



General Assembly

## ***Amendment***

***January Session, 2021***

**LCO No. 10042**



Offered by:

REP. FISHBEIN, 90<sup>th</sup> Dist.

To: Subst. Senate Bill No. 1091

File No. 617

Cal. No. 515

(As Amended by Senate Amendment Schedule "A")

**"AN ACT CONCERNING THE DEFINITION OF DOMESTIC VIOLENCE, REVISING STATUTES CONCERNING DOMESTIC VIOLENCE, CHILD CUSTODY, FAMILY RELATIONS MATTER FILINGS AND BIGOTRY OR BIAS CRIMES AND CREATING A PROGRAM TO PROVIDE LEGAL COUNSEL TO INDIGENTS IN RESTRAINING ORDER CASES."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 46b-1 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) Matters within the jurisdiction of the Superior Court deemed to  
6 be family relations matters shall be matters affecting or involving: (1)  
7 Dissolution of marriage, contested and uncontested, except dissolution

8 upon conviction of crime as provided in section [46b-47] 46b-48; (2) legal  
9 separation; (3) annulment of marriage; (4) alimony, support, custody  
10 and change of name incident to dissolution of marriage, legal separation  
11 and annulment; (5) actions brought under section 46b-15, as amended  
12 by this act; (6) complaints for change of name; (7) civil support  
13 obligations; (8) habeas corpus and other proceedings to determine the  
14 custody and visitation of children; (9) habeas corpus brought by or on  
15 behalf of any mentally ill person except a person charged with a criminal  
16 offense; (10) appointment of a commission to inquire whether a person  
17 is wrongfully confined as provided by section 17a-523; (11) juvenile  
18 matters as provided in section 46b-121; (12) all rights and remedies  
19 provided for in chapter 815j; (13) the establishing of paternity; (14)  
20 appeals from probate concerning: (A) Adoption or termination of  
21 parental rights; (B) appointment and removal of guardians; (C) custody  
22 of a minor child; (D) appointment and removal of conservators; (E)  
23 orders for custody of any child; and (F) orders of commitment of persons  
24 to public and private institutions and to other appropriate facilities as  
25 provided by statute; (15) actions related to prenuptial and separation  
26 agreements and to matrimonial and civil union decrees of a foreign  
27 jurisdiction; (16) dissolution, legal separation or annulment of a civil  
28 union performed in a foreign jurisdiction; (17) custody proceedings  
29 brought under the provisions of chapter 815p; and (18) all such other  
30 matters within the jurisdiction of the Superior Court concerning  
31 children or family relations as may be determined by the judges of said  
32 court.

33 (b) As used in this title, "domestic violence" means: (1) A continuous  
34 threat of present physical pain or physical injury against a family or  
35 household member, as defined in section 46b-38a, as amended by this  
36 act; (2) stalking, including but not limited to, stalking as described in  
37 section 53a-181d, of such family or household member; (3) a pattern of  
38 threatening, including but not limited to, a pattern of threatening as  
39 described in section 53a-62, of such family or household member or a  
40 third party that intimidates such family or household member; or (4)  
41 coercive control of such family or household member, which is a pattern

42 of behavior that in purpose unreasonably interferes with a person's free  
43 will and personal liberty. "Coercive control" includes, but is not limited  
44 to, unreasonably engaging in a pattern or practice of intentionally:

45 (A) Isolating the family or household member from friends, relatives  
46 or other sources of support;

47 (B) Depriving the family or household member of basic necessities;

48 (C) Controlling, regulating or monitoring the family or household  
49 member's movements, communications, daily behavior, finances,  
50 economic resources or access to services;

51 (D) Compelling the family or household member by force, threat or  
52 intimidation, including, but not limited to, threats based on actual or  
53 suspected immigration status, to (i) engage in conduct from which such  
54 family or household member has a right to abstain, or (ii) abstain from  
55 conduct that such family or household member has a right to pursue;

56 (E) Committing or threatening to commit cruelty to animals that  
57 intimidates the family or household member; or

58 (F) Forced sex acts, or threats of a sexual nature, including, but not  
59 limited to, threatened acts of sexual conduct, threats based on a person's  
60 sexuality or threats to release sexual images.

61 Sec. 2. Subsections (a) and (b) of section 46b-15 of the general statutes  
62 are repealed and the following is substituted in lieu thereof (*Effective*  
63 *October 1, 2021*):

64 (a) Any family or household member, as defined in section 46b-38a,  
65 as amended by this act, who [has been subjected to a continuous threat  
66 of present physical pain or physical injury, stalking or a pattern of  
67 threatening, including, but not limited to, a pattern of threatening, as  
68 described in section 53a-62, by another family or household member] is  
69 the victim of domestic violence, as defined in section 46b-1, as amended  
70 by this act, by another family or household member may make an  
71 application to the Superior Court for relief under this section. The court

72 shall provide any person who applies for relief under this section with  
73 the information set forth in section 46b-15b.

74 (b) The application form shall allow the applicant, at the applicant's  
75 option, to indicate whether the respondent holds a permit to carry a  
76 pistol or revolver, an eligibility certificate for a pistol or revolver, a long  
77 gun eligibility certificate or an ammunition certificate or possesses one  
78 or more firearms or ammunition. The application shall be accompanied  
79 by an affidavit made under oath which includes a brief statement of the  
80 conditions from which relief is sought. Upon receipt of the application  
81 the court shall order that a hearing on the application be held not later  
82 than fourteen days from the date of the order except that, if the  
83 application indicates that the respondent holds a permit to carry a pistol  
84 or revolver, an eligibility certificate for a pistol or revolver, a long gun  
85 eligibility certificate or an ammunition certificate or possesses one or  
86 more firearms or ammunition, and the court orders an ex parte order,  
87 the court shall order that a hearing be held on the application not later  
88 than seven days from the date on which the ex parte order is issued. The  
89 court, in its discretion, may make such orders as it deems appropriate  
90 for the protection of the applicant and such dependent children or other  
91 persons as the court sees fit. In making such orders ex parte, the court,  
92 in its discretion, may consider relevant court records if the records are  
93 available to the public from a clerk of the Superior Court or on the  
94 Judicial Branch's Internet web site. In addition, at the time of the  
95 hearing, the court [, in its discretion,] may, if both parties consent, also  
96 consider a report prepared by the family services unit of the Judicial  
97 Branch that may include, as available: Any existing or prior orders of  
98 protection obtained from the protection order registry; information on  
99 any pending criminal case or past criminal case in which the respondent  
100 was convicted of a violent crime; any outstanding arrest warrant for the  
101 respondent; and the respondent's level of risk based on a risk  
102 assessment tool utilized by the Court Support Services Division. The  
103 report may also include information pertaining to any pending or  
104 disposed family matters case involving the applicant and respondent.  
105 Any report provided by the Court Support Services Division to the court

106 shall also be provided to the applicant and respondent. Such orders may  
107 include temporary child custody or visitation rights, and such relief may  
108 include, but is not limited to, an order enjoining the respondent from (1)  
109 imposing any restraint upon the person or liberty of the applicant; (2)  
110 threatening, harassing, assaulting, molesting, sexually assaulting or  
111 attacking the applicant; or (3) entering the family dwelling or the  
112 dwelling of the applicant. Such order may include provisions necessary  
113 to protect any animal owned or kept by the applicant including, but not  
114 limited to, an order enjoining the respondent from injuring or  
115 threatening to injure such animal. If an applicant alleges an immediate  
116 and present physical danger to the applicant, the court may issue an ex  
117 parte order granting such relief as it deems appropriate. If a  
118 postponement of a hearing on the application is requested by either  
119 party and granted, the ex parte order shall not be continued except upon  
120 agreement of the parties or by order of the court for good cause shown.  
121 If a hearing on the application is scheduled or an ex parte order is  
122 granted and the court is closed on the scheduled hearing date, the  
123 hearing shall be held on the next day the court is open and any such ex  
124 parte order shall remain in effect until the date of such hearing. If the  
125 applicant is under eighteen years of age, a parent, guardian or  
126 responsible adult who brings the application as next friend of the  
127 applicant may not speak on the applicant's behalf at such hearing unless  
128 there is good cause shown as to why the applicant is unable to speak on  
129 his or her own behalf, except that nothing in this subsection shall  
130 preclude such parent, guardian or responsible adult from testifying as a  
131 witness at such hearing. As used in this subsection, "violent crime"  
132 includes: (A) An incident resulting in physical harm, bodily injury or  
133 assault; (B) an act of threatened violence that constitutes fear of  
134 imminent physical harm, bodily injury or assault, including, but not  
135 limited to, stalking or a pattern of threatening; (C) verbal abuse or  
136 argument if there is a present danger and likelihood that physical  
137 violence will occur; and (D) cruelty to animals as set forth in section 53-  
138 247.

139 Sec. 3. Section 46b-15c of the general statutes is repealed and the

140 following is substituted in lieu thereof (*Effective October 1, 2021*):

141 (a) In any court proceeding in a family relations matter, as defined in  
142 section 46b-1, as amended by this act, the court may, within available  
143 resources, upon motion of the attorney for any party, order that the  
144 testimony of a party or a child who is a subject of the proceeding be  
145 taken outside the physical presence of any other party if a protective  
146 order, restraining order or standing criminal protective order has been  
147 issued on behalf of the party or child, and the other party is subject to  
148 the protective order, restraining order or standing criminal protective  
149 order. Such order may provide for the use of alternative means to obtain  
150 the testimony of any party or child, including, but not limited to, the use  
151 of a secure video connection for the purpose of conducting hearings by  
152 videoconference. Such testimony may be taken in a room other than the  
153 courtroom or at another location outside the courthouse or outside the  
154 state. The court shall provide for the administration of an oath to such  
155 party or child prior to the taking of such testimony in accordance with  
156 the rules of the Superior Court.

157 (b) Nothing in this section shall be construed to limit any party's right  
158 to cross-examine a witness whose testimony is taken in a room other  
159 than the courtroom pursuant to an order under this section.

160 (c) An order under this section may remain in effect during the  
161 pendency of the proceedings in the family relations matter.

162 (d) A notice describing the provisions of subsection (a) of this section  
163 shall be (1) posted on the Internet web site of the Judicial Branch, (2)  
164 included in any written or electronic form that describes the automatic  
165 orders in cases involving a dissolution of marriage or legal separation  
166 under section 46b-40, and (3) included in any written or electronic form  
167 provided to a person who receives a protective order under section 46b-  
168 38c, a standing criminal protective order under section 54a-40e, or a  
169 restraining order, under section 46b-15, as amended by this act.

