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	SUPERSEDES: <p style="text-align: center;">January 1, 2015</p>		
APPROVED BY: <p>Executive Director</p>	TITLE: <p style="text-align: center;">FAMILY SERVICES CIVIL RESTRAINING ORDERS</p>		

1. **Policy** The Family Relations Counselor (FRC) will be available to provide services to the Court, applicants, respondents and counsel with respect to the Civil Restraining Order process.

2. **Definitions**

A. Applicant Refers to the client applying for the restraining order.

B. Case Management Information System (CMIS) Family Civil and Adult Criminal
A database of information on referred matters from either the Family Civil Court or the Adult Criminal Court, respectively, for use by authorized members of the Court Support Services Division (CSSD).

C. Civil Restraining Order Any family or household member as defined in CT General Statute 46b-38a, <http://www.cga.ct.gov/asp/menu/Statutes.asp> who has been subjected to a continuous threat of present physical pain or physical injury by another family or household member or person in, or who has recently been in a dating relationship, has been subjected to a continuous threat of present physical pain or physical injury by the other person in such relationship may make an application to the Superior Court for relief.

(1) Upon receipt of the application, the Court shall order that a hearing on the application be held not later than fourteen (14) days from the date of the order. The Court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant and such dependent children or other persons as the Court sees fit. Such relief may include but is not limited to an order enjoining the respondent from:

- a. Imposing any restraint upon the person or liberty of the applicant;
- b. Threatening, harassing, assaulting, molesting, sexually assaulting or attacking the applicant; or
- c. Entering the family dwelling or the dwelling of the applicant.
- d. Having any contact with the applicant.



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- (2) These orders may include temporary child custody or visitation rights and temporary maintenance for spouses or intimate cohabitants with children in common.
 - (3) If an applicant alleges an immediate and present physical danger to the applicant, the Court may issue an ex-parte order granting such relief as it deems appropriate. No order of the Court shall exceed one (1) year, except that an order may be extended by the Court upon motion of the applicant for such additional time as the Court deems necessary. See Connecticut General Statute 46b-15, <http://www.cga.ct.gov/asp/menu/Statutes.asp>.
- D. Criminal Motor Vehicle System (CRMVS) A computerized database managed by Judicial Branch - Court Operations containing arrest, continuance and disposition information regarding criminal cases in Connecticut.
 - E. Domestic Violence Screening Instrument Revised (DVSI-R) A risk assessment tool for court personnel to assist in screening domestic violence offenders for the purpose of planning services, case management, and case disposition.
 - F. Edison A system utilized by the Court and Family Services to search for family civil case information.
 - G. Judicial Internet /Family Civil Look-up A computerized database managed by the Judicial Branch – Court Operations that is accessed through the public internet site and provides information on matters that have appeared before the Family Civil Court in Connecticut.
 - H. Family Relations Counselor (FRC) A CSSD employee with the qualifications and training who performs the functions outlined in the job description for Family Relations Counselor, which can be accessed by clicking the following link: <http://zeus/AdminSvc/HRM/Job%20Descs/Job%20Descriptions%20Header.htm>
 - I. Family Law Software A software program utilized by Family Services and the Court to prepare child support guidelines.



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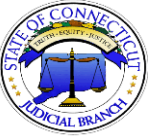
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- J. Family Services Supervisor (FSS) A CSSD employee with the qualifications and training who performs the functions outlined in the job description for Family Services.
- K. Intake Assistant (IA) A CSSD employee with the qualifications and training who performs the functions outlined in the job description for Court Support Services Division Intake Assistant:
<http://zeus/AdminSvc/HRM/New%20Job%20Descs/C/COURT%20SUPPORT%20SERVICES%20INTAKE%20ASSISTANT.htm> .
- L. Paperless Arrest Warrant Network (PRAWN) The Judicial Branch's database of Failure to Appear, Order to Incarcerate and Violation of Probation Warrants.
- M. Protective/Restraining/No Contact Order Registry A computerized database to offer immediate access to all current orders of protection for court staff and law enforcement.
- N. Respondent Refers to the client to whom the restraining order will be served.
- O. Restraining Order Hearing Family Services Report (JD-FM-258) A report to the court that is completed by the FRC/FSS and provided to the Court for the Restraining Order hearing, listing information gathered by Family Services during its record checks and the Risk Assessment outcome from the DVSI-R/SRI completion.
- P. Self-Represented Party A person who files an appearance to represent him or herself.
- Q. Supplemental Risk Indicators (SRI) A danger assessment tool for court personnel to assist in the screening of intimate partner domestic violence offenders only for the purpose of planning services, case management, and case disposition.
- R. Temporary Orders of Maintenance at Application An order of the court at the time of a Temporary Restraining Order (TRO) application prohibiting the respondent from taking any action that could result in the termination of any of the applicant's necessary utility services, from cancelling any insurance policies

