



General Assembly

January Session, 2021

Raised Bill No. 1060

LCO No. 5482



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING COURT PROCEEDINGS INVOLVING
ALLEGATIONS OF COERCIVE CONTROL OCCURRING BETWEEN
FAMILY OR HOUSEHOLD MEMBERS.***

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

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 Section 46b-1 of the general statutes is repealed and the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

3 (a) Matters within the jurisdiction of the Superior Court deemed to
4 be family relations matters shall be matters affecting or involving: (1)
5 Dissolution of marriage, contested and uncontested, except dissolution
6 upon conviction of crime as provided in section [46b-47] 46b-48; (2) legal
7 separation; (3) annulment of marriage; (4) alimony, support, custody
8 and change of name incident to dissolution of marriage, legal separation
9 and annulment; (5) actions brought under section 46b-15, as amended
10 by this act; (6) complaints for change of name; (7) civil support
11 obligations; (8) habeas corpus and other proceedings to determine the
12 custody and visitation of children; (9) habeas corpus brought by or on
13 behalf of any mentally ill person except a person charged with a criminal

14 offense; (10) appointment of a commission to inquire whether a person
15 is wrongfully confined as provided by section 17a-523; (11) juvenile
16 matters as provided in section 46b-121; (12) all rights and remedies
17 provided for in chapter 815j; (13) the establishing of paternity; (14)
18 appeals from probate concerning: (A) Adoption or termination of
19 parental rights; (B) appointment and removal of guardians; (C) custody
20 of a minor child; (D) appointment and removal of conservators; (E)
21 orders for custody of any child; and (F) orders of commitment of persons
22 to public and private institutions and to other appropriate facilities as
23 provided by statute; (15) actions related to prenuptial and separation
24 agreements and to matrimonial and civil union decrees of a foreign
25 jurisdiction; (16) dissolution, legal separation or annulment of a civil
26 union performed in a foreign jurisdiction; (17) custody proceedings
27 brought under the provisions of chapter 815p; and (18) all such other
28 matters within the jurisdiction of the Superior Court concerning
29 children or family relations as may be determined by the judges of said
30 court.

31 (b) As used in this title, "coercive control" means a pattern of behavior
32 toward a person who is, or has been, an intimate partner or family or
33 household member, as defined in section 46b-38a, which causes fear or
34 harm to such person or restricts such person's freedom of action.
35 "Coercive control" includes domestic violence and intimate partner
36 violence. Examples of coercive control include, but are not limited to:

37 (1) A history or threat of physical assault or coercion of the person or
38 a child of such person;

39 (2) A history or threat of sexual assault or coercion of the person or a
40 child of such person;

41 (3) Stalking or cyberstalking, including closely monitoring the
42 activities, communications or movements of the person;

43 (4) Intentionally isolating the person from family, friends or other
44 sources of support;

45 (5) Depriving the person of resources needed for independence,
46 including money, food, housing, transportation or health care; or

47 (6) Compelling the person by force or threat to (A) engage in conduct
48 from which such person has a right to abstain, or (B) abstain from
49 conduct that they have a right to pursue, including the right to end a
50 relationship, report abuse or pursue legal action.

51 Sec. 2. Section 46b-15 of the general statutes is repealed and the
52 following is substituted in lieu thereof (*Effective October 1, 2021*):

53 (a) (1) Any family or household member, as defined in section 46b-
54 38a, who [has been subjected to a continuous threat of present physical
55 pain or physical injury, stalking or a pattern of threatening, including,
56 but not limited to, a pattern of threatening, as described in section 53a-
57 62, by another family or household member] is the victim of coercive
58 control by another family or household member may make an
59 application to the Superior Court for relief under this section. The court
60 shall provide any person who applies for relief under this section with
61 the information set forth in section 46b-15b.

