



General Assembly

February Session, 2020

Raised Bill No. 442

LCO No. 2741



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

**AN ACT CONCERNING COURT PROCEEDINGS INVOLVING
ALLEGATIONS OF FAMILY VIOLENCE AND DOMESTIC ABUSE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-15 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2020*):

3 (a) Any family or household member, as defined in section 46b-38a,
4 who has been subjected to: [a] (1) A continuous threat of present
5 physical pain or physical injury, (2) stalking, [or] (3) a pattern of
6 threatening, including, but not limited to, a pattern of threatening, as
7 described in section 53a-62, (4) a history or pattern of coercive or
8 controlling behavior, including, but not limited to, physical violence and
9 sexual assault, or (5) a history or pattern of psychological abuse,
10 including, but not limited to, intentional isolation, harassment,
11 intimidation and threats relating to (A) the personal safety of the family
12 or household member, (B) the safety of a child of the family or
13 household member, (C) a denial of access to a child of the family or
14 household member, or (D) the exercise of freedom of movement and
15 association by a family or household member, by another family or
16 household member may make an application to the Superior Court for

17 relief under this section. The court shall provide any person who applies
18 for relief under this section with the information set forth in section 46b-
19 15b.

20 (b) The application form shall allow the applicant, at the applicant's
21 option, to indicate whether the respondent holds a permit to carry a
22 pistol or revolver, an eligibility certificate for a pistol or revolver, a long
23 gun eligibility certificate or an ammunition certificate or possesses one
24 or more firearms or ammunition. The application shall be accompanied
25 by an affidavit made under oath which includes a brief statement of the
26 conditions from which relief is sought. Upon receipt of the application
27 the court shall order that a hearing on the application be held not later
28 than fourteen days from the date of the order except that, if the
29 application indicates that the respondent holds a permit to carry a pistol
30 or revolver, an eligibility certificate for a pistol or revolver, a long gun
31 eligibility certificate or an ammunition certificate or possesses one or
32 more firearms or ammunition, and the court orders an ex parte order,
33 the court shall order that a hearing be held on the application not later
34 than seven days from the date on which the ex parte order is issued. The
35 court, in its discretion, may make such orders as it deems appropriate
36 for the protection of the applicant and such dependent children or other
37 persons as the court sees fit. In making such orders ex parte, the court,
38 in its discretion, may consider relevant court records if the records are
39 available to the public from a clerk of the Superior Court or on the
40 Judicial Branch's Internet web site. In addition, at the time of the
41 hearing, the court, in its discretion, may also consider a report prepared
42 by the family services unit of the Judicial Branch that may include, as
43 available: Any existing or prior orders of protection obtained from the
44 protection order registry; information on any pending criminal case or
45 past criminal case in which the respondent was convicted of a violent
46 crime; any outstanding arrest warrant for the respondent; and the
47 respondent's level of risk based on a risk assessment tool utilized by the
48 Court Support Services Division. The report may also include
49 information pertaining to any pending or disposed family matters case
50 involving the applicant and respondent. Any report provided by the

51 Court Support Services Division to the court shall also be provided to
52 the applicant and respondent. Such orders may include temporary child
53 custody or visitation rights, and such relief may include, but is not
54 limited to, an order enjoining the respondent from (1) imposing any
55 restraint upon the person or liberty of the applicant; (2) threatening,
56 harassing, assaulting, molesting, sexually assaulting or attacking the
57 applicant; or (3) entering the family dwelling or the dwelling of the
58 applicant. Such order may include provisions necessary to protect any
59 animal owned or kept by the applicant including, but not limited to, an
60 order enjoining the respondent from injuring or threatening to injure
61 such animal. If an applicant alleges an immediate and present physical
62 danger to the applicant, the court may issue an ex parte order granting
63 such relief as it deems appropriate. If a postponement of a hearing on
64 the application is requested by either party and granted, the ex parte
65 order shall not be continued except upon agreement of the parties or by
66 order of the court for good cause shown. If a hearing on the application
67 is scheduled or an ex parte order is granted and the court is closed on
68 the scheduled hearing date, the hearing shall be held on the next day the
69 court is open and any such ex parte order shall remain in effect until the
70 date of such hearing. If the applicant is under eighteen years of age, a
71 parent, guardian or responsible adult who brings the application as next
72 friend of the applicant may not speak on the applicant's behalf at such
73 hearing unless there is good cause shown as to why the applicant is
74 unable to speak on his or her own behalf, except that nothing in this
75 subsection shall preclude such parent, guardian or responsible adult
76 from testifying as a witness at such hearing. As used in this subsection,
77 "violent crime" includes: (A) An incident resulting in physical harm,
78 bodily injury or assault; (B) an act of threatened violence that constitutes
79 fear of imminent physical harm, bodily injury or assault, including, but
80 not limited to, stalking or a pattern of threatening; (C) verbal abuse or
81 argument if there is a present danger and likelihood that physical
82 violence will occur; and (D) cruelty to animals as set forth in section 53-
83 247.

