



General Assembly

February Session, 2022

Raised Bill No. 5467

LCO No. 3238



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING THE USE AND AVAILABILITY OF CERTAIN WRITTEN REPORTS IN PROCEEDINGS INVOLVING ALLEGATIONS OF DOMESTIC VIOLENCE OR FAMILY VIOLENCE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 46b-38c of the 2022 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2022*):

4 (c) Each such local family violence intervention unit shall: (1) Accept
5 referrals of family violence cases from a judge or [prosecutor]
6 prosecuting authority, (2) prepare written [or oral] reports on each case
7 for the court by the next court date to be presented at any time during
8 the court session on that date, (3) provide a copy of any written report
9 that has been prepared for presentation to the court at any stage of a
10 criminal proceeding, to the prosecuting authority, the defendant and the
11 defendant's counsel, (4) provide or arrange for services to victims and
12 offenders, [(4)] (5) administer contracts to carry out such services, and
13 [(5)] (6) establish centralized reporting procedures. All information
14 provided to a family relations counselor, family relations counselor
15 trainee or family services supervisor employed by the Judicial

16 Department in a local family violence intervention unit shall be used
17 solely for the purposes of preparation of the report and the protective
18 order forms for each case and recommendation of services and shall
19 otherwise be confidential and retained in the files of such unit and not
20 be subject to subpoena or other court process for use in any other
21 proceeding or for any other purpose, except that a family relations
22 counselor, family relations counselor trainee or family services
23 supervisor employed by the Judicial Department:

24 (A) Shall disclose to the court and the prosecuting authority for
25 appropriate action information that the victim has indicated that the
26 defendant holds a permit to carry a pistol or revolver, possesses one or
27 more firearms or possesses ammunition;

28 (B) Shall disclose to an employee of the Department of Children and
29 Families information that indicates that a defendant poses a danger or
30 threat to a child or a custodial parent of the child;

31 (C) May disclose to another family relations counselor, family
32 relations counselor trainee or family services supervisor information
33 pursuant to guidelines adopted by the Chief Court Administrator;

34 (D) May disclose to a bail commissioner or an intake, assessment and
35 referral specialist employed by the Judicial Department information
36 regarding a defendant who is on or is being considered for pretrial
37 release;

38 (E) May disclose to a law enforcement agency information that
39 indicates that a defendant poses a danger or threat to another person;

40 (F) May disclose, after disposition of a family violence case, to a
41 probation officer or a juvenile probation officer, for purposes of
42 determining service needs and supervision levels, information
43 regarding a defendant who has been convicted and sentenced to a
44 period of probation in the family violence case;

45 (G) May disclose, after a conviction in a family violence case, to a
46 probation officer for the purpose of preparing a presentence

47 investigation report, any information regarding the defendant that has
48 been provided to the family relations counselor, family relations
49 counselor trainee or family services supervisor in the case or in any
50 other case that resulted in the conviction of the defendant;

51 (H) May disclose to any organization under contract with the Judicial
52 Department to provide family violence programs and services, for the
53 purpose of determining program and service needs, information
54 regarding any defendant who is a client of such organization, provided
55 no information that personally identifies the victim may be disclosed to
56 such organization; and

57 (I) Shall disclose such information as may be necessary to fulfill such
58 counselor's, trainee's or supervisor's duty as a mandated reporter under
59 section 17a-101a to report suspected child abuse or neglect.

60 Sec. 2. Subsection (b) of section 46b-15 of the 2022 supplement to the
61 general statutes is repealed and the following is substituted in lieu
62 thereof (*Effective October 1, 2022*):

63 (b) The application form shall allow the applicant, at the applicant's
64 option, to indicate whether the respondent holds a permit to carry a
65 pistol or revolver, an eligibility certificate for a pistol or revolver, a long
66 gun eligibility certificate or an ammunition certificate or possesses one
67 or more firearms or ammunition. The application shall be accompanied
68 by an affidavit made under oath which includes a brief statement of the
69 conditions from which relief is sought. Upon receipt of the application
70 the court shall order that a hearing on the application be held not later
71 than fourteen days from the date of the order except that, if the
72 application indicates that the respondent holds a permit to carry a pistol
73 or revolver, an eligibility certificate for a pistol or revolver, a long gun
74 eligibility certificate or an ammunition certificate or possesses one or
75 more firearms or ammunition, and the court orders an ex parte order,
76 the court shall order that a hearing be held on the application not later
77 than seven days from the date on which the ex parte order is issued. The
78 court, in its discretion, may make such orders as it deems appropriate
79 for the protection of the applicant and such dependent children or other

80 persons as the court sees fit. In making such orders ex parte, the court,
81 in its discretion, may consider relevant court records if the records are
82 available to the public from a clerk of the Superior Court or on the
83 Judicial Branch's Internet web site. In addition, at the time of the
84 hearing, the court, in its discretion, may also consider a report prepared
85 by the family services unit of the Judicial Branch, [that] provided the
86 person who prepared such report is available to testify at the hearing
87 and is subject to cross examination. The report may include, as available:
88 Any existing or prior orders of protection obtained from the protection
89 order registry; information on any pending criminal case or past
90 criminal case in which the respondent was convicted of a violent crime;
91 any outstanding arrest warrant for the respondent; and the respondent's
92 level of risk based on a risk assessment tool utilized by the Court
93 Support Services Division. The report may also include information
94 pertaining to any pending or disposed family matters case involving the
95 applicant and respondent. Any report provided by the Court Support
96 Services Division to the court shall also be provided to the applicant and
97 respondent. Such orders may include temporary child custody or
98 visitation rights, and such relief may include, but is not limited to, an
99 order enjoining the respondent from (1) imposing any restraint upon the
100 person or liberty of the applicant; (2) threatening, harassing, assaulting,
101 molesting, sexually assaulting or attacking the applicant; or (3) entering
102 the family dwelling or the dwelling of the applicant. Such order may
103 include provisions necessary to protect any animal owned or kept by
104 the applicant including, but not limited to, an order enjoining the
105 respondent from injuring or threatening to injure such animal. If an
106 applicant alleges an immediate and present physical danger to the
107 applicant, the court may issue an ex parte order granting such relief as
108 it deems appropriate. If a postponement of a hearing on the application
109 is requested by either party and granted, the ex parte order shall not be
110 continued except upon agreement of the parties or by order of the court
111 for good cause shown. If a hearing on the application is scheduled or an
112 ex parte order is granted and the court is closed on the scheduled
113 hearing date, the hearing shall be held on the next day the court is open
114 and any such ex parte order shall remain in effect until the date of such

115 hearing. If the applicant is under eighteen years of age, a parent,
116 guardian or responsible adult who brings the application as next friend
117 of the applicant may not speak on the applicant's behalf at such hearing
118 unless there is good cause shown as to why the applicant is unable to
119 speak on his or her own behalf, except that nothing in this subsection
120 shall preclude such parent, guardian or responsible adult from
121 testifying as a witness at such hearing. As used in this subsection,
122 "violent crime" includes: (A) An incident resulting in physical harm,
123 bodily injury or assault; (B) an act of threatened violence that constitutes
124 fear of imminent physical harm, bodily injury or assault, including, but
125 not limited to, stalking or a pattern of threatening; (C) verbal abuse or
126 argument if there is a present danger and likelihood that physical
127 violence will occur; and (D) cruelty to animals as set forth in section 53-
128 247.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2022</i>	46b-38c(c)
Sec. 2	<i>October 1, 2022</i>	46b-15(b)

Statement of Purpose:

To: (1) Ensure that the prosecuting authority, defendant and the defendant's counsel are provided equal access to written reports prepared by a member of a family violence intervention unit, and (2) require that the person who prepares a family service unit report for use in a restraining order hearing be available to testify and subject to cross examination at such hearing.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]