with a firearm;
5. first, second, and third degree sexual assault;
6. first degree aggravated sexual assault;
7. sexual assault in a spousal or cohabiting relationship;
8. stalking; and
9. criminal violation of a protective or restraining order.

The court may issue such an order when it believes that the history and character of the offender and the nature and circumstances of the offense indicate that the order will best serve the interest of the victim and the public. It must remain in effect until modified or revoked by the court for good cause. The order may include enjoining the offender from (1) restraining the victim; (2) threatening, harassing, assaulting, molesting, sexually assaulting, or attacking the victim; or (3) entering the victim's home. The law specifies some of the language that must appear in the order, including the penalty for a violation and the fact that it must remain in effect until altered by the court. Violation of a standing criminal restraining order is a class D felony (CGS §§ 53a-40e and 53a-223a).

When the subject of a standing criminal restraining order is released from prison or completes his term of probation or parole, the commissioner of correction or the parole or probation officer must notify or remind the offender of the order's existence, the terms of the order, and the penalty for violation. They must give the offender a copy of the order (CGS § 53a-40e).

Domestic Violence Training

Police. Each law enforcement agency has, in conjunction with the Division of Criminal Justice, developed specific operational guidelines for arrest policies in family violence incidents. The guidelines include procedures for conducting the investigation, procedures for arrest and victim assistance, education on what constitutes speedy information in a family violence incident, procedures for providing services to victims, and any other applicable criteria (CGS § 46b-38b(e)).

The Police Officer Standards and Training Council, in conjunction with the Division of Criminal Justice, has set up education and training programs for police and state's attorneys on handling family violence incidents. The training includes (1) criminal law enforcement in family violence cases and the use of

community resources; (2) the nature, extent, and causes of family violence; (3) the legal rights of victims and offenders; (4) the services available to victims and batterers; (5) the legal duty of officers to make arrests and offer protection and assistance; and (6) techniques for handling incidents that minimize the likelihood of injury to the officer and promote the victim's safety (CGS § 46b-38b(f)).

Judicial Department. The Judicial Department has ongoing family violence training for judges, court support services division personnel, and clerks, including information on the function of the family violence intervention units and the use of restraining and protective orders (CGS § 46b-38c (i)).

Children

The law requires the chief court administrator, within available appropriations, to set up programs for children affected by domestic violence (CGS § 46b-38g).

Insurance

It is unfair insurance competition and an unfair and deceptive insurance practice or act for insurance companies, hospital service corporations, health care centers, or fraternal benefit societies that provide individual, group, or limited benefit health coverage to treat family violence victims differently than other insureds by (1) refusing to insure or continue to insure or (2) limiting the amount, extent, or kind of coverage.

The health care providers affected by the act provide individual or group health insurance coverage for basic hospital, basic medical-surgical, major medical, accidental, hospital or medical service plan contract, or hospital and medical coverage provided by a health care center (CGS § 38a-816).

Unemployment Compensation

An individual who, despite reasonable efforts to stay employed, voluntarily quits a job in order to protect him or herself or a family member from domestic violence is eligible for unemployment compensation benefits (CGS § 31-236 (a)).

Address Confidentiality

Victims of family violence may register with the office of the Secretary of the State to have their residential addresses treated confidentially. The address confidentiality program provides a substitute mailing address to victims of family violence who, for safety reasons, wish to keep their residential address secret (CGS § 54-240a).

REVISIONS TO DOMESTIC VIOLENCE LAWS BY YEAR

An Act Concerning Responsible Fatherhood and Strong Families (PA 09-175)

The act requires the Department of Social Services' commissioner, within available resources, to seek federal and private funds to provide grants to promote programs supporting the positive involvement and interaction of fathers with their children. Those seeking grants must apply to the commissioner by a date and in a manner he determines. The commissioner sets eligibility and award criteria and must require applicants to:

1. implement accountability measures and results-based outcomes as a condition of being awarded the grant;
2. leverage funds through existing resources and collaboration with community-based and nonprofit organizations; and
3. consult with experts in family violence to ensure that, when appropriate, the programs and services described above address issues concerning family violence.

