

**CIVIL PROTECTION ORDER
INFORMATION FORM**

JD-CV-148 Rev. 7-21
C.G.S. §§ 6-32, 29-28, 29-32, 29-33, 29-36i, 29-36k
46b-15, 46b-16a, 46b-38a, 51-5c, 53a-107, 53a-223



INFORMATION ABOUT CIVIL PROTECTION ORDERS

Note:

The person who seeks protection on the *Application for Civil Protection Order* (form JD-CV-143), is called the "applicant" in the protection order process. The person that the *Application* is filed against is called the "respondent."

How do I know if I qualify for a Civil Protection Order? Answering the questions below will help you decide:

1. Have you been the victim of sexual abuse, sexual assault or stalking?

Yes (Select all that apply)

Sexual Abuse

Sexual Assault

Stalking (defined as two or more willful acts, performed in a threatening, predatory or disturbing manner of: Harassing, following, lying in wait for, surveilling, monitoring or sending unwanted gifts or messages to another person directly, indirectly or through a third person, by any method, device or other means, that causes such person to reasonably fear for his or her physical safety)

No

Important:

If you checked "No" to question #1 above, you DO NOT qualify for a Civil Protection Order, but you may qualify for a family restraining order. For information on family restraining orders see, *Restraining Orders: How to Apply for Relief From Abuse* (form JDP-FM-142).

2. Do you already have a court order of protection arising out of such abuse, assault or stalking?

Yes

Court location

Docket number

No

3. Is the person who victimized you a member of your family or household?

Yes, because the person who victimized me is: (Select all that apply)

My spouse or a person with whom I have a civil union

My former spouse or a person with whom I had a civil union

The parent of my child

My parent

My child

Someone I cohabited with as an intimate partner (romantic, spousal, or sexual relationship while living together)

A person related to me by blood or marriage

A person I reside with or have resided with (Reside means sharing a dwelling)

A person I am dating or have recently had a dating relationship with

No, because none of the relationships listed above apply.

Important:

If you checked "Yes" to question #1 and "No" to question #2 and question #3, you may qualify for a Civil Protection Order. If you checked "Yes" to question #2 or question #3 above, you DO NOT qualify for a Civil Protection Order, but you may qualify for a family restraining order. For information on family restraining orders see, *Restraining Orders: How to Apply for Relief From Abuse* (form JDP-FM-142).

How do I get a Civil Protection Order?

Application Procedures

To apply for a civil protection order, complete the following forms:

- *Application for Civil Protection Order* (form JD-CV-143)
- *Affidavit - Civil Protection Order* (form JD-CV-144)

Your Affidavit must include an explanation of:

- what happened,
- when it happened,
- where it happened, and
- who was there when it happened.

You can get these forms at any Superior Court Clerk's Office, Court Service Center, or at www.jud.ct.gov. You must sign these forms in front of a clerk, notary public, or lawyer. After signing the forms, file them with (give them to) a Clerk of the Superior Court in person or by e-mail or fax. The appropriate e-mail address or fax number may be located at www.jud.ct.gov.

All addresses provided in this application will be included on papers that are in the court file and will be provided to the respondent. The applicant's address or addresses will determine which law enforcement agencies are notified if a Civil Protection Order is granted. If you attest that disclosure of your location information would jeopardize you or your children's health, safety or liberty, you may request that your location information not be disclosed by completing a *Request of Nondisclosure of Location Information - Civil Protection Order* (form JD-CV-163).

Important:

If the applicant is under 18 years of age, the *Application* must be signed and filed by an adult representative, also known as a next friend. The next friend may be a parent, guardian or other responsible adult. The *Affidavit* must be completed and signed by the applicant, even if they are under 18 years of age. The next friend may not speak in court on behalf of the applicant, but may testify as a witness.

Fees

You do not have to pay the court any fees related to a civil protection order. The fee for service (delivery) of the *Application* and any ex parte orders (orders before a hearing) will be paid for by the Judicial Branch.

Judge's Ruling after Review of the Application

Your *Application* and *Affidavit* will be reviewed by a judge. Depending on the relief you ask for and what you say in your *Application* and *Affidavit*, the judge may: Order an ex parte (immediate) civil protection order, order a hearing on your application in which you will be required to appear and testify, or deny your application because it does not qualify for a civil protection order.

