

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 07-0254.01 Stephen Miller

SENATE BILL 07-136

SENATE SPONSORSHIP

Morse,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE JURISDICTION OF COURTS TO ENTER ORDERS FOR**
102 **THE PROTECTION OF PERSONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Clarifies the jurisdiction of courts to issue additional orders in civil protection order cases for the protection of persons concerning rent and mortgage payments, telephone and utility services, child care costs, temporary possession of personal property, and insurance. Requires a court issuing an order to specify how the order is to be administered, including how payments and property transfers are to be made. Specifies that any additional order issued in a civil protection case is superseded by

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

a subsequent district court order in a domestic matter that involves the parties in the civil protection order case.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Domestic violence is not limited to physical threats of violence
5 and harm but includes financial control, document control, property
6 control, and other types of control that make a victim more likely to return
7 to an abuser due to fear of retaliation or inability to meet basic needs;

8 (b) Victims of domestic violence in many cases are unable to
9 access resources to seek lasting safety options;

10 (c) These victims need the assistance of additional court orders to
11 meet their emergency needs for food, shelter, medical care, and child care
12 at the time they go to court for a civil protection order;

13 (d) These additional court orders are needed not only in cases that
14 end in dissolution of marriage, but in cases in which reconciliation is
15 appropriate, as well as in other cases; and

16 (e) Thirty-three states outline in statute or rule the additional
17 orders available to victims in civil protection order cases.

18 (2) By enacting this legislation, the general assembly, therefore,
19 affirms the authority of Colorado judges to issue additional orders in civil
20 protection order cases.

21 **SECTION 2.** 13-14-102, Colorado Revised Statutes, is amended
22 BY THE ADDITION OF A NEW SUBSECTION to read:

23 **13-14-102. Civil protection orders - legislative declaration.**

24 (5.5) (a) A COURT THAT HAS JURISDICTION TO ISSUE A TEMPORARY CIVIL
25 PROTECTION ORDER UNDER SUBSECTION (4) OR (5) OF THIS SECTION SHALL

1 ALSO HAVE JURISDICTION TO ISSUE SUCH ADDITIONAL TEMPORARY ORDERS
2 AS THE COURT DEEMS NECESSARY FOR THE PROTECTION OF PERSONS THAT:

3 (I) REQUIRE THE DEFENDANT OR THE PETITIONER TO CONTINUE TO
4 PAY RENT OR MAKE MORTGAGE PAYMENTS;

5 (II) RESTRAIN THE DEFENDANT OR THE PETITIONER FROM
6 DISCONTINUING TELEPHONE OR UTILITY SERVICES;

7 (III) REQUIRE THE DEFENDANT OR THE PETITIONER TO CONTINUE
8 TO MAKE CHILD CARE COSTS PAYMENTS ON BEHALF OF THE MINOR
9 CHILDREN OF EITHER OF THE PARTIES DIRECTLY TO THE SERVICE PROVIDER
10 AND TO CONTINUE TO PAY COURT-ORDERED CHILD SUPPORT;

11 (IV) GRANT TEMPORARY POSSESSION OF SPECIFIED PERSONAL
12 PROPERTY, INCLUDING BUT NOT LIMITED TO AUTOMOBILES, ANIMALS,
13 CHECKBOOKS, IDENTIFICATION DOCUMENTS, PASSPORTS, IMMIGRATION
14 DOCUMENTS, KEYS, HEALTH INSURANCE DOCUMENTS, AND PERSONAL
15 EFFECTS;

16 (V) RESTRAIN THE DEFENDANT OR THE PETITIONER FROM
17 REMOVING THE MINOR CHILD OR CHILDREN OF THE PARTIES, IF ANY, FROM
18 THE STATE WITHOUT AN ORDER OF THE COURT;

19 (VI) RESTRAIN THE DEFENDANT OR THE PETITIONER FROM
20 CANCELING, MODIFYING, TERMINATING, OR ALLOWING TO LAPSE FOR
21 NONPAYMENT OF PREMIUMS, ANY POLICY OF HEALTH INSURANCE,
22 HOMEOWNER'S OR RENTER'S INSURANCE, OR AUTOMOBILE INSURANCE
23 THAT PROVIDES COVERAGE TO EITHER OF THE PARTIES OR TO THE PARTIES'
24 MINOR CHILDREN OR ANY POLICY OF LIFE INSURANCE THAT NAMES EITHER
25 OF THE PARTIES OR THE MINOR CHILDREN OF THE PARTIES AS A
26 BENEFICIARY; AND

27 (VII) RESTRAIN THE DEFENDANT OR THE PETITIONER FROM

1 TRANSFERRING, ENCUMBERING, CONCEALING, OR IN ANY WAY DISPOSING
2 OF PROPERTY, EXCEPT IN THE USUAL COURSE OF BUSINESS OR FOR THE
3 NECESSITIES OF LIFE. THE RESTRAINED PARTY SHALL BE REQUIRED TO
4 ACCOUNT TO THE COURT FOR ALL EXTRAORDINARY EXPENDITURES MADE
5 AFTER THE ORDER IS IN EFFECT.

