

Connecticut's Diversionary Program for Family Violence Offenders

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January 27, 2023 | 2023-R-0059

Issue

What is Connecticut's diversionary program for family violence offenders?

Summary

The Family Violence Education Program is Connecticut's pretrial program that gives eligible defendants the chance to attend programs that provide education about family violence instead of going to trial. Any defendant who wants to take part in the program must submit [an application](#) to the court. If the court grants the defendant's application, he or she must take part in nine, 90-minute sessions of a psycho-educational class that is focused on reducing any future family violence. If the defendant completes this program successfully and follows any other conditions set by the court while he or she is taking part in the program, the court will dismiss the charges against the defendant. Classes are offered all over the state by judicial branch-contracted [community providers](#).

Family Violence Education Program ([CGS § 46b-38c](#))

Description

Any defendant who accepts placement in the family violence education program must agree to the tolling of any statute of limitations with respect to the crime or crimes with which the defendant is charged, and to a waiver of the defendant's right to a speedy trial. Any such defendant must appear in court and must be released to the custody of the family violence intervention unit for up to two

years, and under any court-ordered conditions. If the defendant refuses to accept, or, having accepted, violates the conditions, the case must be brought to trial ([CGS § 46b-38c\(h\)](#)).

At a minimum, the program must inform participants of the basic elements of family violence law and the applicable penalties ([CGS § 46b-38c\(h\)](#)).

Definitions

Family Violence. By law, “family violence” is an incident resulting in physical harm, bodily injury, or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury, or assault, including stalking or a pattern of threatening, between family or household members. It excludes verbal abuse or argument unless there is present danger and the likelihood that physical violence will occur ([CGS § 46b-38a\(1\)](#)).

Family Violence Crime. By law, “family violence crime” means a crime other than a delinquent act, which, in addition to its other elements, contains an element of an act of family violence to a family or household member. This includes 1st and 2nd degree violation of conditions of release and criminal violation of a protective order, standing criminal protective order, or restraining order when the condition of release or court order is issued for an act of family violence or a family violence crime. “Family violence crime” does not include acts by parents or guardians disciplining minor children unless these acts constitute abuse ([CGS § 46b-38a\(3\)](#)).

Eligibility

To be eligible, the defendant must meet the following criteria based on current charges and prior convictions. A person is only allowed to use the program once (either in this program or in accelerated rehabilitation for a family violence crime since October 1, 1986) ([CGS § 46b-38c\(h\)](#)).

Current Charges. A person is eligible if charged with a family violence crime unless it is a:

1. class A, B, or C felony or unclassified felony with a possible prison sentence of more than 10 years or
2. a class D felony, unclassified felony with a possible prison term of more than five years, or an offense that involved inflicting serious physical injury, unless the person shows good cause.

Prior Convictions. A person is ineligible if he or she was previously convicted of a family violence crime on or after October 1, 1986.

Referral to Family Violence Intervention Unit

When an eligible defendant files a motion with the court to participate in the program, the court has the discretion to refer the defendant to the family violence intervention unit and may continue the defendant's case pending a report from the unit ([CGS § 46b-38c\(h\)\(2\)](#)).

As required by law, there are family violence intervention units in the Connecticut judicial system to respond to cases involving family violence. The units are coordinated and governed by a formal agreement between the Chief State's Attorney and the Judicial Department ([CGS § 46b-38c\(a\)](#)).

The Judicial Department's Court Support Services Division must establish, direct, and oversee a family intervention unit in each geographical area of the Superior Court ([CGS § 46b-38c\(b\)](#)).

By law, family violence intervention units must:

1. accept referrals of family violence cases from a judge or prosecutor,
2. prepare written or oral reports on each case for the court by the next court date,
3. provide or arrange for services to victims and offenders,
4. administer contracts to carry out the services, and
5. establish centralized reporting procedures ([CGS § 46b-38c\(c\)](#)).

Victim Notification

The court must give notice to the victim or victims that the defendant has requested assignment to the family violence education program, and, where possible, give the victim or victims opportunity to be heard ([CGS § 46b-38c\(h\)\(2\)](#)).

Case Dismissal

If the defendant satisfactorily completes the family violence education program and complies with the court's conditions, the defendant may apply for dismissal of the charges. The court must dismiss the charges if it finds there was satisfactory compliance ([CGS § 46b-38c\(h\)\(2\)](#)).

Record Erasure

Upon dismissal of the charges, all records of the charges must be erased ([CGS §§ 46b-38c\(h\)\(3\)](#) & [54-142a](#)).

Fees

The program fees are as follows:

- \$100 application fee
- \$300 participation fee

By law, no one can be excluded from the program for inability to pay the fees if the person (1) files an affidavit of indigency or inability to pay, and the court enters a finding or (2) has been determined indigent and eligible for representation by a public defender.

If the fees are waived, the law prohibits the court from requiring the person to perform community service in lieu of paying the program fees ([CGS § 46b-38c\(i\)](#)), as amended by [PA 21-102](#), § 16).

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