84 (c) If the court issues an ex parte order pursuant to subsection (b) of

85 this section and service has not been made on the respondent in
86 conformance with subsection (h) of this section, upon request of the
87 applicant, the court shall, based on the information contained in the
88 original application, extend any ex parte order for an additional period
89 not to exceed fourteen days from the originally scheduled hearing date.
90 The clerk shall prepare a new order of hearing and notice containing the
91 new hearing date, which shall be served upon the respondent in
92 accordance with the provisions of subsection (h) of this section.

93 (d) Any ex parte restraining order entered under subsection (b) of this
94 section in which the applicant and respondent are spouses, or persons
95 who have a dependent child or children in common and who live
96 together, may include, if no order exists, and if necessary to maintain
97 the safety and basic needs of the applicant or the dependent child or
98 children in common of the applicant and respondent, in addition to any
99 orders authorized under subsection (b) of this section, any of the
100 following: (1) An order prohibiting the respondent from (A) taking any
101 action that could result in the termination of any necessary utility
102 services or necessary services related to the family dwelling or the
103 dwelling of the applicant, (B) taking any action that could result in the
104 cancellation, change of coverage or change of beneficiary of any health,
105 automobile or homeowners insurance policy to the detriment of the
106 applicant or the dependent child or children in common of the applicant
107 and respondent, or (C) transferring, encumbering, concealing or
108 disposing of specified property owned or leased by the applicant; or (2)
109 an order providing the applicant with temporary possession of an
110 automobile, checkbook, documentation of health, automobile or
111 homeowners insurance, a document needed for purposes of proving
112 identity, a key or other necessary specified personal effects.

113 (e) At the hearing on any application under this section, the court
114 shall, in accordance with the provisions of the Connecticut Code of
115 Evidence, allow testimony from an expert witness in matters where
116 domestic abuse or violence has been alleged provided: (1) Such witness
117 is qualified as an expert by the court in matters relating to domestic
118 violence and abuse on account of the witness's knowledge, skill,

119 experience, training or education on matters relating to domestic
120 violence and abuse or child sexual abuse, (2) the witness's knowledge,
121 skill, experience training or education is not common to the average
122 person, (3) the testimony will be of assistance to the court in its
123 consideration of the issues, and (4) the witness has demonstrated
124 experience in working with persons subjected to domestic violence and
125 abuse. At the hearing on any application under this section, if the court
126 grants relief pursuant to subsection (b) of this section and the applicant
127 and respondent are spouses, or persons who have a dependent child or
128 children in common and who live together, and if necessary to maintain
129 the safety and basic needs of the applicant or the dependent child or
130 children in common of the applicant and respondent, any orders
131 entered by the court may include, in addition to the orders authorized
132 under subsection (b) of this section, any of the following: [(1)] (A) An
133 order prohibiting the respondent from [(A)] (i) taking any action that
134 could result in the termination of any necessary utility services or
135 services related to the family dwelling or the dwelling of the applicant,
136 [(B)] (ii) taking any action that could result in the cancellation, change of
137 coverage or change of beneficiary of any health, automobile or
138 homeowners insurance policy to the detriment of the applicant or the
139 dependent child or children in common of the applicant and
140 respondent, or [(C)] (iii) transferring, encumbering, concealing or
141 disposing of specified property owned or leased by the applicant; [(2)]
142 (B) an order providing the applicant with temporary possession of an
143 automobile, checkbook, documentation of health, automobile or
144 homeowners insurance, a document needed for purposes of proving
145 identity, a key or other necessary specified personal effects; or [(3)] (C)
146 an order that the respondent: [(A)] (i) Make rent or mortgage payments
147 on the family dwelling or the dwelling of the applicant and the
148 dependent child or children in common of the applicant and
149 respondent, [(B)] (ii) maintain utility services or other necessary services
150 related to the family dwelling or the dwelling of the applicant and the
151 dependent child or children in common of the applicant and
152 respondent, [(C)] (iii) maintain all existing health, automobile or
153 homeowners insurance coverage without change in coverage or

