

Connecticut's Civil Protection Orders “Reasonable Grounds” Standard and Related Case Law

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Issue

Summarize (1) the legislative history of [CGS § 46b-16a](#), Connecticut's civil protection order statute; (2) legislative proposals to change the standard for issuing the order (“reasonable grounds” standard); and (3) Connecticut Appellate or Supreme Court cases reviewing this standard in trial courts' decisions on civil restraining order applications.

Summary

By law, a victim of sexual abuse, sexual assault, or stalking may apply to the Superior Court for a civil protection order, if the person (1) has no other court order of protection arising out of the abuse, assault, or stalking (for example, a criminal protective order) and (2) does not qualify for a civil restraining order (which is available to family and household members only) ([CGS § 46b-16a\(a\)](#)).

The standard for issuing a civil protection order is that the court may do so if it finds that there are reasonable grounds to believe that the respondent (the person against whom protection is sought) has committed acts constituting grounds to issue the order (for example, stalking) and will continue to commit the acts, or acts designed to intimidate or retaliate against the applicant (the person seeking protection) ([CGS § 46b-16a\(b\)](#)).

This “reasonable grounds” standard was recommended by the 2013 task force that studied the feasibility of expanding civil restraining orders to nonfamilial victims of sexual abuse, sexual assault, or stalking. The task force's recommendations were enacted under [PA 14-217](#). We found

no subsequent legislative proposals to change this “reasonable grounds” standard. However, the legislature established a specific definition of “stalking” for the purpose of civil protection orders that made these orders available to additional individuals (see [PA 17-99](#), § 1).

We found five recent cases in which the Connecticut Appellate or Supreme Court reviewed a decision on a civil protection order application. In the cases where the trial court’s decision to grant an application was reversed on appeal, the Appellate Court’s stated reasons included things such as the trial court’s failure to (1) apply the required subjective-objective standard of the applicant’s apprehension of fear, (2) make a finding as to whether the respondent would continue to commit acts of stalking or other acts to intimidate or retaliate against the applicant, or (3) make express factual findings that reasonable grounds existed.

Additionally, for a comparison of Connecticut’s standard for issuing a civil protection order to that of other select states, see OLR Report [2026-R-0126](#).

Legislative History

The “reasonable grounds” standard for issuing a civil protection order was recommended by a 2013 legislatively created task force to study the feasibility of expanding civil restraining orders to non-familial or -household victims ([PA 13-214](#), § 21). The Judiciary Committee raised the task force’s recommendations during the 2014 legislative session as part of [HB 5593](#). The civil protection order provisions were later removed by a [House Amendment](#), but included in the budget implementer and passed as part of [PA 14-217](#).

2013 Task Force

[PA 13-214](#), § 21, established the [Task Force on the Expansion of Civil Restraining Orders](#) to study the feasibility of amending the state’s restraining order laws to allow victims who are not part of an offender’s family or household, but were subjected to crimes such as sexual assault and stalking, to apply for a restraining order against the offender.

The task force members included (1) the Judiciary Committee’s co-chairpersons and ranking members, or their designees chosen from among the committee’s membership; (2) the chief state’s attorney or his designee; (3) the chief court administrator; (4) three members, one each representing the court’s civil, criminal, and family divisions, appointed by the Connecticut Supreme Court chief justice; and (5) two representatives of Connecticut Sexual Assault Crisis Services, Inc., appointed by its executive director.

In its February 2014 report to the legislature (available in the Legislative Library), the task force recommended legislation that would allow the court to issue a new civil protection order for an applicant who meets the victim status described above “if the court finds that there are reasonable grounds to believe that the respondent has committed acts constituting grounds for issuance of a civil protective order and will continue to commit such act or acts to intimidate or retaliate against the applicant” (p. 7).

The task force discussed the burden of proof in the draft language during its January 15, 2014, meeting. According to one of the meeting minutes, Judge Sheridan (the Judicial Branch civil division representative) explained that “reasonable grounds to believe” is an entry-level burden of proof (p. 29, January 15, 2014, meeting minutes). The other meeting minutes do not note additional discussions or concerns about the draft language’s standard or burden of proof.

