

Online Restraining Orders: Ensuring Safe Access to Court-Ordered Protections During a Pandemic

INTRODUCTION

This policy brief was developed by the Connecticut Coalition Against Domestic Violence (CCADV) in an effort to assess:

- The impact of the COVID-19 pandemic relative to restraining order applications in the state;
- The systemic adjustments necessary for implementation of the online application option; and,
- The capacity building needed to support this shift.

Around mid-March 2020, Governor Ned Lamont released guidance to Connecticut residents intended to help them “Stay Safe, Stay Home,” as part of the state’s ongoing response to the COVID-19 pandemic. By way of an executive order, Governor Lamont directed all individuals whose work was not considered “essential,” to remain home. Another measure to minimize exposure and spread of the virus included the consolidation of the court system. The Connecticut Judicial Branch established protocols for Priority 1 cases, consolidated court houses, reduced operating court locations from 19 to 6, and limited hours of operation, all to keep staff and litigants safe.

These circumstances presented unique challenges to victims and the domestic violence advocacy system in Connecticut. Stay-at-home orders have unintended consequences for victims whose home environment may not be a safe respite from outside risks, such as a global pandemic, because the home itself presents its own set of risks. The closure of businesses and courts served to increase barriers for victims by augmenting financial hardship and limiting physical points of access and opportunities for support. While these changes prioritized medical safety for the public, they made it more difficult to access a system established to help victims.




From the onset of the pandemic, there was a sense that outreach for help to domestic violence advocacy resources might increase—and it did. At its height, contacts to CT Safe Connect increased by more than 30% with over half of those persons reaching out for the first time. Connecticut’s domestic violence advocates working within the CCADV’s 18 member organization sites rapidly adapted to a remote advocacy approach and found themselves connecting with victims through phone calls, email, live chats, facetime and text at a rate more than 60% higher than the same time period the prior year. As we continue to collect data around COVID-19, we still see that phone calls are the primary choice of contact for survivors.

It quickly became apparent that the safety measures taken by the Judicial Branch to limit potential public and staff exposure to COVID had the unintended consequence of limiting access to family violence restraining orders. Victims also expressed hesitation about going to the few remaining open courts for fear of COVID. The Judicial Branch, Connecticut Legal Services, Inc. and CCADV offered guidance around a solution. In response, Governor Lamont signed Executive Order No. 7T on April 2nd, creating a much needed safer way for individuals to apply for relief from abuse entirely online. CCADV and its 18 member organization sites met the challenge and expeditiously developed outreach and process strategies aimed at supporting victims with applying for an order, preparing for the hearing and having it served.

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INTRO CONT'D

CCADV's legal advocacy project worked with the Judicial Branch to coordinate this option with postings on courthouse doors, public awareness plans, collaboration with court clerks and mechanisms for ongoing communication and follow-up with victims and state marshals. CCADV issued a press advisory around the availability of the online option and help through CT Safe Connect, as well as frequent social media posts in both English & Spanish, of which the initial post reached more than 16,000 people.

Do you need a Family Violence Restraining Order?	¿Necesita una orden de restricción por violencia familiar?
#CTSafeConnect advocates can help!	Hay consejeros de violencia doméstica disponibles durante la pedemia de COVID-19 para:
 <ul style="list-style-type: none">• Guide you through the process remotely• Scribe the application on your behalf• Electronically submit the application to the court• Coordinate service of process with a state marshal	<ul style="list-style-type: none">• Darle orientación en el proceso de forma remota• Redactar la solicitud por usted• Presentar la solicitud de forma electrónica ante el tribunal• Coordinar la notificación del procedimiento con un oficial del estado
 CTSafeConnect.org (888) 774-2900 CALL • TEXT • CHAT • EMAIL • 24/7 <small>All services are confidential, safe, free and voluntary.</small>	 CTSafeConnect.org (888) 774-2900 Llamada • Texto • Chat Correo Electrónico • 24/7 <small>Nuestros servicios son confidenciales, seguros, gratuitos, y voluntarios.</small>

Feedback from various parties involved in the process—victims, advocates, clerks, and state marshals—offered a consistently positive message around experiences and outcomes. For victims, navigating the court system can be incredibly intimidating. It's not uncommon for victims to opt out of the restraining order process due to fear, uncertainty and language barriers. The option of talking with an advocate in the victim's primary language and filing electronically alleviates some of these barriers. Stakeholders noted that a seamless connection to an advocate to discuss the process—via phone, chat, email or text – and assist with the application was impactful. Advocates in particular noted that conversations about the statutory threshold for a restraining order was beneficial for victims in determining whether or not to proceed with filing, as well as with enhanced safety planning regarding options and resources. This also saved Judicial some resources and staff time.

