

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

INTRODUCED

LLS NO. 13-0227.01 Brita Darling x2241

HOUSE BILL 13-1259

HOUSE SPONSORSHIP

McCann,

SENATE SPONSORSHIP

Newell,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CIVIL ACTIONS, AND, IN CONNECTION THEREWITH,**
102 **PROCEDURES FOR ALLOCATING PARENTAL RIGHTS AND**
103 **RESPONSIBILITIES IN THE BEST INTERESTS OF THE CHILD IN**
104 **CASES INVOLVING CHILD ABUSE AND NEGLECT AND DOMESTIC**
105 **VIOLENCE; PROVISIONS RELATING TO PARENTING TIME ORDERS;**
106 **PROVISIONS RELATING TO PARENTING TIME EVALUATIONS AND**
107 **REPORTS; AND AMENDING AND RELOCATING PROVISIONS**
108 **RELATING TO CIVIL PROTECTION ORDERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that

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.*

applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill makes amendments to various provisions of law relating to civil actions and orders.

Sections 1 through 4 of the bill amend provisions of article 10 of title 14, Colorado Revised Statutes (C.R.S.), as follows:

- ! Includes additional rights of children with respect to the determination of parenting time in section 14-10-123.4, C.R.S.;
- ! In the determination of the best interests of a child with respect to the allocation of parental rights and responsibilities pursuant to section 14-10-124, C.R.S.:
 - ! Requires a court to follow certain procedures in actions where a claim of child abuse or neglect or domestic violence has been made to the court or when the court has reason to believe that a party has committed child abuse or neglect or domestic violence;
 - ! In contested hearings on final orders, requires the court to make findings on the record concerning the factors the court considered and the reasons for the allocation of rights and responsibilities;
 - ! Permits the court to allocate mutual decision-making for a child in a case that involves domestic violence, over objections, if the court makes certain findings;
 - ! Requires the court to consider the current statutory factors concerning the best interests of the child in light of any finding of child abuse or neglect or domestic violence;
 - ! Includes certain factors that the court may consider when formulating or approving a parenting plan in cases where one of the parties has committed child abuse or neglect or domestic violence;
 - ! Permits the court to order a domestic violence evaluation and subsequent evaluations and to require a party to participate in domestic violence treatment; and
 - ! Includes general procedures that may be included in parenting plans;
- ! Provides that a court is not required to order a parenting time evaluation pursuant to section 14-10-127, C.R.S., and includes a list of factors that the court shall consider in determining whether to order an evaluation; and

! In section 14-10-129, C.R.S., expands language relating to domestic violence and increases from 7 days to 14 days the time within which the court must hear and rule on an emergency motion to restrict parenting time.

Sections 5 through 16 of the bill amend, repeal, and relocate the provisions of part 1 of article 14 of title 13 relating to civil protection orders, as follows:

! Moves the legislative declaration currently contained in section 13-14-102 (1), C.R.S., to a new section and adds additional language to the legislative declaration;

! Amends section 13-14-101, C.R.S., containing definitions for article 14 to include a new definition for "contact" and "sexual assault or abuse", and amends existing definitions for "domestic abuse", "protection order", and "stalking";

! Repeals section 14-13-102, C.R.S., and relocates provisions of that section, with amendments, to other sections in article 14;

! Adds additional behaviors to the list of behaviors for which a court may enter an emergency protection order;

! Repeals section 13-14-104, C.R.S., relating to foreign protection orders and relocates those provisions, with amendments, to the new section 13-14-110, C.R.S.;

! Creates a new section 13-14-104.5, C.R.S., that includes provisions relating to temporary civil protection orders that are relocated from 13-14-102, C.R.S., with amendments, that:

! Adds to the list of behaviors for which a temporary civil protection order may be entered;

! Clarifies that a petitioner is not required to show that: he or she has reported the act that is the subject of the complaint to law enforcement, that charges have been filed, or that he or she is participating in the prosecution of the criminal matter; and

! An order awarding temporary care and control of the child may be extended for not more than one year;

! Creates a new section 13-14-105, C.R.S., that contains provisions that are relocated from section 13-14-102, C.R.S., with amendments, and adding additional provisions that a court may include as part of a civil protection order;

! Creates a new section 13-14-106, C.R.S., that contains provisions that are relocated from section 13-14-102, C.R.S., with amendments, relating to procedures for permanent civil protection orders and clarifies that the court need not find that the petitioner is in imminent danger

in order to grant a permanent civil protection order; and that the court may continue a temporary civil protection order and the show cause hearing for one year for good cause;

- ! Creates a new section 13-14-107, C.R.S., that contains provisions that are relocated from section 13-14-102, C.R.S., with amendments, relating to enforcement of protection orders and duties of peace officers;
- ! Creates a new section 13-14-108, C.R.S., that contains provisions that are relocated from section 13-14-102, C.R.S., with amendments, relating to the modification and termination of civil protection orders that:
 - ! Allows a restrained party to file for modification or dismissal of a permanent civil protection order 2 years after the order was entered or after the disposition of a prior motion; and
 - ! Permits the court to consider whether the protection order has been successful in preventing harm to the protected person as grounds to deny the modification or dismissal of a permanent civil protection order;
- ! Creates a new section 13-14-109, C.R.S., that contains provisions that are relocated from section 13-14-102, C.R.S., with amendments, relating to civil protection orders fees and costs; and
- ! Creates a new section 13-14-110, C.R.S., that contains provisions that are relocated from section 13-14-104, C.R.S., with amendments, relating to foreign protection orders.

Sections 17 through 21 of the bill contain conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 14-10-123.4
3 as follows:

4 **14-10-123.4. Rights of children in matters relating to parental**
5 **responsibilities.** (1) The general assembly hereby declares that children
6 have certain rights in the determination of matters relating to parental
7 responsibilities, including:

1 (a) The right to have such determinations based upon the best
2 interests of the child;

3 (b) THE RIGHT TO BE EMOTIONALLY, MENTALLY, AND PHYSICALLY
4 SAFE WHEN IN THE CARE OF EITHER PARENT; AND

5 (c) THE RIGHT TO RESIDE IN AND VISIT IN HOMES THAT ARE FREE
6 OF DOMESTIC VIOLENCE AND CHILD ABUSE OR NEGLECT.

7 **SECTION 2.** In Colorado Revised Statutes, 14-10-124, **amend**
8 (1), (1.5) introductory portion, (1.5) (a) introductory portion, (1.5) (a)
9 (VI), (1.5) (b) introductory portion, (4), and (7); **repeal** (1.5) (a) (IX),
10 (1.5) (a) (X), (1.5) (b) (IV), and (1.5) (b) (V); and **add** (1.7) as follows:

11 **14-10-124. Best interests of child. (1) Legislative declaration.**
12 WHILE CO-PARENTING IS NOT APPROPRIATE IN ALL CIRCUMSTANCES
13 FOLLOWING DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION, the
14 general assembly finds and declares that, IN MOST CIRCUMSTANCES, it is
15 in the best interest of all parties to encourage frequent and continuing
16 contact between each parent and the minor children of the marriage after
17 the parents have separated or dissolved their marriage. In order to
18 effectuate this goal WHEN APPROPRIATE, the general assembly urges
19 parents to share the rights and responsibilities of child-rearing and to
20 encourage the love, affection, and contact between the children and the
21 parents.

22 (1.5) **Allocation of parental responsibilities.** The court shall
23 determine the allocation of parental responsibilities, including parenting
24 time and decision-making responsibilities, in accordance with the best
25 interests of the child giving paramount consideration to the CHILD'S
26 SAFETY AND THE physical, mental, and emotional conditions and needs of
27 the child as follows:

1 (a) **Determination of parenting time.** The court, upon the motion
2 of either party or upon its own motion, may make provisions for parenting
3 time that the court finds are in the child's best interests unless the court
4 finds, after a hearing, that parenting time by the party would endanger the
5 child's physical health or significantly impair the child's emotional
6 development. WHEN A CLAIM OF CHILD ABUSE OR NEGLECT OR DOMESTIC
7 VIOLENCE HAS BEEN MADE TO THE COURT, OR THE COURT HAS REASON TO
8 BELIEVE THAT A PARTY HAS COMMITTED CHILD ABUSE OR NEGLECT OR
9 DOMESTIC VIOLENCE, PRIOR TO DETERMINING PARENTING TIME, THE
10 COURT SHALL FOLLOW THE PROVISIONS OF SUBSECTION (4) OF THIS
11 SECTION. In determining the best interests of the child for purposes of
12 parenting time, the court shall consider all relevant factors, including:

13 (VI) The ability of the parties to encourage the sharing of love,
14 affection, and contact between the child and the other party; EXCEPT
15 THAT, IF THE COURT DETERMINES THAT A PARTY IS ACTING TO PROTECT
16 THE CHILD FROM WITNESSING DOMESTIC VIOLENCE OR FROM BEING A
17 VICTIM OF CHILD ABUSE OR NEGLECT OR DOMESTIC VIOLENCE, THE
18 PARTY'S PROTECTIVE ACTIONS SHALL NOT BE CONSIDERED WITH RESPECT
19 TO THIS FACTOR;

20 ~~(IX) Whether one of the parties has been a perpetrator of child~~
21 ~~abuse or neglect under section 18-6-401, C.R.S., or under the law of any~~
22 ~~state, which factor shall be supported by credible evidence;~~

23 ~~(X) Whether one of the parties has been a perpetrator of domestic~~
24 ~~violence, which factor shall be supported by a preponderance of the~~
25 ~~evidence;~~

26 (b) **Allocation of decision-making responsibility.** The court,
27 upon the motion of either party or its own motion, shall allocate the

1 decision-making responsibilities between the parties based upon the best
2 interests of the child. In determining decision-making responsibility, the
3 court may allocate the decision-making responsibility with respect to each
4 issue affecting the child mutually between both parties or individually to
5 one or the other party or any combination thereof. WHEN A CLAIM OF
6 CHILD ABUSE OR NEGLECT OR DOMESTIC VIOLENCE HAS BEEN MADE TO
7 THE COURT, OR THE COURT HAS REASON TO BELIEVE THAT A PARTY HAS
8 COMMITTED CHILD ABUSE OR NEGLECT OR DOMESTIC VIOLENCE, PRIOR TO
9 ALLOCATING DECISION-MAKING RESPONSIBILITY, THE COURT SHALL
10 FOLLOW THE PROVISIONS OF SUBSECTION (4) OF THIS SECTION. In
11 determining the best interests of the child for purposes of allocating
12 decision-making responsibilities, the court shall consider, in addition to
13 the factors set forth in paragraph (a) of this subsection (1.5), all relevant
14 factors including:

