



General Assembly

Amendment

January Session, 2021

LCO No. 8608



Offered by:

SEN. LOONEY, 11th Dist.
SEN. DUFF, 25th Dist.
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To: Subst. Senate Bill No. 1091

File No. 617

Cal. No. 352

"AN ACT CONCERNING THE DEFINITION OF DOMESTIC VIOLENCE, REVISING STATUTES CONCERNING DOMESTIC VIOLENCE, CHILD CUSTODY, FAMILY RELATIONS MATTER FILINGS AND BIGOTRY OR BIAS CRIMES AND CREATING A PROGRAM TO PROVIDE LEGAL COUNSEL TO INDIGENTS IN RESTRAINING ORDER CASES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 46b-1 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2021*):

5 (a) Matters within the jurisdiction of the Superior Court deemed to
6 be family relations matters shall be matters affecting or involving: (1)
7 Dissolution of marriage, contested and uncontested, except dissolution
8 upon conviction of crime as provided in section [46b-47] 46b-48; (2) legal

9 separation; (3) annulment of marriage; (4) alimony, support, custody
10 and change of name incident to dissolution of marriage, legal separation
11 and annulment; (5) actions brought under section 46b-15, as amended
12 by this act; (6) complaints for change of name; (7) civil support
13 obligations; (8) habeas corpus and other proceedings to determine the
14 custody and visitation of children; (9) habeas corpus brought by or on
15 behalf of any mentally ill person except a person charged with a criminal
16 offense; (10) appointment of a commission to inquire whether a person
17 is wrongfully confined as provided by section 17a-523; (11) juvenile
18 matters as provided in section 46b-121; (12) all rights and remedies
19 provided for in chapter 815j; (13) the establishing of paternity; (14)
20 appeals from probate concerning: (A) Adoption or termination of
21 parental rights; (B) appointment and removal of guardians; (C) custody
22 of a minor child; (D) appointment and removal of conservators; (E)
23 orders for custody of any child; and (F) orders of commitment of persons
24 to public and private institutions and to other appropriate facilities as
25 provided by statute; (15) actions related to prenuptial and separation
26 agreements and to matrimonial and civil union decrees of a foreign
27 jurisdiction; (16) dissolution, legal separation or annulment of a civil
28 union performed in a foreign jurisdiction; (17) custody proceedings
29 brought under the provisions of chapter 815p; and (18) all such other
30 matters within the jurisdiction of the Superior Court concerning
31 children or family relations as may be determined by the judges of said
32 court.

33 (b) As used in this title, "domestic violence" means: (1) A continuous
34 threat of present physical pain or physical injury against a family or
35 household member, as defined in section 46b-38a, as amended by this
36 act; (2) stalking, including but not limited to, stalking as described in
37 section 53a-181d, of such family or household member; (3) a pattern of
38 threatening, including but not limited to, a pattern of threatening as
39 described in section 53a-62, of such family or household member or a
40 third party that intimidates such family or household member; or (4)
41 coercive control of such family or household member, which is a pattern
42 of behavior that in purpose or effect unreasonably interferes with a

43 person's free will and personal liberty. "Coercive control" includes, but
44 is not limited to, unreasonably engaging in any of the following:

45 (A) Isolating the family or household member from friends, relatives
46 or other sources of support;

47 (B) Depriving the family or household member of basic necessities;

48 (C) Controlling, regulating or monitoring the family or household
49 member's movements, communications, daily behavior, finances,
50 economic resources or access to services;

51 (D) Compelling the family or household member by force, threat or
52 intimidation, including, but not limited to, threats based on actual or
53 suspected immigration status, to (i) engage in conduct from which such
54 family or household member has a right to abstain, or (ii) abstain from
55 conduct that such family or household member has a right to pursue;

56 (E) Committing or threatening to commit cruelty to animals that
57 intimidates the applicant; or

58 (F) Forced sex acts, or threats of a sexual nature, including, but not
59 limited to, threatened acts of sexual conduct, threats based on a person's
60 sexuality or threats to release sexual images.

61 Sec. 2. Section 46b-15 of the general statutes is repealed and the
62 following is substituted in lieu thereof (*Effective October 1, 2021*):

63 (a) Any family or household member, as defined in section 46b-38a,
64 as amended by this act, who [has been subjected to a continuous threat
65 of present physical pain or physical injury, stalking or a pattern of
66 threatening, including, but not limited to, a pattern of threatening, as
67 described in section 53a-62, by another family or household member] is
68 the victim of domestic violence, as defined in section 46b-1, as amended
69 by this act, by another family or household member may make an
70 application to the Superior Court for relief under this section. The court
71 shall provide any person who applies for relief under this section with
72 the information set forth in section 46b-15b.

73 (b) The application form shall allow the applicant, at the applicant's
74 option, to indicate whether the respondent holds a permit to carry a
75 pistol or revolver, an eligibility certificate for a pistol or revolver, a long
76 gun eligibility certificate or an ammunition certificate or possesses one
77 or more firearms or ammunition. The application shall be accompanied
78 by an affidavit made under oath which includes a brief statement of the
79 conditions from which relief is sought. Upon receipt of the application
80 the court shall order that a hearing on the application be held not later
81 than fourteen days from the date of the order except that, if the
82 application indicates that the respondent holds a permit to carry a pistol
83 or revolver, an eligibility certificate for a pistol or revolver, a long gun
84 eligibility certificate or an ammunition certificate or possesses one or
85 more firearms or ammunition, and the court orders an ex parte order,
86 the court shall order that a hearing be held on the application not later
87 than seven days from the date on which the ex parte order is issued. The
88 court, in its discretion, may make such orders as it deems appropriate
89 for the protection of the applicant and such dependent children or other
90 persons as the court sees fit. In making such orders ex parte, the court,
91 in its discretion, may consider relevant court records if the records are
92 available to the public from a clerk of the Superior Court or on the
93 Judicial Branch's Internet web site. In addition, at the time of the
94 hearing, the court, in its discretion, may also consider a report prepared
95 by the family services unit of the Judicial Branch that may include, as
96 available: Any existing or prior orders of protection obtained from the
97 protection order registry; information on any pending criminal case or
98 past criminal case in which the respondent was convicted of a violent
99 crime; any outstanding arrest warrant for the respondent; and the
100 respondent's level of risk based on a risk assessment tool utilized by the
101 Court Support Services Division. The report may also include
102 information pertaining to any pending or disposed family matters case
103 involving the applicant and respondent. Any report provided by the
104 Court Support Services Division to the court shall also be provided to
105 the applicant and respondent. Such orders may include temporary child
106 custody or visitation rights, and such relief may include, but is not
107 limited to, an order enjoining the respondent from (1) imposing any

108 restraint upon the person or liberty of the applicant; (2) threatening,
109 harassing, assaulting, molesting, sexually assaulting or attacking the
110 applicant; or (3) entering the family dwelling or the dwelling of the
111 applicant. Such order may include provisions necessary to protect any
112 animal owned or kept by the applicant including, but not limited to, an
113 order enjoining the respondent from injuring or threatening to injure
114 such animal. If an applicant alleges an immediate and present physical
115 danger to the applicant, the court may issue an ex parte order granting
116 such relief as it deems appropriate. If a postponement of a hearing on
117 the application is requested by either party and granted, the ex parte
118 order shall not be continued except upon agreement of the parties or by
119 order of the court for good cause shown. If a hearing on the application
120 is scheduled or an ex parte order is granted and the court is closed on
121 the scheduled hearing date, the hearing shall be held on the next day the
122 court is open and any such ex parte order shall remain in effect until the
123 date of such hearing. If the applicant is under eighteen years of age, a
124 parent, guardian or responsible adult who brings the application as next
125 friend of the applicant may not speak on the applicant's behalf at such
126 hearing unless there is good cause shown as to why the applicant is
127 unable to speak on his or her own behalf, except that nothing in this
128 subsection shall preclude such parent, guardian or responsible adult
129 from testifying as a witness at such hearing. As used in this subsection,
130 "violent crime" includes: (A) An incident resulting in physical harm,
131 bodily injury or assault; (B) an act of threatened violence that constitutes
132 fear of imminent physical harm, bodily injury or assault, including, but
133 not limited to, stalking or a pattern of threatening; (C) verbal abuse or
134 argument if there is a present danger and likelihood that physical
135 violence will occur; and (D) cruelty to animals as set forth in section 53-
136 247.

137 (c) If the court issues an ex parte order pursuant to subsection (b) of
138 this section and service has not been made on the respondent in
139 conformance with subsection (h) of this section, upon request of the
140 applicant, the court shall, based on the information contained in the
141 original application, extend any ex parte order for an additional period

142 not to exceed fourteen days from the originally scheduled hearing date.
143 The clerk shall prepare a new order of hearing and notice containing the
144 new hearing date, which shall be served upon the respondent in
145 accordance with the provisions of subsection (h) of this section.

