

## COMPARISON OF ORDERS OF PROTECTION<sup>1</sup>

*Current to 2020*

No individual who is listed as a protected person on any order may be liable for: (1) soliciting, requesting, commanding, importuning, or intentionally aiding in the violation of the order; or (2) conspiracy to violate such order.

<b>Protective Orders and Restraining Orders</b>				
<b>Type of Order</b>	<b>How the Order is Made</b>	<b>How Long the Order Lasts</b>	<b>Provisions that May Be Included</b>	<b>Violations</b>
<b>Protective Order (PO)</b> (C.G.S. <a href="#">§46b-38c</a> ) (C.G.S. <a href="#">§ 54-1k</a> )	<ul style="list-style-type: none"> <li>➤ Issued by a judge in a criminal case, usually at the time of arraignment.</li> <li>➤ There is no cost to the victim.</li> <li>➤ Victim may not want a PO or even know the PO has been issued.</li> <li>➤ Offender, not the victim, is responsible for upholding order.</li> <li>➤ Is a condition of the offender’s release.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Duration of the criminal court case.</li> <li>➤ Until criminal case ends</li> <li>➤ Judge may modify or terminate at any time, without victim knowing.</li> <li>➤ May continue during probation [CGS <a href="#">§53a-28(f)</a>]</li> <li>➤ Check with Protection Order Registry</li> </ul>	<ul style="list-style-type: none"> <li>➤ Offender not to threaten, harass, assault, molest, sexually assault or attack the protected person (partial/limited order).</li> <li>➤ Offender must stay away from the protected person’s home (full/ residential stay-away order).</li> <li>➤ Offender to have NO CONTACT with victim.</li> <li>➤ Offender to remain 100 yards away from victim.</li> <li>➤ Order may extend to victim’s minor children, but will usually not include custody orders. May include animals.</li> <li>➤ Any other orders the court deems necessary to protect the safety of the victim and dependent children.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Criminal Violation of a Protective Order [C.G.S. <a href="#">§53a-223</a>] (D Felony)</li> <li>➤ Unless violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation, or attack of a victim (C Felony).</li> <li>➤ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, threatening, burglary, assault, intimidating a witness, etc.).</li> <li>➤ Criminal Trespass 1<sup>st</sup> [CGS <a href="#">§53a-107</a>] if in violation of PO.</li> </ul>

<sup>1</sup> The orders outlined in this chart are not mutually exclusive. A family violence victim could have more than one valid order from the same category or more than one valid order from multiple categories in effect at the same time (i.e. two protective orders, a protective order and a restraining order, etc.). Law enforcement must enforce the strictest provisions of any and all valid orders.

