



DOMESTIC VIOLENCE AND MENTAL HEALTH PROVISIONS IN RECENT LAWS

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PROTECTION ORDERS

Civil Restraining Order - A victim may apply for a civil restraining order for relief from physical abuse, stalking, or a pattern of threatening from another family or household member ([CGS § 46b-15](#)).

Civil Protection Order - A victim of sexual abuse, sexual assault, or stalking may apply for a civil protection order if he or she is not eligible for the restraining order described above ([CGS § 46b-16a](#)).

Criminal Protective Orders - Courts may independently issue, on behalf of a victim, a (1) protective order after a perpetrator is arrested for certain crimes or (2) standing criminal protective order after a perpetrator is convicted of certain crimes ([CGS §§ 54-1k](#) and [53a-40e](#)).

Family Violence Protective Order - This order is issued at the time of arraignment during a criminal proceeding ([CGS § 46b-38c](#)).

ISSUE

Summarize the major domestic violence laws enacted in Connecticut over the past eight years. Also, summarize the mental health-related provisions enacted in the legislative session following the Newtown shooting.

SUMMARY

Over the past eight years there have been several laws enacted that address the issue of domestic violence. Below we briefly describe the major ones. These laws generally changed the way courts handle domestic violence cases. Many of the laws made changes related to the protection orders available to domestic violence victims (see side bar), including application forms, service of process, hearings, firearm and ammunition possession, and penalties for violators. Among other things, the laws also made changes related to family violence programs, victim counseling and advocates, Judicial Branch training, and domestic violence shelters.

In the legislative session following the Newtown shooting, the General Assembly enacted several provisions affecting mental health services, insurance coverage for such services, and related issues. Many of these changes were part of [PA 13-3](#), which also

addressed gun regulation and school security.



Below we briefly summarize the provisions from [PA 13-3](#) on mental health issues. For more information on mental health bills enacted in 2013 through 2015, see OLR Report [2016-R-0002](#).

2010 DOMESTIC VIOLENCE PUBLIC ACTS

Changes in the Way Courts Handle Domestic Violence Issues

[PA 10-144](#) changed the way courts handle family violence issues. It:

1. allowed the court to consider relevant public court documents in making orders related to a petition for relief from physical abuse;
2. expanded information and disclosure requirements for family violence intervention units, courts, and the Department of Children and Families (DCF);
3. allowed the Judicial Branch to establish a pilot program for electronically monitoring family violence offenders;
4. required the court to specify the duration of standing criminal protective orders and allowed the court to issue a protective order covering the offender's probation period;
5. expanded the persistent offender law for crimes involving assault, trespass, threatening, harassment, and violation of a restraining or protective order;
6. allowed the chief court administrator to establish a domestic violence docket in three geographical areas; and
7. enhanced existing and created additional employment protections for family violence victims, including allowing them to use leave time to deal with family violence issues.

EFFECTIVE: October 1, 2010, except for the domestic violence docket provision, which was effective on passage.

Domestic Violence Victims and Rental Agreement Termination

[PA 10-137](#) made it easier for tenants who are victims of family violence to terminate their rental agreements without penalty if they give the landlord at least 30 days notice and demonstrate that they are family violence victims. The act applied to tenants who entered into or renewed rental agreements after January 1, 2011.

EFFECTIVE: October 1, 2010

2012 DOMESTIC VIOLENCE PUBLIC ACTS

Family Violence Victims

[PA 12-114](#) gave family violence victims greater support from the courts, law enforcement agencies, and court-based victim service providers. Among other things, it:

1. extended, from six months to one year, the period that a family violence-related civil restraining order can remain in effect without a court-ordered extension;
2. made stalking or patterns of threatening between family or household members forms of family violence;
3. made the Judicial Branch's Court Support Services Division's (CSSD's) pretrial release criteria stricter by specifying that release conditions must be adequate to protect public safety;
4. expanded the scope of the state's 1st degree threatening law;
5. required probation officers to notify the family violence victim and Office of Victim Services (OVS) when they alert police of suspicions that an accused perpetrator is violating probation;
6. allowed OVS to pay for mental health and other services for children who witness family violence, including child witnesses not related to the victim;
7. required the State and local police departments to adopt and follow model family violence policies; and
8. created the Family Violence Model Policy Governing Council to evaluate law enforcement policies and procedures for responding to family violence incidents.

EFFECTIVE DATE: October 1, 2012, except the governing council provision was effective on passage.

