

CCADV Priority Bills

PUBLIC ACT 21-78, AN ACT CONCERNING THE DEFINITION OF DOMESTIC VIOLENCE, REVISING STATUTES CONCERNING DOMESTIC VIOLENCE, CHILD CUSTODY, FAMILY RELATIONS MATTERS...

Creates new definition of domestic violence, including coercive control, applicable to family violence restraining orders and other family relations matters (*Sections 1 & 2*)

- Domestic violence, as it is applied to restraining orders (CGS §46b-15), divorce and custody, is defined as:
“As used in this title, “domestic violence” means: (1) A continuous threat of present physical pain or physical injury against a family or household member, as defined in section 46b-38a, as amended by this act; (2) stalking, including but not limited to, stalking as described in section 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in section 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person’s free will and personal liberty. “Coercive control” includes, but is not limited to, unreasonably engaging in any of the following:
(A) Isolating the family or household member from friends, relatives or other sources of support;
(B) Depriving the family or household member of basic necessities;
(C) Controlling, regulating or monitoring the family or household member’s movements, communications, daily behavior, finances, economic resources or access to services;
(D) Compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue;
(E) Committing or threatening to commit cruelty to animals that intimidates the family or household member; or
(F) Forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person’s sexuality or threats to release sexual images.”

[§46b-1 and §46b-15; Effective from passage except applicable to restraining orders and custody matters considered under CGS §46b-54 and §46b-56 as of October 1, 2021]

Requires state marshals to accept restraining orders documents electronically (*Section 2*)

- Restraining order documents to be served by state marshals shall be accepted “in an electronic format, if presented to [the marshal] in such format.”

[§46b-15; Effective October 1, 2021]

Requires courts to notify victims of remote testimony option in family relations matters (*Sections 2, 3, 6 & 7*)

- If a party to a family relations matter (e.g. divorce, custody) has a current restraining order, protective order or standing criminal protective order, the court, upon their request, must allow that party/victim to testify in the family relations matter outside of the presence of their abuser.
- Request must be made in writing not less than two days prior to such family relations proceeding.

[§46b-15, §46b-15c, §46b-38a, §53a-40e; Effective October 1, 2021]

Adds a new “best interest factor” in custody matters (*Sections 8 & 9*)

- Adds the “physical and emotional safety of the child” as a new “best interest factor” considered by judges and GALs in custody matters.
- Clarifies that the existing “best interest factor” related to domestic violence incorporates the new definition of domestic violence, including coercive control, added to CGS §46b-1.

[§46b-54 and §46b-56; Effective October 1, 2021]

PUBLIC ACT 21-78 CONTINUED...

Requires landlords to change individual dwelling unit locks for victims with orders of protection (Sections 20 - 22)

- Requires landlords, upon the request of the tenant, to change the locks to individual dwelling units if the tenant has a restraining order, criminal protective order, standing criminal protective order or civil protection order.
- The order must include the requirement that the abuser stay away from the home of the victim or stay a minimum distance (e.g. 100 yards) away from the victim.
- Landlords may charge the "actual reasonable cost" of the lock change to the victim and, if the victim does not pay it, deduct it from their security deposit. (Note - lock changes are eligible for reimbursement through Judicial Branch Office of Victim Services' Victim Compensation Program.)

[New Section; Effective October 1, 2021]

Addresses violations of court orders in family violence matters (Sections 4 & 16)

- Amends the existing definition of "family violence crime" to include violations of court orders of protection and conditions of release issued in a family violence case making the violation itself a family violence crime requiring next-day arraignment.
- Includes the heightened risk posed to victims of family violence by violations of court orders and conditions of release among the factors that courts may consider when setting bond or other conditions of release.

[\$46b-38a; Effective July 1, 2021; §54-64a; Effective October 1, 2021]

Provides access to police reports for family violence victim advocates upon request (Section 12)

- Upon request, a Family Violence Victim Advocate providing services in the Family Division of the Superior Court or geographical area court shall be provided with a copy of the police report in the possession of the state's attorney, State Police, or any municipal police department needed to perform their duties and responsibilities as set forth in §51-27i.

[\$51-27i; Effective July 1, 2021]

Addresses "frivolous and intentionally fabricated pleadings or motions" in family relations matters (Section 10)

- In family relations matters, requires the court, upon finding a "pattern of frivolous and intentionally fabricated pleadings or motions" filed by one party, to sanction that party in an "appropriate manner so as to allow such matter to proceed without undue delay or obstruction."