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<p style="text-align: center;"><b>Restraining Order (RO)</b> (C.G.S. <a href="#">§46b-15</a>)</p> <p>Includes Ex-Parte order</p>	<ul style="list-style-type: none"> <li>➤ Victim files an “Application for Relief from Abuse” in the Family Division of Superior Court (civil court).</li> <li>➤ Ex-parte order may be granted by judge. Hearing on order scheduled within 14 days.</li> <li>➤ Victim must ensure that offender is “served” with notice of hearing.</li> <li>➤ Offender, not the victim, is responsible for upholding order.</li> <li>➤ There is no cost to the victim (for filing or service).</li> </ul>	<ul style="list-style-type: none"> <li>➤ Ex-parte order lasts until day of hearing, which is within 14 days of date of issuance.</li> <li>➤ 7 day hearing if firearms, permit, eligibility certificate disclosure.</li> <li>➤ Marshal/PD service in hand when possible.</li> <li>➤ At hearing, judge can extend the order for 1 year with possible extension beyond 1 year.</li> <li>➤ If victim wants to extend order beyond initial 1 year term, must file a motion at least 12 days prior to expiration.</li> <li>➤ Order will not end prior to the expiration date without the victim being notified.</li> <li>➤ Check with Protection Order Registry.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Same provisions as in Protective Orders (above).</li> <li>➤ May include custody orders.</li> <li>➤ May include financial conditions for spouse (ex)/dependent children, living together (i.e. utilities, insurance, mortgage, rent, support).</li> <li>➤ No disposal of property, documents, keys, ID.</li> <li>➤ Must surrender weapons immediately, but not later than 24 hours after notice.</li> <li>➤ Must surrender permit/eligibility certificate within 5 days of notice.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Criminal Violation of a Restraining Order (C.G.S. <a href="#">§53a-223b</a>) (D Felony)</li> <li>➤ Unless violation includes, imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation or attack of victim (C Felony).</li> <li>➤ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, threatening, burglary, assault, intimidating a witness, etc.).</li> <li>➤ Criminal Trespass 1<sup>st</sup> [CGS <a href="#">§53a-107</a>] if in violation of RO.</li> <li>➤ Victim also can file a Motion for Contempt in court where order was issued.</li> <li>➤ Violation of financial conditions is NOT a criminal violation; explain option to file Motion for Contempt</li> </ul>
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<p><b>Standing Criminal Protective Order (SCPO)</b> (C.G.S. <a href="#">§53a-40e</a>)</p> <p><i>AKA: Standing Criminal Restraining Order (pre-Oct. 1, 2010)</i></p> <p><i>Permanent Protective/Restraining Order</i></p>	<ul style="list-style-type: none"> <li>➤ Issued by a criminal court judge at the time of sentencing.</li> <li>➤ Can only be issued if offender is <u>convicted</u> of: <ul style="list-style-type: none"> <li>▪ Violation of enumerated offenses; or</li> <li>▪ Any crime the court determines to be family violence; or,</li> <li>▪ Any other crime for good cause shown.</li> </ul> </li> <li>➤ No cost to victim.</li> <li>➤ Victim may not want a SCPO or even know the SCPO has been issued.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Orders issued prior to Oct. 2010 could last indefinitely.</li> <li>➤ Orders issued post Oct. 2010 shall remain in effect for any duration specified by the court at the time of sentencing.</li> <li>➤ Orders can be modified and/or terminated without notice to or consent of the victim.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Offender not to threaten, harass, assault, molest, sexually assault or attack the protected person (partial/limited order).</li> <li>➤ Offender must stay away from the protected person’s home (full/residential stay-away order).</li> <li>➤ Offender to have NO CONTACT with victim.</li> <li>➤ Offender to remain 100 yards away from victim.</li> <li>➤ Order may extend to victim’s minor children, but will usually not include custody orders.</li> <li>➤ Any other orders the court deems necessary to protect the safety of the victim and dependent children.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Criminal Violation of a Standing Criminal Protective Order (C.G.S. <a href="#">§53a-223a</a>) (D Felony)</li> <li>➤ Unless the violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation, or attack of victim (C Felony).</li> <li>➤ Arrest for all other crimes for which there is probable cause (e.g., criminal trespass, harassment, threatening, burglary, assault, intimidating a witness, etc.).</li> <li>➤ Criminal Trespass 1<sup>st</sup> [CGS <a href="#">§53a-107</a>] if in violation of SCPO.</li> </ul>
<p><b>Foreign Orders of Protection</b> (C.G.S. <a href="#">§46b-15a</a>)</p>	<ul style="list-style-type: none"> <li>➤ Entitled to enforcement in Connecticut where: <ul style="list-style-type: none"> <li>▪ Issued by courts of: (1) another state; (2) District of Columbia; (3) U.S. commonwealth, territory or possession; or (4) Indian tribe;</li> </ul> </li> <li>➤ Presume an order is valid if the content and form appear to be authentic (Full Faith &amp; Credit). The order does NOT have to be a certified copy.</li> <li>➤ May be criminal or civil. Conditions vary by issuing entity.</li> <li>➤ Must surrender weapons immediately but not later than 24 hours after notice.</li> <li>➤ Must surrender permit/eligibility certificate within 5 days of notice.</li> <li>➤ A person may register a foreign order of protection in Connecticut, but is NOT required to do so, and law enforcement cannot refuse to enforce an order because the order does not appear in COLLECT, NCIC or the Protection Order Registry.</li> </ul>			<ul style="list-style-type: none"> <li>➤ Criminal Violation of a Foreign Order of Protection (C.G.S. <a href="#">§53a-223b</a>) (D Felony)</li> <li>➤ Unless the violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation, or attack of victim (C Felony).</li> <li>➤ Arrest for all other crimes for which there is probable cause (e.g., criminal</li> </ul>