2013 DOMESTIC VIOLENCE PUBLIC ACTS

Domestic Violence and Sexual Assault

[PA 13-214](#) made a number of changes to the domestic violence and sexual assault laws. It:

1. revised the gun surrender protocol for anyone subject to a restraining or protective order or a foreign order of protection;

2. required probation officers to provide notice of suspected probation violations to assigned victim advocates if the officer has the advocate's contact information;
3. required the chief court administrator to maintain a separate, secure room in certain courthouses for family violence victims and their advocates if one is available and its use practical;
4. allowed a sexual assault victim to terminate a rental agreement without penalty under some circumstances;
5. required the chief court administrator to (a) develop a plan to include temporary financial support as relief available to an applicant for a restraining order and (b) assess the effectiveness of family violence training programs for judges and Judicial Branch staff;
6. established a task force to study the feasibility of permitting a sexual assault victim who is not a perpetrator's family or household member to apply for a restraining order;
7. required the Judicial Branch to make the family violence training program for judges, Judicial Branch personnel, and court clerks available to guardians ad litem; and
8. increased, from two to three, the number of Criminal Justice Policy Advisory Commission members who represent community-based offender and victim services providers.

EFFECTIVE DATE: October 1, 2013, except the (1) provision on victims' waiting areas in courthouses was effective July 1, 2013 and (2) provisions on the temporary financial support plan, family violence training program assessment, and feasibility study were effective upon passage.

Ex Parte Restraining Orders

[PA 13-194](#) (§ 2) extended the validity of an ex parte restraining order until the day a hearing is held if the court is closed on the date of a scheduled hearing on the order. (An ex parte order is one issued without a hearing.)

EFFECTIVE DATE: October 1, 2013

Family Violence Programs

[PA 13-247](#) (§§ 53-54) required the chief court administrator and the Department of Correction (DOC) commissioner, by May 31, 2014, to:

1. assess the effectiveness of the family violence programs provided by the Court Support Services Division (CSSD) (including the pretrial family violence education, EVOLVE and EXPLORE programs) and DOC;
2. consider the Pew-MacArthur Results First Initiative's cost-benefit analysis model with respect to each program; and
3. determine whether any changes may be implemented to improve the programs' cost-effectiveness.

EFFECTIVE DATE: Upon passage

2014 DOMESTIC VIOLENCE PUBLIC ACTS

Civil Protection Orders For Sexual Abuse, Sexual Assault, or Stalking Victims

[PA 14-217](#) (§§ 186-190) allowed the Superior Court to issue a civil protection order to an applicant who (1) is a victim of sexual abuse, sexual assault, or 1st, 2nd, or 3rd degree stalking; (2) has not obtained any other court protection order arising out of the abuse, assault, or stalking; and (3) does not qualify for relief under a civil restraining order, which is limited to family and household members. It established application and court procedures similar to those for other types of protective orders.

Among other things, it made criminal violation of a civil protection order a class D felony, punishable by up to five years in prison, up to \$5,000 in fines, or both. It also made it 1st degree criminal trespass for a person, without permission or privilege to do so, to enter or remain in a building or any other premises in violation of a civil protection order. By law, 1st degree criminal trespass is a class A misdemeanor, punishable by up to one year in prison, up to \$2,000 in fines, or both.

EFFECTIVE DATE: January 1, 2015

Civil Restraining Orders – Financial Orders

[PA 14-217](#) (§§ 120-129) broadened the measures that the court, under certain circumstances, may include in a civil restraining order. Such an order may, for example, prohibit the respondent from taking any action that could result in shutting off necessary utility services. The court may also require the respondent to (1) make rent or mortgage payments on the family home; (2) maintain health, automobile, or homeowners insurance coverage; or (3) provide financial support for dependent children if the respondent has a legal duty to support them and the ability to pay.

EFFECTIVE DATE: January 1, 2015

Criminal History Records – Family Violence Crimes

[PA 14-234](#) (§ 1) added 2nd degree breach of peace to the crimes the court must specify as a family violence crime in the defendant's criminal records when the crime is committed against a family or household member. By law, this designation must be included in the criminal records of persons convicted of crimes such as stalking, harassment, assault, sexual assault, disorderly conduct, and violations of restraining and protective orders.

EFFECTIVE DATE: October 1, 2014

Criminal Violation of a Protective Order Issued as Part of Probation

[PA 14-173](#) (§ 5) expanded the crime of criminal violation of a protective order to include violating a protective order issued by a court when sentencing a person to probation. This crime is a class D felony.

EFFECTIVE: October 1, 2014

Family Violence Victim Advocates

[PA 14-217](#) (§ 191) required the chief court administrator to allow one or more family violence victim advocates to provide services to domestic violence victims in the Superior Court's family division in one or more judicial districts in the state. Under the act, these advocates (1) are employed by and under the control of a direct service supervisor of a domestic violence agency, (2) have received certain training, (3) are certified as counselors by the domestic violence agency that provided the training, and (4) primarily render advice and assistance to domestic violence victims.