62 (2) As used in this section, "coercive control" means a pattern of
63 behavior toward a person who is, or has been, an intimate partner or
64 family or household member, as defined in section 46b-38a, which
65 causes fear or harm to such person or restricts such person's freedom of
66 action. "Coercive control" includes domestic violence and intimate
67 partner violence. Examples of coercive control include, but are not
68 limited to:

69 (A) A history or threat of physical assault or coercion of the person or
70 a child of such person;

71 (B) A history or threat of sexual assault or coercion of the person or a
72 child of such person;

73 (C) Stalking or cyberstalking, including closely monitoring the
74 activities, communications or movements of the person;

75 (D) Intentionally isolating the person from family, friends or other
76 sources of support;

77 (E) Depriving the person of resources needed for independence,
78 including money, food, housing, transportation or health care; or

79 (F) Compelling the person by force or threat to (i) engage in conduct
80 from which such person has a right to abstain, or (ii) abstain from
81 conduct that they have a right to pursue, including the right to end a
82 relationship, report abuse or pursue legal action.

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

108 past criminal case in which the respondent was convicted of a violent
109 crime; any outstanding arrest warrant for the respondent; and the
110 respondent's level of risk based on a risk assessment tool utilized by the
111 Court Support Services Division. The report may also include
112 information pertaining to any pending or disposed family matters case
113 involving the applicant and respondent. Any report provided by the
114 Court Support Services Division to the court shall also be provided to
115 the applicant and respondent. Such orders may include temporary child
116 custody or visitation rights, and such relief may include, but is not
117 limited to, an order enjoining the respondent from (1) imposing any
118 restraint upon the person or liberty of the applicant; (2) threatening,
119 harassing, assaulting, molesting, sexually assaulting or attacking the
120 applicant; or (3) entering the family dwelling or the dwelling of the
121 applicant. Such order may include provisions necessary to protect any
122 animal owned or kept by the applicant including, but not limited to, an
123 order enjoining the respondent from injuring or threatening to injure
124 such animal. If an applicant alleges an immediate and present physical
125 danger to the applicant, the court may issue an ex parte order granting
126 such relief as it deems appropriate. If a postponement of a hearing on
127 the application is requested by either party and granted, the ex parte
128 order shall not be continued except upon agreement of the parties or by
129 order of the court for good cause shown. If a hearing on the application
130 is scheduled or an ex parte order is granted and the court is closed on
131 the scheduled hearing date, the hearing shall be held on the next day the
132 court is open and any such ex parte order shall remain in effect until the
133 date of such hearing. If the applicant is under eighteen years of age, a
134 parent, guardian or responsible adult who brings the application as next
135 friend of the applicant may not speak on the applicant's behalf at such
136 hearing unless there is good cause shown as to why the applicant is
137 unable to speak on his or her own behalf, except that nothing in this
138 subsection shall preclude such parent, guardian or responsible adult
139 from testifying as a witness at such hearing. As used in this subsection,
140 "violent crime" includes: (A) An incident resulting in physical harm,
141 bodily injury or assault; (B) an act of threatened violence that constitutes
142 fear of imminent physical harm, bodily injury or assault, including, but

143 not limited to, stalking or a pattern of threatening; (C) verbal abuse or
144 argument if there is a present danger and likelihood that physical
145 violence will occur; and (D) cruelty to animals as set forth in section 53-
146 247.

147 (c) If the court issues an ex parte order pursuant to subsection (b) of
148 this section and service has not been made on the respondent in
149 conformance with subsection (h) of this section, upon request of the
150 applicant, the court shall, based on the information contained in the
151 original application, extend any ex parte order for an additional period
152 not to exceed fourteen days from the originally scheduled hearing date.
153 The clerk shall prepare a new order of hearing and notice containing the
154 new hearing date, which shall be served upon the respondent in
155 accordance with the provisions of subsection (h) of this section.

156 (d) Any ex parte restraining order entered under subsection (b) of this
157 section in which the applicant and respondent are spouses, or persons
158 who have a dependent child or children in common and who live
159 together, may include, if no order exists, and if necessary to maintain
160 the safety and basic needs of the applicant or the dependent child or
161 children in common of the applicant and respondent, in addition to any
162 orders authorized under subsection (b) of this section, any of the
163 following: (1) An order prohibiting the respondent from (A) taking any
164 action that could result in the termination of any necessary utility
165 services or necessary services related to the family dwelling or the
166 dwelling of the applicant, (B) taking any action that could result in the
167 cancellation, change of coverage or change of beneficiary of any health,
168 automobile or homeowners insurance policy to the detriment of the
169 applicant or the dependent child or children in common of the applicant
170 and respondent, or (C) transferring, encumbering, concealing or
171 disposing of specified property owned or leased by the applicant; or (2)
172 an order providing the applicant with temporary possession of an
173 automobile, checkbook, documentation of health, automobile or
174 homeowners insurance, a document needed for purposes of proving
175 identity, a key or other necessary specified personal effects.

