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860-344-0380

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**FAMILY**

**LEGAL SERVICES**

SELF-HELP SERIES

## How to Apply for a Restraining Order

October 2022

***We offer free legal help in many areas including:***

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  - SNAP (food stamps)
  - divorce
  - child support
  - domestic violence
  - bankruptcy
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[www.ctlegal.org](http://www.ctlegal.org)

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Hartford, CT 06105  
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#### **New Haven Legal Assistance Association**

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*This booklet was produced by the Legal Assistance Resource Center of Connecticut in cooperation with Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services.*

*The information in this booklet is based on laws in Connecticut as of 10/2022. We hope that the information is helpful. It is not intended as legal advice. For advice on your situation, call Statewide Legal Services or contact a lawyer.*

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## Motion to Extend Restraining Order

Docket # [Get this from the first order] : SUPERIOR COURT  
[Your name] : J.D. of [Get this from the first order]  
v. : At: [City where court is located]  
[Other person's name] : [Today's date]

### MOTION TO EXTEND RESTRAINING ORDER

1. I obtained an ex parte restraining order on [date of restraining order] against the defendant ordering the defendant to refrain from imposing any restraint, assaulting, molesting, sexually assaulting or attacking me and entering my current dwelling.
2. The Court also ordered [list whatever else might apply to your case, for example "temporary custody of my children"].
3. The order was continued after a hearing on [date of original hearing] for [length of original restraining order] until [date order ends]
4. I feel that I have a continuing need for the Court's protection.

WHEREFORE, I request that the restraining order be continued as granted except [list anything that needs to be corrected or added – your new address, for example] until further order of the court.

THE PLAINTIFF  
BY: [Your signature]  
PRO SE  
[Your printed name]  
[Your address]

### ORDER

The foregoing motion having been heard, it is hereby ORDERED: GRANTED/DENIED.

BY THE COURT

\_\_\_\_\_  
Judge

### CERTIFICATION

I hereby certify that copies of the foregoing were mailed on [date] to all counsel and pro se parties of record, to wit:

[Other person's name or attorney's name]

[Address]

\_\_\_\_\_  
[Your signature]

If you are in danger of being hurt by a family or household member or someone you have been dating, you can ask the family court for a *restraining order*. A restraining order is a paper from the court that tells someone to stay away from you and/or to stop hurting, threatening, or stalking you.

**If you are in danger right now, call 9-1-1.** You can also get help from a domestic violence program in Connecticut by calling visiting [www.ctsafeconnect.com](http://www.ctsafeconnect.com) or calling **888-774-2900**. They can help you with emergency shelter, safety planning, information, and more.

### ***What is the difference between a restraining order and a criminal protective order?***

A **protective order** is ordered by a judge in criminal court, usually after someone has been arrested.

If someone has been arrested for hurting, threatening, or stalking you, the criminal court may give you a *protective order* to keep that person away from you. But a *protective order* only lasts until the criminal case ends, and it may not always protect other people in your family, including any children.

A **restraining order** is ordered by a judge in family court, and it applies only to certain people (explained below).

You can ask the family court for a *restraining order* whether you have a or not. A restraining order can last longer than a criminal *protective order*, and it can also protect other members of your family.

This booklet will tell you how to ask the family court for a restraining order. There are other ways you can protect yourself from family violence. To learn more, talk to a domestic violence agency or a lawyer.

### ***Who can a restraining order protect me from?***

- Your spouse or ex-spouse.
- Your parent, child, or other relative.
- Someone you live with now or used to live with.
- Someone you have a child with, even if you have never lived together or been married.
- Someone you are or were dating.
- A caretaker providing shelter in their home to a person 60+ years old.

If the person harming you is not in one of these categories, you should contact the police.

### ***How can a restraining order help me?***

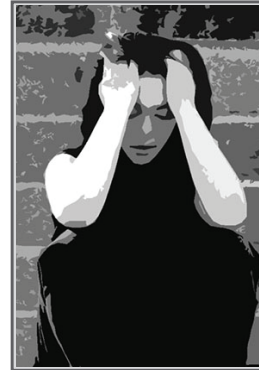
A restraining order tells someone to not hurt you, threaten to hurt you, or stalk you. This includes hitting, pushing, kicking, biting, scratching, or anything else that hurts you.

In certain situations, you can also ask the court to order that specific belongings or documents be given to you, such as

- a vehicle;
- a checkbook;
- insurance documents; or
- a document you need to prove your identity, such as an ID or passport.

You can also ask the court to order the other person to

- pay the rent or mortgage on the home;
- pay for utilities for the home;
- provide financial support for the children;
- not shut off utilities for the home;
- not change or cancel health, auto, or homeowner's insurance; and
- not sell, hide, or get rid of property that you own or lease.