15 (IV) ~~Whether one of the parties has been a perpetrator of child~~
16 ~~abuse or neglect under section 18-6-401, C.R.S., or under the law of any~~
17 ~~state, which factor shall be supported by credible evidence. If the court~~
18 ~~makes a finding of fact that one of the parties has been a perpetrator of~~
19 ~~child abuse or neglect, then it shall not be in the best interests of the child~~
20 ~~to allocate mutual decision-making with respect to any issue over the~~
21 ~~objection of the other party or the legal representative of the child.~~

22 (V) ~~Whether one of the parties has been a perpetrator of domestic~~
23 ~~violence, which factor shall be supported by a preponderance of the~~
24 ~~evidence. If the court makes a finding of fact that one of the parties has~~
25 ~~been a perpetrator of domestic violence, then it shall not be in the best~~
26 ~~interests of the child to allocate mutual decision-making responsibility~~
27 ~~over the objection of the other party or the legal representative of the~~

1 ~~child, unless the court finds that the parties are able to make shared~~
2 ~~decisions about their children without physical confrontation and in a~~
3 ~~place and manner that is not a danger to the abused party or the child.~~

4 (1.7) PURSUANT TO SECTION 14-10-123.4, CHILDREN HAVE THE
5 RIGHT TO HAVE THE DETERMINATION OF MATTERS RELATING TO PARENTAL
6 RESPONSIBILITIES BASED UPON THE BEST INTERESTS OF THE CHILD. IN
7 CONTESTED HEARINGS ON FINAL ORDERS REGARDING THE ALLOCATION OF
8 PARENTAL RESPONSIBILITIES, THE COURT SHALL MAKE FINDINGS ON THE
9 RECORD CONCERNING THE FACTORS THE COURT CONSIDERED AND THE
10 REASONS WHY THE ALLOCATION OF PARENTAL RESPONSIBILITIES IS IN THE
11 BEST INTERESTS OF THE CHILD.

12 (4) (a) WHEN A CLAIM OF CHILD ABUSE OR NEGLECT OR DOMESTIC
13 VIOLENCE HAS BEEN MADE TO THE COURT, OR THE COURT HAS REASON TO
14 BELIEVE THAT A PARTY HAS COMMITTED CHILD ABUSE OR NEGLECT OR
15 DOMESTIC VIOLENCE, PRIOR TO ALLOCATING PARENTAL RESPONSIBILITIES,
16 INCLUDING PARENTING TIME AND DECISION-MAKING RESPONSIBILITY, AND
17 PRIOR TO CONSIDERING THE FACTORS SET FORTH IN PARAGRAPHS (a) AND
18 (b) OF SUBSECTION (1.5) OF THIS SECTION, THE COURT SHALL CONSIDER
19 THE FOLLOWING FACTORS:

20 (I) [**Similar to 14-10-124 (1.5) (b) (IV).**] WHETHER ONE OF THE
21 PARTIES HAS COMMITTED AN ACT OF CHILD ABUSE OR NEGLECT AS
22 DEFINED IN SECTION 18-6-401, C.R.S., OR AS DEFINED UNDER THE LAW OF
23 ANY STATE, WHICH FACTOR MUST BE SUPPORTED BY A PREPONDERANCE OF
24 THE EVIDENCE. IF THE COURT FINDS THAT ONE OF THE PARTIES HAS
25 COMMITTED CHILD ABUSE OR NEGLECT, THEN IT SHALL NOT BE IN THE BEST
26 INTERESTS OF THE CHILD TO ALLOCATE MUTUAL DECISION-MAKING WITH
27 RESPECT TO ANY ISSUE OVER THE OBJECTION OF THE OTHER PARTY OR THE

1 LEGAL REPRESENTATIVE OF THE CHILD.

2 (II) [Similar to 14-10-124 (1.5) (b) (V).] WHETHER ONE OF THE
3 PARTIES HAS COMMITTED AN ACT OF DOMESTIC VIOLENCE, HAS ENGAGED
4 IN A PATTERN OF DOMESTIC VIOLENCE, OR HAS A HISTORY OF DOMESTIC
5 VIOLENCE, WHICH FACTOR MUST BE SUPPORTED BY A PREPONDERANCE OF
6 THE EVIDENCE. IF THE COURT FINDS BY A PREPONDERANCE OF THE
7 EVIDENCE THAT ONE OF THE PARTIES HAS COMMITTED DOMESTIC
8 VIOLENCE:

9 (A) IT SHALL NOT BE IN THE BEST INTERESTS OF THE CHILD TO
10 ALLOCATE MUTUAL DECISION-MAKING RESPONSIBILITY OVER THE
11 OBJECTION OF THE OTHER PARTY OR THE LEGAL REPRESENTATIVE OF THE
12 CHILD, UNLESS THE COURT FINDS THAT THERE IS CREDIBLE EVIDENCE OF
13 THE ABILITY OF THE PARTIES TO MAKE DECISIONS COOPERATIVELY IN THE
14 BEST INTEREST OF THE CHILD IN A MANNER THAT IS SAFE FOR THE ABUSED
15 PARTY AND THE CHILD; AND

16 (B) THE COURT SHALL NOT APPOINT A PARENTING COORDINATOR
17 SOLELY TO ENSURE THAT MUTUAL DECISION-MAKING CAN BE
18 ACCOMPLISHED.

19 (b) THE COURT SHALL CONSIDER THE ADDITIONAL FACTORS SET
20 FORTH IN PARAGRAPHS (a) AND (b) OF SUBSECTION (1.5) OF THIS SECTION
21 IN LIGHT OF ANY FINDING OF CHILD ABUSE OR NEGLECT OR DOMESTIC
22 VIOLENCE PURSUANT TO THIS SUBSECTION (4).

23 (c) If a party is absent or leaves home because of an act or
24 threatened act of domestic violence committed by the other party, such
25 absence or leaving shall not be a factor in determining the best interests
26 of the child.

27 (d) WHEN THE COURT FINDS BY A PREPONDERANCE OF THE

1 EVIDENCE THAT ONE OF THE PARTIES HAS COMMITTED CHILD ABUSE OR
2 NEGLECT OR DOMESTIC VIOLENCE, THE COURT SHALL CONSIDER, AS THE
3 PRIMARY CONCERN, THE SAFETY AND WELL-BEING OF THE CHILD AND THE
4 ABUSED PARTY.

5 (e) WHEN THE COURT FINDS BY A PREPONDERANCE OF THE
6 EVIDENCE THAT ONE OF THE PARTIES HAS COMMITTED CHILD ABUSE OR
7 NEGLECT OR DOMESTIC VIOLENCE, IN FORMULATING OR APPROVING A
8 PARENTING PLAN, THE COURT SHALL CONSIDER CONDITIONS ON PARENTING
9 TIME THAT ENSURE THE SAFETY OF THE CHILD AND OF THE ABUSED PARTY.
10 IN ADDITION TO ANY PROVISIONS SET FORTH IN SUBSECTION (7) OF THIS
11 SECTION THAT ARE APPROPRIATE, THE PARENTING PLAN IN THESE CASES
12 MAY INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING PROVISIONS:

13 (I) AN ORDER LIMITING CONTACT BETWEEN THE PARTIES TO
14 CONTACT THAT THE COURT DEEMS IS SAFE AND THAT MINIMIZES
15 UNNECESSARY COMMUNICATION BETWEEN THE PARTIES;

16 (II) AN ORDER THAT REQUIRES THE EXCHANGE OF THE CHILD FOR
17 PARENTING TIME TO OCCUR IN A PROTECTED SETTING DETERMINED BY THE
18 COURT;

19 (III) AN ORDER FOR SUPERVISED PARENTING TIME;

20 (IV) AN ORDER RESTRICTING OVERNIGHT PARENTING TIME;

21 (V) AN ORDER THAT RESTRICTS THE PARTY WHO HAS COMMITTED
22 DOMESTIC VIOLENCE OR CHILD ABUSE OR NEGLECT FROM POSSESSING OR
23 CONSUMING ALCOHOL OR CONTROLLED SUBSTANCES DURING PARENTING
24 TIME OR FOR TWENTY-FOUR HOURS PRIOR TO THE COMMENCEMENT OF
25 PARENTING TIME;

26 (VI) AN ORDER DIRECTING THAT THE ADDRESS OF THE CHILD OR
27 OF ANY PARTY REMAIN CONFIDENTIAL; AND

1 (VII) AN ORDER THAT IMPOSES ANY OTHER CONDITION ON ONE OR
2 MORE PARTIES THAT THE COURT DETERMINES IS NECESSARY TO PROTECT
3 THE CHILD, ANOTHER PARTY, OR ANY OTHER FAMILY OR HOUSEHOLD
4 MEMBER OF A PARTY.

5 (f) WHEN THE COURT FINDS BY A PREPONDERANCE OF THE
6 EVIDENCE THAT ONE OF THE PARTIES HAS COMMITTED DOMESTIC
7 VIOLENCE, THE COURT MAY ORDER THE PARTY TO SUBMIT TO A DOMESTIC
8 VIOLENCE EVALUATION. IF THE COURT DETERMINES, BASED UPON THE
9 RESULTS OF THE EVALUATION, THAT TREATMENT IS APPROPRIATE, THE
10 COURT MAY ORDER THE PARTY TO PARTICIPATE IN DOMESTIC VIOLENCE
11 TREATMENT. AT ANY TIME, THE COURT MAY REQUIRE A SUBSEQUENT
12 EVALUATION TO DETERMINE WHETHER ADDITIONAL TREATMENT IS
13 NECESSARY. IF THE COURT AWARDS PARENTING TIME TO A PARTY WHO
14 HAS BEEN ORDERED TO PARTICIPATE IN DOMESTIC VIOLENCE TREATMENT,
15 THE COURT MAY ORDER THE PARTY TO OBTAIN A REPORT FROM THE
16 TREATMENT PROVIDER CONCERNING THE PARTY'S PROGRESS IN
17 TREATMENT AND ADDRESSING ANY ONGOING SAFETY CONCERNS
18 REGARDING THE PARTY'S PARENTING TIME. THE COURT MAY ORDER THE
19 PARTY WHO HAS COMMITTED DOMESTIC VIOLENCE TO PAY THE COSTS OF
20 THE DOMESTIC VIOLENCE EVALUATIONS AND TREATMENT.

