



SERVICE OF CIVIL ORDERS OF PROTECTION

By: Michelle Kirby, Senior Legislative Attorney

CIVIL ORDERS OF PROTECTION

The law provides two types of civil orders:

1. **Civil Restraining Order.** A family or household member 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](#)).
2. **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](#)).

ISSUE

Who is authorized to serve civil orders of protection?

Under Connecticut law, civil restraining orders and civil protection orders are served by "proper officers" (CGS §§ [46b-15](#) & [46b-16a](#)).

The term "proper officer" is not expressly defined in statute. However, by law, all civil process must be directed to a state marshal; constable; other proper officer authorized by statute; or, under limited circumstances, an indifferent person (i.e., a person not involved in the case).

Under the law, civil process directed to "any proper officer" is sufficient to direct the process to a state marshal, constable, or other proper officer. The law also authorizes borough bailiffs, within their respective boroughs, to execute all

legal process that state marshals or constables may execute (CGS § [52-50](#)).

Can a law enforcement officer serve civil orders of protection?

State and local police officers are authorized to serve criminal process, such as arrest warrants (CGS §§ [7-281](#) and [29-7](#)). Because they are not explicitly authorized to serve civil process, it appears that they cannot serve civil orders.

However, under certain circumstances, the law allows the proper officer responsible for serving a civil restraining order to request the presence of a police officer when doing so. By law, if a civil restraining order application alleges that there is immediate and present physical danger to the applicant, the court may issue a civil restraining order without a hearing (i.e., ex parte). [PA 16-34](#) (§§ 3 & 6) requires



the officer responsible for serving an ex parte order to take certain steps if the application indicates that the respondent (1) holds a gun permit, a handgun or long gun eligibility certificate, or an ammunition certificate or (2) possesses ammunition or one or more firearms. Before serving such an order, the proper officer must, whenever possible, provide in-hand service and:

1. notify the law enforcement agency of the town in which the respondent will be served of the time and place of service;
2. send, or cause to be sent by fax or other means, a copy of the application, applicant's affidavit, ex parte order, and hearing notice to the law enforcement agency; and
3. request the presence of a police officer from the appropriate law enforcement agency when service is executed.

The law enforcement agency (State Police or any municipal department), on receiving such a request, may designate a police officer to be present when the proper officer serves process (CGS § [46b-15](#), as amended by [PA 16-34](#) (§ 3)).

Judicial Branch's Service Tracking System

The judicial branch's Protective Order Registry's tracking component enables state marshals to record the service of process in civil restraining order and civil protection order cases. It uses a 24-hour, toll-free voice recognition system that marshals can access by cell phone. The system updates state and national protection order files and faxes a notice of service to corresponding police departments as soon as service information is recorded.

State marshals and other proper officers, as soon as possible but no more than two hours after serving a civil restraining or protection order, must enter the date, time, and method of service into the judicial branch's internet-based service tracking system. If the respondent is not served before the date of the scheduled hearing, the officer must indicate in the system that service was unsuccessful (CGS §§ [46b-15](#) & [46b-16a](#)), as amended by [PA 16-34](#) (§§ 3 & 6)).

MK:bs