170 Sec. 4. Subsection (b) of section 46b-16a of the general statutes is  
171 repealed and the following is substituted in lieu thereof (*Effective October*

172 1, 2021):

173 (b) The application shall be accompanied by an affidavit made by the  
174 applicant under oath that includes a statement of the specific facts that  
175 form the basis for relief. If the applicant attests that disclosure of the  
176 applicant's location information would jeopardize the health, safety or  
177 liberty of the applicant or the applicant's children, the applicant may  
178 request, on a form prescribed by the Chief Court Administrator, that his  
179 or her location information not be disclosed. Upon receipt of the  
180 application, if the allegations set forth in the affidavit meet the  
181 requirements of subsection (a) of this section, the court shall schedule a  
182 hearing not later than fourteen days from the date of the application. If  
183 a postponement of a hearing on the application is requested by either  
184 party, no ex parte order shall be continued except upon agreement of  
185 the parties or by order of the court for good cause shown. If the court is  
186 closed on the scheduled hearing date, the hearing shall be held on the  
187 next day the court is open and any ex parte order that was issued shall  
188 remain in effect until the date of such hearing. If the applicant is under  
189 eighteen years of age, a parent, guardian or responsible adult who  
190 brings the application as next friend of the applicant may not speak on  
191 the applicant's behalf at such hearing unless there is good cause shown  
192 as to why the applicant is unable to speak on his or her own behalf,  
193 except that nothing in this subsection shall preclude such parent,  
194 guardian or responsible adult from testifying as a witness at such  
195 hearing. If the court finds that there are reasonable grounds to believe  
196 that the respondent has committed acts constituting grounds for  
197 issuance of an order under this section and will continue to commit such  
198 acts or acts designed to intimidate or retaliate against the applicant, the  
199 court, in its discretion, may make such orders as it deems appropriate  
200 for the protection of the applicant. If the court finds that there are  
201 reasonable grounds to believe that an imminent danger exists to the  
202 applicant, the court may issue an ex parte order granting such relief as  
203 it deems appropriate. In making such orders, the court, in its discretion,  
204 may consider relevant court records if the records are available to the  
205 public from a clerk of the Superior Court or on the Judicial Branch's

206 Internet web site. At the time of the hearing, the court may, if both  
207 parties consent, also consider a report prepared by the family services  
208 unit of the Judicial Branch that may include, as available: (1) Any  
209 existing or prior civil protection orders obtained from the protection  
210 order registry; (2) information on any pending criminal case or past  
211 criminal case in which the respondent was convicted of a violent crime;  
212 (3) any outstanding arrest warrant for the respondent; and (4) the  
213 respondent's level of risk based on a risk assessment tool utilized by the  
214 Court Support Services Division. The report may also include  
215 information pertaining to any pending or disposed family matters case  
216 involving the applicant and respondent. Any report provided by the  
217 Court Support Services Division to the court shall also be provided to  
218 the applicant and respondent. Such orders may include, but are not  
219 limited to, an order enjoining the respondent from: [(1)] (A) Imposing  
220 any restraint upon the person or liberty of the applicant; [(2)] (B)  
221 threatening, harassing, assaulting, molesting, sexually assaulting or  
222 attacking the applicant; and [(3)] (C) entering the dwelling of the  
223 applicant.

224 Sec. 5. Subdivision (3) of section 46b-38a of the general statutes is  
225 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
226 *2021*):

227 (3) "Family violence crime" means a crime as defined in section 53a-  
228 24, other than a delinquent act, as defined in section 46b-120, which, in  
229 addition to its other elements, contains as an element thereof an act of  
230 family violence to a family or household member. "Family violence  
231 crime" includes any violation of section 53a-222, 53a-222a, 53a-223, 53a-  
232 223a or 53a-223b when the condition of release or court order is issued  
233 for an act of family violence or a family violence crime. "Family violence  
234 crime" does not include acts by parents or guardians disciplining minor  
235 children unless such acts constitute abuse.

236 Sec. 6. Subdivision (5) of subsection (g) of section 46b-38b of the  
237 general statutes is repealed and the following is substituted in lieu  
238 thereof (*Effective July 1, 2021*):



239 (5) (A) On and after July 1, [2010] 2021, each law enforcement agency  
240 shall designate at least one officer with supervisory duties to  
241 expeditiously process, upon request of a victim of family violence or  
242 other crime who is applying for U Nonimmigrant Status [(A)] (i) a  
243 certification of helpfulness on Form I-918, Supplement B, or any  
244 subsequent corresponding form designated by the United States  
245 Department of Homeland Security, confirming that the victim of family  
246 violence or other crime has been helpful, is being helpful [,] or is likely  
247 to be helpful in the investigation or prosecution of the criminal activity,  
248 and [(B)] (ii) any subsequent certification required by the victim. As  
249 used in this subparagraph, "expeditiously" means not later than sixty  
250 days after the date of receipt of the request for certification of  
251 helpfulness, or not later than fourteen days after the date of receipt of  
252 such request if (I) the victim is in federal immigration removal  
253 proceedings or detained, or (II) the victim's child, parents or siblings  
254 would become ineligible for an immigration benefit by virtue of the  
255 victim or the sibling of such victim attaining the age of eighteen years,  
256 or the victim's child attaining the age of twenty-one years.

257 (B) By signing a certification of helpfulness, the officer or agency is  
258 not making a determination of eligibility for U Nonimmigrant Status.  
259 The officer or agency is solely providing information required by the  
260 United States Department of Homeland Security on such form as is  
261 required by said department and certifying that: (i) The requesting  
262 individual or his or her family member is a victim of one of the  
263 enumerated crimes eligible for U Nonimmigrant Status, (ii) the victim  
264 possesses or possessed information regarding that crime, (iii) the victim  
265 has been, is being or is likely to be helpful in an investigation of that  
266 crime, and (iv) the victim has not failed or refused to provide reasonably  
267 requested information or assistance. A current or ongoing investigation,  
268 filing of criminal charges, prosecution or conviction is not required for  
269 a victim to request and obtain certification under this subdivision.