146 (d) Any ex parte restraining order entered under subsection (b) of this
147 section in which the applicant and respondent are spouses, or persons
148 who have a dependent child or children in common and who live
149 together, may include, if no order exists, and if necessary to maintain
150 the safety and basic needs of the applicant or the dependent child or
151 children in common of the applicant and respondent, in addition to any
152 orders authorized under subsection (b) of this section, any of the
153 following: (1) An order prohibiting the respondent from (A) taking any
154 action that could result in the termination of any necessary utility
155 services or necessary services related to the family dwelling or the
156 dwelling of the applicant, (B) taking any action that could result in the
157 cancellation, change of coverage or change of beneficiary of any health,
158 automobile or homeowners insurance policy to the detriment of the
159 applicant or the dependent child or children in common of the applicant
160 and respondent, or (C) transferring, encumbering, concealing or
161 disposing of specified property owned or leased by the applicant; or (2)
162 an order providing the applicant with temporary possession of an
163 automobile, checkbook, documentation of health, automobile or
164 homeowners insurance, a document needed for purposes of proving
165 identity, a key or other necessary specified personal effects.

166 (e) At the hearing on any application under this section, if the court
167 grants relief pursuant to subsection (b) of this section and the applicant
168 and respondent are spouses, or persons who have a dependent child or
169 children in common and who live together, and if necessary to maintain
170 the safety and basic needs of the applicant or the dependent child or
171 children in common of the applicant and respondent, any orders
172 entered by the court may include, in addition to the orders authorized
173 under subsection (b) of this section, any of the following: (1) An order
174 prohibiting the respondent from (A) taking any action that could result
175 in the termination of any necessary utility services or services related to

176 the family dwelling or the dwelling of the applicant, (B) taking any
177 action that could result in the cancellation, change of coverage or change
178 of beneficiary of any health, automobile or homeowners insurance
179 policy to the detriment of the applicant or the dependent child or
180 children in common of the applicant and respondent, or (C)
181 transferring, encumbering, concealing or disposing of specified
182 property owned or leased by the applicant; (2) an order providing the
183 applicant with temporary possession of an automobile, checkbook,
184 documentation of health, automobile or homeowners insurance, a
185 document needed for purposes of proving identity, a key or other
186 necessary specified personal effects; or (3) an order that the respondent:
187 (A) Make rent or mortgage payments on the family dwelling or the
188 dwelling of the applicant and the dependent child or children in
189 common of the applicant and respondent, (B) maintain utility services
190 or other necessary services related to the family dwelling or the
191 dwelling of the applicant and the dependent child or children in
192 common of the applicant and respondent, (C) maintain all existing
193 health, automobile or homeowners insurance coverage without change
194 in coverage or beneficiary designation, or (D) provide financial support
195 for the benefit of any dependent child or children in common of the
196 applicant and the respondent, provided the respondent has a legal duty
197 to support such child or children and the ability to pay. The court shall
198 not enter any order of financial support without sufficient evidence as
199 to the ability to pay, including, but not limited to, financial affidavits. If
200 at the hearing no order is entered under this subsection or subsection
201 (d) of this section, no such order may be entered thereafter pursuant to
202 this section. Any order entered pursuant to this subsection shall not be
203 subject to modification and shall expire one hundred twenty days after
204 the date of issuance or upon issuance of a superseding order, whichever
205 occurs first. Any amounts not paid or collected under this subsection or
206 subsection (d) of this section may be preserved and collectible in an
207 action for dissolution of marriage, custody, paternity or support.

208 (f) (1) Every order of the court made in accordance with this section
209 shall contain the following language: [(1)] (A) "This order may be

210 extended by the court beyond one year. In accordance with section 53a-
211 107 of the Connecticut general statutes, entering or remaining in a
212 building or any other premises in violation of this order constitutes
213 criminal trespass in the first degree. This is a criminal offense punishable
214 by a term of imprisonment of not more than one year, a fine of not more
215 than two thousand dollars or both."; and [(2)] (B) "In accordance with
216 section 53a-223b of the Connecticut general statutes, any violation of
217 subparagraph (A) or (B) of subdivision (2) of subsection (a) of section
218 53a-223b constitutes criminal violation of a restraining order which is
219 punishable by a term of imprisonment of not more than five years, a fine
220 of not more than five thousand dollars, or both. Additionally, any
221 violation of subparagraph (C) or (D) of subdivision (2) of subsection (a)
222 of section 53a-223b constitutes criminal violation of a restraining order
223 which is punishable by a term of imprisonment of not more than ten
224 years, a fine of not more than ten thousand dollars, or both."

225 (2) Each applicant who receives an order of the court in accordance
226 with this section shall be given a notice that contains the following
227 language: "If a restraining order has been issued on your behalf or on
228 behalf of your child, you may elect to give testimony or appear in a
229 family court proceeding remotely, pursuant to section 46b-15c. Please
230 notify the court in writing at least two days in advance of a proceeding
231 if you choose to give testimony or appear remotely, and your physical
232 presence in the courthouse will not be required in order to participate in
233 the court proceeding."

234 (g) No order of the court shall exceed one year, except that an order
235 may be extended by the court upon motion of the applicant for such
236 additional time as the court deems necessary. If the respondent has not
237 appeared upon the initial application, service of a motion to extend an
238 order may be made by first-class mail directed to the respondent at the
239 respondent's last-known address.

240 (h) (1) The applicant shall cause notice of the hearing pursuant to
241 subsection (b) of this section and a copy of the application and the
242 applicant's affidavit and of any ex parte order issued pursuant to

243 subsection (b) of this section to be served on the respondent not less than
244 three days before the hearing. A proper officer responsible for executing
245 such service shall accept all documents in an electronic format, if
246 presented to such officer in such format. The cost of such service shall
247 be paid for by the Judicial Branch.

248 (2) When (A) an application indicates that a respondent holds a
249 permit to carry a pistol or revolver, an eligibility certificate for a pistol
250 or revolver, a long gun eligibility certificate or an ammunition certificate
251 or possesses one or more firearms or ammunition, and (B) the court has
252 issued an ex parte order pursuant to this section, the proper officer
253 responsible for executing service shall, whenever possible, provide in-
254 hand service and, prior to serving such order, shall (i) provide notice to
255 the law enforcement agency for the town in which the respondent will
256 be served concerning when and where the service will take place, and
257 (ii) send, or cause to be sent by facsimile or other means, a copy of the
258 application, the applicant's affidavit, the ex parte order and the notice of
259 hearing to such law enforcement agency, and (iii) request that a police
260 officer from the law enforcement agency for the town in which the
261 respondent will be served be present when service is executed by the
262 proper officer. Upon receiving a request from a proper officer under the
263 provisions of this subdivision, the law enforcement agency for the town
264 in which the respondent will be served may designate a police officer to
265 be present when service is executed by the proper officer.

266 (3) Upon the granting of an ex parte order, the clerk of the court shall
267 provide two copies of the order to the applicant. Upon the granting of
268 an order after notice and hearing, the clerk of the court shall provide
269 two copies of the order to the applicant and a copy to the respondent.
270 Every order of the court made in accordance with this section after
271 notice and hearing shall be accompanied by a notification that is
272 consistent with the full faith and credit provisions set forth in 18 USC
273 2265(a), as amended from time to time. Immediately after making
274 service on the respondent, the proper officer shall (A) send or cause to
275 be sent, by facsimile or other means, a copy of the application, or the
276 information contained in such application, stating the date and time the

277 respondent was served, to the law enforcement agency or agencies for
278 the town in which the applicant resides, the town in which the applicant
279 is employed and the town in which the respondent resides, and (B) as
280 soon as possible, but not later than two hours after the time that service
281 is executed, input into the Judicial Branch's Internet-based service
282 tracking system the date, time and method of service. If, prior to the date
283 of the scheduled hearing, service has not been executed, the proper
284 officer shall input into such service tracking system that service was
285 unsuccessful. The clerk of the court shall send, by facsimile or other
286 means, a copy of any ex parte order and of any order after notice and
287 hearing, or the information contained in any such order, to the law
288 enforcement agency or agencies for the town in which the applicant
289 resides, the town in which the applicant is employed and the town in
290 which the respondent resides, within forty-eight hours of the issuance
291 of such order. If the victim, or victim's minor child protected by such
292 order, is enrolled in a public or private elementary or secondary school,
293 including a technical education and career school, or an institution of
294 higher education, as defined in section 10a-55, the clerk of the court
295 shall, upon the request of the victim, send, by facsimile or other means,
296 a copy of such ex parte order or of any order after notice and hearing, or
297 the information contained in any such order, to such school or
298 institution of higher education, the president of any institution of higher
299 education at which the victim, or victim's minor child protected by such
300 order, is enrolled and the special police force established pursuant to
301 section 10a-156b, if any, at the institution of higher education at which
302 the victim, or victim's minor child protected by such order, is enrolled,
303 if the victim provides the clerk with the name and address of such school
304 or institution of higher education.

305 (i) A caretaker who is providing shelter in his or her residence to a
306 person sixty years or older shall not be enjoined from the full use and
307 enjoyment of his or her home and property. The Superior Court may
308 make any other appropriate order under the provisions of this section.

