

DRAFT

Domestic Violence Programs Shelter • Information • Referrals

Domestic Violence programs are located throughout the State of Connecticut. The programs provide a 24-hour hotline, information, referrals, and shelter to victims of domestic violence.

Statewide Domestic Violence Hotline

1-888-774-2900

1-844-831-9200 (Spanish)

ADA Notice

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA/.

Disclaimer: This publication has been put together by the Judicial Branch as a public service and under the provisions of section 46b-15b of the Connecticut General Statutes. It is based on the Connecticut General Statutes in effect at the time of publication. This information is not intended as a substitute for getting legal advice from a Connecticut attorney. You are responsible for any actions you take on your own behalf. The clerk's office may assist you with procedural questions; however, the staff cannot act as your attorney or give legal advice and are not responsible for any errors or omissions in these procedures. If you need more information or assistance, you should either contact an attorney or read the appropriate sections of the Connecticut General Statutes and the Connecticut Practice Book.

Copyright © 2016 State of Connecticut Judicial Branch
JDP-FM-142 (Rev. 10/16)

Restraining Orders:

How to Apply for Relief from Abuse



www.jud.ct.gov

State of Connecticut Superior Court

DRAFT

The Forms You Need to Apply for a Restraining Order

Fill out an Application for Relief From Abuse form (JD-FM-137), and an Affidavit – Relief From Abuse form (JD-FM-138).

If you want temporary custody of your children, fill out an Affidavit Concerning Children form (JD-FM-164). If the respondent is your spouse or someone you have a civil union with, or you live with the Respondent and have a dependent child who also lives with you, and you would like to ask the court to make additional orders of maintenance, check the box on the Application for Relief From Abuse form (JD-FM-137) that says that, and fill out the Supplemental Affidavit and Request for Orders of Maintenance form (JD-FM-233). You also need to fill out a Restraining Order Service Respondent Profile form (SMC-2), so that the State Marshal can find and deliver the papers to the Respondent.

Note: The person who fills out the Application for Relief From Abuse form (JD-FM-137) is called the “Applicant” in the restraining order process.

The person the Application for Relief From Abuse form is filed against is called the “Respondent.”

Application Procedures

You must give the filled-out forms to the court clerk. The Application and Affidavits must be signed in front of a clerk, notary public or lawyer.

The Application and Affidavits will be reviewed by a Judge. If your application for an ex parte (immediate) order was granted and you checked any of the boxes on page 1 of your application that the respondent has firearms or ammunition, a permit to carry a pistol or revolver or an eligibility certificate for a pistol, revolver or a long gun eligibility certificate, or an ammunition certificate, your hearing will be held within 7 days from the date of the order. Otherwise, the court will order your hearing to be held within 14 days from the date of the order.

Fees

You do not have to pay court fees to file the Application or for any motion to change or extend the order. The fee for delivery of the Application (known as service) and any orders issued without a hearing (ex parte) will be paid for by the Judicial Branch.

After the Judge Rules on the Application

If the Judge grants your request for a restraining order, the clerk's office will process the papers and give you two (2) copies of the:

- Order of Protection form (JD-CL-99) and, if appropriate
- Additional Orders of Protection form (JD-CL-100) and Orders of Maintenance form (JD-FM-234)

The clerk will also return to you the original:

- Application for Relief From Abuse form (JD-FM-137)
- Affidavit – Relief From Abuse form (JD-FM-138)
- Affidavit Concerning Children form (JD-FM-164)

The clerk will also give you the:

- Order and Notice of Court Hearing form (JD-FM-140)
- General Restraining Order Notifications form (JD-CL-104)
- Restraining Order Service Respondent Profile form (SMC-2) if you have not already received one

You should keep one of the copies of the Order of Protection form (JD-CL-99) and Additional Orders of Protection form (JD-CL-100), if ordered, with you at all times and the other copy of the orders in a safe place.

DRAFT

Any ex parte orders granted by the Judge will last until your hearing date unless otherwise ordered. The orders can be extended later at the hearing.

The clerk will send a copy of the order or information in the order to law enforcement within forty-eight (48) hours.

Delivery to the Respondent (Service of Process)

To make sure that the Respondent knows about the restraining order, if the court ordered one, and about the hearing date, bring all of the forms the clerk gave you to a State Marshal, also known as a process server or proper officer, for delivery to the Respondent. (The clerk or someone at a Court Service Center can explain to you who a "proper officer" is). You may get a current list of State Marshals from the clerk's office or the Judicial Branch web site at www.jud.ct.gov. At some courthouses, a State Marshal is at the courthouse at certain times during the day to help with service.