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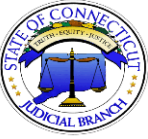
that impact the applicant or the common dependent child(ren), and/or that orders the respondent to provide the applicant with specific and necessary documents and items.

- S. Temporary Orders of Maintenance and Financial Support at Hearing An order of the court at the time of the TRO hearing that maintains the safety and basic needs of the applicant or the dependent child(ren) by upholding the temporary maintenance orders from the time of application, by creating new temporary maintenance orders and/or by establishing financial orders for the benefit of any common child(ren) provided that the respondent has a legal duty to pay support and has the ability to pay. Temporary orders of maintenance and financial support do not exceed 120 days.
- T. Violent Crime For the purpose of this policy, a violent crime is defined by CGS 46b-15 <http://www.cga.ct.gov/asp/menu/Statutes.asp>. An incident resulting in physical harm, bodily injury or assault; an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault, including, but not limited to stalking or a pattern of threatening; verbal abuse or argument if there is a present danger and likelihood that physical violence will occur; and cruelty to animals as set forth in Section 53-247.

3. General Procedures

A. Office/Court Inquiries/Application

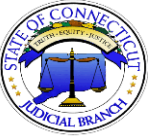
- (1) The Family Relations Counselor (FRC)/Family Services Supervisor (FSS) will be available to provide information to clients and will make referrals as necessary with respect to restraining order inquiries (i.e., court service center, clerk's office, victim advocates, and Self-Represented Litigant handbooks).
- (2) If requested by the Court, the FRC/FSS will meet with the applicant to clarify temporary maintenance needs and provide the Court with the requested information.

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- (3) In response to PA 16-105 the FRC/FSS will review relevant records when available, regarding the applicant and respondent, and include that information to the court within the Restraining Order Hearing Family Services Report (JD-FM-258). Relevant information should be reviewed and gathered from the following databases/systems:
- a. Protective Order Registry – any existing or prior orders of protection for both the applicant and the respondent.
 - b. Family Civil Look up, Edison, and Family Civil CMIS – any pending or disposed family matters cases involving the applicant and respondent.
 - c. PRAWN – any outstanding arrest warrants for the respondent that appear in these automated services.
 - d. Family Criminal CMIS and CRMVS – (1) any criminal case pending for the respondent or (2) any past criminal case in which the respondent was convicted of a violent crime.

B. Court Appearances – Interviews with Clients - Hearing

- (1) Prior to meeting with the parties, the FRC/FSS will review the records outlined above in Section A.(3) a. through d. If the respondent’s DOB is not available prior to the meeting, the review of records will be completed once that information is obtained. Once reviewed the FRC/FSS may begin completing the Restraining Order Hearing Family Services Report (JD-FM- 258).
- (2) The FRC/FSS will review information relative to any current family Civil Court or child support magistrate matters by searching in Edison or the Judicial Internet if the parties have children and qualify for temporary financial support consideration.
- (3) The FRC/FSS will meet with the applicant and respondent separately to identify and determine the nature of the issues. Specifically, the FRC/FSS

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will read the restraining order affidavit and thoroughly gather information regarding the history and current level of violence, existing court orders, safety, fear and intimidation issues, personal property and child related issues. The FRC/FSS will also inquire of the applicant and respondent whether the respondent holds a permit to carry a pistol or revolver and possesses one or more firearms. The FRC/FSS will share the information obtained from the review of records with both the applicant and respondent to verify that the information is accurate. At no time will the FRC/FSS meet with the parties together. If the parties are represented by counsel, the FRC/FSS will include the attorney in the discussions with the respective client. If both parties are represented by counsel, the FRC/FSS may initially meet with just the attorneys together, however must subsequently meet with both parties separately.