309 (j) When a motion for contempt is filed for violation of a restraining
310 order, there shall be an expedited hearing. Such hearing shall be held

311 within five court days of service of the motion on the respondent,
312 provided service on the respondent is made not less than twenty-four
313 hours before the hearing. If the court finds the respondent in contempt
314 for violation of an order, the court may impose such sanctions as the
315 court deems appropriate.

316 (k) An action under this section shall not preclude the applicant from
317 seeking any other civil or criminal relief.

318 (l) For purposes of this section, "police officer" means a state police
319 officer or a sworn member of a municipal police department and "law
320 enforcement agency" means the Division of State Police within the
321 Department of Emergency Services and Public Protection or any
322 municipal police department.

323 Sec. 3. Section 46b-15c of the general statutes is repealed and the
324 following is substituted in lieu thereof (*Effective October 1, 2021*):

325 (a) In any court proceeding in a family relations matter, as defined in
326 section 46b-1, as amended by this act, the court [may, within available
327 resources] shall, upon [motion] the request of a party or the attorney for
328 any party made not less than two days prior to such proceeding, order
329 that the testimony of a party or a child who is a subject of the proceeding
330 be taken outside the physical presence of any other party if a protective
331 order, restraining order or standing criminal protective order has been
332 issued on behalf of the party or child, and the other party is subject to
333 the protective order, restraining order or standing criminal protective
334 order. Such order may provide for the use of alternative means to obtain
335 the testimony of any party or child, including, but not limited to, the use
336 of a secure video connection for the purpose of conducting hearings by
337 videoconference. Such testimony may be taken in a room other than the
338 courtroom or at another location outside the courthouse or outside the
339 state. The court shall provide for the administration of an oath to such
340 party or child prior to the taking of such testimony in accordance with
341 the rules of the Superior Court.

342 (b) Nothing in this section shall be construed to limit any party's right

343 to cross-examine a witness whose testimony is taken in a room other
344 than the courtroom pursuant to an order under this section.

345 (c) An order under this section may remain in effect during the
346 pendency of the proceedings in the family relations matter.

347 (d) A notice describing the provisions of subsection (a) of this section
348 shall be (1) posted on the Internet web site of the Judicial Branch, (2)
349 included in any written or electronic form that describes the automatic
350 orders in cases involving a dissolution of marriage or legal separation
351 under section 46b-40, and (3) included in any written or electronic form
352 provided to a person who receives a protective order under section 46b-
353 38c, as amended by this act, a standing criminal protective order under
354 section 54a-40e, as amended by this act, or a restraining order, under
355 section 46b-15, as amended by this act.

356 Sec. 4. Subdivision (3) of section 46b-38a of the general statutes is
357 repealed and the following is substituted in lieu thereof (*Effective July 1,*
358 *2021*):

359 (3) "Family violence crime" means a crime as defined in section 53a-
360 24, other than a delinquent act, as defined in section 46b-120, which, in
361 addition to its other elements, contains as an element thereof an act of
362 family violence to a family or household member. "Family violence
363 crime" includes any violation of section 53a-222, 53a-222a, 53a-223, 53a-
364 223a or 53a-223b when the condition of release or court order is issued
365 for an act of family violence or a family violence crime. "Family violence
366 crime" does not include acts by parents or guardians disciplining minor
367 children unless such acts constitute abuse.

368 Sec. 5. Subdivision (5) of subsection (g) of section 46b-38b of the
369 general statutes is repealed and the following is substituted in lieu
370 thereof (*Effective July 1, 2021*):

371 (5) (A) On and after July 1, [2010] 2021, each law enforcement agency
372 shall designate at least one officer with supervisory duties to
373 expeditiously process, upon request of a victim of family violence or

374 other crime who is applying for U Nonimmigrant Status [(A)] (i) a
375 certification of helpfulness on Form I-918, Supplement B, or any
376 subsequent corresponding form designated by the United States
377 Department of Homeland Security, confirming that the victim of family
378 violence or other crime has been helpful, is being helpful [,] or is likely
379 to be helpful in the investigation or prosecution of the criminal activity,
380 and [(B)] (ii) any subsequent certification required by the victim. As
381 used in this subparagraph, "expeditiously" means not later than sixty
382 days after the date of receipt of the request for certification of
383 helpfulness, or not later than fourteen days after the date of receipt of
384 such request if (I) the victim is in federal immigration removal
385 proceedings or detained, or (II) the victim's child, parents or siblings
386 would become ineligible for an immigration benefit by virtue of the
387 victim or the sibling of such victim attaining the age of eighteen years,
388 or the victim's child attaining the age of twenty-one years.

389 (B) By signing a certification of helpfulness, the officer or agency is
390 not making a determination of eligibility for U Nonimmigrant Status.
391 The officer or agency is solely providing information required by the
392 United States Department of Homeland Security on such form as is
393 required by said department and certifying that: (i) The requesting
394 individual or his or her family member is a victim of one of the
395 enumerated crimes eligible for U Nonimmigrant Status, (ii) the victim
396 possesses or possessed information regarding that crime, (iii) the victim
397 has been, is being or is likely to be helpful in an investigation of that
398 crime, and (iv) the victim has not failed or refused to provide reasonably
399 requested information or assistance. A current or ongoing investigation,
400 filing of criminal charges, prosecution or conviction is not required for
401 a victim to request and obtain certification under this subdivision.

402 Sec. 6. Subsection (e) of section 46b-38c of the general statutes is
403 repealed and the following is substituted in lieu thereof (*Effective October*
404 *1, 2021*):

405 (e) (1) A protective order issued under this section may include
406 provisions necessary to protect the victim from threats, harassment,

407 injury or intimidation by the defendant, including, but not limited to, an
408 order enjoining the defendant from [(1)] (A) imposing any restraint
409 upon the person or liberty of the victim, [(2)] (B) threatening, harassing,
410 assaulting, molesting or sexually assaulting the victim, or [(3)] (C)
411 entering the family dwelling or the dwelling of the victim. A protective
412 order issued under this section may include provisions necessary to
413 protect any animal owned or kept by the victim including, but not
414 limited to, an order enjoining the defendant from injuring or threatening
415 to injure such animal. Such order shall be made a condition of the bail
416 or release of the defendant and shall contain the following notification:
417 "In accordance with section 53a-223 of the Connecticut general statutes,
418 any violation of this order constitutes criminal violation of a protective
419 order which is punishable by a term of imprisonment of not more than
420 ten years, a fine of not more than ten thousand dollars, or both.
421 Additionally, in accordance with section 53a-107 of the Connecticut
422 general statutes, entering or remaining in a building or any other
423 premises in violation of this order constitutes criminal trespass in the
424 first degree which is punishable by a term of imprisonment of not more
425 than one year, a fine of not more than two thousand dollars, or both.
426 Violation of this order also violates a condition of your bail or release,
427 and may result in raising the amount of bail or revoking release." Every
428 order of the court made in accordance with this section after notice and
429 hearing shall be accompanied by a notification that is consistent with
430 the full faith and credit provisions set forth in 18 USC 2265(a), as
431 amended from time to time. The information contained in and
432 concerning the issuance of any protective order issued under this
433 section shall be entered in the registry of protective orders pursuant to
434 section 51-5c.

435 (2) Each person who receives an order of the court in accordance with
436 this subsection shall be given a notice that contains the following
437 language: "If a protective order has been issued on your behalf or on
438 behalf of your child, you may elect to give testimony or appear in a
439 family court proceeding remotely, pursuant to section 46b-15c. Please
440 notify the court in writing at least two days in advance of a proceeding

441 if you choose to give testimony or appear remotely, and your physical
442 presence in the courthouse will not be required in order to participate in
443 the court proceeding."

444 Sec. 7. Section 53a-40e of the general statutes is repealed and the
445 following is substituted in lieu thereof (*Effective October 1, 2021*):

446 (a) If any person is convicted of (1) a violation of section 53a-70b of
447 the general statutes, revision of 1958, revised to January 1, 2019, or
448 subdivision (1) or (2) of subsection (a) of section 53-21, section 53a-59,
449 53a-59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70c, 53a-
450 71, 53a-72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-181e, 53a-182b or
451 53a-183, subdivision (2) of subsection (a) of section 53a-192a, section 53a-
452 223, 53a-223a or 53a-223b or attempt or conspiracy to violate any of said
453 sections or section 53a-54a, or (2) any crime that the court determines
454 constitutes a family violence crime, as defined in section 46b-38a, as
455 amended by this act, or attempt or conspiracy to commit any such crime,
456 the court may, in addition to imposing the sentence authorized for the
457 crime under section 53a-35a or 53a-36, if the court is of the opinion that
458 the history and character and the nature and circumstances of the
459 criminal conduct of such offender indicate that a standing criminal
460 protective order will best serve the interest of the victim and the public,
461 issue a standing criminal protective order which shall remain in effect
462 for a duration specified by the court until modified or revoked by the
463 court for good cause shown. If any person is convicted of any crime not
464 specified in subdivision (1) or (2) of this subsection, the court may, for
465 good cause shown, issue a standing criminal protective order pursuant
466 to this subsection.