Ex Parte (Immediate) Civil Protection Order

If you believe that you are in imminent danger, you may ask the court to order immediate protection for you without waiting for a hearing. This is called an ex parte civil protection order. You may request such an order in your *Application*.

The judge will review your *Application* and *Affidavit* and decide whether to grant an ex parte civil protection order. If the judge grants an ex parte order, the clerk's office will process the papers and give you an original and three copies. The clerk will also give you instructions for how to serve (deliver) the documents to the respondent. See **Delivery to Respondent** below for more information on service.

The clerk will send a copy of the ex parte civil protection order, or the information in the ex parte civil protection order, to law enforcement, the Department of Emergency Services and Public Protection and the national protection order registry within 48 hours.

The clerk will also schedule a hearing on your *Application*. **The ex parte civil protection order will only last until the scheduled hearing.** If a postponement of a scheduled hearing is asked for, an ex parte order may only be extended by agreement of the parties or by order of the court for good cause shown.

Ordering a Hearing

The court will review your *Application* and *Affidavit* to determine if you qualify for a hearing. If you qualify for a hearing, the court will schedule a date, time and place for your hearing. The respondent is entitled to notice of the hearing and to be present at the hearing. You must provide notice to the respondent, as described below under **Delivery to Respondent**.

You must go to the hearing if you want the court to consider giving you a civil protection order or extend the terms of an ex parte civil protection order. You should bring with you to the hearing any witnesses or evidence that will support your claims.

If you are worried about being in the same courtroom as the respondent, you may file a motion asking that your testimony be taken in a different place. The judge may order the use of video-conferencing or another way for you to give testimony at a different place. File your motion as soon as possible before the hearing.

If you think you need security when you are in the court for the hearing, contact the clerk's office or the Court Service Center at the court location where the hearing will be held.

Relief After Hearing

If the judge who hears your case grants you a civil protection order, the clerk's office will give you copies of the *Order of Protection* (form JD-CL-99) and, if applicable, *Additional Civil Protection Orders* (form JD-CL-131). **You should keep a copy with you at all times and keep another copy in a safe place.**

The *Order of Protection* and *Additional Civil Protection Orders*, if applicable, are good for 1 year, unless the judge orders a different length of time.

The clerk will send a copy of the orders, or the information in the orders, to law enforcement, the Department of Emergency Services and Public Protection and the national protection order registry within 48 hours.

Delivery to the Respondent (Service of Process)

To make sure that the respondent knows about any ex parte civil protection order, if the court ordered one, and the hearing date, time and place, if the court has ordered one, you must have notice served (delivered) to the respondent by a State Marshal or other proper officer. To do this, give all of the documents the clerk has given you to a State Marshal or other proper officer and ask that they be served on the respondent. You do not need to pay for this service. The Judicial Branch will pay for you.

To find someone to serve the documents for you, you can get a current list of State Marshals from the clerk's office or on the Judicial Branch website at www.jud.ct.gov.

Notice of a hearing must be delivered to the respondent at least 5 days before the hearing date.

If you do not know where the respondent lives or cannot give enough information about how to find the respondent, the State Marshal may not be able to find the respondent to deliver the papers and your protection might be limited.

After the State Marshal delivers the forms, the original forms must be returned to the clerk's office. It is recommended that the forms be returned to the clerk's office at least 2 working days before the scheduled hearing date.

Extending a Civil Protection Order

If you want the civil protection order to continue after the period ordered by the court, you must file a *Motion for Extension of Civil Protection Order* (form JD-CV-146). If the court granted an ex parte Civil Protection Order and you need more time to have it served on the respondent, you must file a *Request for Additional Time for Service of Ex Parte Civil Protection Order*, form JD-CV-173.

Firearms Restrictions

Firearms restrictions may apply to respondents who are subject to orders of protection. The respondent will receive notice of the restrictions on the *Order of Protection* (form JD-CL-99).

Violating the Civil Protection Order

If the respondent does not follow any part of the order you should contact the police immediately and file a complaint.

Questions

If you have questions about applying for a civil protection order, ask a Clerk's Office or Court Service Center staff person for help. You may be directed to a staff person with the Office of Victim Services who has been trained to assist applicants for Civil Protection Orders. You may contact the Office of Victim Services directly at 1-800-822-8428.