

CONNECTICUT CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In Connecticut, there are 2 types of civil protection orders:

- Relief from Abuse Order (Restraining Order)** are available for individuals seeking protection from domestic violence committed by a family or household member, or dating partner (Conn. Gen. Stat. § 46b-15.).
- Civil Protection Order (for Sexual Abuse, Sexual Assault, or Stalking)** are available for survivors of sexual abuse, sexual assault, or stalking seeking protection from someone who is not a family or household member (Conn. Gen. Stat. § 46b-16a.).

RELIEF FROM ABUSE ORDER

<p>Who can apply?</p>	<p>Any family or household member (1) who is the victim of domestic violence (2) by another family or household member. <i>Conn. Gen. Stat. § 46b-15.</i></p> <p>Domestic violence means:</p> <ul style="list-style-type: none"> • A continuous threat of pain or physical injury against a family or household member; • Stalking; • A pattern of threats against a family or household member, or against a third party so as to intimidate a family or household member; • A pattern of behavior in purpose or effect unreasonably interferes with a person's free will or liberty (e.g. isolating from family or friends, depriving of basic necessities, monitoring movement, cruelty to animals, forced sex acts). <p><i>Conn. Gen. Stat. § 46b-1(b).</i></p> <p>See "Who can be restrained?" for the definition of family or household member.</p>
<p>Can minors apply?</p>	<p>Yes. <i>Conn. Gen. Stat. § 46b-15.; Conn. Gen. Stat. § 46b-38a(2).</i></p> <p>Note: If the applicant is under eighteen years of age, and a parent, guardian or responsible adult applies on behalf of the applicant, the parent, guardian or responsible adult may not speak on the applicant's behalf at the hearing unless there is good cause as to why the applicant is unable to speak on his or her own behalf. However, the parent, guardian or responsible adult may testify as a witness at the hearing. <i>Conn. Gen. Stat. Ann. § 46b-15(b).</i></p>

RELIEF FROM ABUSE ORDER

<p>Who can be restrained?</p>	<p>Any family or household member. <i>Conn. Gen. Stat. § 46b-15.</i></p> <p>Family or household member means:</p> <ul style="list-style-type: none"> • Spouse or former spouse; • Parents or their children; • Those related by blood or marriage; • Those currently or previously living together, regardless of relation; • Those with a child in common; or • Those in, or recently in, a dating relationship. <p><i>Conn. Gen. Stat. § 46b-38a(2).</i></p>
<p>What types of relief may a court order?</p>	<p>The court may include provisions in the order regarding:</p> <ul style="list-style-type: none"> • Relief that the court deems appropriate to protect the safety of the applicant; • Temporary child custody or visitation rights; • No imposing restraint upon the person or liberty of the applicant; • No threatening, harassing, assaulting, molesting, sexually assaulting or attacking the applicant; • No entering the family dwelling or the dwelling of the applicant; • Protection for any animal owned or kept by the applicant; • No contacting in any way, whether in writing, electronically, or by telephone, including at home, workplace, or others with whom contact would cause annoyance or alarm; or • Respondent to stay 100 yards away from applicant. <p>If the applicant and abuser are spouses, or have a dependent child or children in common, and live together, the judge may order the following additional things. The judge may prohibit the abuser from:</p> <p style="text-align: right;"><i>continued on next page</i></p>

RELIEF FROM ABUSE ORDER

What types of relief may a court order?

- Taking any action that could result in the termination of any necessary utility services or necessary services related to the applicant's home or the family home;
- Taking any action that could result in the cancellation, change of coverage or change of beneficiary of any health, automobile or homeowners insurance policy;
- Getting rid of, transferring, hiding, etc., any specified property owned or leased by applicant.

Also, the judge may grant temporary possession of an automobile, checkbook, documentation of health, automobile or homeowners' insurance, any documents needed for purposes of proving identity, a key or other necessary specified personal belongings.

Conn. Gen. Stat. § 46b-15(b-d).

As part of a permanent restraining order, the judge can order the following additional protections:

- Make rent or mortgage payments on the family home or the home of the applicant and the abuser's minor/dependent child(ren);
- Maintain (keep) utility services or other necessary services related to the family home or the home of the applicant and the abuser's minor/dependent child(ren);
- Maintain (keep) all existing health, automobile or homeowners insurance coverage without change in coverage or beneficiary designation;
- Provide financial support for any dependent child(ren) with the abuser (provided the respondent has a legal duty to support such child or children and the ability to pay).

These additional protections will last up to 120 days or until another superseding order is issued by a court, whichever happens first.

