

# NEED HELP?

*Call us for help*

Statewide  
Legal Services  
of Connecticut, Inc.

Statewide Legal Services

1-800-453-3320

860-344-0380

*Search our website for help*



[www.ctlawhelp.org](http://www.ctlawhelp.org)

***We offer free legal help in many areas including:***

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  - SNAP (food stamps)
  - divorce
  - child support
  - domestic violence
  - bankruptcy
  - special education
  - nursing home care
  - health insurance
  - eviction
  - foreclosure
- ...and more*

*See reverse side for more about Legal Services.*

FAMILY

LEGAL SERVICES

SELF HELP SERIES

## How to Ask for a Restraining Order

August 2009



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## *How to Ask for a Restraining Order*

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### STATEMENT CONCERNING TEMPORARY CUSTODY OF CHILDREN

*"X" one of the following:*

- I am not seeking temporary custody of any minor child(ren) in this matter.
- I am seeking temporary custody of my minor child(ren) in this matter.  
(Complete an *Affidavit Concerning Children, form JD-FM-164, and bring it to the clerk along with this form and your completed Application For Relief From Abuse, form JD-FM-137.*)

I hereby certify that the foregoing statements are true to the best of my knowledge and belief.

SIGNATURE

PRINT NAME OF PERSON SIGNING

SUBSCRIBED AND SWORN TO BEFORE ME (Asst. Clerk, Comm. of Superior Court, Notary Public)

DATE SIGNED

**AFFIDAVIT -  
RELIEF FROM ABUSE**

JD-FM-138 Rev. 5-06  
C.G.S. §§ 46b-15, 52-231a, P.B. § 25-57

STATE OF CONNECTICUT  
**SUPERIOR COURT**  
www.jud.ct.gov

**DEFINITION:**  
Affidavit – a written  
statement that you  
swear is the truth.

**INSTRUCTIONS TO APPLICANT (Affiant)**

*This affidavit must be completed and given to the clerk along with your completed Application for Relief From Abuse, form JD-FM-137. Your affidavit must include a statement of the conditions from which you seek relief and must be made under oath (you must swear that your statement is true and sign it in front of a court clerk, a notary public, or an attorney who will also sign and date the affidavit). The statement must be true to the best of your knowledge. Give recent, specific examples along with dates and state if any arrest was made related to the incidents outlined in this statement.*

**If you seek temporary custody of your minor child(ren), you must also complete an Affidavit Concerning Children, form JD-FM-164.**

NAME OF APPLICANT (Your name)

NAME OF RESPONDENT (Person against whom application is filed)

DOCKET NO. (For court use only)

**STATEMENT OF CONDITIONS FROM WHICH YOU SEEK RELIEF**

I, the undersigned, duly depose and say that I am the Applicant in this matter and state as follows:



A restraining order is a paper from a judge that tells someone to stop hurting you or threatening to hurt you.

## Introduction

For important facts about restraining orders, read our first booklet, *Things You Need to Know Before Asking for a Restraining Order*.

The steps you need to take to get a restraining order are explained in this booklet, *How to Ask for a Restraining Order*. If you have questions, talk to a lawyer or domestic violence agency. See the back of this booklet for helpful phone numbers.

You must take 6 steps to get a restraining order:

1. Fill out the court forms.
2. Give the forms to the court clerk.
3. Get the restraining order and have it served.
4. Get ready for the court hearing.
5. Go to the hearing and present your case to the judge.
6. Enforce the restraining order.



# Steps to Take

## 1 Fill out the court forms.

You must fill out court forms to ask the judge for the restraining order. What you say on these forms must be true. Keep in mind the abusive person will see the first three forms listed below.

You can get court forms at the court clerk's office or online.

- Application for Relief from Abuse (JD-FM-137).**  
Fill in basic information about your situation such as names, addresses, birth dates, etc. You can also tell the judge if the person has guns. *(See sample form at the end of this booklet.)*
- Affidavit for Relief from Abuse (JD-FM-138).** Explain in your own words why you need a restraining order.
- Affidavit Concerning Children (JD-FM-164).**  
Fill out this form if you are asking for temporary custody of your children.
- Request for Nondisclosure of Location Information (JD-FM-188).** The court needs a mailing address. This form tells the court not to put your address in the court file where the abusive person might see it. The abusive person will not get a copy of this form.

*Note:* The letters and numbers next to the name of the form is the official form number. Use these numbers to find or ask for forms.