176 (e) At the hearing on any application under this section, if the court
177 grants relief pursuant to subsection (b) of this section and the applicant
178 and respondent are spouses, or persons who have a dependent child or
179 children in common and who live together, and if necessary to maintain
180 the safety and basic needs of the applicant or the dependent child or
181 children in common of the applicant and respondent, any orders
182 entered by the court may include, in addition to the orders authorized
183 under subsection (b) of this section, any of the following: (1) An order
184 prohibiting the respondent from (A) taking any action that could result
185 in the termination of any necessary utility services or services related to
186 the family dwelling or the dwelling of the applicant, (B) taking any
187 action that could result in the cancellation, change of coverage or change
188 of beneficiary of any health, automobile or homeowners insurance
189 policy to the detriment of the applicant or the dependent child or
190 children in common of the applicant and respondent, or (C)
191 transferring, encumbering, concealing or disposing of specified
192 property owned or leased by the applicant; (2) an order providing the
193 applicant with temporary possession of an automobile, checkbook,
194 documentation of health, automobile or homeowners insurance, a
195 document needed for purposes of proving identity, a key or other
196 necessary specified personal effects; or (3) an order that the respondent:
197 (A) Make rent or mortgage payments on the family dwelling or the
198 dwelling of the applicant and the dependent child or children in
199 common of the applicant and respondent, (B) maintain utility services
200 or other necessary services related to the family dwelling or the
201 dwelling of the applicant and the dependent child or children in
202 common of the applicant and respondent, (C) maintain all existing
203 health, automobile or homeowners insurance coverage without change
204 in coverage or beneficiary designation, or (D) provide financial support
205 for the benefit of any dependent child or children in common of the
206 applicant and the respondent, provided the respondent has a legal duty
207 to support such child or children and the ability to pay. The court shall
208 not enter any order of financial support without sufficient evidence as
209 to the ability to pay, including, but not limited to, financial affidavits. If
210 at the hearing no order is entered under this subsection or subsection

211 (d) of this section, no such order may be entered thereafter pursuant to
212 this section. Any order entered pursuant to this subsection shall not be
213 subject to modification and shall expire one hundred twenty days after
214 the date of issuance or upon issuance of a superseding order, whichever
215 occurs first. Any amounts not paid or collected under this subsection or
216 subsection (d) of this section may be preserved and collectible in an
217 action for dissolution of marriage, custody, paternity or support.

218 (f) Every order of the court made in accordance with this section shall
219 contain the following language: (1) "This order may be extended by the
220 court beyond one year. In accordance with section 53a-107 of the
221 Connecticut general statutes, entering or remaining in a building or any
222 other premises in violation of this order constitutes criminal trespass in
223 the first degree. This is a criminal offense punishable by a term of
224 imprisonment of not more than one year, a fine of not more than two
225 thousand dollars or both."; and (2) "In accordance with section 53a-223b
226 of the Connecticut general statutes, any violation of subparagraph (A)
227 or (B) of subdivision (2) of subsection (a) of section 53a-223b constitutes
228 criminal violation of a restraining order which is punishable by a term
229 of imprisonment of not more than five years, a fine of not more than five
230 thousand dollars, or both. Additionally, any violation of subparagraph
231 (C) or (D) of subdivision (2) of subsection (a) of section 53a-223b
232 constitutes criminal violation of a restraining order which is punishable
233 by a term of imprisonment of not more than ten years, a fine of not more
234 than ten thousand dollars, or both."

235 (g) No order of the court shall exceed one year, except that an order
236 may be extended by the court upon motion of the applicant for such
237 additional time as the court deems necessary. If the respondent has not
238 appeared upon the initial application, service of a motion to extend an
239 order may be made by first-class mail directed to the respondent at the
240 respondent's last-known address.

241 (h) (1) The applicant shall cause notice of the hearing pursuant to
242 subsection (b) of this section and a copy of the application and the
243 applicant's [affidavit] statement of the specific facts that form the basis

244 for relief made under penalty of false statement pursuant to section 53a-
245 157b and of any ex parte order issued pursuant to subsection (b) of this
246 section to be served on the respondent not less than three days before
247 the hearing. The cost of such service shall be paid for by the Judicial
248 Branch.