HB 5593 (2014) — An Act Concerning Domestic Violence and Sexual Assault

During the 2014 legislative session, the Judiciary Committee included the task force’s recommendations on civil protection orders in [HB 5593](#) (§§ 21-26). A [House Amendment](#) removed the provisions. There was no explicit testimony or debate on the standards for these orders or the applicant’s burden of proof. The provisions were then included and passed in [PA 14-217](#), the budget implementer. Table 1 below shows this legislative history.

Table 1: Legislative History of [HB 5593](#), §§ 21-26 (2014)

Legislative Action	Summary
HB 5593 , §§ 21-26 (Raised and voted favorably by the Judiciary Committee)	<p>Description. Allows the Superior Court to issue a civil protection order to certain applicants who do not qualify for relief under a civil restraining order and are victims of sexual abuse, sexual assault, or 1st, 2nd, or 3rd degree stalking if it finds reasonable grounds to believe that the respondent (1) committed acts constituting grounds for issuing an order and (2) will continue to commit those acts or acts designed to intimidate or retaliate against the applicant</p> <p>Public Hearing Testimony. None opposed; Judicial Branch said the provisions are similar to the task force’s recommendations, of which a branch representative participated, but had concerns about the service of process, and Connecticut Sexual Assault Crisis Services said it supported the task force’s recommendations</p>
House Amendment “A”	Removed several provisions, including those creating the new civil protection order (this bill was enacted as PA 14-234); we found no debate on the amendment’s removal of these provisions

Table 1 (continued)

Legislative Action	Summary
HB 5597 , §§ 186-190 (enacted as PA 14-217 , §§ 186-190)	Provisions included in HB 5597 (budget implementer), which was enacted as PA 14-217 , and with the new protection order codified at CGS § 46b-16a

Amendments to CGS § 46b-16a (Civil Protection Order Statute)

The state's civil protection order law has been amended eight times since its enactment in 2014. However, none of these amendments changed the standards for issuing the order or the applicant's burden of proof. As Table 2 shows (below), the amendments concerned things such as information sharing with the Department of Emergency Services and Public Protection (DESPP) and, under certain circumstances, with the victim's school or university; continuing an ex parte order after a hearing postponement; a specific definition of "stalking;" confidentiality of an applicant's location; and fees for service of process.

However, a 2017 act ([PA 17-99](#), § 1) specifies that stalking victims are eligible for these orders if they reasonably fear for their safety because someone who is not a family or household member willfully harasses, follows, lies in wait for, surveils, monitors, or sends unwanted gifts or messages to them directly, indirectly, or through a third person, by any method, device, or other means and does so more than once in a threatening, predatory, or disturbing manner. By establishing this specific definition of "stalking," the legislature made the orders available to additional victims. Previously, they had to meet the penal code's stalking definition.

Table 2: Legislative History of [CGS § 46b-16a](#)

Public Acts, by Year	Summary
PA 14-217 , §§ 186-190 (Emergency Certification – Budget Implementer)	<p>Allows the Superior Court to issue a new type of order called a civil protection order to an applicant who (1) is a victim of sexual abuse, sexual assault, or 1st, 2nd, or 3rd degree stalking; (2) has not obtained any other court protection order due to the abuse, assault, or stalking; and (3) does not qualify for a civil restraining order</p> <p>Establishes the court's standards/applicant's burden of proof, allowing the court to issue the order if it finds reasonable grounds to believe that the respondent (1) committed an act or acts constituting grounds for issuing an order and (2) will continue to commit an act or acts designed to intimidate or retaliate against the applicant</p>

Table 2 (continued)