154 beneficiary designation, or [(D)] (iv) provide financial support for the
155 benefit of any dependent child or children in common of the applicant
156 and the respondent, provided the respondent has a legal duty to
157 support such child or children and the ability to pay. The court shall not
158 enter any order of financial support without sufficient evidence as to the
159 ability to pay, including, but not limited to, financial affidavits. If at the
160 hearing no order is entered under this subsection or subsection (d) of
161 this section, no such order may be entered thereafter pursuant to this
162 section. Any order entered pursuant to this subsection shall not be
163 subject to modification and shall expire one hundred twenty days after
164 the date of issuance or upon issuance of a superseding order, whichever
165 occurs first. Any amounts not paid or collected under this subsection or
166 subsection (d) of this section may be preserved and collectible in an
167 action for dissolution of marriage, custody, paternity or support.

168 (f) Every order of the court made in accordance with this section shall
169 contain the following language: (1) "This order may be extended by the
170 court beyond one year. In accordance with section 53a-107 of the
171 Connecticut general statutes, entering or remaining in a building or any
172 other premises in violation of this order constitutes criminal trespass in
173 the first degree. This is a criminal offense punishable by a term of
174 imprisonment of not more than one year, a fine of not more than two
175 thousand dollars or both."; and (2) "In accordance with section 53a-223b
176 of the Connecticut general statutes, any violation of subparagraph (A)
177 or (B) of subdivision (2) of subsection (a) of section 53a-223b constitutes
178 criminal violation of a restraining order which is punishable by a term
179 of imprisonment of not more than five years, a fine of not more than five
180 thousand dollars, or both. Additionally, any violation of subparagraph
181 (C) or (D) of subdivision (2) of subsection (a) of section 53a-223b
182 constitutes criminal violation of a restraining order which is punishable
183 by a term of imprisonment of not more than ten years, a fine of not more
184 than ten thousand dollars, or both."

185 (g) No order of the court shall exceed one year, except that an order
186 may be extended by the court upon motion of the applicant for such
187 additional time as the court deems necessary. If the respondent has not

188 appeared upon the initial application, service of a motion to extend an
189 order may be made by first-class mail directed to the respondent at the
190 respondent's last-known address.

191 (h) (1) The applicant shall cause notice of the hearing pursuant to
192 subsection (b) of this section and a copy of the application and the
193 applicant's affidavit and of any ex parte order issued pursuant to
194 subsection (b) of this section to be served on the respondent not less than
195 three days before the hearing. The cost of such service shall be paid for
196 by the Judicial Branch.

197 (2) When (A) an application indicates that a respondent holds a
198 permit to carry a pistol or revolver, an eligibility certificate for a pistol
199 or revolver, a long gun eligibility certificate or an ammunition certificate
200 or possesses one or more firearms or ammunition, and (B) the court has
201 issued an ex parte order pursuant to this section, the proper officer
202 responsible for executing service shall, whenever possible, provide in-
203 hand service and, prior to serving such order, shall (i) provide notice to
204 the law enforcement agency for the town in which the respondent will
205 be served concerning when and where the service will take place, and
206 (ii) send, or cause to be sent by facsimile or other means, a copy of the
207 application, the applicant's affidavit, the ex parte order and the notice of
208 hearing to such law enforcement agency, and (iii) request that a police
209 officer from the law enforcement agency for the town in which the
210 respondent will be served be present when service is executed by the
211 proper officer. Upon receiving a request from a proper officer under the
212 provisions of this subdivision, the law enforcement agency for the town
213 in which the respondent will be served may designate a police officer to
214 be present when service is executed by the proper officer.