249 (2) When (A) an application indicates that a respondent holds a
250 permit to carry a pistol or revolver, an eligibility certificate for a pistol
251 or revolver, a long gun eligibility certificate or an ammunition certificate
252 or possesses one or more firearms or ammunition, and (B) the court has
253 issued an ex parte order pursuant to this section, the proper officer
254 responsible for executing service shall, whenever possible, provide in-
255 hand service and, prior to serving such order, shall (i) provide notice to
256 the law enforcement agency for the town in which the respondent will
257 be served concerning when and where the service will take place, and
258 (ii) send, or cause to be sent by facsimile or other means, a copy of the
259 application, the applicant's [affidavit] statement of the specific facts that
260 form the basis for relief made under penalty of false statement pursuant
261 to section 53a-157b, the ex parte order and the notice of hearing to such
262 law enforcement agency, and (iii) request that a police officer from the
263 law enforcement agency for the town in which the respondent will be
264 served be present when service is executed by the proper officer. Upon
265 receiving a request from a proper officer under the provisions of this
266 subdivision, the law enforcement agency for the town in which the
267 respondent will be served may designate a police officer to be present
268 when service is executed by the proper officer.

269 (3) Upon the granting of an ex parte order, the clerk of the court shall
270 provide two copies of the order to the applicant. Upon the granting of
271 an order after notice and hearing, the clerk of the court shall provide
272 two copies of the order to the applicant and a copy to the respondent.
273 Every order of the court made in accordance with this section after
274 notice and hearing shall be accompanied by a notification that is
275 consistent with the full faith and credit provisions set forth in 18 USC
276 2265(a), as amended from time to time. Immediately after making
277 service on the respondent, the proper officer shall (A) send or cause to

278 be sent, by facsimile or other means, a copy of the application, or the
279 information contained in such application, stating the date and time the
280 respondent was served, to the law enforcement agency or agencies for
281 the town in which the applicant resides, the town in which the applicant
282 is employed and the town in which the respondent resides, and (B) as
283 soon as possible, but not later than two hours after the time that service
284 is executed, input into the Judicial Branch's Internet-based service
285 tracking system the date, time and method of service. If, prior to the date
286 of the scheduled hearing, service has not been executed, the proper
287 officer shall input into such service tracking system that service was
288 unsuccessful. The clerk of the court shall send, by facsimile or other
289 means, a copy of any ex parte order and of any order after notice and
290 hearing, or the information contained in any such order, to the law
291 enforcement agency or agencies for the town in which the applicant
292 resides, the town in which the applicant is employed and the town in
293 which the respondent resides, within forty-eight hours of the issuance
294 of such order. If the victim, or victim's minor child protected by such
295 order, is enrolled in a public or private elementary or secondary school,
296 including a technical education and career school, or an institution of
297 higher education, as defined in section 10a-55, the clerk of the court
298 shall, upon the request of the victim, send, by facsimile or other means,
299 a copy of such ex parte order or of any order after notice and hearing, or
300 the information contained in any such order, to such school or
301 institution of higher education, the president of any institution of higher
302 education at which the victim, or victim's minor child protected by such
303 order, is enrolled and the special police force established pursuant to
304 section 10a-156b, if any, at the institution of higher education at which
305 the victim, or victim's minor child protected by such order, is enrolled,
306 if the victim provides the clerk with the name and address of such school
307 or institution of higher education.

308 (i) A caretaker who is providing shelter in his or her residence to a
309 person sixty years or older shall not be enjoined from the full use and
310 enjoyment of his or her home and property. The Superior Court may
311 make any other appropriate order under the provisions of this section.

312 (j) When a motion for contempt is filed for violation of a restraining
313 order, there shall be an expedited hearing. Such hearing shall be held
314 within five court days of service of the motion on the respondent,
315 provided service on the respondent is made not less than twenty-four
316 hours before the hearing. If the court finds the respondent in contempt
317 for violation of an order, the court may impose such sanctions as the
318 court deems appropriate.

319 (k) An action under this section shall not preclude the applicant from
320 seeking any other civil or criminal relief.

321 (l) For purposes of this section, "police officer" means a state police
322 officer or a sworn member of a municipal police department and "law
323 enforcement agency" means the Division of State Police within the
324 Department of Emergency Services and Public Protection or any
325 municipal police department.

