



**Confronting Cases with Coercive Control  
EYL230320**

**Monday, March 20, 2023**

**6:00 p.m. to 7:30 p.m.**

**Webinar**

**CT Bar Institute, Inc.**

CT: 1.5 CLE Credits (General)

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## **LAWYERS' PRINCIPLES OF PROFESSIONALISM**

As a lawyer, I have dedicated myself to making our system of justice work fairly and efficiently for all. I am an officer of this Court and recognize the obligation I have to advance the rule of law and preserve and foster the integrity of the legal system. To this end, I commit myself not only to observe the Connecticut Rules of Professional Conduct, but also conduct myself in accordance with the following Principles of Professionalism when dealing with my clients, opposing parties, fellow counsel, self-represented parties, the Courts, and the general public.

### **Civility:**

Civility and courtesy are the hallmarks of professionalism. As such,

- I will be courteous, polite, respectful, and civil, both in oral and in written communications;
- I will refrain from using litigation or any other legal procedure to harass an opposing party;
- I will not impute improper motives to my adversary unless clearly justified by the facts and essential to resolution of the issue;
- I will treat the representation of a client as the client's transaction or dispute and not as a dispute with my adversary;
- I will respond to all communications timely and respectfully and allow my adversary a reasonable time to respond;
- I will avoid making groundless objections in the discovery process and work cooperatively to resolve those that are asserted with merit;
- I will agree to reasonable requests for extensions of time and for waiver of procedural formalities when the legitimate interests of my client will not be adversely affected;
- I will try to consult with my adversary before scheduling depositions, meetings, or hearings, and I will cooperate with her when schedule changes are requested;
- When scheduled meetings, hearings, or depositions have to be canceled, I will notify my adversary and, if appropriate, the Court (or other tribunal) as early as possible and enlist their involvement in rescheduling; and
- I will not serve motions and pleadings at such time or in such manner as will unfairly limit the other party's opportunity to respond.

### **Honesty:**

Honesty and truthfulness are critical to the integrity of the legal profession – they are core values that must be observed at all times and they go hand in hand with my fiduciary duty. As such,

- I will not knowingly make untrue statements of fact or of law to my client, adversary or the Court;
- I will honor my word;
- I will not maintain or assist in maintaining any cause of action or advancing any position that is false or unlawful;

- I will withdraw voluntarily claims, defenses, or arguments when it becomes apparent that they do not have merit or are superfluous;
- I will not file frivolous motions or advance frivolous positions;
- When engaged in a transaction, I will make sure all involved are aware of changes I make to documents and not conceal changes.

**Competency:**

Having the necessary ability, knowledge, and skill to effectively advise and advocate for a client's interests is critical to the lawyer's function in their community. As such,

- I will keep myself current in the areas in which I practice, and, will associate with, or refer my client to, counsel knowledgeable in another field of practice when necessary;
- I will maintain proficiency in those technological advances that are necessary for me to competently represent my clients.
- I will seek mentoring and guidance throughout my career in order to ensure that I act with diligence and competency.

**Responsibility:**

I recognize that my client's interests and the administration of justice in general are best served when I work responsibly, effectively, and cooperatively with those with whom I interact. As such,

- Before dates for hearings or trials are set, or if that is not feasible, immediately after such dates have been set, I will attempt to verify the availability of key participants and witnesses so that I can promptly notify the Court (or other tribunal) and my adversary of any likely problem;
- I will make every effort to agree with my adversary, as early as possible, on a voluntary exchange of information and on a plan for discovery;
- I will attempt to resolve, by agreement, my objections to matters contained in my opponent's pleadings and discovery requests;
- I will be punctual in attending Court hearings, conferences, meetings, and depositions;
- I will refrain from excessive and abusive discovery, and I will comply with all reasonable discovery requests;
- In civil matters, I will stipulate to facts as to which there is no genuine dispute;
- I will refrain from causing unreasonable delays;
- Where consistent with my client's interests, I will communicate with my adversary in an effort to avoid needless controversial litigation and to resolve litigation that has actually commenced;
- While I must consider my client's decision concerning the objectives of the representation, I nevertheless will counsel my client that a willingness to initiate or engage in settlement discussions is consistent with zealous and effective representation.

**Mentoring:**

I owe a duty to the legal profession to counsel less experienced lawyers on the practice of the law and these Principles, and to seek mentoring myself. As such:

- I will exemplify through my behavior and teach through my words the importance of collegiality and ethical and civil behavior;
- I will emphasize the importance of providing clients with a high standard of representation through competency and the exercise of sound judgment;
- I will stress the role of our profession as a public service, to building and fostering the rule of law;
- I will welcome requests for guidance and advice.

**Honor:**

I recognize the honor of the legal profession and will always act in a manner consistent with the respect, courtesy, and weight that it deserves. As such,

- I will be guided by what is best for my client and the interests of justice, not what advances my own financial interests;
- I will be a vigorous and zealous advocate on behalf of my client, but I recognize that, as an officer of the Court, excessive zeal may be detrimental to the interests of a properly functioning system of justice;
- I will remember that, in addition to commitment to my client's cause, my responsibilities as a lawyer include a devotion to the public good;
- I will, as a member of a self-regulating profession, report violations of the Rules of Professional Conduct as required by those rules;
- I will protect the image of the legal profession in my daily activities and in the ways I communicate with the public;
- I will be mindful that the law is a learned profession and that among its desirable goals are devotion to public service, improvement of administration of justice, and the contribution of uncompensated time and civic influence on behalf of those persons who cannot afford adequate legal assistance; and
- I will support and advocate for fair and equal treatment under the law for all persons, regardless of race, color, ancestry, sex, pregnancy, religion, national origin, ethnicity, disability, status as a veteran, age, gender identity, gender expression or marital status, sexual orientation, or creed and will always conduct myself in such a way as to promote equality and justice for all.

Nothing in these Principles shall supersede, supplement, or in any way amend the Rules of Professional Conduct, alter existing standards of conduct against which a lawyer's conduct might be judged, or become a basis for the imposition of any civil, criminal, or professional liability.

# Faculty Biographies

## Honorable Leo V. Diana

Judge Diana was appointed to the bench in 2014. He is currently the presiding judge of the Family Court for the Hartford Judicial District. He has sat in Middletown at GA 9, in Norwich Family Court and was presiding judge in Middletown at the Regional Family Trial Docket for four years.

He is currently a Commissioner on the State Marshal Commission and a member of the Access to Justice Commission, and the co-chair of the Modest/Moderate Means Subcommittee. He was the president of the Connecticut Judges Association, Inc. (2020)

Judge Diana was the Mayor of Manchester and practiced family law in Hartford for twenty-six years before joining the bench.

He is married, the father of four adult children and grandfather of four.

## Ashley A. Cervin

Ashley began her legal career as a law clerk with Louden, Katz & McGrath, assisting the partners with client cases right after graduating law school.

- J.D., magna cum laude, Quinnipiac University School of Law.
- Advanced Family Law Trial Practice Program, concentrations in both Family Law and Civil Advocacy and Dispute Resolution, with honors.
- Member, Executive Committee and Co-Chair Family Law, Connecticut Bar Young Lawyers Section.
- Member, Connecticut Bar Family Law Section.
- Member, Hartford County Bar Association.

Ashley lives in Wethersfield with her dog, Quinn.

## Rhonda Morra

Rhonda Morra is currently a Director of Legal Advocacy at the Connecticut Coalition Against Domestic Violence (CCADV), the state's leading voice for victims of domestic violence and those organizations that serve them. Rhonda has followed a career path dedicated to speaking for those not otherwise heard. Prior to CCADV, Rhonda was a solo practitioner specializing in family law and the representation of children for over two decades. She received her J.D. from Western New England College School of Law, and a B.S. from Albertus Magnus College.

## Stacie L. Provencher

Stacie L. Provencher is an associate in the firm's Family Law Practice, where she focuses on all types of family law matters, particularly contested divorce and custody cases and family law appeals. Stacie is experienced in assisting in family law and litigation negotiations, including property division, child support, spousal support, and tax analysis. She has experience in preparing pleadings and separation agreements, compiling and reviewing discovery, and preparing for trial.

## Kelly A. Scott

Kelly A. Scott, Pullman & Comley LLC, believes the two keys to handling matters most effectively for clients are transparency and communication. Kelly practices as part of the Family Law group and represents clients in all areas of matrimonial and family law, including prenuptial and postnuptial agreements, dissolution, custody and visitation petitions and post judgment matters. She takes a reasoned approach to understanding and developing a client's goals from the outset, and then works to implement those goals from start to finish.

Prior to joining Pullman & Comley, LLC, Kelly practiced at a boutique matrimonial and family law firm in Westport, CT, where she focused on high-net worth and high-conflict custody and financial matters. She previously worked at the Regional Family Trial Docket, for the Honorable Lynda B. Munro and the Honorable Gerard I. Adelman.

Kelly is past co-chair of the Family Law Committee and current chair of the Professional Responsibility Committee for the Connecticut Bar Association Young Lawyer's Section Executive Committee. She is also a member of the Gala Committee for the Children's Law Center and a Special Master for family matters in the Fairfield Judicial District. She has been named a Super Lawyers Rising Star for 2018-2020.

During law school, Kelly was a legal extern for the Public Defender's Office, in the Judicial District of Hartford, and represented indigent defendants through the Criminal Appellate Clinic. She was a member of the *Public Interest Law Journal*, where she was the Membership Editor, as was a teaching assistant for Moot Court. Kelly received CALI Excellence for the Future Awards in Moot Court, Criminal Appellate Clinic and Appellate Advocacy.

**Confronting Cases with Coercive Control (EYL230320)**  
**Webinar**  
**March 20, 2023**  
**6:00 p.m. to 7:30 p.m.**

**Moderators:**

**Ashley Cervin**, Louden, Katz & McGrath, Hartford  
**Stacie Provencher**, Pullman & Comley, Hartford

**Presenters:**

**Hon. Leo V. Diana**, Connecticut Superior Court, Hartford  
**Rhonda Morra**, Connecticut Coalition Against Domestic Violence (CCADV), Glastonbury  
**Kelly Scott**, Pullman & Comley LLC, Hartford

**Confronting Cases with Coercive Control**

- How to advise and represent clients when coercive control is involved.
- Assessing claims of coercive control
- Obtaining, using, and admitting evidence with regard to coercive control claims.
- Impact of coercive control claims in different types of family cases.

**I. Introductions to panel (6:00 – 6:05)**

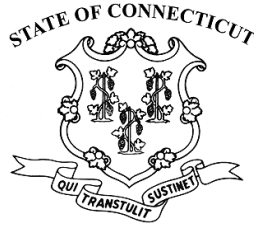
1. Honorable Leo V. Diana
2. Rhonda Morra
3. Kelly Scott

**II. Panel Questions**

- A. Coercive Control Basics (6:05 – 6:20)
- B. Presenting Evidence Regarding Coercive Control (6:20 – 6:40)
- C. Coercive Control in a Restraining Order Context (6:40 – 6:55)
- D. Coercive Control in Divorce Context (6:55 – 7:03)
- E. Coercive Control in Custodial Context (7:03 – 7:10)
- F. Changes Since Public Act 21-78 (7:10 – 7:17)

**III. CCADV resources and pro bono work (7:17 – 7:25)**

**IV. Conclusion/Final comments by presenters (7:25 – 7:30)**



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**Public Act No. 21-78**

**AN ACT CONCERNING THE DEFINITION OF DOMESTIC VIOLENCE, REVISING STATUTES CONCERNING DOMESTIC VIOLENCE, CHILD CUSTODY, FAMILY RELATIONS MATTER FILINGS AND BIGOTRY OR BIAS CRIMES AND CREATING A PROGRAM TO PROVIDE LEGAL COUNSEL TO INDIGENTS IN RESTRAINING ORDER CASES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 46b-1 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Matters within the jurisdiction of the Superior Court deemed to be family relations matters shall be matters affecting or involving: (1) Dissolution of marriage, contested and uncontested, except dissolution upon conviction of crime as provided in section [46b-47] ~~46b-48~~; (2) legal separation; (3) annulment of marriage; (4) alimony, support, custody and change of name incident to dissolution of marriage, legal separation and annulment; (5) actions brought under section 46b-15, as amended by this act; (6) complaints for change of name; (7) civil support obligations; (8) habeas corpus and other proceedings to determine the custody and visitation of children; (9) habeas corpus brought by or on behalf of any mentally ill person except a person charged with a criminal offense; (10) appointment of a commission to inquire whether a person is wrongfully confined as provided by section 17a-523; (11) juvenile

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matters as provided in section 46b-121; (12) all rights and remedies provided for in chapter 815j; (13) the establishing of paternity; (14) appeals from probate concerning: (A) Adoption or termination of parental rights; (B) appointment and removal of guardians; (C) custody of a minor child; (D) appointment and removal of conservators; (E) orders for custody of any child; and (F) orders of commitment of persons to public and private institutions and to other appropriate facilities as provided by statute; (15) actions related to prenuptial and separation agreements and to matrimonial and civil union decrees of a foreign jurisdiction; (16) dissolution, legal separation or annulment of a civil union performed in a foreign jurisdiction; (17) custody proceedings brought under the provisions of chapter 815p; and (18) all such other matters within the jurisdiction of the Superior Court concerning children or family relations as may be determined by the judges of said court.

(b) As used in this title, "domestic violence" means: (1) A continuous threat of present physical pain or physical injury against a family or household member, as defined in section 46b-38a, as amended by this act; (2) stalking, including but not limited to, stalking as described in section 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in section 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. "Coercive control" includes, but is not limited to, unreasonably engaging in any of the following:

(A) Isolating the family or household member from friends, relatives or other sources of support;

(B) Depriving the family or household member of basic necessities;

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(C) Controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services;

(D) Compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue;

(E) Committing or threatening to commit cruelty to animals that intimidates the family or household member; or

(F) Forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

Sec. 2. Section 46b-15 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) Any family or household member, as defined in section 46b-38a, as amended by this act, who [has been subjected to a continuous threat of present physical pain or physical injury, stalking or a pattern of threatening, including, but not limited to, a pattern of threatening, as described in section 53a-62, by another family or household member] is the victim of domestic violence, as defined in section 46b-1, as amended by this act, by another family or household member may make an application to the Superior Court for relief under this section. The court shall provide any person who applies for relief under this section with the information set forth in section 46b-15b.

(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, an eligibility certificate for a pistol or revolver, a long gun eligibility certificate or an ammunition certificate or possesses one

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or more firearms or ammunition. 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 except that, if the application indicates that the respondent holds a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver, a long gun eligibility certificate or an ammunition certificate or possesses one or more firearms or ammunition, and the court orders an ex parte order, the court shall order that a hearing be held on the application not later than seven days from the date on which the ex parte order is issued. 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. In making such orders ex parte, the court, in its discretion, may consider relevant court records if the records are available to the public from a clerk of the Superior Court or on the Judicial Branch's Internet web site. In addition, at the time of the hearing, the court, in its discretion, may also consider a report prepared by the family services unit of the Judicial Branch that may include, as available: Any existing or prior orders of protection obtained from the protection order registry; information on any pending criminal case or past criminal case in which the respondent was convicted of a violent crime; any outstanding arrest warrant for the respondent; and the respondent's level of risk based on a risk assessment tool utilized by the Court Support Services Division. The report may also include information pertaining to any pending or disposed family matters case involving the applicant and respondent. Any report provided by the Court Support Services Division to the court shall also be provided to the applicant and respondent. Such orders 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

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applicant; or (3) entering the family dwelling or the dwelling of the applicant. Such order may include provisions necessary to protect 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 ex parte order shall not be continued except upon agreement of the parties or by order of the court for good cause shown. If a hearing on the application is scheduled or an ex parte order is granted and the court is closed on the scheduled hearing date, the hearing shall be held on the next day the court is open and any such ex parte order shall remain in effect until the date of such hearing. If the applicant is under eighteen years of age, a parent, guardian or responsible adult who brings the application as next friend of the applicant may not speak on the applicant's behalf at such hearing unless there is good cause shown as to why the applicant is unable to speak on his or her own behalf, except that nothing in this subsection shall preclude such parent, guardian or responsible adult from testifying as a witness at such hearing. As used in this subsection, "violent crime" includes: (A) An incident resulting in physical harm, bodily injury or assault; (B) an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault, including, but not limited to, stalking or a pattern of threatening; (C) verbal abuse or argument if there is a present danger and likelihood that physical violence will occur; and (D) cruelty to animals as set forth in section 53-247.

(c) If the court issues an ex parte order pursuant to subsection (b) of this section and service has not been made on the respondent in conformance with subsection (h) of this section, upon request of the applicant, the court shall, based on the information contained in the original application, extend any ex parte order for an additional period

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not to exceed fourteen days from the originally scheduled hearing date. The clerk shall prepare a new order of hearing and notice containing the new hearing date, which shall be served upon the respondent in accordance with the provisions of subsection (h) of this section.

(d) Any ex parte restraining order entered under subsection (b) of this section in which the applicant and respondent are spouses, or persons who have a dependent child or children in common and who live together, may include, if no order exists, and if necessary to maintain the safety and basic needs of the applicant or the dependent child or children in common of the applicant and respondent, in addition to any orders authorized under subsection (b) of this section, any of the following: (1) An order prohibiting the respondent from (A) taking any action that could result in the termination of any necessary utility services or necessary services related to the family dwelling or the dwelling of the applicant, (B) taking any action that could result in the cancellation, change of coverage or change of beneficiary of any health, automobile or homeowners insurance policy to the detriment of the applicant or the dependent child or children in common of the applicant and respondent, or (C) transferring, encumbering, concealing or disposing of specified property owned or leased by the applicant; or (2) an order providing the applicant with temporary possession of an automobile, checkbook, documentation of health, automobile or homeowners insurance, a document needed for purposes of proving identity, a key or other necessary specified personal effects.

(e) At the hearing on any application under this section, if the court grants relief pursuant to subsection (b) of this section and the applicant and respondent are spouses, or persons who have a dependent child or children in common and who live together, and if necessary to maintain the safety and basic needs of the applicant or the dependent child or children in common of the applicant and respondent, any orders entered by the court may include, in addition to the orders authorized

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under subsection (b) of this section, any of the following: (1) An order prohibiting the respondent from (A) taking any action that could result in the termination of any necessary utility services or services related to the family dwelling or the dwelling of the applicant, (B) taking any action that could result in the cancellation, change of coverage or change of beneficiary of any health, automobile or homeowners insurance policy to the detriment of the applicant or the dependent child or children in common of the applicant and respondent, or (C) transferring, encumbering, concealing or disposing of specified property owned or leased by the applicant; (2) an order providing the applicant with temporary possession of an automobile, checkbook, documentation of health, automobile or homeowners insurance, a document needed for purposes of proving identity, a key or other necessary specified personal effects; or (3) an order that the respondent: (A) Make rent or mortgage payments on the family dwelling or the dwelling of the applicant and the dependent child or children in common of the applicant and respondent, (B) maintain utility services or other necessary services related to the family dwelling or the dwelling of the applicant and the dependent child or children in common of the applicant and respondent, (C) maintain all existing health, automobile or homeowners insurance coverage without change in coverage or beneficiary designation, or (D) provide financial support for the benefit of any dependent child or children in common of the applicant and the respondent, provided the respondent has a legal duty to support such child or children and the ability to pay. The court shall not enter any order of financial support without sufficient evidence as to the ability to pay, including, but not limited to, financial affidavits. If at the hearing no order is entered under this subsection or subsection (d) of this section, no such order may be entered thereafter pursuant to this section. Any order entered pursuant to this subsection shall not be subject to modification and shall expire one hundred twenty days after the date of issuance or upon issuance of a superseding order, whichever occurs first. Any amounts not paid or collected under this subsection or

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subsection (d) of this section may be preserved and collectible in an action for dissolution of marriage, custody, paternity or support.

(f) (1) Every order of the court made in accordance with this section shall contain the following language: [(1)] (A) "This order may be extended by the court beyond one year. In accordance with section 53a-107 of the Connecticut general statutes, 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."; and [(2)] (B) "In accordance with section 53a-223b of the Connecticut general statutes, any violation of subparagraph (A) or (B) of subdivision (2) of subsection (a) of section 53a-223b constitutes criminal violation of a restraining order which is punishable by a term of imprisonment of not more than five years, a fine of not more than five thousand dollars, or both. Additionally, any violation of subparagraph (C) or (D) of subdivision (2) of subsection (a) of section 53a-223b constitutes criminal violation of a restraining order which is punishable by a term of imprisonment of not more than ten years, a fine of not more than ten thousand dollars, or both."

(2) Each applicant who receives an order of the court in accordance with this section shall be given a notice that contains the following language: "If a restraining order has been issued on your behalf or on behalf of your child, you may elect to give testimony or appear in a family court proceeding remotely, pursuant to section 46b-15c. Please notify the court in writing at least two days in advance of a proceeding if you choose to give testimony or appear remotely, and your physical presence in the courthouse will not be required in order to participate in the court proceeding."

(g) No order of the court shall exceed one year, 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

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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 the respondent's last-known address.

(h) (1) 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 three days before the hearing. A proper officer responsible for executing such service shall accept all documents in an electronic format, if presented to such officer in such format. The cost of such service shall be paid for by the Judicial Branch.

(2) When (A) an application indicates that a respondent holds a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver, a long gun eligibility certificate or an ammunition certificate or possesses one or more firearms or ammunition, and (B) the court has issued an ex parte order pursuant to this section, the proper officer responsible for executing service shall, whenever possible, provide in-hand service and, prior to serving such order, shall (i) provide notice to the law enforcement agency for the town in which the respondent will be served concerning when and where the service will take place, and (ii) send, or cause to be sent by facsimile or other means, a copy of the application, the applicant's affidavit, the ex parte order and the notice of hearing to such law enforcement agency, and (iii) request that a police officer from the law enforcement agency for the town in which the respondent will be served be present when service is executed by the proper officer. Upon receiving a request from a proper officer under the provisions of this subdivision, the law enforcement agency for the town in which the respondent will be served may designate a police officer to be present when service is executed by the proper officer.

(3) Upon the granting of an ex parte order, the clerk of the court shall provide two copies of the order to the applicant. Upon the granting of

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an order after notice and hearing, the clerk of the court shall provide two 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 be accompanied by a notification that is consistent with the full faith and credit provisions set forth in 18 USC 2265(a), as amended from time to time. Immediately after making service on the respondent, the proper officer shall (A) 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, and (B) as soon as possible, but not later than two hours after the time that service is executed, input into the Judicial Branch's Internet-based service tracking system the date, time and method of service. If, prior to the date of the scheduled hearing, service has not been executed, the proper officer shall input into such service tracking system that service was unsuccessful. 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. If the victim, or victim's minor child protected by such order, is enrolled in a public or private elementary or secondary school, including a technical education and career school, or an institution of higher education, as defined in section 10a-55, the clerk of the court shall, upon the request of the victim, send, by facsimile or other means, a copy of such ex parte order or of any order after notice and hearing, or the information contained in any such order, to such school or institution of higher education, the president of any institution of higher education at which the victim, or victim's minor child protected by such order, is enrolled and the special police force established pursuant to

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section 10a-156b, if any, at the institution of higher education at which the victim, or victim's minor child protected by such order, is enrolled, if the victim provides the clerk with the name and address of such school or institution of higher education.

(i) A caretaker who is providing shelter in his or her residence to a person sixty years or older shall not be enjoined from the full use and enjoyment of his or her home and property. The Superior Court may make any other appropriate order under the provisions of this section.

(j) 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.

(k) An action under this section shall not preclude the applicant from seeking any other civil or criminal relief.

(l) For purposes of this section, "police officer" means a state police officer or a sworn member of a municipal police department and "law enforcement agency" means the Division of State Police within the Department of Emergency Services and Public Protection or any municipal police department.

Sec. 3. Section 46b-15c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) In any court proceeding in a family relations matter, as defined in section 46b-1, as amended by this act, the court [may, within available resources] shall, upon [motion] the written request of a party or the attorney for any party made not less than two days prior to such proceeding, order that the testimony of a party or a child who is a subject

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of the proceeding be taken outside the physical presence of any other party if a protective order, restraining order or standing criminal protective order has been issued on behalf of the party or child, and the other party is subject to the protective order, restraining order or standing criminal protective order. Such order may provide for the use of alternative means to obtain the testimony of any party or child, including, but not limited to, the use of a secure video connection for the purpose of conducting hearings by videoconference. Such testimony may be taken in a room other than the courtroom or at another location outside the courthouse or outside the state. The court shall provide for the administration of an oath to such party or child prior to the taking of such testimony in accordance with the rules of the Superior Court.

(b) Nothing in this section shall be construed to limit any party's right to cross-examine a witness whose testimony is taken in a room other than the courtroom pursuant to an order under this section.

(c) An order under this section may remain in effect during the pendency of the proceedings in the family relations matter.

(d) A notice describing the provisions of subsection (a) of this section shall be (1) posted on the Internet web site of the Judicial Branch, (2) included in any written or electronic form that describes the automatic orders in cases involving a dissolution of marriage or legal separation under section 46b-40, and (3) included in any written or electronic form provided to a person who receives a protective order under section 46b-38c, as amended by this act, a standing criminal protective order under section 54a-40e, as amended by this act, or a restraining order, under section 46b-15, as amended by this act.

Sec. 4. Subdivision (3) of section 46b-38a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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(3) "Family violence crime" means a crime as defined in section 53a-24, other than a delinquent act, as defined in section 46b-120, which, in addition to its other elements, contains as an element thereof an act of family violence to a family or household member. "Family violence crime" includes any violation of section 53a-222, 53a-222a, 53a-223, 53a-223a or 53a-223b when the condition of release or court order is issued for an act of family violence or a family violence crime. "Family violence crime" does not include acts by parents or guardians disciplining minor children unless such acts constitute abuse.

Sec. 5. Subdivision (5) of subsection (g) of section 46b-38b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(5) (A) On and after July 1, [2010] 2021, each law enforcement agency shall designate at least one officer with supervisory duties to expeditiously process, upon request of a victim of family violence or other crime who is applying for U Nonimmigrant Status [(A)] (i) a certification of helpfulness on Form I-918, Supplement B, or any subsequent corresponding form designated by the United States Department of Homeland Security, confirming that the victim of family violence or other crime has been helpful, is being helpful [,] or is likely to be helpful in the investigation or prosecution of the criminal activity, and [(B)] (ii) any subsequent certification required by the victim. As used in this subparagraph, "expeditiously" means not later than sixty days after the date of receipt of the request for certification of helpfulness, or not later than fourteen days after the date of receipt of such request if (I) the victim is in federal immigration removal proceedings or detained, or (II) the victim's child, parents or siblings would become ineligible for an immigration benefit by virtue of the victim or the sibling of such victim attaining the age of eighteen years, or the victim's child attaining the age of twenty-one years.

(B) By signing a certification of helpfulness, the officer or agency is

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not making a determination of eligibility for U Nonimmigrant Status. The officer or agency is solely providing information required by the United States Department of Homeland Security on such form as is required by said department and certifying that: (i) The requesting individual or his or her family member is a victim of one of the enumerated crimes eligible for U Nonimmigrant Status, (ii) the victim possesses or possessed information regarding that crime, (iii) the victim has been, is being or is likely to be helpful in an investigation of that crime, and (iv) the victim has not failed or refused to provide reasonably requested information or assistance. A current or ongoing investigation, filing of criminal charges, prosecution or conviction is not required for a victim to request and obtain certification under this subdivision.

Sec. 6. Subsection (e) of section 46b-38c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(e) (1) A protective order issued under this section may include provisions necessary to protect the victim from threats, harassment, injury or intimidation by the defendant, including, but not limited to, an order enjoining the defendant from [(1)] (A) imposing any restraint upon the person or liberty of the victim, [(2)] (B) threatening, harassing, assaulting, molesting or sexually assaulting the victim, or [(3)] (C) entering the family dwelling or the dwelling of the victim. 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. Such order shall be made a condition of the bail or release of the defendant and shall contain the following notification: "In accordance with section 53a-223 of the Connecticut general statutes, any violation of this order constitutes criminal violation of a protective order which is punishable by a term of imprisonment of not more than ten years, a fine of not more than ten thousand dollars, or both.

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Additionally, in accordance with section 53a-107 of the Connecticut general statutes, entering or remaining in a building or any other premises in violation of this order constitutes criminal trespass in the first degree which is punishable by a term of imprisonment of not more than one year, a fine of not more than two thousand dollars, or both. Violation of this order also violates a condition of your bail or release, and may result in raising the amount of bail or revoking release." Every order of the court made in accordance with this section after notice and hearing shall be accompanied by a notification that is consistent with the full faith and credit provisions set forth in 18 USC 2265(a), as amended from time to time. The information contained in and concerning the issuance of any protective order issued under this section shall be entered in the registry of protective orders pursuant to section 51-5c.

(2) Each person who receives an order of the court in accordance with this subsection shall be given a notice that contains the following language: "If a protective order has been issued on your behalf or on behalf of your child, you may elect to give testimony or appear in a family court proceeding remotely, pursuant to section 46b-15c. Please notify the court in writing at least two days in advance of a proceeding if you choose to give testimony or appear remotely, and your physical presence in the courthouse will not be required in order to participate in the court proceeding."

Sec. 7. Section 53a-40e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) If any person is convicted of (1) a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (1) or (2) of subsection (a) of section 53-21, section 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-181e, 53a-182b or 53a-183, subdivision (2) of subsection (a) of section 53a-192a, section 53a-

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223, 53a-223a or 53a-223b or attempt or conspiracy to violate any of said sections or section 53a-54a, or (2) any crime that the court determines constitutes a family violence crime, as defined in section 46b-38a, as amended by this act, or attempt or conspiracy to commit any such crime, the court may, in addition to imposing the sentence authorized for the crime under section 53a-35a or 53a-36, if the court is of the opinion that the history and character and the nature and circumstances of the criminal conduct of such offender indicate that a standing criminal protective order will best serve the interest of the victim and the public, issue a standing criminal protective order which shall remain in effect for a duration specified by the court until modified or revoked by the court for good cause shown. If any person is convicted of any crime not specified in subdivision (1) or (2) of this subsection, the court may, for good cause shown, issue a standing criminal protective order pursuant to this subsection.

(b) Such standing criminal protective order may include, but need not be limited to, provisions enjoining the offender from (1) imposing any restraint upon the person or liberty of the victim; (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the victim; or (3) entering the family dwelling or the dwelling of the victim. If the victim is enrolled in a public or private elementary or secondary school, including a technical high school, or an institution of higher education, as defined in section 10a-55, the clerk of the court shall, upon the request of the victim, send, by facsimile or other means, a copy of such standing criminal protective order, or the information contained in any such order, to such school or institution of higher education, the president of any institution of higher education at which the victim is enrolled and the special police force established pursuant to section 10a-142, if any, at the institution of higher education at which the victim is enrolled, if the victim provides the clerk with the name and address of such school or institution of higher education.

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(c) (1) Such standing criminal protective order shall include the following notice: "In accordance with section 53a-223a of the Connecticut general statutes, violation of this order shall be punishable by a term of imprisonment of not less than one year nor more than ten years, a fine of not more than ten thousand dollars, or both."

(2) Upon issuance of a standing criminal protective order under subsection (a) of this section, each victim protected by such order shall be given a notice that contains the following language: "If a standing criminal protective order has been issued on your behalf or on behalf of your child, you may elect to give testimony or appear in a family court proceeding remotely, pursuant to section 46b-15c. Please notify the court in writing at least two days in advance of a proceeding if you choose to give testimony or appear remotely, and your physical presence in the courthouse will not be required in order to participate in the court proceeding."

(d) For the purposes of this section and any other provision of the general statutes, "standing criminal protective order" means (1) a standing criminal restraining order issued prior to October 1, 2010, or (2) a standing criminal protective order issued on or after October 1, 2010.

Sec. 8. Subsection (f) of section 46b-54 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(f) When recommending the entry of any order as provided in subsections (a) and (b) of section 46b-56, as amended by this act, counsel or a guardian ad litem for the minor child shall consider the best interests of the child, and in doing so shall consider, but not be limited to, one or more of the following factors: (1) The physical and emotional safety of the child; (2) the temperament and developmental needs of the child; [(2)] (3) the capacity and the disposition of the parents to

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understand and meet the needs of the child; [(3)] (4) any relevant and material information obtained from the child, including the informed preferences of the child; [(4)] (5) the wishes of the child's parents as to custody; [(5)] (6) the past and current interaction and relationship of the child with each parent, the child's siblings and any other person who may significantly affect the best interests of the child; [(6)] (7) the willingness and ability of each parent to facilitate and encourage such continuing parent-child relationship between the child and the other parent as is appropriate, including compliance with any court orders; [(7)] (8) any manipulation by or coercive behavior of the parents in an effort to involve the child in the parents' dispute; [(8)] (9) the ability of each parent to be actively involved in the life of the child; [(9)] (10) the child's adjustment to his or her home, school and community environments; [(10)] (11) the length of time that the child has lived in a stable and satisfactory environment and the desirability of maintaining continuity in such environment, provided counsel or a guardian ad litem for the minor child may consider favorably a parent who voluntarily leaves the child's family home pendente lite in order to alleviate stress in the household; [(11)] (12) the stability of the child's existing or proposed residences, or both; [(12)] (13) the mental and physical health of all individuals involved, except that a disability of a proposed custodial parent or other party, in and of itself, shall not be determinative of custody unless the proposed custodial arrangement is not in the best interests of the child; [(13)] (14) the child's cultural background; [(14)] (15) the effect on the child of the actions of an abuser, if any domestic violence, as defined in section 46b-1, as amended by this act, has occurred between the parents or between a parent and another individual or the child; [(15)] (16) whether the child or a sibling of the child has been abused or neglected, as defined respectively in section 46b-120; and [(16)] (17) whether a party satisfactorily completed participation in a parenting education program established pursuant to section 46b-69b. Counsel or a guardian ad litem for the minor child shall not be required to assign any weight to any of the factors considered.

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Sec. 9. Section 46b-56 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) In any controversy before the Superior Court as to the custody or care of minor children, and at any time after the return day of any complaint under section 46b-45, the court may make or modify any proper order regarding the custody, care, education, visitation and support of the children if it has jurisdiction under the provisions of chapter 815p. Subject to the provisions of section 46b-56a, the court may assign parental responsibility for raising the child to the parents jointly, or may award custody to either parent or to a third party, according to its best judgment upon the facts of the case and subject to such conditions and limitations as it deems equitable. The court may also make any order granting the right of visitation of any child to a third party to the action, including, but not limited to, grandparents.

(b) In making or modifying any order as provided in subsection (a) of this section, the rights and responsibilities of both parents shall be considered and the court shall enter orders accordingly that serve the best interests of the child and provide the child with the active and consistent involvement of both parents commensurate with their abilities and interests. Such orders may include, but shall not be limited to: (1) Approval of a parental responsibility plan agreed to by the parents pursuant to section 46b-56a; (2) the award of joint parental responsibility of a minor child to both parents, which shall include (A) provisions for residential arrangements with each parent in accordance with the needs of the child and the parents, and (B) provisions for consultation between the parents and for the making of major decisions regarding the child's health, education and religious upbringing; (3) the award of sole custody to one parent with appropriate parenting time for the noncustodial parent where sole custody is in the best interests of the child; or (4) any other custody arrangements as the court may determine to be in the best interests of the child.

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(c) In making or modifying any order as provided in subsections (a) and (b) of this section, the court shall consider the best interests of the child, and in doing so, may consider, but shall not be limited to, one or more of the following factors: (1) The physical and emotional safety of the child; (2) the temperament and developmental needs of the child; [(2)] (3) the capacity and the disposition of the parents to understand and meet the needs of the child; [(3)] (4) any relevant and material information obtained from the child, including the informed preferences of the child; [(4)] (5) the wishes of the child's parents as to custody; [(5)] (6) the past and current interaction and relationship of the child with each parent, the child's siblings and any other person who may significantly affect the best interests of the child; [(6)] (7) the willingness and ability of each parent to facilitate and encourage such continuing parent-child relationship between the child and the other parent as is appropriate, including compliance with any court orders; [(7)] (8) any manipulation by or coercive behavior of the parents in an effort to involve the child in the parents' dispute; [(8)] (9) the ability of each parent to be actively involved in the life of the child; [(9)] (10) the child's adjustment to his or her home, school and community environments; [(10)] (11) the length of time that the child has lived in a stable and satisfactory environment and the desirability of maintaining continuity in such environment, provided the court may consider favorably a parent who voluntarily leaves the child's family home pendente lite in order to alleviate stress in the household; [(11)] (12) the stability of the child's existing or proposed residences, or both; [(12)] (13) the mental and physical health of all individuals involved, except that a disability of a proposed custodial parent or other party, in and of itself, shall not be determinative of custody unless the proposed custodial arrangement is not in the best interests of the child; [(13)] (14) the child's cultural background; [(14)] (15) the effect on the child of the actions of an abuser, if any domestic violence, as defined in section 46b-1, as amended by this act, has occurred between the parents or between a parent and another individual or the child; [(15)] (16) whether the child

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or a sibling of the child has been abused or neglected, as defined respectively in section 46b-120; and [(16)] (17) whether the party satisfactorily completed participation in a parenting education program established pursuant to section 46b-69b. The court is not required to assign any weight to any of the factors that it considers, but shall articulate the basis for its decision.

(d) Upon the issuance of any order assigning custody of the child to the Commissioner of Children and Families, or not later than sixty days after the issuance of such order, the court shall make a determination whether the Department of Children and Families made reasonable efforts to keep the child with his or her parents prior to the issuance of such order and, if such efforts were not made, whether such reasonable efforts were not possible, taking into consideration the best interests of the child, including the child's health and safety.

(e) In determining whether a child is in need of support and, if in need, the respective abilities of the parents to provide support, the court shall take into consideration all the factors enumerated in section 46b-84.

(f) When the court is not sitting, any judge of the court may make any order in the cause which the court might make under this section, including orders of injunction, prior to any action in the cause by the court.

(g) A parent not granted custody of a minor child shall not be denied the right of access to the academic, medical, hospital or other health records of such minor child, unless otherwise ordered by the court for good cause shown.

(h) Notwithstanding the provisions of subsections (b) and (c) of this section, when a motion for modification of custody or visitation is pending before the court or has been decided by the court and the

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investigation ordered by the court pursuant to section 46b-6 recommends psychiatric or psychological therapy for a child, and such therapy would, in the court's opinion, be in the best interests of the child and aid the child's response to a modification, the court may order such therapy and reserve judgment on the motion for modification.

(i) As part of a decision concerning custody or visitation, the court may order either parent or both of the parents and any child of such parents to participate in counseling and drug or alcohol screening, provided such participation is in the best interests of the child.

Sec. 10. (NEW) (*Effective October 1, 2021*) In any family relations matter described in section 46b-1 of the general statutes, as amended by this act, if the court finds that a pattern of frivolous and intentionally fabricated pleadings or motions are filed by one party, the court shall sanction such party in an appropriate manner so as to allow such matter to proceed without undue delay or obstruction by the party filing such pleadings or motions.

Sec. 11. Section 51-27h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

The Chief Court Administrator shall provide in each court where family matters or family violence matters are heard or where a domestic violence docket, as defined in section 51-181e, is located a secure room for victims of family violence crimes and advocates for victims of family violence crimes which is separate from any public or private area of the court intended to accommodate the respondent or defendant or the respondent's or defendant's family, friends, attorneys or witnesses and separate from the office of the state's attorney, provided that in courthouses constructed prior to July 1, 2021, such a room is available and the use of such room is practical.

Sec. 12. Section 51-27i of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) As used in this section:

(1) "Domestic violence agency" means any office, shelter, host home or agency offering assistance to victims of domestic violence through crisis intervention, emergency shelter referral and medical and legal advocacy, and which meets the Department of Social Services' criteria of service provision for such agencies.

(2) "Family violence victim advocate" means a person (A) who is employed by and under the control of a direct service supervisor of a domestic violence agency, (B) who has undergone a minimum of twenty hours of training which shall include, but not be limited to, the dynamics of domestic violence, crisis intervention, communication skills, working with diverse populations, an overview of the state criminal justice and civil family court systems and information about state and community resources for victims of domestic violence, (C) who is certified as a counselor by the domestic violence agency that provided such training, and (D) whose primary purpose is the rendering of advice, counsel and assistance to, and the advocacy of the cause of, victims of domestic violence.

(b) The Chief Court Administrator shall permit one or more family violence victim advocates to provide services to victims of domestic violence in (1) the Family Division of the Superior Court in [one or more judicial districts] each judicial district, and (2) each geographical area court in the state.

(c) Notwithstanding any provision of the general statutes restricting the disclosure of documents, upon request, a family violence victim advocate providing services in the Family Division of the Superior Court or a geographical area court shall be provided with a copy of any police report in the possession of the state's attorney, the Division of

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State Police within the Department of Emergency Services and Public Protection, any municipal police department or any other law enforcement agency that the family violence victim advocate requires to perform the responsibilities and duties set forth in subsection (b) of this section.

Sec. 13. Subsection (a) of section 17b-112g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) The Commissioner of Social Services shall offer immediate diversion assistance designed to prevent certain families who are applying for monthly temporary family assistance from needing such assistance. Diversion assistance shall be offered to families that (1) upon initial assessment are determined eligible for temporary family assistance, (2) demonstrate a short-term need that cannot be met with current or anticipated family resources, and (3) with the provision of a service or short-term benefit, would be prevented from needing monthly temporary family assistance. Within resources available to the Department of Social Services, a person who requests diversion assistance on the basis of being a victim of domestic violence, as defined in section 17b-112a, shall be deemed to satisfy subdivision (2) of this subsection and shall not be subject to the requirements of subdivision (3) of this subsection. In determining whether the family of such a victim of domestic violence satisfies the requirements of subdivision (1) of this subsection and the appropriate amount of diversion assistance to provide, the commissioner shall not include as a member of the family the spouse, domestic partner or other household member credibly accused of domestic violence by such victim, nor shall the commissioner count the income or assets of such a spouse, domestic partner or other household member. For purposes of this subsection, allegations of domestic violence may be substantiated by the commissioner pursuant to the provisions of subsection (b) of section 17b-112a.

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Sec. 14. Section 17b-191 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) Notwithstanding the provisions of sections 17b-190, 17b-195 and 17b-196, the Commissioner of Social Services shall operate a state-administered general assistance program in accordance with this section and sections 17b-131, 17b-193, 17b-194, 17b-197 and 17b-198. Notwithstanding any provision of the general statutes, on and after October 1, 2003, no town shall be reimbursed by the state for any general assistance medical benefits incurred after September 30, 2003, and on and after March 1, 2004, no town shall be reimbursed by the state for any general assistance cash benefits or general assistance program administrative costs incurred after February 29, 2004.

(b) The state-administered general assistance program shall provide cash assistance of (1) two hundred dollars per month for an unemployable person upon determination of such person's unemployability; (2) two hundred dollars per month for a transitional person who is required to pay for shelter; and (3) fifty dollars per month for a transitional person who is not required to pay for shelter. The standard of assistance paid for individuals residing in rated boarding facilities shall remain at the level in effect on August 31, 2003. No person shall be eligible for cash assistance under the program if eligible for cash assistance under any other state or federal cash assistance program. The standards of assistance set forth in this subsection shall be subject to annual increases, as described in subsection (b) of section 17b-104.

(c) To be eligible for cash assistance under the program, a person shall (1) be (A) eighteen years of age or older; (B) a minor found by a court to be emancipated pursuant to section 46b-150; or (C) under eighteen years of age and the commissioner determines good cause for such person's eligibility, and (2) not have assets exceeding two hundred fifty dollars or, if such person is married, such person and his or her spouse shall not have assets exceeding five hundred dollars. In determining eligibility,

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the commissioner shall not consider as income Aid and Attendance pension benefits granted to a veteran, as defined in section 27-103, or the surviving spouse of such veteran. No person who is a substance abuser and refuses or fails to enter available, appropriate treatment shall be eligible for cash assistance under the program until such person enters treatment. No person whose benefits from the temporary family assistance program have terminated as a result of time-limited benefits or for failure to comply with a program requirement shall be eligible for cash assistance under the program.

(d) Prior to or upon discontinuance of assistance, a person previously determined to be a transitional person may petition the commissioner to review the determination of his or her status. In such review, the commissioner shall consider factors, including, but not limited to: (1) Age; (2) education; (3) vocational training; (4) mental and physical health; and (5) employment history and shall make a determination of such person's ability to obtain gainful employment.

(e) Notwithstanding any other provision of this section or section 17b-194, a victim of domestic violence, as defined in section 17b-112a, who is not eligible for diversion assistance under the provisions of section 17b-112g, as amended by this act, shall be eligible for a one-time assistance payment under the state-administered general assistance program within resources available to the Department of Social Services. Such payment shall be equivalent to that which such victim would be entitled to receive as diversion assistance if such victim and his or her family, if any, were eligible for diversion assistance. In determining whether and in what amount a victim of domestic violence and his or her family are eligible for a one-time assistance payment pursuant to this subsection, the commissioner shall not include as a member of such victim's family the spouse, domestic partner or other household member credibly accused of domestic violence by such victim, nor shall the commissioner count the income or assets of such a

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spouse, domestic partner or other household member. For purposes of this subsection, allegations of domestic violence may be substantiated by the commissioner pursuant to the provisions of subsection (b) of section 17b-112a, and "family" has the same meaning as used in section 17b-112, except as otherwise provided in this subsection.

Sec. 15. (NEW) (*Effective from passage*) (a) There is established a grant program to provide individuals who are indigent with access to legal assistance at no cost when making an application for a restraining order under section 46b-15 of the general statutes, as amended by this act. The grant program shall be administered by the organization that administers the program for the use of interest earned on lawyers' clients' funds accounts pursuant to section 51-81c of the general statutes. Funds appropriated to the Judicial Branch for the purpose of the grant program shall be transferred to the organization administering the program.

(b) Not later than three months after receiving funding in any year from the state, the organization administering the program shall issue a request for proposals from nonprofit entities whose principal purpose is providing legal services at no cost to individuals who are indigent, for the purpose of awarding grants to provide counsel to indigent individuals who express an interest in applying for a restraining order pursuant to section 46b-15 of the general statutes, as amended by this act, and, to the extent practicable within the funding awarded, representing such individuals throughout the process of applying for such restraining order, including at prehearing conferences and at the hearing on an application. A nonprofit entity responding to the request for proposals may partner with law schools or other non-profit entities or publicly funded organizations that are not governmental entities, for the provision of services pursuant to a grant. Each response to the request for proposals shall specify the judicial district courthouse, or courthouses, for which services will be provided.

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(c) The organization administering the program may only award a grant (1) to provide services in the judicial districts of Fairfield, Hartford, New Haven, Stamford-Norwalk or Waterbury, and (2) in an amount not to exceed two hundred thousand dollars, except that a grant to provide services in the judicial district with the highest average number of applications for restraining orders under section 46b-15 of the general statutes, as amended by this act, over the previous three fiscal years may receive a grant of not more than four hundred thousand dollars. Grants may not be used to provide services to individuals who are not indigent.

(d) The organization administering the program may only award a grant to a nonprofit entity whose principal purpose is providing legal services to individuals who are indigent, if such nonprofit entity demonstrates the ability to:

(1) Verify at the time of meeting with an individual that such potential client is indigent and meets applicable household income eligibility requirements set by the entity;

(2) Arrange for at least one individual who has the relevant training or experience and is authorized to provide legal counsel to eligible indigent individuals who express an interest in applying for a restraining order, to be present in the courthouse or courthouses identified in response to the request for proposals or be available to meet remotely during all business hours;

(3) To the greatest extent practicable within the funding awarded, provide continued representation to eligible indigent individuals throughout the restraining order process, including in court for the hearing on the restraining order, when such individuals request such continued representation after receiving assistance with a restraining order application;

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(4) Provide any individual in the courthouse who expresses an interest in applying for a restraining order with all applicable forms that may be necessary to apply for a restraining order; and

(5) Track and report to the organization administering the program on the services provided pursuant to the program, including (A) the procedural outcomes of restraining order applications filed, (B) the number of instances where legal counsel was provided prior to the filing of an application but not during the remainder of the restraining order process, and the reasons limiting the duration of such representation, and (C) information on any other legal representation provided to individuals pursuant to the program on matters that were ancillary to the circumstances that supported the application for a restraining order.

(e) In awarding grants, the organization administering the program shall give preference to nonprofit entities (1) that demonstrate the ability to provide legal representation to clients regarding matters ancillary to the circumstances that supported the application for a restraining order; (2) with experience offering legal representation to individuals during the restraining order process; or (3) that can provide quality remote services should courthouses be closed to the public.

(f) The Chief Court Administrator shall:

(1) Provide each grant recipient with office space, if available, in the judicial district courthouse or courthouses served by such recipient under the grant program to conduct intake interviews and assist clients with applications for restraining orders;

(2) Require court clerks at such courthouses, prior to accepting an application for a restraining order pursuant to section 46b-15 of the general statutes, as amended by this act, to (A) inform each individual filing such application, or inquiring about filing such an application, that pro bono legal services are available from the grant recipient for

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income-eligible individuals and, if office space has been provided to the grant recipient, where the grant recipient is located in the courthouse, and (B) if cards or pamphlets containing information about pro bono legal services have been provided to the courthouse by the grant recipient, provide such a card or pamphlet to the individual; and

(3) If a poster of reasonable size containing information about pro bono legal services has been provided to a courthouse served by a grant recipient, require the display of such poster in a manner that is visible to the public at or near the location where applications for a restraining order are filed in such courthouse.

(g) The Chief Court Administrator shall post on the Internet web site of the Judicial Branch where instructions for filing a restraining order pursuant to section 46b-15 of the general statutes, as amended by this act, are provided, information on the pro bono legal services available from grant recipients for income-eligible individuals at the applicable courthouses.

(h) For each year that funding is provided for the program under this section, the organization administering the program shall either conduct, or partner with an academic institution or other qualified entity for the purpose of conducting, an analysis of the impact of the program, including, but not limited to, (1) the procedural outcomes for applications filed in association with services provided by grant recipients under the program, (2) the types and extent of legal services provided to individuals served pursuant to the program, including on matters ancillary to the restraining order application, and (3) the number of cases where legal services were provided before an application was filed but legal representation did not continue during the restraining order process and the reasons for such limited representations. Not later than July first of the year following any year in which the program received funding, the organization administering the program shall submit a report on the results of such analysis in

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accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary.

(i) Up to five per cent of the total amount received by the organization administering the grant program may be used for the reasonable costs of administering the program, including the completion of the analysis and report required by subsection (h) of this section.

Sec. 16. Subsections (a) and (b) of section 54-64a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) (1) Except as provided in subdivision (2) of this subsection and subsection (b) of this section, when any arrested person is presented before the Superior Court, said court shall, in bailable offenses, promptly order the release of such person upon the first of the following conditions of release found sufficient to reasonably ensure the appearance of the arrested person in court: (A) Upon execution of a written promise to appear without special conditions, (B) upon execution of a written promise to appear with nonfinancial conditions, (C) upon execution of a bond without surety in no greater amount than necessary, (D) upon execution of a bond with surety in no greater amount than necessary, but in no event shall a judge prohibit a bond from being posted by surety. In addition to or in conjunction with any of the conditions enumerated in subparagraphs (A) to (D), inclusive, of this subdivision the court may, when it has reason to believe that the person is drug-dependent and where necessary, reasonable and appropriate, order the person to submit to a urinalysis drug test and to participate in a program of periodic drug testing and treatment. The results of any such drug test shall not be admissible in any criminal proceeding concerning such person.

(2) If the arrested person is charged with no offense other than a

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misdemeanor, the court shall not impose financial conditions of release on the person unless (A) the person is charged with a family violence crime, as defined in section 46b-38a, as amended by this act, or (B) the person requests such financial conditions, or (C) the court makes a finding on the record that there is a likely risk that (i) the arrested person will fail to appear in court, as required, or (ii) the arrested person will obstruct or attempt to obstruct justice, or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or juror, or (iii) the arrested person will engage in conduct that threatens the safety of himself or herself or another person. In making a finding described in this subsection, the court may consider past criminal history, including any prior record of failing to appear as required in court that resulted in any conviction for a violation of section 53a-172 or any conviction during the previous ten years for a violation of section 53a-173 and any other pending criminal cases of the person charged with a misdemeanor.

(3) The court may, in determining what conditions of release will reasonably ensure the appearance of the arrested person in court, consider the following factors: (A) The nature and circumstances of the offense, (B) such person's record of previous convictions, (C) such person's past record of appearance in court, (D) such person's family ties, (E) such person's employment record, (F) such person's financial resources, character and mental condition, [and] (G) such person's community ties, and (H) in the case of a violation of 53a-222a when the condition of release was issued for a family violence crime, as defined in section 46b-38a, as amended by this act, the heightened risk posed to victims of family violence by violations of conditions of release.

(b) (1) When any arrested person charged with the commission of a class A felony, a class B felony, except a violation of section 53a-86 or 53a-122, a class C felony, except a violation of section 53a-87, 53a-152 or 53a-153, or a class D felony under sections 53a-60 to 53a-60c, inclusive,

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section 53a-72a, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, or a family violence crime, as defined in section 46b-38a, as amended by this act, is presented before the Superior Court, said court shall, in bailable offenses, promptly order the release of such person upon the first of the following conditions of release found sufficient to reasonably ensure the appearance of the arrested person in court and that the safety of any other person will not be endangered: (A) Upon such person's execution of a written promise to appear without special conditions, (B) upon such person's execution of a written promise to appear with nonfinancial conditions, (C) upon such person's execution of a bond without surety in no greater amount than necessary, (D) upon such person's execution of a bond with surety in no greater amount than necessary, but in no event shall a judge prohibit a bond from being posted by surety. In addition to or in conjunction with any of the conditions enumerated in subparagraphs (A) to (D), inclusive, of this subdivision, the court may, when it has reason to believe that the person is drug-dependent and where necessary, reasonable and appropriate, order the person to submit to a urinalysis drug test and to participate in a program of periodic drug testing and treatment. The results of any such drug test shall not be admissible in any criminal proceeding concerning such person.

(2) The court may, in determining what conditions of release will reasonably ensure the appearance of the arrested person in court and that the safety of any other person will not be endangered, consider the following factors: (A) The nature and circumstances of the offense, (B) such person's record of previous convictions, (C) such person's past record of appearance in court after being admitted to bail, (D) such person's family ties, (E) such person's employment record, (F) such person's financial resources, character and mental condition, (G) such person's community ties, (H) the number and seriousness of charges pending against the arrested person, (I) the weight of the evidence against the arrested person, (J) the arrested person's history of violence,

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(K) whether the arrested person has previously been convicted of similar offenses while released on bond, [and] (L) the likelihood based upon the expressed intention of the arrested person that such person will commit another crime while released, and (M) the heightened risk posed to victims of family violence by violations of conditions of release and court orders of protection.

(3) When imposing conditions of release under this subsection, the court shall state for the record any factors under subdivision (2) of this subsection that it considered and the findings that it made as to the danger, if any, that the arrested person might pose to the safety of any other person upon the arrested person's release that caused the court to impose the specific conditions of release that it imposed.

Sec. 17. Subsection (a) of section 53a-181j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) A person is guilty of intimidation based on bigotry or bias in the first degree when such person maliciously, and with specific intent to intimidate or harass another person [because of] motivated in whole or in substantial part by the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person, causes physical injury to such other person or to a third person.

Sec. 18. Subsection (a) of section 53a-181k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) A person is guilty of intimidation based on bigotry or bias in the second degree when such person maliciously, and with specific intent to intimidate or harass another person or group of persons [because of] motivated in whole or in substantial part by the actual or perceived race,

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religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person or group of persons, does any of the following: (1) Causes physical contact with such other person or group of persons, (2) damages, destroys or defaces any real or personal property of such other person or group of persons, or (3) threatens, by word or act, to do an act described in subdivision (1) or (2) of this subsection, if there is reasonable cause to believe that an act described in subdivision (1) or (2) of this subsection will occur.

Sec. 19. Subsection (a) of section 53a-181l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) A person is guilty of intimidation based on bigotry or bias in the third degree when such person, with specific intent to intimidate or harass another person or group of persons [because of] motivated in whole or in substantial part by the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person or persons: (1) Damages, destroys or defaces any real or personal property, or (2) threatens, by word or act, to do an act described in subdivision (1) of this subsection or advocates or urges another person to do an act described in subdivision (1) of this subsection, if there is reasonable cause to believe that an act described in said subdivision will occur.

Sec. 20. (NEW) (*Effective October 1, 2021*) (a) Upon the request of a tenant, a landlord shall change the locks or permit the tenant to change the locks to a tenant's dwelling unit when: (1) The tenant is named as a protected person in (A) a protective or restraining order issued by a court of this state, including, but not limited to, an order issued pursuant to sections 46b-15, 46b-16a, 46b-38c, 53a-40e and 54-1k of the general statutes, as amended by this act, that is in effect at the time the tenant makes such request of the landlord, or (B) a foreign order of protection that has been registered in this state pursuant to section 46b-15a of the

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general statutes, as amended by this act, that is in effect at the time the tenant makes such request of the landlord; (2) the protective order, restraining order or foreign order of protection requires the respondent or defendant to (A) stay away from the home of the tenant, or (B) stay a minimum distance away from the tenant; and (3) the tenant provides a copy of such protective order, restraining order or foreign order of protection to the landlord. A landlord who is required to change a tenant's locks or permit the tenant to change a tenant's locks under this subsection shall, not later than six hours after receipt of the request, inform the tenant whether the landlord will change the locks or permit the tenant to change the locks. If the landlord agrees to change the locks, the landlord shall do so not later than forty-eight hours after the date that the tenant makes such request.

(b) If a landlord has informed the tenant that the tenant is responsible for changing the locks, fails to change the locks, or fails to permit a tenant to change the locks within the timeframe prescribed under subsection (a) of this section, the tenant may proceed to change the locks. If a tenant changes the locks, the tenant shall ensure that the locks are changed in a workmanlike manner, utilizing locks of similar or improved quality as compared to the original locks. The landlord may replace a lock installed by or at the behest of a tenant if the locks installed were not of similar or improved quality or were not installed properly. If a tenant changes the locks to his or her dwelling unit under this subsection, the tenant shall provide a key to the new locks to the landlord not later than two business days after the date on which the locks were changed, except when good cause prevents the tenant from providing a key to the landlord within the prescribed time period.

(c) When a landlord changes the locks to a dwelling unit under subsection (a) or (b) of this section, the landlord (1) shall, if using a professional contractor or locksmith, be responsible for payment to such contractor or locksmith, (2) shall, at or prior to the time of changing such

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locks, provide a key to the new locks to the tenant, and (3) may charge a fee to the tenant not exceeding the actual reasonable cost of changing the locks. If the tenant fails to pay the fee, such cost may be recouped by suit against the tenant or as a deduction from the security deposit when the tenant vacates the dwelling unit, but shall not be the basis for a summary process action under chapter 832 of the general statutes. For purposes of this subsection, "actual reasonable cost" means the cost of the lock mechanism, as well as the fee paid by the landlord for professional contractor or locksmith services.

(d) A landlord may reprogram a digital or electronic lock with a new entry code to comply with the provisions of this section.

(e) If a tenant residing in the dwelling unit is named as the respondent or defendant in an order described in subsection (a) of this section and under such order is required to stay away from the dwelling unit, the landlord shall not provide a key to such tenant for the new locks. Absent a court order permitting a tenant who is the respondent or defendant in such order to return to the dwelling unit to retrieve his or her possessions and personal effects, the landlord has no duty under the rental agreement or by law to allow such tenant access to the dwelling unit once the landlord has been provided with a court order requiring such tenant to stay away from the dwelling unit, and the landlord shall not permit such tenant to access the dwelling unit. Any tenant excluded from the dwelling unit under this section remains liable under the rental agreement with any other tenant of the dwelling unit for rent or damages to the dwelling unit.

(f) A landlord may not require a tenant who is named as a protected person under an order described in subsection (a) of this section to pay additional rent or an additional deposit or fee because of the exclusion of the tenant who is named as the respondent or defendant in such order.

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(g) Any landlord or agent of such landlord who denies a tenant named as a respondent or defendant in an order described in subsection (a) of this section access to the dwelling unit pursuant to this section shall be immune from any civil liability arising from such denial, provided the landlord or agent complies with the provisions of this section and any applicable court order.

Sec. 21. Section 47a-1 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

As used in this chapter and sections 47a-21, as amended by this act, 47a-23 to 47a-23c, inclusive, 47a-26a to 47a-26g, inclusive, 47a-35 to 47a-35b, inclusive, 47a-41a, 47a-43 and 47a-46 and section 20 of this act:

(a) "Action" includes recoupment, counterclaim, set-off, cause of action and any other proceeding in which rights are determined, including an action for possession.

(b) "Building and housing codes" include any law, ordinance or governmental regulation concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or dwelling unit.

(c) "Dwelling unit" means any house or building, or portion thereof, which is occupied, is designed to be occupied, or is rented, leased or hired out to be occupied, as a home or residence of one or more persons.

(d) "Landlord" means the owner, lessor or sublessor of the dwelling unit, the building of which it is a part or the premises.

(e) "Owner" means one or more persons, jointly or severally, in whom is vested (1) all or part of the legal title to property, or (2) all or part of the beneficial ownership and a right to present use and enjoyment of the premises and includes a mortgagee in possession.

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(f) "Person" means an individual, corporation, limited liability company, the state or any political subdivision thereof, or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, and any other legal or commercial entity.

(g) "Premises" means a dwelling unit and the structure of which it is a part and facilities and appurtenances therein and grounds, areas and facilities held out for the use of tenants generally or whose use is promised to the tenant.

(h) "Rent" means all periodic payments to be made to the landlord under the rental agreement.

(i) "Rental agreement" means all agreements, written or oral, and valid rules and regulations adopted under section 47a-9 or subsection (d) of section 21-70 embodying the terms and conditions concerning the use and occupancy of a dwelling unit or premises.

(j) "Roomer" means a person occupying a dwelling unit, which unit does not include a refrigerator, stove, kitchen sink, toilet and shower or bathtub and one or more of these facilities are used in common by other occupants in the structure.

(k) "Single-family residence" means a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit or has a common parking facility, it is a single-family residence if it has direct access to a street or thoroughfare and does not share heating facilities, hot water equipment or any other essential facility or service with any other dwelling unit.

(l) "Tenant" means the lessee, sublessee or person entitled under a rental agreement to occupy a dwelling unit or premises to the exclusion of others or as is otherwise defined by law.

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(m) "Tenement house" means any house or building, or portion thereof, which is rented, leased or hired out to be occupied, or is arranged or designed to be occupied, or is occupied, as the home or residence of three or more families, living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways or yards.

Sec. 22. Subsection (a) of section 47a-21 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

As used in this chapter:

(1) "Accrued interest" means the interest due on a security deposit as provided in subsection (i) of this section, compounded annually to the extent applicable.

(2) "Commissioner" means the Banking Commissioner.

(3) "Escrow account" means any account at a financial institution which is not subject to execution by the creditors of the escrow agent and includes a clients' funds account.

(4) "Escrow agent" means the person in whose name an escrow account is maintained.

(5) "Financial institution" means any state bank and trust company, national bank, savings bank, federal savings bank, savings and loan association, and federal savings and loan association that is located in this state.

(6) "Forwarding address" means the address to which a security deposit may be mailed for delivery to a former tenant.

(7) "Landlord" means any landlord of residential real property, and includes (A) any receiver; (B) any successor; and (C) any tenant who

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sublets his premises.

(8) "Receiver" means any person who is appointed or authorized by any state, federal or probate court to receive rents from tenants, and includes trustees, executors, administrators, guardians, conservators, receivers, and receivers of rent.

(9) "Rent receiver" means a receiver who lacks court authorization to return security deposits and to inspect the premises of tenants and former tenants.

(10) "Residential real property" means real property containing one or more residential units, including residential units not owned by the landlord, and containing one or more tenants who paid a security deposit.

(11) "Security deposit" means any advance rental payment, or any installment payment collected pursuant to section 47a-22a, except an advance payment for the first month's rent or a deposit for a key or any special equipment.

(12) "Successor" means any person who succeeds to a landlord's interest whether by purchase, foreclosure or otherwise and includes a receiver.

(13) "Tenant" means a tenant, as defined in section 47a-1, as amended by this act, or a resident, as defined in section 21-64.

(14) "Tenant's obligations" means (A) the amount of any rental or utility payment due the landlord from a tenant; [and] (B) a tenant's obligations under the provisions of section 47a-11; and (C) the actual reasonable cost of changing the locks of the dwelling unit pursuant to section 20 of this act, if the tenant has not paid such cost.

Approved June 28, 2021

**§ 46b-1. (Formerly Sec. 51-330). Family relations matters defined**

(a) Matters within the jurisdiction of the Superior Court deemed to be family relations matters shall be matters affecting or involving:

- (1) Dissolution of marriage, contested and uncontested, except dissolution upon conviction of crime as provided in section 46b-48;
- (2) legal separation;
- (3) annulment of marriage;
- (4) alimony, support, custody and change of name incident to dissolution of marriage, legal separation and annulment;
- (5) actions brought under section 46b-15;
- (6) complaints for change of name;
- (7) civil support obligations;
- (8) habeas corpus and other proceedings to determine the custody and visitation of children;
- (9) habeas corpus brought by or on behalf of any mentally ill person except a person charged with a criminal offense;
- (10) appointment of a commission to inquire whether a person is wrongfully confined as provided by section 17a-523;
- (11) juvenile matters as provided in section 46b-121;
- (12) all rights and remedies provided for in chapter 815j;
- (13) the establishing of parentage;
- (14) appeals from probate concerning:
  - (A) Adoption or termination of parental rights;
  - (B) appointment and removal of guardians;
  - (C) custody of a minor child;
  - (D) appointment and removal of conservators;
  - (E) orders for custody of any child; and

(F) orders of commitment of persons to public and private institutions and to other appropriate facilities as provided by statute;

(15) actions related to prenuptial and separation agreements and to matrimonial and civil union decrees of a foreign jurisdiction;

(16) dissolution, legal separation or annulment of a civil union performed in a foreign jurisdiction;

(17) custody proceedings brought under the provisions of chapter 815p; and

(18) all such other matters within the jurisdiction of the Superior Court concerning children or family relations as may be determined by the judges of said court.

(b) As used in this title, "domestic violence" means:

(1) A continuous threat of present physical pain or physical injury against a family or household member, as defined in section 46b-38a;

(2) stalking, including, but not limited to, stalking as described in section 53a-181d, of such family or household member;

(3) a pattern of threatening, including, but not limited to, a pattern of threatening as described in section 53a-62, of such family or household member or a third party that intimidates such family or household member;  
or

(4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. "Coercive control" includes, but is not limited to, unreasonably engaging in any of the following:

(A) Isolating the family or household member from friends, relatives or other sources of support;

(B) Depriving the family or household member of basic necessities;

(C) Controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services;

(D) Compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such

family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue;

(E) Committing or threatening to commit cruelty to animals that intimidates the family or household member; or

(F) Forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

**Source:**

(1959, P.A. 531, S. 3; 1967, P.A. 183, S. 3; P.A. 73-373, S. 36; P.A. 76-436, S. 89, 681; P.A. 77-336, S. 2; 77-452, S. 15, 72; 77-576, S. 37, 65; P.A. 78-318, S. 26; 78-379, S. 13, 27; P.A. 86-337, S. 9; P.A. 03-19, S. 101; P.A. 12-133, S. 32; P.A. 13-194, S. 1.)

**History:**

Amended by P.A. 22-0037, S. 22 of the Connecticut Acts of the 2022 Regular Session, eff. 10/1/2022. Amended by P.A. 21-0015, S. 109 of the Connecticut Acts of the 2021 Regular Session, eff. 1/1/2022. Amended by P.A. 21-0104, S. 16 of the Connecticut Acts of the 2021 Regular Session, eff. 6/28/2021. Amended by P.A. 21-0078, S. 1 of the Connecticut Acts of the 2021 Regular Session, eff. 6/28/2021.

**Case Note:**

Cited. 185 C. 502; 234 C. 51; 247 C. 724.

Cited. 5 CA 95; 8 CA 30; 17 CA 627; 41 CA 163. Subdiv. (17): Cannot be used as basis for granting jurisdiction to Superior Court on matters involving foreign civil unions because the text itself requires that children be involved, there is no rule of court that would define foreign civil unions as a family matter, the legislative history of section indicates that its intent was to provide for a court merger, and legislature, by enacting Secs. 45a-727b and 46a-81r, has expressly stated that state does not endorse or authorize civil unions or any other relationship between unmarried persons. 71 CA 372.

Cited. 39 CS 66. Subdiv. (8): Does not confer parents, acting as grandparents, whose son's parental rights have been terminated, the authorization to bring a habeas corpus petition to seek custody of a grandchild. 47 CS 273. Superior Court does have jurisdiction to hear an appeal from a Probate Court change of name proceeding; when the question presented is whether name of a minor child should be changed, the court, in line with its universal duty to protect the interests of minors, must take into

consideration whether the change of name will promote the child's best welfare. 48 CS 647.

**Cross Reference Note:**

See Sec. 45a-99 re concurrent jurisdiction of Probate Court in matters concerning change of name.

See Secs. 45a-736, 45a-737 re change of name of adopted persons.

See Sec. 46b-41 re definition of "complaint".

See Sec. 46b-63 re jurisdiction of Superior Court to restore former spouse's birth name or former name following decree dissolving marriage.

See Sec. 52-11 re jurisdiction of Superior Court concerning complaints for change of name.

**Conn. Gen. Stat. 46b-15 Relief from physical abuse, stalking or pattern of threatening by family or household member.**

**Application. Court orders. Duration. Service of application, affidavit, any ex parte order and notice of hearing. Copies.**

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**§ 46b-15. Relief from physical abuse, stalking or pattern of threatening by family or household member. Application. Court orders. Duration. Service of application, affidavit, any ex parte order and notice of hearing. Copies. Expedited hearing for violation of order. Other remedies**

(a) Any family or household member, as defined in section 46b-38a, who is the victim of domestic violence, as defined in section 46b-1, by another family or household member may make an application to the Superior Court for relief under this section. The court shall provide any person who applies for relief under this section with the information set forth in section 46b-15b.

(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, an eligibility certificate for a pistol or revolver, a long gun eligibility certificate or an ammunition certificate or possesses one or more firearms or ammunition. 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 except that, if the application indicates that the respondent holds a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver, a long gun eligibility certificate or an ammunition certificate or possesses one or more firearms or ammunition, and the court orders an ex parte order, the court shall order that a hearing be held on the application not later than seven days from the date on which the ex parte order is issued. 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. In making such orders ex parte, the court, in its discretion, may consider relevant court records if the records are available to the public from a clerk of the Superior Court or on the Judicial Branch's Internet web site. In addition, at the time of the hearing, the court, in its discretion, may also consider a report prepared by the family services unit of the Judicial Branch, provided the person who prepared such report is available to testify at the hearing and is subject to cross examination. The report may include, as available: Any existing or prior orders of protection obtained from the protection order registry; information on any pending criminal case or past criminal case in which the respondent was convicted of a violent crime; any outstanding arrest warrant for the respondent; and the respondent's level of risk based on a risk assessment tool utilized by the Court Support Services Division. The report

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may also include information pertaining to any pending or disposed family matters case involving the applicant and respondent. Any report provided by the Court Support Services Division to the court shall also be provided to the applicant and respondent. Such orders 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. Such order may include provisions necessary to protect 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 ex parte order shall not be continued except upon agreement of the parties or by order of the court for good cause shown. If a hearing on the application is scheduled or an ex parte order is granted and the court is closed on the scheduled hearing date, the hearing shall be held on the next day the court is open and any such ex parte order shall remain in effect until the date of such hearing. If the applicant is under eighteen years of age, a parent, guardian or responsible adult who brings the application as next friend of the applicant may not speak on the applicant's behalf at such hearing unless there is good cause shown as to why the applicant is unable to speak on his or her own behalf, except that nothing in this subsection shall preclude such parent, guardian or responsible adult from testifying as a witness at such hearing. As used in this subsection, "violent crime" includes:

(A) An incident resulting in physical harm, bodily injury or assault;

(B) an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault, including, but not limited to, stalking or a pattern of threatening;

(C) verbal abuse or argument if there is a present danger and likelihood that physical violence will occur; and

(D) cruelty to animals as set forth in section 53-247.

(c) If the court issues an ex parte order pursuant to subsection (b) of this section and service has not been made on the respondent in conformance with subsection (h) of this section, upon request of the applicant, the court

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shall, based on the information contained in the original application, extend any ex parte order for an additional period not to exceed fourteen days from the originally scheduled hearing date. The clerk shall prepare a new order of hearing and notice containing the new hearing date, which shall be served upon the respondent in accordance with the provisions of subsection (h) of this section.

(d) Any ex parte restraining order entered under subsection (b) of this section in which the applicant and respondent are spouses, or persons who have a dependent child or children in common and who live together, may include, if no order exists, and if necessary to maintain the safety and basic needs of the applicant or the dependent child or children in common of the applicant and respondent, in addition to any orders authorized under subsection (b) of this section, any of the following:

(1) An order prohibiting the respondent from (A) taking any action that could result in the termination of any necessary utility services or necessary services related to the family dwelling or the dwelling of the applicant, (B) taking any action that could result in the cancellation, change of coverage or change of beneficiary of any health, automobile or homeowners insurance policy to the detriment of the applicant or the dependent child or children in common of the applicant and respondent, or (C) transferring, encumbering, concealing or disposing of specified property owned or leased by the applicant; or

(2) an order providing the applicant with temporary possession of an automobile, checkbook, documentation of health, automobile or homeowners insurance, a document needed for purposes of proving identity, a key or other necessary specified personal effects.

(e) At the hearing on any application under this section, if the court grants relief pursuant to subsection (b) of this section and the applicant and respondent are spouses, or persons who have a dependent child or children in common and who live together, and if necessary to maintain the safety and basic needs of the applicant or the dependent child or children in common of the applicant and respondent, any orders entered by the court may include, in addition to the orders authorized under subsection (b) of this section, any of the following:

(1) An order prohibiting the respondent from (A) taking any action that could result in the termination of any necessary utility services or services related to the family dwelling or the dwelling of the applicant, (B) taking any

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action that could result in the cancellation, change of coverage or change of beneficiary of any health, automobile or homeowners insurance policy to the detriment of the applicant or the dependent child or children in common of the applicant and respondent, or (C) transferring, encumbering, concealing or disposing of specified property owned or leased by the applicant;

(2) an order providing the applicant with temporary possession of an automobile, checkbook, documentation of health, automobile or homeowners insurance, a document needed for purposes of proving identity, a key or other necessary specified personal effects; or

(3) an order that the respondent:

(A) Make rent or mortgage payments on the family dwelling or the dwelling of the applicant and the dependent child or children in common of the applicant and respondent,

(B) maintain utility services or other necessary services related to the family dwelling or the dwelling of the applicant and the dependent child or children in common of the applicant and respondent,

(C) maintain all existing health, automobile or homeowners insurance coverage without change in coverage or beneficiary designation, or

(D) provide financial support for the benefit of any dependent child or children in common of the applicant and the respondent, provided the respondent has a legal duty to support such child or children and the ability to pay. The court shall not enter any order of financial support without sufficient evidence as to the ability to pay, including, but not limited to, financial affidavits. If at the hearing no order is entered under this subsection or subsection (d) of this section, no such order may be entered thereafter pursuant to this section. Any order entered pursuant to this subsection shall not be subject to modification and shall expire one hundred twenty days after the date of issuance or upon issuance of a superseding order, whichever occurs first. Any amounts not paid or collected under this subsection or subsection (d) of this section may be preserved and collectible in an action for dissolution of marriage, custody, paternity or support.

(f)

(1) Every order of the court made in accordance with this section shall contain the following language:

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(A) "This order may be extended by the court beyond one year. In accordance with section 53a-107 of the Connecticut general statutes, 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."; and

(B) "In accordance with section 53a-223b of the Connecticut general statutes, any violation of subparagraph (A) or (B) of subdivision (2) of subsection (a) of section 53a-223b constitutes criminal violation of a restraining order which is punishable by a term of imprisonment of not more than five years, a fine of not more than five thousand dollars, or both. Additionally, any violation of subparagraph (C) or (D) of subdivision (2) of subsection (a) of section 53a-223b constitutes criminal violation of a restraining order which is punishable by a term of imprisonment of not more than ten years, a fine of not more than ten thousand dollars, or both."

(2) Each applicant who receives an order of the court in accordance with this section shall be given a notice that contains the following language: "If a restraining order has been issued on your behalf or on behalf of your child, you may elect to give testimony or appear in a family court proceeding remotely, pursuant to section 46b-15c. Please notify the court in writing at least two days in advance of a proceeding if you choose to give testimony or appear remotely, and your physical presence in the courthouse will not be required in order to participate in the court proceeding."

(g) No order of the court shall exceed one year, 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 the respondent's last-known address.

(h)

(1) 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 three days before the hearing. A proper officer responsible for executing such service shall accept all documents in an electronic format, if presented to such officer in such format. The cost of such service, including mileage pursuant to section 52-

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261, shall be paid for by the Judicial Branch. No officer or person shall be entitled to a fee for service pursuant to this section if timely return of service is not received by the court, absent a court order authorizing such fee. For the purposes of this subsection, timely return includes, but is not limited to, transmitting by facsimile or other means, a copy of the return of service to the court prior to the hearing followed by the delivery of the original return to the court within a reasonable time after the hearing.

(2) When (A) an application indicates that a respondent holds a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver, a long gun eligibility certificate or an ammunition certificate or possesses one or more firearms or ammunition, and (B) the court has issued an ex parte order pursuant to this section, the proper officer responsible for executing service shall, whenever possible, provide in-hand service and, prior to serving such order, shall (i) provide notice to the law enforcement agency for the town in which the respondent will be served concerning when and where the service will take place, and (ii) send, or cause to be sent by facsimile or other means, a copy of the application, the applicant's affidavit, the ex parte order and the notice of hearing to such law enforcement agency, and (iii) request that a police officer from the law enforcement agency for the town in which the respondent will be served be present when service is executed by the proper officer. Upon receiving a request from a proper officer under the provisions of this subdivision, the law enforcement agency for the town in which the respondent will be served may designate a police officer to be present when service is executed by the proper officer.

(3) Upon the granting of an ex parte order, the clerk of the court shall provide two 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 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 be accompanied by a notification that is consistent with the full faith and credit provisions set forth in 18 USC 2265 (a), as amended from time to time. Immediately after making service on the respondent, the proper officer shall (A) 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, and (B) as soon as possible, but not later than two hours after the time that service is executed, input into the Judicial Branch's Internet-based service tracking system the date, time and method of service. If, prior to the date of the

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scheduled hearing, service has not been executed, the proper officer shall input into such service tracking system that service was unsuccessful. 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. If the victim, or victim's minor child protected by such order, is enrolled in a public or private elementary or secondary school, including a technical education and career school, or an institution of higher education, as defined in section 10a-55, the clerk of the court shall, upon the request of the victim, send, by facsimile or other means, a copy of such ex parte order or of any order after notice and hearing, or the information contained in any such order, to such school or institution of higher education, the president of any institution of higher education at which the victim, or victim's minor child protected by such order, is enrolled and the special police force established pursuant to section 10a-156b, if any, at the institution of higher education at which the victim, or victim's minor child protected by such order, is enrolled, if the victim provides the clerk with the name and address of such school or institution of higher education.

(i) A caretaker who is providing shelter in his or her residence to a person sixty years or older shall not be enjoined from the full use and enjoyment of his or her home and property. The Superior Court may make any other appropriate order under the provisions of this section.

(j) 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.

(k) An action under this section shall not preclude the applicant from seeking any other civil or criminal relief.

(l) For purposes of this section, "police officer" means a state police officer or a sworn member of a municipal police department and "law enforcement agency" means the Division of State Police within the Department of Emergency Services and Public Protection or any municipal police department.

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**Source:**

(P.A. 81-272, S. 2; P.A. 86-337, S. 7; P.A. 87-567, S. 4, 7; P.A. 91-6, S. 1, 3; 91-381, S. 3, 7; P.A. 95-193, S. 1; P.A. 96-180, S. 158, 166; P.A. 97-126, S. 1; P.A. 99-186, S. 4; P.A. 00-196, S. 24; P.A. 01-130, S. 11, 12; P.A. 02-127, S. 7; 02-132, S. 54; May 9 Sp. Sess. P.A. 02-7, S. 77; P.A. 03-202, S. 4; P.A. 05-152, S. 3; P.A. 06-152, S. 2; P.A. 07-78, S. 1; P.A. 10-36, S. 4; 10-144, S. 1, 2; P.A. 11-152, S. 1; P.A. 12-114, S. 1; June 12 Sp. Sess. P.A. 12-2, S. 97; P.A. 13-3, S. 36; 13-194, S. 2; P.A. 14-217, S. 120; P.A. 16-34, S. 3; 16-105, S. 4; P.A. 17-163, S. 1; 17-237, S. 112.)

**History:**

Amended by P.A. 22-0026, S. 62 of the Connecticut Acts of the 2022 Regular Session, eff. 10/1/2022. Amended by P.A. 22-0026, S. 59 of the Connecticut Acts of the 2022 Regular Session, eff. 10/1/2022. Amended by P.A. 21-0078, S. 2 of the Connecticut Acts of the 2021 Regular Session, eff. 10/1/2021. Amended by P.A. 17-0163, S. 1 of the Connecticut Acts of the 2017 Regular Session, eff. 1/1/2018. Amended by P.A. 17-0237, S. 112 of the Connecticut Acts of the 2017 Regular Session, eff. 7/1/2017. Amended by P.A. 16-0105, S. 4 of the Connecticut Acts of the 2016 Regular Session, eff. 10/1/2016. Amended by P.A. 16-0034, S. 3 of the Connecticut Acts of the 2016 Regular Session, eff. 10/1/2016. Amended by P.A. 14-0217, S. 120 of the Connecticut Acts of the 2014 Regular Session, eff. 1/1/2015.

**Case Note:**

Section requires a continuous threat of present physical pain or physical injury. 104 CA 20; Id., 26. Trial court did not exceed its statutory authority when it ordered alcohol abuse counseling since it could reasonably have concluded that such counseling was necessary for the protection of the family, and did not exceed its statutory authority by extending restraining order to protect adult daughter since section allows orders appropriate for the protection of other persons as the court sees fit. 127 CA 586. Provision that "the court may impose such sanctions as the court deems appropriate" is ambiguous, and incarceration was not an appropriate sanction in a civil contempt proceeding for violation of a domestic restraining order where incarceration would not allow a contemnor to avoid or lessen the sentence of incarceration by purging himself of the contempt. 143 CA 1. The word "stalking" is to be construed according to its commonly approved usage, as opposed to the narrower definitions of stalking found in the Penal Code; trial court did not abuse its discretion in concluding in the context of all of

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the evidence that defendant's conduct in driving past plaintiff's home, turning around, and driving past the home a second time constituted an act of stalking. 150 CA 105.

Cited. 44 CS 235.

**Cross Reference Note:**

See Sec. 51-5c re automated registry of protective orders.

**Conn. Gen. Stat. 46b-15c Out-of-court testimony in family relations matter when one party is subject to a protective order, restraining order or standing criminal protective order. Videoconference hearings permitted. Oaths. Cross-examination. Notice (General Statutes of Connecticut (2023 Edition))**

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**§ 46b-15c. Out-of-court testimony in family relations matter when one party is subject to a protective order, restraining order or standing criminal protective order. Videoconference hearings permitted. Oaths. Cross-examination. Notice**

(a) In any court proceeding in a family relations matter, as defined in section 46b-1, the court shall, upon the written request of a party or the attorney for any party made not less than two days prior to such proceeding, 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 a protective order, restraining order or standing criminal protective order has been issued on behalf of the party or child, and the other party is subject to the protective order, restraining order or standing criminal protective order. Such order may provide for the use of alternative means to obtain the testimony of any party or child, including, but not limited to, the use of a secure video connection for the purpose of conducting hearings by videoconference. Such testimony may be taken in a room other than the courtroom or at another location outside the courthouse or outside the state. The court shall provide for the administration of an oath to such party or child prior to the taking of such testimony in accordance with the rules of the Superior Court.

(b) Nothing in this section shall be construed to limit any party's right to cross-examine a witness whose testimony is taken in a room other than the courtroom pursuant to an order under this section.

(c) An order under this section may remain in effect during the pendency of the proceedings in the family relations matter.

(d) A notice describing the provisions of subsection (a) of this section shall be (1) posted on the Internet web site of the Judicial Branch, (2) included in any written or electronic form that describes the automatic orders in cases involving a dissolution of marriage or legal separation under section 46b-40, and (3) included in any written or electronic form provided to a person who receives a protective order under section 46b-38c, a standing criminal protective order under section 54a-40e or a restraining order, under section 46b-15.

**Source:**

(P.A. 08-67, S. 1; P.A. 10-144, S. 11.)

**History:**

**Conn. Gen. Stat. 46b-15c Out-of-court testimony in family relations matter when one party is subject to a protective order, restraining order or standing criminal protective order. Videoconference hearings permitted. Oaths. Cross-examination. Notice (General Statutes of Connecticut (2023 Edition))**

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Amended by P.A. 21-0078, S. 3 of the Connecticut Acts of the 2021 Regular Session, eff. 10/1/2021. Amended by P.A. 10-0144, S. 11 of the February 2010 Regular Session, eff. 10/1/2010.

**§ 46b-38a. Family violence prevention and response: Definitions**

For the purposes of sections 46b-38a to 46b-38f, inclusive:

(1) "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, including, but not limited to, stalking or a pattern of threatening, between family or household members. Verbal abuse or argument does not constitute family violence unless there is present danger and the likelihood that physical violence will occur.

(2) "Family or household member" means any of the following persons, regardless of the age of such person:

(A) Spouses or former spouses;

(B) parents or their children;

(C) persons related by blood or marriage;

(D) persons other than those persons described in subparagraph (C) of this subdivision 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 who have recently been in, a dating relationship.

(3) "Family violence crime" means a crime as defined in section 53a-24, other than a delinquent act, as defined in section 46b-120, which, in addition to its other elements, contains as an element thereof an act of family violence to a family or household member. "Family violence crime" includes any violation of section 53a-222, 53a-222a, 53a-223, 53a-223a or 53a-223b when the condition of release or court order is issued for an act of family violence or a family violence crime. "Family violence crime" does not include acts by parents or guardians disciplining minor children unless such acts constitute abuse.

(4) "Institutions and services" means peace officers, service providers, mandated reporters of abuse, agencies and departments that provide services to victims and families and services designed to assist victims and families.

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(5) "Dominant aggressor" means the person who poses the most serious ongoing threat in a situation involving the suspected commission of a family violence crime.

**Source:**

(P.A. 86-337, S. 1; P.A. 87-567, S. 1, 7; P.A. 88-364, S. 59, 123; P.A. 99-186, S. 2; P.A. 11-152, S. 2; 11-157, S. 21; P.A. 12-114, S. 2; P.A. 18-5, S. 1.)

**History:**

Amended by P.A. 21-0078, S. 4 of the Connecticut Acts of the 2021 Regular Session, eff. 7/1/2021. Amended by P.A. 18-0005, S. 1 of the Connecticut Acts of the 2018 Regular Session, eff. 1/1/2019. Amended by P.A. 12-0114, S. 2 of the the 2012 Regular Session, eff. 10/1/2012. Amended by P.A. 11-0157, S. 21 of the the 2011 Regular Session, eff. 10/1/2011. Amended by P.A. 11-0152, S. 2 of the the 2011 Regular Session, eff. 10/1/2011.

**Case Note:**

Cited. 219 C. 752.

Cited. 42 CA 624.

Creation of a class of victims and defendants does not affect the prosecution of any crime, does not afford victim greater rights with regard to defendant's prosecution, and is a legitimate classification, being neither arbitrary nor irrational, and thus does not violate equal protection rights. 46 CS 598.

**Cross Reference Note:**

See chapter 968a re address confidentiality program.

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**§ 46b-38b. Investigation of family violence crime by peace officer. Arrest. Assistance to victim. Guidelines. Compliance with model law enforcement policy on family violence. Education and training program. Assistance and protocols for victims whose immigration status is questionable. Exceptions**

(a) Except as provided in subsections (b) and (c) of this section, whenever a peace officer determines upon speedy information that a family violence crime has been committed within such officer's jurisdiction, such officer shall arrest the person suspected of its commission and charge such person 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 between persons suspected of committing a family violence crime, or (3) be based solely on a request by the victim. 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, or ammunition 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, electronic defense weapon or ammunition in its original condition to the rightful owner thereof unless such person is ineligible to possess such firearm, electronic defense weapon or ammunition or unless otherwise ordered by the court.

(b) When complaints of family violence are made by two or more opposing persons, a peace officer is not required to arrest both persons. The peace officer shall evaluate each complaint separately to determine which person is the dominant aggressor. In determining which person is the dominant aggressor, the peace officer shall consider the need to protect victims of domestic violence, whether one person acted in defense of self or a third person, the relative degree of any injury, any threats creating fear of physical injury, and any history of family violence between such persons, if such history can reasonably be obtained by the peace officer. The peace officer shall arrest the person whom the officer believes to be the dominant aggressor.

(c) If a peace officer believes probable cause exists for the arrest of two or more persons, in lieu of arresting or seeking a warrant for the arrest of any person determined not to be the dominant aggressor, such peace officer may submit a report detailing the conduct of such person during the incident to the state's attorney for the judicial district in which the incident took place

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for further review and advice. The provisions of this section shall be construed to discourage, when appropriate, but not prohibit, dual arrests.

(d) No peace officer investigating an incident of family violence shall threaten, suggest or otherwise indicate, the arrest of all persons involved in such incident for the purpose of discouraging any request from a person for law enforcement intervention.

(e) No peace officer shall be held liable in any civil action regarding personal injury or injury to property brought by any party to a family violence incident for (1) an arrest based on probable cause; (2) any conditions of release imposed pursuant to subsection (b) of section 54-63c; or (3) determinations made pursuant to subsection (b) or (c) of this section.

(f) It shall be the responsibility of the peace officer at the scene of a family violence incident to provide immediate assistance to the victim. Such assistance shall include, but need not be limited to:

(1) Assisting the victim to obtain medical treatment if such treatment is required;

(2) notifying the victim of the right to file an affidavit for a warrant for arrest;

(3) informing the victim of services available, including providing the victim with (A) contact information for a regional family violence organization that employs, or provides referrals to, counselors who are trained in providing trauma-informed care, and (B) on and after January 1, 2023, a copy of the information concerning services and resources available to victims of domestic violence published pursuant to section 10-10g; (4) on and after January 1, 2023, if there is a child at the scene, providing the victim a copy of the documents concerning behavioral and mental health evaluation and treatment resources available to children developed pursuant to section 17a-22r for the mental health region in which such victim is located; (5) referring the victim to the Office of Victim Services; and (6) providing assistance in accordance with the uniform protocols for treating victims of family violence whose immigration status is questionable, established pursuant to subsection (i) of this section. In cases where the officer has determined that no cause exists for an arrest, assistance shall include:

(A) Assistance as provided in subdivisions (1) to (6), inclusive, of this subsection; and

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(B) remaining at the scene for a reasonable time until, in the reasonable judgment of the officer, the likelihood of further imminent violence has been eliminated. For the purposes of this subsection, "trauma-informed care" means services (i) directed by a thorough understanding of the neurological, biological, psychological and social effects of trauma and violence on a person; and (ii) delivered by a regional family violence organization that employs, or provides referrals to, counselors who:

(I) Make available to the victim of family violence resources on trauma exposure, its impact and treatment;

(II) engage in efforts to strengthen the resilience and protective factors of victims of family violence who are impacted by and vulnerable to trauma;

(III) emphasize continuity of care and collaboration among organizations that provide services to children; and

(IV) maintain professional relationships for referral and consultation purposes with programs and persons with expertise in trauma-informed care.

(g)

(1) 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 need not be limited to:

(A) Procedures for the conduct of a criminal investigation;

(B) procedures for arrest and for victim assistance by peace officers;

(C) education as to what constitutes speedy information in a family violence incident;

(D) procedures with respect to the provision of services to victims; and

(E) 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. On and after October 1, 2012, each law enforcement agency shall develop and implement specific operational guidelines for arrest policies in family violence incidents which, at a minimum, meet the standards set forth

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in the model law enforcement policy on family violence established in subdivision (2) of this subsection.

(2) There is established a model law enforcement policy on family violence for the state. Such policy shall consist of the model policy submitted by the task force established in section 19 of public act 11-152 \* on January 31, 2012, to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary, as amended from time to time by the Family Violence Model Policy Governing Council established pursuant to section 46b-38j.

(3) Not later than January 15, 2013, and annually thereafter, the chairperson of the Police Officer Standards and Training Council shall provide notice of updates to the model policy, if any, adopted by the council during the prior calendar year, to the chief law enforcement officer of each municipality having a police department, the law enforcement instructor of each such police department, and the Commissioner of Emergency Services and Public Protection.

(4) Not later than July 1, 2013, and annually thereafter, each law enforcement agency shall submit a report to the Commissioner of Emergency Services and Public Protection, in such form as the commissioner prescribes, regarding the law enforcement agency's compliance with the model law enforcement policy on family violence for the state.

(5)

(A) On and after July 1, 2021, each law enforcement agency shall designate at least one officer with supervisory duties to expeditiously process, upon request of a victim of family violence or other crime who is applying for U Nonimmigrant Status (i) a certification of helpfulness on Form I-918, Supplement B, or any subsequent corresponding form designated by the United States Department of Homeland Security, confirming that the victim of family violence or other crime has been helpful, is being helpful or is likely to be helpful in the investigation or prosecution of the criminal activity, and (ii) any subsequent certification required by the victim. As used in this subparagraph, "expeditiously" means not later than sixty days after the date of receipt of the request for certification of helpfulness, or not later than fourteen days after the date of receipt of such request if (I) the victim is in federal immigration removal proceedings or detained, or (II) the victim's child, parents or siblings would become ineligible for an immigration benefit

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by virtue of the victim or the sibling of such victim attaining the age of eighteen years, or the victim's child attaining the age of twenty-one years.

(B) By signing a certification of helpfulness, the officer or agency is not making a determination of eligibility for U Nonimmigrant Status. The officer or agency is solely providing information required by the United States Department of Homeland Security on such form as is required by said department and certifying that:

(i) The requesting individual or his or her family member is a victim of one of the enumerated crimes eligible for U Nonimmigrant Status,

(ii) the victim possesses or possessed information regarding that crime,

(iii) the victim has been, is being or is likely to be helpful in an investigation of that crime, and

(iv) the victim has not failed or refused to provide reasonably requested information or assistance. A current or ongoing investigation, filing of criminal charges, prosecution or conviction is not required for a victim to request and obtain certification under this subdivision.

(h) The Police Officer Standards and Training Council, in conjunction with the Division of Criminal Justice, shall establish an education and training program for law enforcement officers, supervisors and state's attorneys on the handling of family violence incidents. Training under such program shall:

(1) Stress the enforcement of criminal law in family violence cases and the use of community resources, and include training for peace officers at both recruit and in-service levels; and

(2) include, but not be limited to:

(A) The nature, extent and causes of family violence;

(B) factors for determining a dominant aggressor in a family violence case;

(C) legal rights of and remedies available to victims of family violence and persons accused of family violence;

(D) services and facilities available to victims and persons who commit acts of family violence;

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(E) legal duties imposed on police officers to make arrests and to offer protection and assistance, including applicable probable cause standards; and

(F) techniques for handling incidents of family violence that minimize the likelihood of injury to the officer and promote the safety of the victim. Training under such program shall also include, within available appropriations, information on (i) the impact of arrests of multiple parties in a family violence case on the immigration status of the parties; (ii) crime scene investigation and evaluation practices in family violence cases designed by the council to reduce the number of multiple arrests in family violence cases; and (iii) practical considerations in the application of the general statutes related to family violence. Such training shall also address, within available appropriations, eligibility for federal T Visas for victims of human trafficking and federal U Visas for unauthorized immigrants who are victims of family violence and other crimes.

(i) The Police Officer Standards and Training Council shall establish uniform protocols for treating victims of family violence whose immigration status is questionable, and shall make such protocols available to law enforcement agencies. Each law enforcement agency shall adopt and use such protocols on and after the date they are established by the council.

(j) The provisions of this section shall not apply to persons who are (1) attending an institution of higher education and presently residing together in on-campus housing or in off-campus housing that is owned, managed or operated by the institution of higher education or its agent, provided such persons are not family or household members as defined in subparagraph (A), (B), (C), (E) or (F) of subdivision (2) of section 46b-38a, or (2) presently residing in a dwelling unit, as defined in section 47a-1, and making payments pursuant to a rental agreement, as defined in section 47a-1, provided such persons are not family or household members as defined in subparagraph (A), (B), (C), (E) or (F) of subdivision (2) of section 46b-38a.

**Source:**

(P.A. 86-337, S. 2; P.A. 87-554; 87-567, S. 2, 7; 87-589, S. 13, 87; P.A. 95-108, S. 15; P.A. 96-246, S. 32; P.A. 99-186, S. 3; P.A. 00-196, S. 58; P.A. 02-120, S. 1; P.A. 04-66, S. 1; P.A. 07-123, S. 2, 7; Sept. Sp. Sess. P.A. 09-7, S. 64; P.A. 10-36, S. 5; P.A. 11-152, S. 3; P.A. 12-114, S. 19, 23; P.A. 13-3, S. 37; 13-214, S. 11; P.A. 18-5, S. 2.)

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\*Note: Section 19 of public act 11-152 is special in nature and therefore has not been codified but remains in full force and effect according to its terms.

**History:**

Amended by P.A. 22-0047,S. 62 of the Connecticut Acts of the 2022 Regular Session, eff. 7/1/2022. Amended by P.A. 21-0078,S. 5 of the Connecticut Acts of the 2021 Regular Session, eff. 7/1/2021. Amended by P.A. 19-0189,S. 43 of the Connecticut Acts of the 2019 Regular Session, eff. 7/1/2019. Amended by P.A. 18-0005, S. 2 of the Connecticut Acts of the 2018 Regular Session, eff. 1/1/2019.

**Case Note:**

Cited. 23 CA 657.

Cited. 43 CS 441; 44 CS 121. Creation of a class of victims and defendants does not affect the prosecution of any crime, does not afford victim greater rights with regard to defendant's prosecution, and is a legitimate classification, being neither arbitrary nor irrational, and thus does not violate equal protection rights. 46 Conn.Supp. 598.

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**§ 46b-38c. Family violence response and intervention units. Local  
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(a) There shall be family violence response and intervention units in the Connecticut judicial system to respond to cases involving family violence. The units shall be coordinated and governed by formal agreement between the Chief State's Attorney and the Judicial Department.

(b) The Court Support Services Division, in accordance with the agreement between the Chief State's Attorney and the Judicial Department, shall establish within each geographical area of the Superior Court a local family violence intervention unit to implement sections 46b-1, 46b-15, 46b-38a to 46b-38f, inclusive, and 54-1g. The Court Support Services Division shall oversee direct operations of the local units.

(c) Each such local family violence intervention unit shall:

(1) Accept referrals of family violence cases from a judge or prosecutor,

(2) prepare written or oral reports on each case for the court by the next court date to be presented at any time during the court session on that date,

(3) provide or arrange for services to victims and offenders,

(4) administer contracts to carry out such services, and

(5) establish centralized reporting procedures. All information provided to a family relations counselor, family relations counselor trainee or family services supervisor employed by the Judicial Department in a local family violence intervention unit shall be used solely for the purposes of preparation of the report and the protective order forms for each case and recommendation of services and shall otherwise be confidential and retained in the files of such unit and not be subject to subpoena or other court process for use in any other proceeding or for any other purpose, except that a family relations counselor, family relations counselor trainee or family services supervisor employed by the Judicial Department:

(A) Shall disclose to the court and the prosecuting authority for appropriate action information that the victim has indicated that the defendant holds a permit to carry a pistol or revolver, possesses one or more firearms or possesses ammunition;

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(B) Shall disclose to an employee of the Department of Children and Families information that indicates that a defendant poses a danger or threat to a child or a custodial parent of the child;

(C) May disclose to another family relations counselor, family relations counselor trainee or family services supervisor information pursuant to guidelines adopted by the Chief Court Administrator;

(D) May disclose to a bail commissioner or an intake, assessment and referral specialist employed by the Judicial Department information regarding a defendant who is on or is being considered for pretrial release;

(E) May disclose to a law enforcement agency information that indicates that a defendant poses a danger or threat to another person;

(F) May disclose, after disposition of a family violence case, to a probation officer or a juvenile probation officer, for purposes of determining service needs and supervision levels, information regarding a defendant who has been convicted and sentenced to a period of probation in the family violence case;

(G) May disclose, after a conviction in a family violence case, to a probation officer for the purpose of preparing a presentence investigation report, any information regarding the defendant that has been provided to the family relations counselor, family relations counselor trainee or family services supervisor in the case or in any other case that resulted in the conviction of the defendant;

(H) May disclose to any organization under contract with the Judicial Department to provide family violence programs and services, for the purpose of determining program and service needs, information regarding any defendant who is a client of such organization, provided no information that personally identifies the victim may be disclosed to such organization; and

(I) Shall disclose such information as may be necessary to fulfill such counselor's, trainee's or supervisor's duty as a mandated reporter under section 17a-101a to report suspected child abuse or neglect.

(d) In all cases of family violence, a written or oral report that indicates whether the parties in the family violence case are parties to a case pending on the family relations docket of the Superior Court and includes recommendation of the local family violence intervention unit shall be available to a judge at the first court date appearance to be presented at any

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time during the court session on that date. A judge of the Superior Court may consider and impose the following conditions to protect the parties, including, but not limited to:

- (1) Issuance of a protective order pursuant to subsection (e) of this section;
- (2) prohibition against subjecting the victim to further violence;
- (3) referral to a family violence education program for persons who commit acts of family violence; and
- (4) immediate referral for more extensive case assessment. Such protective order shall be an order of the court, and the clerk of the court shall cause (A) a copy of such order to be sent to the victim, and (B) a copy of such order, or the information contained in such order, to be sent by facsimile or other means within forty-eight hours of its issuance to the law enforcement agency for the town in which the victim resides and, if the defendant resides in a town different from the town in which the victim resides, to the law enforcement agency for the town in which the defendant resides. If the victim is employed in a town different from the town in which the victim resides, the clerk of the court shall, upon the request of the victim, send, by facsimile or other means, a copy of such order, or the information contained in such order, to the law enforcement agency for the town in which the victim is employed not later than forty-eight hours after the issuance of such order. If the victim is enrolled in a public or private elementary or secondary school, including a technical education and career school, or an institution of higher education, as defined in section 10a-55, the clerk of the court shall, upon the request of the victim, send, by facsimile or other means, a copy of such order, or the information contained in such order, to such school or institution of higher education, the president of any institution of higher education at which the victim is enrolled and the special police force established pursuant to section 10a-156b, if any, at the institution of higher education at which the victim is enrolled, if the victim provides the clerk with the name and address of such school or institution of higher education.

(e)

- (1) A protective order issued under this section may include provisions necessary to protect the victim from threats, harassment, injury or intimidation by the defendant, including, but not limited to, an order enjoining the defendant from (A) imposing any restraint upon the person or liberty of the victim, (B) threatening, harassing, assaulting, molesting or sexually assaulting the victim, or (C) entering the family dwelling or the dwelling of the victim. A protective order issued under this section may

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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. Such order shall be made a condition of the bail or release of the defendant and shall contain the following notification: "In accordance with section 53a-223 of the Connecticut general statutes, any violation of this order constitutes criminal violation of a protective order which is punishable by a term of imprisonment of not more than ten years, a fine of not more than ten thousand dollars, or both. Additionally, in accordance with section 53a-107 of the Connecticut general statutes, entering or remaining in a building or any other premises in violation of this order constitutes criminal trespass in the first degree which is punishable by a term of imprisonment of not more than one year, a fine of not more than two thousand dollars, or both. Violation of this order also violates a condition of your bail or release, and may result in raising the amount of bail or revoking release." Every order of the court made in accordance with this section after notice and hearing shall be accompanied by a notification that is consistent with the full faith and credit provisions set forth in 18 USC 2265(a), as amended from time to time. The information contained in and concerning the issuance of any protective order issued under this section shall be entered in the registry of protective orders pursuant to section 51-5c.

(2) Each person who receives an order of the court in accordance with this subsection shall be given a notice that contains the following language: "If a protective order has been issued on your behalf or on behalf of your child, you may elect to give testimony or appear in a family court proceeding remotely, pursuant to section 46b-15c. Please notify the court in writing at least two days in advance of a proceeding if you choose to give testimony or appear remotely, and your physical presence in the courthouse will not be required in order to participate in the court proceeding."

(f) The Judicial Department may establish, within available appropriations, a pilot program in three judicial districts for the purpose of using electronic monitoring in accordance with this subsection. Such pilot program shall be conducted in at least one judicial district that contains an urban area, as defined in section 4b-13, and at least one judicial district that does not contain such an urban area. Pursuant to such pilot program, the court may order that any person appearing in such judicial district who is charged with the violation of a restraining order or a protective order, and who has been determined to be a high-risk offender by the family violence intervention unit, be subject to electronic monitoring designed to warn law enforcement agencies, a state-wide information collection center and the victim when the person is within a specified distance of the victim, if the court finds that such

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electronic monitoring is necessary to protect the victim, provided the cost of such electronic monitoring is paid by the person who is subject to such electronic monitoring, subject to guidelines established by the Chief Court Administrator. If the court orders that such person be subject to electronic monitoring, the clerk of the court shall send, by facsimile or other means, a copy of the order, or the information contained in any such order, to the law enforcement agency or agencies for the town in which the person resides. The Judicial Department shall cease operation of any pilot program established under this subsection not later than March 31, 2011, unless resources are available to continue operation of the pilot program. On and after July 1, 2012, the Judicial Department may resume operation of the pilot program, within available resources, and may operate such pilot program in one or more additional judicial districts, within such available resources.

(g)

(1) In cases referred to the local family violence intervention unit, it shall be the function of the unit to (A) identify victim service needs, (B) assess offenders for the purpose of identifying appropriate services, (C) monitor compliance with program requirements by offenders who are allowed to participate in the pretrial family violence education program described in subsection (h) of this section, and (D) monitor offenders who have been referred to pretrial services or programs.

(2) The Judicial Department may contract with victim service providers to make available, either directly or through referral, appropriate services that include, but are not limited to, the provision of trauma-informed care, as defined in subsection (f) of section 46b-38b.

(3) The Judicial Department may contract with service providers to provide domestic violence offender treatment programs for offenders referred by the court. Such treatment programs shall comply with the domestic violence offender program standards promulgated under section 46b-38l. The provisions of this subdivision shall not apply to the pretrial family violence education program described in subsection (h) of this section.

(h)

(1) There shall be a pretrial family violence education program for persons who are charged with family violence crimes. At a minimum, such program shall inform participants of the basic elements of family violence law and applicable penalties. The court may, in its discretion, invoke such program on motion of the defendant when it finds:

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(A) That the defendant has not previously been convicted of a family violence crime which occurred on or after October 1, 1986;

(B) the defendant has not had a previous case assigned to the family violence education program;

(C) the defendant has not previously invoked or accepted accelerated rehabilitation under section 54-56e for a family violence crime which occurred on or after October 1, 1986; and

(D) that the defendant is not charged with a class A, class B or class C felony, or an unclassified felony carrying a term of imprisonment of more than ten years, or unless good cause is shown, a class D felony, an unclassified offense carrying a term of imprisonment of more than five years or an offense that involved the infliction of serious physical injury, as defined in section 53a-3. Participation by any person in the accelerated pretrial rehabilitation program under section 54-56e prior to October 1, 1986, shall not prohibit eligibility of such person for the pretrial family violence education program under this section. The court may require that the defendant answer such questions under oath, in open court or before any person designated by the clerk and duly authorized to administer oaths, under the penalties of perjury as will assist the court in making these findings.

(2) The court, on such motion, may refer the defendant to the family violence intervention unit, and may continue the defendant's case pending the submission of the report of the unit to the court. The court shall also give notice to the victim or victims that the defendant has requested assignment to the family violence education program, and, where possible, give the victim or victims opportunity to be heard. Any defendant who accepts placement in the family violence education program shall agree to the tolling of any statute of limitations with respect to the crime or crimes with which the defendant is charged, and to a waiver of the defendant's right to a speedy trial. Any such defendant shall appear in court and shall be released to the custody of the family violence intervention unit for such period, not exceeding two years, and under such conditions as the court shall order. If the defendant refuses to accept, or, having accepted, violates such conditions, the defendant's case shall be brought to trial. If the defendant satisfactorily completes the family violence education program and complies with the conditions imposed for the period set by the court, the defendant may apply for dismissal of the charges against the defendant and the court, on finding satisfactory compliance, shall dismiss such charges.

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(3) Upon dismissal of charges under this subsection, all records of such charges shall be erased pursuant to section 54-142a.

(i) A nonrefundable application fee of one hundred dollars shall be paid to the court by any person who files a motion pursuant to subdivision (1) of subsection (h) of this section to participate in the pretrial family violence education program, and a fee of three hundred dollars shall be paid to the court by any person who enters the family violence education program, except that no person shall be excluded from such program for inability to pay any such fee, provided (1) the person files with the court an affidavit of indigency or inability to pay and the court enters a finding thereof, or (2) such person has been determined indigent and eligible for representation by a public defender who has been appointed on behalf of such person pursuant to section 51-296. The court shall not require a person to perform community service in lieu of payment of such fee, if such fee is waived. All such fees shall be credited to the General Fund.

(j) The Judicial Department shall establish an ongoing training program for judges, Court Support Services Division personnel, guardians ad litem and clerks to inform them about the policies and procedures of sections 46b-1, 46b-15, 46b-38a to 46b-38f, inclusive, and 54-1g, including, but not limited to, the function of the family violence intervention units and the use of restraining and protective orders. Such training program shall include an examination of the factors that contribute to a family being at risk for episodes of domestic violence within the family. The Judicial Branch may consult with organizations that advocate on behalf of victims of domestic violence in order to ensure that the training includes information on the unique characteristics of family violence crimes.

**Source:**

(P.A. 86-337, S. 3; P.A. 87-567, S. 3, 7; P.A. 89-219, S. 1, 10; P.A. 91-6, S. 2, 3; 91-24, S. 3; 91-381, S. 4; P.A. 93-280, S. 2; 93-343; P.A. 96-180, S. 125, 166; 96-246, S. 33, 34; P.A. 97-126, S. 2; P.A. 01-130, S. 13; P.A. 02-132, S. 13, 14, 55; P.A. 03-202, S. 5; P.A. 05-288, S. 157; P.A. 06-196, S. 170; P.A. 07-78, S. 2; Sept. Sp. Sess. P.A. 09-7, S. 65; P.A. 10-43, S. 13; 10-144, S. 3; P.A. 11-152, S. 4; P.A. 12-114, S. 3, 6, 24; 12-133, S. 42; June 12 Sp. Sess. P.A. 12-1, S. 131; June 12 Sp. Sess. P.A. 12-2, S. 98; P.A. 13-3, S. 38; 13-214, S. 3, 12; P.A. 14-217, S. 125; 14-234, S. 10; P.A. 15-211, S. 21; June Sp. Sess. P.A. 15-5, S. 441; P.A. 16-71, S. 13; P.A. 17-163, S. 3; 17-237, S. 114; P.A. 18-5, S. 4.)

**History:**

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Amended by P.A. 21-0102, S. 16 of the Connecticut Acts of the 2021 Regular Session, eff. 10/1/2021. Amended by P.A. 21-0078, S. 6 of the Connecticut Acts of the 2021 Regular Session, eff. 10/1/2021. Amended by P.A. 18-0005, S. 4 of the Connecticut Acts of the 2018 Regular Session, eff. 1/1/2019. Amended by P.A. 17-0163, S. 3 of the Connecticut Acts of the 2017 Regular Session, eff. 1/1/2018. Amended by P.A. 17-0237, S. 114 of the Connecticut Acts of the 2017 Regular Session, eff. 7/1/2017. Amended by P.A. 16-0071, S. 13 of the Connecticut Acts of the 2016 Regular Session, eff. 10/1/2016. Amended by P.A. 15-0005, S. 441 of the Connecticut Acts of the 2015 Special Session, eff. 1/1/2016. Amended by P.A. 15-0211, S. 21 of the Connecticut Acts of the 2015 Regular Session, eff. 1/1/2016. Amended by P.A. 14-0217, S. 125 of the Connecticut Acts of the 2014 Regular Session, eff. 1/1/2015. Amended by P.A. 14-0234, S. 10 of the Connecticut Acts of the 2014 Regular Session, eff. 10/1/2014.

**Case Note:**

Cited. 219 Conn. 752. The trial court may issue a criminal protective order at defendant's arraignment after consideration of oral argument and the family violence intervention unit's report; the trial court is required to hold, at defendant's request at arraignment, a subsequent hearing within a reasonable period of time at which the state will be required to prove the continued necessity of the order by a fair preponderance of the evidence, which may include reliable hearsay testimony, and defendant will have an opportunity to proffer relevant evidence; legislature did not intend for this section and Sec. 54-63c(b) to entitle defendant to an evidentiary hearing beyond consideration of parties' arguments and unit's report prior to the initial issuance of a criminal protective order at arraignment, which may occur within hours of the alleged incident of family violence. 294 C. 1.

Cited. 45 CA 722. Writ of error challenging the constitutionality of this statute was improper where Sec. 54-63g provides exclusive remedy of petition for review of an order concerning release. 110 CA 653.

Ability to issue a protective order, which is a restriction on defendant's liberty, is not punitive but is meant to protect victims of family violence, and the state has a legitimate and significant interest in doing so; creation of a class of victims and defendants does not affect prosecution of any crime, does not afford victim greater rights with regard to defendant's prosecution, and is a legitimate classification, being neither arbitrary nor irrational, and thus does not violate equal protection rights; defendant's due process rights were not violated by issuance of a protective order without an adversarial hearing; issuance of a protective order is not in the nature of a trial, so

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defendant was not denied right to an impartial tribunal; summons for disorderly conduct and report from an officer is sufficient information to find beyond a preponderance of the evidence that a protective order should be issued; there is no right against self-incrimination since information was not used in defendant's criminal case, but only to determine whether to issue a protective order. 46 Conn.Supp. 598.

Subsec. (e):

Nothing in Subsec. prohibits state from bringing charges for other criminal acts in addition to violation of protective order. 151 CA 590.

Subsec. (g):

Subsec. does not provide for automatic dismissal of criminal charges on completion of program's educational classes because Subsec. provides that defendant "may apply", and "satisfactory compliance" necessarily requires that the court retain at least some discretion to determine if defendant has met conditions of program. 116 CA 788.

**§ 53a-40e. Standing criminal protective orders**

(a) If any person is convicted of (1) a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (1) or (2) of subsection (a) of section 53-21, section 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-181e, 53a-182b or 53a-183, subdivision (2) of subsection (a) of section 53a-192a, section 53a-223, 53a-223a or 53a-223b or attempt or conspiracy to violate any of said sections or section 53a-54a, or (2) any crime that the court determines constitutes a family violence crime, as defined in section 46b-38a, or attempt or conspiracy to commit any such crime, the court may, in addition to imposing the sentence authorized for the crime under section 53a-35a or 53a-36, if the court is of the opinion that the history and character and the nature and circumstances of the criminal conduct of such offender indicate that a standing criminal protective order will best serve the interest of the victim and the public, issue a standing criminal protective order which shall remain in effect for a duration specified by the court until modified or revoked by the court for good cause shown. If any person is convicted of any crime not specified in subdivision (1) or (2) of this subsection, the court may, for good cause shown, issue a standing criminal protective order pursuant to this subsection.

(b) Such standing criminal protective order may include, but need not be limited to, provisions enjoining the offender from (1) imposing any restraint upon the person or liberty of the victim; (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the victim; or (3) entering the family dwelling or the dwelling of the victim. If the victim is enrolled in a public or private elementary or secondary school, including a technical high school, or an institution of higher education, as defined in section 10a-55, the clerk of the court shall, upon the request of the victim, send, by facsimile or other means, a copy of such standing criminal protective order, or the information contained in any such order, to such school or institution of higher education, the president of any institution of higher education at which the victim is enrolled and the special police force established pursuant to section 10a-142, if any, at the institution of higher education at which the victim is enrolled, if the victim provides the clerk with the name and address of such school or institution of higher education.

(c)

(1) Such standing criminal protective order shall include the following notice: "In accordance with section 53a-223a of the Connecticut general statutes, violation of this order shall be punishable by a term of

imprisonment of not less than one year nor more than ten years, a fine of not more than ten thousand dollars, or both."

(2) Upon issuance of a standing criminal protective order under subsection (a) of this section, each victim protected by such order shall be given a notice that contains the following language: "If a standing criminal protective order has been issued on your behalf or on behalf of your child, you may elect to give testimony or appear in a family court proceeding remotely, pursuant to section 46b-15c. Please notify the court in writing at least two days in advance of a proceeding if you choose to give testimony or appear remotely, and your physical presence in the courthouse will not be required in order to participate in the court proceeding."

(d) For the purposes of this section and any other provision of the general statutes, "standing criminal protective order" means (1) a standing criminal restraining order issued prior to October 1, 2010, or (2) a standing criminal protective order issued on or after October 1, 2010.

**Source:**

(P.A. 96-228, S. 1; P.A. 98-15; June Sp. Sess. P.A. 98-1, S. 41, 121; P.A. 99-186, S. 13; P.A. 05-147, S. 2; P.A. 07-123, S. 5; P.A. 10-144, S. 5; P.A. 11-152, S. 5; P.A. 14-147, S. 2; 14-217, S. 128; 14-234, S. 8; P.A. 16-71, S. 14; P.A. 17-163, S. 4.)

**History:**

Amended by P.A. 21-0078, S. 7 of the Connecticut Acts of the 2021 Regular Session, eff. 10/1/2021. Amended by P.A. 19-0189, S. 20 of the Connecticut Acts of the 2019 Regular Session, eff. 10/1/2019. Amended by P.A. 17-0163, S. 4 of the Connecticut Acts of the 2017 Regular Session, eff. 1/1/2018. Amended by P.A. 16-0071, S. 14 of the Connecticut Acts of the 2016 Regular Session, eff. 10/1/2016. Amended by P.A. 14-0234, S. 8 of the Connecticut Acts of the 2014 Regular Session, eff. 1/1/2015. Amended by P.A. 14-0217, S. 128 of the Connecticut Acts of the 2014 Regular Session, eff. 1/1/2015. Amended by P.A. 14-0147, S. 2 of the Connecticut Acts of the 2014 Regular Session, eff. 10/1/2014. Amended by P.A. 11-0152, S. 5 of the the 2011 Regular Session, eff. 10/1/2011. Amended by P.A. 10-0144, S. 5 of the February 2010 Regular Session, eff. 10/1/2010.

**Case Note:**

Imposition of a standing criminal restraining order after defendant began serving his sentence did not constitute punishment or affect defendant's sentence and therefore, trial court had jurisdiction to impose it. 269 C. 107.

Order precluding defendant from having contact with his minor children is within scope of statute. 81 CA 84.

**Cross Reference Note:**

See Sec. 51-5c re automated registry of protective orders.

**Conn. Gen. Stat. 46b-54 (Formerly Sec. 46-43). Appointment of counsel or guardian ad litem for a minor child. Duties. Best interests of the child (General Statutes of Connecticut (2023 Edition))**

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**§ 46b-54. (Formerly Sec. 46-43). Appointment of counsel or guardian ad litem for a minor child. Duties. Best interests of the child**

(a) The court may appoint counsel or a guardian ad litem for any minor child or children of either or both parties at any time after the return day of a complaint under section 46b-45, if the court deems it to be in the best interests of the child or children. The court may appoint counsel or a guardian ad litem on its own motion, or at the request of either of the parties or of the legal guardian of any child or at the request of any child who is of sufficient age and capable of making an intelligent request.

(b) Counsel or a guardian ad litem for the minor child or children may also be appointed on the motion of the court or on the request of any person enumerated in subsection (a) of this section in any case before the court when the court finds that the custody, care, education, visitation or support of a minor child is in actual controversy, provided the court may make any order regarding a matter in controversy prior to the appointment of counsel or a guardian ad litem where it finds immediate action necessary in the best interests of any child.

(c) In the absence of an agreement of the parties to the appointment of counsel or a guardian ad litem for a minor child in the parties' matter and a canvassing by the court concerning the terms of such agreement, the court shall only appoint such counsel or guardian ad litem under this section when, in the court's discretion, reasonable options and efforts to resolve a dispute of the parties concerning the custody, care, education, visitation or support of a minor child have been made.

(d) If the court deems the appointment of counsel or a guardian ad litem for any minor child or children to be in the best interests of the child or children, such appointment shall be made in accordance with the provisions of section 46b-12.

(e) Counsel or a guardian ad litem for the minor child or children shall be heard on all matters pertaining to the interests of any child, including the custody, care, support, education and visitation of the child, so long as the court deems such representation to be in the best interests of the child. To the extent practicable, when hearing from such counsel or guardian ad litem, the court shall permit such counsel or guardian ad litem to participate at the beginning of the matter, at the conclusion of the matter or at such other time the court deems appropriate so as to minimize legal fees incurred by the parties due to the participation of such counsel or guardian ad litem in the matter. Such counsel or guardian ad litem may be heard on a matter

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pertaining to a medical diagnosis or conclusion concerning a minor child made by a health care professional treating such child when (1) such counsel or guardian ad litem is in possession of a medical record or report of the treating health care professional that indicates or supports such medical diagnosis or conclusion; or (2) one or more parties have refused to cooperate in paying for or obtaining a medical record or report that contains the treating health care professional's medical diagnosis or conclusion. If the court deems it to be in the best interests of the minor child, such health care professional shall be heard on matters pertaining to the interests of any such child, including the custody, care, support, education and visitation of such child.

(f) When recommending the entry of any order as provided in subsections (a) and (b) of section 46b-56, counsel or a guardian ad litem for the minor child shall consider the best interests of the child, and in doing so shall consider, but not be limited to, one or more of the following factors:

- (1) The physical and emotional safety of the child;
- (2) the temperament and developmental needs of the child;
- (3) the capacity and the disposition of the parents to understand and meet the needs of the child;
- (4) any relevant and material information obtained from the child, including the informed preferences of the child;
- (5) the wishes of the child's parents as to custody;
- (6) the past and current interaction and relationship of the child with each parent, the child's siblings and any other person who may significantly affect the best interests of the child;
- (7) the willingness and ability of each parent to facilitate and encourage such continuing parent-child relationship between the child and the other parent as is appropriate, including compliance with any court orders;
- (8) any manipulation by or coercive behavior of the parents in an effort to involve the child in the parents' dispute;
- (9) the ability of each parent to be actively involved in the life of the child;
- (10) the child's adjustment to his or her home, school and community environments;

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(11) the length of time that the child has lived in a stable and satisfactory environment and the desirability of maintaining continuity in such environment, provided counsel or a guardian ad litem for the minor child may consider favorably a parent who voluntarily leaves the child's family home pendente lite in order to alleviate stress in the household;

(12) the stability of the child's existing or proposed residences, or both;

(13) the mental and physical health of all individuals involved, except that a disability of a proposed custodial parent or other party, in and of itself, shall not be determinative of custody unless the proposed custodial arrangement is not in the best interests of the child;

(14) the child's cultural background;

(15) the effect on the child of the actions of an abuser, if any domestic violence, as defined in section 46b-1, has occurred between the parents or between a parent and another individual or the child;

(16) whether the child or a sibling of the child has been abused or neglected, as defined respectively in section 46b-120; and

(17) whether a party satisfactorily completed participation in a parenting education program established pursuant to section 46b-69b. Counsel or a guardian ad litem for the minor child shall not be required to assign any weight to any of the factors considered.

**Source:**

(P.A. 73-373, S. 16; P.A. 74-169, S. 9, 18; P.A. 75-530, S. 13, 35; P.A. 78-230, S. 28, 54; P.A. 14-3, S. 2; 14-207, S. 14.)

**History:**

Amended by P.A. 21-0078, S. 8 of the Connecticut Acts of the 2021 Regular Session, eff. 10/1/2021. Amended by P.A. 14-0207, S. 14 of the Connecticut Acts of the 2014 Regular Session, eff. 10/1/2014. Amended by P.A. 14-0003, S. 2 of the Connecticut Acts of the 2014 Regular Session, eff. 10/1/2014.

**Case Note:**

Annotations to former section 46-43:

Cited. 174 C. 244.

Cited. 7 CA 720.

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Counsel for minor child appointed where motion brought to change order for the child's custody; it is in child's best interest to appoint independent counsel where motion made to change custody order. 31 CS 340. Cited. 33 CS 100.

Annotations to present section:

Appointment of counsel for minor child is in discretion of court and court did not abuse discretion in failing to appoint counsel. 180 Conn. 533. Cited. 181 Conn. 622; 186 Conn. 311; 196 C. 260; 198 C. 138; 207 C. 725; 224 Conn. 776; 231 C. 928. Under certain limited circumstances, minor children may appeal from trial court judgment concerning support obligations of the parents; judgment of appellate court reversed. 235 Conn. 82. Cited. 241 C. 767. Attorneys appointed by court pursuant to section are entitled to absolute, quasi-judicial immunity for actions taken during, or activities necessary to, performance of functions that are integral to the judicial process, and defendant attorney entitled to absolute immunity because complaint not grounded on any conduct by defendant in which she acted outside usual role of an attorney for minor children. 274 C. 533. Trial court may protect minor's interests in dissolution action solely through appointment of an attorney, rather than also requiring simultaneous appointment of a guardian ad litem or naming of a next friend. 276 C. 526. Trial court abused its discretion by appointing an attorney for minor children for a proceeding intended solely to address the matter of attorney's fees. 294 C. 484.

Cited. 8 CA 50; 11 Conn.App. 189; 18 CA 622; 23 Conn.App. 509; 32 CA 152; 35 CA 421; Id., 449; 37 CA 194; 39 CA 162; 40 CA 675. Trial court did not err in permitting attorney for the minor child to assert psychologist-patient privilege as basis for an oral motion in limine re communications made by the child, where defendant failed to request appointment of a guardian ad litem for the child. 72 CA 193. Duties of guardian ad litem may subsume those traditionally performed by counsel when counsel is the child's sole representative. 76 CA 693. Appointment of attorney to represent a minor child rests within the sound discretion of court. 78 CA 493. Attorneys appointed pursuant to section are entitled to qualified quasi-judicial immunity, and such immunity is properly pleaded as a special defense and the issue raised by using either motion to strike or motion for summary judgment. 81 CA 382.

Cited. 35 CS 237.

**Conn. Gen. Stat. 46b-56 (Formerly Sec. 46-42). Orders re custody, care, education, visitation and support of children. Best interests of the child. Access to records of minor child by noncustodial parent. Orders re therapy, counseling and drug or alcohol screening (General Statutes of Connecticut (2023 Edition))**

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**§ 46b-56. (Formerly Sec. 46-42). Orders re custody, care, education, visitation and support of children. Best interests of the child. Access to records of minor child by noncustodial parent. Orders re therapy, counseling and drug or alcohol screening**

(a) In any controversy before the Superior Court as to the custody or care of minor children, and at any time after the return day of any complaint under section 46b-45, the court may make or modify any proper order regarding the custody, care, education, visitation and support of the children if it has jurisdiction under the provisions of chapter 815p. Subject to the provisions of section 46b-56a, the court may assign parental responsibility for raising the child to the parents jointly, or may award custody to either parent or to a third party, according to its best judgment upon the facts of the case and subject to such conditions and limitations as it deems equitable. The court may also make any order granting the right of visitation of any child to a third party to the action, including, but not limited to, grandparents.

(b) In making or modifying any order as provided in subsection (a) of this section, the rights and responsibilities of both parents shall be considered and the court shall enter orders accordingly that serve the best interests of the child and provide the child with the active and consistent involvement of both parents commensurate with their abilities and interests. Such orders may include, but shall not be limited to:

(1) Approval of a parental responsibility plan agreed to by the parents pursuant to section 46b-56a;

(2) the award of joint parental responsibility of a minor child to both parents, which shall include (A) provisions for residential arrangements with each parent in accordance with the needs of the child and the parents, and (B) provisions for consultation between the parents and for the making of major decisions regarding the child's health, education and religious upbringing;

(3) the award of sole custody to one parent with appropriate parenting time for the noncustodial parent where sole custody is in the best interests of the child; or

(4) any other custody arrangements as the court may determine to be in the best interests of the child.

(c) In making or modifying any order as provided in subsections (a) and (b) of this section, the court shall consider the best interests of the child, and in

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doing so, may consider, but shall not be limited to, one or more of the following factors:

- (1) The physical and emotional safety of the child;
- (2) the temperament and developmental needs of the child;
- (3) the capacity and the disposition of the parents to understand and meet the needs of the child;
- (4) any relevant and material information obtained from the child, including the informed preferences of the child;
- (5) the wishes of the child's parents as to custody;
- (6) the past and current interaction and relationship of the child with each parent, the child's siblings and any other person who may significantly affect the best interests of the child;
- (7) the willingness and ability of each parent to facilitate and encourage such continuing parent-child relationship between the child and the other parent as is appropriate, including compliance with any court orders;
- (8) any manipulation by or coercive behavior of the parents in an effort to involve the child in the parents' dispute;
- (9) the ability of each parent to be actively involved in the life of the child;
- (10) the child's adjustment to his or her home, school and community environments;
- (11) the length of time that the child has lived in a stable and satisfactory environment and the desirability of maintaining continuity in such environment, provided the court may consider favorably a parent who voluntarily leaves the child's family home pendente lite in order to alleviate stress in the household;
- (12) the stability of the child's existing or proposed residences, or both;
- (13) the mental and physical health of all individuals involved, except that a disability of a proposed custodial parent or other party, in and of itself, shall not be determinative of custody unless the proposed custodial arrangement is not in the best interests of the child;
- (14) the child's cultural background;

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(15) the effect on the child of the actions of an abuser, if any domestic violence, as defined in section 46b-1, has occurred between the parents or between a parent and another individual or the child;

(16) whether the child or a sibling of the child has been abused or neglected, as defined respectively in section 46b-120; and

(17) whether the party satisfactorily completed participation in a parenting education program established pursuant to section 46b-69b. The court is not required to assign any weight to any of the factors that it considers, but shall articulate the basis for its decision.

(d) Upon the issuance of any order assigning custody of the child to the Commissioner of Children and Families, or not later than sixty days after the issuance of such order, the court shall make a determination whether the Department of Children and Families made reasonable efforts to keep the child with his or her parents prior to the issuance of such order and, if such efforts were not made, whether such reasonable efforts were not possible, taking into consideration the best interests of the child, including the child's health and safety.

(e) In determining whether a child is in need of support and, if in need, the respective abilities of the parents to provide support, the court shall take into consideration all the factors enumerated in section 46b-84.

(f) When the court is not sitting, any judge of the court may make any order in the cause which the court might make under this section, including orders of injunction, prior to any action in the cause by the court.

(g) A parent not granted custody of a minor child shall not be denied the right of access to the academic, medical, hospital or other health records of such minor child, unless otherwise ordered by the court for good cause shown.

(h) Notwithstanding the provisions of subsections (b) and (c) of this section, when a motion for modification of custody or visitation is pending before the court or has been decided by the court and the investigation ordered by the court pursuant to section 46b-6 recommends psychiatric or psychological therapy for a child, and such therapy would, in the court's opinion, be in the best interests of the child and aid the child's response to a modification, the court may order such therapy and reserve judgment on the motion for modification.

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(i) As part of a decision concerning custody or visitation, the court may order either parent or both of the parents and any child of such parents to participate in counseling and drug or alcohol screening, provided such participation is in the best interests of the child.

**Source:**

(P.A. 73-373, S. 15; P.A. 74-169, S. 8, 18; P.A. 75-530, S. 12, 35; P.A. 77-488, S. 2; P.A. 78-230, S. 27, 54; 78-318, S. 28; P.A. 80-29; P.A. 81-402, S. 1; P.A. 84-42; P.A. 93-319, S. 3, 4; P.A. 99-137; P.A. 01-186, S. 12; May 9 Sp. Sess. P.A. 02-7, S. 35; P.A. 03-19, S. 105; P.A. 05-258, S. 3; P.A. 14-3, S. 8.)

**History:**

Amended by P.A. 21-0078, S. 9 of the Connecticut Acts of the 2021 Regular Session, eff. 10/1/2021. Amended by P.A. 14-0003, S. 8 of the Connecticut Acts of the 2014 Regular Session, eff. 10/1/2014.

**Case Note:**

Annotations to former section 46-42:

Cited. 171 Conn. 433; 172 C. 341. Decision of trial court with respect to custody and care of minor children must stand unless court has abused its discretion. 173 Conn. 161. Discussion of ante nuptial agreements relating to property rights upon dissolution of the marriage. 181 C. 482.

Annotations to present section:

Cited. 177 C. 47. Court has no authority to issue an order of support against a husband as neither the biological nor adoptive parent of the child. 180 Conn. 114. Court did not exceed its authority by setting aside certain personal property for the use of the minor children. *Id.*, 528. Cited. 182 C. 545; 183 Conn. 353. Restrictions on visitation rights discussed. 184 C. 36. Cited. 185 C. 275. Until entry of final decree, the court has discretion to modify custody without first finding material change of circumstances since previous award. 186 C. 118. Cited. *Id.*, 191; *Id.*, 709; 190 C. 345. Statute read together with Secs. 46b-61 and 46b-93 provide that it is permissible under certain circumstances to award child support even though child is not within this jurisdiction. 191 C. 92. Cited. 196 C. 10; *Id.*, 260; 201 C. 50; *Id.*, 229; 207 C. 217; 212 C. 441. Temporary custody order is final judgment for purposes of appellate review; Appellate Court's dismissal of appeal reversed. 224 Conn. 749. Cited. 236 C. 582; 239 C. 336. Trial court had subject matter jurisdiction to order pendente lite child support, regardless of whether child

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at issue is considered a "child of the marriage". 248 C. 487. In order to uphold constitutionality of section, court imposed a standing requirement that a third party allege a parent-like relationship with the child for third party custody awards and third parties seeking intervention in existing custody proceedings. 285 C. 24.

Cited. 2 Conn.App. 472; 4 CA 94; 8 Conn.App. 50; 13 CA 300; 14 CA 296; 18 Conn.App. 622; 19 CA 146; 22 CA 802; 25 Conn.App. 693; 35 Conn.App. 421; 37 CA 397; 41 CA 716; 42 CA 583; Id., 651. Substantial modification of visitation order requires evidentiary hearing to determine best interest of child. 54 CA 50. Court had sufficient evidence to modify custody order even without the benefit of prejudgment psychological evaluation of defendant. 61 Conn.App. 175. Trial court properly decided parental relocation with child pursuant to statutory best interest of child standard because the interests and circumstances of the parties at the postjudgment stage differ from those existing at time of the dissolution. 68 CA 173. Central to courts' review of modifications of custody orders under section is the concept that courts must be guided by best interests of the child. 72 CA 528. Although both parties to marital dissolution action agreed to unrestricted authority of the arbitrator-attorney for the minor children in the event of a controversy by binding arbitration with no express language restricting the breadth of issues, no reservation of explicit rights and no contingency for court review, the very limited review runs afoul of statute which requires that court exercising its equitable jurisdiction re custody assure itself that its judgment will serve best interests of the child and was an improper delegation of judicial authority. 83 CA 115. Custody order properly modified where court stated that original joint custody order was unworkable and that determination was made pursuant to standard enunciated in Subsec. (c), although court did not expressly state that changed circumstances warranted modification of the custody order. 139 CA 10.

Cited. 35 Conn.Supp. 237; 38 Conn.Supp. 37; 41 Conn.Supp. 258; Id., 429. Does not confer parents, acting as grandparents, whose son's parental rights have been terminated, the authorization to bring a habeas corpus petition to seek custody of a grandchild. 47 Conn.Supp. 273.

Subsec. (a):

Cited. 185 Conn. 249. In a custody proceeding pursuant to section, the third party must prove by a fair preponderance standard that the party has a parent-like relationship with the child, parental custody would be detrimental to the child and third party custody would be in the child's best interest. 285 Conn. 24.

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Joint custody discussed. 5 Conn.App. 649. Cited. 7 CA 745; 41 CA 861; judgment reversed, see 241 C. 490; 43 CA 327. Trial court properly determined that in the absence of controversy before the court involving custody or care of minor children, section does not provide an alternative statutory basis to Sec. 46b-59 so as to allow grandparents to pursue an action for visitation. 103 CA 125.

Subsec. (b):

Court not obligated to interview each child before decision on custody. 178 Conn. 254. Cited. 179 C. 287. Court did not abuse its discretion by awarding custody to mother in accordance with 13-year-old child's wish despite mother's failure to appear at the hearing. 180 C. 132. While the rights, wishes and desires of the parents must be considered, it is nevertheless the ultimate welfare of the child which must control the decision of the court. Id., 533. Statute which vests discretion in trial court to determine the best interest of a child in awarding custody without objective guidelines is not unconstitutionally vague. Id., 705. Neither applicable statutes nor case law recognize any presumption in custody matters. 181 Conn. 622. Cited. 207 C. 48; 212 Conn. 63; 224 Conn. 776; 235 Conn. 82; 241 Conn. 767.

Court must resolve issue of custody in the best interests of the child whatever agreements have been made between the parents. 1 CA 356. Cited. 23 Conn.App. 509; 24 CA 426; Id., 804; 38 CA 263. Visitation by respondent mother was not in child's best interest when respondent had not been consistent in maintaining visitation with the child, scheduled visits had not gone well, the child had become attached to her aunt and uncle, respondent had not related naturally or interacted appropriately with the child and respondent's visits had been upsetting to the child. 63 CA 493. Court improperly incorporated parties' prior stipulated agreement into its final decree without making a best interests determination re children 17 months later at time of final decree. 98 CA 63.

Subsec. (c):

Plain meaning of section, read within context of related statutes within Ch. 815j, makes clear that Subsec. is intended to apply only in dissolution of marriage, legal separation and annulment actions. 103 CA 746. The language of Subsec. does not compel the consideration of any particular factor or factors when determining the best interest of a child; rather, the court is free to consider the factors it determines to be most appropriate given the facts of each individual case. 108 CA 813. Subdiv. (12) is not unconstitutionally vague as applied to facts of case because it is clear that the core meaning of

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Subdiv. permits a court to consider a disability or health issue when making a custody determination, as long as such disability or health issue is not determinative, or to use such disability or health issue as a determinative factor if it is in the child's best interests to do so. 130 CA 411. Subdiv. (7) authorizes court to consider parental alienation syndrome, specific acts of coercion and manipulation on part of defendant when making or modifying an order pursuant to section. 135 CA 337.

**Conn. Gen. Stat. 46b-1a Pattern of frivolous and intentionally  
fabricated pleadings or motions in family relations matter  
(General Statutes of Connecticut (2023 Edition))**

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**§ 46b-1a. Pattern of frivolous and intentionally fabricated  
pleadings or motions in family relations matter**

In any family relations matter described in section 46b-1, if the court finds that a pattern of frivolous and intentionally fabricated pleadings or motions are filed by one party, the court shall sanction such party in an appropriate manner so as to allow such matter to proceed without undue delay or obstruction by the party filing such pleadings or motions.

**History:**

Added by P.A. 21-0078,S. 10 of the Connecticut Acts of the 2021 Regular Session, eff. 10/1/2021.

**Conn. Gen. Stat. 51-27h Courthouse facilities to include secure  
room for victims of family violence crimes and advocates  
(General Statutes of Connecticut (2023 Edition))**

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**§ 51-27h. Courthouse facilities to include secure room for victims  
of family violence crimes and advocates**

The Chief Court Administrator shall provide in each court where family matters or family violence matters are heard or where a domestic violence docket, as defined in section 51-181e, is located a secure room for victims of family violence crimes and advocates for victims of family violence crimes which is separate from any public or private area of the court intended to accommodate the respondent or defendant or the respondent's or defendant's family, friends, attorneys or witnesses and separate from the office of the state's attorney, provided that in courthouses constructed prior to July 1, 2021, such a room is available and the use of such room is practical.

**Source:**

(P.A. 13-214, S. 16.)

**History:**

Amended by P.A. 21-0078, S. 11 of the Connecticut Acts of the 2021 Regular Session, eff. 7/1/2021.

**Conn. Gen. Stat. 51-27i Family violence victim advocate services  
in Family Division of Superior Court and geographical area  
courts (General Statutes of Connecticut (2023 Edition))**

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**§ 51-27i. Family violence victim advocate services in Family  
Division of Superior Court and geographical area courts**

(a) As used in this section:

(1) "Domestic violence agency" means any office, shelter, host home or agency offering assistance to victims of domestic violence through crisis intervention, emergency shelter referral and medical and legal advocacy, and which meets the Department of Social Services' criteria of service provision for such agencies.

(2) "Family violence victim advocate" means a person (A) who is employed by and under the control of a direct service supervisor of a domestic violence agency, (B) who has undergone a minimum of twenty hours of training which shall include, but not be limited to, the dynamics of domestic violence, crisis intervention, communication skills, working with diverse populations, an overview of the state criminal justice and civil family court systems and information about state and community resources for victims of domestic violence, (C) who is certified as a counselor by the domestic violence agency that provided such training, and (D) whose primary purpose is the rendering of advice, counsel and assistance to, and the advocacy of the cause of, victims of domestic violence.

(b) The Chief Court Administrator shall permit one or more family violence victim advocates to provide services to victims of domestic violence in (1) the Family Division of the Superior Court in each judicial district, and (2) each geographical area court in the state.

(c) Notwithstanding any provision of the general statutes restricting the disclosure of documents, upon request, a family violence victim advocate providing services in the Family Division of the Superior Court or a geographical area court shall be provided with a copy of any police report in the possession of the state's attorney, the Division of State Police within the Department of Emergency Services and Public Protection, any municipal police department or any other law enforcement agency that the family violence victim advocate requires to perform the responsibilities and duties set forth in subsection (b) of this section.

**Source:**

(P.A. 14-217, S. 191.)

**History:**

**Conn. Gen. Stat. 51-27i Family violence victim advocate services  
in Family Division of Superior Court and geographical area  
courts (General Statutes of Connecticut (2023 Edition))**

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Amended by P.A. 21-0078, S. 12 of the Connecticut Acts of the 2021 Regular Session, eff. 7/1/2021. Added by P.A. 14-0217, S. 191 of the Connecticut Acts of the 2014 Regular Session, eff. 1/1/2015.

**§ 17b-112g. Diversion assistance program for families. Eligibility. Notification of benefits and services. Regulations**

(a) The Commissioner of Social Services shall offer immediate diversion assistance designed to prevent certain families who are applying for monthly temporary family assistance from needing such assistance. Diversion assistance shall be offered to families that (1) upon initial assessment are determined eligible for temporary family assistance, (2) demonstrate a short-term need that cannot be met with current or anticipated family resources, and (3) with the provision of a service or short-term benefit, would be prevented from needing monthly temporary family assistance. Within resources available to the Department of Social Services, a person who requests diversion assistance on the basis of being a victim of domestic violence, as defined in section 17b-112a, shall be deemed to satisfy subdivision (2) of this subsection and shall not be subject to the requirements of subdivision (3) of this subsection. In determining whether the family of such a victim of domestic violence satisfies the requirements of subdivision (1) of this subsection and the appropriate amount of diversion assistance to provide, the commissioner shall not include as a member of the family the spouse, domestic partner or other household member credibly accused of domestic violence by such victim, nor shall the commissioner count the income or assets of such a spouse, domestic partner or other household member. For purposes of this subsection, allegations of domestic violence may be substantiated by the commissioner pursuant to the provisions of subsection (b) of section 17b-112a.

(b) The Commissioner of Social Services shall establish (1) a simplified eligibility determination process for diversion assistance, and (2) an expedited procedure to deliver benefits pursuant to this section. Diversion assistance shall be provided not later than fifteen calendar days from the date the applicant signs a request for diversion assistance. An application for temporary family assistance shall be withdrawn if the Commissioner of Social Services and the applicant agree that diversion assistance would prevent the family from needing temporary family assistance and such diversion assistance is provided. In no event shall the amount of diversion assistance be greater than the cash assistance equivalent of three months of temporary family assistance for such family.

(c) Diversion assistance may include, but not be limited to, employment services, child care assistance, transportation assistance, housing assistance, utilities assistance, clothing assistance and assistance with purchasing or maintaining tools necessary for employment.

