

Civil Orders of Protections During the COVID-19 Pandemic

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Issue

Describe the process of obtaining a civil order of protection during the COVID-19 pandemic.

Summary

The law provides two types of civil orders of protection: restraining orders and protection orders. A family or household member may apply for a civil restraining order for relief from physical abuse, stalking, or a pattern of threatening from another family or household member ([CGS § 46b-15](#)). A victim of sexual abuse, sexual assault, or stalking may apply for a civil protection order if he or she is not eligible for a restraining order because he or she is not the respondent's family or household member ([CGS § 46b-16a](#)).

Although many courthouses have been closed during the COVID-19 pandemic, individuals may still file applications for civil restraining or protection orders in the courts that are open (see list of open courthouses [here](#)). Additionally, the Connecticut Judicial Branch has established [procedures](#) for individuals to file such applications remotely without going to court. According to the Judicial Branch procedures, applications may be filed by fax or email during courthouse hours (see list of courts accepting electronic applications [here](#)).

Electronic Applications

An applicant who chooses to file a civil restraining or protection order application electronically may sign the form by typing his or her name on the signature line of the form. If the applicant is unable

to sign the form (e.g., because he or she is physically disabled, lacks internet access, or is not proficient in English), he or she may direct a third party to do so (in person or over the phone) on their behalf. But the applicant must first read the form, or have it read to him or her, in its entirety.

Accompanying Statement of Facts

Under existing law, a civil restraining or protection order application must be accompanied by an affidavit made under oath including a brief statement of the conditions from which relief is sought ([CGS §§ 46b-15 & -16a](#)). During the pandemic, this requirement has been suspended. On April 2, the governor issued an executive order that instead allows civil restraining or protection order applicants to make the required supporting statement of facts under penalty for false statement, a class A misdemeanor punishable by up to one year in prison, a fine up to \$2,000, or both ([CGS § 53a-157b](#)).

The executive order also applies this alternative to any other statutory provisions related to civil protection orders that require any document to be made under oath ([EO 7T](#), § 6, Apr. 2, 2020)

Civil Restraining Orders

Any family or household member subjected to a continuous threat of physical pain or physical injury, stalking, or a pattern of threatening may apply to the Superior Court for a restraining order. By law, “family or household members” are any of the following, regardless of age:

1. spouses or former spouses;
2. parents or their children;
3. people related by blood or marriage;
4. people not related by blood or marriage living together or who have lived together;
5. people who have a child in common, regardless of whether they are or have been married or have lived together; and
6. people who are or were recently dating ([CGS § 46b-38a](#)).

Obtaining a Restraining Order

By law, to obtain a restraining order, the victim must file an application with the court, including a statement of the condition from which relief is sought.

The court must hold a hearing on the application within 14 days of receiving the application, except it may issue an order without notice or hearing if there is an immediate and present physical danger to the applicant (i.e., ex parte order). If the application indicates that (1) the respondent (the alleged offender) holds a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver, a long gun eligibility certificate, or an ammunition certificate, or possesses one or more firearms or ammunition, and (2) the court orders an ex parte order, the court must order that a hearing be held on the application within seven days after the date on which the ex parte order is issued ([CGS § 46b-15\(b\) & \(h\)](#)).

An action for a restraining order does not preclude the applicant from subsequently seeking any other civil or criminal relief based on the same facts and circumstances ([CGS § 46b-15\(j\)](#)).

Civil Protection Orders

By law, the Superior Court may issue a civil protection order to an applicant who (1) is a victim of sexual abuse, sexual assault, or 1st, 2nd, or 3rd degree stalking; (2) has not obtained any other court order of protection arising out of the abuse, assault, or stalking; and (3) does not qualify for relief under a civil restraining order because he or she is not the respondent's family or household member ([CGS § 46b-16a](#)).

Obtaining a Civil Protection Order

As is the case for civil restraining orders, under existing law, an applicant for a civil protection order must provide a statement of the specific facts that form the basis for relief ([CGS § 46b-16a\(b\)](#)).

The court must hold a hearing on the application within 14 days of receiving the application. It must give the alleged offender at least five days' notice before the hearing, except it may issue an ex parte order if there is an immediate and present physical danger to the applicant ([CGS § 46b-16a\(b\) & \(d\)](#)).

Additional Resources

Following are helpful resources related to obtaining civil protections during the COVID-19 pandemic:

1. [Judicial Branch instructions](#) for filing applications during the COVID-19 pandemic
2. Court forms related to civil [restraining orders](#) and [protection orders](#)
3. [List of courthouses](#) accepting electronic applications for civil orders of protection

4. [CT Coalition Against Domestic Violence](#) advocates are available remotely during the COVID-19 pandemic via call, email, or chat (contact CT Safe Connect at www.CTSafeConnect.org or call (888) 774-2900)
5. OLR Report [2017-R-0072](#) – *Restraining Orders and Gun Possession*

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