Public Acts, by Year	Summary
PA 16-34 , § 6	Requires the court to send a copy of a civil protection order or the information in the order to the DESPP commissioner immediately after issuing it
PA 16-105 , § 6	Addresses continuing an ex parte order (issued without a hearing) if the civil protection order hearing is postponed (it continues if either the parties agree to it or the court orders it for good cause)
PA 17-99 , § 1	(1) Creates a specific definition of “stalking” for civil protection orders that expands their availability to additional stalking victims and (2) allows applicants to request that their location be kept confidential
PA 17-163 , § 2	Requires the court to send a copy of a civil protection order to the victim’s school or higher education institution only if the victim requests it and provides the name and address
PA 17-237 , § 113	Makes a conforming change regarding the name of technical schools
PA 21-104 , § 17	Requires the court to extend, at the applicant’s request, civil protection orders issued ex parte up to another 14 days from the originally scheduled hearing date to allow more time for service of process
PA 22-26 , § 63	(1) Includes mileage reimbursement for making in-hand personal service of civil protection order hearings and (2) generally prohibits a fee for service related to civil protection orders if the court does not receive a timely return of service
PA 22-37 , § 24	Makes a technical change

Related Court Decisions

We found five recent cases in which the Connecticut Supreme or Appellate Court reviewed, on appeal, a trial judge’s protection order application decision. Case law sets the standard of review of civil protection order cases. A brief synopsis of the cases cited in this report, and the court’s holdings, are available under the sections that follow on *Connecticut Supreme Court Case* and *Connecticut Appellate Court Cases*.

Standard of Review

The courts have established the standards of review that apply to civil protection order appeals. Namely: (1) the trial court’s decision is generally upheld unless there is an abuse of discretion; (2) a subjective-objective test applies for the reasonableness of the applicant’s fear; (3) there are certain stalking-specific standards (for example, prior threats or physical violence is not required); and (4) probable cause is needed for finding that there is “reasonable grounds” of stalking, not only suspicion.

General Standard. The same standard of review applies to civil protection orders issued under [CGS § 46b-16a](#) as applies to civil restraining orders issued under [CGS § 46b-15](#) (involving family or household members). The court will not disturb a civil protection order unless the trial court abused its discretion or it could not reasonably conclude as it did, based on the facts presented ([S. B-R. v. J. D.](#), 266 A.3d 148, 208 Conn.App. 342 (2021)).

Subjective-Objective Test. A subjective-objective test is the standard the court applies in determining whether an applicant has established the element of fear. The court must evaluate whether the applicant feared for his or her physical safety and whether the fear is objectively reasonable (meaning, a reasonable person facing the same circumstances would also fear for their safety) ([C. A. v. G. L.](#), 243 A.3d 807, 201 Conn.App. 734 (2020)).

Stalking-Specific. For a court to issue a civil protection order due to stalking, it must find that there are reasonable grounds to believe that the defendant both stalked the plaintiff and will continue to commit such acts ([S. B-R. v. J. D.](#), 266 A.3d 148, 208 Conn.App. 342 (2021)).

The applicant must reasonably fear for his or her safety, however, this does not require prior threats or physical violence. Also, for a civil protection order from stalking, the right or privilege to communicate does not automatically mean that an individual may exercise that right without restrictions and following reasonable legal restrictions ([C. A. v. G. L.](#), 243 A.3d 807, 201 Conn.App. 734 (2020)).

Probable Cause. A finding of reasonable grounds to believe stalking occurred is equivalent to a finding of probable cause that stalking occurred. While probable cause requires more than suspicion, the line between suspicion and probable cause is determined by the facts of the particular situation and considering all the circumstances ([S. S. v. D. M.](#), 324 A.3d 233, 228 Conn.App. 559 (2024)).

Connecticut Supreme Court Case

We found one Connecticut Supreme Court case on the matter of civil protection orders ([L. H.-S. v. N. B.](#), 267 A.3d 178, 341 Conn. 483 (2022)). In this case, the trial court denied a female high school student's application for a civil protection order due to stalking because it did not find that the student reasonably feared for her physical safety. The applicant sought certification for direct appeal to the state Supreme Court as a matter of substantial public interest and certification was granted. (The applicant also claimed that the statute, with respect to orders due to stalking, violates the state constitution's equal protection clause because even though it is facially neutral, it has a disparate impact on women. The state Supreme Court stated that because the applicant did not

provide evidence for this at trial, the Court held that the record was inadequate to review this claim ([L. H.-S. v. N. B.](#), 267 A.3d 178, 341 Conn. 483 (2022)).)

