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2016 Edition

Domestic Violence in Connecticut

A Guide to Resources in the Law Library

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Domestic Violence Hotline: 1-888-774-2900 (English); 1-844-831-9200 (Spanish)

Prepared by Connecticut Judicial Branch, Superior Court Operations, Judge Support Services, Law Library Services Unit

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Introduction

A Guide to Resources in the Law Library

- **Family violence:** “means an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault, including, but not limited to, stalking or a pattern of threatening, between family or household members. Verbal abuse or argument shall not constitute family violence unless there is present danger and the likelihood that physical violence will occur.” Conn. Gen. Stat. § [46b-38a](#)(1) (2015).
- **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.” Conn. Gen. Stat. § [46b-38a](#)(2) (2015).
- **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’ does not include acts by parents or guardians disciplining minor children unless such acts constitute abuse.” Conn. Gen. Stat. § [46b-38a](#)(3) (2015).
- **Restraining orders vs. protective order:** “**Restraining orders** differ from protective orders in that the former are civil and can be issued without the accused person being arrested. **Protective orders** in a family violence situation are criminal and are issued after the accused has been arrested for committing a family violence crime.” [OLR Bill Analysis substitute Senate Bill 334](#) (October 1, 2002). [Emphasis added]
- **Domestic violence docket:** “means a docket in a geographical area separate and apart from other criminal matters for the hearing of family violence matters.” Conn. Gen. Stat. § [51-181e](#)(a) (2015).
- **Leave from employment for victims of family violence:** “If an employee is a victim of family violence, an employer shall permit the employee to take paid or unpaid leave during any calendar year in which such leave is reasonably necessary (1) to seek medical care or psychological or other counseling for physical or psychological injury or disability for the victim, (2) to obtain services from victim services organization on behalf of the victim, (3) to relocate due to such family violence, or (4) to participate in any civil or criminal proceeding related to or resulting from such family violence. An employer may limit unpaid leave under this section to twelve days during any calendar year. Leave under this section shall not affect any other leave provided under state or federal law.” Conn. Gen. Stat. § [31-51ss](#)(b) (2015)

Section 1: Family Violence Restraining Order

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to a family violence restraining order issued under Conn. Gen. Stat. § [46b-15](#) (2015).

DEFINITIONS:

- **Application for relief from abuse:** "(a) Any family or household member, as defined in section 46b-38a, who has been subjected to a continuous threat of present physical pain or physical injury, 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 may make an application to the Superior Court for relief under this section." Conn. Gen. Stat. § [46b-15](#)(a) (2015).
- **Affidavit:** "The application shall be accompanied by an affidavit made under oath which includes a brief statement of the conditions from which relief is sought." Conn. Gen. Stat. § [46b-15](#)(b) (2015).
- **Relief:** "The court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant and such dependent children or other persons as the court sees fit. In making such orders, 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. Such orders may include 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." Ibid.
- **Ex parte order:** "If an applicant alleges an immediate and present physical danger to the applicant, the court may issue an ex parte order granting such relief as it deems appropriate." Ibid.
- **Time limitation:** "No order of the court shall exceed 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." Conn. Gen. Stat. § [46b-15](#)(f) (2015).

- **Other remedies:** "An action under this section shall not preclude the applicant from seeking any other civil or criminal relief." Conn. Gen. Stat. § [§ 46b-15](#)(i) (2015).
- **Nolle Prosequi:** "For any family violence case initiated on or after July 1, 2016, that is not referred to the local family violence intervention unit as provided in subsection (g) of section 46b-38c of the general statutes, as amended by this act, the prosecuting authority shall not enter a nolle prosequi as to any charge of a family violence crime, as defined in section 46b-38a of the general statutes, unless the prosecuting authority states in open court his or her reasons for the nolle prosequi and, if the reasons include consideration of the defendant's participation in a counseling or treatment program, a representation that such counseling or treatment program complies with the program standards promulgated under section 19 of this act." Conn. Public Act [15-211](#) sec. 22 (Effective January 1, 2016).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- 42 U.S.C. (2015).
§ [280b-1a](#) Interpersonal violence within families and among acquaintances
[§§ 10401 – 10421](#) Family violence prevention and services
- Conn. Gen. Stat. (2015).
Chapter 815a. Family matters
§ [46b-15](#). Relief from physical abuse, stalking or pattern of threatening by family or household member. Application. Court orders. Duration. Copies. Expedited hearing for violation of order. Other remedies.
§ [46b-15a](#). Foreign order of protection. Full faith and credit. Enforcement. Affirmative defense. Child custody provision. Registration.
§ [46b-15b](#). Duties of Superior Court re applicants for restraining orders in domestic violence situations.
§ [46b-15c](#). Powers of court in family relations matter re taking out-of-court testimony when one party is subject to a protective order, restraining order or standing criminal restraining order. Videoconference hearings permitted. Oaths. Cross-examination.
§ [46b-16](#). Petition to Superior Court for ex parte order re temporary care and custody of child when parent arrested for custodial interference. Duration of order.
Chapter 952. Penal code: Offenses
§ [53a-107](#). Criminal trespass in the first degree: Class A misdemeanor.
§ [53a-223b](#). Criminal violation of a restraining order: Class D Felony