467 (b) Such standing criminal protective order may include, but need not
468 be limited to, provisions enjoining the offender from (1) imposing any
469 restraint upon the person or liberty of the victim; (2) threatening,
470 harassing, assaulting, molesting, sexually assaulting or attacking the
471 victim; or (3) entering the family dwelling or the dwelling of the victim.
472 If the victim is enrolled in a public or private elementary or secondary
473 school, including a technical high school, or an institution of higher

474 education, as defined in section 10a-55, the clerk of the court shall, upon
475 the request of the victim, send, by facsimile or other means, a copy of
476 such standing criminal protective order, or the information contained in
477 any such order, to such school or institution of higher education, the
478 president of any institution of higher education at which the victim is
479 enrolled and the special police force established pursuant to section 10a-
480 142, if any, at the institution of higher education at which the victim is
481 enrolled, if the victim provides the clerk with the name and address of
482 such school or institution of higher education.

483 (c) (1) Such standing criminal protective order shall include the
484 following notice: "In accordance with section 53a-223a of the
485 Connecticut general statutes, violation of this order shall be punishable
486 by a term of imprisonment of not less than one year nor more than ten
487 years, a fine of not more than ten thousand dollars, or both."

488 (2) Upon issuance of a standing criminal protective order under
489 subsection (a) of this section, each victim protected by such order shall
490 be given a notice that contains the following language: "If a standing
491 criminal protective order has been issued on your behalf or on behalf of
492 your child, you may elect to give testimony or appear in a family court
493 proceeding remotely, pursuant to section 46b-15c. Please notify the
494 court in writing at least two days in advance of a proceeding if you
495 choose to give testimony or appear remotely, and your physical
496 presence in the courthouse will not be required in order to participate in
497 the court proceeding."

498 (d) For the purposes of this section and any other provision of the
499 general statutes, "standing criminal protective order" means (1) a
500 standing criminal restraining order issued prior to October 1, 2010, or
501 (2) a standing criminal protective order issued on or after October 1,
502 2010.

503 Sec. 8. Subsection (f) of section 46b-54 of the general statutes is
504 repealed and the following is substituted in lieu thereof (*Effective October*
505 *1, 2021*):

506 (f) When recommending the entry of any order as provided in
507 subsections (a) and (b) of section 46b-56, as amended by this act, counsel
508 or a guardian ad litem for the minor child shall consider the best
509 interests of the child, and in doing so shall consider, but not be limited
510 to, one or more of the following factors: (1) The physical and emotional
511 safety of the child; (2) the [The] temperament and developmental needs
512 of the child; [(2)] (3) the capacity and the disposition of the parents to
513 understand and meet the needs of the child; [(3)] (4) any relevant and
514 material information obtained from the child, including the informed
515 preferences of the child; [(4)] (5) the wishes of the child's parents as to
516 custody; [(5)] (6) the past and current interaction and relationship of the
517 child with each parent, the child's siblings and any other person who
518 may significantly affect the best interests of the child; [(6)] (7) the
519 willingness and ability of each parent to facilitate and encourage such
520 continuing parent-child relationship between the child and the other
521 parent as is appropriate, including compliance with any court orders;
522 [(7)] (8) any manipulation by or coercive behavior of the parents in an
523 effort to involve the child in the parents' dispute; [(8)] (9) the ability of
524 each parent to be actively involved in the life of the child; [(9)] (10) the
525 child's adjustment to his or her home, school and community
526 environments; [(10)] (11) the length of time that the child has lived in a
527 stable and satisfactory environment and the desirability of maintaining
528 continuity in such environment, provided counsel or a guardian ad
529 litem for the minor child may consider favorably a parent who
530 voluntarily leaves the child's family home pendente lite in order to
531 alleviate stress in the household; [(11)] (12) the stability of the child's
532 existing or proposed residences, or both; [(12)] (13) the mental and
533 physical health of all individuals involved, except that a disability of a
534 proposed custodial parent or other party, in and of itself, shall not be
535 determinative of custody unless the proposed custodial arrangement is
536 not in the best interests of the child; [(13)] (14) the child's cultural
537 background; [(14)] (15) the effect on the child of the actions of an abuser,
538 if any domestic violence, as defined in section 46b-1, as amended by this
539 act, has occurred between the parents or between a parent and another
540 individual or the child; [(15)] (16) whether the child or a sibling of the

541 child has been abused or neglected, as defined respectively in section
542 46b-120; and [(16)] (17) whether a party satisfactorily completed
543 participation in a parenting education program established pursuant to
544 section 46b-69b. Counsel or a guardian ad litem for the minor child shall
545 not be required to assign any weight to any of the factors considered.

546 Sec. 9. Section 46b-56 of the general statutes is repealed and the
547 following is substituted in lieu thereof (*Effective October 1, 2021*):

548 (a) In any controversy before the Superior Court as to the custody or
549 care of minor children, and at any time after the return day of any
550 complaint under section 46b-45, the court may make or modify any
551 proper order regarding the custody, care, education, visitation and
552 support of the children if it has jurisdiction under the provisions of
553 chapter 815p. Subject to the provisions of section 46b-56a, the court may
554 assign parental responsibility for raising the child to the parents jointly,
555 or may award custody to either parent or to a third party, according to
556 its best judgment upon the facts of the case and subject to such
557 conditions and limitations as it deems equitable. The court may also
558 make any order granting the right of visitation of any child to a third
559 party to the action, including, but not limited to, grandparents.

560 (b) In making or modifying any order as provided in subsection (a)
561 of this section, the rights and responsibilities of both parents shall be
562 considered and the court shall enter orders accordingly that serve the
563 best interests of the child and provide the child with the active and
564 consistent involvement of both parents commensurate with their
565 abilities and interests. Such orders may include, but shall not be limited
566 to: (1) Approval of a parental responsibility plan agreed to by the
567 parents pursuant to section 46b-56a; (2) the award of joint parental
568 responsibility of a minor child to both parents, which shall include (A)
569 provisions for residential arrangements with each parent in accordance
570 with the needs of the child and the parents, and (B) provisions for
571 consultation between the parents and for the making of major decisions
572 regarding the child's health, education and religious upbringing; (3) the
573 award of sole custody to one parent with appropriate parenting time for

574 the noncustodial parent where sole custody is in the best interests of the
575 child; or (4) any other custody arrangements as the court may determine
576 to be in the best interests of the child.

577 (c) In making or modifying any order as provided in subsections (a)
578 and (b) of this section, the court shall consider the best interests of the
579 child, and in doing so, may consider, but shall not be limited to, one or
580 more of the following factors: (1) The physical and emotional safety of
581 the child; (2) [The] the temperament and developmental needs of the
582 child; [(2)] (3) the capacity and the disposition of the parents to
583 understand and meet the needs of the child; [(3)] (4) any relevant and
584 material information obtained from the child, including the informed
585 preferences of the child; [(4)] (5) the wishes of the child's parents as to
586 custody; [(5)] (6) the past and current interaction and relationship of the
587 child with each parent, the child's siblings and any other person who
588 may significantly affect the best interests of the child; [(6)] (7) the
589 willingness and ability of each parent to facilitate and encourage such
590 continuing parent-child relationship between the child and the other
591 parent as is appropriate, including compliance with any court orders;
592 [(7)] (8) any manipulation by or coercive behavior of the parents in an
593 effort to involve the child in the parents' dispute; [(8)] (9) the ability of
594 each parent to be actively involved in the life of the child; [(9)] (10) the
595 child's adjustment to his or her home, school and community
596 environments; [(10)] (11) the length of time that the child has lived in a
597 stable and satisfactory environment and the desirability of maintaining
598 continuity in such environment, provided the court may consider
599 favorably a parent who voluntarily leaves the child's family home
600 pendente lite in order to alleviate stress in the household; [(11)] (12) the
601 stability of the child's existing or proposed residences, or both; [(12)] (13)
602 the mental and physical health of all individuals involved, except that a
603 disability of a proposed custodial parent or other party, in and of itself,
604 shall not be determinative of custody unless the proposed custodial
605 arrangement is not in the best interests of the child; [(13)] (14) the child's
606 cultural background; [(14)] (15) the effect on the child of the actions of
607 an abuser, if any domestic violence, as defined in section 46b-1, as

608 amended by this act, has occurred between the parents or between a
609 parent and another individual or the child; [(15)] (16) whether the child
610 or a sibling of the child has been abused or neglected, as defined
611 respectively in section 46b-120; and [(16)] (17) whether the party
612 satisfactorily completed participation in a parenting education program
613 established pursuant to section 46b-69b. The court is not required to
614 assign any weight to any of the factors that it considers, but shall
615 articulate the basis for its decision.