<small>STATE OF CONNECTICUT   COURT OF SUPERIOR JUDICIAL DEPARTMENT   JUDGE</small>	<small>DATE OF BIRTH (mm/dd/yyyy)</small>	<small>JCA (WVI)</small>	<small>INDEX</small>
Address of respondent (Number, street)		(State)	(Zip Code)
Respondent's telephone number		(Town)	
Other identifiers (Examples include height, weight and approximate age)			
Respondent is ("X" all that apply)			
<input type="checkbox"/> My spouse or a person I have a civil union with		<input type="checkbox"/> My child	
<input type="checkbox"/> My former spouse or a person I had a civil union with		<input type="checkbox"/> A person 18 or over related to me by blood or marriage	
<input type="checkbox"/> Parent of my child		<input type="checkbox"/> A person 16 or over with whom I reside or with whom I have resided	
<input type="checkbox"/> My parent		<input type="checkbox"/> A caretaker who is providing shelter in his or her residence to a person 60 years of age or older	
		<input type="checkbox"/> A person with whom I have (or recently had) a dating relationship	
<input type="checkbox"/> "X" here if you have cohabited with the Respondent as an intimate partner (romantic, spousal, or sexual relationship while living together).			
<input type="checkbox"/> "X" here if a Protective Order/Restraining Order exists affecting any party to this Application (Enter docket number and court location)		Docket number	
		Court location	
<input type="checkbox"/> "X" here if a dissolution of marriage (divorce), dissolution of civil union, custody or visitation action exists involving the same parties. (Enter docket number and court location)			
<input type="checkbox"/> Docket number		Court location	
		Court location	

**APPLICATION FOR RELIEF FROM ABUSE**

JD-FM-137 Rev. 2-10 C.G.S. §§ 29-28, 29-32, 29-33, 46b-15, 46b-38nn, 46b-38oo, 52-231a

**STATE OF CONNECTICUT SUPERIOR COURT**

[www.jud.ct.gov](http://www.jud.ct.gov)

**DEFINITIONS:**

**Petitioner/Applicant** – the person who is asking for a restraining order from the court  
**Respondent** – the person who the restraining order is against

**Instructions To Applicant**

1. Use a typewriter or print clearly in ink. You must also complete an Affidavit, form JD-FM-138. Give both forms to the Clerk of Court.
2. After your Application and Affidavit are processed, the clerk will give you the proper papers to have served on the Respondent.
3. Make sure the originals are returned to court after service.

**Instructions To Clerk**

1. If Ex Parte relief is ordered, prepare the following forms: Order of Protection, form JD-CL-99, and if applicable, Additional Orders of Protection, form JD-CL-700; Order and Notice of Court Hearing, form JD-FM-140; General Restraining Order Notifications (Family), form JD-CL-704.
2. If Ex Parte relief is NOT ordered, prepare Order and Notice of Court Hearing, form JD-FM-140.
3. Provide the Applicant with the original and one copy of the Application and Affidavit. Retain copies of each for court file.
4. Provide the Applicant with the Procedures For Relief From Abuse Process brochure JDP-FM-142 for further information.

Judicial District of	Court location (number, street, town, zip code)			Docket number
Name of applicant (Last, first, middle initial)	Date of birth (mm/dd/yyyy)	Sex (M/F)	Race	
Address to which mail is to be sent (number, street)	(Town)	(State)	(Zip Code)	
Home/residence address* <input type="checkbox"/> Same as mailing address	(Town)	(State)	(Zip Code)	
Work address*	(Town)	(State)	(Zip Code)	

**\* NOTE: The home address and/or work address provided above will be included on any orders entered by the court. If you do not wish to provide your home address and/or work address, do not complete these boxes. However, failure to disclose your location information may limit the protection you can receive by the restraining order. If you believe that disclosure of location information would jeopardize you and/or your child(ren)'s health, safety or liberty, you may file a Request For Nondisclosure of Location Information with the Clerk of Court.**

**Information About The Respondent**

Name of respondent (Barren against whom application is filed) (I set first middle initial)	Sex (M/F)	Race
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▶ **You can get the court forms**

- Online at <http://www.jud.ct.gov/webforms/>. You can use the internet at any public library.
- At the court clerk's office. Every courthouse has a clerk's office.

▶ **You can get help filling out the forms at a**

- Court clerk's office
- Court Service Center (at the courthouse)
- Legal services office or
- Domestic violence agency.

See the back of this booklet for phone numbers.

**Court clerk** – a person who accepts and files court papers for the court. Clerks cannot give you legal advice.

**2 Give the forms to the court clerk.**

Take these completed forms to the court clerk's office in the Judicial District

- Where you live or
- Where the abusive person lives if you are afraid he or she will find out where you live.

