

STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE
505 HUDSON STREET, HARTFORD, CONNECTICUT 06106

Michelle S. Cruz, Esq.
State Victim Advocate

Testimony of Michelle Cruz, State Victim Advocate Submitted to the Energy and Technology Committee Thursday, March 5, 2009

Good afternoon Senator Fonfara, Representative Nardello and distinguished members of the Energy and Technology Committee. For the record, my name is Michelle Cruz and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

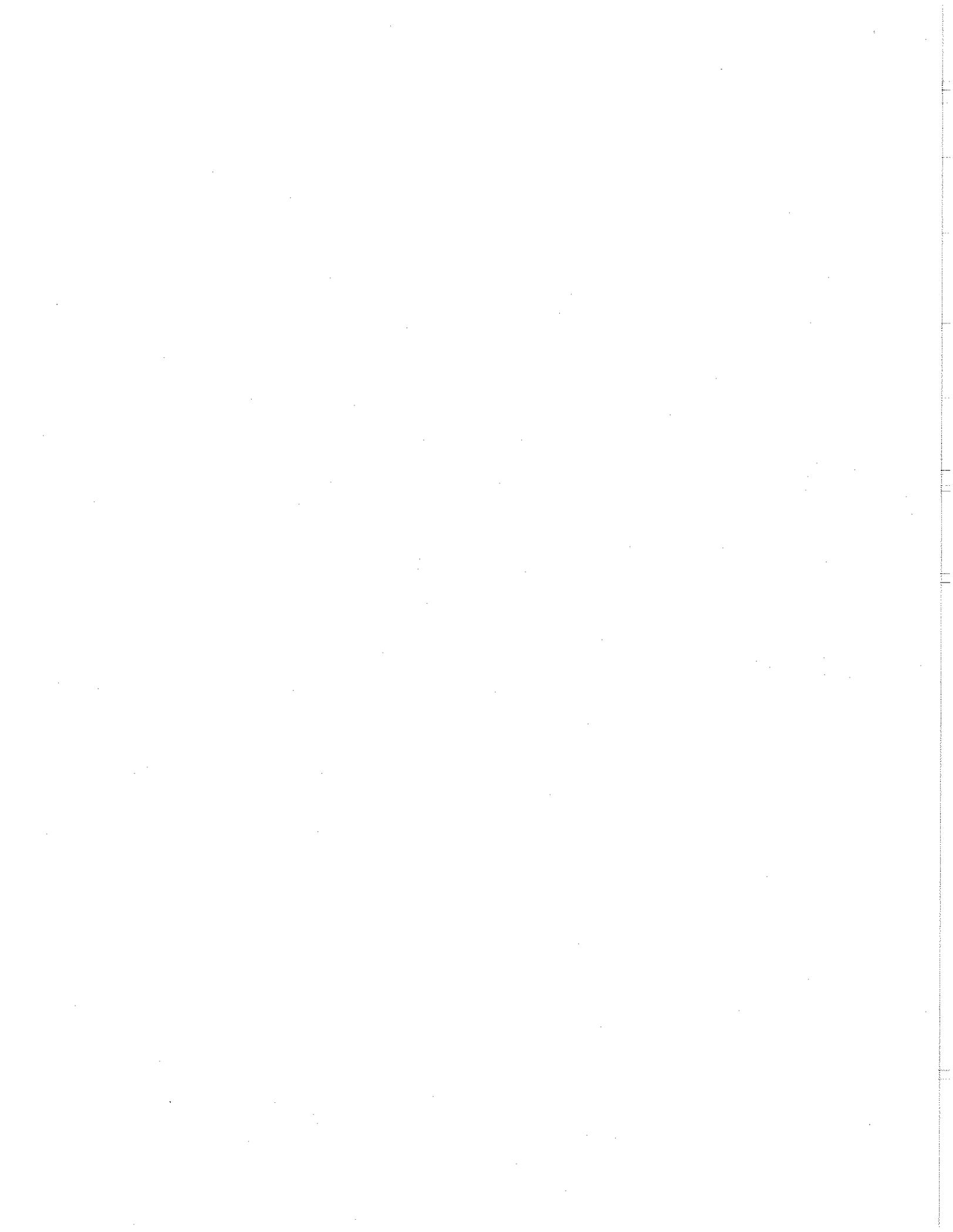
Committee Bill No. 505, An Act Concerning Unlisted Telephone Numbers (Propose amending)

There has been much confusion surrounding orders of protection among crime victims, law enforcement personnel, criminal justice professionals, victim service providers and the general public. In an attempt to resolve some of the confusion, the Office of the Victim Advocate (OVA) created a brochure which explains the various orders of protection that are available in Connecticut. I have attached a copy of the brochure to my testimony for your convenience.