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				<p>trespass, harassment, threatening, burglary, assault, intimidating a witness, etc.).</p> <ul style="list-style-type: none"> <li>➤ Criminal Trespass 1<sup>st</sup> [CGS §<a href="#">53a-107</a>] if in violation of FOP.</li> <li>➤ May be federal violation – contact US Attorney</li> </ul>
<p><b>Conditions of Release (COR)</b> (C.G.S. §§ <a href="#">53a-222</a>, <a href="#">53a-222a</a>, <a href="#">54-63c</a>, <a href="#">54-63d</a>)</p>	<ul style="list-style-type: none"> <li>➤ A person charged with a family violence crime can be released with non-financial conditions of release<sup>2</sup> by: <ul style="list-style-type: none"> <li>▪ Law enforcement;</li> <li>▪ Bail commissioner; or</li> <li>▪ A judge.</li> </ul> </li> <li>➤ To verify: <ul style="list-style-type: none"> <li>▪ Check File 20;</li> <li>▪ Contact clerk of court in JD/GA where order issued;</li> <li>▪ Contact bail commissioner who released offender;</li> <li>▪ Contact police department who released offender.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>➤ COR imposed by bail commissioner or law enforcement remain(s) in effect until offender is presented to a judge at arraignment.</li> <li>➤ COR imposed by a judge remain(s) in effect for the duration of the case or until further order of the court.</li> </ul>	<p>Law Enforcement:</p> <ul style="list-style-type: none"> <li>➤ Comply with specified restrictions on travel, association, or place of abode;</li> <li>➤ Not engage in specified activities, including use/possession of dangerous instruments or possessing any deadly weapons, intoxicant, or controlled substance;</li> <li>➤ Avoid all contact with alleged victim.</li> </ul> <p>Bail Commissioner</p> <ul style="list-style-type: none"> <li>➤ Any of the above; plus</li> <li>➤ Remain under supervision of designated person or organization;</li> <li>➤ Any other condition reasonably necessary to ensure appearance of the person in</li> </ul>	<ul style="list-style-type: none"> <li>➤ If released on a felony charge: violation of conditions of release in the first degree (C.G.S. <a href="#">§53a-222</a>). (D Felony)</li> <li>➤ Unless violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault, molestation or attack of victim (C Felony).</li> <li>➤ If released on a misdemeanor charge: violation of conditions of release in the second degree (C.G.S. <a href="#">§53a-222a</a>). (A misdemeanor)</li> <li>➤ Unless violation includes imposing restraint on a person or their liberty, threatening, harassing, assault, sex assault,</li> </ul>

<sup>2</sup> No person shall be released upon the execution of written promise to appear or the execution of a bond without surety if the person is charged with the commission of a family violence crime and in the commission of such crime used or threatened the use of a firearm (C.G.S. § 54-63d).

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			<p>court.</p> <p>Judge:</p> <ul style="list-style-type: none"> <li>➤ Any of the above; plus</li> <li>➤ Any non-financial condition the judge deems appropriate;</li> <li>➤ Compliance with Protective Order.</li> </ul>	<p>molestation or attack of victim (D Felony).</p> <ul style="list-style-type: none"> <li>➤ If, in the course of violating a COR, a person commits any other crime (i.e. threatening, intimidating a witness, assault, etc.), that person should be arrested for any other appropriate crime(s).</li> </ul>
<p><b>Civil Protection Order (CPO)</b> (CGS <a href="#">§46b-16a</a>)</p>	<ul style="list-style-type: none"> <li>➤ <b>Not for DV Cases</b></li> <li>➤ Issued by civil judge.</li> <li>➤ Victims of stalking, sex assault, sexual abuse.</li> <li>➤ Service by marshal.</li> <li>➤ Hearing within 14 days.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Lasts up to one year.</li> <li>➤ Victim requests order.</li> <li>➤ Cannot have a PO for same incident before CPO.</li> <li>➤ If victim wants to extend beyond one year, must file a motion at least 3 weeks prior to expiration.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Offender not to impose restraint on the person or their liberty, threaten, harass, assault, molest, sexually assault or attack the protected person.</li> <li>➤ Offender cannot enter dwelling of protected person.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Criminal Violation of a Civil Protective Order (CGS <a href="#">§53a-223c</a>) (D Felony)</li> </ul>
<b>Other Orders</b>				
<b>Type of Order</b>	<b>How the Order is Made</b>	<b>How Long the Order Lasts</b>	<b>Provisions that May Be Included</b>	<b>Violations</b>
<p><b>Family Court Orders</b></p>	<ul style="list-style-type: none"> <li>➤ Where custody/divorce actions are pending, the Family Court may issue orders that, while not a restraining order or protection order, will often mirror traditional provisions of those orders of protection, such as: kick out orders and/or</li> </ul>	<ul style="list-style-type: none"> <li>➤ Family Court orders, unless they contain an expiration date, are valid until further order of the court.</li> </ul>	<ul style="list-style-type: none"> <li>➤ The victim should have a copy of the relevant order.</li> <li>➤ Such orders may include, but are not limited to: <ul style="list-style-type: none"> <li>▪ Exclusive possession of an identified premises;</li> <li>▪ Limitations on when and how one party may contact the other;</li> <li>▪ Stay away orders – from a</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>➤ Officers can, in some cases, make an arrest for the “behavior” targeted by the Order, such as an arrest for trespass, harassment, custodial interference, etc.</li> </ul>

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	<p>stay away orders, orders around exclusive possession of the home.</p> <ul style="list-style-type: none"><li>➤ While these orders are not technically Orders of Protection, they are valid orders of the court and govern the conduct of the relevant parties.</li></ul>		<p>particular party or location.</p>	
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