While the online option received high marks, advocates did note that some victims voiced a preference to more actively engage in the process, indicating a continued need for the in-person application option. Advocates working within the domestic violence organizations observed that the online option lends

itself to interactions with multiple advocates throughout various parts of the process: initial inquiry, consideration, application, filing, service, ongoing support, etc. This can be confusing for victims and increase the risk of miscommunication and delays in the process. Increased training and improved internal procedures would remedy some concerns being shared.

State marshals indicated that the new process worked well and had frequent advantages, while underscoring an ongoing need for more identifying information in the application to help them locate the respondent.

DOMESTIC VIOLENCE ADVOCACY & THE ONLINE OPTION FOR RESTRAINING ORDER APPLICATIONS

From the onset, CCADV viewed the existence of CT Safe Connect, Connecticut's domestic violence resource hub, as a viable body to respond to the online order option and assist victims. The launch of CT Safe Connect in November 2019 was largely driven by the goal to adapt to the ways in which we communicate today that are different from the ways we did twenty years ago. Some individuals may prefer to speak with an advocate via text or live chat, while for others, it may not be safe to make a phone call. CT Safe Connect was also designed to increase accessibility and culturally-specific responses to underserved and underrepresented communities through the employment of bilingual, multicultural advocates and enhanced technology. CT Safe Connect Advocacy Coordinators are 85% bilingual in English and Spanish, with over 10 additional languages spoken and cultural backgrounds spanning over ten different countries and five continents. The CT Safe Connect platform is also able to auto-translate the vast majority of spoken languages.

It is important to note that while CT Safe Connect is often the first point of contact for a victim, it does not take the place of the nearly 400 certified domestic violence advocates in Connecticut who work diligently 24/7, across 18 sites to provide ongoing victim safety. CT Safe Connect and Connecticut's 18 designated domestic violence providers work collectively around a series of responses to victims to enhance safety within various systems including criminal justice, health, child welfare and housing.

The Process for CT Safe Connect

Upon the issuance of the executive order, a cohort of CT Safe Connect Advocacy Coordinators were immediately identified and trained around the new online restraining order application process. CCADV developed approaches between CT Safe Connect, advocates within provider sites, and court clerks to manage this in areas such as communication, notification, and service of order. The online option allowed victims the choice to file independently or to receive assistance from CT Safe Connect or the local domestic violence provider site.

After CT Safe Connect assisted or the applicant filed on their own, court clerks would communicate the courts decision and forward documents to CT Safe Connect. CT Safe Connect would then connect the applicant to a designated advocate at the local provider site to assist the victim with determining next steps including coordination of service with a state marshal, referral to a local legal assistance program if applicable, and preparation for the hearing. Throughout each phase of the process, safety planning was discussed and ongoing services offered to victims.

Between April 2, 2020 and June 30, 2020, Safe Connect assisted with filing 172 applications on behalf of victims, connected victims to member organizations for services in over 115 cases where the victim filed an application without Safe Connect assistance, and followed up with an additional 423 inquiries relative to the TRO application process. In addition, our 18 member organizations provided assistance with 236 applications. During this timeframe, Judicial reported a significant decrease in the number of applications they received when compared to 2019 data:

2020			2019	
April	265 applications	VS.	April	677 applications
May	294 applications		May	678 applications
June	478 applications		June	674 applications

According to data provided by the Judicial Branch, as courts began to reopen in June, there was a sharp increase in the number of applications received. It is also important to note that while at no point during COVID-19 did the Branch stop accepting restraining order applications, court closures did impact the ability of victims to access this legal remedy, possibly due to limited court locations and potential transportation challenges to access them.