Very briefly, **restraining orders** are issued by the civil/family court, upon application, and can last up to six (6) months, unless extended by the court. These orders are limited to familial relationships, including dating relationships and may include orders of temporary custody of minor children. **Protective orders** are issued by the criminal court after an arrest has been made in a domestic violence case, harassment case, stalking case or certain sexual assault cases. These orders are in effect until the criminal matter has been resolved. **Standing criminal restraining orders** are issued by the criminal court at the time of the disposition. These orders are a life time order and may be issued for a conviction of certain offenses in familial relationships or dating relationships.

The bill before you today proposes to allow telephone customers with a restraining order against another individual to obtain an unlisted telephone number at no cost. Specifically, a participant of the address confidentiality program who also qualifies for public assistance may obtain an unlisted telephone number at no cost. The address confidentiality program provides a process for victims of domestic violence and sexual assault to keep their residential address confidential and not available to the public. Participants of the address confidentiality program *may or may not* have a restraining order against another person. Additionally, as I stated earlier, a restraining order may last for only six months, unless extended by the court.

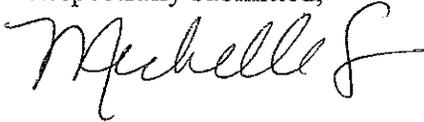
I understand the concept of this proposal and support it. However, I would suggest that the committee consider amending the bill to provide an unlisted telephone



number, free of charge, to those victims that have obtained a standing criminal restraining order – a life time order. As drafted, the bill does not achieve its intended purpose.

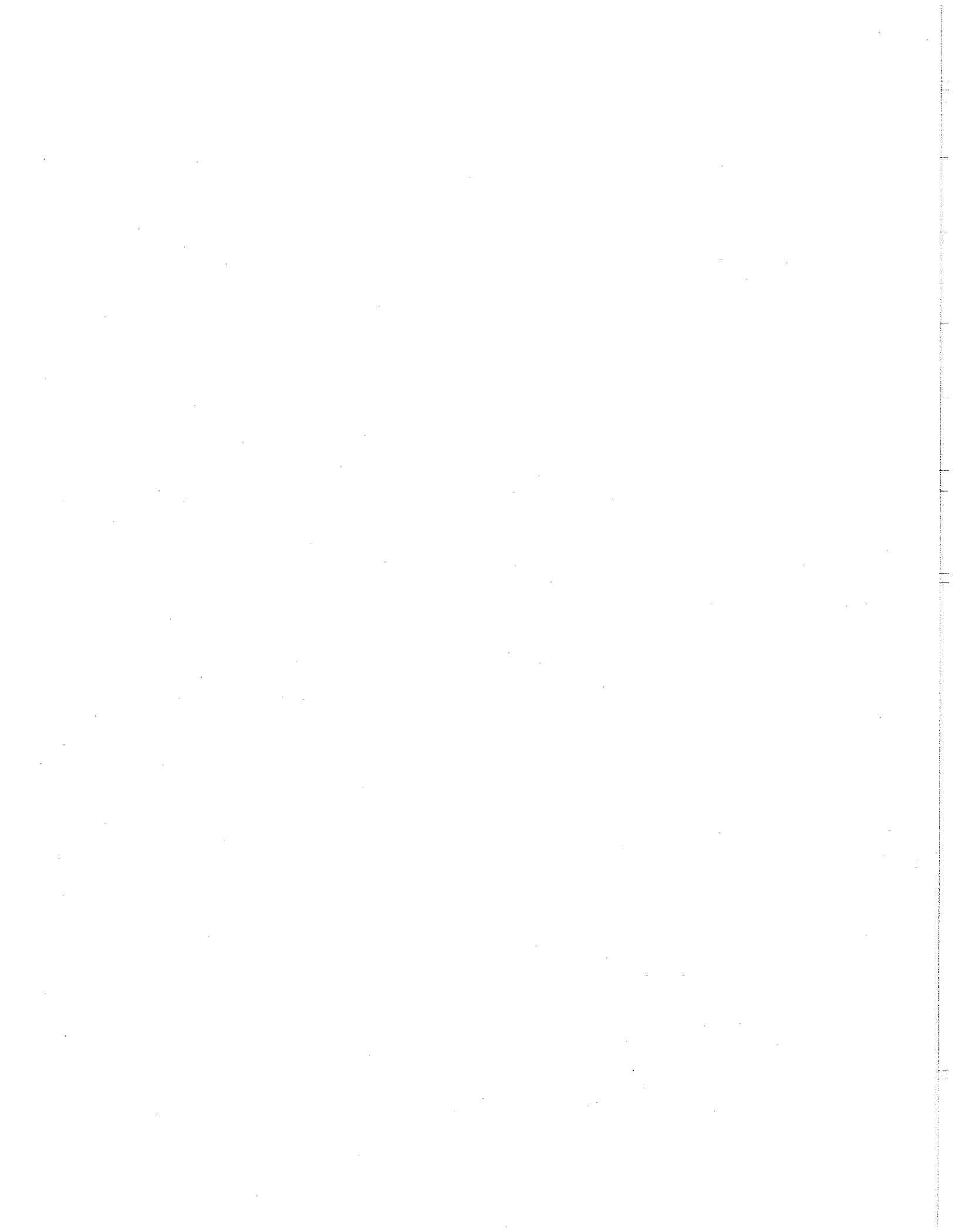
Thank you for consideration of my testimony. Please do not hesitate to contact me should you have further questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michelle Cruz". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michelle Cruz, Esq.
State Victim Advocate