616 (d) Upon the issuance of any order assigning custody of the child to
617 the Commissioner of Children and Families, or not later than sixty days
618 after the issuance of such order, the court shall make a determination
619 whether the Department of Children and Families made reasonable
620 efforts to keep the child with his or her parents prior to the issuance of
621 such order and, if such efforts were not made, whether such reasonable
622 efforts were not possible, taking into consideration the best interests of
623 the child, including the child's health and safety.

624 (e) In determining whether a child is in need of support and, if in
625 need, the respective abilities of the parents to provide support, the court
626 shall take into consideration all the factors enumerated in section 46b-
627 84.

628 (f) When the court is not sitting, any judge of the court may make any
629 order in the cause which the court might make under this section,
630 including orders of injunction, prior to any action in the cause by the
631 court.

632 (g) A parent not granted custody of a minor child shall not be denied
633 the right of access to the academic, medical, hospital or other health
634 records of such minor child, unless otherwise ordered by the court for
635 good cause shown.

636 (h) Notwithstanding the provisions of subsections (b) and (c) of this
637 section, when a motion for modification of custody or visitation is
638 pending before the court or has been decided by the court and the
639 investigation ordered by the court pursuant to section 46b-6

640 recommends psychiatric or psychological therapy for a child, and such
641 therapy would, in the court's opinion, be in the best interests of the child
642 and aid the child's response to a modification, the court may order such
643 therapy and reserve judgment on the motion for modification.

644 (i) As part of a decision concerning custody or visitation, the court
645 may order either parent or both of the parents and any child of such
646 parents to participate in counseling and drug or alcohol screening,
647 provided such participation is in the best interests of the child.

648 Sec. 10. (NEW) (*Effective October 1, 2021*) In any family relations
649 matter described in section 46b-1 of the general statutes, as amended by
650 this act, if the court finds that a pattern of frivolous and intentionally
651 fabricated pleadings or motions are filed by one party, the court shall
652 sanction such party in an appropriate manner so as to allow such matter
653 to proceed without undue delay or obstruction by the party filing such
654 pleadings or motions.

655 Sec. 11. Section 51-27h of the general statutes is repealed and the
656 following is substituted in lieu thereof (*Effective July 1, 2021*):

657 The Chief Court Administrator shall provide in each court where
658 family matters or family violence matters are heard or where a domestic
659 violence docket, as defined in section 51-181e, is located a secure room
660 for victims of family violence crimes and advocates for victims of family
661 violence crimes which is separate from any public or private area of the
662 court intended to accommodate the respondent or defendant or the
663 respondent's or defendant's family, friends, attorneys or witnesses and
664 separate from the office of the state's attorney, provided that in
665 courthouses constructed prior to July 1, 2021, such a room is available
666 and the use of such room is practical.

667 Sec. 12. Section 51-27i of the general statutes is repealed and the
668 following is substituted in lieu thereof (*Effective July 1, 2021*):

669 (a) As used in this section:

670 (1) "Domestic violence agency" means any office, shelter, host home
671 or agency offering assistance to victims of domestic violence through
672 crisis intervention, emergency shelter referral and medical and legal
673 advocacy, and which meets the Department of Social Services' criteria
674 of service provision for such agencies.

675 (2) "Family violence victim advocate" means a person (A) who is
676 employed by and under the control of a direct service supervisor of a
677 domestic violence agency, (B) who has undergone a minimum of twenty
678 hours of training which shall include, but not be limited to, the
679 dynamics of domestic violence, crisis intervention, communication
680 skills, working with diverse populations, an overview of the state
681 criminal justice and civil family court systems and information about
682 state and community resources for victims of domestic violence, (C)
683 who is certified as a counselor by the domestic violence agency that
684 provided such training, and (D) whose primary purpose is the
685 rendering of advice, counsel and assistance to, and the advocacy of the
686 cause of, victims of domestic violence.

687 (b) The Chief Court Administrator shall permit one or more family
688 violence victim advocates to provide services to victims of domestic
689 violence in (1) the Family Division of the Superior Court in [one or more
690 judicial districts] each judicial district, and (2) each geographical area
691 court in the state.

692 (c) Notwithstanding any provision of the general statutes restricting
693 the disclosure of documents, upon request, a family violence victim
694 advocate providing services in the Family Division of the Superior
695 Court or a geographical area court shall be provided with a copy of any
696 police report in the possession of the state's attorney, the Division of
697 State Police within the Department of Emergency Services and Public
698 Protection, any municipal police department or any other law
699 enforcement agency that the family violence victim advocate requires to
700 perform the responsibilities and duties set forth in subsection (b) of this
701 section.

702 Sec. 13. Subsection (a) of section 17b-112g of the general statutes is
703 repealed and the following is substituted in lieu thereof (*Effective July 1,*
704 *2021*):

705 (a) The Commissioner of Social Services shall offer immediate
706 diversion assistance designed to prevent certain families who are
707 applying for monthly temporary family assistance from needing such
708 assistance. Diversion assistance shall be offered to families that (1) upon
709 initial assessment are determined eligible for temporary family
710 assistance, (2) demonstrate a short-term need that cannot be met with
711 current or anticipated family resources, and (3) with the provision of a
712 service or short-term benefit, would be prevented from needing
713 monthly temporary family assistance. Within resources available to the
714 Department of Social Services, a person who requests diversion
715 assistance on the basis of being a victim of domestic violence, as defined
716 in section 17b-112a, shall be deemed to satisfy subdivision (2) of this
717 subsection and shall not be subject to the requirements of subdivision
718 (3) of this subsection. In determining whether the family of such a victim
719 of domestic violence satisfies the requirements of subdivision (1) of this
720 subsection and the appropriate amount of diversion assistance to
721 provide, the commissioner shall not include as a member of the family
722 the spouse, domestic partner or other household member credibly
723 accused of domestic violence by such victim, nor shall the commissioner
724 count the income or assets of such a spouse, domestic partner or other
725 household member. For purposes of this subsection, allegations of
726 domestic violence may be substantiated by the commissioner pursuant
727 to the provisions of subsection (b) of section 17b-112a.

728 Sec. 14. Section 17b-191 of the general statutes is repealed and the
729 following is substituted in lieu thereof (*Effective July 1, 2021*):

730 (a) Notwithstanding the provisions of sections 17b-190, 17b-195 and
731 17b-196, the Commissioner of Social Services shall operate a state-
732 administered general assistance program in accordance with this section
733 and sections 17b-131, 17b-193, 17b-194, 17b-197 and 17b-198.
734 Notwithstanding any provision of the general statutes, on and after

735 October 1, 2003, no town shall be reimbursed by the state for any general
736 assistance medical benefits incurred after September 30, 2003, and on
737 and after March 1, 2004, no town shall be reimbursed by the state for
738 any general assistance cash benefits or general assistance program
739 administrative costs incurred after February 29, 2004.

740 (b) The state-administered general assistance program shall provide
741 cash assistance of (1) two hundred dollars per month for an
742 unemployable person upon determination of such person's
743 unemployability; (2) two hundred dollars per month for a transitional
744 person who is required to pay for shelter; and (3) fifty dollars per month
745 for a transitional person who is not required to pay for shelter. The
746 standard of assistance paid for individuals residing in rated boarding
747 facilities shall remain at the level in effect on August 31, 2003. No person
748 shall be eligible for cash assistance under the program if eligible for cash
749 assistance under any other state or federal cash assistance program. The
750 standards of assistance set forth in this subsection shall be subject to
751 annual increases, as described in subsection (b) of section 17b-104.

752 (c) To be eligible for cash assistance under the program, a person shall
753 (1) be (A) eighteen years of age or older; (B) a minor found by a court to
754 be emancipated pursuant to section 46b-150; or (C) under eighteen years
755 of age and the commissioner determines good cause for such person's
756 eligibility, and (2) not have assets exceeding two hundred fifty dollars
757 or, if such person is married, such person and his or her spouse shall not
758 have assets exceeding five hundred dollars. In determining eligibility,
759 the commissioner shall not consider as income Aid and Attendance
760 pension benefits granted to a veteran, as defined in section 27-103, or the
761 surviving spouse of such veteran. No person who is a substance abuser
762 and refuses or fails to enter available, appropriate treatment shall be
763 eligible for cash assistance under the program until such person enters
764 treatment. No person whose benefits from the temporary family
765 assistance program have terminated as a result of time-limited benefits
766 or for failure to comply with a program requirement shall be eligible for
767 cash assistance under the program.

768 (d) Prior to or upon discontinuance of assistance, a person previously
769 determined to be a transitional person may petition the commissioner
770 to review the determination of his or her status. In such review, the
771 commissioner shall consider factors, including, but not limited to: (1)
772 Age; (2) education; (3) vocational training; (4) mental and physical
773 health; and (5) employment history and shall make a determination of
774 such person's ability to obtain gainful employment.