From a quality assurance perspective, it was determined that one-third of CT Safe Connect's Advocacy Coordinators would be designated to assist with the electronic filing process. Nine coordinators were identified as leads and received group training as well as extensive ongoing individual support. More than half of those identified are bilingual in Spanish. CCADV's legal advocacy directors prepared the following training documents for the advocacy coordinators:

- Restraining Order Filing Locations and Judicial Designated Email Address
- Contact information for the designated TRO (Temporary Restraining Order) staff within each member organization
- Contacts at Legal Services organizations throughout the state
- A script for engaging victims/survivors and gathering information
- Guidance sheets on completing the application and supporting documents

Additionally, the Safe Connect Advocacy Coordinators were expected to review existing training materials. Some of these included:

- Understanding the Restraining Order Process
- Restraining Orders and Safety Considerations
- Preparing Victims to Testify at a Restraining Order Hearing

Team phone calls and virtual meetings among the nine advocacy coordinators and supporting CCADV staff, aimed at offering ongoing guidance and support were scheduled. CCADV engaged consultant, Attorney Steve Eppler-Epstein, the former executive director at Connecticut Legal Services, Inc. to also train and

support these advocates with ongoing check-ins through the spring and summer to benchmark progress and resolve issues.

CCADV determined that the online process took the CT Safe Connect Advocacy Coordinator about 45 minutes, on average, to complete. Most Coordinators found that the timeframe of the process was helpful to victims, often providing those eligible for a TRO a faster timeline than in-person. CT Safe Connect Advocacy Coordinators indicated that the online process is a viable option for victims in such areas as access, time and communication.

CT Safe Connect Advocacy Coordinators are able to assist survivors in regard to the TRO application and process, and discuss other factors which impact their safety. Through the insertion and collaboration with victims at this stage, CT Safe Connect Advocacy Coordinators are able to clear up confusing messages that victims might have previously received and explain the statutory requirements associated with an order. When an advocate is involved in the process, they can assist and inform victims and help them think through other options and resources to enhance their safety such as rapid rehousing or medical advocacy.

CT Safe Connect Advocacy Coordinators have also stated that by working together with the member organizations through the online restraining order process, stronger collaboration practices emerged along with better communication.

Stakeholder Engagement

Legal advocates from four CCADV member organizations — *The Umbrella*/BHcare, Interval House, Domestic Violence Crisis Center and Safe Haven of Greater Waterbury Inc. — were also able to share

feedback around their experience with the online restraining order process and the involvement of CT Safe Connect on this initiative.

All advocates supported the idea of CCADV promoting the continuation of an online restraining order option for survivors. They found that this new platform provided more accessibility, especially for elderly, disabled and non-English speaking individuals. They note that the process is substantially easier for victims, not requiring them to go into court more than once or fill out the applications alone. This not only removes a lot of stress, but offers the option for continued support and safety planning.

Additionally, by including advocates in the application process, they are able to more fully assess the victim's needs and help them to think through other options related to matters such as divorce or child custody and make connections to additional resources. This approach often resulted in judicial economy, fewer individuals in the courthouse, less physical contact with staff, etc., thus supporting safe distancing practices needed for the foreseeable future. One legal advocate noted that with the in-person system before the pandemic, victims would often rethink their decision on the way to the court house after meeting with an advocate and completing the paperwork. This new system is much more convenient and efficient for victims.

Connecticut Court Clerks

When Connecticut Judicial Branch Court Clerks were asked to share their experiences with the online restraining order process, many responded with positive feedback. One clerk reported that "domestic violence advocates have been very thorough in making sure that all applications are filled out completely and

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correctly.” This level of accuracy serves to cut down traffic and time spent at the clerk’s office, freeing up staff to be able to bring applications to a Judge for review more quickly.

Others indicated that the online system changed the overall process greatly and offered a notable enhancement around increased access for victims. One clerk noted that the reduced traffic in court houses due to the remote option resulted in the unanticipated benefit of providing greater privacy to applicants. The online process has also eliminated the need for clerks to make copies of the judge’s orders and/or order for hearing and notice and application for service. Clerks could now more simply scan and email these documents along with information about CT Safe Connect. The process has been streamlined and the amount of staff time per application has been reduced overall.