326 Sec. 3. Subsection (c) of section 46b-40 of the general statutes is
327 repealed and the following is substituted in lieu thereof (*Effective October*
328 *1, 2021*):

329 (c) A decree of dissolution of a marriage or a decree of legal
330 separation shall be granted upon a finding that one of the following
331 causes has occurred: (1) The marriage has broken down irretrievably;
332 (2) the parties have lived apart by reason of incompatibility for a
333 continuous period of at least the eighteen months immediately prior to
334 the service of the complaint and that there is no reasonable prospect that
335 they will be reconciled; (3) adultery; (4) fraudulent contract; (5) wilful
336 desertion for one year with total neglect of duty; (6) seven years'
337 absence, during all of which period the absent party has not been heard
338 from; (7) habitual intemperance; (8) intolerable cruelty, including, but
339 not limited to, coercive control; (9) sentence to imprisonment for life or
340 the commission of any infamous crime involving a violation of conjugal
341 duty and punishable by imprisonment for a period in excess of one year;
342 (10) legal confinement in a hospital or hospitals or other similar
343 institution or institutions, because of mental illness, for at least an
344 accumulated period totaling five years within the period of six years

345 next preceding the date of the complaint.

346 Sec. 4. Subsection (f) of section 46b-54 of the general statutes is
347 repealed and the following is substituted in lieu thereof (*Effective October*
348 *1, 2021*):

349 (f) When recommending the entry of any order as provided in
350 subsections (a) and (b) of section 46b-56, as amended by this act, counsel
351 or a guardian ad litem for the minor child shall prioritize the safety of
352 the child before proceeding to any other considerations. If the verified
353 pleadings in a proceeding involving the care and custody of a minor
354 child do not contain allegations of coercive control or child abuse by a
355 family or household member, then counsel or a guardian ad litem may
356 proceed to consider the best interests of the child, and in doing so, shall
357 consider, but not be limited to, one or more of the following factors: (1)
358 The temperament and developmental needs of the child; (2) the capacity
359 and the disposition of the parents to understand and meet the needs of
360 the child; (3) any relevant and material information obtained from the
361 child, including the informed preferences of the child; (4) the wishes of
362 the child's parents as to custody; (5) the past and current interaction and
363 relationship of the child with each parent, the child's siblings and any
364 other person who may significantly affect the best interests of the child;
365 (6) the willingness and ability of each parent to facilitate and encourage
366 such continuing parent-child relationship between the child and the
367 other parent as is appropriate, including compliance with any court
368 orders, except when a parent has a reasonable good faith belief
369 concerning the child's safety when such child is with the other parent;
370 (7) any manipulation by or coercive behavior of the parents in an effort
371 to involve the child in the parents' dispute; (8) the ability of each parent
372 to be actively involved in the life of the child; (9) the child's adjustment
373 to his or her home, school and community environments; (10) the length
374 of time that the child has lived in a stable and satisfactory environment
375 and the desirability of maintaining continuity in such environment,
376 provided counsel or a guardian ad litem for the minor child may
377 consider favorably a parent who voluntarily leaves the child's family
378 home pendente lite in order to alleviate stress in the household; (11) the

379 stability of the child's existing or proposed residences, or both; (12) the
380 mental and physical health of all individuals involved, except that a
381 disability of a proposed custodial parent or other party, in and of itself,
382 shall not be determinative of custody unless the proposed custodial
383 arrangement is not in the best interests of the child; (13) the child's
384 cultural background; (14) the effect on the child [of the actions of an
385 abuser, if any domestic violence has occurred between the parents or
386 between a parent and another individual or the child] of any coercive
387 control between the parents; (15) whether the child or a sibling of the
388 child has been abused or neglected, as defined respectively in section
389 46b-120; and (16) whether a party satisfactorily completed participation
390 in a parenting education program established pursuant to section 46b-
391 69b. [Counsel or a guardian ad litem for the minor child shall not be
392 required to assign any weight to any of the factors considered.]

