

**NEW HAVEN LEGAL ASSISTANCE ASSOCIATION, INC.**

426 STATE STREET  
NEW HAVEN, CONNECTICUT 06510-2018  
TELEPHONE: (203) 946-4811  
FAX (203) 497-8357

**Testimony of Aaron P. Wenzloff, Staff Attorney  
New Haven Legal Assistance Association**

**In Support Of:**

**HB 5054, An Act Protecting Victims of Domestic Violence  
HB 5623, An Act Concerning Violence Against Women and Victims of Human Trafficking**

**Judiciary Committee  
March 14, 2016**

Senator Coleman, Representative Tong and Members of the Judiciary Committee:

My name is Aaron Wenzloff, and I am a staff attorney at New Haven Legal Assistance Association (“NHLAA”) in New Haven, Connecticut. NHLAA is a member of a network of legal aid providers in Connecticut, providing free legal representation to low-income populations, the elderly, the disabled, and other disadvantaged groups throughout Connecticut. Our family law attorneys prioritize representing and advocating on behalf of low-income victims of domestic violence (“DV”) in our state.

**I strongly urge you to support H.B. 5054 and H.B. 5623, which create stronger and more effective protections for victims of domestic violence in our state.**

These bills make a wide range of improvements to the court system to help victims of domestic violence obtain a temporary restraining order against their abusers. In particular, these bills would ensure that obtaining service of process of a TRO is easier, that marshals serving TROs are more reliable and more accountable to DV victims (including those who do not speak English as a first language), and that we collect more data statewide to ensure we can continue to make improvements to this system.

This issue is critical: a temporary restraining order is not fully effective unless service of process has been made. Moreover, data shows that there are major problems in obtaining service of process of TROs. Between October 1, 2010 and September 30, 2011, more than 40% of all temporary restraining orders granted in New Haven Court were not served. That means almost two-thirds of DV victims applying for TROs are not getting the protection they are seeking from the court system.

In 2014 and 2015, I served on the Task Force to Study the Service of Temporary Restraining Orders, which supplied a report to this Committee about several key ways that Connecticut could improve this system for victims. H.B. 5054 and 5623 capture most of the reforms that our task force supported. I urge the committee to support these bills as an effective way to implement the reforms that our task force recommended.

These improvements will affect thousands of individuals applying for TROs in Connecticut, not just in those cases where the respondent has a firearm. Nearly 10,000 people apply for a TRO each year, and over 5,000 result in ex parte orders. All of these TROs need to be properly served in order to be legally effective. Moreover, the vast majority of these victims seeking protection do not have an attorney helping them ensure their order is properly served; there are only a few dozen legal aid family attorneys in the entire state. As a consequence, we need a system where service of process works well for those who do not have help. H.B. 5054 and 5623 make that possible.

There are only a few, small ways that I would suggest these two bills might be improved. I would recommend that 1) state marshals be specifically required to inform applicants when they have made successful service of a TRO, 2) that data also be collected by the State Marshal Commission about rates and methods of service of process around the state, and 3) that applicants for a TRO be given an opportunity to request more than one postponement of a hearing if service has not yet been made, for good cause shown. I have attached proposed language.

Thank you for your time and consideration. I am happy to answer any questions you have about my testimony or about these bills.

Aaron Wenzloff  
Staff Attorney  
New Haven Legal Assistance Association, Inc.  
Phone: (203) 946-4811 ext 1137  
Fax: (203) 497-8357  
E-mail: [awenzloff@nhlegal.org](mailto:awenzloff@nhlegal.org)

## PROPOSED ADDITIONS TO H.B. 5054 AND H.B. 5623

### 1) Notice to applicants of effectuation of service

In Lines 211-213:

... Immediately after making service on the respondent, the proper officer shall promptly inform the applicant of such successful service, and shall (A) send or cause to be sent, by ...

#### **Explanation:**

This proposed change requires marshals to inform applicants when they have made service of a TRO. This is important because the applicant needs to know when the protections of the TRO are effective so they can safely plan their next steps. Currently, many state marshals do not inform applicants about service, or do not return applicants' calls about whether service was made.

### 2) Data collection and study of "Marshal of the Day" Practice

*New Section (Effective from passage)* (a) The State Marshal Commission shall study its "marshal of the day" practice, which is used for the collection, dissemination and service of restraining and protective orders. Such study shall include, but not be limited to, an examination of the wait times for applicants as a result of such practice and whether such practice promotes efficient and timely service of restraining and protective orders. On or before January 3, 2017, the State Marshal Commission shall report, in accordance with the provisions of section 11-4a of the general statutes, on the results of such study to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary.

(b) The State Marshal Commission shall annually collect data on (1) the number of restraining orders issued under section 46b-15 of the general statutes, as amended by this act, and civil protection orders issued under section 46b-16a of the general statutes, as amended by this act, directed to state marshals for service of process; (2) the rates of successful service of process of such orders for each Superior Court where such orders may be made returnable; (3) the length of time from the issuance of such orders to the date of successful service of the orders; and (4) the rates of attendance of each state marshal for the assigned marshal of the day practice for each such Superior Court.

#### **Explanation:**

This proposed change would require the State Marshal Commission to study the "marshal of the day practice." It also would require data to be collected by the State Marshal Commission to measure rates of service of process around the state.

### 3) Continuances of TRO hearings/orders

In Line 95-96:

...respondent in accordance with the provisions of subsection (h) of this section. If service has not been made on the respondent by the date of the second hearing on the application, the ex parte order shall not be continued except upon agreement of the parties or by order of the court for good cause shown.

#### **Explanation:**

This proposed change would allow an applicant for a temporary restraining order to request an additional postponement of a hearing for good cause shown or by agreement of the parties (after having already been granted an initial postponement for lack of service).