

Domestic Violence Programs

Shelter • Information • Referrals

Domestic Violence programs are located throughout the State of Connecticut. The programs provide a 24-hour hotline, information, referrals, and shelter to victims of domestic violence.

**Safe Connect, the
Statewide Domestic
Violence Hotline
1-888-774-2900**

ADA Notice

For information on ADA accommodations, contact the Centralized ADA Office at 860-706-5310 or go to: www.jud.ct.gov/ADA/

Disclaimer: This publication has been put together by the Judicial Branch as a public service and under the provisions of section 46b-15b of the Connecticut General Statutes. It is based on the Connecticut General Statutes in effect at the time of publication. This information is not intended as a substitute for getting legal advice from a Connecticut attorney. You are responsible for any actions you take on your own behalf. The Clerk's Office may assist you with procedural questions; however, the staff cannot act as your attorney or give legal advice and are not responsible for any errors or omissions in these procedures. If you need more information or assistance, you should either contact an attorney or read the appropriate sections of the Connecticut General Statutes and the Connecticut Practice Book.

Restraining Orders:

How to Apply for Relief from Abuse



www.jud.ct.gov

State of Connecticut Superior Court

If you are a victim of Domestic Violence, you may apply for a restraining order. Domestic Violence is defined as: (1) a continuous threat of present physical pain or physical injury against a family or household member, (2) stalking of a family or household member, (3) a pattern of threatening of a 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 or personal liberty.

The Forms You Need to Apply for a Restraining Order

Fill out an Application for Relief from Abuse form (JD-FM-137), and an Affidavit – Relief from Abuse form (JD-FM-138).

If you want temporary custody of your children, fill out an Affidavit Concerning Children form (JD-FM-164). If the Respondent is your spouse or someone you have a civil union with, or you live with the Respondent and have a dependent child who also lives with you, and you would like to ask the court to make additional orders of maintenance, check the applicable box on the Application for Relief from Abuse form (JD-FM-137), and fill out the Supplemental Affidavit and Request for Orders of Maintenance form (JD-FM-233). You also need to fill out a Restraining Order Service Respondent Profile form (SMC-2), so that the State Marshal can find and deliver the papers to the Respondent.

Note: The Applicant is the person who fills out the Application for Relief from Abuse form (JD-FM-137).

The Respondent is the person the Application for Relief from Abuse form is filed against.

Application Procedures

You must give the filled-out forms to the court clerk. The Application and Affidavits must be signed in front of a clerk, notary public or lawyer.

A judge will review the Application and Affidavits. If a judge grants your application for an ex parte (immediate) order and you checked any of the boxes on page 1 of your application that the Respondent has firearms or ammunition, a permit to carry a pistol or revolver or an eligibility certificate for a pistol, revolver or a long gun eligibility certificate, or an ammunition certificate, your hearing will be held within 7 days from the date of the order. Otherwise, a judge will order your hearing to be held within 14 days from the date of the order.

Fees

You do not have to pay court fees to file the Application or for any motion to change or extend the order. The fee for delivery of the Application (known as service) and any orders issued without a hearing (ex parte) will be paid for by the Judicial Branch.

After the Judge Rules on the Application

If the Judge grants your request for a restraining order, the Clerk's Office will process the papers and give you 2 copies of the:

- Order of Protection form (JD-CL-99) and, if appropriate
- Additional Orders of Protection form (JD-CL-100) and Orders of Maintenance form (JD-FM-234)

The clerk will also return to you the original:

- Application for Relief From Abuse form (JD-FM-137)
- Affidavit – Relief From Abuse form (JD-FM-138)
- Affidavit Concerning Children form (JD-FM-164)

The clerk will also give you the:

- Order and Notice of Court Hearing form (JD-FM-140)
- General Restraining Order Notifications form (JD-CL-104)
- Restraining Order Service Respondent Profile form (SMC-2) if you have not already received one

You should keep one of the copies of the Order of Protection form (JD-CL-99) and Additional Orders of Protection form (JD-CL-100), if ordered, with you at all times and the other copy of the orders in a safe place.

Any ex parte orders granted by the Judge will last until your hearing date unless otherwise ordered. The orders can be extended later at the hearing.

The clerk will send a copy of the order or information in the order to law enforcement within 48 hours.

Delivery to the Respondent (Service of Process)

To make sure that the Respondent knows about the restraining order, if the Judge ordered one, and about the hearing date, bring all of the forms the clerk gave you to a State Marshal, also known as a process server or proper officer, for delivery to the Respondent. (The clerk or someone at a Court Service Center can explain to you who a “proper officer” is). You may get a current list of State Marshals from the Clerk’s Office or the Judicial Branch web site at www.jud.ct.gov. At some courthouses, a State Marshal is at the courthouse at certain times during the day to help with service.