See the back of this booklet for a list of Judicial Districts.

**3 Get the restraining order and have it served.**

The court clerk will give your papers to a judge. The judge will make a decision based on what you wrote on these papers. You may still get a restraining order at the 14-day hearing if you are not given the order immediately.

- ▶ **If the judge gives (grants) the restraining order, the order will be temporary. It will only last until the 14-day hearing.**

The clerk will:

- Give you a certified copy of the restraining order. *Keep it with you at all times.*
- Fax the order to the police department where you live and work, and where the abusive person lives.
- Give you copies of the order and court papers that will need to be served.
- Set a date and time for the 14-day hearing.

**Hearing –**  
a set day and time for people who have a case in court to argue their side in front of a judge.

The judge will decide at this 14-day hearing if the restraining order should continue for 180 days.

- ▶ **Get the restraining order served.**

A state marshal must deliver the court papers to the abusive person. This is called *service*. Service is free. The clerk's office will give you a list of marshals.

**Call the marshal and arrange to give him the court papers.** The marshal must serve the papers at least 5 days before the 14-day hearing.



You must go to the hearing or the restraining order will end.

### Call us for help

Statewide  
Legal Services  
of Connecticut, Inc.

Statewide Legal Services  
1-800-453-3320 or 860-344-0380

### Search our website for help



[www.ctlawhelp.org](http://www.ctlawhelp.org)

### Connecticut Legal Services

[www.connlegalservices.org](http://www.connlegalservices.org)

<b>Bridgeport</b>	211 State Street	203-336-3851
<b>New Britain</b>	16 Main Street	860-225-8678
<b>New London</b>	153 Williams Street	860-447-0323
<b>Stamford</b>	20 Summer Street	203-348-9216
<b>Waterbury</b>	85 Central Avenue	203-756-8074
<b>Willimantic</b>	872 Main Street	860-456-1761

### Greater Hartford Legal Aid

[www.ghla.org](http://www.ghla.org)

999 Asylum Avenue 860-541-5000  
Hartford, CT 06105

### New Haven Legal Assistance Association

[www.nhlegal.org](http://www.nhlegal.org)

426 State Street 203-946-4811  
New Haven, CT 06510

### AIDS Legal Network for Connecticut

Free legal information, advice, referrals and more for people throughout CT living with HIV/AIDS.

999 Asylum Avenue  
Hartford, CT 06105  
860-541-5027 or 1-888-380-3646

### Consumer Law Project for Elders

Free legal assistance to seniors 60 and over throughout CT who have consumer problems.

1-800-296-1467

### Legal Assistance Resource Center of CT (LARCC)

[www.larcc.org](http://www.larcc.org)

Community education and public policy advocacy organization addressing issues of importance to low-income Connecticut residents.

44 Capitol Avenue, Suite 301  
Hartford, CT 06106  
860-278-5688

*This booklet was produced by the Legal Assistance Resource Center of Connecticut in cooperation with Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services.*

*The information in this booklet is based on laws in Connecticut as of 8/2009. We hope that the information is helpful. It is not intended as legal advice for an individual situation. Please call Statewide Legal Services or contact an attorney for additional help.*

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## Court Service Centers

www.jud.ct.us

Court Service Centers have staff that help people involved with the courts. The Centers are located in the Judicial District Courthouses. Many have bilingual staff. You can get and use:

- Court forms and judicial publications
- Computers with internet access and word processing
- Printer, copier, fax machine, phone
- Notary Public Services, and more.

### Judicial District Courthouses with Court Service Centers

#### **Ansonia - Milford**

14 West River Street, Milford .....Court Service Center (203) 283-8260

#### **Danbury Judicial District Courthouse**

146 White Street, Danbury .....Court Service Center (203) 207-8766

#### **Fairfield (Bridgeport) Judicial District Courthouse**

1061 Main Street, Bridgeport.....Court Service Center (203) 579-7210

#### **Hartford Family Court**

90 Washington Street, Hartford .....Court Service Center (860) 706-5064

#### **Meriden Judicial District Courthouse**

54 West Main Street, Meriden .....Court Service Center (203) 238-6499

#### **Middlesex Judicial District Courthouse**

1 Court Street, Middletown.....Court Service Center (860) 343-6499

#### **New Britain Judicial District Courthouse**

20 Franklin Square, New Britain .....Court Service Center (860) 515-5151

#### **New Haven Judicial District Courthouse**

235 Church Street, New Haven .....Court Service Center (203) 503-6819

#### **Norwich**

1 Courthouse Square, Norwich .....Court Service Center (860) 823-0857

#### **Stamford**

123 Hoyt Street, Stamford .....Court Service Center (203) 965-5297

#### **Tolland**

69 Brooklyn Street, Rockville.....Court Service Center (860) 896-4945

#### **Waterbury**

300 Grand Street, Waterbury .....Court Service Center (203) 591-3308

## 4 Get ready for the court hearing.

### ► **You must go to the 14-day court hearing.**

The restraining order will end if you do not show up. The abusive person will be allowed to have contact with you when the order ends.