6 (b) A TEMPORARY ORDER ISSUED UNDER THIS SUBSECTION (5.5)
7 SHALL SPECIFY HOW THE TEMPORARY ORDER IS TO BE ADMINISTERED,
8 INCLUDING HOW PAYMENTS AND PROPERTY TRANSFERS ARE TO BE MADE.

9 (c) ANY SUBSEQUENT ORDER ISSUED BY THE DISTRICT COURT AS
10 PART OF A DOMESTIC MATTER INVOLVING THE PARTIES SHALL SUPERSEDE
11 AN ORDER MADE PURSUANT TO THIS SUBSECTION (5.5).

12 **SECTION 3.** 13-14-102 (15), Colorado Revised Statutes, is
13 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

14 **13-14-102. Civil protection orders - legislative declaration.**

15 (15) A municipal court of record that is authorized by its municipal
16 governing body to issue protection or restraining orders and any county
17 court, in connection with issuing a civil protection order, shall have
18 original concurrent jurisdiction with the district court to issue such
19 additional orders as the municipal or county court deems necessary for the
20 protection of persons. Such additional orders may include, but are not
21 limited to:

22 (e.5) (I) ORDERS THAT:

23 (A) REQUIRE THE DEFENDANT OR THE PETITIONER TO CONTINUE TO
24 PAY RENT OR MAKE MORTGAGE PAYMENTS;

25 (B) RESTRAIN THE DEFENDANT OR THE PETITIONER FROM
26 DISCONTINUING TELEPHONE OR UTILITY SERVICES;

27 (C) REQUIRE THE DEFENDANT OR THE PETITIONER TO CONTINUE TO

1 MAKE CHILD CARE COSTS PAYMENTS ON BEHALF OF THE MINOR CHILDREN
2 OF EITHER OF THE PARTIES DIRECTLY TO THE SERVICE PROVIDER AND TO
3 CONTINUE TO PAY COURT-ORDERED CHILD SUPPORT;

4 (D) GRANT POSSESSION OF SPECIFIED PERSONAL PROPERTY,
5 INCLUDING BUT NOT LIMITED TO AUTOMOBILES, ANIMALS, CHECKBOOKS,
6 IDENTIFICATION DOCUMENTS, PASSPORTS, IMMIGRATION DOCUMENTS,
7 KEYS, HEALTH INSURANCE DOCUMENTS, AND PERSONAL EFFECTS;

8 (E) RESTRAIN THE DEFENDANT OR THE PETITIONER FROM
9 REMOVING THE MINOR CHILD OR CHILDREN OF THE PARTIES, IF ANY, FROM
10 THE STATE WITHOUT AN ORDER OF THE COURT;

11 (F) RESTRAIN THE DEFENDANT OR THE PETITIONER FROM
12 CANCELING, MODIFYING, TERMINATING, OR ALLOWING TO LAPSE FOR
13 NONPAYMENT OF PREMIUMS, ANY POLICY OF HEALTH INSURANCE,
14 HOMEOWNER'S OR RENTER'S INSURANCE, OR AUTOMOBILE INSURANCE
15 THAT PROVIDES COVERAGE TO EITHER OF THE PARTIES OR TO THE PARTIES'
16 MINOR CHILDREN OR ANY POLICY OF LIFE INSURANCE THAT NAMES EITHER
17 OF THE PARTIES OR THE MINOR CHILDREN OF THE PARTIES AS A
18 BENEFICIARY; AND

19 (G) RESTRAIN THE DEFENDANT OR THE PETITIONER FROM
20 TRANSFERRING, ENCUMBERING, CONCEALING, OR IN ANY WAY DISPOSING
21 OF PROPERTY, EXCEPT IN THE USUAL COURSE OF BUSINESS OR FOR THE
22 NECESSITIES OF LIFE. THE RESTRAINED PARTY SHALL BE REQUIRED TO
23 ACCOUNT TO THE COURT FOR ALL EXTRAORDINARY EXPENDITURES MADE
24 AFTER THE ORDER IS IN EFFECT.

25 (II) AN ORDER ISSUED UNDER THIS PARAGRAPH (e.5) SHALL BE IN
26 EFFECT FOR A PERIOD DETERMINED APPROPRIATE BY THE COURT BUT NOT
27 EXCEEDING ONE HUNDRED TWENTY DAYS AFTER THE ISSUANCE OF THE

1 PERMANENT CIVIL PROTECTION ORDER AND SHALL SPECIFY HOW THE
2 ORDER IS TO BE ADMINISTERED, INCLUDING HOW PAYMENTS AND
3 PROPERTY TRANSFERS ARE TO BE MADE.

4 (III) ANY SUBSEQUENT ORDER ISSUED BY THE DISTRICT COURT AS
5 PART OF A DOMESTIC MATTER INVOLVING THE PARTIES SHALL SUPERSEDE
6 AN ORDER MADE PURSUANT TO THIS PARAGRAPH (e.5).

7 **SECTION 4. Effective date.** This act shall take effect July 1,
8 2007.

9 **SECTION 5. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety.