

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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 Specifies that any additional order issued in a civil protection case is superseded by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 also in cases in which reconciliation is
15 appropriate, as well as in other cases; and

16 (e) Thirty-three states recognize existing legal obligations for
17 support, payment, or ownership of personal or real property in order to
18 protect victims in civil protection order cases.

19 **SECTION 2.** 13-14-102 (15), Colorado Revised Statutes, is
20 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

21 **13-14-102. Civil protection orders - legislative declaration.**
22 (15) A municipal court of record that is authorized by its municipal
23 governing body to issue protection or restraining orders and any county
24 court, in connection with issuing a civil protection order, shall have
25 original concurrent jurisdiction with the district court to issue such

1 additional orders as the municipal or county court deems necessary for the
2 protection of persons. Such additional orders may include, but are not
3 limited to:

4 (g) (I) A TEMPORARY INJUNCTION THAT MAY BE ISSUED BY THE
5 COURT THAT, UPON PERSONAL SERVICE OR UPON WAIVER AND
6 ACCEPTANCE OF SERVICE BY THE DEFENDANT, IS TO BE IN EFFECT AGAINST
7 THE DEFENDANT FOR A PERIOD DETERMINED TO BE APPROPRIATE BY THE
8 COURT, AND RESTRAINS THE DEFENDANT FROM CEASING TO MAKE
9 PAYMENTS FOR MORTGAGE OR RENT, INSURANCE, UTILITIES, SERVICES, OR
10 CHILD SUPPORT WHEN THE DEFENDANT HAS A PRIOR EXISTING DUTY OR
11 LEGAL OBLIGATION TO MAKE THE PAYMENTS, OR FROM TRANSFERRING,
12 ENCUMBERING, CONCEALING, OR IN ANY WAY DISPOSING OF PERSONAL
13 EFFECTS OR REAL PROPERTY, EXCEPT IN THE USUAL COURSE OF BUSINESS
14 OR FOR THE NECESSITIES OF LIFE. THE RESTRAINED PARTY SHALL BE
15 REQUIRED TO ACCOUNT TO THE COURT FOR ALL EXTRAORDINARY
16 EXPENDITURES MADE AFTER THE INJUNCTION IS IN EFFECT. ANY
17 INJUNCTION ISSUED SHALL NOT EXCEED ONE HUNDRED TWENTY DAYS
18 AFTER THE ISSUANCE OF THE PERMANENT CIVIL PROTECTION ORDER.

19 (II) THE PROVISIONS OF THE INJUNCTION SHALL BE PRINTED ON THE
20 SUMMONS, AND THE PETITION AND THE INJUNCTION SHALL BECOME AN
21 ORDER OF THE COURT UPON FULFILLMENT OF THE REQUIREMENTS OF
22 SUBPARAGRAPH (I) OF THIS PARAGRAPH (g). HOWEVER, NOTHING IN THIS
23 PARAGRAPH (g) SHALL PRECLUDE EITHER PARTY FROM APPLYING TO THE
24 DISTRICT COURT FOR FURTHER TEMPORARY ORDERS, AN EXPANDED
25 TEMPORARY INJUNCTION, OR MODIFICATION OR REVOCATION. ANY
26 SUBSEQUENT ORDER ISSUED BY THE DISTRICT COURT AS PART OF A
27 DOMESTIC MATTER INVOLVING THE PARTIES SHALL SUPERSEDE AN

1 INJUNCTION MADE PURSUANT TO THIS PARAGRAPH (g).

2 **SECTION 3. Effective date.** This act shall take effect July 1,
3 2007.

4 **SECTION 4. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.