### ► **Think about how you can show the judge that you are in danger.**

Your testimony will help the judge decide whether to continue the restraining order for 180 days.

Testimony can also come from the abusive person and other people who saw what happened (called witnesses). Witnesses may include the police officer, a DCF worker, a neighbor who saw what happened, etc.

Papers such as police reports, medical records, DCF records, or bank statements may be helpful.

### ► **You must get a court order (called a subpoena) to get a witness or records to go to the hearing.**

A *subpoena* orders a person to bring certain papers with them to court (for example, police reports, medical records, DCF records, bank statements, etc.)

**Ask the court clerk** for the forms to subpoena a person and papers to court. You must fill out the subpoena form **before the 14-day hearing.**

**Subpoena** – a court order requiring someone to come to court about a case on a certain date and time. A state marshal must deliver it.

## The Day of the Court Hearing

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### 5 Go to the court hearing and present your case to the judge.

- ▶ *Get to court at least 15 minutes early. Go to the court clerk's office to find out which courtroom to go to.*
- ▶ *Go to the courtroom and let the clerk know that you are ready to present your case to the judge. Give the clerk any papers the marshal gave you.*
- ▶ *Find the Family Relations Office and sign up to speak to a Family Relations Officer (FRO).*

You will have to speak to a Family Relations Officer (FRO) about your case before you speak to the judge if the abusive person comes to court.

You can speak to the FRO alone if you are afraid or uncomfortable talking about what happened in front of the abusive person.

The FRO will suggest a way to settle your situation. You do not have to accept the suggestion.

You have the right to tell your side of the story to a judge and let the judge make a decision. If there is an agreement, the FRO will help you write it down to give to the judge.

**Family Relations** – a branch of the court that tries to help people resolve problems.

**Family Relations Officer (FRO)** - court employees that listen to you and the other person to help you come to an agreement.

*Note: Family Relations may be called Family Services.*

**Domestic Violence Programs in CT**  
*Emergency shelter, 24-hour hotline, crisis intervention, and information and referral services available.*



**24-Hour  
Statewide Hotline  
1-888-774-2900**

**Connecticut Coalition  
Against Domestic Violence**

90 Pitkin Street  
East Hartford, CT 06108  
Tel: (860) 282-7899  
Fax: (860) 282-7892

## Family Self-Help Booklets

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*Available from Legal Services offices and online.*

- Things You Need to Know..Before Asking for a Restraining Order
- How to Extend a Restraining Order
- A Guide to Fee Waivers
- Custody Disputes
- Financial Affidavits
- Getting a Lawyer Appointed for Your Child: Divorce, Custody, or Visitation Cases
- How to Get a Contempt Order  
*...and more*



# Domestic Violence Programs

Statewide Hotline  
1-888-774-2900

## **Ansonia:**

Center for Domestic Violence Services  
Hotline (203) 736-9944  
Office (203) 736-2601

## **Bridgeport:**

The Center for Women & Families of Eastern Fairfield County, Inc.  
Hotline (203) 384-9559  
Office (203) 334-6154

## **Danbury:**

Women's Center of Greater Danbury  
Hotline (203) 731-5206  
Office (203) 731-5200

## **Dayville:**

Domestic Violence Prog.-United Svcs  
Hotline (860) 774-8648  
Office (860) 774-7243

## **Enfield**

Network Against Domestic Abuse  
Hotline (860) 763-4542  
Office (860) 763-7430

## **Greenwich:**

Domestic Abuse Service (YWCA)  
Hotline (203) 622-0003  
Office (203) 869-6501 x 171

## **Hartford:**

Interval House  
Hotline (860) 527-0550  
Office (860) 246-9149

## **Meriden:**

Meriden-Wallingford Chrysalis  
Hotline (203) 238-1501  
Office (203) 630-1638

## **Middletown:**

New Horizons  
Hotline (860) 347-3044  
Office (860) 344-9599

## **New Britain:**

Prudence Crandall Center for Women  
Hotline (860) 225-6357  
Office (860) 225-5187