The Restraining Order Service Respondent Profile form (SMC-2) is needed so that the State Marshal can find and deliver the papers to the Respondent. It is very important to give the State Marshal as much information as you can about how to find the Respondent.

The forms must be delivered to the Respondent at least three (3) days before the hearing date. If you do not know where the Respondent lives or cannot give enough information about how to find the Respondent, the State Marshal may not be able to find the Respondent to deliver the papers and your protection might be limited.

If an ex parte order was issued and the State Marshal was not able to deliver the forms to the respondent at least 3 days before the hearing, you may file a Request for Additional Time for Service of Ex Parte Restraining Order (Family) JD-FM-256 before or on the day of your hearing to ask the court for more time.

After the State Marshal delivers the forms, the original forms must be returned to the clerk's office so that the court has proof that the Respondent was served. Therefore, it is recommended that the forms be returned to the clerk's office as soon as possible.

Firearm Restrictions

Firearm restrictions apply to Respondents who are subject to orders of protection. A notice of the firearm restrictions is printed on the General Restraining Order Notification form (JD-CL-104).

Testimony by Other Means

Before the hearing, you may file a motion asking that your testimony be taken in a different place, away from the Respondent. The Judge may order the use of videoconferencing or another way for you to give testimony. If you want to request this, you should file a motion with the court as soon as possible before the hearing.

The Court Hearing

You must go to the hearing if you want the court to give you a restraining order, if it hasn't given you one already, or to extend the restraining order if it already gave you one. During the hearing you will be able to tell the Judge why you want the restraining order or why you want to extend one.

If you think you need more security when you are in court for the hearing, contact the clerk's office or the Court Service Center where the hearing will be.

On the day of the hearing and before going in front of the Judge, you and the Respondent must meet separately with a Family Relations Counselor (FRC) from the Court Support Services Division. There will be a sign-up sheet in the area of the courthouse where the FRC has the meetings. A Judicial Marshal can tell you where that is. The FRC will ask for information about any existing court orders, possession of firearms or permits, history of the relationship, and information on child-related matters. The FRC may make recommendations and

may refer you to other agencies for other services. At the end of the meeting you and the Respondent will go to the courtroom to wait for your hearing.

Witnesses or evidence that will support your claims should be brought to the hearing.

If the court is closed on the scheduled hearing date, the hearing will be held on the next day the court is open and any ex parte order will stay in effect until the hearing is held.

After the Hearing

If the restraining order is granted by the Judge, you will get two (2) copies of a new Order of Protection form (JD-CL-99) and, if ordered, a new Additional Orders of Protection form (JD-CL-100) and Orders of Maintenance form (JD-FM-234). A copy of the order(s) will be given or mailed to the Respondent by the clerk.

The clerk will send a copy of the order(s) or the information in the order(s) to law enforcement within forty-eight (48) hours.

You should keep one of the copies of the Order of Protection form (JD-CL-99) and, if ordered, a new Additional Orders of Protection form (JD-CL-100) and Orders of Maintenance form (JD-FM-234) with you at all times and the other copy of the orders in a safe place.

Change of Address

If you move after the court issues the restraining order, contact the clerk's office to find out how to update your information.

Length of the Restraining Order

The new Order of Protection, and Additional Orders of Protection if ordered, are good for one (1) year, unless the Judge orders a different length of time. If Orders of Maintenance were made, they are good for a maximum of 120 days. It is important to make sure that you understand the order and know

how long each part of it lasts. Ask someone at the Court Service Center or Clerk's Office for help if you do not understand what the orders say or how long they will remain in effect.

About five (5) weeks before the end of the restraining order, the Office of Victim Services will mail you a letter to the address listed in the order, or your new address if you gave it to the court, telling you when the restraining order will end.

Violating the Restraining Order

If the Respondent did not follow any part of the order you should contact the police immediately and file a complaint.

Extending the Restraining Order

If you want the restraining order to continue after the period ordered by the court, you must file a Motion to Extend with the clerk's office. To keep the order from running out, you should file the motion at least two (2) to three (3) weeks before the restraining order ends.

After the motion is filed, the clerk will schedule a hearing, and return the motion to you for delivery to the Respondent. Delivery may be made by first-class mail to Respondent's last known address. You cannot extend or modify the Orders of Maintenance.

On the hearing date, the same court procedures apply as described in "The Court Hearing" section of this brochure.

For more information contact:

Office of Victim Services
1-800-822-8428
225 Spring Street
Wethersfield, CT 06109
www.jud.ct.gov/crimevictim

DRAFT