393 Sec. 5. Section 46b-56 of the general statutes is repealed and the
394 following is substituted in lieu thereof (*Effective October 1, 2021*):

395 (a) In any controversy before the Superior Court as to the custody or
396 care of minor children, and at any time after the return day of any
397 complaint under section 46b-45, the court may make or modify any
398 proper order regarding the custody, care, education, visitation and
399 support of the children if it has jurisdiction under the provisions of
400 chapter 815p. Subject to the provisions of this section and section 46b-
401 56a, the court may assign parental responsibility for raising the child to
402 the parents jointly, or may award custody to either parent or to a third
403 party, according to its best judgment upon the facts of the case and
404 subject to such conditions and limitations as it deems equitable. The
405 court may also make any order granting the right of visitation of any
406 child to a third party to the action, including, but not limited to,
407 grandparents.

408 (b) In making or modifying any order as provided in subsection (a)
409 of this section, the rights and responsibilities of both parents shall be
410 considered and the court shall enter orders accordingly that [serve the]
411 prioritize the safety of the child when determining the best interests of

412 the child. [and] If the verified pleadings in a proceeding involving the
413 care and custody of a minor child do not contain allegations of coercive
414 control or child abuse by a family or household member, then the court
415 shall enter orders that provide the child with the active and consistent
416 involvement of both parents commensurate with their parenting
417 history, abilities and interests. Such orders may include, but shall not be
418 limited to: (1) Approval of a parental responsibility plan agreed to by
419 the parents pursuant to section 46b-56a; (2) the award of joint parental
420 responsibility of a minor child to both parents, which shall include (A)
421 provisions for residential arrangements with each parent in accordance
422 with the needs of the child and the parents, and (B) provisions for
423 consultation between the parents and for the making of major decisions
424 regarding the child's health, education and religious upbringing; (3) the
425 award of sole custody to one parent with appropriate parenting time for
426 the noncustodial parent where sole custody is in the best interests of the
427 child; or (4) any other custody arrangements as the court may determine
428 to be in the best interests of the child.

429 (c) (1) In making or modifying any order as provided in subsections
430 (a) and (b) of this section, the court shall [consider the best interests of]
431 prioritize the safety of the child. [,] If the verified pleadings in a
432 proceeding involving the care and custody of a minor child contains
433 allegations of coercive control or child abuse by a family or household
434 member, then the court shall, before considering any other best interest
435 factor, conduct an evidentiary hearing solely on the allegations set forth
436 in the verified pleading. Such hearing shall be held not later than sixty
437 days following the date of filing the verified pleading and the court shall
438 enter written findings concerning such allegations that are based on
439 competent admissible evidence admitted at such hearing. Nothing in
440 this subdivision, shall prevent the court from issuing any necessary
441 emergency orders to protect the child.

442 (2) If the court finds that a parent has committed coercive control or
443 child abuse, the court shall not award sole or joint custody of any child
444 to that parent, nor shall the court order any unsupervised visitation with
445 that parent; unless the court finds by a preponderance of the evidence

446 that: (A) The parent has successfully completed a treatment program
447 that is designed to treat persons who commit acts of coercive control or
448 child abuse; (B) the parent is not abusing alcohol or engaged in the use
449 of illegal psychoactive drugs; and (C) the child is safe and has freely,
450 without interference, requested unsupervised visitation, as verified by
451 a mental health professional with documented expertise and experience
452 working directly with children residing in a household where coercive
453 control or child abuse has occurred. Evidence that a parent suffers from
454 the detrimental effects of coercive control or that the parent sought to
455 defend herself or himself or a child from coercive control or abuse, shall
456 not constitute grounds to rebut the presumption that the court shall
457 award custody to the parent who sought to protect the child from
458 coercive control or child abuse committed by the other parent.

459 (3) All evidence admitted in a proceeding involving the custody or
460 care of a minor child shall conform to the rules of evidence. Evidence
461 from a court-appointed professional regarding the issues of coercive
462 control or child abuse may be admitted following a determination by
463 the court that such professional possesses documented expertise and
464 experience, which is not solely forensic (A) working directly with
465 persons who have been subjected to coercive control or child abuse, and
466 (B) concerning the behaviors associated with persons who commit, and
467 are subjected to, acts of coercive control or child abuse.