The issues that were reported mainly centered on errors within the application itself and listing of reliable contact information for applicant and respondent. Often these errors arise in applications that are filed without the assistance of a victim’s advocate, but when incorrectly filed with an advocate, these errors have been communicated and easily fixed.

When clerks were asked to provide feedback around whether or not they believed the online approach to be helpful to victims, many replied affirmatively. One noted the approach of having information at court houses to direct victims to advocates thereby allowing them to avoid the stress of coming into court “makes submitting a restraining order a less traumatic experience.” One clerk suggested that the ability to file for a restraining order remotely can be a much safer option for victims. There are many instances in which applicants have been followed, or they fear they have been followed, when traveling to court to file an application.

Knowing advocates were readily available as a resource, clerks offered that they are able to give out CT Safe Connect contact information to potential applicants, with one clerk reporting that victims often seem relieved to have an advocate assist, which has lent itself to a smoother process for applicants and clerk’s office.

MOVING FORWARD

To further strengthen victim safety and the online restraining order process, the following policy and practice changes should be considered:

- Policies which offer victims the option to apply for a restraining order online are important and needed. The online process, as practiced during the COVID-19 pandemic, revealed that this approach works well for the various parties involved – victims, advocates, clerks and state marshals – and provides enhanced trauma-informed practice, safety and surety for the victim.
- If the online option becomes permanent, ongoing training and technical assistance with advocates within CT Safe Connect and the state’s 18 domestic violence organizations will be necessary to support strong practice, good communication and collaboration for the benefit of the victim.
- Ongoing strategies should be developed to provide state marshals with as much identifiable information as possible in regard to a respondent to facilitate service of the order.
- There is opportunity for the creation of new policy and practice standards around the electronic transfer of court documents to state marshals for service of process to include email and/or fax.
- The Judicial Branch should consider permanent postings which lead victims to the online option with advocacy help at courthouse locations and websites if this approach continues.
- There will be a need for CCADV to train all advocates on the CT Safe Connect platform and within the state’s 18 domestic violence organizations if the online option becomes permanent so that the ability to support this measure is not limited.
- CCADV should consider ongoing training and technical assistance to advocates in support of preparing victims for remote hearings. There should be an assessment of remote capacity at each of the 18 domestic violence organizations to prepare for this as a future option for victims.

WHO IS CCADV?

Connecticut Coalition Against Domestic Violence, Inc. (CCADV) is the state's leading voice for domestic violence victims and those organizations that serve them. Our coalition is comprised of Connecticut's 18 domestic violence service organizations that provide critical support and services to survivors across our state. Services include:

- Safety planning and risk assessment
- Emergency shelter, transitional housing & rapid rehousing
- Individual counseling and support groups
- Advocacy to access basic needs
- Court-based advocacy in criminal and civil court
- Age-appropriate advocacy and support services for children & teens
- Community education

**The Umbrella Center for
Domestic Violence Services**
Ansonia | New Haven

The Center for Family Justice
Bridgeport

Women's Center of Greater Danbury
Danbury

**Domestic Violence Program
United Services, Inc.**
Dayville | Willimantic

The Network
Enfield

**Domestic Abuse Services
Greenwich YWCA**
Greenwich

Interval House
Hartford

Chrysalis Domestic Violence Services
Meriden

New Horizons
Middletown

Prudence Crandall Center
New Britain

Safe Futures
New London

Domestic Violence Crisis Center
Norwalk | Stamford

Women's Support Services
Sharon

Susan B. Anthony Project
Torrington

Safe Haven of Greater Waterbury
Waterbury

CCADV also houses CT Safe Connect, Connecticut's domestic violence resource hub. Safe Connect offers a comprehensive, statewide, coordinated triage and response that provides information, safety planning, counseling, case management, assistance with applying for a restraining order, and a safe connection to CCADV's 18 member organizations and other community-based resources. Bilingual services are available 24/7.



CTSafeConnect

Call • Text • Chat • Email • 24/7
CTSafeConnect.org | 888.774.2900

All services are CONFIDENTIAL, SAFE, FREE & VOLUNTARY

For questions or more information about the restraining order process, please contact

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