PUBLIC ACT HISTORY:

- [2014 Conn. Acts 234](#), §§ 3-7, 10-11 (Effective October 1, 2014)
- [2014 Conn. Acts 217](#), §§ 120-128, 191 (Effective January 1, 2015.)
- [2013 Conn. Acts 194](#), § 2 (Effective October 1, 2013)
- [2013 Conn. Acts. 3](#), §§ 36-38 (Effective October 1, 2013)
- [2012 Conn. Acts 114](#) (Effective October 1, 2012)
- [2010 Conn. Acts 144](#) (Effective October 1, 2010)
- [2007 Conn. Acts 78](#) (Effective October 1, 2007)
- [2005 Conn. Acts 152 § 3](#) (Effective October 1, 2005)

REGULATIONS:

You can visit your local law library or browse the [recently adopted regulations page](#) on the SOTS website to check if a regulation has been updated.

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

FORMS:

- [Filing an Application for a Restraining Order](#)
- [JD-FM-137](#). Application for Relief from Abuse (rev. 1/15)
- [JD-FM-138](#). Affidavit – Relief from Abuse (rev. 10/14)
- [JD-FM-75](#). Application for Waiver of Fees (rev. 2/15)
- [JD-FM-173](#). Motion for Contempt (rev. 2/15)
- [JD-FM-174](#). Motion for Modification (rev. 2/13)

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- Veronica Rose, Chief Analyst, *Firearm Possession and Domestic Violence Restraining or Protective Orders and Convictions*, Connecticut General Assembly, Office of Legislative Research Report No. [2014-R-0181](#) (July 31, 2014)
“ How do federal and state laws address firearm purchase and possession by people convicted of domestic violence crimes or under a domestic violence restraining or protective order? Do any states have laws stricter than federal laws?”
- Sandra Norman-Eady, Chief Attorney, *Summary of Family Violence Laws*, Connecticut General Assembly. Office of Legislative Research Report No. [2009-R-0349](#) (October 2, 2009)
“You asked for a summary of Connecticut’s family violence laws, including all major changes by year.”
- Sandra Norman-Eady, Chief Attorney, *Restraining Orders*, Connecticut General Assembly. Office of Legislative Research Report No. [2005-R-0861](#) (December 8, 2005).
“You asked for information on restraining orders in Connecticut, including whether there has been a recent increase in the number of such orders and whether Connecticut courts are doing anything to stop frivolous requests for them.”

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can contact your [local law librarian](#) to learn about the tools available to you to update cases.