775 (e) Notwithstanding any other provision of this section or section
776 17b-194, a victim of domestic violence, as defined in section 17b-112a,
777 who is not eligible for diversion assistance under the provisions of
778 section 17b-112g, as amended by this act, shall be eligible for a one-time
779 assistance payment under the state-administered general assistance
780 program within resources available to the Department of Social
781 Services. Such payment shall be equivalent to that which such victim
782 would be entitled to receive as diversion assistance if such victim and
783 his or her family, if any, were eligible for diversion assistance. In
784 determining whether and in what amount a victim of domestic violence
785 and his or her family are eligible for a one-time assistance payment
786 pursuant to this subsection, the commissioner shall not include as a
787 member of such victim's family the spouse, domestic partner or other
788 household member credibly accused of domestic violence by such
789 victim, nor shall the commissioner count the income or assets of such a
790 spouse, domestic partner or other household member. For purposes of
791 this subsection, allegations of domestic violence may be substantiated
792 by the commissioner pursuant to the provisions of subsection (b) of
793 section 17b-112a, and "family" has the same meaning as used in section
794 17b-112, except as otherwise provided in this subsection.

795 Sec. 15. (NEW) (*Effective from passage*) (a) There is established a grant
796 program to provide individuals who are indigent with access to legal
797 assistance at no cost when making an application for a restraining order
798 under section 46b-15 of the general statutes, as amended by this act. The
799 grant program shall be administered by the organization that
800 administers the program for the use of interest earned on lawyers'
801 clients' funds accounts pursuant to section 51-81c of the general statutes.

802 Funds appropriated to the Judicial Branch for the purpose of the grant
803 program shall be transferred to the organization administering the
804 program.

805 (b) Not later than three months after receiving funding in any year
806 from the state, the organization administering the program shall issue a
807 request for proposals from nonprofit entities whose principal purpose
808 is providing legal services at no cost to individuals who are indigent, for
809 the purpose of awarding grants to provide counsel to indigent
810 individuals who express an interest in applying for a restraining order
811 pursuant to section 46b-15 of the general statutes, as amended by this
812 act, and, to the extent practicable within the funding awarded,
813 representing such individuals throughout the process of applying for
814 such restraining order, including at prehearing conferences and at the
815 hearing on an application. A nonprofit entity responding to the request
816 for proposals may partner with law schools or other non-profit entities
817 or publicly funded organizations that are not governmental entities, for
818 the provision of services pursuant to a grant. Each response to the
819 request for proposals shall specify the judicial district courthouse, or
820 courthouses, for which services will be provided.

821 (c) The organization administering the program may only award a
822 grant (1) to provide services in the judicial districts of Fairfield,
823 Hartford, New Haven, Stamford-Norwalk or Waterbury, and (2) in an
824 amount not to exceed two hundred thousand dollars, except that a grant
825 to provide services in the judicial district with the highest average
826 number of applications for restraining orders under section 46b-15 of
827 the general statutes, as amended by this act, over the previous three
828 fiscal years may receive a grant of not more than four hundred thousand
829 dollars. Grants may not be used to provide services to individuals who
830 are not indigent.

831 (d) The organization administering the program may only award a
832 grant to a nonprofit entity whose principal purpose is providing legal
833 services to individuals who are indigent, if such nonprofit entity
834 demonstrates the ability to:

835 (1) Verify at the time of meeting with an individual that such
836 potential client is indigent and meets applicable household income
837 eligibility requirements set by the entity;

838 (2) Arrange for at least one individual who has the relevant training
839 or experience and is authorized to provide legal counsel to eligible
840 indigent individuals who express an interest in applying for a
841 restraining order, to be present in the courthouse or courthouses
842 identified in response to the request for proposals or be available to meet
843 remotely during all business hours;

844 (3) Provide continued representation to eligible indigent individuals
845 throughout the restraining order process, including in court for the
846 hearing on the restraining order, to the greatest extent practicable within
847 the funding awarded and if requested to do so by an individual after
848 providing assistance with a restraining order application;

849 (4) Provide any individual in the courthouse who expresses an
850 interest in applying for a restraining order with all applicable forms that
851 may be necessary to apply for a restraining order; and

852 (5) Track and report to the organization administering the program
853 on the services provided pursuant to the program, including (A) the
854 procedural outcomes of restraining order applications filed, (B) the
855 number of instances where legal counsel was provided prior to the filing
856 of an application but not during the remainder of the restraining order
857 process, and the reasons limiting the duration of such representation,
858 and (C) information on any other legal representation provided to
859 individuals pursuant to the program on matters that were ancillary to
860 the circumstances that supported the application for a restraining order.

861 (e) In awarding grants, the organization administering the program
862 shall give preference to nonprofit entities (1) that demonstrate the ability
863 to provide legal representation to clients regarding matters ancillary to
864 the circumstances that supported the application for a restraining order;
865 (2) with experience offering legal representation to individuals during
866 the restraining order process; or (3) that can provide quality remote

867 services should courthouses be closed to the public.

868 (f) The Chief Court Administrator shall:

869 (1) Provide each grant recipient with office space, if available, in the
870 judicial district courthouse or courthouses served by such recipient
871 under the grant program to conduct intake interviews and assist clients
872 with applications for restraining orders;

873 (2) Require court clerks at such courthouses, prior to accepting an
874 application for a restraining order pursuant to section 46b-15 of the
875 general statutes, as amended by this act, to (A) inform each individual
876 filing such application, or inquiring about filing such an application,
877 that pro bono legal services are available from the grant recipient for
878 income-eligible individuals and, if office space has been provided to the
879 grant recipient, where the grant recipient is located in the courthouse,
880 and (B) if cards or pamphlets containing information about pro bono
881 legal services have been provided to the courthouse by the grant
882 recipient, provide such a card or pamphlet to the individual; and

883 (3) If a poster of reasonable size containing information about pro
884 bono legal services has been provided to a courthouse served by a grant
885 recipient, require the display of such poster in a manner that is visible
886 to the public at or near the location where applications for a restraining
887 order are filed in such courthouse.

888 (g) The Chief Court Administrator shall post on the Internet web site
889 of the Judicial Branch where instructions for filing a restraining order
890 pursuant to section 46b-15 of the general statutes, as amended by this
891 act, are provided, information on the pro bono legal services available
892 from grant recipients for income-eligible individuals at the applicable
893 courthouses.

894 (h) For each year that funding is provided for the program under this
895 section, the organization administering the program shall either
896 conduct, or partner with an academic institution or other qualified
897 entity for the purpose of conducting, an analysis of the impact of the

898 program, including, but not limited to, (1) the procedural outcomes for
899 applications filed in association with services provided by grant
900 recipients under the program, (2) the types and extent of legal services
901 provided to individuals served pursuant to the program, including on
902 matters ancillary to the restraining order application, and (3) the
903 number of cases where legal services were provided before an
904 application was filed but legal representation did not continue during
905 the restraining order process and the reasons for such limited
906 representations. Not later than July first of the year following any year
907 in which the program received funding, the organization administering
908 the program shall submit a report on the results of such analysis in
909 accordance with the provisions of section 11-4a of the general statutes,
910 to the joint standing committee of the General Assembly having
911 cognizance of matters relating to the judiciary.

912 (i) Up to five per cent of the total amount received by the organization
913 administering the grant program may be used for the reasonable costs
914 of administering the program, including the completion of the analysis
915 and report required by subsection (h) of this section.

916 Sec. 16. Subsections (a) and (b) of section 54-64a of the general statutes
917 are repealed and the following is substituted in lieu thereof (*Effective*
918 *October 1, 2021*):

919 (a) (1) Except as provided in subdivision (2) of this subsection and
920 subsection (b) of this section, when any arrested person is presented
921 before the Superior Court, said court shall, in bailable offenses,
922 promptly order the release of such person upon the first of the following
923 conditions of release found sufficient to reasonably ensure the
924 appearance of the arrested person in court: (A) Upon execution of a
925 written promise to appear without special conditions, (B) upon
926 execution of a written promise to appear with nonfinancial conditions,
927 (C) upon execution of a bond without surety in no greater amount than
928 necessary, (D) upon execution of a bond with surety in no greater
929 amount than necessary, but in no event shall a judge prohibit a bond
930 from being posted by surety. In addition to or in conjunction with any

931 of the conditions enumerated in subparagraphs (A) to (D), inclusive, of
932 this subdivision the court may, when it has reason to believe that the
933 person is drug-dependent and where necessary, reasonable and
934 appropriate, order the person to submit to a urinalysis drug test and to
935 participate in a program of periodic drug testing and treatment. The
936 results of any such drug test shall not be admissible in any criminal
937 proceeding concerning such person.

938 (2) If the arrested person is charged with no offense other than a
939 misdemeanor, the court shall not impose financial conditions of release
940 on the person unless (A) the person is charged with a family violence
941 crime, as defined in section 46b-38a, as amended by this act, or (B) the
942 person requests such financial conditions, or (C) the court makes a
943 finding on the record that there is a likely risk that (i) the arrested person
944 will fail to appear in court, as required, or (ii) the arrested person will
945 obstruct or attempt to obstruct justice, or threaten, injure or intimidate
946 or attempt to threaten, injure or intimidate a prospective witness or
947 juror, or (iii) the arrested person will engage in conduct that threatens
948 the safety of himself or herself or another person. In making a finding
949 described in this subsection, the court may consider past criminal
950 history, including any prior record of failing to appear as required in
951 court that resulted in any conviction for a violation of section 53a-172 or
952 any conviction during the previous ten years for a violation of section
953 53a-173 and any other pending criminal cases of the person charged
954 with a misdemeanor.