An Act Concerning Certain State Programs and the American Recovery and Reinvestment Act of 2009 (09-3)

This act makes an employee eligible for unemployment compensation if he or she voluntarily leaves her job to protect his or her child, regardless of where the child lives, from becoming or remaining a victim of family violence. It also makes the employee eligible for unemployment compensation if he or she quits to protect his or her spouse or parent from such violence. By law, the employee must make a reasonable effort to preserve the employment.

An Act Concerning the Protection of Family Violence Victims In Family Relations Matters and The Notification of A Family or Household Member After a Motor Vehicle Fatality (PA 08-67)

The act authorizes the Superior Court, in any family relations matter, to order that the testimony of a party or a child who is a subject of the proceeding be taken outside the physical presence of any other party if (1) a protective order, restraining order, or standing criminal restraining order has been issued on behalf of the party or child and (2) the other party is subject to the protective order or restraining order. The court may do so, within available resources, upon the motion of the attorney for any party.

An Act Concerning Domestic Violence (PA 07-123)

The act:

1. expands the circumstances under which a court may issue a standing criminal restraining order,
2. establishes release procedures for police officers to follow when someone is arrested for committing a family violence crime,
3. absolves police officers of liability in any civil action for personal or property injuries resulting from the release conditions,
4. makes family violence arrestees guilty of a crime if they intentionally violate a nonfinancial condition of release set by a police officer, and
5. allows law enforcement officers to seize any electronic defense weapon that is in plain view or possessed by the arrestee at a family violence crime site.

An Act Concerning the Protection of Pets in Domestic Violence Cases (PA 07-78)

The act permits courts to issue protective orders for animals owned or kept by victims of family violence, stalking, or harassment. The orders may, at a minimum, prohibit respondents or defendants from injuring or threatening to injure the animals. In family violence cases, the order may be in the form of a civil restraining, or criminal protective order.

An Act Concerning the Issuance and Violation of Restraining and Protective Orders (PA 05-147)

This act increases the penalty for criminal violation of a restraining order from a class A misdemeanor to a class D felony, thus making the penalty the same as that for criminal violation of a protective order or a standing criminal restraining order.

It permits a court to issue a standing criminal restraining order when a person is convicted of criminal violation of a protective order or attempt or conspiracy to commit this crime. Like such restraining orders issued in other cases, the court must find that the (1) victim is a member of the offender's family or household member and (2) order will best serve the victim and public's interest given the history, character, nature, and circumstances of the crime. Under existing law standing criminal restraining orders are effective until they are modified or revoked by the court.

The act permits a court to issue a protective order when someone is arrested for 1st or 2nd degree harassment if it finds that the crime victim reasonably feared for his safety.

Lastly, the act removes a requirement that the targets of foreign orders of protection have had notice and an opportunity for a hearing before the orders were issued in order to be guilty in this state of crimes that specifically apply to the targets of protective or restraining orders issued here. These crimes are 1st degree criminal trespass, criminal possession of a firearm or electronic defense weapon, criminal possession of a pistol or revolver, and criminal violation of a restraining order.

An Act Concerning Dual Arrests in Family Violence Cases (PA 04-66)

This act creates an exception to the general requirement for peace officers to arrest anyone they suspect has committed a family violence crime. It relieves an officer of his duty to arrest any party that he reasonably believes used force only as a means of self-defense against family violence. The procedures or criteria for making this determination should be included in each law enforcement agency's operational guidelines for arrest policies in family violence incidents, as required by law.

An Act Concerning an Address Confidentiality Program (PA 03-200)

This act establishes an address confidentiality program within the secretary of the state's office. The program provides a substitute mailing address (mailbox and fictitious street numbers) to, among others, victims of family violence who, for safety reasons, wish to keep their residential address secret. The act makes participants' residential, work, and school addresses exempt from disclosure under the Freedom of Information Act.