(d) A family receiving diversion assistance shall be ineligible to receive monthly temporary family assistance payments for a period of three months

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from the date of application for temporary family assistance, except that such family shall be eligible to receive temporary family assistance payments within such period if the Commissioner of Social Services, or the commissioner's designee, in the commissioner's sole discretion, determines that the family has experienced undue hardship. A family that is subject to the twenty-one-month benefit limit under temporary family assistance shall have diversion assistance count as three months toward such limit. Nothing in this section shall prohibit a family receiving diversion assistance that later qualifies for temporary family assistance from qualifying for a six-month extension available to recipients of temporary family assistance who did not receive diversion assistance.

(e) Notwithstanding the provisions of section 17b-77 and to the extent permitted by federal law, families shall not be required to assign their right to receive child support payments to the state while receiving diversion assistance.

(f) The Commissioner of Social Services shall inform each applicant of the specific benefits and services the family will receive through diversion assistance and the benefits available to such family under temporary family assistance. If the applicant consents to diversion assistance, the applicant may rescind the request for such assistance within three business days of the request for diversion assistance.

(g) Nothing in this section shall prohibit a family receiving diversion assistance from being eligible for other social service programs administered by the Department of Social Services including, but not limited to, supplemental nutrition assistance, child care assistance, medical assistance and transitional child care and medical assistance benefits.

(h) The Commissioner of Social Services shall implement the policies and procedures necessary to carry out the provisions of this section while in the process of adopting such policies and procedures in regulation form, provided notice of intent to adopt the regulations is published in the Connecticut Law Journal within twenty days after implementation. Such policies and procedures shall be valid until the time final regulations are effective.

**Source:**

(P.A. 98-239, S. 5; June Sp. Sess. P.A. 01-2, S. 16, 69; June Sp. Sess. P.A. 01-9, S. 129, 131; P.A. 09-9, S. 24.)

**History:**

**Conn. Gen. Stat. 17b-112g Diversion assistance program for families. Eligibility. Notification of benefits and services. Regulations (General Statutes of Connecticut (2023 Edition))**

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Amended by P.A. 21-0078, S. 13 of the Connecticut Acts of the 2021 Regular Session, eff. 7/1/2021. Amended by P.A. 09-0009, S. 24 of the the 2009 Regular Session, eff. 5/4/2009.

**§ 17b-191. Operation of state-administered general assistance program. Cash assistance. Eligibility**

(a) Notwithstanding the provisions of sections 17b-190, 17b-195 and 17b-196, the Commissioner of Social Services shall operate a state-administered general assistance program in accordance with this section and sections 17b-131, 17b-193, 17b-194, 17b-197 and 17b-198. Notwithstanding any provision of the general statutes, on and after October 1, 2003, no town shall be reimbursed by the state for any general assistance medical benefits incurred after September 30, 2003, and on and after March 1, 2004, no town shall be reimbursed by the state for any general assistance cash benefits or general assistance program administrative costs incurred after February 29, 2004.

(b) The state-administered general assistance program shall provide cash assistance of (1) two hundred dollars per month for an unemployable person upon determination of such person's unemployability; (2) two hundred dollars per month for a transitional person who is required to pay for shelter; and (3) fifty dollars per month for a transitional person who is not required to pay for shelter. The standard of assistance paid for individuals residing in rated boarding facilities shall remain at the level in effect on August 31, 2003. No person shall be eligible for cash assistance under the program if eligible for cash assistance under any other state or federal cash assistance program. The standards of assistance set forth in this subsection shall be subject to annual increases, as described in subsection (b) of section 17b-104.

(c) To be eligible for cash assistance under the program, a person shall (1) be (A) eighteen years of age or older; (B) a minor found by a court to be emancipated pursuant to section 46b-150; or (C) under eighteen years of age and the commissioner determines good cause for such person's eligibility, and (2) not have assets exceeding two hundred fifty dollars or, if such person is married, such person and his or her spouse shall not have assets exceeding five hundred dollars. In determining eligibility, the commissioner shall not consider as income (A) Aid and Attendance pension benefits granted to a veteran, as defined in section 27-103, or the surviving spouse of such veteran; and (B) any tax refund or advance payment with respect to a refundable credit to the same extent such refund or advance payment would be disregarded under 26 USC 6409 in any federal program or state or local program financed in whole or in part with federal funds. No person who is a substance abuser and refuses or fails to enter available, appropriate treatment shall be eligible for cash assistance under the program until such person enters treatment. No person whose benefits from the temporary family assistance program have terminated as a result of time-limited benefits or for failure to comply with a program requirement shall be eligible for cash assistance under the program.

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(d) Prior to or upon discontinuance of assistance, a person previously determined to be a transitional person may petition the commissioner to review the determination of his or her status. In such review, the commissioner shall consider factors, including, but not limited to:

(1) Age;

(2) education;

(3) vocational training;

(4) mental and physical health; and

(5) employment history and shall make a determination of such person's ability to obtain gainful employment.

(e) Notwithstanding any other provision of this section or section 17b-194, a victim of domestic violence, as defined in section 17b-112a, who is not eligible for diversion assistance under the provisions of section 17b-112g, shall be eligible for a one-time assistance payment under the state-administered general assistance program within resources available to the Department of Social Services. Such payment shall be equivalent to that which such victim would be entitled to receive as diversion assistance if such victim and his or her family, if any, were eligible for diversion assistance. In determining whether and in what amount a victim of domestic violence and his or her family are eligible for a one-time assistance payment pursuant to this subsection, the commissioner shall not include as a member of such victim's family the spouse, domestic partner or other household member credibly accused of domestic violence by such victim, nor shall the commissioner count the income or assets of such a spouse, domestic partner or other household member. For purposes of this subsection, allegations of domestic violence may be substantiated by the commissioner pursuant to the provisions of subsection (b) of section 17b-112a, and "family" has the same meaning as used in section 17b-112, except as otherwise provided in this subsection.

**Source:**

(June 30 Sp. Sess. P.A. 03-3, S. 42; P.A. 04-76, S. 47; P.A. 08-28, S. 1; P.A. 11-44, S. 139; P.A. 12-208, S. 2; P.A. 14-161, S. 2.)

**History:**

Amended by P.A. 21-0002, S. 329 of the Connecticut Acts of the 2021 Special Session, eff. 7/1/2021. Amended by P.A. 21-0078, S. 14 of the Connecticut Acts of the 2021 Regular Session, eff. 7/1/2021. Amended by P.A. 14-0161, S.

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2 of the Connecticut Acts of the 2014 Regular Session, eff. 7/1/2014.  
Amended by P.A. 12-0208, S. 2 of the the 2012 Regular Session, eff.  
7/1/2012. Amended by P.A. 11-0044, S. 139 of the the 2011 Regular Session,  
eff. 7/1/2011.

**§ 46b-15f. Grant program to provide legal assistance to indigents applying for restraining orders**

(a) There is established a grant program to provide individuals who are indigent with access to legal assistance at no cost when making an application for a restraining order under section 46b-15. The grant program shall be administered by the organization that administers the program for the use of interest earned on lawyers' clients' funds accounts pursuant to section 51-81c. Funds appropriated to the Judicial Branch for the purpose of the grant program shall be transferred to the organization administering the program.

(b) Not later than three months after receiving funding in any year from the state, the organization administering the program shall issue a request for proposals from nonprofit entities whose principal purpose is providing legal services at no cost to individuals who are indigent, for the purpose of awarding grants to provide counsel to indigent individuals who express an interest in applying for a restraining order pursuant to section 46b-15, and, to the extent practicable within the funding awarded, representing such individuals throughout the process of applying for such restraining order, including at prehearing conferences and at the hearing on an application. A nonprofit entity responding to the request for proposals may partner with law schools or other non-profit entities or publicly funded organizations that are not governmental entities, for the provision of services pursuant to a grant. Each response to the request for proposals shall specify the judicial district courthouse, or courthouses, for which services will be provided.

(c) The organization administering the program may only award a grant (1) to provide services in the judicial districts of Fairfield, Hartford, New Haven, Stamford-Norwalk or Waterbury, and (2) in an amount not to exceed two hundred thousand dollars, except that a grant to provide services in the judicial district with the highest average number of applications for restraining orders under section 46b-15 over the previous three fiscal years may receive a grant of not more than four hundred thousand dollars. Grants may not be used to provide services to individuals who are not indigent.

(d) The organization administering the program may only award a grant to a nonprofit entity whose principal purpose is providing legal services to individuals who are indigent, if such nonprofit entity demonstrates the ability to:

(1) Verify at the time of meeting with an individual that such potential client is indigent and meets applicable household income eligibility requirements set by the entity;

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- (2) Arrange for at least one individual who has the relevant training or experience and is authorized to provide legal counsel to eligible indigent individuals who express an interest in applying for a restraining order, to be present in the courthouse or courthouses identified in response to the request for proposals or be available to meet remotely during all business hours;
  - (3) To the greatest extent practicable within the funding awarded, provide continued representation to eligible indigent individuals throughout the restraining order process, including in court for the hearing on the restraining order, when such individuals request such continued representation after receiving assistance with a restraining order application;
  - (4) Provide any individual in the courthouse who expresses an interest in applying for a restraining order with all applicable forms that may be necessary to apply for a restraining order; and
  - (5) Track and report to the organization administering the program on the services provided pursuant to the program, including (A) the procedural outcomes of restraining order applications filed, (B) the number of instances where legal counsel was provided prior to the filing of an application but not during the remainder of the restraining order process, and the reasons limiting the duration of such representation, and (C) information on any other legal representation provided to individuals pursuant to the program on matters that were ancillary to the circumstances that supported the application for a restraining order.
- (e) In awarding grants, the organization administering the program shall give preference to nonprofit entities (1) that demonstrate the ability to provide legal representation to clients regarding matters ancillary to the circumstances that supported the application for a restraining order; (2) with experience offering legal representation to individuals during the restraining order process; or (3) that can provide quality remote services should courthouses be closed to the public.
- (f) The Chief Court Administrator shall:
- (1) Provide each grant recipient with office space, if available, in the judicial district courthouse or courthouses served by such recipient under the grant program to conduct intake interviews and assist clients with applications for restraining orders;
  - (2) Require court clerks at such courthouses, prior to accepting an application for a restraining order pursuant to section 46b-15 to (A) inform

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each individual filing such application, or inquiring about filing such an application, that pro bono legal services are available from the grant recipient for income-eligible individuals and, if office space has been provided to the grant recipient, where the grant recipient is located in the courthouse, and (B) if cards or pamphlets containing information about pro bono legal services have been provided to the courthouse by the grant recipient, provide such a card or pamphlet to the individual; and

(3) If a poster of reasonable size containing information about pro bono legal services has been provided to a courthouse served by a grant recipient, require the display of such poster in a manner that is visible to the public at or near the location where applications for a restraining order are filed in such courthouse.

(g) The Chief Court Administrator shall post on the Internet web site of the Judicial Branch where instructions for filing a restraining order pursuant to section 46b-15 are provided, information on the pro bono legal services available from grant recipients for income-eligible individuals at the applicable courthouses.

(h) For each year that funding is provided for the program under this section, the organization administering the program shall either conduct, or partner with an academic institution or other qualified entity for the purpose of conducting, an analysis of the impact of the program, including, but not limited to, (1) the procedural outcomes for applications filed in association with services provided by grant recipients under the program, (2) the types and extent of legal services provided to individuals served pursuant to the program, including on matters ancillary to the restraining order application, and (3) the number of cases where legal services were provided before an application was filed but legal representation did not continue during the restraining order process and the reasons for such limited representations. Not later than July first of the year following any year in which the program received funding, the organization administering the program shall submit a report on the results of such analysis in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary.

(i) Up to five per cent of the total amount received by the organization administering the grant program may be used for the reasonable costs of administering the program, including the completion of the analysis and report required by subsection (h) of this section.

**History:**

**Conn. Gen. Stat. 46b-15f Grant program to provide legal  
assistance to indigents applying for restraining orders (General  
Statutes of Connecticut (2023 Edition))**

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Added by P.A. 21-0078,S. 15 of the Connecticut Acts of the 2021 Regular  
Session, eff. 6/28/2021.

**§ 54-64a. Release by judicial authority**

(a)

(1) Except as provided in subdivision (2) of this subsection and subsection (b) of this section, when any arrested person is presented before the Superior Court, said court shall, in bailable offenses, promptly order the release of such person upon the first of the following conditions of release found sufficient to reasonably ensure the appearance of the arrested person in court:

(A) Upon execution of a written promise to appear without special conditions,

(B) upon execution of a written promise to appear with nonfinancial conditions,

(C) upon execution of a bond without surety in no greater amount than necessary, or

(D) upon execution of a bond with surety in no greater amount than necessary, but in no event shall a judge prohibit a bond from being posted by surety. In addition to or in conjunction with any of the conditions enumerated in subparagraphs (A) to (D), inclusive, of this subdivision the court may, when it has reason to believe that the person is drug-dependent and where necessary, reasonable and appropriate, order the person to submit to a urinalysis drug test and to participate in a program of periodic drug testing and treatment. The results of any such drug test shall not be admissible in any criminal proceeding concerning such person.

(2) If the arrested person is charged with no offense other than a misdemeanor, the court shall not impose financial conditions of release on the person unless (A) the person is charged with a family violence crime, as defined in section 46b-38a, or (B) the person requests such financial conditions, or (C) the court makes a finding on the record that there is a likely risk that (i) the arrested person will fail to appear in court, as required, or (ii) the arrested person will obstruct or attempt to obstruct justice, or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or juror, or (iii) the arrested person will engage in conduct that threatens the safety of himself or herself or another person. In making a finding described in this subsection, the court may consider past criminal history, including any prior record of failing to appear as required in court that resulted in any conviction for a violation of section 53a-172 or any conviction during the previous ten years for a violation of section 53a-

173 and any other pending criminal cases of the person charged with a misdemeanor.

(3) The court may, in determining what conditions of release will reasonably ensure the appearance of the arrested person in court, consider the following factors:

(A) The nature and circumstances of the offense,

(B) such person's record of previous convictions,

(C) such person's past record of appearance in court,

(D) such person's family ties,

(E) such person's employment record,

(F) such person's financial resources, character and mental condition,

(G) such person's community ties, and

(H) in the case of a violation of section 53a-222a when the condition of release was issued for a family violence crime, as defined in section 46b-38a, the heightened risk posed to victims of family violence by violations of conditions of release.

(b)

(1) When any arrested person charged with the commission of a class A felony, a class B felony, except a violation of section 53a-86 or 53a-122, a class C felony, except a violation of section 53a-87, 53a-152 or 53a-153, or a class D felony under sections 53a-60 to 53a-60c, inclusive, section 53a-72a, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, or a family violence crime, as defined in section 46b-38a, is presented before the Superior Court, said court shall, in bailable offenses, promptly order the release of such person upon the first of the following conditions of release found sufficient to reasonably ensure the appearance of the arrested person in court and that the safety of any other person will not be endangered:

(A) Upon such person's execution of a written promise to appear without special conditions,

(B) upon such person's execution of a written promise to appear with nonfinancial conditions,

(C) upon such person's execution of a bond without surety in no greater amount than necessary, or

(D) upon such person's execution of a bond with surety in no greater amount than necessary, but in no event shall a judge prohibit a bond from being posted by surety. In addition to or in conjunction with any of the conditions enumerated in subparagraphs (A) to (D), inclusive, of this subdivision, the court may, when it has reason to believe that the person is drugdependent and where necessary, reasonable and appropriate, order the person to submit to a urinalysis drug test and to participate in a program of periodic drug testing and treatment. The results of any such drug test shall not be admissible in any criminal proceeding concerning such person.

(2) The court may, in determining what conditions of release will reasonably ensure the appearance of the arrested person in court and that the safety of any other person will not be endangered, consider the following factors:

(A) The nature and circumstances of the offense,

(B) such person's record of previous convictions,

(C) such person's past record of appearance in court after being admitted to bail,

(D) such person's family ties,

(E) such person's employment record,

(F) such person's financial resources, character and mental condition,

(G) such person's community ties,

(H) the number and seriousness of charges pending against the arrested person,

(I) the weight of the evidence against the arrested person,

(J) the arrested person's history of violence,

(K) whether the arrested person has previously been convicted of similar offenses while released on bond,

(L) the likelihood based upon the expressed intention of the arrested person that such person will commit another crime while released, and

(M) the heightened risk posed to victims of family violence by violations of conditions of release and court orders of protection.

(3) When imposing conditions of release under this subsection, the court shall state for the record any factors under subdivision (2) of this subsection

that it considered and the findings that it made as to the danger, if any, that the arrested person might pose to the safety of any other person upon the arrested person's release that caused the court to impose the specific conditions of release that it imposed.

(c) If the court determines that a nonfinancial condition of release should be imposed pursuant to subparagraph (B) of subdivision (1) of subsection (a) or (b) of this section, the court shall order the pretrial release of the person subject to the least restrictive condition or combination of conditions that the court determines will reasonably ensure the appearance of the arrested person in court and, with respect to the release of the person pursuant to subsection (b) of this section, that the safety of any other person will not be endangered, which conditions may include an order that the arrested person do one or more of the following:

- (1) Remain under the supervision of a designated person or organization;
- (2) comply with specified restrictions on such person's travel, association or place of abode;
- (3) not engage in specified activities, including the use or possession of a dangerous weapon, an intoxicant or a controlled substance;
- (4) provide sureties of the peace pursuant to section 54-56f under supervision of a designated bail commissioner or intake, assessment and referral specialist employed by the Judicial Branch;
- (5) avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense;
- (6) maintain employment or, if unemployed, actively seek employment;
- (7) maintain or commence an educational program;
- (8) be subject to electronic monitoring; or
- (9) satisfy any other condition that is reasonably necessary to ensure the appearance of the person in court and that the safety of any other person will not be endangered. The court shall state on the record its reasons for imposing any such nonfinancial condition.

(d) If the arrested person is not released, the court shall order him committed to the custody of the Commissioner of Correction until he is released or discharged in due course of law.

(e) The court may require that the person subject to electronic monitoring pursuant to subsection (c) of this section pay directly to the electronic monitoring service provider a fee for the cost of such electronic monitoring services. If the court finds that the person subject to electronic monitoring is indigent and unable to pay the costs of electronic monitoring services, the court shall waive such costs. Any contract entered into by the Judicial Branch and the electronic monitoring service provider shall include a provision stating that the total cost for electronic monitoring services shall not exceed five dollars per day. Such amount shall be indexed annually to reflect the rate of inflation.

**Source:**

(1961, P.A. 38; 1963, P.A. 11; 1967, P.A. 549, S. 12; P.A. 74-183, S. 146, 291; P.A. 76-436, S. 546, 681; P.A. 77-452, S. 39, 72; P.A. 80-313, S. 16; P.A. 81-437, S. 9, 12; P.A. 89-390, S. 13, 37; P.A. 90-213, S. 51; 90-261, S. 9; P.A. 91-406, S. 13, 29; P.A. 99-186, S. 5; 99-187, S. 2; P.A. 00-141, S. 2, 3; P.A. 01-84, S. 25, 26; P.A. 03-278, S. 107; Jan. Sp. Sess. P.A. 08-1, S. 25; P.A. 10-43, S. 25; P.A. 12-133, S. 38; June 12 Sp. Sess. P.A. 12-2, S. 94; P.A. 14-122, S. 60; P.A. 17-145, S. 1; June Sp. Sess. P.A. 17-2, S. 205.)

**History:**

Amended by P.A. 22-0037, S. 38 of the Connecticut Acts of the 2022 Regular Session, eff. 10/1/2022. Amended by P.A. 21-0078, S. 16 of the Connecticut Acts of the 2021 Regular Session, eff. 10/1/2021. Amended by P.A. 17-0002, S. 205 of the Connecticut Acts of the 2017 Special Session, eff. 10/31/2017. Amended by P.A. 17-0145, S. 1 of the Connecticut Acts of the 2017 Regular Session, eff. 7/1/2017. Amended by P.A. 14-0122, S. 60 of the Connecticut Acts of the 2014 Regular Session, eff. 10/1/2014. Amended by P.A. 12-0002, S. 94 of the Connecticut Acts of the 2012 Special Session, eff. 10/1/2012. Amended by P.A. 12-0133, S. 38 of the the 2012 Regular Session, eff. 10/1/2012. Amended by P.A. 10-0043, S. 25 of the February 2010 Regular Session, eff. 10/1/2010.

**Case Note:**

Cited. 201 C. 115; 222 Conn. 331. Section affords Superior Court judge broad discretion in fixing nonfinancial conditions of defendant's release for purpose of ensuring, inter alia, the safety of others, including restrictions on entering a specific place of abode and on having contact with alleged victim of the crime with which defendant has been charged. 273 C. 418.

Cited. 22 Conn.App. 199.

**Cross Reference Note:**

See Sec. 18-100f re release by Commissioner of Correction.

See Secs. 53a-222, 53a-222a re criminal penalties for violation of certain conditions of release.

**Conn. Gen. Stat. 53a-181j Intimidation based on bigotry or bias in the first degree: Class C felony (General Statutes of Connecticut (2023 Edition))**

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**§ 53a-181j. Intimidation based on bigotry or bias in the first degree: Class C felony**

(a) A person is guilty of intimidation based on bigotry or bias in the first degree when such person maliciously, and with specific intent to intimidate or harass another person motivated in whole or in substantial part by the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person, causes physical injury to such other person or to a third person.

(b) Intimidation based on bigotry or bias in the first degree is a class C felony, for which three thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine.

**Source:**

(P.A. 00-72, S. 1; P.A. 04-135, S. 2; P.A. 17-111, S. 5.)

**History:**

Amended by P.A. 21-0078, S. 17 of the Connecticut Acts of the 2021 Regular Session, eff. 10/1/2021. Amended by P.A. 17-0111, S. 5 of the Connecticut Acts of the 2017 Regular Session, eff. 10/1/2017.

**Cross Reference Note:**

See Sec. 52-571c re action for damages and other relief for violation of this section.

**§ 53a-181k. Intimidation based on bigotry or bias in the second degree: Class D felony**

(a) A person is guilty of intimidation based on bigotry or bias in the second degree when such person maliciously, and with specific intent to intimidate or harass another person or group of persons motivated in whole or in substantial part by the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person or group of persons, does any of the following:

- (1) Causes physical contact with such other person or group of persons,
- (2) damages, destroys or defaces any real or personal property of such other person or group of persons, or
- (3) threatens, by word or act, to do an act described in subdivision (1) or (2) of this subsection, if there is reasonable cause to believe that an act described in subdivision (1) or (2) of this subsection will occur.

(b) Intimidation based on bigotry or bias in the second degree is a class D felony, for which one thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine.

**Source:**

(P.A. 00-72, S. 2; P.A. 04-135, S. 3; P.A. 17-111, S. 6.)

**History:**

Amended by P.A. 21-0078, S. 18 of the Connecticut Acts of the 2021 Regular Session, eff. 10/1/2021. Amended by P.A. 17-0111, S. 6 of the Connecticut Acts of the 2017 Regular Session, eff. 10/1/2017.

**Case Note:**

Subsec. (a):

Subdiv. (3) not unconstitutionally vague or overbroad. 265 Conn. 145.

Subdiv. (3) is not unconstitutionally overbroad because it prohibits only true threats, not all threats, and is not unconstitutionally void for vagueness in context of defendant's actions and words. 104 CA 46. Evidence was sufficient for jury to reasonably determine that defendant had requisite specific intent to intimidate or harass victim on basis of victim's actual or perceived sexual orientation, which evidence included statement to police

**Conn. Gen. Stat. 53a-181k Intimidation based on bigotry or bias in  
the second degree: Class D felony (General Statutes of  
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replete with disparaging remarks against homosexuals and defendant's statement prior to incident that victim was homosexual. 118 CA 711.

**Cross Reference Note:**

See Sec. 52-571c re action for damages and other relief for violation of this section.

**§ 53a-181l. Intimidation based on bigotry or bias in the third degree: Class E felony**

(a) A person is guilty of intimidation based on bigotry or bias in the third degree when such person, with specific intent to intimidate or harass another person or group of persons motivated in whole or in substantial part by the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person or persons:

(1) Damages, destroys or defaces any real or personal property, or

(2) threatens, by word or act, to do an act described in subdivision (1) of this subsection or advocates or urges another person to do an act described in subdivision (1) of this subsection, if there is reasonable cause to believe that an act described in said subdivision will occur.