21 (7) In order to implement an order allocating parental
22 responsibilities, both parties may submit a parenting plan or plans for the
23 court's approval that shall address both parenting time and the allocation
24 of decision-making responsibilities. If no parenting plan is submitted or
25 if the court does not approve a submitted parenting plan, the court, on its
26 own motion, shall formulate a parenting plan that shall address parenting
27 time and the allocation of decision-making responsibilities. WHEN ISSUES

1 RELATING TO PARENTING TIME ARE CONTESTED, AND IN OTHER CASES
2 WHERE APPROPRIATE, THE PARENTING PLAN MUST BE AS SPECIFIC AS
3 POSSIBLE TO CLEARLY ADDRESS THE NEEDS OF THE FAMILY AS WELL AS
4 THE CURRENT AND FUTURE NEEDS OF THE AGING CHILD. IN GENERAL, THE
5 PARENTING PLAN MAY INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING
6 PROVISIONS:

7 (a) A DESIGNATION OF THE TYPE OF DECISION-MAKING AWARDED;

8 (b) A PRACTICAL SCHEDULE OF PARENTING TIME FOR THE CHILD,
9 INCLUDING HOLIDAYS AND SCHOOL VACATIONS;

10 (c) A PROCEDURE FOR THE EXCHANGES OF THE CHILD FOR
11 PARENTING TIME, INCLUDING THE LOCATION OF THE EXCHANGES AND THE
12 PARTY OR PARTIES RESPONSIBLE FOR THE CHILD'S TRANSPORTATION;

13 (d) A PROCEDURE FOR COMMUNICATING WITH EACH OTHER ABOUT
14 THE CHILD, INCLUDING METHODS FOR COMMUNICATING AND FREQUENCY
15 OF COMMUNICATION;

16 (e) A PROCEDURE FOR COMMUNICATION BETWEEN A PARENT AND
17 THE CHILD OUTSIDE OF THAT PARENT'S PARENTING TIME, INCLUDING
18 METHODS FOR COMMUNICATING AND FREQUENCY OF COMMUNICATION;
19 AND

20 (f) ANY OTHER ORDERS IN THE BEST INTERESTS OF THE CHILD.

21 **SECTION 3.** In Colorado Revised Statutes, 14-10-127, **amend**
22 (1) (a) (I); and **add** (1) (a) (I.3) as follows:

23 **14-10-127. Evaluation and reports - disclosure.** (1) (a) (I) In all
24 proceedings concerning the allocation of parental responsibilities with
25 respect to a child, the court ~~shall~~ MAY, upon motion of either party or
26 upon its own motion, order the court probation department, any county or
27 district social services department, or a licensed mental health

1 professional qualified pursuant to subsection (4) of this section to perform
2 an evaluation and file a written report concerning the disputed issues
3 relating to the allocation of parental responsibilities for the child, unless
4 such motion by either party is made for the purpose of delaying the
5 proceedings. Any court or social services department personnel appointed
6 by the court to do such evaluation shall be qualified pursuant to
7 subsection (4) of this section. When a mental health professional
8 performs the evaluation, the court shall appoint or approve the selection
9 of the mental health professional. Within seven days after the
10 appointment, the evaluator shall comply with the disclosure provisions of
11 subsection (1.2) of this section. The court shall, at the time of the
12 appointment of the evaluator, order one or more of the parties to deposit
13 a reasonable sum with the court to pay the cost of the evaluation. The
14 court may order the reasonable charge for such evaluation and report to
15 be assessed as costs between the parties at the time the evaluation is
16 completed.

17 (I.3) IN DETERMINING WHETHER TO ORDER AN EVALUATION
18 PURSUANT TO THIS SECTION, IN ADDITION TO ANY OTHER CONSIDERATIONS
19 THE COURT DEEMS RELEVANT, THE COURT SHALL CONSIDER:

20 (A) WHETHER AN INVESTIGATION BY A CHILD AND FAMILY
21 INVESTIGATOR PURSUANT TO SECTION 14-10-116.5 WOULD BE SUFFICIENT
22 OR APPROPRIATE GIVEN THE SCOPE OR NATURE OF THE DISPUTED ISSUES
23 RELATING TO THE ALLOCATION OF PARENTAL RESPONSIBILITIES FOR THE
24 CHILD;

25 (B) WHETHER AN EVALUATION PURSUANT TO THIS SECTION IS
26 NECESSARY TO ASSIST THE COURT IN DETERMINING THE BEST INTERESTS
27 OF THE CHILD; AND

1 (C) WHETHER INVOLVING THE CHILD IN AN EVALUATION
2 PURSUANT TO THIS SECTION IS IN THE BEST INTERESTS OF THE CHILD.

3 **SECTION 4.** In Colorado Revised Statutes, 14-10-129, **amend**
4 (2) (c) introductory portion and (4) as follows:

5 **14-10-129. Modification of parenting time.** (2) The court shall
6 not modify a prior order concerning parenting time that substantially
7 changes the parenting time as well as changes the party with whom the
8 child resides a majority of the time unless it finds, upon the basis of facts
9 that have arisen since the prior decree or that were unknown to the court
10 at the time of the prior decree, that a change has occurred in the
11 circumstances of the child or the party with whom the child resides the
12 majority of the time and that the modification is necessary to serve the
13 best interests of the child. In applying these standards, the court shall
14 retain the parenting time schedule established in the prior decree unless:

15 (c) The party with whom the child resides a majority of the time
16 is intending to relocate with the child to a residence that substantially
17 changes the geographical ties between the child and the other party. A
18 court hearing on any modification of parenting time due to an intent to
19 relocate shall be given a priority on the court's docket. In determining
20 whether the modification of parenting time is in the best interests of the
21 child, the court shall take into account all relevant factors, including
22 whether a party has ~~been a perpetrator~~ COMMITTED AN ACT of domestic
23 violence, HAS ENGAGED IN A PATTERN OF DOMESTIC VIOLENCE, OR HAS A
24 HISTORY OF DOMESTIC VIOLENCE, as that term is defined in section
25 14-10-124 (1.3), which factor shall be supported by a preponderance of
26 the evidence, ~~whether~~ AND SHALL CONSIDER such domestic violence
27 WHETHER IT occurred before or after the prior decree, and all other factors

1 enumerated in section 14-10-124 (1.5) (a) and:

2 (4) A motion to restrict parenting time or parental contact with a
3 parent which alleges that the child is in imminent physical or emotional
4 danger due to the parenting time or contact by the parent shall be heard
5 and ruled upon by the court not later than ~~seven~~ FOURTEEN days after the
6 day of the filing of the motion. Any parenting time which occurs during
7 such ~~seven-day~~ FOURTEEN-DAY period after the filing of such a motion
8 shall be supervised by an unrelated third party deemed suitable by the
9 court or by a licensed mental health professional, as defined in section
10 14-10-127 (1) (b). This subsection (4) shall not apply to any motion
11 which is filed pursuant to subsection (3) of this section.

12 **SECTION 5.** In Colorado Revised Statutes, **add with relocated**
13 **provisions,** 13-14-100.2 as follows:

14 **13-14-100.2. Legislative declaration. [Formerly 13-14-102 (1).]**

15 (1) ~~(a)~~ The general assembly hereby finds that the issuance and
16 enforcement of protection orders are of paramount importance in the state
17 of Colorado because protection orders promote safety, reduce violence
18 AND OTHER TYPES OF ABUSE, and prevent serious harm and death. In order
19 to improve the public's access to protection orders and to ensure careful
20 judicial consideration of requests and effective law enforcement, there
21 shall be two processes for obtaining protection orders within the state of
22 Colorado, a simplified civil process and a mandatory criminal process.

23 ~~(b) The general assembly further finds and declares that:~~

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

1 ~~(H) Victims of domestic violence in many cases are unable to~~
2 ~~access resources to seek lasting safety options;~~

3 ~~(HH) These victims need the assistance of additional court orders~~
4 ~~to meet their immediate needs for food, shelter, transportation, medical~~
5 ~~care, and child care at the time they go to court for a civil protection~~
6 ~~order; and~~

7 ~~(IV) These additional court orders are needed not only in cases~~
8 ~~that end in dissolution of marriage but also in cases in which~~
9 ~~reconciliation is appropriate, as well as in other cases.~~

10 (2) **[Similar to 13-14-102 (1) (b)]** THE GENERAL ASSEMBLY
11 FURTHER FINDS AND DECLARES THAT DOMESTIC ABUSE IS NOT LIMITED TO
12 PHYSICAL THREATS OF VIOLENCE AND HARM BUT ALSO INCLUDES
13 FINANCIAL CONTROL, DOCUMENT CONTROL, PROPERTY CONTROL, AND
14 OTHER TYPES OF CONTROL THAT MAKE A VICTIM MORE LIKELY TO RETURN
15 TO AN ABUSER DUE TO FEAR OF RETALIATION OR INABILITY TO MEET BASIC
16 NEEDS. MANY VICTIMS OF DOMESTIC ABUSE ARE UNABLE TO ACCESS THE
17 RESOURCES NECESSARY TO SEEK LASTING SAFETY OPTIONS. VICTIMS NEED
18 ADDITIONAL PROVISIONS IN PROTECTION ORDERS SO THAT THEY CAN MEET
19 THEIR IMMEDIATE NEEDS OF FOOD, SHELTER, TRANSPORTATION, MEDICAL
20 CARE, AND CHILDCARE FOR THEIR APPEARANCE AT PROTECTION ORDER
21 HEARINGS. THESE NEEDS MAY EXIST NOT ONLY IN CASES THAT MAY END
22 IN DISSOLUTION OF MARRIAGE BUT ALSO IN OTHER CIRCUMSTANCES,
23 INCLUDING CASES IN WHICH RECONCILIATION MAY OCCUR.