The act requires public agencies to accept participants' program address in lieu of their actual residential address, unless the agency has received an exemption from the secretary of the state. The act specifies that program participation does not affect custody or visitation orders.

An Act Concerning Full Faith and Credit for Foreign Orders of Protection (PA 03-98)

To comply with the federal Violence Against Women Act, this act requires (1) state courts to give full faith and credit to valid foreign orders of protection and (2) courts and law enforcement officers to enforce them as state orders. A "foreign order of protection" is an injunctive or other court order to prevent violence, threatening acts, or harassment against; contact or communication with; or physical proximity to another person issued by another state; the District of Columbia; a U. S. commonwealth, territory, or possession; or an Indian tribe in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

The act requires, rather than allows, courts that register foreign orders of protection to have them entered in the automated registry of protective orders maintained by the chief court administrator.

An Act Concerning the Court Support Services Division, Court Operations, Conciliation Procedures in a Dissolution of Marriage and Expansion of the Parenting Education Program (PA 02-132)

The act allows a family relations officer in a local family violence intervention unit to use information he or she receives in that capacity to prepare criminal protective order forms.

An Act Concerning Restraining and Protective Orders and the Reporting and Investigation of Suspected Abuse of Delinquent Children Committed to the Commissioner of Children and Families (PA 02-127)

The act (1) increases the penalty for violating a protective order, (2) makes violating a family violence restraining order a separate crime, (3) subjects restraining order violators to enhanced penalties as persistent offenders, (4) requires state marshals to give copies of *ex parte* restraining orders to police officers, and (5) specifies information that courts must give to restraining order applicants.

An Act Concerning the Seizure of Firearms in Family Violence Cases, the Transfer of Firearms by Persons Ineligible to Possess Such Firearms and the Possession of Certain Assault Weapons (PA 02-120)

The act (1) allows a peace officer to seize a firearm in plain view at the scene of a family violence crime even if no arrest is made; (2) expands the circumstances under which the firearm may be seized to include crimes involving dating relationships; (3) allows for the seizure from someone suspected of committing a crime but not arrested; and (4) increases, from up to 48 hours to up to seven days, the time a peace officer has to return a firearm seized at a domestic violence crime scene to its rightful owner.

An Act Concerning Assault Weapons, a Single State Handgun Permit, a Firearms Evidence Databank and Restraining and Protective Orders in Firearms Cases (PA 01-130)

The act makes it criminal possession of a firearm or electronic defense weapon (a class D felony) for a family violence offender to possess any of these weapons knowing that he or she is subject to a restraining or protective order that was issued after notice and an opportunity for a hearing.

The act requires local family violence intervention units' family relations officers to tell the court and prosecutors if a family violence victim has indicated that an offender has a gun permit or a gun.

An Act Concerning Domestic Violence and Assault of a Pregnant Person (PA 99-186)

This act:

1. establishes a procedure for registering protective orders issued out of state;
2. prohibits police and the bail commissioner from releasing on a promise to appear or nonsurety bond anyone charged with committing a family violence crime by using or threatening to use a firearm;
3. expands application of the family violence law to include people who are, or recently were, in a dating relationship;
4. authorizes peace officers to seize firearms when making arrests for domestic violence;
5. specifies the conditions of release for all defendants charged with a family violence crime rather than just those charged with certain felonies; and
6. allows anyone who is, or recently has been, in a dating relationship and who is continuously threatened with harm to apply for a restraining order under the same conditions and subject to the same procedure as family violence victims.

An Act Extending Unemployment Compensation Benefits to Domestic Abuse Victims (PA 99-123)

This act makes employees who voluntarily leave their job to protect themselves or a child living with them from family violence eligible for unemployment compensation. They must have made reasonable efforts to keep their job.

An Act Concerning Standing Criminal Restraining Orders (PA 98-15)

The act allows courts to issue a standing criminal restraining order when someone commits a stalking crime against a family or household member.