- [Princess Q.H. v. Robert H.](#), 150 Conn. App. 105, 89 A.3d 896 (2014) "We conclude that the court did not abuse its discretion in concluding in the context of all the evidence presented to it that the defendant's conduct in driving past her home, turning around, and immediately driving past her home a second time constituted an act of stalking."
- [Rosemarie B.-F. v. Curtis P.](#), 133 Conn. App. 472, 477, 38 A.3d 138 (2012) "In the defendant's view, the events that occurred on February 19, 2011, no matter how probative of his misconduct, were insufficient to support the court's judgment because the only other facts of record were protective orders that had been issued many years earlier. *Putman v. Kennedy*, 104 Conn App. 26, 34, 932 A.2d 434 (2007), cert. denied, 285 Conn. 909, 940 A.2d 809 (2008), clearly holds that one incident, combined with a finding that a respondent presently poses a continuous threat, is sufficient to satisfy § 46b-15."
- [Krystyna v. Janusz](#) , 127 Conn. App. 586, 592, 14 A.3d 483 (2011). "The defendant's final claim is that the court exceeded its statutory authority under § 46b-15 by extending the protection of the restraining order to the adult daughter. The defendant argues that the daughter, because she was not a minor, was required to make her own application for a restraining order under the statute in order to be afforded such protection. We disagree. As previously noted, the express language of § 46b-15 (b) provides in relevant part that '[t]he court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant and such dependent children or other persons as the court sees fit. . . .' (Emphasis added.) "
- [Putman v. Kennedy](#), 104 Conn. App. 20, 25, 932 A.2d 439 (2007). "Although the court had a reasonable concern that the defendant's actions may have endangered the daughters that concern does not fall within the plain meaning of the statute. Section 46b-15 specifically requires a direct causal link between the defendant and the continuous threat of physical harm to the subject. See *Putman v. Kennedy*, supra, 279 Conn. 171 ('domestic violence restraining orders will not issue in the absence of the showing of a threat of violence'). The legislature promulgated § 46b-15 to provide an expeditious means of relief for abuse victims. See *id.*, 172. It is not a statute to provide a remedy in every custody and visitation dispute, however urgent."
- [Putman v. Kennedy](#), 104 Conn. App. 26, 34, 932 A.2d 434 (2007). " '...neither a pattern of abuse nor the son's subjective fear of the defendant is a requirement for the finding of a continuous threat. Had the legislature intended these factors to be requirements, the statute would have stated so explicitly.' See *Farmers Texas County Mutual v.*

Hertz Corp., 282 Conn. 535, 546–47, 923 A.2d 673 (2007) ('[i]t is well settled that we decline to engraft additional requirements onto clear statutory language' [internal quotation marks omitted]); see also *Fedus v. Planning & Zoning Commission*, 278 Conn. 751, 770 n.17, 900 A.2d 1 (2006) (noting that legislature knows how to enact legislation consistent with its intent)."

- [Putman v. Kennedy](#), 279 Conn. 162, 172, 900 A.2d 1256 (2006). "...in the sensitive and often explosively litigated context of family dysfunction and dissolution, there is a reasonable possibility that a domestic violence restraining order will have prejudicial collateral legal consequences for its subject, even after its expiration. Accordingly, the subject of an improperly rendered domestic violence restraining order is likely to benefit from the vacatur of that order, and dismissal of his or her appeal as moot solely on the basis of that order's expiration is improper."
- [Klein v. City Of Stamford](#), 43 Conn. Sup. 441, 441-442, 658 A.2d 986 (1994).
- [Thurman v. City of Torrington](#), 595 F. Supp. 1521 (1984).
- [DeShaney v. Winnebago County Department of Social Services](#), 489 U.S. 189, 109 S. Ct. 998, 103 L.Ed 2d 249(1989).

WEST KEY NUMBER:

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

ENCYCLOPEDIAS:

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

PAMPHLETS:

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

TREATISES:

- 7 Arnold H. Rutkin and Kathleen A. Hogan, [Connecticut Practice Series, Family Law and Practice with Forms](#) (3rd Ed., 2010).
§ 22.2 Family violence and relief from abuse
§ 22.3 Application for relief from abuse—Procedure
§ 22.4 Application for relief from abuse—Form
§ 22.5 Scope of relief available under C.G.S.A. §46b-15
§ 22.6 Enforcement of orders under C.G.S.A. §46b-15

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- Nancy McKenna, [Domestic Violence Practice and Procedure](#) (2015-2016 Ed.).
Chapter 4. Civil Protection Orders
- Leonard Karp and Cheryl Karp, [Domestic Torts: Family Violence, Conflict and Sexual Abuse](#), Revised Edition (2005).
Chapter 1. Spousal abuse
§ 1.22. Special statutes concerning domestic violence protective orders
- 1 [Arnold H. Rutkin, Family Law and Practice](#) (2014).
Chapter 6. Handling domestic violence cases
§ 6.02. Civil protection orders
 - [1]. Overview
 - [2]. When to seek a civil protection order
 - [3]. Obtaining a civil protection order; Procedural considerations
 - [4]. Obtaining emergency relief
 - [5]. Contested hearings
 - [6]. Enforcement of protective orders

LAW REVIEWS:

- Jane K. Stoever, [Enjoining Abuse: the Case for Indefinite Domestic Violence Protection Orders](#), 67 Vanderbilt Law Review 1015 (May 2014).
- Carol A. Bruch, [The Unmet Needs Of Domestic Violence Victims And Their Children In Hague Child Abduction Convention Cases](#), 38 Family Law Quarterly 529 (Fall 2004).

Table 1: Selected Unreported Connecticut Decisions on 46b-15 Restraining Orders

Selected Unreported Connecticut Decisions: 46b-15 (2015) Restraining Orders	
<u>Angiollo v. Angiollo</u> , Superior Court, Judicial District of New Haven, No. NNH-FA14-4061466, (Aug. 25, 2014) (2014 WL 4816874)	"In granting the restraining order application filed on behalf of Ava, the court also considered the fact that by Ava witnessing her father striking Luca, it caused Ava to be in fear of her father. The court also considered the fact that Ava would have concern that it might happen again, either to Luca or to Ava. The striking or hitting was with such force that the incident left bruising on Luca's buttocks. Ava's behavior after the incident, as described by Ms. Severino, is consistent with a child in fear. The court considered the fact that exposing a child to domestic violence, even if that child is not the victim of the violence, is sufficient to establish neglect. See <i>In Re Tayler F.</i> , 296 Conn. 524, 995 A.2d 611 (2010) (Hearsay statements which formed the basis of court's finding of neglect, including the fact that children had witnessed domestic violence, were properly admitted where the children were emotionally unavailable to testify.)"
<u>Bainer v. Bainer</u> , No. FA 11-4049003S (Conn. Super. Ct., J.D. New Haven at New Haven, Oct. 21, 2013)	"Regarding the restraining order, the plaintiff acknowledged more than once that she was not in physical fear of the defendant. However, the court found that after considering the most recent changes to Gen. Stat. sec. 46b-15, 'this ongoing, and one could argue relentless exchanges . . . he is presenting as someone who poses a threat. He's intimidating her.'"
<u>Angelia v. Timothy</u> , No. FA 07-4113654S (Conn. Super. Ct., J.D. New London at Norwich, January 4, 2011)	"In <i>Rondeau v. Parenteau</i> , 2010 Conn. Super. Lexis 263 [49 Conn. L. Rptr. 287] (2010, dos Santos, J.), the court, permitted a permanent restraining order. The court in <i>Allshouse v. Farmer</i> , 1997 Ct. Sup. 2220 [19 Conn. L. Rptr. 4] (1997, Tierney, J.), likewise found that under certain circumstances, a court may enter a permanent civil restraining order. Finally, the court in <i>Toal v. Toal</i> , 2008 Ct. Sup. 3738 (2008, Gordon, J.), permanently extended a restraining order."
<u>Woods v. Berritieri</u> , No. TTD FA04 4000071 (Conn. Super. Ct., J.D. Tolland at Rockville, Oct. 31, 2005)	"General Statutes § 46b-15 (2015) provides relief to any family member as defined in § 46b-38a who has been subjected to continuous threat of physical pain or physical injury by another family member. The statute provides the Court with the power to extend orders as it deems appropriate for the protection of the applicant and such dependent children or other persons as the Court sees fit."