## **New Haven:**

Domestic Violence Serv.of Greater NH  
Hotline (203) 789-8104  
Office (203) 865-1957

## **New London & Norwich:**

Women's Center of Southeastern CT, Inc.  
Hotline (860) 701-6000  
Office (860) 447-0366

## **Norwalk:**

Domestic Violence Crisis Center  
Hotline 1-888-774-2900  
Office (203) 853-0418

## **Sharon:**

Womens Support Services  
Hotline (860) 364-1900  
Office (860) 364-1080

## **Stamford:**

Domestic Violence Crisis Center  
Hotline 1-888-774-2900  
Office (203) 588-9100

## **Torrington:**

Susan B. Anthony Project  
Hotline (860) 482-7133  
Office (860) 489-3798

## **Waterbury:**

Safe Haven of Greater Waterbury  
Hotline (203) 575-0036  
Office (203) 575-0388

## **Willimantic:**

Domestic Violence Program -  
United Services  
Hotline (860) 456-9476  
Office (860) 456-9275



When your case is called, say “*ready*” and go stand at a table at the front of the courtroom.

### ► **When the judge calls your case**

Stand up and say, “Ready” when the judge calls your case. Go to the front of the courtroom and stand behind one of the tables.

## AGREEMENTS

### ► **If you have an agreement**

Give the judge the agreement. The judge will review it and ask these questions:

- *Is this your agreement?*
- *Do you think the agreement is fair?*
- *Do you want me to make your agreement an order of the court?*
- *Did anyone force you to agree to this?*

### ► **If you do not have an agreement**

Both you and the abusive person will tell your own side of the story to the judge. The judge will then decide if the order should last 180 days.

## JUDGE'S DECISION

### ► **If the order is granted (given):**

You will be given a certified copy of the order. Keep this copy with you at all times. The abusive person will be given a certified copy. The police departments where you live and work and where the abusive person lives will be sent a copy of the restraining order.

► ***If the order is not granted***

Try to find out why the judge did not give you the restraining order. You may be able to correct the problem. There may have been a problem with the papers being served to the abusive person. Talk to a lawyer for help if you have to start the process over again.

**6 Enforce the restraining order.**

► ***Do not have any contact with the abusive person.***

Call the police right away if the person shows up or calls you. Do not talk with the person.

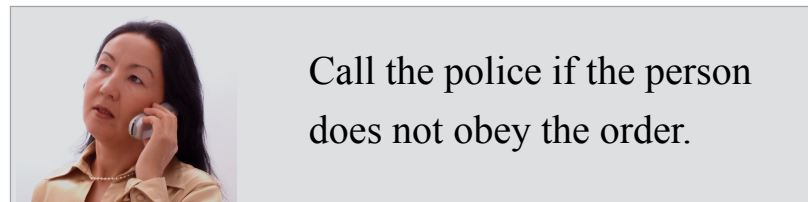
► ***Follow all court orders about your children.***

► ***Call the police if the other person does not follow the orders. Then go back to the courthouse.***

Fill out a motion for contempt form. A motion for contempt asks the judge to punish a person for not obeying a court order. The Court Service Center or the clerk's office can help you with the paperwork. They cannot give you legal advice.

***Enforcing a restraining order - what to do if the other person does not obey the Restraining Order.***

***Motion for contempt - a written request to a judge asking to punish a person for not obeying a court order. The clerk's office will have a court form to fill out to make this request.***



## Some Things to Keep in Mind

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- A restraining order may not fit your situation. Read the booklet, *Things You Need to Know Before Asking for a Restraining Order*. Talk to a lawyer or domestic violence agency if you have any questions.
- The abusive person will not know right away that you are asking for a restraining order. The person has the right to see what you wrote in the court forms at least 5 days before the 14-day hearing. A state marshal must serve the forms.
- Your testimony at the 14-day hearing is the only proof that is absolutely necessary. You must go to court and tell the judge your side of the story. If you do not show up, the restraining order will end. You will have to start the process over again.
- A court interpreter may not be available to translate for you in court. If one is available, you may wait for many hours to go in front of the judge.
- Do not bring children to court with you. If you must bring your children, have someone with you to watch them in the hallway while you are busy in court.
- Do not bring a new boyfriend, husband, girlfriend, or wife to court! This will likely cause problems.
- You will see the abusive person in court (if he or she chooses to come).
- Call a lawyer or domestic violence agency if you have questions or are confused about what to do.