An Act Concerning Domestic Violence (PA 97-126)

The act requires domestic violence restraining and protective orders to state that (1) the court issuing the order had jurisdiction to do so; (2) the respondent was given notice and the opportunity to be heard; and (3) it is valid in all 50 states, Washington D.C., Puerto Rico, U.S. territories or possessions, and on tribal lands.

It makes it unfair insurance competition and an unfair and deceptive insurance practice or act for insurance companies, hospital service corporations, health care centers, or fraternal benefit societies that provide limited benefit health coverage to treat family violence victims differently than other insureds by (1) refusing to insure or continue to insure or (2) limiting the amount, extent, or kind of coverage.

An Act Concerning Welfare Reform and The Expenditures Of The Department of Social Services (PA 97-2, June 18 Special Session)

The act exempts Temporary Family Assistance applicants and recipients who are victims of family violence from job training, work placement assistance, subsidized and unsubsidized employment, and child support enforcement requirements. It defines a domestic violence victim as someone who has been battered or subjected to extreme cruelty by (1) physical acts that resulted in, or threatened to result in, physical injury; (2) sexual abuse; (3) sexual activity involving a child in the home; (4) being forced to participate in sexual acts; (5) mental abuse; or (6) neglect or medical care deprivation.

An Act Concerning Computerized Information Sharing... Appropriations For The Fiscal Years Ending June 30, 1997, 1998, 1999...And Expenses of the Connecticut Siting Council (PA 97-11, June 18 Special Session)

The act transfers \$150,000 of the Education Department's Education Cost Sharing grant appropriation for FYs 1997-98 and 1998-99 to fund an interdistrict abuse and neglect domestic violence education program for children age five to 12.

An Act Concerning Domestic Violence (PA 96-228)

The act authorizes the court to issue a standing criminal restraining order against people convicted of certain assault and sexual assault crimes when it determines such an order is in the best interest of the victim and the public. The act specifies the subjects and contents of such an order, penalties for violations, and notification procedures.

Subject of an Order. The act allows the court to issue standing criminal restraining orders, in addition to any sentence of incarceration, against people convicted of the following crimes committed against a family or household member: first and second degree assault of a victim age 60 or older; second and third degree assault with a firearm; second degree assault of a victim 60 or older with a firearm; first degree aggravated sexual assault; sexual assault in a spousal or cohabiting relationship; and first, second, and third degree sexual assault.

The court may issue such an order when it believes that the history and character of the offender and the nature and circumstances of the offense indicate that the order will best serve the interest of the victim and the public. It must remain in effect until modified or revoked by the court for good cause.

Content of the Order. The order may include enjoining the offender from (1) restraining the victim; (2) threatening, harassing, assaulting, molesting, sexually assaulting, or attacking the victim; or (3) entering the victim's home. The act specifies some of the language that must appear in the order, including the penalty for a violation and the fact that it must remain in effect until altered by the court.

Penalty for Violation. Violation of a standing criminal restraining order by the person against whom the order is issued is a class D felony which is punishable by imprisonment for one to five years, a fine of up to \$5,000, or both.

Notification. When the subject of a standing criminal restraining order is released from prison or completes his or her term of probation or parole, the commissioner of correction or the parole or probation officer must notify or remind the offender of the order's existence, terms, and penalties for violations. The commissioner or officer, as appropriate, must give the offender a copy of the order.

An Act Concerning the Reporting, Investigation, and Prosecution of Child Abuse and the Termination of Parental Rights (PA 96-246)

This act authorizes the Department of Children and Families (DCF) to consider the effect of family violence in any child abuse investigation and help family members obtain protection. It establishes an 18-member coordinating council to increase family violence awareness and help reduce its incidence. Council members consist of the attorney general; DCF, public health, and public safety commissioners; chief state's attorney; chief court administrator; executive directors of the Connecticut Police Chief's Association and the Council on Domestic Violence; Judiciary Committee chairmen and ranking members; and six public members.

