General Assembly

Raised Bill No. 456

February Session, 2020

LCO No. **2902**

*║*02902*║* JUD*

Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING THE ESTABLISHMENT OF A PROGRAM TO PROVIDE INDIGENT INDIVIDUALS WITH ACCESS TO LEGAL SERVICES WHEN SEEKING A RESTRAINING ORDER UNDER SECTION 46B-15 OF THE GENERAL STATUTES.

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

1   Section 1. (NEW) (*Effective from passage*) (a) There is established a
2   grant program to provide indigent individuals, interested in applying
3   for a restraining order under section 46b-15 of the general statutes, with
4   access to legal counsel. The program shall be administered by the tax-
5   exempt organization administering the program for the use of interest
6   earned on lawyers' clients' funds accounts pursuant to section 51-81c of
7   the general statutes.

8   (b) For each fiscal year that funding is made available for the
9   program, the organization administering the program shall issue a
10   request for proposals for the purpose of awarding grants to nonprofit
11   corporations whose principal purpose is providing legal services to
12   indigent individuals. A nonprofit corporation selected to receive a grant
13   shall provide indigent individuals interested in applying for a
14   restraining order pursuant to section 46b-15 of the general statutes with

15 access to legal counsel (1) for the preparation of the application, and (2)
16 to the extent practicable within the grant funding awarded, throughout
17 the process of applying for such restraining order, including at any
18 prehearing conference and any hearing on an application. Such request
19 for proposals shall be issued not later than three months after the
20 organization administering the program receives funding pursuant to
21 section 2 of this act. A nonprofit corporation submitting a proposal may
22 partner with law schools, other nonprofit entities or publicly funded
23 organizations not acting in a governmental capacity, for the provision
24 of legal services pursuant to the grant. Grants may only be awarded to
25 provide legal services in the judicial districts of Bridgeport, Hartford,
26 New Haven, Stamford or Waterbury. Each grant award shall set forth
27 the judicial district courthouse, or courthouses, for which legal services
28 shall be provided. No grant for legal services to be provided in any
29 judicial district shall exceed two hundred thousand dollars, except a
30 grant for legal services to be provided in the judicial district with the
31 largest number of applications under section 46b-15 of the general
32 statutes in the previous fiscal year shall not exceed four hundred
33 thousand dollars. No grant may be used to provide legal services to an
34 individual who is not indigent.

35 (c) Grants may only be awarded to a nonprofit corporation that
36 demonstrates the ability to:

37 (1) Verify at the time of meeting with an individual that such
38 individual is indigent and meets applicable household income
39 eligibility requirements of the grant applicant;

40 (2) Arrange for at least one individual to be present in the courthouse
41 during all business hours who has the relevant training or experience
42 and is authorized by law to provide legal counsel to individuals who
43 are interested in applying for a restraining order;

44 (3) After providing assistance to an individual with an application
45 for a restraining order under section 46b-15 of the general statutes,
46 represent, at the nonprofit corporation's discretion, such individual

47 throughout the restraining order process including being present in
48 court for the hearing on the restraining order, to the greatest extent
49 practicable within the funding awarded;

50 (4) Provide any individual in the courthouse interested in applying
51 for a restraining order with all applicable forms that may be necessary
52 to apply for a restraining order; and

53 (5) Track and report to the organization administering the program
54 on: (A) The legal services provided pursuant to the program and the
55 procedural outcome of any application filed for a restraining order
56 under section 46b-15 of the general statutes, (B) the number of instances
57 where legal counsel was provided prior to the filing of an application
58 but not thereafter during the restraining order process and the reasons
59 therefor, and (C) any other legal representation provided to individuals
60 pursuant to the program on matters that were ancillary to the
61 circumstances that supported the application for a restraining order.

62 (d) The organization administering the program shall give
63 preference to applications (1) that demonstrate the ability to provide
64 legal representation to individuals regarding matters ancillary to the
65 circumstances that support the application for a restraining order; and
66 (2) from entities with experience offering legal representation to
67 individuals applying for relief under section 46b-15 of the general
68 statutes.

69 (e) The Chief Court Administrator shall, for each judicial district
70 where a grant recipient is providing legal services pursuant to the grant
71 program, (1) provide each grant recipient office space in the judicial
72 district courthouse to conduct intake and assist individuals with
73 applications for restraining orders, and (2) require court clerks at such
74 courthouses, prior to accepting an application for a restraining order
75 pursuant to section 46b-15 of the general statutes, to inform each
76 individual filing such application or inquiring about filing such an
77 application that no cost legal services are available from the grant
78 recipient for income-eligible individuals and where such grant recipient

79   is located in the courthouse.

80   (f) For each fiscal year that funding is provided for the program, the
81   organization administering the program shall either conduct, or partner
82   with an academic institution or other qualified entity for the purpose of
83   conducting an analysis of the impact of the program, including, but not
84   limited to: (1) The procedural outcomes for applications filed in
85   association with legal services provided by grant recipients under the
86   program, (2) the types and extent of legal services provided to
87   individuals served pursuant to the program, including on matters
88   ancillary to the restraining order application, and (3) the number of
89   cases where legal services were provided before an application was filed
90   but not thereafter during the individual's restraining order process and
91   the reasons for such limited representations.

92   Sec. 2. (*Effective from passage*) For the fiscal years ending June 30, 2021,
93   and June 30, 2022, the Attorney General, utilizing transfer invoices, shall
94   remit one million two hundred fifty thousand dollars to the tax-exempt
95   organization administering the program established pursuant to section
96   1 of this act, from moneys received by the office of the Attorney General
97   in connection with the settlement of any lawsuit to which the state is a
98   party. Such remittal in the fiscal year ending June 30, 2022, shall occur
99   no later than one year following the date of the remittal in the previous
100   fiscal year. Moneys remitted to the tax-exempt organization pursuant to
101   this section shall be used for purposes of the program established in
102   section 1 of this act. No more than five per cent of the total amount of
103   the moneys remitted may be used for the reasonable costs of
104   administering the program, including the completion of the analysis
105   required pursuant to subsection (f) of section 1 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*from passage*	New section
Sec. 2	*from passage*	New section

Statement of Purpose:

To establish a program to provide indigent individuals with access to legal services when seeking a restraining order under section 46b-15 of the general statutes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]