215 (3) Upon the granting of an ex parte order, the clerk of the court shall
216 provide two copies of the order to the applicant. Upon the granting of
217 an order after notice and hearing, the clerk of the court shall provide
218 two copies of the order to the applicant and a copy to the respondent.
219 Every order of the court made in accordance with this section after
220 notice and hearing shall be accompanied by a notification that is

221 consistent with the full faith and credit provisions set forth in 18 USC
222 2265(a), as amended from time to time. Immediately after making
223 service on the respondent, the proper officer shall (A) send or cause to
224 be sent, by facsimile or other means, a copy of the application, or the
225 information contained in such application, stating the date and time the
226 respondent was served, to the law enforcement agency or agencies for
227 the town in which the applicant resides, the town in which the applicant
228 is employed and the town in which the respondent resides, and (B) as
229 soon as possible, but not later than two hours after the time that service
230 is executed, input into the Judicial Branch's Internet-based service
231 tracking system the date, time and method of service. If, prior to the date
232 of the scheduled hearing, service has not been executed, the proper
233 officer shall input into such service tracking system that service was
234 unsuccessful. The clerk of the court shall send, by facsimile or other
235 means, a copy of any ex parte order and of any order after notice and
236 hearing, or the information contained in any such order, to the law
237 enforcement agency or agencies for the town in which the applicant
238 resides, the town in which the applicant is employed and the town in
239 which the respondent resides, within forty-eight hours of the issuance
240 of such order. If the victim, or victim's minor child protected by such
241 order, is enrolled in a public or private elementary or secondary school,
242 including a technical education and career school, or an institution of
243 higher education, as defined in section 10a-55, the clerk of the court
244 shall, upon the request of the victim, send, by facsimile or other means,
245 a copy of such ex parte order or of any order after notice and hearing, or
246 the information contained in any such order, to such school or
247 institution of higher education, the president of any institution of higher
248 education at which the victim, or victim's minor child protected by such
249 order, is enrolled and the special police force established pursuant to
250 section 10a-156b, if any, at the institution of higher education at which
251 the victim, or victim's minor child protected by such order, is enrolled,
252 if the victim provides the clerk with the name and address of such school
253 or institution of higher education.

254 (i) A caretaker who is providing shelter in his or her residence to a

255 person sixty years or older shall not be enjoined from the full use and
256 enjoyment of his or her home and property. The Superior Court may
257 make any other appropriate order under the provisions of this section.

258 (j) When a motion for contempt is filed for violation of a restraining
259 order, there shall be an expedited hearing. Such hearing shall be held
260 within five court days of service of the motion on the respondent,
261 provided service on the respondent is made not less than twenty-four
262 hours before the hearing. If the court finds the respondent in contempt
263 for violation of an order, the court may impose such sanctions as the
264 court deems appropriate.

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

267 (l) For purposes of this section, "police officer" means a state police
268 officer or a sworn member of a municipal police department and "law
269 enforcement agency" means the Division of State Police within the
270 Department of Emergency Services and Public Protection or any
271 municipal police department.

272 Sec. 2. Section 46b-56 of the general statutes is repealed and the
273 following is substituted in lieu thereof (*Effective October 1, 2020*):

274 (a) In any controversy before the Superior Court as to the custody or
275 care of minor children, and at any time after the return day of any
276 complaint under section 46b-45, the court may make or modify any
277 proper order regarding the custody, care, education, visitation and
278 support of the children if it has jurisdiction under the provisions of
279 chapter 815p. Subject to the provisions of this section and section 46b-
280 56a, the court may assign parental responsibility for raising the child to
281 the parents jointly, or may award custody to either parent or to a third
282 party, according to its best judgment upon the facts of the case and
283 subject to such conditions and limitations as it deems equitable. The
284 court may also make any order granting the right of visitation of any
285 child to a third party to the action, including, but not limited to,
286 grandparents.