<u>Lawlor v. Curry</u>, No. FA 05-4006931S (Conn. Super. Ct., J.D. New Haven at New Haven, Feb. 4, 2005)	"This court would not have entered an ex parte temporary restraining order if it had been aware of the pending New Hampshire proceeding; and it therefore vacates the temporary restraining order, effective upon notice to both parties."
<u>Odom v. Odom</u>, No. FA 02-0097864S, 2002 Ct. Sup. 4896, 4900, 2002 WL 1042492 (Apr. 30, 2002).	"In extending the statute to encompass dating relationships, the legislature has thus shown that restraining orders are intended to apply to those in familial, or quasi-familial relationships, ones that have aspects of intimacy, or repeated contact, or personal familiarity in ways that differ from mere friendship: 'a relationship which is more than - certainly more than strangers or more than a casual friend, some type of personal relationship that goes beyond the run of the mill acquaintance-type situation.' ([H.R. Proceedings, 1999 Sess., May 28, 1999] Id. at 3554.) The entire legislative scheme is intended to offer legal protection to people where the threat or risk of violence derives from the powerful feelings that can occur in these intimate personal relationships."
Ibid.	"This court thus concludes that the restraining order statute is indeed applicable to protect one former sister-in-law against a former sister-in-law. Their relationship arose out of marriage, but though matrimony has ended, the 'affinity' of the parties survives." [Sister-in-law]
<u>Carroll v. Carroll</u>, No. FA 99-104387, 1999 Ct. Sup. 9547 at 9548, 1999 WL 596382 (Judicial District, Hartford, July 26, 1999).	"Lastly, since this action began as a 46b-15 (2015) application, the court finds that the intent of this statute was to protect the citizens of Connecticut from conduct alleged in the application. The court may fashion any orders it deems appropriate under the statute. This may include the limitation or denial of custody and visitation for a minor child if the Court feels that there is a fear of immediate physical harm."
<u>Kulak v. Grant</u>, No. FA 98 0103760S, 1999 Ct. Sup. 15459 at 15461, 1999 WL 1207152 (Judicial District, Hartford, Nov. 29, 1999).	"The statute authorizing the issuance of civil restraining orders provides that the court may impose such sanctions as it deems appropriate for contempt of the order. Connecticut General Statutes, Section 46b-15(g) (2015). These include, attorneys fees and costs. Connecticut General Statutes, Section 52-256b 2015. To find a party in contempt, the court must find that a person has disobeyed an order of the court, <u>Fitzgerald v. Fitzgerald</u>, 16 Conn. App. 548, 551 (1988)."

Section 2: Family Violence Protective Order

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to family violence protective order under Conn. Gen. Stats. §§ 46b-38b and 46b-38c.

DEFINITION:

- **Protective orders in a family violence situation:** “are criminal and are issued after the accused has been arrested for committing a family violence crime.” [OLR Bill Analysis substitute Senate Bill 334](#) (October 1, 2002).
- **Arrest:** “Whenever a peace officer determines upon speedy information that a family violence crime has been committed within such officer’s jurisdiction, such officer shall arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime. The decision to arrest and charge shall not (1) be dependent on the specific consent of the victim, (2) consider the relationship of the parties, or (3) be based solely on a request by the victim.” Conn. Gen. Stat. § [46b-38b](#)(a) (2015).
- **Firearm at scene of domestic violence,** “Whenever a peace officer determines that a family violence crime has been committed, such officer may seize any firearm or electronic defense weapon, as defined in section 53a-3, 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 or electronic defense weapon or ammunition or unless otherwise ordered by the court.” Ibid.
- **Protective Order:** “Each law enforcement agency shall develop, in conjunction with the Division of Criminal Justice, and implement specific operational guidelines for arrest policies in family violence incidents. Such guidelines shall include, but not be limited to: (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 (2015). 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 in the model law enforcement policy on family violence established in subdivision (2) of this subsection.” Conn. Gen. Stats. § [46b-38b](#)(e)(1) (2015).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2015)
 - [§ 46b-38a](#). Family violence prevention and response: Definitions.
 - [§ 46b-38b](#). Investigation of family violence crime by peace officer. Arrest. Assistance to victim. Guidelines. Education and training program. Compliance with model law enforcement policy on family violence. Assistance and protocols for victims whose immigration status is questionable.
 - [§ 46b-38c](#). Family violence response and intervention units. Local units. Duties and functions. Protective orders. Electronic monitoring pilot program. Pretrial family violence education program. [Amended by P.A. [15-211](#) sec. 21]
 - [§ 46b-38d](#). Family violence offense report by peace officer. Compilation of statistics by Commissioner of Public Safety. Report to Governor and General Assembly.
 - [§ 46b-38f](#). Statistical summary of family violence cases maintained by Family Division. Reports.
 - [§ 46b-38g](#). Programs for children impacted by domestic violence.
 - [§ 51-181e](#). Domestic violence dockets.
 - [§ 53a-40e](#). Standing criminal restraining order.
 - [§ 53a-223a](#). Criminal violation of a standing criminal protective order: Class D Felony.
 - [§ 53a-223b](#). Criminal violation of a restraining order: Class D Felony.
 - [§ 54-63c](#). Release by law enforcement officer.
 - [§ 54-63d](#). Release by bail commissioner. Information, files and reports held by Court Support Services Division.