468 (4) In a proceeding involving the custody or care of a minor child, the
469 court may admit evidence from an expert relating to custody or care of
470 such child if the court finds that such expert: (A) Has been educated in
471 coercive control or child abuse; (B) has supervisory experience working
472 in a professional role that involves preventing coercive control or child
473 abuse or working directly with persons who are affected by coercive
474 control or child abuse; (C) has been educated in child development and
475 maltreatment, including parent-child relationships and child physical,
476 social and cognitive development and trauma; (D) has been educated in
477 coercive parent-child relationships, including training on child abuse
478 disclosure or discovery; and (E) has undertaken research on the
479 relationship between coercive control and parenting behaviors.

480 (5) If a verified pleading in a proceeding involving the care and
481 custody of a minor child contains no allegations of coercive control or
482 child abuse by a family or household member, then the court may
483 proceed to make or modify any order as provided in subsections (a) and
484 (b) of this section. The court shall consider the best interests of the child
485 and in doing so, may consider, but shall not be limited to, one or more
486 of the following factors: [(1)] (A) The temperament and developmental
487 needs of the child; [(2)] (B) the capacity and the disposition of the parents
488 to understand and meet the needs of the child; [(3)] (C) any relevant and
489 material information obtained from the child, including the informed
490 preferences of the child; [(4)] (D) the wishes of the child's parents as to
491 custody; [(5)] (E) the past and current interaction and relationship of the
492 child with each parent, the child's siblings and any other person who
493 may significantly affect the best interests of the child; [(6)] (F) the
494 willingness and ability of each parent to facilitate and encourage such
495 continuing parent-child relationship between the child and the other
496 parent as is appropriate, including compliance with any court orders,
497 except when a parent has a reasonable good faith belief concerning the
498 child's safety when such child is with the other parent; [(7)] (G) any
499 manipulation by or coercive behavior of the parents in an effort to
500 involve the child in the parents' dispute; [(8)] (H) the ability of each
501 parent to be actively involved in the life of the child; [(9)] (I) the child's
502 adjustment to his or her home, school and community environments;
503 [(10)] (J) the length of time that the child has lived in a stable and
504 satisfactory environment and the desirability of maintaining continuity
505 in such environment, provided the court may consider favorably a
506 parent who voluntarily leaves the child's family home pendente lite in
507 order to alleviate stress in the household; [(11)] (K) the stability of the
508 child's existing or proposed residences, or both; [(12)] (L) the mental and
509 physical health of all individuals involved, except that a disability of a
510 proposed custodial parent or other party, in and of itself, shall not be
511 determinative of custody unless the proposed custodial arrangement is
512 not in the best interests of the child; [(13)] (M) the child's cultural
513 background; [(14)] (N) the effect on the child [of the actions of an abuser,
514 if any domestic violence has occurred between the parents or between a

515 parent and another individual or the child; (15)] of any coercive control
516 between the parents; (O) whether the child or a sibling of the child has
517 been abused or neglected, as defined respectively in section 46b-120;
518 and [(16)] (P) whether the party satisfactorily completed participation in
519 a parenting education program established pursuant to section 46b-69b.
520 [The court is not required to assign any weight to any of the factors that
521 it considers, but shall articulate the basis for its decision.]

522 (6) Notwithstanding the provisions of subdivision (5) of this
523 subsection, the court shall not remove a child from the custody or care
524 of a competent and safe parent with whom the child expresses and
525 demonstrates a positive relationship, nor shall a child's contact with a
526 competent and safe parent be restricted as a means of attempting to
527 improve another parent's deficient relationship with the child. A court
528 may not admit evidence concerning unconscious or subliminal parental
529 influence when: (A) Considering the best interests of a child, or (B)
530 weighing the credibility of an allegation of abuse made by a parent to
531 whom the child is bonded. A court may not admit evidence of any
532 psychological or medical theory or label that is related to a child's
533 resistance to maintain contact with a parent, unless such evidence is
534 generally accepted by the scientific and professional community and is
535 based on empirical proof of scientific reliability and validity. Any order
536 to remediate a child's resistance to maintain contact with a parent shall
537 address the behaviors or contributions of the parent with whom the
538 child does not want to maintain contact, before ordering the parent with
539 whom the child does maintain contact to engage in behaviors that
540 attempt to facilitate the child's relationship with the other parent.