270 Sec. 7. Subsection (f) of section 46b-54 of the general statutes is  
271 repealed and the following is substituted in lieu thereof (*Effective October*  
272 *1, 2021*):

273 (f) When recommending the entry of any order as provided in  
274 subsections (a) and (b) of section 46b-56, as amended by this act, counsel  
275 or a guardian ad litem for the minor child shall consider the best  
276 interests of the child, and in doing so shall consider, but not be limited  
277 to, one or more of the following factors: (1) The physical and emotional  
278 safety of the child; (2) the temperament and developmental needs of the  
279 child; [(2)] (3) the capacity and the disposition of the parents to  
280 understand and meet the needs of the child; [(3)] (4) any relevant and  
281 material information obtained from the child, including the informed  
282 preferences of the child; [(4)] (5) the wishes of the child's parents as to  
283 custody; [(5)] (6) the past and current interaction and relationship of the  
284 child with each parent, the child's siblings and any other person who  
285 may significantly affect the best interests of the child; [(6)] (7) the  
286 willingness and ability of each parent to facilitate and encourage such  
287 continuing parent-child relationship between the child and the other  
288 parent as is appropriate, including compliance with any court orders;  
289 [(7)] (8) any manipulation by or coercive behavior of the parents in an  
290 effort to involve the child in the parents' dispute; [(8)] (9) the ability of  
291 each parent to be actively involved in the life of the child; [(9)] (10) the  
292 child's adjustment to his or her home, school and community  
293 environments; [(10)] (11) the length of time that the child has lived in a  
294 stable and satisfactory environment and the desirability of maintaining  
295 continuity in such environment, provided counsel or a guardian ad  
296 litem for the minor child may consider favorably a parent who  
297 voluntarily leaves the child's family home pendente lite in order to  
298 alleviate stress in the household; [(11)] (12) the stability of the child's  
299 existing or proposed residences, or both; [(12)] (13) the mental and  
300 physical health of all individuals involved, except that a disability of a  
301 proposed custodial parent or other party, in and of itself, shall not be  
302 determinative of custody unless the proposed custodial arrangement is  
303 not in the best interests of the child; [(13)] (14) the child's cultural  
304 background; [(14)] (15) the effect on the child of the actions of an abuser,  
305 if any domestic violence, as defined in section 46b-1, as amended by this  
306 act, has occurred between the parents or between a parent and another  
307 individual or the child; [(15)] (16) whether the child or a sibling of the

308 child has been abused or neglected, as defined respectively in section  
309 46b-120; and [(16)] (17) whether a party satisfactorily completed  
310 participation in a parenting education program established pursuant to  
311 section 46b-69b. Counsel or a guardian ad litem for the minor child shall  
312 not be required to assign any weight to any of the factors considered.

313 Sec. 8. Section 46b-56 of the general statutes is repealed and the  
314 following is substituted in lieu thereof (*Effective October 1, 2021*):

315 (a) In any controversy before the Superior Court as to the custody or  
316 care of minor children, and at any time after the return day of any  
317 complaint under section 46b-45, the court may make or modify any  
318 proper order regarding the custody, care, education, visitation and  
319 support of the children if it has jurisdiction under the provisions of  
320 chapter 815p. Subject to the provisions of section 46b-56a, the court may  
321 assign parental responsibility for raising the child to the parents jointly,  
322 or may award custody to either parent or to a third party, according to  
323 its best judgment upon the facts of the case and subject to such  
324 conditions and limitations as it deems equitable. The court may also  
325 make any order granting the right of visitation of any child to a third  
326 party to the action, including, but not limited to, grandparents.

327 (b) In making or modifying any order as provided in subsection (a)  
328 of this section, the rights and responsibilities of both parents shall be  
329 considered and the court shall enter orders accordingly that serve the  
330 best interests of the child and provide the child with the active and  
331 consistent involvement of both parents commensurate with their  
332 abilities and interests. Such orders may include, but shall not be limited  
333 to: (1) Approval of a parental responsibility plan agreed to by the  
334 parents pursuant to section 46b-56a; (2) the award of joint parental  
335 responsibility of a minor child to both parents, which shall include (A)  
336 provisions for residential arrangements with each parent in accordance  
337 with the needs of the child and the parents, and (B) provisions for  
338 consultation between the parents and for the making of major decisions  
339 regarding the child's health, education and religious upbringing; (3) the  
340 award of sole custody to one parent with appropriate parenting time for

341 the noncustodial parent where sole custody is in the best interests of the  
342 child; or (4) any other custody arrangements as the court may determine  
343 to be in the best interests of the child.

344 (c) In making or modifying any order as provided in subsections (a)  
345 and (b) of this section, the court shall consider the best interests of the  
346 child, and in doing so, may consider, but shall not be limited to, one or  
347 more of the following factors: (1) The physical and emotional safety of  
348 the child; (2) the temperament and developmental needs of the child;  
349 [(2)] (3) the capacity and the disposition of the parents to understand  
350 and meet the needs of the child; [(3)] (4) any relevant and material  
351 information obtained from the child, including the informed  
352 preferences of the child; [(4)] (5) the wishes of the child's parents as to  
353 custody; [(5)] (6) the past and current interaction and relationship of the  
354 child with each parent, the child's siblings and any other person who  
355 may significantly affect the best interests of the child; [(6)] (7) the  
356 willingness and ability of each parent to facilitate and encourage such  
357 continuing parent-child relationship between the child and the other  
358 parent as is appropriate, including compliance with any court orders;  
359 [(7)] (8) any manipulation by or coercive behavior of the parents in an  
360 effort to involve the child in the parents' dispute; [(8)] (9) the ability of  
361 each parent to be actively involved in the life of the child; [(9)] (10) the  
362 child's adjustment to his or her home, school and community  
363 environments; [(10)] (11) the length of time that the child has lived in a  
364 stable and satisfactory environment and the desirability of maintaining  
365 continuity in such environment, provided the court may consider  
366 favorably a parent who voluntarily leaves the child's family home  
367 pendente lite in order to alleviate stress in the household; [(11)] (12) the  
368 stability of the child's existing or proposed residences, or both; [(12)] (13)  
369 the mental and physical health of all individuals involved, except that a  
370 disability of a proposed custodial parent or other party, in and of itself,  
371 shall not be determinative of custody unless the proposed custodial  
372 arrangement is not in the best interests of the child; [(13)] (14) the child's  
373 cultural background; [(14)] (15) the effect on the child of the actions of  
374 an abuser, if any domestic violence, as defined in section 46b-1, as

375 amended by this act, has occurred between the parents or between a  
376 parent and another individual or the child; [(15)] (16) whether the child  
377 or a sibling of the child has been abused or neglected, as defined  
378 respectively in section 46b-120; and [(16)] (17) whether the party  
379 satisfactorily completed participation in a parenting education program  
380 established pursuant to section 46b-69b. The court is not required to  
381 assign any weight to any of the factors that it considers, but shall  
382 articulate the basis for its decision.

