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Legal Services
of Connecticut, Inc.

Statewide Legal Services

1-800-453-3320

860-344-0380

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www.ctlawhelp.org

FAMILY

LEGAL SERVICES

SELF-HELP SERIES

How to Apply for a Restraining Order

December 2018



We offer free legal help in many areas including:

- welfare
 - SNAP (food stamps)
 - divorce
 - child support
 - domestic violence
 - bankruptcy
 - special education
 - nursing home care
 - health insurance
 - eviction
 - foreclosure
- ...and more*

See reverse side for more about Legal Services.

If you're 60 or over, call your local legal aid office:

Eastern CT	800-413-7796	Western CT	800-413-7797
Hartford Area	860-541-5000	Bridgeport Area	800-809-4434
Stamford Area	800-541-8909	New Haven Area	203-946-4811

If you're under 60, call SLS for help:



Statewide Legal Services
1-800-453-3320
860-344-0380

Search our website for help:



www.ctlawhelp.org

If you're under 60, call us for help:



Statewide Legal Services
1-800-453-3320 or 860-344-0380

Search our website for help:



www.ctlawhelp.org

If you're over 60, call your local legal aid office.

Connecticut Legal Services

www.ctlegal.org

Bridgeport

1000 Lafayette Blvd Suite 950 203-336-3851

New Britain

16 Main Street 860-225-8678

New London

125 Eugene O'Neill Dr. Suite 120 860-447-0323

Stamford

20 Summer Street 203-348-9216

Waterbury

85 Central Avenue 203-756-8074

Willimantic

1125 Main Street 860-456-1761

Greater Hartford Legal Aid

www.ghla.org

999 Asylum Avenue
Hartford, CT 06105
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New Haven Legal Assistance Association

www.nhlegal.org

426 State Street
New Haven, CT 06510
203-946-4811

Consumer Law Project for Elders

Free legal assistance to people 60 and over throughout Connecticut who have money/debt problems.
1-800-296-1467

How to Apply for a Restraining Order

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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 2/2018. 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.

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]

Introduction

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

If you are in danger right now, call 9-1-1. You can also contact a domestic violence program in Connecticut by calling the 24-hour statewide hotline at **888-774-2900**. They can help you with emergency shelter, information, and more.

What is the difference between a temporary restraining order and a protective order?

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

If someone (in your family or not) 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 protect other people in your family.

A temporary restraining order is ordered by a judge in family court and it applies only to certain people, as explained on the next page.

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

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

Who can a temporary restraining order protect me from?

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

If the person harming you is not a member of your family or household, you should contact the police.

How can a restraining order help me?

A restraining order can order that person 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 you temporarily have specific belongings or documents such as

- a vehicle;
- a checkbook;
- documentation of health, automobile, or homeowner's insurance; or
- a document you need to prove your identity, such as an ID or passport.

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

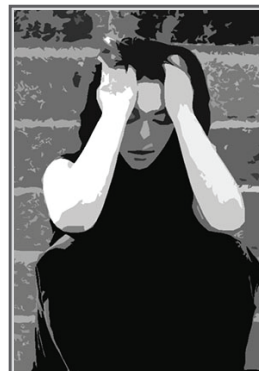
- not shut off utilities for the home;
- not cancel or change health, auto, or homeowner's insurance;
- not sell, hide, or get rid of property that you own or lease;
- make rent or mortgage payments on the home;
- pay for utilities for the home;
- provide financial support for the children.

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...

- Contact a domestic violence program in Connecticut.
- Call the 24-hour statewide hotline at 1-888-774-2900. They can help you 24/7 with emergency shelter, crisis intervention, information, and referrals.
- Read Social Media and Smartphone Safety for Victims of Family Violence on our website: www.ctlawhelp.org.



Domestic Violence Programs in CT

Emergency shelter, 24-hour hotline, crisis intervention, and information and referral services available.

**24-Hour
Statewide Hotline
1-888-774-2900**

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 legal aid booklet, *How to Ask for a Contempt Order*.

What if I need the order to last longer?

If you need to make your order last longer, follow these steps:

1. At least one to 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 for now.
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.

