
OLR Bill Analysis

HB 5438

AN ACT CONCERNING EVIDENCE CONSIDERED FOR THE ISSUANCE OF A RESTRAINING ORDER OR CIVIL PROTECTION ORDER.

SUMMARY

This bill explicitly allows, for civil restraining or civil protection order applications, the (1) applicant or respondent (the party against whom protection is sought) to present evidence supporting or refuting the claims in the application and (2) court to consider this evidence, along with other evidence presented, in deciding whether to issue the order. Similarly, the bill explicitly allows victims and respondents to present this evidence, and the court to consider it when determining whether to issue a family violence protective order (see BACKGROUND).

It also specifically allows the parties, at a hearing on whether to issue any of these orders, to present authenticated copies of electronic communications, telephone call logs or voicemail recordings, or other evidence demonstrating or refuting a pattern of harassing or other similar behavior.

It also makes technical changes.

EFFECTIVE DATE: October 1, 2026

BACKGROUND

Civil Restraining Order or Civil Protection Order

A family or household member may apply for a civil restraining order for relief from physical abuse, stalking, or a pattern of threatening by another family or household member (CGS § 46b-15).

A victim of sexual abuse, sexual assault, or stalking may apply for a civil protection order if he or she is not eligible for the restraining order described above (CGS § 46b-16a).

Family Violence Protective Order

At the recommendation of a family relations officer or the State Attorney's Office, a court may issue a family violence protection order in family violence cases to protect a victim from threats, harassment, injury, or intimidation. This order is issued at arraignment during a criminal proceeding (CGS § 46b-38c).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 0 (03/30/2026)