The council is responsible for:

1. identifying and evaluating family violence services,
2. promoting new laws and services,
3. studying court and law enforcement procedures,
4. reviewing criminal justice data collection and analysis,
5. ensuring coordination among agencies and other entities,
6. promoting multi-disciplinary training,
7. promoting effective prevention and treatment techniques,
8. recommending treatment programs and standards to agencies and service providers,
9. promoting and supporting local family violence councils, and
10. increasing public awareness.

The act specifies that these provisions are not intended to (1) interfere with the authority or responsibility of existing agencies or (2) limit the state's authority to seek relief under the law.

An Act Concerning Domestic Violence (PA 95-193)

This act expands, from 90 days to six months, the maximum period within which a protective order may be effective without a court-ordered extension.

It also makes it unfair insurance competition and an unfair and deceptive insurance practice or act for certain insurance companies, hospital service corporations, health care centers, or fraternal benefit societies to treat family violence victims differently than other insureds by (1) refusing to insure or continue to insure or (2) limiting the amount, extent, or kind of coverage.

The health care providers affected by the act provide individual or group health insurance coverage for basic hospital, basic medical-surgical, major medical, accidental, hospital or medical service plan contract, or hospital and medical coverage provided by a health care center.

An Act Concerning Domestic Violence (PA 93-280)

This act requires the chief court administrator to establish programs, within available appropriations, for children who are affected by domestic violence and appropriates \$112,500 and \$150,000 for this purpose during fiscal years 1993-94 and 1994-95, respectively. It increases from \$100 to \$200, the fee for enrolling in the family violence education program, which was established in 1986 for people who are charged with family

violence crimes. The court may waive the fee if it finds the defendant is unable to pay. The charges are dismissed if a person successfully completes the program.

An Act Concerning the Creation of a Protective Order Registry for the Prevention of Domestic Violence (PA 93-343)

This act requires the Public Safety Department, in cooperation with the chief court administrator, to establish a 24-hour protective order registry in the Connecticut On-Line Law Enforcement Communications Teleprocessing (COLLECT) system. The COLLECT system is a computerized data base maintained by the Department of Public Safety. Police have access to this system 24 hours a day and use it to check on such things as outstanding arrest warrants. The state apparently has the computer capability to connect the Judicial Department's police in the field to check on the status of existing protective orders.

An Act Concerning Family Violence (PA 91-381)

The act creates a new crime for anyone who violates the terms or conditions of a protective order issued against him and make violation a class A misdemeanor. It requires anyone accused of violating a protective order to be promptly brought before the court in the geographical area where the order was issued. And it requires protective orders to contain a notice that violation is a crime.

The act specifies the terms and conditions courts must include in protective orders and expressly allows judges to include any provisions necessary to protect a victim from threats, harassment, injury, or intimidation, including prohibiting harassment, assaulting, or restraining the victim or entering the family dwelling.

The act requires judges to make obeying the protective order a condition of bail or release. Lastly, it makes trespassing in violation of a protective order first-degree trespass.

An Act Concerning the Judicial Department (PA 91-24)

The act allows the court clerk to designate someone who is authorized to administer oaths to take sworn statements outside of open court from applicants for the Pretrial Family Violence Education Program.

An Act Concerning Court Imposed Fees in Certain Cases (PA 89-219)

This act increased the fee, from \$50 to \$100, for anyone participating in the Pretrial Family Violence Education Program.

An Act Concerning Domestic Violence (PA 87-567)

The act redefines "family violence crime" to exclude (1) nonabusive parental discipline and (2) verbal abuse or arguments that do not create a present danger and likelihood of physical violence.

The act also:

1. makes confidential information provided to a family relations officer in a local family violence intervention unit;
2. reduces, from \$200 to \$50, the cost of participating in the Pretrial Family Violence Education Program;
3. transfers from the Judicial Department to the Criminal Injuries Compensation Fund money for victim counselors within family violence intervention units;
4. makes ineligible for accelerated rehabilitation anyone charged with a family violence crime who is eligible for the Pretrial Family Violence Education Program; and

5. makes ineligible for accelerated rehabilitation anyone who has previously participated in the Pretrial Family Violence Education Program.