(b) Intimidation based on bigotry or bias in the third degree is a class E felony, for which one thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine.

**Source:**

(P.A. 00-72, S. 3; P.A. 04-135, S. 4; P.A. 17-111, S. 7.)

**History:**

Amended by P.A. 21-0078, S. 19 of the Connecticut Acts of the 2021 Regular Session, eff. 10/1/2021. Amended by P.A. 17-0111, S. 7 of the Connecticut Acts of the 2017 Regular Session, eff. 10/1/2017.

**Cross Reference Note:**

See Sec. 52-571c re action for damages and other relief for violation of this section.

**Conn. Gen. Stat. 47a-7b Request to change dwelling unit locks  
when tenant is named as a protected person in a protective or  
restraining order (General Statutes of Connecticut (2023  
Edition))**

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**§ 47a-7b. Request to change dwelling unit locks when tenant is  
named as a protected person in a protective or restraining order**

(a) Upon the request of a tenant, a landlord shall change the locks or permit the tenant to change the locks to a tenant's dwelling unit when:

(1) The tenant is named as a protected person in (A) a protective or restraining order issued by a court of this state, including, but not limited to, an order issued pursuant to sections 46b-15, 46b-16a, 46b-38c, 53a-40e and 54-1k that is in effect at the time the tenant makes such request of the landlord, or (B) a foreign order of protection that has been registered in this state pursuant to section 46b-15a that is in effect at the time the tenant makes such request of the landlord;

(2) the protective order, restraining order or foreign order of protection requires the respondent or defendant to (A) stay away from the home of the tenant, or (B) stay a minimum distance away from the tenant; and

(3) the tenant provides a copy of such protective order, restraining order or foreign order of protection to the landlord. A landlord who is required to change a tenant's locks or permit the tenant to change a tenant's locks under this subsection shall, not later than six hours after receipt of the request, inform the tenant whether the landlord will change the locks or permit the tenant to change the locks. If the landlord agrees to change the locks, the landlord shall do so not later than forty-eight hours after the date that the tenant makes such request.

(b) If a landlord has informed the tenant that the tenant is responsible for changing the locks, fails to change the locks, or fails to permit a tenant to change the locks within the timeframe prescribed under subsection (a) of this section, the tenant may proceed to change the locks. If a tenant changes the locks, the tenant shall ensure that the locks are changed in a workmanlike manner, utilizing locks of similar or improved quality as compared to the original locks. The landlord may replace a lock installed by or at the behest of a tenant if the locks installed were not of similar or improved quality or were not installed properly. If a tenant changes the locks to his or her dwelling unit under this subsection, the tenant shall provide a key to the new locks to the landlord not later than two business days after the date on which the locks were changed, except when good cause prevents the tenant from providing a key to the landlord within the prescribed time period.

(c) When a landlord changes the locks to a dwelling unit under subsection (a) or (b) of this section, the landlord (1) shall, if using a professional contractor or locksmith, be responsible for payment to such contractor or

**Conn. Gen. Stat. 47a-7b Request to change dwelling unit locks  
when tenant is named as a protected person in a protective or  
restraining order (General Statutes of Connecticut (2023  
Edition))**

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locksmith, (2) shall, at or prior to the time of changing such locks, provide a key to the new locks to the tenant, and (3) may charge a fee to the tenant not exceeding the actual reasonable cost of changing the locks. If the tenant fails to pay the fee, such cost may be recouped by suit against the tenant or as a deduction from the security deposit when the tenant vacates the dwelling unit, but shall not be the basis for a summary process action under chapter 832. For purposes of this subsection, "actual reasonable cost" means the cost of the lock mechanism, as well as the fee paid by the landlord for professional contractor or locksmith services.

(d) A landlord may reprogram a digital or electronic lock with a new entry code to comply with the provisions of this section.

(e) If a tenant residing in the dwelling unit is named as the respondent or defendant in an order described in subsection (a) of this section and under such order is required to stay away from the dwelling unit, the landlord shall not provide a key to such tenant for the new locks. Absent a court order permitting a tenant who is the respondent or defendant in such order to return to the dwelling unit to retrieve his or her possessions and personal effects, the landlord has no duty under the rental agreement or by law to allow such tenant access to the dwelling unit once the landlord has been provided with a court order requiring such tenant to stay away from the dwelling unit, and the landlord shall not permit such tenant to access the dwelling unit. Any tenant excluded from the dwelling unit under this section remains liable under the rental agreement with any other tenant of the dwelling unit for rent or damages to the dwelling unit.

(f) A landlord may not require a tenant who is named as a protected person under an order described in subsection (a) of this section to pay additional rent or an additional deposit or fee because of the exclusion of the tenant who is named as the respondent or defendant in such order.

(g) Any landlord or agent of such landlord who denies a tenant named as a respondent or defendant in an order described in subsection (a) of this section access to the dwelling unit pursuant to this section shall be immune from any civil liability arising from such denial, provided the landlord or agent complies with the provisions of this section and any applicable court order.

**History:**

Added by P.A. 21-0078, S. 20 of the Connecticut Acts of the 2021 Regular Session, eff. 10/1/2021.

**§ 47a-1. Definitions**

As used in this chapter and sections 47a-21, 47a-23 to 47a-23c, inclusive, 47a-26a to 47a-26g, inclusive, 47a-35 to 47a-35b, inclusive, 47a-41a, 47a-43 and 47a-46 and section 47a-7b:

(a) "Action" includes recoupment, counterclaim, set-off, cause of action and any other proceeding in which rights are determined, including an action for possession.

(b) "Building and housing codes" include any law, ordinance or governmental regulation concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or dwelling unit.

(c) "Dwelling unit" means any house or building, or portion thereof, which is occupied, is designed to be occupied, or is rented, leased or hired out to be occupied, as a home or residence of one or more persons.

(d) "Landlord" means the owner, lessor or sublessor of the dwelling unit, the building of which it is a part or the premises.

(e) "Owner" means one or more persons, jointly or severally, in whom is vested (1) all or part of the legal title to property, or (2) all or part of the beneficial ownership and a right to present use and enjoyment of the premises and includes a mortgagee in possession.

(f) "Person" means an individual, corporation, limited liability company, the state or any political subdivision thereof, or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, and any other legal or commercial entity.

(g) "Premises" means a dwelling unit and the structure of which it is a part and facilities and appurtenances therein and grounds, areas and facilities held out for the use of tenants generally or whose use is promised to the tenant.

(h) "Rent" means all periodic payments to be made to the landlord under the rental agreement.

(i) "Rental agreement" means all agreements, written or oral, and valid rules and regulations adopted under section 47a-9 or subsection (d) of section 21-70 embodying the terms and conditions concerning the use and occupancy of a dwelling unit or premises.

(j) "Roomer" means a person occupying a dwelling unit, which unit does not include a refrigerator, stove, kitchen sink, toilet and shower or bathtub and one or more of these facilities are used in common by other occupants in the structure.

(k) "Single-family residence" means a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit or has a common parking facility, it is a single-family residence if it has direct access to a street or thoroughfare and does not share heating facilities, hot water equipment or any other essential facility or service with any other dwelling unit.

(l) "Tenant" means the lessee, sublessee or person entitled under a rental agreement to occupy a dwelling unit or premises to the exclusion of others or as is otherwise defined by law.

(m) "Tenement house" means any house or building, or portion thereof, which is rented, leased or hired out to be occupied, or is arranged or designed to be occupied, or is occupied, as the home or residence of three or more families, living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways or yards.

**Source:**

(P.A. 76-95, S. 1, 27; 76-435, S. 75, 82; P.A. 79-571, S. 2; 79-631, S. 96, 111; P.A. 86-267, S. 4; P.A. 89-254, S. 1; P.A. 91-383, S. 13; P.A. 95-79, S. 171, 189; P.A. 10-137, S. 4.)

**History:**

Amended by P.A. 21-0078, S. 21 of the Connecticut Acts of the 2021 Regular Session, eff. 10/1/2021. Amended by P.A. 10-0137, S. 4 of the February 2010 Regular Session, eff. 10/1/2010.

**Case Note:**

Cited. 190 C. 364; 194 C. 129; 215 C. 367; 237 C. 679.

Cited. 4 CA 608; 25 CA 177; 28 CA 684; 40 CA 513. Defendant's argument that sublessor is not an owner is misplaced, as it overlooks Subdiv. (e)(2) which provides in part that owner is one who has a beneficial interest in the premises and the right to possession. 81 CA 486.

Cited. 36 CS 611; 37 CS 579; 38 CS 1; Id., 370; Id., 683.

**Conn. Gen. Stat. 47a-1 Definitions (General Statutes of  
Connecticut (2023 Edition))**

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**§ 47a-21. Security deposits**

(a) **Definitions.** As used in this chapter:

(1) "Accrued interest" means the interest due on a security deposit as provided in subsection (i) of this section, compounded annually to the extent applicable.

(2) "Commissioner" means the Banking Commissioner.

(3) "Escrow account" means any account at a financial institution which is not subject to execution by the creditors of the escrow agent and includes a clients' funds account.

(4) "Escrow agent" means the person in whose name an escrow account is maintained.

(5) "Financial institution" means any state bank and trust company, national bank, savings bank, federal savings bank, savings and loan association, and federal savings and loan association that is located in this state.

(6) "Forwarding address" means the address to which a security deposit may be mailed for delivery to a former tenant.

(7) "Landlord" means any landlord of residential real property, and includes (A) any receiver; (B) any successor; and (C) any tenant who sublets his premises.

(8) "Receiver" means any person who is appointed or authorized by any state, federal or probate court to receive rents from tenants, and includes trustees, executors, administrators, guardians, conservators, receivers, and receivers of rent.

(9) "Rent receiver" means a receiver who lacks court authorization to return security deposits and to inspect the premises of tenants and former tenants.

(10) "Residential real property" means real property containing one or more residential units, including residential units not owned by the landlord, and containing one or more tenants who paid a security deposit.

(11) "Security deposit" means any advance rental payment, or any installment payment collected pursuant to section 47a-22a, except an advance payment for the first month's rent or a deposit for a key or any special equipment.

(12) "Successor" means any person who succeeds to a landlord's interest whether by purchase, foreclosure or otherwise and includes a receiver.

(13) "Tenant" means a tenant, as defined in section 47a-1, or a resident, as defined in section 21-64.

(14) "Tenant's obligations" means (A) the amount of any rental or utility payment due the landlord from a tenant; (B) a tenant's obligations under the provisions of section 47a-11; and (C) the actual reasonable cost of changing the locks of the dwelling unit pursuant to section 47a-7b, if the tenant has not paid such cost.

**(b) Amount of security deposit.**

(1) In the case of a tenant under sixty-two years of age, a landlord shall not demand a security deposit in an amount that exceeds two months' rent.

(2) In the case of a tenant sixty-two years of age or older, a landlord shall not demand a security deposit in an amount that exceeds one month's rent. Any landlord who has received a security deposit in an amount that exceeds one month's rent from a tenant who becomes sixty-two years of age after paying such security deposit shall return the portion of such security deposit that exceeds one month's rent to the tenant upon the tenant's request.

**(c) Exemption from attachment and execution. Assignment to successor.** Any security deposit paid by a tenant shall remain the property of such tenant in which the landlord shall have a security interest, as defined in subdivision (35) of subsection (b) of section 42a-1-201, to secure such tenant's obligations. A security deposit shall be exempt from attachment and execution by the creditors of the landlord and shall not be considered part of the estate of the landlord in any legal proceeding. Any voluntary or involuntary transfer of a landlord's interest in residential real property to a successor shall constitute an assignment to such successor of such landlord's security interest in all security deposits paid by tenants of such transferred residential real property.

**(d) Payment of security deposit and interest at termination of tenancy.**

(1) Not later than the time specified in subdivision (2) of this subsection, the person who is the landlord at the time a tenancy is terminated, other than a rent receiver, shall pay to the tenant or former tenant:

(A) The amount of any security deposit that was deposited by the tenant with the person who was landlord at the time such security deposit was deposited less the value of any damages that any person who was a landlord

of such premises at any time during the tenancy of such tenant has suffered as a result of such tenant's failure to comply with such tenant's obligations; and

(B) any accrued interest. If the landlord at the time of termination of a tenancy is a rent receiver, such rent receiver shall return security deposits in accordance with the provisions of subdivision (3) of this subsection.

(2) Upon termination of a tenancy, any tenant may notify the landlord in writing of such tenant's forwarding address. Not later than thirty days after termination of a tenancy or fifteen days after receiving written notification of such tenant's forwarding address, whichever is later, each landlord other than a rent receiver shall deliver to the tenant or former tenant at such forwarding address either (A) the full amount of the security deposit paid by such tenant plus accrued interest, or (B) the balance of such security deposit and accrued interest after deduction for any damages suffered by such landlord by reason of such tenant's failure to comply with such tenant's obligations, together with a written statement itemizing the nature and amount of such damages. Any landlord who violates any provision of this subsection shall be liable for twice the amount of any security deposit paid by such tenant, except that, if the only violation is the failure to deliver the accrued interest, such landlord shall be liable for ten dollars or twice the amount of the accrued interest, whichever is greater.

(3)

(A) Any receiver who is authorized by a court to return security deposits and to inspect the premises of any tenant shall pay security deposits and accrued interest in accordance with the provisions of subdivisions (1) and (2) of this subsection from the operating income of such receivership to the extent that any such payments exceed the amount in any escrow accounts for such tenants.

(B) Any rent receiver shall present any claim by any tenant for return of a security deposit to the court which authorized the rent receiver. Such court shall determine the validity of any such claim and shall direct such rent receiver to pay from the escrow account or from the operating income of such property the amount due such tenant as determined by such court.

**(e) Liability of successor and receiver re payment of security deposit.** A successor, other than a receiver, shall be liable for the claims of tenants of such property for return of any part of such security deposit which is or becomes due to such tenant during the time such successor is a landlord. A receiver's liability for payment of security deposits and interest under this section shall be limited to the balance in any escrow account for

such tenants maintained by such receiver in such receivership in accordance with subsection (h) of this section and to the operating income generated in such receivership.

(f) **Nonresident landlord.** Any landlord who is not a resident of this state shall appoint in writing the Secretary of the State as the landlord's attorney upon whom all process in any action or proceeding against such landlord may be served.

(g) **Action to reclaim security deposit.** Any person may bring an action in replevin or for money damages in any court of competent jurisdiction to reclaim any part of such person's security deposit which may be due. This section does not preclude the landlord or tenant from recovering other damages to which the landlord or tenant may be entitled.

(h) **Escrow deposit.**

(1) Each landlord shall immediately deposit the entire amount of any security deposit received by such landlord from each tenant into one or more escrow accounts established or maintained in a financial institution for the benefit of each tenant. Each landlord shall maintain each such account as escrow agent and shall not withdraw funds from such account except as provided in subdivision (2) of this subsection.

(2) The escrow agent may withdraw funds from an escrow account to:

(A) Disburse the amount of any security deposit and accrued interest due to a tenant pursuant to subsection (d) of this section;

(B) disburse interest to a tenant pursuant to subsection (i) of this section;

(C) make a transfer of the entire amount of certain security deposits pursuant to subdivision (3) of this subsection;

(D) retain interest credited to the account in excess of the amount of interest payable to the tenant under subsection (i) of this section;

(E) retain all or any part of a security deposit and accrued interest after termination of tenancy equal to the damages suffered by the landlord by reason of the tenant's failure to comply with such tenant's obligations;

(F) disburse all or any part of the security deposit to a tenant at any time during tenancy; or

(G) transfer such funds to another financial institution or escrow account, provided such funds remain continuously in an escrow account.

(3)

(A) Whenever any real estate is voluntarily or involuntarily transferred from a landlord, other than a receiver, to a successor, including a receiver, such landlord shall withdraw from the escrow account and deliver to the successor the entire amount of security deposits paid by tenants of the property being transferred, plus any interest accrued pursuant to subsection (i) of this section. If at the time of transfer of such real estate the funds in such account are commingled with security deposits paid by tenants in real estate not being transferred to such successor, and if at such time the funds in such account are less than the amount of security deposits paid by all tenants whose security deposits are contained in such account, such landlord shall deliver to such successor a pro rata share of security deposits paid by tenants of the real estate being transferred to such successor.

(B) Whenever any real estate is transferred from a receiver to a successor, such receiver shall dispose of the escrow accounts as ordered by the court which appointed such receiver. The order of such court shall provide for the priority of the present and future rights of tenants to security deposits paid by them over the rights of any secured or unsecured creditor of any person and shall provide that the funds in such account shall be delivered to the successor of such receiver for immediate deposit in an escrow account for tenants who paid security deposits.

(4)

(A) The landlord shall provide each tenant with a written notice stating the amount held for the benefit of the tenant and the name and address of the financial institution at which the tenant's security deposit is being held not later than thirty days after the landlord receives a security deposit from the tenant or the tenant's previous landlord or transfers the security deposit to another financial institution or escrow account.

(B) If the commissioner makes a written request to the landlord for any information related to a tenant's security deposit, including the name of each financial institution in which any escrow account is maintained and the account number of each escrow account, the landlord shall provide such information to the commissioner not later than seven days after the request is made.

(i) **Payment of interest on security deposits.** On and after July 1, 1993, each landlord other than a landlord of a residential unit in any building owned or controlled by any educational institution and used by such institution for the purpose of housing students of such institution and their families, and each landlord or owner of a mobile manufactured home or of a

mobile manufactured home space or lot or park, as such terms are defined in subdivisions (1), (2) and (3) of section 21-64, shall pay interest on each security deposit received by such landlord at a rate of not less than the average rate paid, as of December 30, 1992, on savings deposits by insured commercial banks as published in the Federal Reserve Board Bulletin rounded to the nearest one-tenth of one percentage point, except in no event shall the rate be less than one and one-half per cent. On and after January 1, 1994, the rate for each calendar year shall be not less than the deposit index, determined under this section as it was in effect during such year. On and after January 1, 2012, the rate for each calendar year shall be not less than the deposit index, as defined in section 36a-26, for that year. On the anniversary date of the tenancy and annually thereafter, such interest shall be paid to the tenant or resident or credited toward the next rental payment due from the tenant or resident, as the landlord or owner shall determine. If the tenancy is terminated before the anniversary date of such tenancy, or if the landlord or owner returns all or part of a security deposit prior to termination of the tenancy, the landlord or owner shall pay the accrued interest to the tenant or resident not later than thirty days after such termination or return. Interest shall not be paid to a tenant for any month in which the tenant has been delinquent for more than ten days in the payment of any monthly rent, unless the landlord imposes a late charge for such delinquency. No landlord shall increase the rent due from a tenant because of the requirement that the landlord pay on interest the security deposit.

**(j) Investigation of complaints by commissioner. Order.  
Jurisdiction. Regulations.**

(1) Except as provided in subdivision (2) of this subsection, the commissioner may receive and investigate complaints regarding any alleged violation of subsections (b), (d), (h) or (i) of this section. For the purposes of such investigation, any person who is or was a landlord shall be subject to the provisions of section 36a-17. If the commissioner determines that any landlord has violated any provision of this section over which the commissioner has jurisdiction, the commissioner may, in accordance with section 36a-52, order such person to cease and desist from such practices and to comply with the provisions of this section.

(2) The commissioner shall not have jurisdiction over (A) the failure of a landlord to pay interest to a tenant annually under subsection (i) of this section, or (B) the refusal or other failure of the landlord to return all or part of the security deposit if such failure results from the landlord's good faith claim that such landlord has suffered damages as a result of a tenant's failure to comply with such tenant's obligations, regardless of whether the existence or amount of the alleged damages is disputed by the tenant. For purposes of this section, "good faith claim" means a claim for actual

damages suffered by the landlord for which written notification of such damages has been provided to the tenant in accordance with the provisions of subdivision (2) of subsection (d) of this section.

(3) The commissioner may adopt regulations, in accordance with chapter 54, to carry out the purposes of this section.

**(k) Penalties.**

(1) Any person who is a landlord at the time of termination of a tenancy and who knowingly and wilfully fails to pay all or any part of a security deposit when due shall be subject to a fine of not more than two hundred fifty dollars for each offense, provided it shall be an affirmative defense under this subdivision that such failure was caused by such landlord's good faith belief that he was entitled to deduct the value of damages he has suffered as a result of such tenant's failure to comply with such tenant's obligations.

(2) Any person who knowingly and wilfully violates the provisions of subsection (h) of this section on or after October 1, 1979, shall be subject to a fine of not more than five hundred dollars or imprisonment of not more than thirty days or both for each offense. It shall be an affirmative defense under the provisions of this subdivision that at the time of the offense, such person leased residential real property to fewer than four tenants who paid a security deposit.

(3) Any person who is a landlord at the time an interest payment is due under the provisions of subsection (i) of this section and who knowingly and wilfully violates the provisions of such subsection shall be subject to a fine of not more than one hundred dollars for each offense.

(4) No financial institution shall be liable for any violation of this section except for any violation in its capacity as a landlord.

(l) **Rights not limited.** Nothing in this section shall be construed as a limitation upon:

(1) The power or authority of the state, the Attorney General or the commissioner to seek administrative, legal or equitable relief permitted by the general statutes or at common law; or

(2) the right of any tenant to bring a civil action permitted by the general statutes or at common law.

**Source:**

(P.A. 76-95, S. 5, 27; 76-435, S. 75, 82; P.A. 77-451, S. 3; P.A. 79-559, S. 1; P.A. 80-483, S. 171, 186; P.A. 81-322, S. 8; P.A. 82-162, S. 4; 82-246, S. 1; 82-249; June Sp. Sess. P.A. 83-3, S. 1; P.A. 84-84, S. 1, 2; 84-504, S. 2, 3; 84-546, S. 105, 166, 173; P.A. 85-231; 85-613, S. 74, 154; P.A. 87-9, S. 2, 3; 87-154, S. 1; 87-348; P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; P.A. 91-383, S. 17; P.A. 92-4, S. 1; P.A. 93-40; 93-41, S. 2, 3; 93-142, S. 4, 7, 8; 93-339, S. 1, 2; 93-435, S. 18, 95; P.A. 94-122, S. 337, 340; P.A. 96-74, S. 8; 96-271, S. 216, 254; P.A. 03-84, S. 36; P.A. 05-109, S. 54; P.A. 11-94, S. 1; P.A. 12-96, S. 32; P.A. 16-65, S. 37; 16-74, S. 2; P.A. 17-236, S. 17.)

### **History:**

Amended by P.A. 21-0078, S. 22 of the Connecticut Acts of the 2021 Regular Session, eff. 10/1/2021. Amended by P.A. 17-0236, S. 17 of the Connecticut Acts of the 2017 Regular Session, eff. 10/1/2017. Amended by P.A. 16-0074, S. 2 of the Connecticut Acts of the 2016 Regular Session, eff. 10/1/2016. Amended by P.A. 12-0096, S. 32 of the the 2012 Regular Session, eff. 6/8/2012. Amended by P.A. 11-0094, S. 1 of the the 2011 Regular Session, eff. 1/1/2012.

### **Case Note:**

Cited. 5 CA 118; 32 Conn.App. 133 44 CA 381; 45 CA 686.

Cited. 35 CS 126; 37 CS 27; 39 Conn.Supp. 289; 44 Conn.Supp. 544.

Subsec. (c):

Relates only to residential real property and, therefore, is inapplicable to case concerning commercial property. 74 CA 460.

Subsec. (d):

Because plaintiff did not provide defendant with a forwarding address, as is required by the clear language of section, court properly granted defendant's motion to strike in regard to a claim for double damages. 80 CA 155.

Landlord who mishandled tenant's security deposit and camouflaged the mishandling by giving tenant a fabricated accounting of damages instead of returning the actual security deposit is liable for double damages under Subdiv. (2); trial court misread Subdiv. (4) re notice of tenant's forwarding address to avoid sanction of double damages under Subdiv. (2). 141 CA 299. For the purposes of determining whether to award double damages under section, a court need only determine whether a landlord complied with the statutory requirements, and need not determine whether the landlord's reason for withholding the security deposit was justified. 170 CA 343.

Subsec. (i):

Trial court erroneously calculated interest award by excluding advance rental payment for last month's rent from basis for calculation, since such advance rental payment is included in definition of "security deposit". 141 Conn.App. 299.