383 (d) Upon the issuance of any order assigning custody of the child to  
384 the Commissioner of Children and Families, or not later than sixty days  
385 after the issuance of such order, the court shall make a determination  
386 whether the Department of Children and Families made reasonable  
387 efforts to keep the child with his or her parents prior to the issuance of  
388 such order and, if such efforts were not made, whether such reasonable  
389 efforts were not possible, taking into consideration the best interests of  
390 the child, including the child's health and safety.

391 (e) In determining whether a child is in need of support and, if in  
392 need, the respective abilities of the parents to provide support, the court  
393 shall take into consideration all the factors enumerated in section 46b-  
394 84.

395 (f) When the court is not sitting, any judge of the court may make any  
396 order in the cause which the court might make under this section,  
397 including orders of injunction, prior to any action in the cause by the  
398 court.

399 (g) A parent not granted custody of a minor child shall not be denied  
400 the right of access to the academic, medical, hospital or other health  
401 records of such minor child, unless otherwise ordered by the court for  
402 good cause shown.

403 (h) Notwithstanding the provisions of subsections (b) and (c) of this  
404 section, when a motion for modification of custody or visitation is  
405 pending before the court or has been decided by the court and the  
406 investigation ordered by the court pursuant to section 46b-6

407 recommends psychiatric or psychological therapy for a child, and such  
408 therapy would, in the court's opinion, be in the best interests of the child  
409 and aid the child's response to a modification, the court may order such  
410 therapy and reserve judgment on the motion for modification.

411 (i) As part of a decision concerning custody or visitation, the court  
412 may order either parent or both of the parents and any child of such  
413 parents to participate in counseling and drug or alcohol screening,  
414 provided such participation is in the best interests of the child.

415 Sec. 9. (NEW) (*Effective October 1, 2021*) In any family relations matter  
416 described in section 46b-1 of the general statutes, as amended by this  
417 act, if the court finds that a pattern of frivolous and intentionally  
418 fabricated pleadings or motions are filed by one party, the court shall  
419 sanction such party in an appropriate manner so as to allow such matter  
420 to proceed without undue delay or obstruction by the party filing such  
421 pleadings or motions.

422 Sec. 10. Section 51-27h of the general statutes is repealed and the  
423 following is substituted in lieu thereof (*Effective July 1, 2021*):

424 The Chief Court Administrator shall provide in each court where  
425 family matters or family violence matters are heard or where a domestic  
426 violence docket, as defined in section 51-181e, is located a secure room  
427 for victims of family violence crimes and advocates for victims of family  
428 violence crimes which is separate from any public or private area of the  
429 court intended to accommodate the respondent or defendant or the  
430 respondent's or defendant's family, friends, attorneys or witnesses and  
431 separate from the office of the state's attorney, provided in courthouses  
432 constructed prior to July 1, 2021, such a room is available and the use of  
433 such room is practical.

434 Sec. 11. Section 51-27i of the general statutes is repealed and the  
435 following is substituted in lieu thereof (*Effective July 1, 2021*):

436 (a) As used in this section:

437 (1) "Domestic violence agency" means any office, shelter, host home  
438 or agency offering assistance to victims of domestic violence through  
439 crisis intervention, emergency shelter referral and medical and legal  
440 advocacy, and which meets the Department of Social Services' criteria  
441 of service provision for such agencies.

442 (2) "Family violence victim advocate" means a person (A) who is  
443 employed by and under the control of a direct service supervisor of a  
444 domestic violence agency, (B) who has undergone a minimum of twenty  
445 hours of training which shall include, but not be limited to, the  
446 dynamics of domestic violence, crisis intervention, communication  
447 skills, working with diverse populations, an overview of the state  
448 criminal justice and civil family court systems and information about  
449 state and community resources for victims of domestic violence, (C)  
450 who is certified as a counselor by the domestic violence agency that  
451 provided such training, and (D) whose primary purpose is the  
452 rendering of advice, counsel and assistance to, and the advocacy of the  
453 cause of, victims of domestic violence.

454 (b) The Chief Court Administrator shall permit one or more family  
455 violence victim advocates to provide services to victims of domestic  
456 violence in (1) the Family Division of the Superior Court in [one or more  
457 judicial districts] each judicial district, and (2) each geographical area  
458 court in the state.

459 (c) Notwithstanding any provision of the general statutes restricting  
460 the disclosure of documents, upon request, a family violence victim  
461 advocate providing services in the Family Division of the Superior  
462 Court or a geographical area court shall be provided with a copy of any  
463 police report in the possession of the state's attorney, the Division of  
464 State Police within the Department of Emergency Services and Public  
465 Protection, any municipal police department or any other law  
466 enforcement agency that the family violence victim advocate requires to  
467 perform the responsibilities and duties set forth in subsection (b) of this  
468 section.