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RELIEF FROM ABUSE ORDER

<p>What types of relief may a court order?</p>	<p>Note: The judge cannot enter any order of financial support without sufficient evidence as to the abuser's ability to pay, which must be presented at the hearing. (If the judge does not make an order for the additional protections specified in this subsection, it cannot be done as part of the restraining order later on). <i>Conn. Gen. Stat. § 46b-15(e).</i></p> <p>Note: A caretaker providing shelter in their residence to an applicant sixty years or older cannot be enjoined (prevented) from the full use and enjoyment of their home and property. <i>Conn. Gen. Stat. § 46b-15(i).</i></p>
<p>How long does the order last?</p>	<p>A temporary (ex parte) restraining order generally lasts for fourteen days until a hearing for a permanent order is scheduled. <i>Conn. Gen. Stat. § 46b-15(b).</i></p> <p>A restraining order lasts up to one year. <i>Conn. Gen. Stat. § 46b-15(g).</i></p>
<p>Can the order be renewed?</p>	<p>Yes, a restraining order can be extended upon motion by the applicant for additional time as the court deems necessary. <i>Conn. Gen. Stat. § 46b-15(g).</i></p> <p>The Connecticut Judicial Branch website suggests filing the motion to extend 2 to 3 weeks before your order is set to expire.</p>

RELIEF FROM ABUSE ORDER

Is a hearing with the respondent required?

Temporary restraining orders may be issued ex parte, without notice to the abuser; however, a hearing must be held within fourteen days of the ex parte order.

Conn. Gen. Stat. § 46b-15(b).

If the application indicates the abuser has a permit or eligibility certificate to carry a pistol or revolver, a long gun, ammunition, or that s/he possesses firearms or ammunition, the hearing has to take place within seven days.

Conn. Gen. Stat. § 46b-15(b).

The respondent must be served by a State Marshal at least 3 days before the hearing date.

Conn. Gen. Stat. § 46b-15(h).

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.

Conn. Gen. Stat. § 46b-15(b).

CIVIL PROTECTION ORDER

<p>Who can apply?</p>	<p>A victim of sexual abuse, sexual assault, or stalking by someone who is not a family or household member can apply for a civil protection order. <i>Conn. Gen. Stat. § 46b-16a(a).</i></p> <p>Stalking means:</p> <ul style="list-style-type: none"> • Two or more of the following acts (must be willful), performed in a threatening, predatory or disturbing manner; <ul style="list-style-type: none"> ◦ Harassing; ◦ Following; ◦ Lying in wait for; ◦ Surveilling; ◦ Monitoring; or ◦ Sending unwanted gifts or messages to another person. • The person can commit these acts directly, indirectly or through a third person, by any method, device or other means; and • The actions must cause applicant to reasonably fear for his or her physical safety. <p><i>Conn. Gen. Stat. § 46b-16a(a).</i></p>
<p>Can minors apply?</p>	<p>Yes. <i>Conn. Gen. Stat. § 46b-16a.</i></p> <p>Note: If the applicant is under eighteen years of age, and a parent, guardian or responsible adult applies on behalf of the applicant, the parent, guardian or responsible adult may not speak on the applicant's behalf at the hearing unless there is good cause as to why the applicant is unable to speak on his or her own behalf. However, the parent, guardian or responsible adult may testify as a witness at the hearing. <i>Conn. Gen. Stat. § 46b-16a(b).</i></p>

CIVIL PROTECTION ORDER

Who can be restrained?	<p>Any person who is not family or household member. <i>Conn. Gen. Stat. § 46b-16a(a).</i></p>
What types of relief may a court order?	<p>The court may include provisions in the order regarding:</p> <ul style="list-style-type: none"> • Relief that the court deems appropriate to protect the safety of the applicant; • No imposing restraint upon the person or liberty (freedom) of the applicant; • No threatening, harassing, assaulting, molesting, sexually assaulting or attacking the applicant; • No entering the dwelling of the applicant. <p><i>Conn. Gen. Stat. Ann. § 46b-16a(b).</i></p>
How long does the order last?	<p>A temporary (ex parte) restraining order generally lasts for fourteen days until a hearing for a permanent order is scheduled. <i>Conn. Gen. Stat. § 46b-16a(b).</i></p> <p>A civil protection order lasts up to one year. <i>Conn. Gen. Stat. § 46b-16a(c).</i></p>
Can the order be renewed?	<p>Yes, a civil protection order can be extended upon motion by the applicant, provided motion is served, no other order of protection based on the same facts and circumstances is in place and the need for protection still exists. <i>Conn. Gen. Stat. § 46b-15(c).</i></p> <p>The Connecticut Judicial Branch website suggests filing the motion to extend 2 to 3 weeks before your order is set to expire.</p>

CIVIL PROTECTION ORDER

Is a hearing with the respondent required?

Temporary civil protection orders may be issued ex parte, without notice to the abuser; however, a hearing must be held within fourteen days of the ex parte order.
Conn. Gen. Stat. § 46b-16a(b).

The respondent must be served by a State Marshal at least 5 days before the hearing date.
Conn. Gen. Stat. § 46b-16a(d).

HOW TO APPLY

Forms are available at courthouse and online at https://jud.ct.gov/forms/grouped/civil/civil_protect_order.htm.

Note: Do not sign the forms until you have shown it to a clerk, as the court clerk may have to notarize them – and remember that you may need photo ID for the notary.

Applications should be filed in the Connecticut Superior Court in the county where the incident occurred or where the applicant or respondent lives.

If applicants have questions about applying for a Relief from Abuse Order, they may speak to a staff person with the Office of Victim Services who has been trained to assist applicants. Applicants may contact the Office of Victim Services directly at 1-800-822-8428.

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

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