These specific orders, called *Orders of Maintenance*, expire 120 days from when they are issued or when a judge enters new orders to replace them.

You can apply for Orders of Maintenance in these situations:

- The other person is your spouse.
- The other person is the parent of your minor child or children, and you all live together.

For more information, you can get help at a Court Service Center, located in most courthouses.

How to ask for a restraining order

Step 1: Fill out the court forms.

You will need to fill out the following forms. You can get them at any courthouse or online at www.jud.ct.gov/webform.

- *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. It also lets you tell the court if the 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.
- *Restraining Order Service Respondent Profile* (SMC-2). This is a form you must fill out with information about the other person. The marshal will need to know what the person looks like, where and what hours they work, the places they visit regularly, and if they have weapons. It’s important that you give detailed information about the other person so the marshal can find them and deliver the restraining order. If you have a photograph of the other party, bring it with you and show it to the marshal.

What if I have children who are also in danger?

If you have children under 18 and you will be asking the court to have 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 custody case in Family Court. Ask the clerk or a lawyer how to do this.

If the court does **not** give you temporary custody in the restraining order, you can start a separate custody case. Ask a lawyer how to do this.

You can ask for help filling out forms at

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

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: File the court forms with the court clerk.

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

The clerk will give your forms to a judge. The judge will decide on your restraining order by the end of the day that you submit your paperwork to the clerk. If the judge grants your restraining order, the court will set a date for a hearing. The hearing will be held within 14 days of when the judge signs the temporary restraining order (or within 7 days if the other person has a permit to carry or own a firearm or ammunition).

- 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 about what happened.
- The judge will make a decision.

The Judge's Decision

If the judge decides to give you a restraining order:

- 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 temporary 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 departments 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:

Try to find out why by asking the judge. If there was a mistake with how the papers were served on the other person, you may be able to fix it. If the court says you have to start over from the beginning, talk to a lawyer or a domestic violence agency.

If you and the other person make an agreement:

The officer will put the agreement in writing and give it to the judge. Then the judge will ask you and the other person these questions:

- Is this your agreement?
- Did you read it?
- Did you sign it?
- Did anyone force you to agree to this?
- Do you think the agreement is fair, under all of the circumstances?
- Do you want me to make your agreement a court 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 and polite. Do not interrupt the judge or anyone else.
- Tell the judge why you need a restraining order and for how long. Show the judge any evidence you brought. Also tell the judge if the other person 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 order to last longer?***")

A temporary restraining order protects you until your court hearing. If you want the temporary 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.

The judge may not grant a temporary restraining order, but instead order a hearing to listen to both sides. 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 serve the papers on the other person.

If the judge grants your temporary restraining order or an order for a hearing, the clerk will give you back the original papers and 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.

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 the date the judge signs the order.

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

Some courts will want you to call ahead before your hearing and mark your case "READY." This lets the court know that you are planning to come to court on your hearing day. Ask the clerk if you will need to call ahead of time to mark the case ready. (Some courts don't follow this procedure, so check with the clerk ahead of time.)

Important: You must have the marshal serve the papers on 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 this happens, you can ask the court to extend the temporary restraining order for 14 days so the marshal can deliver the papers. If the judge decides to extend the temporary restraining order, the clerk will prepare papers for the marshal to try to serve the other person again.

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're worried the witness may not 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 18 hours or more before the hearing, so you should go to the clerk's office at least 2 or 3 days before your hearing if you want to get a subpoena.

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 Superior Court operations at (860) 706-5040 as soon as you know your hearing date. Usually the court does not like a family member or friend to interpret in these types of cases.
- Get to court early. It may 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 must meet with Family Services before going to the courtroom.

- Ask the clerk's office which courtroom you should go to. Go inside the courtroom. Tell the clerk inside the courtroom that you are ready. Show copies of your *Temporary Restraining Order* and other papers for your case, including any papers the marshal gave you.
- 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 there:

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

If the restraining order signed by the judge orders no contact between you and the other person, you should tell one of the courthouse marshals. They will help make sure that you can meet with Family Relations separately and without any problems.