469 Sec. 12. Subsection (a) of section 17b-112g of the general statutes is  
470 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
471 *2021*):

472 (a) The Commissioner of Social Services shall offer immediate  
473 diversion assistance designed to prevent certain families who are  
474 applying for monthly temporary family assistance from needing such  
475 assistance. Diversion assistance shall be offered to families that (1) upon  
476 initial assessment are determined eligible for temporary family  
477 assistance, (2) demonstrate a short-term need that cannot be met with  
478 current or anticipated family resources, and (3) with the provision of a  
479 service or short-term benefit, would be prevented from needing  
480 monthly temporary family assistance. Within resources available to the  
481 Department of Social Services, a person who requests diversion  
482 assistance on the basis of being a victim of domestic violence, as defined  
483 in section 17b-112a, shall be deemed to satisfy subdivision (2) of this  
484 subsection and shall not be subject to the requirements of subdivision  
485 (3) of this subsection. In determining whether the family of such a victim  
486 of domestic violence satisfies the requirements of subdivision (1) of this  
487 subsection and the appropriate amount of diversion assistance to  
488 provide, the commissioner shall not include as a member of the family  
489 the spouse, domestic partner or other household member credibly  
490 accused of domestic violence by such victim, nor shall the commissioner  
491 count the income or assets of such a spouse, domestic partner or other  
492 household member. For purposes of this subsection, allegations of  
493 domestic violence may be substantiated by the commissioner pursuant  
494 to the provisions of subsection (b) of section 17b-112a.

495 Sec. 13. Section 17b-191 of the general statutes is repealed and the  
496 following is substituted in lieu thereof (*Effective July 1, 2021*):

497 (a) Notwithstanding the provisions of sections 17b-190, 17b-195 and  
498 17b-196, the Commissioner of Social Services shall operate a state-  
499 administered general assistance program in accordance with this section  
500 and sections 17b-131, 17b-193, 17b-194, 17b-197 and 17b-198.  
501 Notwithstanding any provision of the general statutes, on and after



502 October 1, 2003, no town shall be reimbursed by the state for any general  
503 assistance medical benefits incurred after September 30, 2003, and on  
504 and after March 1, 2004, no town shall be reimbursed by the state for  
505 any general assistance cash benefits or general assistance program  
506 administrative costs incurred after February 29, 2004.

507 (b) The state-administered general assistance program shall provide  
508 cash assistance of (1) two hundred dollars per month for an  
509 unemployable person upon determination of such person's  
510 unemployability; (2) two hundred dollars per month for a transitional  
511 person who is required to pay for shelter; and (3) fifty dollars per month  
512 for a transitional person who is not required to pay for shelter. The  
513 standard of assistance paid for individuals residing in rated boarding  
514 facilities shall remain at the level in effect on August 31, 2003. No person  
515 shall be eligible for cash assistance under the program if eligible for cash  
516 assistance under any other state or federal cash assistance program. The  
517 standards of assistance set forth in this subsection shall be subject to  
518 annual increases, as described in subsection (b) of section 17b-104.

519 (c) To be eligible for cash assistance under the program, a person shall  
520 (1) be (A) eighteen years of age or older; (B) a minor found by a court to  
521 be emancipated pursuant to section 46b-150; or (C) under eighteen years  
522 of age and the commissioner determines good cause for such person's  
523 eligibility, and (2) not have assets exceeding two hundred fifty dollars  
524 or, if such person is married, such person and his or her spouse shall not  
525 have assets exceeding five hundred dollars. In determining eligibility,  
526 the commissioner shall not consider as income Aid and Attendance  
527 pension benefits granted to a veteran, as defined in section 27-103, or the  
528 surviving spouse of such veteran. No person who is a substance abuser  
529 and refuses or fails to enter available, appropriate treatment shall be  
530 eligible for cash assistance under the program until such person enters  
531 treatment. No person whose benefits from the temporary family  
532 assistance program have terminated as a result of time-limited benefits  
533 or for failure to comply with a program requirement shall be eligible for  
534 cash assistance under the program.

535 (d) Prior to or upon discontinuance of assistance, a person previously  
536 determined to be a transitional person may petition the commissioner  
537 to review the determination of his or her status. In such review, the  
538 commissioner shall consider factors, including, but not limited to: (1)  
539 Age; (2) education; (3) vocational training; (4) mental and physical  
540 health; and (5) employment history and shall make a determination of  
541 such person's ability to obtain gainful employment.

542 (e) Notwithstanding any other provision of this section or section  
543 17b-194, a victim of domestic violence, as defined in section 17b-112a,  
544 who is not eligible for diversion assistance under the provisions of  
545 section 17b-112g, as amended by this act, shall be eligible for a one-time  
546 assistance payment under the state-administered general assistance  
547 program within resources available to the Department of Social  
548 Services. Such payment shall be equivalent to that which such victim  
549 would be entitled to receive as diversion assistance if such victim and  
550 his or her family, if any, were eligible for diversion assistance. In  
551 determining whether and in what amount a victim of domestic violence  
552 and his or her family are eligible for a one-time assistance payment  
553 pursuant to this subsection, the commissioner shall not include as a  
554 member of such victim's family the spouse, domestic partner or other  
555 household member credibly accused of domestic violence by such  
556 victim, nor shall the commissioner count the income or assets of such a  
557 spouse, domestic partner or other household member. For purposes of  
558 this subsection, allegations of domestic violence may be substantiated  
559 by the commissioner pursuant to the provisions of subsection (b) of  
560 section 17b-112a, and "family" has the same meaning as used in section  
561 17b-112, except as otherwise provided in this subsection.

