

CCADV Priority Bills

**PUBLIC ACT 18-5, AN ACT CONCERNING DUAL ARRESTS AND THE TRAINING REQUIRED OF
LAW ENFORCEMENT PERSONNEL WITH RESPECT TO DOMESTIC VIOLENCE**

Amends Connecticut's Family Violence Arrest Law to Require Only the Arrest of the Dominant Aggressor

- Clarifies that in situations where police receive complaints from two or more opposing parties, the officer is not required to arrest both parties.
- Requires the officer to evaluate each complaint separately to determine which person is the dominant aggressor.
- In making determinations about the dominant aggressor, the officer shall consider the following factors:
 - The need to protect victims of domestic violence;
 - Whether one person acted in defense of self or a third person;
 - Relative degree of injuries;
 - Threats creating fear of physical injury; and,
 - Any history of family violence between such persons that can be reasonably obtained by the officer.
- Requires the arrest of the person believed to be the dominant aggressor.
- Allows officers, when they believe that probable cause exists for the arrest of two or more people, to submit a report detailing the conduct of such other person to the state's attorney for further review and advice.
- Excludes from the family violence arrest law (1) individuals attending an institution of higher education and residing together in on-campus housing who are not in a dating relationship; and, (2) individuals residing together in a rental dwelling who are not in a dating relationship.

[§46b-38b; Effective January 1, 2019]

Adds Definition of Dominant Aggressor to State Statute

- Defines "dominant aggressor" as "the person who poses the most serious ongoing threat in a situation involving the suspected commission of a family violence crime." *[§46b-38a; Effective January 1, 2019]*

Requires Training for Law Enforcement Regarding Dominant Aggressor

- Includes factors for determining a dominant aggressor in required police training related to family violence.

[§46b-38b & §7-294g; Effective January 1, 2019]

PUBLIC ACT 18-136, AN ACT CONCERNING...CERTAIN MUNICIPAL FILING FEES...

Increases Connecticut's Marriage License Surcharge (section 5)

- Increases the Marriage License Surcharge, which funds domestic and sexual violence services, from \$20 to \$35 (municipalities still retain \$1 of the surcharge for administrative costs).
- Also increases the marriage license fee, which is retained entirely by the municipality for administrative costs, from \$10 to \$15, making the total cost of a marriage license in Connecticut \$50.

[§7-73; Effective July 1, 2018]

PUBLIC ACT 18-81, STATE BUDGET ADJUSTMENTS FOR FISCAL YEAR 2019

Increased Funding for Domestic Violence Shelters/Services - Dept. of Social Services:

FY19 - \$5,247,072 (\$48,648 increase over FY18)

Other Bills of Interest

PUBLIC ACT 18-14, AN ACT CONCERNING JUDICIAL PROCEEDINGS RELATING TO INITIATION OF AN ACTION FOR DISSOLUTION OF MARRIAGE, DISSOLUTION OF CIVIL UNION OR LEGAL SEPARATION

Permits the Court to Waive the 90-day Waiting Period in Certain Dissolution or Separation Cases

- In cases involving dissolution of marriage or civil unions, or legal separation, the plaintiff may, no sooner than 30 days after the complaint was returnable, file a motion to waive the 90-day waiting period if the defendant has not filed an appearance.
- Requires the plaintiff to submit a sworn affidavit to the court attesting to:
 - The manner to which service was made and if such service was made abode - (1) the address at which service was made is the usual place of abode of the defendant, (2) that the defendant was not known by the plaintiff to be residing, whether permanently or temporarily, at any other address at the time of service, and (3) the most recent date on which the plaintiff had personal knowledge that the defendant resided at the address at which service was made
 - Whether there are children
 - Whether there exists a current restraining or protective order
 - Whether the parties have any jointly owned property or jointly held debt
- The motion shall be docketed for a hearing, accept that...
 - If the court finds that service was properly effectuated, there are no children, there are no existing restraining or protective orders, there is no jointly owned property or jointly held debt, and the plaintiff is not requesting alimony or spousal support, the court may grant the motion to waive the 90-day waiting period without a hearing and may further enter a decree of dissolution of marriage or civil union or legal separation without a hearing.
- Allows for any judgment rendered or decree passed in an action of dissolution of marriage or civil union or for legal separation in which the 90-day waiting period was waived to be set aside at any time and the case reinstated to the docket upon a showing of material misrepresentation in the affidavit filed by the plaintiff.

[§46b-67 & §52-212; Effective October 1, 2018]

PUBLIC ACT 18-172, AN ACT IMPLEMENTING RECOMMENDATIONS OF THE OFFICE OF EARLY CHILDHOOD

Delays Immunization & Physical Examination Requirements for Homeless Children Attending Child Care

- Allows any child care center, group child care home, or family child care home to provide child care services to homeless children and youth, as defined in [42 USC 11434a](#) [includes children living in domestic violence shelters or transitional housing], for a period not to exceed 90 days without complying with any regulations relating to immunization and physical examination requirements.

[§19a-79 & §19a-87b; Effective July 1, 2018]

PUBLIC ACT 18-8, AN ACT CONCERNING PAY EQUITY

Prohibits Employers from Asking about Prospective Employee's Wage and Salary History

- Prohibits employers, either directly or through a third party, from asking for a prospective employee's wage and salary history but allows prospective employees to voluntarily disclose such history.
- Allows prospective employees to bring a lawsuit within two years after an alleged violation.

[§31-40z; January 1, 2019]

PAID FAMILY AND MEDICAL LEAVE

Unfortunately two bills that would have created a system of Paid Family & Medical Leave in Connecticut failed. Both bills garnered increased support this year, from both legislators and members of the business community. We will continue to work with the CT Campaign for Paid Family Leave to educate the community on the benefits of earned family and medical leave, including for the family members of victims of domestic violence.