REGULATIONS:

You can visit your local law library or browse the [recently adopted regulations page](#) on the Secretary of the State website to check if a regulation has been updated.

- Regulations of Connecticut State Agencies
 - Department of Public Safety
 - Duties of peace officer
 - [§ 54-222a-3](#). Other victims shall receive a victim assistance card
 - (c). A victim of Family Violence, as defined by Section 46b-38b of the Connecticut General Statutes, shall receive a card. (eff. 9/26/1990) (2-97)

OLR REPORTS:

- Veronica Rose, Chief Analyst, *Firearm Possession and Domestic Violence Restraining or Protective Orders and Convictions*, Connecticut General Assembly, Office of

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

Legislative Research Report No. [2014-R-0181](#) (July 31, 2014)

"How do federal and state laws address firearm purchase and possession by people convicted of domestic violence crimes or under a domestic violence restraining or protective order? Do any states have laws stricter than federal laws?"

- Sandra Norman-Eady, Chief Attorney, *Summary of Family Violence Laws*, Connecticut General Assembly. Office of Legislative Research Report No. [2009-R-0349](#) (October 2, 2009)
"You asked for a summary of Connecticut's family violence laws, including all major changes by year."
- Sandra Norman-Eady, Chief Attorney, *Protective Orders*. Connecticut General Assembly, Office of Legislative Research Report No. [2007-R-0567](#) (2007).
"You asked if the law requires the person requesting a protective order to keep his or her distance from the person who is the target of the order. You also asked if any other state places such a requirement."

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [State v. Fernando A.](#) 294 Conn. 1, 4-8, 981 A.2d 427 (2009). "In this public interest appeal, we consider the nature of the hearing that a defendant must receive prior to the issuance of a criminal protective order in a family violence case (criminal protective order) pursuant to General Statutes § 54-63c(b). The defendant, Fernando A., appeals, upon the grant of his application filed pursuant to General Statutes § 52-265a, from the trial court's denial of his request for an evidentiary hearing prior to the issuance of a criminal protective order. We conclude that § 54-63c(b), and the cross-referenced General Statutes § 46b-38c, permit the trial court to issue a criminal protective order at the defendant's arraignment after consideration of oral argument and the family violence intervention unit's report (family services report). We also conclude that the trial court is required to hold, at the defendant's request made at the initial hearing, a subsequent hearing within a reasonable period of time at which the state will be required to prove the continued necessity of that order by a fair preponderance of the evidence, which may include reliable hearsay."
- [State v. Calabrese](#), 279 Conn. 393, 398, 902 A.2d 1044 (2006). "In connection with the defendant's arraignment, the court, *Alexander, J.*, issued a family violence protective order on January 7, 2002 (protective order). The protective order directed the defendant, inter alia, to refrain from threatening, harassing or assaulting the complainant, and from entering the family dwelling or dwelling occupied by the complainant. According to the testimony of Tracy Genues-Johnson, a court clerk, the defendant was given a copy of

and advised of his rights under the protective order. The protective order remained in effect and was not modified while the case was pending."

- [State v. Charles](#), 78 Conn. App. 125, 138-39, 826 A.2d 1172 (2003). "We conclude that the terms of the family violence protective order issued in this instance were adequate to give the defendant fair warning that the act of leaving two expletive and posturing laden messages on the victim's telephone answering machine would constitute a violation of the order prohibiting him from harassing or threatening her. Under those circumstances, the consequence of the court's charge was not impermissibly to curtail the defendant's constitutional right to speech, and the charge that outlined in detail the elements of behavior proscribed by the protective order was neither impermissibly vague nor overbroad."
- [State v. Doe](#), 46 Conn. Supp. 598, 598, 765 A.2d 518 (2000). "The defendant, John Doe, challenges the constitutionality of the laws and procedures used in Connecticut courts which provide for issuing protective orders that result in barring a person from their home as a result of an arrest for a family violence crime."
- [State v. Martino](#), 61 Conn. App. 118, 120-121, 762 A.2d 6 (2000). "In response, the victim called the police. Although the victim feared the defendant and did not want to press charges, the police arrested the defendant pursuant to the state's family violence law, General Statutes § 46b-38b. He was charged with disorderly conduct and interfering with a police officer, and was released on bail. Later that same day, the Superior Court issued a family violence protective order that prohibited the defendant from contacting the victim in any manner. The defendant received a copy of the protective order, and a police officer reviewed the terms of the order with him."
- [State v. Taveras](#), 49 Conn. App. 639, 716 A.2d 120 (1998).
- [In re Alana S.](#), 44 Conn. Sup. 235, 683 A.2d 425 (1996).
- Protection of Persons
 - # 45 Domestic abuse and violence
 - # 70-83 Protection orders in general
 - # 90-108 Violations, contempt, and conviction