24 (3) ADDITIONALLY, THE GENERAL ASSEMBLY FINDS AND DECLARES
25 THAT SEXUAL ASSAULT AFFECTS COLORADANS OF ALL AGES,
26 BACKGROUNDS, AND CIRCUMSTANCES AND IS ONE OF THE MOST
27 UNDER-REPORTED OF ALL CRIMES. SEXUAL VIOLENCE MAY OCCUR IN ANY

1 TYPE OF RELATIONSHIP; HOWEVER, THE MAJORITY OF SEXUAL ASSAULT IS
2 PERPETRATED BY SOMEONE WHOM THE VICTIM KNOWS. VICTIMS OF
3 SEXUAL ASSAULT WHO DO NOT REPORT THE CRIME, AS WELL AS VICTIMS
4 WHO DO REPORT BUT WHOSE CASE IS NOT PROSECUTED, STILL NEED AND
5 DESERVE PROTECTION FROM FUTURE INTERACTIONS WITH THE
6 PERPETRATOR, AS MANY VICTIMS EXPERIENCE LONG-LASTING PHYSICAL
7 AND EMOTIONAL TRAUMA FROM UNWANTED CONTACT WITH THE
8 PERPETRATOR.

9 (4) FINALLY, THE GENERAL ASSEMBLY FINDS AND DECLARES THAT
10 STALKING IS A DANGEROUS, HIGH-RISK CRIME THAT FREQUENTLY
11 ESCALATES OVER TIME AND THAT SOMETIMES LEADS, TRAGICALLY, TO
12 SEXUAL ASSAULT OR HOMICIDE. COUNTLESS YOUTH AND ADULTS IN
13 COLORADO HAVE FACED THE FEAR, ISOLATION, AND DANGER OF BEING
14 VICTIMS OF STALKING, AND MANY OF THESE INCIDENTS GO UNREPORTED
15 AND ARE NOT PROSECUTED. WHILE STALKING BEHAVIORS MAY APPEAR
16 INNOCUOUS TO OUTSIDE OBSERVERS, THE VICTIMS OFTEN ENDURE INTENSE
17 PHYSICAL AND EMOTIONAL DISTRESS THAT AFFECTS ALL ASPECTS OF THEIR
18 LIVES AND ARE MORE LIKELY THAN OTHERS TO EXPRESS ANXIETY,
19 DEPRESSION, AND SOCIAL DYSFUNCTION.

20 **SECTION 6.** In Colorado Revised Statutes, 13-14-101, **amend**
21 (2), (2.4) (a) introductory portion, (2.4) (a) (IV), (2.4) (b), and (3); and
22 **add** (1.7) and (2.9) as follows:

23 **13-14-101. Definitions.** For purposes of this article, unless the
24 context otherwise requires:

25 (1.7) "CONTACT" OR "CONTACTING" MEANS ANY INTERACTION OR
26 COMMUNICATION WITH ANOTHER PERSON, DIRECTLY OR INDIRECTLY
27 THROUGH A THIRD PARTY, AND ELECTRONIC AND DIGITAL FORMS OF

1 COMMUNICATION, INCLUDING BUT NOT LIMITED TO INTERACTION OR
2 COMMUNICATION THROUGH SOCIAL MEDIA.

3 (2) "Domestic abuse" means any act, ATTEMPTED ACT, or
4 threatened act of violence, STALKING, HARASSMENT, OR COERCION that is
5 committed by any person against another person to whom the actor is
6 currently or was formerly related, or with whom the actor is living or has
7 lived in the same domicile, or with whom the actor is involved or has
8 been involved in an intimate relationship. A SEXUAL RELATIONSHIP MAY
9 BE AN INDICATOR OF AN INTIMATE RELATIONSHIP BUT IS NEVER A
10 NECESSARY CONDITION FOR FINDING AN INTIMATE RELATIONSHIP. FOR
11 PURPOSES OF THIS SUBSECTION (2), "COERCION" INCLUDES COMPELLING A
12 PERSON BY FORCE, THREAT OF FORCE, OR INTIMIDATION TO ENGAGE IN
13 CONDUCT FROM WHICH THE PERSON HAS THE RIGHT OR PRIVILEGE TO
14 ABSTAIN, OR TO ABSTAIN FROM CONDUCT IN WHICH THE PERSON HAS A
15 RIGHT OR PRIVILEGE TO ENGAGE. "Domestic abuse" may also include any
16 act, ATTEMPTED ACT, or threatened act of violence against:

- 17 (a) The minor children of either of the parties; or
18 (b) An animal owned, possessed, leased, kept, or held by either of
19 the parties or by a minor child of either of the parties, which threat, ACT,
20 or ATTEMPTED act is intended to coerce, control, punish, intimidate, or
21 exact revenge upon either of the parties or a minor child of either of the
22 parties.

23 (2.4) (a) "Protection order" means any order that prohibits the
24 restrained person from contacting, harassing, injuring, intimidating,
25 molesting, threatening, ~~or~~ touching, STALKING, OR SEXUALLY ASSAULTING
26 OR ABUSING any protected person OR FROM ENTERING OR REMAINING ON
27 PREMISES, OR FROM COMING WITHIN A SPECIFIED DISTANCE OF A

1 PROTECTED PERSON OR PREMISES, or from ~~threatening~~, taking,
2 transferring, concealing, harming, ~~or~~ disposing of OR THREATENING HARM
3 TO an animal owned, possessed, leased, kept, or held by a protected
4 person, ~~or from entering or remaining on premises, or from coming within~~
5 ~~a specified distance of a protected person or premises~~ or any other
6 provision to protect the protected person from imminent danger to life or
7 health that is issued by a court of this state or a municipal court and that
8 is issued pursuant to:

9 (IV) Any other order of a court that prohibits a person from
10 contacting, harassing, injuring, intimidating, molesting, threatening, ~~or~~
11 touching, STALKING, OR SEXUALLY ASSAULTING OR ABUSING a person, OR
12 FROM ENTERING OR REMAINING ON PREMISES, OR FROM COMING WITHIN A
13 SPECIFIED DISTANCE OF A PROTECTED PERSON OR PREMISES, or from
14 ~~threatening~~, taking, transferring, concealing, harming, ~~or~~ disposing of OR
15 THREATENING TO HARM an animal owned, possessed, leased, kept, or held
16 by a person, or from entering or remaining on premises, or from coming
17 within a specified distance of a protected person or premises.

18 (b) For purposes of this article only, "protection order" includes
19 any order that amends, modifies, supplements, or supersedes the initial
20 protection order. "Protection order" also includes any EMERGENCY
21 PROTECTION ORDER, AS DESCRIBED IN SECTION 13-14-103, ANY restraining
22 order entered prior to July 1, 2003, and any foreign protection order as
23 defined in section 13-14-110.

24 (2.9) "SEXUAL ASSAULT OR ABUSE" MEANS ANY ACT, ATTEMPTED
25 ACT, OR THREATENED ACT OF UNLAWFUL SEXUAL BEHAVIOR, AS
26 DESCRIBED IN SECTION 16-11.7-102 (3), C.R.S., BY ANY PERSON AGAINST
27 ANOTHER PERSON REGARDLESS OF THE RELATIONSHIP BETWEEN THE

1 ACTOR AND THE PETITIONER.

2 (3) "Stalking" means ~~the crime~~ ANY ACT, ATTEMPTED ACT, OR
3 THREATENED ACT of stalking as described in section 18-3-602, C.R.S.

4 **SECTION 7.** In Colorado Revised Statutes, **repeal** 13-14-102.

5 **SECTION 8.** In Colorado Revised Statutes, 13-14-103, **amend**
6 (1) (b) (I), (1) (b) (V), (1) (e), (1) (f), (5), and (8) as follows:

7 **13-14-103. Emergency protection orders.** (1) (b) An emergency
8 protection order issued pursuant to this subsection (1) may include:

9 (I) Restraining a party from CONTACTING, HARASSING, INJURING,
10 INTIMIDATING, threatening, molesting, ~~injuring or contacting~~ TOUCHING,
11 STALKING, SEXUALLY ASSAULTING OR ABUSING any other party, a minor
12 child of either of the parties, or a minor child who is in danger in the
13 reasonably foreseeable future of being a victim of an unlawful sexual
14 offense or domestic abuse;

15 (V) Restraining a party from ~~threatening~~, molesting, injuring,
16 killing, taking, transferring, encumbering, concealing, ~~or~~ disposing of OR
17 THREATENING HARM TO an animal owned, possessed, leased, kept, or held
18 by any other party, a minor child of either of the parties, or an elderly or
19 at-risk adult; or

20 (e) When the county, district, and juvenile courts are unavailable
21 from the close of business at the end of the day or week to the resumption
22 of business at the beginning of the day or week and a peace officer asserts
23 reasonable grounds to believe that an adult is in immediate and present
24 danger of domestic abuse, ~~based upon an allegation of a recent incident~~
25 ~~of actual domestic abuse or threat of domestic abuse~~ ASSAULT, STALKING,
26 SEXUAL ASSAULT OR ABUSE, or that a minor child is in immediate and
27 present danger of an unlawful sexual offense, as defined in section

1 18-3-411 (1), C.R.S., or of domestic abuse, as defined in section
2 13-14-101 (2), a judge made available pursuant to paragraph (d) of this
3 subsection (1) may issue a written or verbal ex parte emergency
4 protection order. Any written emergency protection order issued pursuant
5 to this subsection (1) shall be on a standardized form prescribed by the
6 judicial department and a copy shall be provided to the protected person.

7 (f) An emergency protection order issued pursuant to this
8 subsection (1) shall expire not later than the close of judicial business on
9 the next day of judicial business following the day of issue, unless
10 otherwise continued by the court. The court may continue an emergency
11 protection order filed to prevent ~~domestic~~ abuse pursuant to this
12 subsection (1) only if the judge is unable to set a hearing on plaintiff's
13 request for a temporary protection order on the day the complaint was
14 filed pursuant to section ~~13-14-102~~ 13-14-104.5; except that this
15 limitation on a court's power to continue an emergency protection order
16 shall not apply to an emergency protection order filed to protect a minor
17 child from an unlawful sexual offense or domestic abuse. For any
18 emergency protection order continued pursuant to the provisions of this
19 paragraph (f), following two days' notice to the party who obtained the
20 emergency protection order or on such shorter notice to said party as the
21 court may prescribe, the adverse party may appear and move its
22 dissolution or modification. The motion to dissolve or modify the
23 emergency protection order shall be set down for hearing at the earliest
24 possible time and shall take precedence over all matters except older
25 matters of the same character, and the court shall determine such motions
26 as expeditiously as the ends of justice require.