287 (b) In making or modifying any order as provided in subsection (a)
288 of this section, the rights and responsibilities of both parents shall be
289 considered and the court shall enter orders accordingly that [serve the]
290 prioritize the safety and best interests of the child and provide the child
291 with the active and consistent involvement of both parents
292 commensurate with their abilities and interests. Such orders may
293 include, but shall not be limited to: (1) Approval of a parental
294 responsibility plan agreed to by the parents pursuant to section 46b-56a;
295 (2) the award of joint parental responsibility of a minor child to both
296 parents, which shall include (A) provisions for residential arrangements
297 with each parent in accordance with the needs of the child and the
298 parents, and (B) provisions for consultation between the parents and for
299 the making of major decisions regarding the child's health, education
300 and religious upbringing; (3) the award of sole custody to one parent
301 with appropriate parenting time for the noncustodial parent where sole
302 custody is in the best interests of the child; or (4) any other custody
303 arrangements as the court may determine to be in the best interests of
304 the child.

305 (c) (1) In making or modifying any order as provided in subsections
306 (a) and (b) of this section, the court shall [consider] prioritize the safety
307 and the best interests of the child. In doing so, the court shall first review
308 the automated registry of protective orders, maintained pursuant to
309 section 51-5c, to determine whether any parent of the child is listed as a
310 protected party or a respondent in (A) a protective order or restraining
311 order issued by a court of this state, or (B) a foreign order of protection
312 that has been registered in this state pursuant to section 46b-15a.
313 Notwithstanding the provisions of subsection (b) of section 46b-56a,
314 there shall be a rebuttable presumption that joint legal or physical
315 custody is not in the best interests of a child where the court finds that a
316 parent is listed as the respondent in any protective order, restraining
317 order or foreign order of protection maintained on said registry.

318 (2) If, after reviewing the automated registry of protective orders,
319 maintained pursuant to section 51-5c, the court determines that neither
320 parent is listed as a protected party or a respondent to an order

321 maintained on said registry, the court shall inquire as to whether (A)
322 any domestic violence has occurred between the parents or between a
323 parent and another individual or the child, and if so, the effect that such
324 domestic violence has had on the child, and (B) a child, or any sibling of
325 the child, has been abused, as defined in section 46b-120. In making any
326 inquiry as to whether domestic violence has occurred, the court shall
327 determine whether a parent has subjected the other parent to (i) physical
328 or sexual assault, (ii) continuous threat of present physical pain or
329 physical injury, (iii) stalking, (iv) a pattern of threatening, including, but
330 not limited to, a pattern of threatening, as described in section 53a-62,
331 (v) a history or pattern of coercive or controlling behavior, including,
332 but not limited to, physical violence and sexual assault, or (vi) a history
333 or pattern of psychological abuse, including, but not limited to,
334 intentional isolation, harassment, intimidation and threats relating to (I)
335 the personal safety of the family or household member, (II) the safety of
336 a child of the family or household member, (III) a denial of access to a
337 child of the family or household member, or (IV) the exercise of freedom
338 of movement and association by a family or household member, by
339 another family or household member. The court shall make its
340 determination based on the credible evidence presented to the court
341 during an evidentiary hearing. Such hearing shall be for the limited
342 purpose of assisting the court in making the determination required
343 under this subdivision. As used in this subsection, credible evidence of
344 domestic violence includes, but is not limited to, the record and
345 documents described in subsection (b) of section 17b-112a.
346 Notwithstanding the provisions of subsection (b) of section 46b-56a,
347 there shall be a rebuttable presumption that joint legal or physical
348 custody is not in the best interests of a minor child where the court
349 determines that domestic violence has in fact occurred between the
350 parents, or the child, or any sibling of the child, has been abused. If the
351 court declines to enter an order awarding joint custody pursuant to this
352 subsection, the court shall state in its decision the reasons for denial of
353 an award of joint custody.