**WEST KEY
NUMBERS:**

ENCYCLOPEDIAS:

- 11 [C.J.S. Breach of the Peace](#) (2008).
§§ 32-38 Orders of protection
- 28 [C.J.S. Domestic Abuse and Violence](#) (2008).
§§ 11-22. Authority and jurisdiction to grant relief; scope of relief
§§ 37-45. Violation of order

- 24 [Am. Jur. 2d](#) *Divorce and Separation* (2008).
 § 266. Orders of protection
 § 267. —Excluding spouse from home
 § 270. —Enjoining removal of child from jurisdiction

TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- 1 Arnold H. Rutkin, [Family Law and Practice](#) (2015).
 Chapter 6. Handling domestic violence cases
 § 6.03. Other types of protection orders
 [1]. Criminal protection orders
- Nancy McKenna, [Domestic Violence Practice and Procedure](#) (2015 ed.).
 Chapter 8. Defending Criminal Domestic Violence Cases
 II. Criminal protection orders

LAW REVIEWS:

- Judith A. Smith, [Battered non-wives and unequal protection-order coverage: A call for reform](#), 23 Yale L. & Pol'y Rev. 93 (2005).
- Carol A. Bruch, [The Unmet Needs Of Domestic Violence Victims And Their Children In Hague Child Abduction Convention Cases](#), 38 Family Law Quarterly 529 (Fall 2004).
- Michael J. Voris, [The Domestic Violence Civil Protection Order And The Role Of The Court](#), 24 Akron Law Review 423 (1990).

Section 3: Legal Protections for Victims of Family Violence

A Guide to Resources in the Law Library

SCOPE:

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

DEFINITION:

- **Address Confidentiality Program:** "There shall be an address confidentiality program established in the office of the Secretary of the State to provide a substitute mailing address for any person who has been a victim of family violence, injury or risk of injury to a child, sexual assault or stalking, and who wishes to keep such person's residential address confidential because of safety concerns." Conn. Gen. Stat. [§ 54-240a](#)(a) (2015)
- **Leave from employment for victims of family violence:** "If an employee is a victim of family violence, an employer shall permit the employee to take paid or unpaid leave during any calendar year in which such leave is reasonably necessary (1) to seek medical care or psychological or other counseling for physical or psychological injury or disability for the victim, (2) to obtain services from victim services organization on behalf of the victim, (3) to relocate due to such family violence, or (4) to participate in any civil or criminal proceeding related to or resulting from such family violence. An employer may limit unpaid leave under this section to twelve days during any calendar year. Leave under this section shall not affect any other leave provided under state or federal law." Conn. Gen. Stat. [§ 31-51ss](#)(b) (2015).
- **Termination of rental agreement because of family violence:** "any tenant who (1) is a victim of family violence, as defined in section 46b-38a, and (2) reasonably believes it is necessary to vacate the dwelling unit due to fear of imminent harm to the tenant or a dependent of the tenant because of family violence, may terminate his or her rental agreement with the landlord for the dwelling unit that the tenant occupies without penalty or liability for the remaining term of the rental agreement by giving written notice to the landlord at least thirty days prior to the date the tenant intends to terminate the rental agreement. Notwithstanding the provisions of this chapter and chapter 831, for rental agreements entered into or renewed on or after January 1, 2014, any tenant who (A) is a victim of sexual assault under any provision of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a, or is the parent or guardian with physical custody of a dependent who is the victim of sexual assault under section 53a-70c, and (B) reasonably believes it is necessary to vacate the dwelling unit due to