27 (5) Venue for filing a complaint pursuant to this section is proper

1 in any county where the acts ~~constituting unlawful sexual assault or~~
2 ~~domestic abuse~~ that are the subject of the complaint occur, in any county
3 where one of the parties resides, or in any county where one of the parties
4 is employed. This requirement for venue does not prohibit the change of
5 venue to any other county appropriate under applicable law.

6 (8) The availability of an emergency protection order shall not be
7 affected by the ~~subject of domestic abuse~~ PERSON SEEKING PROTECTION
8 leaving his or her residence to avoid ~~such abuse~~ HARM.

9 **SECTION 9.** In Colorado Revised Statutes, **repeal** 13-14-104.

10 **SECTION 10.** In Colorado Revised Statutes, **add with relocated**
11 **provisions,** 13-14-104.5 as follows:

12 **13-14-104.5. [Formerly 13-14-102 (1.5) to (8).] Procedure for**
13 **temporary civil protection order.** ~~(1.5)~~ (1) (a) Any municipal court of

14 record, if authorized by the municipal governing body; any county court;
15 and any district, probate, or juvenile court shall have original concurrent
16 jurisdiction to issue a temporary or permanent civil protection order
17 against an adult or against a juvenile who is ten years of age or older for
18 any of the following purposes:

- 19 (a) (I) To prevent assaults and threatened bodily harm;
- 20 ~~(b)~~ (II) To prevent domestic abuse;
- 21 ~~(c)~~ (III) To prevent emotional abuse of the elderly or of an at-risk
22 adult;
- 23 (IV) TO PREVENT SEXUAL ASSAULT OR ABUSE; AND
- 24 ~~(d)~~ (V) To prevent stalking.

25 (b) TO BE ELIGIBLE FOR A PROTECTION ORDER, THE PETITIONER
26 DOES NOT NEED TO SHOW THAT HE OR SHE HAS REPORTED THE ACT THAT
27 IS THE SUBJECT OF THE COMPLAINT TO LAW ENFORCEMENT, THAT CHARGES

1 HAVE BEEN FILED, OR THAT THE PETITIONER IS PARTICIPATING IN THE
2 PROSECUTION OF A CRIMINAL MATTER.

3 (2) Any civil protection order issued pursuant to this section shall
4 be issued using the standardized set of forms developed by the state court
5 administrator pursuant to section 13-1-136.

6 ~~(2.5)~~ (3) Venue for filing a motion or complaint pursuant to this
7 section is proper in any county where the acts that are the subject of the
8 motion or complaint occur, in any county where one of the parties resides,
9 or in any county where one of the parties is employed. This requirement
10 for venue does not prohibit the change of venue to any other county
11 appropriate under applicable law.

12 ~~(3)~~ (4) A motion for a temporary civil protection order shall be set
13 for hearing AT THE EARLIEST POSSIBLE TIME, which hearing may be ex
14 parte, at ~~the earliest possible time~~, and shall take precedence over all
15 matters, except those matters of the same character that have been on the
16 court docket for a longer period of time. The court shall hear all such
17 motions as expeditiously as possible.

18 ~~(3.3)~~ (5) Any district court, in an action commenced under the
19 "Uniform Dissolution of Marriage Act", article 10 of title 14, C.R.S.,
20 shall have authority to issue temporary and permanent protection orders
21 pursuant to the provisions of subsection ~~(1.5)~~ (1) of this section. Such
22 protection order may be as a part of a motion for a protection order
23 accompanied by an affidavit filed in an action brought under article 10 of
24 title 14, C.R.S. Either party may request the court to issue a protection
25 order consistent with any other provision of this article.

26 ~~(3.7)~~ (6) At the time a protection order is requested pursuant to
27 this section, the court shall inquire about, and the requesting party and

1 such party's attorney shall have an independent duty to disclose,
2 knowledge such party and such party's attorney may have concerning the
3 existence of any prior protection or restraining order of any court
4 addressing in whole or in part the subject matter of the requested
5 protection order. In the event there are conflicting restraining or
6 protection orders, the court shall consider, as its first priority, issues of
7 public safety. An order that prevents assaults, threats of assault, or other
8 harm shall be given precedence over an order that deals with the
9 disposition of property or other tangible assets. Every effort shall be made
10 by judicial officers to clarify conflicting orders.

11 ~~(4)(a)~~ (7) (a) A temporary civil protection order may be issued if
12 the issuing judge or magistrate finds that an imminent danger exists to the
13 person or persons seeking protection under the civil protection order. In
14 determining whether an imminent danger exists to the life or health of one
15 or more persons, the court shall consider ~~when the most recent incident~~
16 ~~of abuse or threat of harm occurred as well as all other relevant evidence~~
17 ~~concerning the safety and protection of the persons seeking the protection~~
18 ~~order. However, the court shall not deny a petitioner the relief requested~~
19 ~~solely because of a lapse of time between an act of abuse or threat of~~
20 ~~harm and filing of the petition for a protection order~~ ALL RELEVANT
21 EVIDENCE CONCERNING THE SAFETY AND PROTECTION OF THE PERSONS
22 SEEKING THE PROTECTION ORDER. THE COURT SHALL NOT CONSIDER THE
23 LENGTH OF TIME BETWEEN AN ACT OF ABUSE OR THREAT OF HARM AND
24 THE FILING OF THE PETITION FOR A PROTECTION ORDER.

25 (b) If the judge or magistrate finds that an imminent danger exists
26 to the employees of a business entity, he or she may issue a civil
27 protection order in the name of the business for the protection of the

1 employees. An employer is not be liable for failing to obtain a civil
2 protection order in the name of the business for the protection of the
3 employees and patrons.

4 (5) (8) Upon the filing of a complaint duly verified, alleging that
5 the ~~defendant~~ RESPONDENT has committed acts that would constitute
6 grounds for a civil protection order, any judge or magistrate, after hearing
7 the evidence and being fully satisfied therein that sufficient cause exists,
8 may issue a temporary civil protection order to prevent the actions
9 complained of and a citation directed to the ~~defendant~~ RESPONDENT
10 commanding the ~~defendant~~ RESPONDENT to appear before the court at a
11 specific time and date and to show cause, if any, why said temporary civil
12 protection order should not be made permanent. In addition, the court
13 may order any other relief that the court deems appropriate. Complaints
14 may be filed by persons seeking protection for themselves or for others
15 as provided in section 26-3.1-102 (1) (b) and (1) (c), C.R.S.

16 (6) (9) A copy of the complaint, ~~together with~~ a copy of the
17 temporary civil protection order, and a copy of the citation ~~shall~~ MUST be
18 served upon the ~~defendant~~ RESPONDENT and upon the person to be
19 protected, if the complaint was filed by another person, in accordance
20 with the rules for service of process as provided in rule 304 of the rules
21 of county court civil procedure or rule 4 of the Colorado rules of civil
22 procedure. The citation ~~shall~~ MUST inform the ~~defendant~~ RESPONDENT
23 that, if the ~~defendant~~ RESPONDENT fails to appear in court in accordance
24 with the terms of the citation, a bench warrant may be issued for the arrest
25 of the ~~defendant~~ RESPONDENT, and the temporary protection order
26 previously entered by the court made permanent without further notice or
27 service upon the ~~defendant~~ RESPONDENT.

1 (7) (10) The return date of the citation must be set not more than
2 fourteen days after the issuance of the temporary civil protection order
3 and citation. If the petitioner is unable to serve the ~~defendant~~
4 RESPONDENT in that period, the court shall extend the temporary
5 protection order previously issued, continue the show of cause hearing,
6 and issue an alias citation stating the date and time to which the hearing
7 is continued. The petitioner may thereafter request, and the court may
8 grant, additional continuances as needed if the petitioner has still been
9 unable to serve the ~~defendant~~ RESPONDENT.

10 (8)(a) (11) (a) Any person against whom a temporary protection
11 order is issued pursuant to this section, which temporary protection order
12 excludes the person from a shared residence, ~~shall be~~ IS permitted to
13 return to ~~such~~ THE shared residence one time to obtain sufficient
14 undisputed personal effects as are necessary for ~~such~~ THE person to
15 maintain a normal standard of living during any period prior to a hearing
16 concerning the order. ~~Such~~ THE person against whom a temporary
17 protection order is issued ~~shall be~~ IS permitted to return to ~~such~~ THE
18 shared residence only if ~~such~~ THE person is accompanied at all times BY
19 A PEACE OFFICER while the person is at or in ~~such~~ THE shared residence.
20 ~~by a peace officer.~~

21 (b) When any person is served with a temporary protection order
22 issued against ~~such~~ THE person excluding ~~such~~ THE person from a shared
23 residence, ~~such~~ THE temporary protection order ~~shall~~ MUST contain a
24 notification in writing to ~~such~~ THE person of ~~such~~ THE person's ability to
25 return to ~~such~~ THE shared residence pursuant to paragraph (a) of this
26 subsection (8) (11). ~~Such~~ THE written notification shall be in bold print
27 and conspicuously placed in ~~such~~ THE temporary protection order. ~~No~~ A

1 judge, magistrate, or other judicial officer shall NOT issue a temporary
2 protection order that does not comply with this section.

3 (c) Any person against whom a temporary protection order is
4 issued pursuant to this section, which temporary protection order excludes
5 ~~such~~ THE person from a shared residence, ~~shall be entitled to~~ MAY avail
6 himself or herself of the forcible entry and detainer remedies available
7 pursuant to article 40 of this title. However, such person is not be entitled
8 to return to the residence until such time as a valid writ of restitution is
9 executed AND filed with the court issuing the protection order and, if
10 necessary, the protection order is modified accordingly. A landlord whose
11 lessee has been excluded from a residence pursuant to the terms of a
12 protection order ~~is also entitled to~~ MAY ALSO avail himself or herself of
13 the remedies available pursuant to article 40 of this title.