EFFECTIVE DATE: January 1, 2015

Increased Penalty for Violating Certain Orders

[PA 14-217](#) (§§ 122-128) increased the penalty for criminal violation of a protective order, standing criminal protective order, or civil restraining order under certain circumstances. Previously, all such violations were class D felonies. Under the act, violations are class C felonies when the violator (1) imposes any restraint on the person's liberty or (2) threatens, harasses, assaults, molests, sexually assaults, or attacks a person.

EFFECTIVE DATE: January 1, 2015

Judicial Branch Training

[PA 14-234](#) (§ 10) expanded the Judicial Branch's training program for judges, staff, and guardians ad litem. It required the department, in establishing ongoing training, to work in consultation with an organization that advocates on behalf of victims of domestic violence. The training program for judges must include training on the unique social and emotional characteristics of family violence crimes.

EFFECTIVE DATE: October 1, 2014

Persistent Offenders

[PA 14-147](#) subjects a standing criminal protective order violator to an enhanced penalty for persistent offenders if, in addition to violating the order, he or she has a prior conviction of certain crimes. It also added criminal violation of a standing criminal protective order to the list of prior convictions that can subject someone to the enhanced persistent offender penalty.

EFFECTIVE DATE: October 1, 2014, and applicable to convictions entered on and after that date.

Restraining Order Service Task Force

[PA 14-217](#) (§ 121) established a 16-member task force to study service of restraining orders pertaining to family and household members. The task force was required to examine the following, among others: (1) policies, procedures, and regulations relating to state marshals serving restraining orders; (2) information available to state marshals about respondents; (3) rates for their services; (4) practices in other states; and (5) the feasibility of expanding the categories or people who can serve restraining orders.

EFFECTIVE DATE: Upon passage

Sexual Assault in Spousal or Cohabiting Relationships

[PA 14-234](#) (§ 9) required the court to impose a mandatory minimum two-year sentence for sexual assault in a spousal or cohabiting relationship. By law, this crime is a class B felony, punishable by up to 20 years in prison, fines up to \$15,000, or both.

EFFECTIVE DATE: October 1, 2014

Shelters

[PA 14-234](#) (§ 11) made it a class A misdemeanor to maliciously publish, disseminate, or otherwise disclose the confidential location of an emergency shelter operated by a domestic violence agency, without written authorization from the agency that operates the shelter.

EFFECTIVE DATE: October 1, 2014

Standing Criminal Protective Orders—Non-Family and Non-Household Members

[PA 14-234](#) (§ 8) expanded the circumstances under which the court may issue a standing criminal protective order to include situations involving certain violations against someone who is not a family or household member. A class A misdemeanor is punishable by up to one year in prison, fines up to \$2,000, or both.

EFFECTIVE DATE: January 1, 2015

2016 DOMESTIC VIOLENCE PUBLIC ACTS

Orders of Protection and Firearms Possession

[PA 16-34](#) made various changes related to orders of protection, service of process, and firearms and ammunition possession.

With regard to civil restraining orders, this law, among other things:

1. revised the order application form to allow an applicant to indicate whether the respondent (accused) has a firearm eligibility or ammunition certificate;
2. reduced, from five to three, the number of days before a hearing date that process must be served;
3. requires a proper officer (i.e., person authorized to serve process), in certain circumstances, to request that a state or municipal police officer be present when service is executed; and
4. continues an ex parte order (i.e., an order issued without a hearing) beyond the initial hearing date under certain circumstances.

The act extended certain firearms and ammunition prohibitions to a person subject to an ex parte civil restraining or protection order issued in a case involving physical force. It made a person ineligible to possess firearms or ammunition upon receipt of legal notice that he or she is subject to an ex parte order and made it a

class C felony for such a person to violate the firearms or ammunition transfer, delivery, or surrender requirements, as was already the case for anyone subject to any other order of protection.

It also shortened, from two business days to 24 hours, the deadline by which a person who becomes subject to any type of order of protection in a case involving physical force must transfer, deliver, or surrender his or her firearms and ammunition to law enforcement agencies or the Department of Emergency Services and Public Protection (DESPP). It provided for the request and return of firearms and ammunition when an order expires or is rescinded.

EFFECTIVE: October 1, 2016

Notice of Domestic Violence Counseling

[PA 16-105](#) (§§ 4 & 5) made changes to the information about domestic violence counselors and counseling organizations that the court must provide to people who apply for a restraining order in a domestic violence situation. It also specified that courts must give this information, and information on how to continue an order beyond its initial period, to every restraining order applicant.

