

HIGHLIGHTS OF JENNIFERS' LAW PA 21-78

CODIFYING COERCIVE CONTROL AS A FORM OF DOMESTIC ABUSE

Coercive Control Defined as a Form of Domestic Violence

"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 image.

Provisions for Physical and Psychological Safety in Court Proceedings and Provisions for Remote Testimony

CGS 46b-15(c): Allows for video testimony in any family relations matter upon a written request of the complainant or the victim two days prior to said court appearance. "In any court proceeding in a family relations matter, as defined in section 46b-1, as amended by this act, the court shall, upon the written request of a party or the attorney for any party made not less than two days prior to such proceeding, order that the testimony of a party or a child who is a subject Substitute Senate Bill No. 1091 Public Act No. 21-78 12 of 41 of the proceeding be taken outside the physical presence of any other party if a protective order, restraining order or standing criminal protective order."

CGS 46b-15(h): Allows for the complainant of a restraining order to send the order and documents electronically to the serving officers. "A proper officer responsible for executing such service shall accept all documents in an electronic format, if presented to such officer in such format." A list of marshals may be obtained at your courthouse or online. Restraining orders are served at no cost to the applicant.

CT's Expansion of Legal Definition of Domestic Violence/Abuse

CGS 46b-1:

- (1) A continuous threat of present physical pain or physical injury against a family or household member, as defined in **CGS 46b-38a**, as amended by this act;
- (2) Stalking, including but not limited to, stalking as described in **CGS 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 **CGS 53a-62**, of such family or household member or a third party that intimidates such family or household member;
- (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.

Orders of Protection and Relief is Expanded

CGS 46b-38(b): Orders of Protection and Relief from physical abuse, stalking, or pattern of threatening by family or household member is expanded to include the new definition of "domestic violence" which encompasses coercive control.

Expansion of Family Violence Crimes

CGS, 46b-38(a): Expands the current definition of family violence crimes includes violations of conditions of release. Family violence is defined as containing "as an element thereof an act of family violence to a family or household member." Family violence crime" includes a violation of conditions of release and a violation of a criminal restraining order.

HIGHLIGHTS OF JENNIFERS' LAW PA 21-78

CODIFYING COERCIVE CONTROL AS A FORM OF DOMESTIC ABUSE

Child Custody: Child Safety First

CGS 46b-56: Orders regarding Custody, Care, Education, Visitation and Support of Children and Court's Determination Regarding **the best interest of the children** expanded to include coercive control and abuser effects on the child.

CGS 46b-56: The Guardian ad Litem shall consider the "(1) The physical and emotional safety of the child; and the effect on the child of the actions of an abuser, if any domestic violence, as defined in section **46b-1** (coercive control), as amended by this act, has occurred between the parents or between a parent and another individual or the child."

Litigation Abuse

CGS 10, 46b-1: If the court finds that a pattern of frivolous and intentionally fabricated pleadings or motions are filed by one party, the court shall sanction such party in an appropriate manner so as to allow such matter to proceed without undue delay or obstruction by the party filing such pleadings or motions.

Victim's In-Home Safety: Changing the Locks

Upon the request of a tenant, a landlord shall change the locks or permit the tenant to change the locks to a tenant's dwelling unit when: (1) The tenant is named as a protected person in a protective or restraining order issued by (A) a court of this state that is in effect at the time the tenant makes such request of the landlord, or (B) a foreign order of protection. The landlord has six hours after being notified to inform the tenant if the landlord will change the locks or permit the tenant to do so. Said locks shall be changed within 48 hours.

ACCESS to Police Reports

CGS 12, 51-27(i): Allows for a family violence victim advocate who is servicing the Family Division of Superior Court to obtain copies of police reports from the prosecutor. "(c) Notwithstanding any provision of the general statutes restricting the disclosure of documents, upon request, a family violence victim advocate providing services in the Family Division of the Superior Court or a geographical area court shall be provided with a copy of any police report in the possession of the state's attorney, the Division of Substitute Senate Bill No. 1091 Public Act No. 21-78 24 of 41 State Police within the Department of Emergency Services and Public Protection, any municipal police department or any other law enforcement agency that the family violence victim advocate requires to perform the responsibilities and duties set forth in subsection (b) of this section."

Notice of Automatic Orders Involving Dissolution of Marriage or Legal Separation

CGS 46b-15c(d): Requires that Judicial provide a notice on the Judicial webpage and judicial documentation (1) posted on the Internet web site of the Judicial Branch, (2) included in any written or electronic form that describes the automatic orders in cases involving a dissolution of marriage or legal separation under **CGS 46b-40**, and (3) included in any written or electronic form provided to a person who receives a protective order under **CGS 46b-38c**, as amended by this act, a standing criminal protective order under section **54a-40e**, as amended by this act, or a restraining order, under **CGS 46b-15**, as amended by this act.

Legal Assistance Aid

Public Act 21-78 Section 15 establishes a grant program to provide low-income victims with access to legal assistance at no cost when making an application for a restraining order under 46b-15 of the general statutes, as amended by this act. This is available in five court locations in Connecticut (Bridgeport, Hartford, New Haven, Stamford and Waterbury).

Copyright © 2021

Connecticut Protective Moms

Christine M. Cocchiola, DSW-c, 2022.

Michelle Cruz, JD