fear of imminent harm to the tenant or a dependent of the tenant because of such sexual assault, may terminate his or her rental agreement with the landlord for the dwelling unit that the tenant occupies without penalty or liability for the remaining term of the rental agreement by giving written notice to the landlord at least thirty days prior to the date the tenant intends to terminate the rental agreement. Conn. Gen. Stat. [§ 47a-11e](#)(a) (2015).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Family Violence Prevention and Services Act [42 U.S.C. 10401](#) (2010)
- Conn. Gen. Stat. (2015).
 - [§ 17b-112a](#). Definitions. Notification of referrals to applicants and recipients of temporary family assistance who are victims of domestic violence. Domestic violence training program. Regulations (2014 Supplement)
 - [§ 17b-112b](#). Exemptions and extensions for applicants and recipients of temporary family assistance who are victims of domestic violence. Standards and procedures. Regulations.
 - [§ 17b-808](#)(a)(2). Special needs benefit for emergency housing. Limitation.
 - [§ 31-51ss](#). Leave from employment for victims of family violence. Action for damages and reinstatement.
 - [§ 31-236](#)(a)(2)(A)(iv). Disqualifications. Exceptions.
 - [§ 38a-816](#)(18). Unfair practices defined. (2014 Supplement)
 - [§ 46b-38g](#). Programs for children impacted by domestic violence.
 - [§ 47a-11e](#). Termination of rental agreement by tenant who is a victim of family violence or sexual assault. (2014 Supplement)
 - [§ 54-85b](#). Employment protection for witnesses and victims of crime. Penalty. Action for damages and reinstatement.
 - [§ 54-86d](#). Disclosure of address and telephone number by victim of sexual assault not required. [Amended by [P.A. 15-211](#) sec. 23]
 - [§ 54-86e](#). Confidentiality of identifying information pertaining to victim of sexual assault... [Amended by [P.A. 15-211](#) sec. 24]

Chapter 968a - Address Confidentiality Program

PUBLIC ACT HISTORY:

- [2015 Conn. Acts 211](#) §§23-24 (Effective January 1, 2016)
- [2014 Conn. Acts 217](#), §120 (Effective January 1, 2015)
- [2011 Conn. Acts 52](#) (Effective January 1, 2012)
- [2010 Conn. Acts 37](#) (Effective October 1, 2010 and July 1, 2010)

REGULATIONS:

- Regulations of Connecticut State Agencies
Department of Public Safety
Duties of peace officer
§ [54-222a -3](#). Other victims shall receive a victim assistance card
(c). A victim of Family Violence, as defined by Section [46b-38b](#) of the Connecticut General Statutes, shall receive a card. (eff. 9/26/90)(2-97)

OLR REPORTS:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- Soncia Coleman, Associate Legislative Attorney, *Housing and Employment Protections for Domestic Violence Victims*, Connecticut General Assembly, Office of Legislative Research Report No. [2009-R-0443](#) (2009).
"This report summarizes the law in Connecticut and neighboring states related to domestic violence victims' housing and employment rights, if such laws exist."
• Laura Jordan, *Domestic Abuse Victims' Ability to Collect Unemployment Compensation and Explanation of Non-Chargeable Claims*, Connecticut General Assembly. Office of Legislative Research Report No. [99-R-0756](#) (July 27, 1999).

TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- Pamela J. Moore, [Connecticut Employment Law](#) (2014).
Chapter 7. Connecticut Leave Laws
7-8:1 Leave for Victims of Family Violence
- [The Tri-State Employer](#) (2014-2015).
Chapter 3. Statutory Rights under Connecticut Law
H, § 3.4.8,
Leave for victims of domestic violence, sexual assault, stalking or victims of crime
- Jeffrey L. Hirsch, [Labor and Employment in Connecticut](#), 2nd ed. (2013).
Chapter 16. Termination of Employment
16-5 Unemployment Compensation
(a) –Eligibility
- Stephen B. Harris, [Connecticut Practice Series, v.14](#) (2005).
Chapter 6. Leaves of Absence/Time Off
6:5 Witnesses and victims of crime
- Nancy McKenna, [Domestic Violence Practice and Procedure](#) (2013 ed.).
Chapter 5. Federal Law
5:19 Low-income housing
5:20. Confidentiality of postal addresses
5:24-27 Immigrant protections
Chapter 10. Domestic Violence and the Workplace
10:22 Tort claims against employers-Wrongful Discharge-Public policy theory
10:30 Family and medical leave
10:43 Unpaid leave for victims of domestic violence

Table 2: Protection for animals in domestic violence cases

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