14 **SECTION 11.** In Colorado Revised Statutes, **add with relocated**
15 **provisions** 13-14-105 as follows:

16 **13-14-105. [Formerly 13-14-102 (15) and (16).] Provisions**
17 **relating to civil protection orders.** ~~(15)~~ (1) A municipal court of record
18 that is authorized by its municipal governing body to issue protection or
19 restraining orders and any county court, in connection with issuing a civil
20 protection order, ~~shall have~~ HAS original concurrent jurisdiction with the
21 district court to ~~issue such additional orders as the~~ INCLUDE ANY
22 PROVISIONS IN THE ORDER THAT THE municipal or county court deems
23 necessary for the protection of persons, ~~Such additional orders may~~
24 ~~include, but are not limited to,~~ INCLUDING BUT NOT LIMITED TO ORDERS:

25 (a) Restraining a party from threatening, molesting, or injuring
26 any other party or the minor child of either of the parties;

27 (b) Restraining a party from contacting any other party or the

1 minor child of either of the parties;

2 (c) Excluding a party from the family home upon a showing that
3 physical or emotional harm would otherwise result;

4 (d) Excluding a party from the home of another party upon a
5 showing that physical or emotional harm would otherwise result;

6 (e) (I) Awarding temporary care and control of any minor children
7 of either party involved for a period of not more than ~~one hundred twenty~~
8 ~~days~~ ONE YEAR.

9 (II) If temporary care and control is awarded, the order may
10 include parenting time rights for the other party involved and any
11 conditions of such parenting time, including the supervision of ~~such~~
12 parenting time by a third party who agrees ~~on the record~~ to the terms of
13 the supervised parenting time and any costs associated with supervised
14 parenting time, if necessary. If the restrained party is unable to pay the
15 ordered costs, the court shall not place such responsibility with publicly
16 funded agencies. If the court finds that the safety of any child or the
17 protected party cannot be ensured with any form of parenting time
18 reasonably available, the court may deny parenting time.

19 ~~(H.5)~~ (III) The court may award interim decision-making
20 responsibility of a child to a person entitled to bring an action for the
21 allocation of parental responsibilities under section 14-10-123, C.R.S.,
22 when such award is reasonably related to preventing domestic abuse as
23 defined in section 13-14-101 (2), or preventing the child from witnessing
24 domestic abuse.

25 ~~(HH)~~ (IV) ~~The standard for the award of~~ Temporary care and
26 control or interim decision-making responsibility ~~shall~~ MUST be
27 DETERMINED in accordance with THE STANDARD CONTAINED IN section

1 14-10-124, C.R.S.

2 (f) ~~Such other relief as the court deems appropriate~~ RESTRAINING
3 A PARTY FROM INTERFERING WITH A PROTECTED PERSON AT THE PERSON'S
4 PLACE OF EMPLOYMENT OR PLACE OF EDUCATION OR FROM ENGAGING IN
5 CONDUCT THAT IMPAIRS THE PROTECTED PERSON'S EMPLOYMENT,
6 EDUCATIONAL RELATIONSHIPS, OR ENVIRONMENT;

7 ~~(f.2)~~ (g) Restraining a party from ~~threatening~~ molesting, injuring,
8 killing, taking, transferring, encumbering, concealing, ~~or~~ disposing of OR
9 THREATENING HARM TO an animal owned, possessed, leased, kept, or held
10 by any other party or a minor child of any other party; ~~or an elderly or~~
11 ~~at-risk adult;~~

12 ~~(f.4)~~ (h) Specifying arrangements for possession and care of an
13 animal owned, possessed, leased, kept, or held by any other party or a
14 minor child of any other party; ~~or an elderly or at-risk adult;~~

15 (i) GRANTING SUCH OTHER RELIEF AS THE COURT DEEMS
16 APPROPRIATE;

17 ~~(g) (f) (j) (I) A temporary injunction that may be issued by the~~
18 ~~court that, upon personal service or upon waiver and acceptance of~~
19 ~~service by the defendant, is to be in effect against the defendant for a~~
20 ~~period determined to be appropriate by the court and restrains the~~
21 ~~defendant from ceasing to make payments for mortgage or rent,~~
22 ~~insurance, utilities or related services, transportation, medical care, or~~
23 ~~child care when the defendant has a prior existing duty or legal obligation~~
24 ~~or from transferring, encumbering, concealing, or in any way disposing~~
25 ~~of personal effects or real property, except in the usual course of business~~
26 ~~or for the necessities of life. The restrained party shall be required to~~
27 ~~account to the court for all extraordinary expenditures made after the~~

1 ~~injunction is in effect. Any injunction issued shall not exceed one hundred~~
2 ~~twenty days after the issuance of the permanent civil protection order.~~
3 ENTERING A TEMPORARY INJUNCTION RESTRAINING THE RESPONDENT
4 FROM CEASING TO MAKE PAYMENTS FOR MORTGAGE OR RENT, INSURANCE,
5 UTILITIES OR RELATED SERVICES, TRANSPORTATION, MEDICAL CARE, OR
6 CHILD CARE WHEN THE RESPONDENT HAS A PRIOR EXISTING DUTY OR
7 LEGAL OBLIGATION OR FROM TRANSFERRING, ENCUMBERING,
8 CONCEALING, OR IN ANY WAY DISPOSING OF PERSONAL EFFECTS OR REAL
9 PROPERTY, EXCEPT IN THE USUAL COURSE OF BUSINESS OR FOR THE
10 NECESSITIES OF LIFE AND REQUIRING THE RESTRAINED PARTY TO ACCOUNT
11 TO THE COURT FOR ALL EXTRAORDINARY EXPENDITURES MADE AFTER THE
12 INJUNCTION IS IN EFFECT.

13 (II) ANY INJUNCTION ISSUED PURSUANT TO THIS PARAGRAPH (j) IS
14 EFFECTIVE UPON PERSONAL SERVICE OR UPON WAIVER AND ACCEPTANCE
15 OF SERVICE BY THE RESPONDENT FOR A PERIOD OF TIME DETERMINED
16 APPROPRIATE BY THE COURT NOT EXCEED ONE YEAR AFTER THE ISSUANCE
17 OF THE PERMANENT CIVIL PROTECTION ORDER.

18 ~~(H)~~ (III) The provisions of the injunction ~~shall~~ MUST be printed on
19 the summons, and the petition and the injunction ~~shall~~ become an order
20 of the court upon fulfillment of the requirements of subparagraph (I) of
21 this paragraph ~~(g)~~ (j).

22 ~~(H)~~ (IV) Nothing in this paragraph ~~(g)~~ ~~shall preclude~~ (j)
23 PRECLUDES either party from applying to the district court for further
24 temporary orders, an expanded temporary injunction, or modification or
25 revocation. Any subsequent order issued by the district court as part of a
26 domestic matter involving the parties supersedes an injunction made
27 pursuant to this paragraph ~~(g)~~ (j).

1 ~~(16)~~ (2) Any order for temporary care and control issued pursuant
2 to subsection ~~(15)~~ (1) of this section shall be IS governed by the "Uniform
3 Child-custody Jurisdiction and Enforcement Act", article 13 of title 14,
4 C.R.S.

5 **SECTION 12.** In Colorado Revised Statutes, **add with relocated**
6 **provisions** 13-14-106 as follows:

7 **13-14-106. [Formerly 13-14-102 (9), (10), and (18).] Procedure**
8 **for permanent civil protection orders.** ~~(9)(a)~~ (1) (a) On the return date
9 of the citation, or on the day to which the hearing has been continued, the
10 judge or magistrate shall examine the record and the evidence. If upon
11 such examination the judge or magistrate ~~is of the opinion that the~~
12 ~~defendant~~ FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT THE
13 RESPONDENT has committed acts constituting grounds for issuance of a
14 civil protection order and that unless restrained will continue to commit
15 such acts OR ACTS DESIGNED TO INTIMIDATE OR RETALIATE AGAINST THE
16 PROTECTED PERSON, the judge or magistrate shall order the temporary
17 civil protection order to be made permanent or enter a permanent civil
18 protection order with ~~different~~ provisions DIFFERENT from the temporary
19 civil protection order. A FINDING OF IMMINENT DANGER TO THE
20 PROTECTED PERSON IS NOT A NECESSARY PREREQUISITE TO THE ISSUANCE
21 OF A PERMANENT CIVIL PROTECTION ORDER. The judge or magistrate shall
22 inform ~~said defendant~~ THE RESPONDENT that a violation of the civil
23 protection order ~~shall constitute~~ CONSTITUTES a criminal offense pursuant
24 to section 18-6-803.5, C.R.S., or ~~shall constitute~~ CONSTITUTES contempt
25 of court and ~~subject the defendant~~ SUBJECTS THE RESPONDENT to such
26 punishment as may be provided by law. If the ~~defendant~~ RESPONDENT
27 fails to appear before the court for the show cause hearing at the time and

1 on the date identified in the citation issued by the court and the court finds
2 that the ~~defendant~~ RESPONDENT was properly served with the temporary
3 protection order and such citation, it ~~shall not be~~ IS NOT necessary to
4 re-serve the ~~defendant~~ RESPONDENT to make the protection order
5 permanent. However, if the court modifies the protection order on the
6 motion of the protected party, the modified protection order must be
7 served upon the ~~defendant~~ RESPONDENT.

8 (b) Notwithstanding the provisions of paragraph (a) of this
9 subsection ~~(9)~~ (1), the judge or magistrate, after examining the record and
10 the evidence, for good cause shown, may continue the temporary
11 protection order and the show cause hearing to a date certain not to
12 exceed ~~one hundred twenty days~~ ONE YEAR after the date of the hearing
13 if he or she determines such continuance would be in the best interests of
14 the parties and if both parties are present at the hearing and agree to the
15 continuance. In addition, each party may request one continuance for a
16 period not to exceed fourteen days, which the judge or magistrate, after
17 examining the record and the evidence, may grant upon a finding of good
18 cause. The judge or magistrate shall inform the ~~defendant~~ RESPONDENT
19 that a violation of the temporary civil protection order ~~shall constitute~~
20 CONSTITUTES a criminal offense pursuant to section 18-6-803.5, C.R.S.,
21 or ~~shall constitute~~ CONSTITUTES contempt of court and ~~subject~~ SUBJECTS
22 the ~~defendant~~ RESPONDENT to such punishment as may be provided by
23 law.

24 (c) Notwithstanding the provisions of paragraph (b) of this
25 subsection ~~(9)~~ (1), for a protection order filed in a proceeding commenced
26 under the "Uniform Dissolution of Marriage Act", article 10 of title 14,
27 C.R.S., the court may, on the motion of either party if both parties agree

1 to the continuance, continue the temporary protection order until the time
2 of the final decree or final disposition of the action.

3 ~~(10)~~ (2) The court shall electronically transfer into the central
4 registry of protection orders established pursuant to section 18-6-803.7,
5 C.R.S., a copy of any order issued pursuant to this section and shall
6 deliver a copy of such order to the protected party.

7 ~~(18)~~ (3) A court shall not grant a mutual protection order to
8 prevent domestic abuse for the protection of opposing parties unless each
9 party has met his or her burden of proof as described in ~~subsection (4) of~~
10 ~~this~~ section 13-14-104.5 (7) and the court makes separate and sufficient
11 findings of fact to support the issuance of the mutual protection order to
12 prevent domestic abuse for the protection of opposing parties. A party
13 may not waive the requirements set forth in this subsection ~~(18)~~ (3).

14 **SECTION 13.** In Colorado Revised Statutes, **add with relocated**
15 **provisions** 13-14-107 as follows:

16 **13-14-107. [Formerly 13-14-102 (11), (12) and (13).]**
17 **Enforcement of protection order - duties of peace officer.** ~~(13)~~ (1) A
18 person failing to comply with any order of the court issued pursuant to
19 this ~~section shall be found~~ ARTICLE is in contempt of court or may be
20 prosecuted for violation of a civil protection order pursuant to section
21 18-6-803.5, C.R.S.

22 ~~(12)~~ (2) The duties of peace officers enforcing a civil protection
23 order shall be in accordance with section 18-6-803.5, C.R.S., and any
24 rules adopted by the Colorado supreme court pursuant to ~~said~~ THAT
25 section.

26 ~~(11) If the order has not been personally served, the peace officer~~
27 ~~responding to a call for assistance shall serve a copy of said order on the~~

1 ~~person named defendant therein and shall write the time, date, and~~
2 ~~manner of service on the protected person's copy of such order and shall~~
3 ~~sign such statement.~~

4 (3) [Similar to 13-14-102 (11).] IF A RESPONDENT HAS NOT BEEN
5 PERSONALLY SERVED WITH A PROTECTION ORDER, A PEACE OFFICER
6 RESPONDING TO A CALL FOR ASSISTANCE SHALL SERVE A COPY OF THE
7 PROTECTION ORDER ON THE RESPONDENT NAMED IN THE PROTECTION
8 ORDER, SHALL WRITE THE TIME, DATE, AND MANNER OF SERVICE ON THE
9 PROTECTED PERSON'S COPY OF THE ORDER, AND SHALL SIGN THE
10 STATEMENT.

11 **SECTION 14.** In Colorado Revised Statutes, **add with relocated**
12 **provisions** 13-14-108 as follows:

13 **13-14-108. [Formerly 13-14-102 (17) and (17.5).] Modification**
14 **and termination of civil protection orders.** ~~(17)~~ (1) Any order granted
15 pursuant to ~~paragraph (c) or (e) of subsection (15) of this section shall~~
16 SECTION 13-14-105 (1) (c) OR (1) (e) MUST terminate whenever a
17 subsequent order regarding the same subject matter is granted pursuant
18 to the "Uniform Dissolution of Marriage Act", article 10 of title 14,
19 C.R.S., ~~or~~ the "Uniform Child-custody Jurisdiction and Enforcement
20 Act", article 13 of title 14, C.R.S., or the "Colorado Children's Code", title
21 19, C.R.S.

22 ~~(17.5)~~ (a) (2) (a) Nothing in this ~~section shall preclude~~ ARTICLE
23 PRECLUDES the protected party from applying to the court at any time for
24 modification, including but not limited to a modification of the duration
25 of a protection order or dismissal of a temporary or permanent protection
26 order issued pursuant to this section.

27 (b) The restrained party may apply to the court for modification,

1 including but not limited to a modification of the duration of the
2 protection order or dismissal of a permanent protection order pursuant to
3 this section. However, if a permanent protection order has been issued or
4 if a motion for modification or dismissal of a permanent protection order
5 has been filed by the restrained party, whether or not it was granted, no
6 motion to modify or dismiss may be filed by the restrained party within
7 ~~four~~ TWO years after issuance of the permanent order or after disposition
8 of the prior motion.

9 ~~(b) (I) (A)~~ (3) (a) (I) Notwithstanding any provision of ~~paragraph~~
10 ~~(a) of this subsection (17.5)~~ SUBSECTION (2) OF THIS SECTION to the
11 contrary, after issuance of the permanent protection order, if the
12 restrained party ~~is~~ HAS BEEN convicted of OR PLED GUILTY TO any
13 misdemeanor OR ANY FELONY, other than the original ~~misdemeanor~~
14 OFFENSE, IF ANY, that formed the basis for the issuance of the protection
15 order, ~~the underlying factual basis of which has been found by a court on~~
16 ~~the record to include an act of domestic violence, as that term is defined~~
17 ~~in section 18-6-800.3 (1), C.R.S., or of any felony,~~ then the protection
18 order ~~shall remain~~ REMAINS permanent and ~~shall~~ MUST not be modified
19 or dismissed by the court.

20 ~~(B)~~ (II) Notwithstanding the prohibition in ~~sub-subparagraph (A)~~
21 ~~of this subparagraph (I)~~ OF THIS PARAGRAPH (a), a protection order may
22 be modified or dismissed on the motion of the protected person, or the
23 person's attorney, parent or legal guardian if a minor, or conservator ~~of~~ OR
24 legal guardian if one has been appointed; except that this
25 ~~sub-subparagraph (B) shall~~ PARAGRAPH (a) DOES not apply if the parent,
26 legal guardian, or conservator is the restrained person.

27 ~~(H)~~ (b) A court shall not consider a motion to modify a protection

1 order filed by a restrained party pursuant to paragraph (a) of this
2 subsection ~~(17.5)~~ (3) unless the court receives the results of a
3 fingerprint-based criminal history record check of the restrained party that
4 is conducted within ninety days prior to the filing of the motion. The
5 fingerprint-based criminal history record check ~~shall~~ MUST include a
6 review of the state and federal criminal history records maintained by the
7 Colorado bureau of investigation and federal bureau of investigation. The
8 restrained party shall be responsible for supplying fingerprints to the
9 Colorado bureau of investigation and to the federal bureau of
10 investigation and paying the costs of the record checks. The restrained
11 party may be required by the court to provide certified copies of any
12 criminal dispositions that are not reflected in the state or federal records
13 and any other dispositions that are unknown.

14 (e) (4) Except as otherwise provided in this ~~section~~ ARTICLE, the
15 issuing court ~~shall retain~~ RETAINS jurisdiction to enforce, modify, or
16 dismiss a temporary or permanent protection order.

17 ~~(d) (5) Any motion filed pursuant to paragraph (a) of this~~
18 ~~subsection (17.5) shall be heard by the court.~~ THE COURT SHALL HEAR
19 ANY MOTION FILED PURSUANT TO SUBSECTION (2) OF THIS SECTION. The
20 party moving for a modification or dismissal of a temporary or permanent
21 protection order pursuant to ~~paragraph (a) of this subsection (17.5)~~
22 SUBSECTION (2) OF THIS SECTION shall affect personal service on the other
23 party with a copy of the motion and notice of the hearing on the motion,
24 as provided by rule 4 (e) of the Colorado rules of civil procedure. The
25 moving party shall bear the burden of proof to show, by a preponderance
26 of the evidence, that the modification is appropriate or that a dismissal is
27 appropriate because the protection order is no longer necessary. If the

1 protected party has requested that his or her address be kept confidential,
2 the court shall not disclose such information to the restrained party or any
3 other person, except as otherwise authorized by law.

4 (e) (6) In considering whether to modify or dismiss a protection
5 order issued pursuant to this section, the court shall consider all relevant
6 factors, including but not limited to:

7 (f) (a) Whether the restrained party has complied with the terms
8 of the protection order;

9 (f) (b) Whether the restrained party has met the conditions
10 associated with the protection order, if any;

11 (f) (c) Whether the restrained party has been ordered to
12 participate in and ~~complete~~ HAS COMPLETED a domestic violence
13 OFFENDER treatment program provided by an entity approved pursuant to
14 section 16-11.8-103, ~~(4) (a) (H) (C)~~, C.R.S., and whether the restrained
15 party has ~~completed the program~~ OR HAS SUCCESSFULLY COMPLETED A
16 SEX OFFENDER TREATMENT PROGRAM PROVIDED BY AN ENTITY APPROVED
17 PURSUANT TO SECTION 16-11.7-103, C.R.S.;

18 (f) (d) Whether the restrained party has voluntarily participated
19 in any domestic violence OFFENDER treatment program ~~or other~~
20 ~~counseling addressing domestic violence or anger management issues~~
21 PROVIDED BY AN ENTITY APPROVED PURSUANT TO SECTION 16-11.8-103,
22 C.R.S., OR ANY SEX OFFENDER TREATMENT PROGRAM PROVIDED BY AN
23 ENTITY APPROVED PURSUANT TO SECTION 16-11.7-103, C.R.S.;

24 (f) (e) The time that has lapsed since the protection order was
25 issued;

26 (f) (f) When the last incident of abuse or threat of harm occurred
27 or other relevant information concerning the safety and protection of the

1 protected person;

2 ~~(VH)~~ (g) Whether, since the issuance of the protection order, the
3 restrained person has been convicted of or pled guilty to ~~a crime, the~~
4 ~~underlying factual basis of which has been found by a court on the record~~
5 ~~to include an act of domestic violence, as that term is defined in section~~
6 ~~18-6-800.3 (1), C.R.S., other than the original offense, if any, that formed~~
7 ~~the basis for the issuance of the protection order;~~ ANY MISDEMEANOR OR
8 ANY FELONY, OTHER THAN THE ORIGINAL OFFENSE, IF ANY, THAT FORMED
9 THE BASIS FOR THE ISSUANCE OF THE PROTECTION ORDER;

10 ~~(VH)~~ (h) Whether any other restraining orders, ~~or~~ protective
11 orders, or protection orders have been subsequently issued against the
12 restrained person pursuant to this section or any other law of this state or
13 any other state; ~~and~~

14 ~~(IX)~~ (i) The circumstances of the parties, including the relative
15 proximity of the parties' residences and SCHOOLS OR work places and
16 whether the parties have minor children together; AND

17 (j) WHETHER THE PROTECTION ORDER SHOULD REMAIN IN PLACE
18 BECAUSE COMPLIANCE WITH THE TERMS OF THE PROTECTION ORDER HAS
19 BEEN SUCCESSFUL IN PREVENTING FURTHER HARM TO THE PROTECTED
20 PERSON.