Attachment



RESTRAINING ORDERS

Restraining orders are issued by the Family Division of the Civil Courts.

A crime victim may file an application with the civil court to obtain a restraining order to stop a continuous threat of present physical pain or physical injury from a spouse, former spouse, family or household member, and includes a person in a dating relationship or past dating relationship. Additionally, restraining orders may include orders of temporary custody or visitation of minor children. Restraining orders remain in effect for (6) six months, unless extended by the court upon the applicant's request for such additional time as the court deems necessary. A victim has a right to apply for a restraining order even if a "no contact" or protective order has been issued by the Criminal Court.

After a victim applies for a restraining order the court may grant the victim a temporary (Ex Parte) order. Even if the court does not grant the victim a temporary ex parte order, the court will schedule a full court hearing within 14 days. Once the judge has set a hearing date, the victim must arrange to serve the abuser with the court papers. Service must be made by a proper officer. The Court Clerk's Office maintains a list of proper officers.

A notice of hearing is required not less than (5) five days prior to the hearing date.

A restraining order generally terminates in 14 days (Temporary Ex Parte), or 6 months (After Hearing), unless modified or extended by the Court.

Once the order is granted by the court, the clerk will enter the order into the Connecticut Automated Registry of Protective Orders.

Violation of a restraining order is a class D felony, punishable by up to (5) five years in prison, a \$5,000 fine, or both.

PROTECTIVE ORDERS

Protective Orders are issued by the Criminal Courts. Typically, the protective order is issued at arraignment, but it can be issued at any time during the pending criminal proceeding.

A protective order terminates when the court disposes of the underlying criminal case, unless vacated by the court prior to disposition.

Notice of the protective order is provided to the defendant at court.

A crime victim may obtain a protective order upon the arrest of the offender for family violence, stalking or harassment crimes. Public Act 08-84 expanded courts' authority to issue protective orders. Beginning on October 1, 2008, the court may also issue a protective order when a person is arrested for committing or attempting to commit certain risk of injury offenses against a child under the age of 16, sexual assault in the 1st, 2nd, 3rd, or 4th degree, first-degree aggravated assault of a minor or third-degree sexual assault with a firearm.

Once a protective order is issued by the court, the court clerk must send a copy of the protective order to the crime victim. The court clerk must also send a certified copy of the order, within 48 hours of its issuance, to the appropriate law enforcement agency/agencies. In some situations, it may be advisable for a victim to also seek a restraining order in family court for additional court-ordered protections.

Once the order is granted by the court, the clerk will enter the order into the Connecticut Automated Registry of Protective Orders.

Violation of a protective order is a class D felony, punishable by up to (5) five years in prison, a \$5,000 fine, or both. A violation also violates bail or release conditions and may result in a court raising the amount of bail or revoking release.

STANDING CRIMINAL RESTRAINING ORDERS

Standing criminal restraining orders are issued by the Criminal Courts. Typically, the standing criminal restraining order is issued at the time of sentence, but it can be issued after the defendant has begun serving his/her sentence.

A standing criminal restraining order remains in effect unless and until it is modified or revoked by the criminal court for good cause shown upon motion and hearing.

Notice of the standing criminal restraining order is provided to the defendant at court.

A victim may obtain a standing criminal restraining order if a person is **convicted** of certain offenses of assault, sexual assault, stalking, harassment, criminal violation of a protective order, criminal violation of a restraining order, or attempt or conspiracy to violate any said sections or murder, against a family or household member, or any crime that the court determines constitutes a family violence crime or attempt or conspiracy to commit any such crime. If a person is convicted of any crime against a family or household member other than a crime specified above, the court may, for good cause shown, issue a standing criminal restraining order. This order will remain in effect forever into the future unless and until it is modified or revoked by the court.

Once the order is granted by the court, the clerk will enter the order into the Connecticut Automated Registry of Protective Orders

Violation of a standing criminal restraining order is a class D felony, punishable by up to (5) five years in prison, a \$5,000 fine, or both.