The Restraining Order Service Respondent Profile form (SMC-2) is needed so that the State Marshal can find and deliver the papers to the Respondent. It is very important to give the State Marshal as much information as you can about how to find the Respondent.

The forms must be delivered to the Respondent at least 3 days before the hearing date. If you do not know where the Respondent lives or cannot give enough information about how to find the Respondent, the State Marshal may not be able to find the Respondent to deliver the papers and your protection might be limited.

If a judge issued an ex parte order and the State Marshal was not able to deliver the forms to the Respondent at least 3 days before the hearing, you may file a Request for Additional Time for Service of Ex Parte Restraining Order (Family) (JD-FM-256) before or on the day of your hearing to ask the Judge for more time.

After the State Marshal delivers the forms, the original forms must be returned to the Clerk’s Office by the State Marshal so that the court has proof that the Respondent was served. Therefore,

it is recommended that the forms be returned to the Clerk’s Office as soon as possible.

Firearm Restrictions

Firearm restrictions apply to Respondents who are subject to orders of protection. A notice of the firearm restrictions is printed on the General Restraining Order Notification form (JD-CL-104).

Testimony by Other Means

Before the hearing, you may tell the Judge that you want to appear or testify in a different place, away from the Respondent. The Judge may order the use of videoconferencing or another way for you to give testimony. If you want to request this, you must ask in writing at least 2 days before the hearing. Use the Request for Remote Testimony form (JD-FM-295).

The Court Hearing

You must take part in the hearing if you want the Judge to give you a restraining order or to extend a restraining order if you already have one. During the hearing you will be able to tell the Judge why you want the restraining order or why you want to extend one.

If you think you need more security when you are in court for the hearing, contact the Clerk’s Office or the Court Service Center at the courthouse where the hearing will be.

On the day of the hearing and before going in front of the Judge, you and the Respondent must meet separately with a Family Relations Counselor (FRC) from the Court Support Services Division. There will be a sign-up sheet in the area of the courthouse where the FRC has the meetings. A Judicial Marshal can tell you where that is. The FRC will ask for information about any existing court orders, possession of firearms or permits, history of the relationship, and information on child-related matters. The FRC may make recommendations and may refer you to other agencies for other services. At the end of the meeting you and the Respondent will go to the courtroom to wait for your hearing, unless

you have filed a request to testify from a different place, away from the respondent.

Witnesses or evidence that will support your claims should be brought to the hearing.

If the court is closed on the scheduled hearing date, the hearing will be held on the next day the court is open and any ex parte order will stay in effect until the hearing is held.

After the Hearing

If the Judge grants the restraining order, you will get 2 copies of a new Order of Protection form (JD-CL-99) and, if ordered, a new Additional Orders of Protection form (JD-CL-100) and Orders of Maintenance form (JD-FM-234). The clerk will give or mail a copy of the order(s) to the Respondent.

The clerk will send a copy of the order(s) or the information in the order(s) to law enforcement within 48 hours.

You should keep one of the copies of the Order of Protection form (JD-CL-99) and, if ordered, a new Additional Orders of Protection form (JD-CL-100) and Orders of Maintenance form (JD-FM-234) with you at all times and the other copy of the orders in a safe place.

Change of Address

If you move after the Judge issues the restraining order, contact the Clerk’s Office to find out how to update your information.

Length of the Restraining Order

The new Order of Protection, and Additional Orders of Protection if ordered, are good for 1 year, unless the Judge orders a different length of time. If Orders of Maintenance were made, they are good for a maximum of 120 days. It is important to make sure that you understand the order and know how long each part of it lasts. Ask someone at the Court Service Center or Clerk’s Office for help if you do not understand what the orders say or how long they will remain in effect.

About 5 weeks before the end of the restraining order, the Office of Victim Services will mail you a letter to the address listed in the order, or your new address if you gave it to the court, telling you when the restraining order will end.

Violating the Restraining Order

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

Extending the Restraining Order

If you want the restraining order to continue after the period the Judge ordered, you must file a Motion to Extend with the Clerk’s Office. To keep the order from running out, you should file the motion at least 2 to 3 weeks before the restraining order ends.

After the motion is filed, the clerk will schedule a hearing, and return the motion to you for delivery to the Respondent. Delivery may be made by first-class mail to Respondent’s last known address. You cannot extend or modify the Orders of Maintenance.

On the hearing date, the same court procedures apply as described in “The Court Hearing” section of this brochure.

If you want to be notified when a restraining order is issued by the court, or an existing restraining order changes, is about to end, or has ended, you can sign up for confidential notifications. To register, go to the VINE (Victim Information and Notification Everyday) webpage at vinelink.vineapps/state/CT. Or you can call the Helpline at the Judicial Branch Office of Victim Services (JB-OVS) at 800-822-8428.

For more information contact:

Office of Victim Services

1-800-822-8428

www.jud.ct.gov/crimevictim