955 (3) The court may, in determining what conditions of release will
956 reasonably ensure the appearance of the arrested person in court,
957 consider the following factors: (A) The nature and circumstances of the
958 offense, (B) such person's record of previous convictions, (C) such
959 person's past record of appearance in court, (D) such person's family
960 ties, (E) such person's employment record, (F) such person's financial
961 resources, character and mental condition, [and] (G) such person's
962 community ties, and (H) in the case of a violation of 53a-222a when the
963 condition of release was issued for a family violence crime, as defined
964 in section 46b-38a, as amended by this act, the heightened risk posed to

965 victims of family violence by violations of conditions of release.

966 (b) (1) When any arrested person charged with the commission of a
967 class A felony, a class B felony, except a violation of section 53a-86 or
968 53a-122, a class C felony, except a violation of section 53a-87, 53a-152 or
969 53a-153, or a class D felony under sections 53a-60 to 53a-60c, inclusive,
970 section 53a-72a, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216,
971 or a family violence crime, as defined in section 46b-38a, as amended by
972 this act, is presented before the Superior Court, said court shall, in
973 bailable offenses, promptly order the release of such person upon the
974 first of the following conditions of release found sufficient to reasonably
975 ensure the appearance of the arrested person in court and that the safety
976 of any other person will not be endangered: (A) Upon such person's
977 execution of a written promise to appear without special conditions, (B)
978 upon such person's execution of a written promise to appear with
979 nonfinancial conditions, (C) upon such person's execution of a bond
980 without surety in no greater amount than necessary, (D) upon such
981 person's execution of a bond with surety in no greater amount than
982 necessary, but in no event shall a judge prohibit a bond from being
983 posted by surety. In addition to or in conjunction with any of the
984 conditions enumerated in subparagraphs (A) to (D), inclusive, of this
985 subdivision, the court may, when it has reason to believe that the person
986 is drug-dependent and where necessary, reasonable and appropriate,
987 order the person to submit to a urinalysis drug test and to participate in
988 a program of periodic drug testing and treatment. The results of any
989 such drug test shall not be admissible in any criminal proceeding
990 concerning such person.

991 (2) The court may, in determining what conditions of release will
992 reasonably ensure the appearance of the arrested person in court and
993 that the safety of any other person will not be endangered, consider the
994 following factors: (A) The nature and circumstances of the offense, (B)
995 such person's record of previous convictions, (C) such person's past
996 record of appearance in court after being admitted to bail, (D) such
997 person's family ties, (E) such person's employment record, (F) such
998 person's financial resources, character and mental condition, (G) such

999 person's community ties, (H) the number and seriousness of charges
1000 pending against the arrested person, (I) the weight of the evidence
1001 against the arrested person, (J) the arrested person's history of violence,
1002 (K) whether the arrested person has previously been convicted of
1003 similar offenses while released on bond, [and] (L) the likelihood based
1004 upon the expressed intention of the arrested person that such person
1005 will commit another crime while released, and (M) the heightened risk
1006 posed to victims of family violence by violations of conditions of release
1007 and court orders of protection.

1008 (3) When imposing conditions of release under this subsection, the
1009 court shall state for the record any factors under subdivision (2) of this
1010 subsection that it considered and the findings that it made as to the
1011 danger, if any, that the arrested person might pose to the safety of any
1012 other person upon the arrested person's release that caused the court to
1013 impose the specific conditions of release that it imposed.

1014 Sec. 17. Subsection (a) of section 53a-181j of the general statutes is
1015 repealed and the following is substituted in lieu thereof (*Effective October*
1016 *1, 2021*):

1017 (a) A person is guilty of intimidation based on bigotry or bias in the
1018 first degree when such person maliciously, and with specific intent to
1019 intimidate or harass another person [because of] motivated in whole or
1020 in substantial part by the actual or perceived race, religion, ethnicity,
1021 disability, sex, sexual orientation or gender identity or expression of
1022 such other person, causes physical injury to such other person or to a
1023 third person.

1024 Sec. 18. Subsection (a) of section 53a-181k of the general statutes is
1025 repealed and the following is substituted in lieu thereof (*Effective October*
1026 *1, 2021*):

1027 (a) A person is guilty of intimidation based on bigotry or bias in the
1028 second degree when such person maliciously, and with specific intent
1029 to intimidate or harass another person or group of persons [because of]
1030 motivated in whole or in substantial part by the actual or perceived race,

1031 religion, ethnicity, disability, sex, sexual orientation or gender identity
1032 or expression of such other person or group of persons, does any of the
1033 following: (1) Causes physical contact with such other person or group
1034 of persons, (2) damages, destroys or defaces any real or personal
1035 property of such other person or group of persons, or (3) threatens, by
1036 word or act, to do an act described in subdivision (1) or (2) of this
1037 subsection, if there is reasonable cause to believe that an act described
1038 in subdivision (1) or (2) of this subsection will occur.

1039 Sec. 19. Subsection (a) of section 53a-181l of the general statutes is
1040 repealed and the following is substituted in lieu thereof (*Effective October*
1041 *1, 2021*):

1042 (a) A person is guilty of intimidation based on bigotry or bias in the
1043 third degree when such person, with specific intent to intimidate or
1044 harass another person or group of persons [because of] motivated in
1045 whole or in substantial part by the actual or perceived race, religion,
1046 ethnicity, disability, sex, sexual orientation or gender identity or
1047 expression of such other person or persons: (1) Damages, destroys or
1048 defaces any real or personal property, or (2) threatens, by word or act,
1049 to do an act described in subdivision (1) of this subsection or advocates
1050 or urges another person to do an act described in subdivision (1) of this
1051 subsection, if there is reasonable cause to believe that an act described
1052 in said subdivision will occur.

1053 Sec. 20. (NEW) (*Effective October 1, 2021*) (a) Upon the request of a
1054 tenant, a landlord shall change the locks or permit the tenant to change
1055 the locks to a tenant's dwelling unit when: (1) The tenant is named as a
1056 protected person in (A) a protective or restraining order issued by a
1057 court of this state, including, but not limited to, an order issued pursuant
1058 to sections 46b-15, 46b-16a, 46b-38c, 53a-40e and 54-1k of the general
1059 statutes, as amended by this act, that is in effect at the time the tenant
1060 makes such request of the landlord, or (B) a foreign order of protection
1061 that has been registered in this state pursuant to section 46b-15a of the
1062 general statutes, as amended by this act, that is in effect at the time the
1063 tenant makes such request of the landlord; (2) the protective order,

1064 restraining order or foreign order of protection requires the respondent
1065 or defendant to (A) stay away from the home of the tenant, or (B) stay a
1066 minimum distance away from the tenant; and (3) the tenant provides a
1067 copy of such protective order, restraining order or foreign order of
1068 protection to the landlord. A landlord who is required to change a
1069 tenant's locks or permit the tenant to change a tenant's locks under this
1070 subsection shall, not later than six hours after receipt of the request,
1071 inform the tenant whether the landlord will change the locks or permit
1072 the tenant to change the locks. If the landlord agrees to change the locks,
1073 the landlord shall do so not later than forty-eight hours after the date
1074 that the tenant makes such request.

1075 (b) If a landlord has informed the tenant that the tenant is responsible
1076 for changing the locks, fails to change the locks, or fails to permit a
1077 tenant to change the locks within the timeframe prescribed under
1078 subsection (a) of this section, the tenant may proceed to change the
1079 locks. If a tenant changes the locks, the tenant shall ensure that the locks
1080 are changed in a workmanlike manner, utilizing locks of similar or
1081 improved quality as compared to the original locks. The landlord may
1082 replace a lock installed by or at the behest of a tenant if the locks installed
1083 were not of similar or improved quality or were not installed properly.
1084 If a tenant changes the locks to his or her dwelling unit under this
1085 subsection, the tenant shall provide a key to the new locks to the
1086 landlord not later than two business days after the date on which the
1087 locks were changed, except when good cause prevents the tenant from
1088 providing a key to the landlord within the prescribed time period.

1089 (c) When a landlord changes the locks to a dwelling unit under
1090 subsection (a) or (b) of this section, the landlord (1) shall, if using a
1091 professional contractor or locksmith, be responsible for payment to such
1092 contractor or locksmith, (2) shall, at or prior to the time of changing such
1093 locks, provide a key to the new locks to the tenant, and (3) may charge
1094 a fee to the tenant not exceeding the actual reasonable cost of changing
1095 the locks. If the tenant fails to pay the fee, such cost may be recouped by
1096 suit against the tenant or as a deduction from the security deposit when
1097 the tenant vacates the dwelling unit, but shall not be the basis for a

1098 summary process action under chapter 832 of the general statutes. For
1099 purposes of this subsection, "actual reasonable cost" means the cost of
1100 the lock mechanism, as well as the fee paid by the landlord for
1101 professional contractor or locksmith services.