Decision. The Connecticut Supreme Court affirmed the trial court’s decision and held that the standard for determining whether an applicant for a civil protection order has established the element of fear is a subjective-objective one (the applicant did not meet the standard under the facts). Also, the Court held that in denying the application, the trial court did not:

1. improperly (a) limit its consideration of evidence of the female student’s fear to the time that she received text messages from the male student or (b) require the female student to establish the male student’s intent or premise its finding of her subjective absence of fear on the male student’s intent;
2. clearly err in finding that the female high school student did not establish her subjective fear for her physical safety based on text messages from the male student; or
3. abuse its discretion (a) in determining that testimony about whether the male student ever asked the female student to send him nude photographs was irrelevant or (b) by limiting testimony about the male student’s mental health history.

Connecticut Appellate Court Cases

We found at least four Connecticut Appellate Court cases since 2020 that review a trial court’s decision on a civil protection order application. In two, the Appellate Court affirmed the decision to issue the order. In the others, it reversed the decision as an abuse of discretion and remanded with directions. Table 3 below gives a brief synopsis of the four cases and summary of the court’s holdings.

Table 3: Appellate Court Cases on Civil Protection Order Applications

Year	Case Name/Synopsis/Decision
2020	C. A. v. G. L. , 243 A.3d 807, 201 Conn.App. 734
	<p>Synopsis. A homeowner applied for a civil protection order against a neighbor in a condominium association alleging he had threatened her. The Superior Court granted the application, finding reasonable grounds to believe the neighbor committed and would continue to commit acts of stalking. The neighbor appealed, arguing that there was insufficient evidence of stalking because the conduct could not have caused the plaintiff to reasonably fear for her safety.</p> <p>Decision. The Appellate Court affirmed the trial court, stating that the evidence (nature of relationship and messages involved) was sufficient to conclude that the homeowner reasonably feared for her physical safety and therefore the civil protection order was proper.</p>

Table 3 (continued)

Year	Case Name/Synopsis/Decision
2020	<u><i>S. A. v. D. G.</i>, 232 A.3d 1110, 198 Conn.App. 170</u>
	<p>Synopsis. A first selectman's executive assistant sought a civil protection order against a town resident, alleging that the resident stalked her and caused her to fear for her safety at work and at home. The Superior Court granted the application and the resident appealed, arguing, among other things, that the court improperly excluded evidence and the defendant was not arrested for stalking.</p> <p>Decision. The Appellate Court affirmed the trial court's decision and held that, among other things; (1) the audio recordings offered by the resident were not relevant and thus properly excluded; (2) issuing the order was not precluded by the fact that the resident was not arrested for stalking; and (3) there was sufficient evidence to show that stalking occurred, which included the plaintiff's unreasonable videotaping in the public building.</p>
2021	<u><i>S. B-R. v. J. D.</i>, 266 A.3d 148, 208 Conn.App. 342</u>
	<p>Synopsis. A college student sought a civil protection order against her college classmate, alleging that he stalked her. The Superior Court granted the application and the classmate appealed, arguing that there were not reasonable grounds to believe that he stalked and would continue to do so.</p> <p>Decision. The Appellate Court reversed the decision and remanded with directions to vacate the order, stating that the trial court abused its discretion in granting the application. Specifically, even though the trial court determined the student subjectively feared for her safety, it applied a subjective standard of apprehension of fear, rather than the required subjective-objective standard that applies to stalking. Also, the trial court failed to make a finding as to whether the classmate would continue to commit acts of stalking or other acts to intimidate or retaliate against the student.</p>
2024	<u><i>S. S. v. D. M.</i>, 324 A.3d 233, 228 Conn.App. 559</u>
	<p>Synopsis. A police chief sought a civil protection order against a former police officer on the basis of stalking. The Superior Court granted the application and entered a civil protection order. The former police officer appealed, alleging that the court did not find that there were reasonable grounds to believe that stalking occurred and that it would continue.</p> <p>Decision. The Appellate Court reversed and remanded the decision, holding that the court abused its discretion in granting the application because it did not make express factual findings that the reasonable grounds existed.</p>

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