- (4) The FRC/FSS will complete the DVSI-R on all matters where both parties are in attendance for the RO hearing and the SRI for all intimate partners where both parties are in attendance for the RO hearing. The parties will be informed that this information is not confidential and may be shared with the court.
- (5) If appropriate, the FRC/FSS will review the temporary maintenance orders with the parties. If temporary financial support orders are requested and there are no existing child support matters, the FRC/FSS will prepare child support guidelines using Family Law Software so that accurate child support orders may be utilized by the Court. The FRC/FSS will explain to the parties that all maintenance and financial orders created in connection to a Temporary Restraining Order will expire 120 days after the date of issuance or upon issuance of a superseding order, whichever occurs first.
- (6) The FRC/FSS will explore solutions and offer recommendations when appropriate. Furthermore when circumstances warrant, the FRC/FSS will refer clients to social service agencies. If parenting or access issues remain in dispute, the FRC/FSS will direct clients to file custody or visitation motions or other appropriate action unless otherwise directed by the Court. The FRC/FSS will also direct clients to file child support motions and other financial motions when appropriate.



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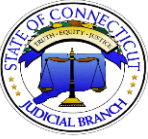
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- (7) The Restraining Order Hearing Family Services Report (JD-FM-258) will be completed and submitted to the court, unless otherwise directed by the court. If the FRC/FSS submits the report to the court, a copy will also be provided to both the applicant and the respondent.
- (8) The FRC/FSS will testify only to the information provided on the Restraining Order Hearing Family Services Report (JD-FM-258) if directed to do so by the court.

C. Court Appearances-Case Administration

- (1) The FRC/FSS will ensure that all questions answered in the affirmative pertaining to the defendant's access to firearms and/or holding a permit to carry a pistol or revolver, will be reported to the Court on the Firearm Disclosure Notice, JD-FM-189, [FM189.PDF](#) .
- (2) If there is an agreement and the clients are self-represented, the FRC/FSS may prepare the written agreement for the clients to review and sign. A copy of the agreement should be given to each client and the original submitted to the Court.
- (3) The FRC/FSS may review any other tentative agreement to be presented to the Court.
- (4) The DVSI-R, SRI, and any copies of records printed for the review of records will not be provided to the court, unless otherwise directed to do so by the court.
- (5) If there is no agreement, the clerk, counsel, and/or clients will be notified either directly or by note, specifying that a hearing is required.
- (6) The FRC/FSS will be available to provide information to the Court as directed.
- (7) The FRC/FSS will accurately complete the TRO screen in civil CMIS on every TRO conference.

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(8) The FRC/FSS will complete the DVSI-R, SRI, and the JD-FM-258 electronically in CMIS when it becomes available. Prior to that availability of these forms will be handwritten and filed in the office.

4. **Professional Conduct**

- A. The FRC will conduct him/herself in a professional manner, treating clients with courtesy and respect throughout the Civil Restraining Order process. The FRC will strive to be accurate, objective, fair and independent in their work. They will treat all participants and weigh all data, opinions, and hypotheses thoroughly and impartially. They will assess all information that is provided to them in a balanced manner. The process will be an open one in which all participants will be offered the opportunity to respond.
- B. During the course of their involvement with the Civil Restraining Order the FRC shall not have substantive ex-parte communications about the case with the Court, the attorney's representing the parties or children, or the Guardian Ad Litem except of an administrative nature or with mutual consent of all parties.
- C. The FRC will not offer legal advice or conduct any therapeutic intervention with anyone involved in the Civil Restraining Order process.

5. **Exceptions** Any exception to this policy will require prior written approval from the Division's Executive Director.