1102 (d) A landlord may reprogram a digital or electronic lock with a new
1103 entry code to comply with the provisions of this section.

1104 (e) If a tenant residing in the dwelling unit is named as the respondent
1105 or defendant in an order described in subsection (a) of this section and
1106 under such order is required to stay away from the dwelling unit, the
1107 landlord shall not provide a key to such tenant for the new locks. Absent
1108 a court order permitting a tenant who is the respondent or defendant in
1109 such order to return to the dwelling unit to retrieve his or her
1110 possessions and personal effects, the landlord has no duty under the
1111 rental agreement or by law to allow such tenant access to the dwelling
1112 unit once the landlord has been provided with a court order requiring
1113 such tenant to stay away from the dwelling unit, and the landlord shall
1114 not permit such tenant to access the dwelling unit. Any tenant excluded
1115 from the dwelling unit under this section remains liable under the rental
1116 agreement with any other tenant of the dwelling unit for rent or
1117 damages to the dwelling unit.

1118 (f) A landlord may not require a tenant who is named as a protected
1119 person under an order described in subsection (a) of this section to pay
1120 additional rent or an additional deposit or fee because of the exclusion
1121 of the tenant who is named as the respondent or defendant in such
1122 order.

1123 (g) Any landlord or agent of such landlord who denies a tenant
1124 named as a respondent or defendant in an order described in subsection
1125 (a) of this section access to the dwelling unit pursuant to this section
1126 shall be immune from any civil liability arising from such denial,
1127 provided the landlord or agent complies with the provisions of this
1128 section and any applicable court order.

1129 Sec. 21. Section 47a-1 of the general statutes is repealed and the

1130 following is substituted in lieu thereof (*Effective October 1, 2021*):

1131 As used in this chapter and sections 47a-21, as amended by this act,
1132 47a-23 to 47a-23c, inclusive, 47a-26a to 47a-26g, inclusive, 47a-35 to 47a-
1133 35b, inclusive, 47a-41a, 47a-43 and 47a-46 and section 20 of this act:

1134 (a) "Action" includes recoupment, counterclaim, set-off, cause of
1135 action and any other proceeding in which rights are determined,
1136 including an action for possession.

1137 (b) "Building and housing codes" include any law, ordinance or
1138 governmental regulation concerning fitness for habitation or the
1139 construction, maintenance, operation, occupancy, use or appearance of
1140 any premises or dwelling unit.

1141 (c) "Dwelling unit" means any house or building, or portion thereof,
1142 which is occupied, is designed to be occupied, or is rented, leased or
1143 hired out to be occupied, as a home or residence of one or more persons.

1144 (d) "Landlord" means the owner, lessor or sublessor of the dwelling
1145 unit, the building of which it is a part or the premises.

1146 (e) "Owner" means one or more persons, jointly or severally, in whom
1147 is vested (1) all or part of the legal title to property, or (2) all or part of
1148 the beneficial ownership and a right to present use and enjoyment of the
1149 premises and includes a mortgagee in possession.

1150 (f) "Person" means an individual, corporation, limited liability
1151 company, the state or any political subdivision thereof, or agency,
1152 business trust, estate, trust, partnership or association, two or more
1153 persons having a joint or common interest, and any other legal or
1154 commercial entity.

1155 (g) "Premises" means a dwelling unit and the structure of which it is
1156 a part and facilities and appurtenances therein and grounds, areas and
1157 facilities held out for the use of tenants generally or whose use is
1158 promised to the tenant.

1159 (h) "Rent" means all periodic payments to be made to the landlord
1160 under the rental agreement.

1161 (i) "Rental agreement" means all agreements, written or oral, and
1162 valid rules and regulations adopted under section 47a-9 or subsection
1163 (d) of section 21-70 embodying the terms and conditions concerning the
1164 use and occupancy of a dwelling unit or premises.

1165 (j) "Roomer" means a person occupying a dwelling unit, which unit
1166 does not include a refrigerator, stove, kitchen sink, toilet and shower or
1167 bathtub and one or more of these facilities are used in common by other
1168 occupants in the structure.

1169 (k) "Single-family residence" means a structure maintained and used
1170 as a single dwelling unit. Notwithstanding that a dwelling unit shares
1171 one or more walls with another dwelling unit or has a common parking
1172 facility, it is a single-family residence if it has direct access to a street or
1173 thoroughfare and does not share heating facilities, hot water equipment
1174 or any other essential facility or service with any other dwelling unit.

1175 (l) "Tenant" means the lessee, sublessee or person entitled under a
1176 rental agreement to occupy a dwelling unit or premises to the exclusion
1177 of others or as is otherwise defined by law.

1178 (m) "Tenement house" means any house or building, or portion
1179 thereof, which is rented, leased or hired out to be occupied, or is
1180 arranged or designed to be occupied, or is occupied, as the home or
1181 residence of three or more families, living independently of each other,
1182 and doing their cooking upon the premises, and having a common right
1183 in the halls, stairways or yards.

1184 Sec. 22. Subsection (a) of section 47a-21 of the general statutes is
1185 repealed and the following is substituted in lieu thereof (*Effective October*
1186 *1, 2021*):

1187 As used in this chapter:

1188 (1) "Accrued interest" means the interest due on a security deposit as

1189 provided in subsection (i) of this section, compounded annually to the
1190 extent applicable.

1191 (2) "Commissioner" means the Banking Commissioner.

1192 (3) "Escrow account" means any account at a financial institution
1193 which is not subject to execution by the creditors of the escrow agent
1194 and includes a clients' funds account.

1195 (4) "Escrow agent" means the person in whose name an escrow
1196 account is maintained.

1197 (5) "Financial institution" means any state bank and trust company,
1198 national bank, savings bank, federal savings bank, savings and loan
1199 association, and federal savings and loan association that is located in
1200 this state.

1201 (6) "Forwarding address" means the address to which a security
1202 deposit may be mailed for delivery to a former tenant.

1203 (7) "Landlord" means any landlord of residential real property, and
1204 includes (A) any receiver; (B) any successor; and (C) any tenant who
1205 sublets his premises.

1206 (8) "Receiver" means any person who is appointed or authorized by
1207 any state, federal or probate court to receive rents from tenants, and
1208 includes trustees, executors, administrators, guardians, conservators,
1209 receivers, and receivers of rent.

1210 (9) "Rent receiver" means a receiver who lacks court authorization to
1211 return security deposits and to inspect the premises of tenants and
1212 former tenants.

1213 (10) "Residential real property" means real property containing one
1214 or more residential units, including residential units not owned by the
1215 landlord, and containing one or more tenants who paid a security
1216 deposit.

1217 (11) "Security deposit" means any advance rental payment, or any
 1218 installment payment collected pursuant to section 47a-22a, except an
 1219 advance payment for the first month's rent or a deposit for a key or any
 1220 special equipment.

1221 (12) "Successor" means any person who succeeds to a landlord's
 1222 interest whether by purchase, foreclosure or otherwise and includes a
 1223 receiver.

1224 (13) "Tenant" means a tenant, as defined in section 47a-1, as amended
 1225 by this act, or a resident, as defined in section 21-64.

1226 (14) "Tenant's obligations" means (A) the amount of any rental or
 1227 utility payment due the landlord from a tenant; [and] (B) a tenant's
 1228 obligations under the provisions of section 47a-11; and (C) the actual
 1229 reasonable cost of changing the locks of the dwelling unit pursuant to
 1230 section 20 of this act, if the tenant has not paid such cost."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2021</i>	46b-1
Sec. 2	<i>October 1, 2021</i>	46b-15
Sec. 3	<i>October 1, 2021</i>	46b-15c
Sec. 4	<i>July 1, 2021</i>	46b-38a(3)
Sec. 5	<i>July 1, 2021</i>	46b-38b(g)(5)
Sec. 6	<i>October 1, 2021</i>	46b-38c(e)
Sec. 7	<i>October 1, 2021</i>	53a-40e
Sec. 8	<i>October 1, 2021</i>	46b-54(f)
Sec. 9	<i>October 1, 2021</i>	46b-56
Sec. 10	<i>October 1, 2021</i>	New section
Sec. 11	<i>July 1, 2021</i>	51-27h
Sec. 12	<i>July 1, 2021</i>	51-27i
Sec. 13	<i>July 1, 2021</i>	17b-112g(a)
Sec. 14	<i>July 1, 2021</i>	17b-191
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>October 1, 2021</i>	54-64a(a) and (b)
Sec. 17	<i>October 1, 2021</i>	53a-181j(a)
Sec. 18	<i>October 1, 2021</i>	53a-181k(a)

Sec. 19	<i>October 1, 2021</i>	53a-1811(a)
Sec. 20	<i>October 1, 2021</i>	New section
Sec. 21	<i>October 1, 2021</i>	47a-1
Sec. 22	<i>October 1, 2021</i>	47a-21(a)