562 Sec. 14. Subsections (a) and (b) of section 54-64a of the general statutes  
563 are repealed and the following is substituted in lieu thereof (*Effective*  
564 *October 1, 2021*):

565 (a) (1) Except as provided in subdivision (2) of this subsection and  
566 subsection (b) of this section, when any arrested person is presented  
567 before the Superior Court, said court shall, in bailable offenses,

568 promptly order the release of such person upon the first of the following  
569 conditions of release found sufficient to reasonably ensure the  
570 appearance of the arrested person in court: (A) Upon execution of a  
571 written promise to appear without special conditions, (B) upon  
572 execution of a written promise to appear with nonfinancial conditions,  
573 (C) upon execution of a bond without surety in no greater amount than  
574 necessary, (D) upon execution of a bond with surety in no greater  
575 amount than necessary, but in no event shall a judge prohibit a bond  
576 from being posted by surety. In addition to or in conjunction with any  
577 of the conditions enumerated in subparagraphs (A) to (D), inclusive, of  
578 this subdivision the court may, when it has reason to believe that the  
579 person is drug-dependent and where necessary, reasonable and  
580 appropriate, order the person to submit to a urinalysis drug test and to  
581 participate in a program of periodic drug testing and treatment. The  
582 results of any such drug test shall not be admissible in any criminal  
583 proceeding concerning such person.

584 (2) If the arrested person is charged with no offense other than a  
585 misdemeanor, the court shall not impose financial conditions of release  
586 on the person unless (A) the person is charged with a family violence  
587 crime, as defined in section 46b-38a, as amended by this act, or (B) the  
588 person requests such financial conditions, or (C) the court makes a  
589 finding on the record that there is a likely risk that (i) the arrested person  
590 will fail to appear in court, as required, or (ii) the arrested person will  
591 obstruct or attempt to obstruct justice, or threaten, injure or intimidate  
592 or attempt to threaten, injure or intimidate a prospective witness or  
593 juror, or (iii) the arrested person will engage in conduct that threatens  
594 the safety of himself or herself or another person. In making a finding  
595 described in this subsection, the court may consider past criminal  
596 history, including any prior record of failing to appear as required in  
597 court that resulted in any conviction for a violation of section 53a-172 or  
598 any conviction during the previous ten years for a violation of section  
599 53a-173 and any other pending criminal cases of the person charged  
600 with a misdemeanor.

601 (3) The court may, in determining what conditions of release will

602 reasonably ensure the appearance of the arrested person in court,  
603 consider the following factors: (A) The nature and circumstances of the  
604 offense, (B) such person's record of previous convictions, (C) such  
605 person's past record of appearance in court, (D) such person's family  
606 ties, (E) such person's employment record, (F) such person's financial  
607 resources, character and mental condition, [and] (G) such person's  
608 community ties, and (H) in the case of a violation of 53a-222a when the  
609 condition of release was issued for a family violence crime, as defined  
610 in section 46b-38a, as amended by this act, the heightened risk posed to  
611 victims of family violence by violations of conditions of release.

612 (b) (1) When any arrested person charged with the commission of a  
613 class A felony, a class B felony, except a violation of section 53a-86 or  
614 53a-122, a class C felony, except a violation of section 53a-87, 53a-152 or  
615 53a-153, or a class D felony under sections 53a-60 to 53a-60c, inclusive,  
616 section 53a-72a, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216,  
617 or a family violence crime, as defined in section 46b-38a, as amended by  
618 this act, is presented before the Superior Court, said court shall, in  
619 bailable offenses, promptly order the release of such person upon the  
620 first of the following conditions of release found sufficient to reasonably  
621 ensure the appearance of the arrested person in court and that the safety  
622 of any other person will not be endangered: (A) Upon such person's  
623 execution of a written promise to appear without special conditions, (B)  
624 upon such person's execution of a written promise to appear with  
625 nonfinancial conditions, (C) upon such person's execution of a bond  
626 without surety in no greater amount than necessary, (D) upon such  
627 person's execution of a bond with surety in no greater amount than  
628 necessary, but in no event shall a judge prohibit a bond from being  
629 posted by surety. In addition to or in conjunction with any of the  
630 conditions enumerated in subparagraphs (A) to (D), inclusive, of this  
631 subdivision, the court may, when it has reason to believe that the person  
632 is drug-dependent and where necessary, reasonable and appropriate,  
633 order the person to submit to a urinalysis drug test and to participate in  
634 a program of periodic drug testing and treatment. The results of any  
635 such drug test shall not be admissible in any criminal proceeding

636 concerning such person.

637 (2) The court may, in determining what conditions of release will  
638 reasonably ensure the appearance of the arrested person in court and  
639 that the safety of any other person will not be endangered, consider the  
640 following factors: (A) The nature and circumstances of the offense, (B)  
641 such person's record of previous convictions, (C) such person's past  
642 record of appearance in court after being admitted to bail, (D) such  
643 person's family ties, (E) such person's employment record, (F) such  
644 person's financial resources, character and mental condition, (G) such  
645 person's community ties, (H) the number and seriousness of charges  
646 pending against the arrested person, (I) the weight of the evidence  
647 against the arrested person, (J) the arrested person's history of violence,  
648 (K) whether the arrested person has previously been convicted of  
649 similar offenses while released on bond, [and] (L) the likelihood based  
650 upon the expressed intention of the arrested person that such person  
651 will commit another crime while released, and (M) the heightened risk  
652 posed to victims of family violence by violations of conditions of release  
653 and court orders of protection.

654 (3) When imposing conditions of release under this subsection, the  
655 court shall state for the record any factors under subdivision (2) of this  
656 subsection that it considered and the findings that it made as to the  
657 danger, if any, that the arrested person might pose to the safety of any  
658 other person upon the arrested person's release that caused the court to  
659 impose the specific conditions of release that it imposed.

