FOREIGN ORDERS OF PROTECTION

If you have a foreign order of protection that meets federal standards, see 18 USC 2265, it can be enforced in Connecticut whether or not the order has been registered in Connecticut and has been entered into Connecticut's automated registry of protective orders. The Violence Against Women Act, which is a federal law, states that all valid restraining orders granted in the United States receive "full faith and credit" in all state and tribal courts within the US, including US territories.

A foreign order of protection shall be presumed valid if such order appears authentic on its face. The fact that a foreign order of protection has not been entered into Connecticut's automated registry of protective orders shall not be grounds for refusing to enforce such order in this state.

A law enforcement officer shall enforce a foreign order of protection in accordance with its terms and the law of this state, and shall arrest any person suspected of violating such order and charge such person with criminal violation of a restraining order.

A foreign order of protection may be registered in Connecticut by sending to the Superior Court in this state: (1) A letter or other document requesting registration; (2) two copies, including one certified copy, of the foreign order of protection sought to be registered and a statement under penalty of perjury that, to the best of the knowledge and belief of the petitioner, the order has not been modified; and (3) the name and address of the person seeking registration, except if the disclosure of such name and address would jeopardize the safety of such person. Upon receipt of the documents the registering court shall: (1) Cause the foreign order of protection to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form; and (2) cause the foreign order of protection to be entered in Connecticut's automated registry of protective orders together with any accompanying information required or permitted to be contained in the registry of protective orders pursuant to the procedures adopted by the Chief Court Administrator.

Violation of a standing criminal restraining order is a class D felony, punishable by up to (5) years in prison, a $5,000 fine, or both.

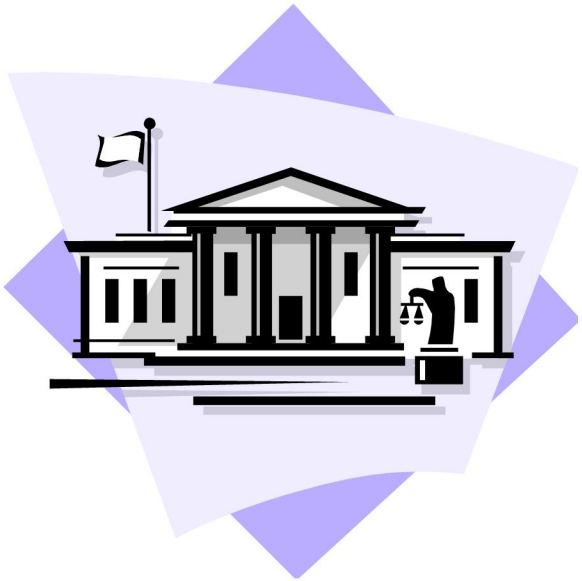
NOTES...

Office of the Victim Advocate

505 Hudson Street, 5th Floor
Hartford, CT 06106
Phone: 860-550-6632
Fax: 860-566-3542
Website: www.ova.state.ct.us

Quick Reference Guide

Orders of Protection



State of Connecticut
Office of the Victim Advocate

505 Hudson Street
Hartford, CT 06106
Phone (860) 550-6632
Toll Free 1-888-771-3126 (CT Only)
Fax (860) 566-3542
www.ova.state.ct.us

RESTRAINING ORDERS

Restraining orders are issued by the Family Division of the Civil Courts.

A crime victim may file an application with the civil court to obtain a restraining order to stop a continuous threat of present physical pain or physical injury from a spouse, former spouse, family or household member, and includes a person in a dating relationship or past dating relationship. Additionally, restraining orders may include orders of temporary custody or visitation of minor children. Restraining orders remain in effect for (6) six months, unless extended by the court upon the applicant's request for such additional time as the court deems necessary. A victim has a right to apply for a restraining order even if a "no contact" or protective order has been issued by the Criminal Court.

After a victim applies for a restraining order the court may grant the victim a temporary (Ex Parte) order. Even if the court does not grant the victim a temporary ex parte order, the court will schedule a full court hearing within 14 days. Once the judge has set a hearing date, the victim must arrange to serve the abuser with the court papers. Service must be made by a proper officer. The Court Clerk's Office maintains a list of proper officers.

A notice of hearing is required not less than (5) five days prior to the hearing date.

A restraining order generally terminates in 14 days (Temporary Ex Parte), or 6 months (After Hearing), unless modified or extended by the Court.

Once the order is granted by the court, the clerk will enter the order into the Connecticut Automated Registry of Protective Orders.

Violation of a restraining order is a class D felony, punishable by up to (5) five years in prison, a $5,000 fine, or both.

PROTECTIVE ORDERS

Protective Orders are issued by the Criminal Courts. Typically, the protective order is issued at arraignment, but it can be issued at *any* time during the pending criminal proceeding.

A protective order terminates when the court disposes of the underlying criminal case, unless vacated by the court prior to disposition.

Notice of the protective order is provided to the defendant at court.

A crime victim may obtain a protective order upon the arrest of the offender for family violence, stalking or harassment crimes. Public Act 08-84 expanded courts' authority to issue protective orders. Beginning on October 1, 2008, the court may also issue a protective order when a person is arrested for committing or attempting to commit certain risk of injury offenses against a child under the age of 16, sexual assault in the 1st, 2nd, 3rd, or 4th degree, first-degree aggravated assault of a minor or third-degree sexual assault with a firearm.

Once a protective order is issued by the court, the court clerk must send a copy of the protective order to the crime victim. The court clerk must also send a certified copy of the order, within 48 hours of its issuance, to the appropriate law enforcement agency/agencies. In some situations, it may be advisable for a victim to also seek a restraining order in family court for additional court-ordered protections.

Once the order is granted by the court, the clerk will enter the order into the Connecticut Automated Registry of Protective Orders.

Violation of a protective order is a class D felony, punishable by up to (5) five years in prison, a $5,000 fine, or both. A violation also violates bail or release conditions and may result in a court raising the amount of bail or revoking release.

STANDING CRIMINAL RESTRAINING ORDERS

Standing criminal restraining orders are issued by the Criminal Courts. Typically, the standing criminal restraining order is issued at the time of sentence, but it can be issued after the defendant has begun serving his/her sentence.

A standing criminal restraining order remains in effect unless and until it is modified or revoked by the criminal court for good cause shown upon motion and hearing.

Notice of the standing criminal restraining order is provided to the defendant at court.

A victim may obtain a standing criminal restraining order if a person is ***convicted*** of certain offenses of assault, sexual assault, stalking, harassment, criminal violation of a protective order, criminal violation of a restraining order, or attempt or conspiracy to violate any said sections or murder, against a family or household member, or any crime that the court determines constitutes a family violence crime or attempt or conspiracy to commit any such crime. If a person is convicted of any crime against a family or household member other than a crime specified above, the court may, for good cause shown, issue a standing criminal restraining order. This order will remain in effect forever into the future unless and until it is modified or revoked by the court.

Once the order is granted by the court, the clerk will enter the order into the Connecticut Automated Registry of Protective Orders

Violation of a standing criminal restraining order is a class D felony, punishable by up to (5) five years in prison, a $5,000 fine, or both.