EFFECTIVE: October 1, 2016

Postponed Hearings and Ex Parte Civil Protection Orders

Under [PA 16-105](#) (§ 6) if either party requests a postponement of a hearing on an application for a civil protection order, any ex parte order issued by the court does not continue unless the parties agree to it or the court orders it for good cause

EFFECTIVE: October 1, 2016

Restraining and Civil Protection Orders for Minors

[PA 16-105](#) (§§ 4 & 6) prohibits a parent, guardian, or responsible adult who brings an application for a restraining or civil protection order as next friend of someone under age 18 from speaking for the applicant at a hearing except for good cause showing why the applicant cannot speak on his or her own behalf. But such a person can testify as a witness at a hearing on the application.

EFFECTIVE: October 1, 2016

Restraining Orders—Information at Hearings

Under [PA 16-105](#) (§ 4) when issuing an ex parte order (an order issued before a hearing, when one of the parties is not present), the court can consider relevant, publicly available court records. At a hearing on the application, the court may also consider a report from the Judicial Branch’s family services unit that may include (1) existing or prior protection orders in the protection order registry, (2) the respondent’s outstanding arrest warrants and risk assessment from the branch’s Court Support Services Division (CSSD), (3) information about a pending or disposed family matters case involving the applicant and respondent, and (4) information on pending or past criminal cases in which the respondent was convicted of a violent crime.

EFFECTIVE: October 1, 2016

PA 13-3 MENTAL HEALTH PROVISIONS

Below are brief summaries of the provisions in [PA 13-3](#) affecting mental health issues. For more details, see the full [Public Act Summary](#).

Assertive Community Treatment

[PA 13-3](#) (§ 67) required the Department of Mental Health and Addiction (DMHAS) commissioner to implement an Assertive Community Treatment program in three cities that, on June 30, 2013, did not have such a program. The program had to use a person-centered, recovery-based approach that provided people diagnosed with a severe and persistent mental illness with specified services in community settings.

Behavioral Health Services Task Force

[PA 13-3](#) (§ 66) created a 20-member task force to study the provision of behavioral health services in Connecticut, with particular focus on 16- to 25-year-olds. Among other things, the task force had to analyze and make recommendations on (1) improving behavioral health screening, early intervention, and treatment; (2) addressing the insufficient number of certain behavioral health providers; and (3) using involuntary outpatient commitment. (The task force’s final report is available [here](#).)

Gun Credential Eligibility

[PA 13-3](#) (§§ 2, 8, 10-11, 15, & 57-58) expanded the circumstances in which mental health history disqualifies a person for gun permits or other gun credentials, by (1) extending the look-back period for psychiatric commitments from 12 to 60 months and (2) disqualifying people for voluntary psychiatric admissions (other than solely

for alcohol or drug treatment) within the prior six months. As part of this process, the act required psychiatric hospitals, without delay, to notify the DMHAS commissioner about such voluntary admissions.

Mental Health First Aid Training

[PA 13-3](#) (§§ 64-65 & 90) required the DMHAS commissioner, in consultation with the education commissioner, to administer a mental health first aid training program. Training must teach participants how to (1) recognize signs of mental disorders in children and young adults and (2) connect such children and youth with professionals who can provide suitable mental health services.

The act also required the State Board of Education, within available appropriations and using available material, to help and encourage school boards to include mental health first aid training as part of their in-service training programs for certified teachers, administrators, and other pupil personnel.

Mental Health Insurance Coverage and Related Issues

[PA 13-3](#) (§§ 70-79) made various changes to the process for grieving adverse determinations (e.g., claim denials) by health insurers. Among other things, it reduced the time health insurers have to make initial determinations on requests for treatment of certain mental or substance use disorders and review claim denials and other adverse determinations of such requests.

The act set specific requirements for clinical review criteria for utilization review involving substance abuse or mental disorders. It expanded the role of and required qualifications for health care professionals who evaluate the appropriateness of adverse determinations. It also required the insurance commissioner to seek input on methods the department might use to check for compliance with state and federal mental health coverage parity laws and report on these issues to the Insurance and Public Health committees.

Probate Court-Related Case Management and Care Coordination Services

[PA 13-3](#) (§ 68) required the DMHAS commissioner to provide case management and care coordination services to up to 100 people with mental illness who are involved in the probate court system and who, on June 30, 2013, were not receiving these services.

Regional Behavioral Health Consultation System for Pediatricians

[PA 13-3](#) (§ 69) required the DCF commissioner, by January 1, 2014, to establish and implement a regional behavioral health consultation and care coordination program for primary care providers who serve children. The program had to provide them with:

1. timely access to a consultation team that includes a child psychiatrist, social worker, and care coordinator;
2. patient care coordination and transitional services for behavioral health care; and
3. training and education on patient access to behavioral health services.

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