354 (d) After reviewing the automated registry of protective orders,

355 maintained pursuant to section 51-5c, and making the determination
356 required pursuant to subdivision (2) of subsection (c) of this section, the
357 court may proceed to make or modify any order as provided in
358 subsections (a) and (b) of this section. When doing so, the court shall
359 prioritize the safety and best interests of the child, and in doing so may
360 consider, but shall not be limited to, one or more of the following factors:
361 (1) The temperament and developmental needs of the child; (2) the
362 capacity and the disposition of the parents to understand and meet the
363 needs of the child; (3) any relevant and material information obtained
364 from the child, including the informed preferences of the child; (4) the
365 wishes of the child's parents as to custody; (5) the past and current
366 interaction and relationship of the child with each parent, the child's
367 siblings and any other person who may significantly affect the best
368 interests of the child; (6) the willingness and ability of each parent to
369 facilitate and encourage such continuing parent-child relationship
370 between the child and the other parent as is appropriate, including
371 compliance with any court orders, except when a parent has a
372 reasonable basis to be concerned for the child's safety when the child is
373 with the other parent; (7) any manipulation by or coercive behavior of
374 the parents in an effort to involve the child in the parents' dispute; (8)
375 the ability of each parent to be actively involved in the life of the child;
376 (9) the child's adjustment to his or her home, school and community
377 environments; (10) the length of time that the child has lived in a stable
378 and satisfactory environment and the desirability of maintaining
379 continuity in such environment, provided the court may consider
380 favorably a parent who voluntarily leaves the child's family home
381 pendente lite in order to alleviate stress in the household; (11) the
382 stability of the child's existing or proposed residences, or both; (12) the
383 mental and physical health of all individuals involved, except that a
384 disability of a proposed custodial parent or other party, in and of itself,
385 shall not be determinative of custody unless the proposed custodial
386 arrangement is not in the best interests of the child; (13) the child's
387 cultural background; [(14) the effect on the child of the actions of an
388 abuser, if any domestic violence has occurred between the parents or
389 between a parent and another individual or the child; (15) whether the

390 child or a sibling of the child has been abused or neglected, as defined
391 respectively in section 46b-120; and (16)] and (14) whether the party
392 satisfactorily completed participation in a parenting education program
393 established pursuant to section 46b-69b. The court is not required to
394 assign any weight to any of the factors that it considers, but shall
395 articulate the basis for its decision.

396 [(d)] (e) Upon the issuance of any order assigning custody of the child
397 to the Commissioner of Children and Families, or not later than sixty
398 days after the issuance of such order, the court shall make a
399 determination whether the Department of Children and Families made
400 reasonable efforts to keep the child with his or her parents prior to the
401 issuance of such order and, if such efforts were not made, whether such
402 reasonable efforts were not possible, taking into consideration the best
403 interests of the child, including the child's health and safety.

404 [(e)] (f) In determining whether a child is in need of support and, if in
405 need, the respective abilities of the parents to provide support, the court
406 shall take into consideration all the factors enumerated in section 46b-
407 84.

408 [(f)] (g) When the court is not sitting, any judge of the court may make
409 any order in the cause which the court might make under this section,
410 including orders of injunction, prior to any action in the cause by the
411 court.

412 [(g)] (h) A parent not granted custody of a minor child shall not be
413 denied the right of access to the academic, medical, hospital or other
414 health records of such minor child, unless otherwise ordered by the
415 court for good cause shown.

416 [(h)] (i) Notwithstanding the provisions of subsections (b) and (c) of
417 this section, when a motion for modification of custody or visitation is
418 pending before the court or has been decided by the court and the
419 investigation ordered by the court pursuant to section 46b-6
420 recommends psychiatric or psychological therapy for a child, and such
421 therapy would, in the court's opinion, be in the best interests of the child

422 and aid the child's response to a modification, the court may order such
423 therapy and reserve judgment on the motion for modification.

424 [(i)] (j) As part of a decision concerning custody or visitation, the court
425 may order either parent or both of the parents and any child of such
426 parents to participate in counseling and drug or alcohol screening,
427 provided such participation is in the best interests of the child.

428 Sec. 3. Subsection (a) of section 46b-62 of the general statutes is
429 repealed and the following is substituted in lieu thereof (*Effective October*
430 *1, 2020*):

431 (a) (1) In any proceeding seeking relief under the provisions of this
432 chapter and sections 17b-743, 17b-744, 45a-257, 46b-1, 46b-6, 46b-301 to
433 46b-425, inclusive, 47-14g, 51-348a and 52-362, the court may order
434 either spouse or, if such proceeding concerns the custody, care,
435 education, visitation or support of a minor child, either parent to pay
436 the reasonable attorney's fees of the other in accordance with their
437 respective financial abilities and the criteria set forth in section 46b-82.
438 If, in any proceeding under this chapter and said sections, the court
439 appoints counsel or a guardian ad litem for a minor child, the court may
440 order the father, mother or an intervening party, individually or in any
441 combination, to pay the reasonable fees of such counsel or guardian ad
442 litem or may order the payment of such counsel's or guardian ad litem's
443 fees in whole or in part from the estate of the child. If the child is
444 receiving or has received state aid or care, the compensation of such
445 counsel or guardian ad litem shall be established and paid by the Public
446 Defender Services Commission.

447 (2) In any proceeding seeking relief under the provisions of sections
448 46b-1 to 46b-88, inclusive, if the court determines that a party to the
449 proceeding has committed an act of domestic violence, as described in
450 subsection (c) of section 46b-56, as amended by this act, or has sexually
451 abused a child, whose custody and care is the subject of such a
452 proceeding, the court shall order the party who committed such act of
453 domestic violence or child sexual abuse to pay the reasonable attorney's

454 fees and court-related expenses of the other party in accordance with his
455 or her respective financial abilities.

456 Sec. 4. (NEW) (*Effective July 1, 2020*) (a) There is established, within
457 available appropriations, a program that shall provide individuals with
458 access to legal assistance when making an application for relief from
459 abuse under section 46b-15 of the general statutes, as amended by this
460 act. The Judicial Branch shall administer the program in accordance
461 with the provisions of this section.

462 (b) The Judicial Branch shall contract with one or more nonprofit
463 organizations, whose principal purpose is to provide legal services to
464 individuals, to provide legal assistance to an individual making an
465 application for relief from abuse under section 46b-15 of the general
466 statutes, as amended by this act.

467 Sec. 5. (NEW) (*Effective October 1, 2020*) In any family relations matter
468 described in section 46b-1 of the general statutes, if the total number of
469 motions filed in the matter exceeds one hundred, the court shall issue
470 an order providing that no additional pleading, motion, objection or
471 request be filed by a party and be made part of the court file without
472 prior approval of the court. When determining whether such additional
473 pleading, motion, objection or request be made part of the court file, the
474 court shall give due consideration to the equitable nature of the
475 additional pleading, motion, objection or request and its relevance to the
476 matter.

477 Sec. 6. Section 46b-38i of the general statutes is repealed and the
478 following is substituted in lieu thereof (*Effective October 1, 2020*):

479 (a) The Judicial Department shall provide training to all Judicial
480 Department staff, including judges and court personnel, within
481 available appropriations, on family violence issues and law, including,
482 but not limited to, issues and law related to family violence in
483 immigrant communities. Such training shall address arrest policies and
484 eligibility for federal T Visas for victims of human trafficking and
485 federal U Visas for unauthorized immigrants who are victims of family

486 violence and other crimes. Such training shall be conducted by persons
 487 with demonstrated knowledge, skill and experience in working with
 488 persons subjected to domestic violence and abuse.

489 (b) The Judicial Department shall, on an ongoing basis, within
 490 available appropriations, study and implement methods to reduce
 491 disparities in the disposition of family violence cases among geographic
 492 areas.

493 (c) The Senate and House chairpersons of the joint standing
 494 committee on judiciary shall appoint six persons from among the
 495 members of the committee who, with the chairpersons, shall meet
 496 annually, with the Chief Court Administrator and the Superior Court
 497 judge who has been designated as the chief administrative judge for the
 498 Family Division of the Super Court, to confer and consult with respect
 499 to the efforts undertaken by the Judicial Department to comply with the
 500 requirements of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	46b-15
Sec. 2	<i>October 1, 2020</i>	46b-56
Sec. 3	<i>October 1, 2020</i>	46b-62(a)
Sec. 4	<i>July 1, 2020</i>	New section
Sec. 5	<i>October 1, 2020</i>	New section
Sec. 6	<i>October 1, 2020</i>	46b-38i

Statement of Purpose:

To enhance court protections afforded to victims of family violence and domestic abuse.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]