21 **SECTION 15.** In Colorado Revised Statutes, **add with relocated**
22 **provisions** 13-14-109 as follows:

23 **13-14-109. [Formerly 13-14-102 (21).] Fees and costs.**

24 ~~(21)~~(a) (1) The court may assess a filing fee against a petitioner seeking
25 relief under this ~~section~~ ARTICLE; except that the court may not assess a
26 filing fee against a petitioner if the court determines the petitioner is
27 seeking the protection order as a victim of domestic abuse, ~~as defined by~~

1 ~~section 13-14-101 (2); domestic violence as defined in section 18-6-800.3~~
2 ~~(1), C.R.S., stalking, as described in section 18-3-602, C.R.S.; sexual~~
3 ~~assault as defined by section 18-3-402, C.R.S.; or unlawful sexual contact~~
4 ~~as defined by section 18-3-404, C.R.S. Petitioners shall be provided the~~
5 ~~necessary number of certified copies at no cost. OR SEXUAL ASSAULT OR~~
6 ~~ABUSE. THE COURT SHALL PROVIDE THE NECESSARY NUMBER OF CERTIFIED~~
7 ~~COPIES AT NO COST TO PETITIONERS.~~

8 (b) (2) ~~Fees for service of process may not be assessed by a state~~
9 ~~agency or public agency against petitioners seeking relief under this~~
10 ~~section as a victim of conduct consistent with the following: Domestic~~
11 ~~abuse as defined by section 13-14-101 (2); domestic violence as defined~~
12 ~~by section 18-6-800.3 (1), C.R.S.; stalking as described in section~~
13 ~~18-3-602, C.R.S.; sexual assault as defined by section 18-3-402, C.R.S.;~~
14 ~~or unlawful sexual contact as defined by section 18-3-404, C.R.S. A~~
15 ~~STATE OR PUBLIC AGENCY MAY NOT ASSESS FEES FOR SERVICE OF PROCESS~~
16 ~~AGAINST A PETITIONER SEEKING RELIEF UNDER THIS ARTICLE AS A VICTIM~~
17 ~~OF CONDUCT CONSISTENT WITH THE FOLLOWING: DOMESTIC ABUSE,~~
18 ~~DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S.,~~
19 ~~STALKING, OR SEXUAL ASSAULT OR ABUSE.~~

20 (c) (3) At the permanent protection order hearing, the court may
21 require the respondent to pay the filing fee and service-of-process fees,
22 as established by the state agency, political subdivision, or public agency
23 pursuant to a fee schedule, and to reimburse the petitioner for costs
24 incurred in bringing the action.

25 **SECTION 16.** In Colorado Revised Statutes, **add with relocated**
26 **provisions** 13-14-110 as follows:

27 **13-14-110. [Formerly 13-14-104.] Foreign protection orders.**

1 (1) **Definitions.** As used in this section, "foreign protection order"
2 means any protection or restraining order, injunction, or other order
3 issued for the purpose of preventing violent or threatening acts or
4 harassment against, or contact or communication with or physical
5 proximity to, another person, including temporary or final orders, other
6 than child support or custody orders, issued by a civil or criminal court of
7 another state, an Indian tribe, or a ~~U.S.~~ UNITED STATES territory or
8 commonwealth.

9 (2) **Full faith and credit.** COURTS OF THIS STATE SHALL ACCORD
10 FULL FAITH AND CREDIT TO a foreign protection order ~~shall be accorded~~
11 ~~full faith and credit by the courts of this state~~ as if the order were an order
12 of this state, notwithstanding section 14-11-101, C.R.S., and article 53 of
13 this title, if the order meets all of the following conditions:

14 (a) The foreign protection order was obtained after providing the
15 person against whom the protection order was sought reasonable notice
16 and an opportunity to be heard sufficient to protect his or her due process
17 rights. If the foreign protection order is an ex parte injunction or order,
18 the person against whom it was obtained ~~shall~~ MUST have been given
19 notice and an opportunity to be heard within a reasonable time after the
20 order was issued sufficient to protect his or her due process rights.

21 (b) The court that issued the order had jurisdiction over the parties
22 and over the subject matter; and

23 (c) The order complies with section 13-14-106 (3).

24 (3) **Process.** A person entitled to protection under a foreign
25 protection order may, but ~~shall~~ IS not be required to, file such order in the
26 district or county court by filing with such court a certified copy of such
27 order, which ~~shall~~ MUST be entered into the central registry of protection

1 orders created in section 18-6-803.7, C.R.S. The certified order ~~shall~~
2 MUST be accompanied by an affidavit in which the protected person
3 affirms to the best of his or her knowledge that the order has not been
4 changed or modified since it was issued. There shall be no filing fee
5 charged. It is the responsibility of the protected person to notify the court
6 if the protection order is subsequently modified.

7 (4) **Enforcement.** Filing of the foreign protection order in the
8 central registry or otherwise domesticating or registering the order
9 pursuant to article 53 of this title or section 14-11-101, C.R.S., is not a
10 prerequisite to enforcement of the foreign protection order. A peace
11 officer shall presume the validity of, and enforce in accordance with the
12 provisions of this article, a foreign protection order that appears to be an
13 authentic court order that has been provided to the peace officer by any
14 source. If the protected party does not have a copy of the foreign
15 protection order on his or her person and the peace officer determines that
16 a protection order exists through the central registry, the national crime
17 information center as described in 28 U.S.C. sec. 534, or through
18 communication with appropriate authorities, the peace officer shall
19 enforce the order. A peace officer may rely upon the statement of any
20 person protected by a foreign protection order that it remains in effect. A
21 peace officer who is acting in good faith when enforcing a foreign
22 protection order is not civilly liable or criminally liable pursuant to
23 section 18-6-803.5 (5), C.R.S.

24 **SECTION 17.** In Colorado Revised Statutes, 14-10-108, **amend**
25 (3) and (7) as follows:

26 **14-10-108. Temporary orders in a dissolution case.** (3) A party
27 to an action filed pursuant to this article may seek, and the court may

1 issue, a temporary or permanent protection order pursuant to the
2 provisions of ~~section 13-14-102~~ PART 1 OF ARTICLE 14 OF TITLE 13, C.R.S.

3 (7) At the time a protection order is requested pursuant to ~~section~~
4 ~~13-14-102~~ PART 1 OF ARTICLE 14 OF TITLE 13, C.R.S., the court shall
5 inquire about, and the requesting party and such party's attorney shall
6 have an independent duty to disclose, knowledge such party and such
7 party's attorney may have concerning the existence of any prior protection
8 orders or restraining orders of any court addressing in whole or in part the
9 subject matter of the requested protection order.

10 **SECTION 18.** In Colorado Revised Statutes, 14-11-101, **amend**
11 (3) as follows:

12 **14-11-101. Foreign decrees - how handled.** (3) Notwithstanding
13 the provisions of this article, a restraining or protection order issued by
14 a court of any state, any Indian tribe, or any United States territory shall
15 be enforced pursuant to section ~~13-14-104~~ 13-14-110, C.R.S.

16 **SECTION 19.** In Colorado Revised Statutes, 18-6-803.5, **amend**
17 (1.5) (a.5) (II) as follows:

18 **18-6-803.5. Crime of violation of a protection order - penalty**
19 **- peace officers' duties.** (1.5) As used in this section:

20 (a.5) (II) For purposes of this section only, "protection order"
21 includes any order that amends, modifies, supplements, or supersedes the
22 initial protection order. "Protection order" also includes any restraining
23 order entered prior to July 1, 2003, and any foreign protection order as
24 defined in section ~~13-14-104~~ 13-14-110, C.R.S.

25 **SECTION 20.** In Colorado Revised Statutes, 18-6-803.7, **amend**
26 (1) (b.5) (II) as follows:

27 **18-6-803.7. Central registry of protection orders - creation.**

1 (1) As used in this section:

2 (b.5) (II) "Protection order" also includes any restraining order
3 entered prior to July 1, 2003, and any foreign protection order as
4 described in section ~~13-14-104~~ 13-14-110, C.R.S.

5 **SECTION 21.** In Colorado Revised Statutes, 19-5-102.5, **amend**
6 (2) as follows:

7 **19-5-102.5. Relinquishment hearings - court docket priority.**

8 (2) Notwithstanding the provisions of subsection (1) of this section,
9 nothing in this section shall affect the priority of a hearing concerning the
10 issuance of a temporary protection order pursuant to section ~~13-14-102~~
11 13-14-104.5, C.R.S.

12 **SECTION 22.** In Colorado Revised Statutes, 19-5-202.5, **amend**
13 (2) as follows:

14 **19-5-202.5. Adoption hearings - termination appeals - court**

15 **docket priority - exceptions.** (2) Notwithstanding the provisions of
16 subsection (1) of this section, nothing in this section shall affect the
17 priority of a hearing concerning the issuance of a temporary protection
18 order pursuant to section ~~13-14-102~~ 13-14-104.5, C.R.S.

19 **SECTION 23. Effective date - applicability.** (1) This act takes
20 effect July 1, 2013.

21 (2) (a) Sections 1 to 4 of the act apply to petitions or motions filed
22 on or after the effective date of this act.

23 (b) Sections 5 to 16 of the act apply to civil protection orders
24 entered on or after the effective date of this act.

25 **SECTION 24. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.