If you are not safe at home

*Call, email, or chat.*

24-Hour Hotline

**1-888-774-2900**

[www.ctsafeconnect.com](http://www.ctsafeconnect.com)

### **Notes**

### ***What if I need the restraining order to continue?***

If you need to make your restraining order last longer than the expiration date, follow these steps:

1. At least two months before your order expires, fill out a *Motion to Extend a Restraining Order*. There is a sample motion that you can fill out at the end of this booklet. Leave the *Order* section and the dates in the *Certification* section blank.
2. When you are ready to mail the form, fill in the dates and the Certification section. The Certification section on the second page of the form tells the court when you mailed copies of the motion and who you sent them to. Make a copy of your Motion and mail it to the other person using first-class mail. Mail another copy to their lawyer, if he or she has one.
3. Take the original *Motion* and a copy to the clerk's office at the courthouse where you got your previous restraining order. The clerk will file the original, stamp the copy, and give you the copy to keep for your records.
4. The clerk will mail you a notice that says when you must go back to court to ask the judge to extend your order.
5. Go to the court hearing on the date listed on the notice.

If the court extends your order, ask the clerk how to get a certified copy of the new order. If the defendant disobeys the order, you will need a certified copy to show the police.

### ***If you need more help...***

- Call or text the 24-hour hotline at 1-888-774-2900. Or go to [www.ctsafeconnect.com](http://www.ctsafeconnect.com). You can also email or chat with someone there confidentially. Help is available 24/7.
- Read *Social Media and Smartphone Safety for Victims of Family Violence* on our website: [www.ctlawhelp.org](http://www.ctlawhelp.org).

These orders are called *Orders of Maintenance*, and you can ask for them if the other person is your spouse or if they are the parent of your minor child and you all live together.

*Orders of Maintenance* expire 120 days from when they were issued or when a judge enters new orders to replace them.

## **How can I ask for a restraining order?**

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### ***Step 1: Fill out the court forms.***

You can get these forms at any courthouse or online at [www.jud.ct.gov/webforms](http://www.jud.ct.gov/webforms). You can get help at a Court Service Center, located in most courthouses.

- ▶ *Application for Relief from Abuse* (#JD-FM-137)  
This form tells the judge the names, addresses, and birth dates of the people in your case. You can also use this form to tell the court if the other person has guns.
- ▶ *Affidavit for Relief from Abuse* (#JD-FM-138)  
This form tells the judge why you need a restraining order.
- ▶ *Request for Nondisclosure of Location Information* (#JD-FM-188)  
This form makes sure that your contact information will be kept private and not shared with the other person.
- ▶ *Restraining Order Service Respondent Profile* (#SMC-2)  
This is a form provides information about the other person.

### ***What if I have children who are also in danger?***

**If you have children under 18** and you will be asking for them live with you, you should also fill out an *Affidavit Concerning Children* (#JD-FM-164).

The court may give you temporary custody of the children until the restraining order expires. If you want permanent custody orders, you will need to start a separate divorce or custody case in Family Court.



If the court doesn't give you temporary custody in the restraining order, you can start a separate divorce or custody case.

You can get more help from:

- a domestic violence agency (888-774-2900),
- a Court Service Center (at the courthouse), or
- Statewide Legal Services (1-800-453-3320).

You must tell the truth on your forms. Keep in mind that the other person will get a copy of your forms (except for your contact information). Be sure to fill out the Request for Nondisclosure of Location Information (#JD-FM-188) so your contact information is kept private.

### ***Step 2: Bring your completed forms to the court clerk's office.***

Bring your completed forms to the clerk's office at the courthouse that serves either the town where you live or where the other person lives.

The clerk will give your forms to a judge who will decide on your restraining order by the end of the day. If the judge grants your restraining order, the court will set a date for a hearing to be held within 14 days of (or within 7 days if the other person has a permit to carry or own firearms).

If the judge grants the requests in your restraining order paperwork, these orders are temporary. This **temporary** restraining order protects you until your court hearing. If you want the temporary restraining order to last beyond the court hearing, you must go to court on the hearing date and tell the judge what you need and why you are afraid.

Instead of granting a temporary restraining order, the judge might instead order a hearing to listen to both sides of the story.

### ***The Judge's Decision***

**If the judge decides to give you a restraining order after the hearing takes place:**

- The clerk will give you a certified copy of your order. Make several copies. Keep a copy of the order with you at all times. It may also be helpful to keep a copy at work, at home, and at your children's school or daycare.
- If the other person does not come to the hearing, the clerk will send them a copy at the address listed on your first request for a restraining order. You don't need to have the other person served by a marshal after the hearing.
- The court will fax the order to the police departments where you live and work.
- The court will also fax the order to the police department where the other person lives.
- Read and follow all court orders about custody and visitation for your children.

**If the judge decides NOT to give you a restraining order,** talk to a lawyer or a domestic violence agency.

### ***What if the other person does not obey the restraining order?***

- If you are in danger, call 9-1-1.
- If the other person disobeys a "no contact" or "no violence" order, you can call the police and show them your order.
- If the other person disobeys any part of your restraining order, you can ask the court to punish him/her. You must fill out a *Motion for Contempt* (JD-FM-173). If you need help with the form, ask the Court Service Center or the clerk's office. See the booklet, *How to Ask for a Contempt Order*.

If the other person is not at the hearing or you can't come to an agreement, wait in the courtroom until the judge calls your name. You will have a hearing, and the judge will decide your case.

***When the judge calls your name:***

- Stand up and say "Ready."
- Go to the front of the courtroom and stand behind one of the tables.
- When you speak, stand up and call the judge "Your Honor."
- Be calm, polite, and don't interrupt the judge or anyone else.
- Tell the judge why you need a restraining order and for how long you need it. Show the judge any evidence you brought. Also tell the judge if the other person has disobeyed the temporary restraining order.
- You can ask for an order that lasts up to one year, but you must prove that you need it. (If the judge orders that it lasts for one year, you can renew it before it expires. (See, "*What if I need the restraining order to continue?*" below.)
- You can also ask for an order that lasts "until further order of the Court." (This means the order will last for an unlimited amount of time, until one of the parties asks for a court order to change it.)
- The other person will also have a chance to tell the judge what happened.
- The judge will make a decision.

If this happens there, is no protection in place. You must go to court on the hearing date and tell the judge why you are afraid and what you need.

***Step 3: Have a marshal give the papers to the other person.***

If the judge grants you a temporary restraining order or orders a hearing, the clerk will give you back the original papers along with some extra copies. You will need to ask a State Marshal to deliver (or serve) a copy of these papers on the other person. The marshal will serve the papers for free. There is a list of marshals online or the court clerk can give you a list.

It is very important that you fill out the *Restraining Order Service Respondent Profile* (SMC-2) mentioned in Step 1. This form tells the marshal what the person looks like, where and what hours they work, the places they visit regularly, what kind of car they drive, and if they have weapons. It is important that you give detailed information about the other person so the marshal can find them and give them the restraining order. If you have a photograph of the other party, bring it with you to show the marshal. You will need to have the marshal serve the papers on the other person **not less than 3 days before the hearing date**.

**If the other person has guns**, there will be a hearing within 7 days from when the judge signs the order.

**If the other person does not have guns**, there will be a hearing within 14 days from when the judge signs the order.

**Important:** You **must** have the marshal serve the papers on the other person. If you don't have the other person served and they don't have notice of the hearing, the case won't be able to proceed on the hearing date. If the other person is not served, you should still go to the hearing and ask the court what you should do next.

#### ***Step 4: Get ready for your court hearing.***

Collect any evidence you need, such as medical records, photos, or police reports.

If you want a witness (such as a neighbor or police officer) to speak at your hearing but you think the witness may not want to go to the hearing, you can ask the clerk for a subpoena (pronounced sa-PEA-na). A subpoena is a court order that says the witness must go to your hearing. You will have to get a marshal to serve the subpoena. It must be served at least 18 hours before the hearing, so you should get the subpoena at least 2 or 3 days before your hearing.

If you have questions or need help, call a domestic violence agency or talk to a lawyer.

#### ***Step 5: The day of your hearing:***

- If you don't speak English and you need an interpreter, contact the court clerk as soon as you know your hearing date. The court will not allow a family member or friend to interpret for you.
- Get to court early. It could take 20 to 30 minutes to go through security and find your courtroom.
- Each courthouse is different, so ask the clerk's office in advance if you will be required to meet with Family Services before going to the courtroom. Note: You and the other person will have separate meetings with Family Services.
- Ask the clerk's office which courtroom you should go to. Tell the clerk inside the courtroom that you are ready. Show copies of your restraining order paperwork and any other papers for your case.
- Turn your cell phone off.
- Wear your good clothes and be polite to everyone.

- Do not take your children into the courtroom. If you don't have a babysitter, bring someone who can watch them in the hallway while you are in the courtroom.
- If you have questions or need help, call a domestic violence agency or a lawyer.

**Important!** The other person has the right to go to the hearing, so you may see them there.

#### ***What happens at the hearing?***

##### **If the other person is at the courthouse:**

The court will ask you and the other person to meet with a Family Relations Counselor first. The counselor will suggest a way to make an agreement about your case instead of having a hearing. You don't have to accept the counselor's suggestion.

If the temporary restraining order signed by the judge orders no contact between you and the other person or if you are afraid, you should **tell one of the courthouse marshals as soon as you get to the courthouse.**

##### **If you and the other person can make an agreement:**

The Family Relations Counselor will put the agreement in writing and give it to the judge after both of you have signed it. Then the judge will ask you and the other person questions like:

- Is this your agreement?
- Did you read it?
- Do you understand it?
- Did you sign it?
- Did anyone force you to agree to this?
- Do you think this agreement is fair under all of the circumstances?
- Do you think this agreement is in the best interest of your child/children?
- Do you want me to make your agreement a court order?