[New Section; Effective October 1, 2021]

Establishes legal representation for certain indigent victims when applying for a restraining order (Section 15)

- Creates a grant program to provide free legal representation to indigent victims when applying for a restraining order in the following judicial districts: Fairfield, Hartford, New Haven, Stamford-Norwalk, and Waterbury. Legal assistance must be provided at the time of application and, "to the greatest extent practicable within the funding awarded," continued representation may be provided throughout the restraining order process.
- \$1.25 million was allocated to this program in both FY22 and FY23 in the state budget.

[New Section; Effective from passage]

Strengthens access to state diversion assistance and cash assistance available to victims through DSS

(Sections 13 - 14)

- Allows victims temporary access to both Diversion Assistance and State Administered General Assistance (SAGA cash assistance) available through the Dept. of Social Services without including their abuser's income if they remain in the home with the abuser for the temporary access period.

[\$17b-112g and §17b-191a; Effective July 1, 2021]

Defines parameters of processing U-Visa certifications for immigrant victims by state & municipal law enforcement

(Section 5)

- As used in this statute, defines the term "expeditious" to mean "not later than 60 days" after receipt of request or "not later than 14 days" in certain circumstances, meaning that law enforcement must process certifications of helpfulness required by immigrant victims when applying for a U-Visa.
- Clarifies that by signing a certification of helpfulness, state and municipal law enforcement is not making a determination about eligibility for a U-Visa.

[\$46b-38b; Effective July 1, 2021]

PUBLIC ACT 21-93, AN ACT PROHIBITING INSURANCE DISCRIMINATION...

Strengthens Connecticut's prohibition on insurance discrimination against victims *(Sections 1 - 3)*

- Building on Connecticut's existing prohibition against health insurers discriminating against victims because of their status as a victim, this expands protections for victims related to property/casualty insurance, life insurance, and disability insurance. Insurers may not make a distinction or discriminate against an individual because s/he is a victim of domestic violence when delivering, issuing, renewing, amending or setting premiums or rates for such insurance.

[§38a-816, §38a-447; §38a-465; Effective October 1, 2021]

Other Bills of Interest

PUBLIC ACT 21-2 (JUNE SPECIAL SESSION), AN ACT CONCERNING PROVISIONS RELATED TO REVENUE AND OTHER ITEMS TO IMPLEMENT THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2023

Creates new voter privacy protection for victims and certain other individuals *(Section 118)*

- Allows voters to submit under penalty of false statement a signed statement to the Secretary of the State requesting that the voter's name and address be removed from the public voter registry as necessary for their safety or that of their family (this would include being a victim of domestic violence).
- The voter's name and address will still appear on the official list provided to election officials at polling locations on the day of any election, primary or referendum allowing for the typical voting process to proceed.

[New Section; Effective upon passage]

PUBLIC ACT 21-81, AN ACT CONCERNING SEXUAL MISCONDUCT ON COLLEGE CAMPUSES

Enhances responses to sexual assault, intimate partner violence, and stalking on college campuses

- Provides protections for students who report alleged intimate partner violence, sexual assault or stalking by generally prohibiting a school from taking disciplinary action against the victim or witness for violating the school's drug or alcohol policy if they, in good faith, report or disclose an alleged incident that occurred during or was connected to the drug or alcohol policy violation.
- Requires higher education institutions to conduct a sexual misconduct climate assessment every two years and establishes a Council on Sexual Misconduct Climate Assessment to make recommendations about such assessment and report every two years to the legislature.

[§10a-55m, New Section; Effective July 1, 2021]

PUBLIC ACT 21-22, AN ACT CONCERNING EXPLANATION OF BENEFITS

Offers privacy protections for individuals, including victims, with respect to health insurance usage

- Requires health insurance companies to inform and allow covered individuals to make specific written selections about whether or how to receive an explanation of benefits (EOB) upon using their health insurance.
- Protects the privacy of the insured from having to disclose use of healthcare services to the policyholder.

[§38a-477d; Effective January 1, 2023]

PUBLIC ACT 21-56, AN ACT CONCERNING ONLINE HARASSMENT

Expands criminal protections for victims of stalking

- Amends CT's existing stalking crime to include actions "concerning" an individual but not necessarily "directed at" that individual and that "for no legitimate purpose and with intent to harass, terrorize or alarm, by means of electronic communications, including, but not limited to electronic or social media, disclose's a specific person's personally identifiable information without the consent of the person...".
- Adds "fear[ing] injury to or death of an animal owned by or in possession" of the victim with the existing levels of fear including fear of physical safety and suffering of emotional distress.
- Creates a civil right of action when a person is aggrieved by a violation of CGS §53a-181d through the intentional sharing of her or his personally identifiable information without consent.

[§53a-181d, New Section; Effective October 1, 2021]