660 Sec. 15. Subsection (a) of section 53a-181j of the general statutes is  
661 repealed and the following is substituted in lieu thereof (*Effective October*  
662 *1, 2021*):

663 (a) A person is guilty of intimidation based on bigotry or bias in the  
664 first degree when such person maliciously, and with specific intent to  
665 intimidate or harass another person [because of] motivated in whole or  
666 in substantial part by the actual or perceived race, religion, ethnicity,  
667 disability, sex, sexual orientation or gender identity or expression of

668 such other person, causes physical injury to such other person or to a  
669 third person.

670 Sec. 16. Subsection (a) of section 53a-181k of the general statutes is  
671 repealed and the following is substituted in lieu thereof (*Effective October*  
672 *1, 2021*):

673 (a) A person is guilty of intimidation based on bigotry or bias in the  
674 second degree when such person maliciously, and with specific intent  
675 to intimidate or harass another person or group of persons [because of]  
676 motivated in whole or in substantial part by the actual or perceived race,  
677 religion, ethnicity, disability, sex, sexual orientation or gender identity  
678 or expression of such other person or group of persons, does any of the  
679 following: (1) Causes physical contact with such other person or group  
680 of persons, (2) damages, destroys or defaces any real or personal  
681 property of such other person or group of persons, or (3) threatens, by  
682 word or act, to do an act described in subdivision (1) or (2) of this  
683 subsection, if there is reasonable cause to believe that an act described  
684 in subdivision (1) or (2) of this subsection will occur.

685 Sec. 17. Subsection (a) of section 53a-181l of the general statutes is  
686 repealed and the following is substituted in lieu thereof (*Effective October*  
687 *1, 2021*):

688 (a) A person is guilty of intimidation based on bigotry or bias in the  
689 third degree when such person, with specific intent to intimidate or  
690 harass another person or group of persons [because of] motivated in  
691 whole or in substantial part by the actual or perceived race, religion,  
692 ethnicity, disability, sex, sexual orientation or gender identity or  
693 expression of such other person or persons: (1) Damages, destroys or  
694 defaces any real or personal property, or (2) threatens, by word or act,  
695 to do an act described in subdivision (1) of this subsection or advocates  
696 or urges another person to do an act described in subdivision (1) of this  
697 subsection, if there is reasonable cause to believe that an act described  
698 in said subdivision will occur.

699 Sec. 18. Section 46b-87 of the general statutes is repealed and the

700 following is substituted in lieu thereof (*Effective July 1, 2021*):

701       (a) When any person is found in contempt of an order of the Superior  
702 Court entered under section 46b-60 to 46b-62, inclusive, 46b-81 to 46b-  
703 83, inclusive, or 46b-86, the court [may] shall award to the petitioner a  
704 reasonable attorney's fee and the fees of the officer serving the contempt  
705 citation, such sums to be paid by the person found in contempt,  
706 provided if any such person is found not to be in contempt of such order,  
707 the court may award a reasonable attorney's fee to such person. The  
708 costs of commitment of any person imprisoned for contempt of court by  
709 reason of failure to comply with such an order shall be paid by [the state  
710 as in criminal cases] such imprisoned person.

711       (b) (1) The state shall have a claim against each person imprisoned  
712 under subsection (a) of this section for which the state has not received  
713 the costs of commitment pursuant to said subsection. Any property  
714 owned by such person prior to release from imprisonment may be used  
715 to satisfy such claim, except property that is: (A) Exempt pursuant to  
716 section 52-352b or 52-352d, except as provided in subsection (b) of  
717 section 52-321a; or (B) subject to the provisions of section 54-218.  
718 Property acquired by such person after release from imprisonment may  
719 be used to satisfy such claim if that property could be used to satisfy a  
720 claim for the costs of incarceration pursuant to the provisions of section  
721 18-85b, 18-85c or 52-367c, except as provided in subsection (b) of section  
722 52-321a.

723       (2) In addition to other remedies available at law, the Attorney  
724 General may bring an action in the superior court for the judicial district  
725 of Hartford to enforce a claim under subdivision (1) of this subsection,  
726 provided no such action shall be brought but within two years from the  
727 date the person is released from imprisonment, except that such  
728 limitation period shall not apply if such property was fraudulently  
729 concealed from the state.

730       Sec. 19. (*Effective July 1, 2021*) In accordance with the provisions of  
731 subsection (c) of section 51-14 of the general statutes, the judges or a

732 committee of their number shall hold a public hearing to determine  
 733 whether the rules of the court should be changed to apply the provisions  
 734 of subsection (g) of Connecticut Practice Book Rule 25-26 to motions for  
 735 modification of a custody or visitation order made pendente lite."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	46b-1
Sec. 2	<i>October 1, 2021</i>	46b-15(a) and (b)
Sec. 3	<i>October 1, 2021</i>	46b-15c
Sec. 4	<i>October 1, 2021</i>	46b-16a(b)
Sec. 5	<i>July 1, 2021</i>	46b-38a(3)
Sec. 6	<i>July 1, 2021</i>	46b-38b(g)(5)
Sec. 7	<i>October 1, 2021</i>	46b-54(f)
Sec. 8	<i>October 1, 2021</i>	46b-56
Sec. 9	<i>October 1, 2021</i>	New section
Sec. 10	<i>July 1, 2021</i>	51-27h
Sec. 11	<i>July 1, 2021</i>	51-27i
Sec. 12	<i>July 1, 2021</i>	17b-112g(a)
Sec. 13	<i>July 1, 2021</i>	17b-191
Sec. 14	<i>October 1, 2021</i>	54-64a(a) and (b)
Sec. 15	<i>October 1, 2021</i>	53a-181j(a)
Sec. 16	<i>October 1, 2021</i>	53a-181k(a)
Sec. 17	<i>October 1, 2021</i>	53a-181l(a)
Sec. 18	<i>July 1, 2021</i>	46b-87
Sec. 19	<i>July 1, 2021</i>	New section