541 (d) Upon the issuance of any order assigning custody of the child to
542 the Commissioner of Children and Families, or not later than sixty days
543 after the issuance of such order, the court shall make a determination
544 whether the Department of Children and Families made reasonable
545 efforts to keep the child with his or her parents prior to the issuance of
546 such order and, if such efforts were not made, whether such reasonable
547 efforts were not possible, taking into consideration the best interests of
548 the child, including the child's health and safety.

549 (e) In determining whether a child is in need of support and, if in
550 need, the respective abilities of the parents to provide support, the court
551 shall take into consideration all the factors enumerated in section 46b-
552 84.

553 (f) When the court is not sitting, any judge of the court may make any
554 order in the cause which the court might make under this section,
555 including orders of injunction, prior to any action in the cause by the
556 court.

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

561 (h) Notwithstanding the provisions of subsections (b) and (c) of this
562 section, when a motion for modification of custody or visitation is
563 pending before the court or has been decided by the court and the
564 investigation ordered by the court pursuant to section 46b-6
565 recommends psychiatric or psychological therapy for a child, and such
566 therapy would, in the court's opinion, be in the best interests of the child
567 and aid the child's response to a modification, the court may order such
568 therapy and reserve judgment on the motion for modification.

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

573 Sec. 6. (NEW) (*Effective July 1, 2021*) (a) There is established, within
574 available appropriations, a program that shall provide individuals with
575 access to legal assistance when making an application for relief from
576 abuse under section 46b-15 of the general statutes, as amended by this
577 act. The Judicial Branch shall administer the program in accordance
578 with the provisions of this section.

579 (b) The Judicial Branch shall contract with one or more nonprofit

580 organizations, whose principal purpose is to provide legal services to
581 individuals, to provide legal assistance to an individual making an
582 application for relief from abuse under section 46b-15 of the general
583 statutes, as amended by this act.

584 Sec. 7. (NEW) (*Effective October 1, 2021*) In any family relations matter
585 described in section 46b-1 of the general statutes, as amended by this
586 act, if the court finds that a pattern of frivolous and intentionally
587 fabricated pleadings or motions are filed by one party, the court shall
588 sanction such party in an appropriate manner so as to allow such matter
589 to proceed without undue delay or obstruction by the party filing such
590 pleadings or motions.

591 Sec. 8. Section 46b-38i of the general statutes is repealed and the
592 following is substituted in lieu thereof (*Effective October 1, 2021*):

593 (a) The Judicial Department shall provide training to Judicial
594 Department staff, including judges and court personnel, within
595 available appropriations, on family violence and coercive control issues
596 and law, including, but not limited to, issues and law related to family
597 violence and coercive control in immigrant communities. Such training
598 shall address arrest policies and eligibility for federal T Visas for victims
599 of human trafficking and federal U Visas for unauthorized immigrants
600 who are victims of family violence, coercive control and other crimes.
601 Such training shall be conducted by persons with demonstrated
602 knowledge, skill and experience in working with persons subjected to
603 family violence and coercive control.

604 (b) The Judicial Department shall, on an ongoing basis, within
605 available appropriations, study and implement methods to reduce
606 disparities in the disposition of family violence cases and cases
607 involving coercive control among geographic areas.

608 (c) The Chief Court Administrator and the chief administrative judge
609 for the Family Division of the Superior Court shall meet annually with
610 the Judiciary Committee during the regular session of the General
611 Assembly to present and discuss efforts undertaken by the Judicial

612 Department to comply with requirements of this section regarding the
613 family violence and coercive control training curriculum and the
614 number of judges and court personnel who received the training
615 prescribed by this section. The chairpersons of the judiciary committee
616 may schedule a public hearing during the regular session of the General
617 Assembly concerning compliance with the provision of this section by
618 the Judicial Department. The Chief Court Administrator and the chief
619 administrative judge for the Family Division of the Superior Court shall
620 be available to answer questions at such public hearing.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	46b-1
Sec. 2	<i>October 1, 2021</i>	46b-15
Sec. 3	<i>October 1, 2021</i>	46b-40(c)
Sec. 4	<i>October 1, 2021</i>	46b-54(f)
Sec. 5	<i>October 1, 2021</i>	46b-56
Sec. 6	<i>July 1, 2021</i>	New section
Sec. 7	<i>October 1, 2021</i>	New section
Sec. 8	<i>October 1, 2021</i>	46b-38i

Statement of Purpose:

To strengthen state laws relating to allegations of coercive control occurring between family or household members.