

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

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
Appropriations

Senate Committees

A BILL FOR AN ACT

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

Bill Summary

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.

HOUSE
Amended 2nd Reading
April 12, 2013

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

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

1 have certain rights in the determination of matters relating to parental
2 responsibilities, including:

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

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

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

9 **SECTION 2.** In Colorado Revised Statutes, 14-10-124, **amend**
10 (1), (1.5) introductory portion, (1.5) (a) introductory portion, (1.5) (a)
11 (VI), (1.5) (b) introductory portion, (4), and (7); **repeal** (1.5) (a) (IX),
12 (1.5) (a) (X), (1.5) (b) (IV), and (1.5) (b) (V); and **add** (1.7) as follows:

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

24 (1.5) **Allocation of parental responsibilities.** The court shall
25 determine the allocation of parental responsibilities, including parenting
26 time and decision-making responsibilities, in accordance with the best
27 interests of the child giving paramount consideration to the CHILD'S

1 SAFETY AND THE physical, mental, and emotional conditions and needs of
2 the child as follows:

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

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

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

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

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

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

24 ~~(V) Whether one of the parties has been a perpetrator of domestic~~
25 ~~violence, which factor shall be supported by a preponderance of the~~
26 ~~evidence. If the court makes a finding of fact that one of the parties has~~
27 ~~been a perpetrator of domestic violence, then it shall not be in the best~~

1 ~~interests of the child to allocate mutual decision-making responsibility~~
2 ~~over the objection of the other party or the legal representative of the~~
3 ~~child, unless the court finds that the parties are able to make shared~~
4 ~~decisions about their children without physical confrontation and in a~~
5 ~~place and manner that is not a danger to the abused party or the child.~~

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

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

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

1 INTERESTS OF THE CHILD TO ALLOCATE MUTUAL DECISION-MAKING WITH
2 RESPECT TO ANY ISSUE OVER THE OBJECTION OF THE OTHER PARTY OR THE
3 LEGAL REPRESENTATIVE OF THE CHILD.

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

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

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

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

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

1 of the child.

2 (d) WHEN THE COURT FINDS BY A PREPONDERANCE OF THE
3 EVIDENCE THAT ONE OF THE PARTIES HAS COMMITTED CHILD ABUSE OR
4 NEGLECT OR DOMESTIC VIOLENCE, THE COURT SHALL CONSIDER, AS THE
5 PRIMARY CONCERN, THE SAFETY AND WELL-BEING OF THE CHILD AND THE
6 ABUSED PARTY.

7 (e) WHEN THE COURT FINDS BY A PREPONDERANCE OF THE
8 EVIDENCE THAT ONE OF THE PARTIES HAS COMMITTED CHILD ABUSE OR
9 NEGLECT OR DOMESTIC VIOLENCE, IN FORMULATING OR APPROVING A
10 PARENTING PLAN, THE COURT SHALL CONSIDER CONDITIONS ON PARENTING
11 TIME THAT ENSURE THE SAFETY OF THE CHILD AND OF THE ABUSED PARTY.

12 IN ADDITION TO ANY PROVISIONS SET FORTH IN SUBSECTION (7) OF THIS
13 SECTION THAT ARE APPROPRIATE, THE PARENTING PLAN IN THESE CASES
14 MAY INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING PROVISIONS:

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

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

21 (III) AN ORDER FOR SUPERVISED PARENTING TIME;

22 (IV) AN ORDER RESTRICTING OVERNIGHT PARENTING TIME;

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

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

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

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

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

1 own motion, shall formulate a parenting plan that shall address parenting
2 time and the allocation of decision-making responsibilities. WHEN ISSUES
3 RELATING TO PARENTING TIME ARE CONTESTED, AND IN OTHER CASES
4 WHERE APPROPRIATE, THE PARENTING PLAN MUST BE AS SPECIFIC AS
5 POSSIBLE TO CLEARLY ADDRESS THE NEEDS OF THE FAMILY AS WELL AS
6 THE CURRENT AND FUTURE NEEDS OF THE AGING CHILD. IN GENERAL, THE
7 PARENTING PLAN MAY INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING
8 PROVISIONS:

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

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

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

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

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

21 AND

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

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

25 **14-10-127. Evaluation and reports - disclosure.** (1) (a) (I) In all
26 proceedings concerning the allocation of parental responsibilities with
27 respect to a child, the court shall MAY, upon motion of either party or

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

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

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

27 (B) WHETHER AN EVALUATION PURSUANT TO THIS SECTION IS

1 NECESSARY TO ASSIST THE COURT IN DETERMINING THE BEST INTERESTS
2 OF THE CHILD; AND

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

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

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

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

1 the evidence, ~~whether~~ AND SHALL CONSIDER such domestic violence
2 WHETHER IT occurred before or after the prior decree, and all other factors
3 enumerated in section 14-10-124 (1.5) (a) and:

4 (4) A motion to restrict parenting time or parental contact with a
5 parent which alleges that the child is in imminent physical or emotional
6 danger due to the parenting time or contact by the parent shall be heard
7 and ruled upon by the court not later than ~~seven~~ FOURTEEN days after the
8 day of the filing of the motion. Any parenting time which occurs during
9 such ~~seven-day~~ FOURTEEN-DAY period after the filing of such a motion
10 shall be supervised by an unrelated third party deemed suitable by the
11 court or by a licensed mental health professional, as defined in section
12 14-10-127 (1) (b). This subsection (4) shall not apply to any motion
13 which is filed pursuant to subsection (3) of this section.

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

16 **13-14-100.2. Legislative declaration. [Formerly 13-14-102 (1).]**

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

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

26 ~~(I) Domestic violence is not limited to physical threats of violence~~
27 ~~and harm but includes financial control, document control, property~~

1 control, and other types of control that make a victim more likely to return
2 to an abuser due to fear of retaliation or inability to meet basic needs;

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

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

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

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

27 (3) ADDITIONALLY, THE GENERAL ASSEMBLY FINDS AND DECLARES

1 THAT SEXUAL ASSAULT AFFECTS COLORADANS OF ALL AGES,
2 BACKGROUNDS, AND CIRCUMSTANCES AND IS ONE OF THE MOST
3 UNDER-REPORTED OF ALL CRIMES. SEXUAL VIOLENCE MAY OCCUR IN ANY
4 TYPE OF RELATIONSHIP; HOWEVER, THE MAJORITY OF SEXUAL ASSAULT IS
5 PERPETRATED BY SOMEONE WHOM THE VICTIM KNOWS. VICTIMS OF
6 SEXUAL ASSAULT WHO DO NOT REPORT THE CRIME, AS WELL AS VICTIMS
7 WHO DO REPORT BUT WHOSE CASE IS NOT PROSECUTED, STILL NEED AND
8 DESERVE PROTECTION FROM FUTURE INTERACTIONS WITH THE
9 PERPETRATOR, AS MANY VICTIMS EXPERIENCE LONG-LASTING PHYSICAL
10 AND EMOTIONAL TRAUMA FROM UNWANTED CONTACT WITH THE
11 PERPETRATOR.

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

23 **SECTION 6.** In Colorado Revised Statutes, 13-14-101, **amend**
24 (2), (2.4) (a) introductory portion, (2.4) (a) (IV), (2.4) (b), and (3); and
25 **add** (1.7) and (2.9) as follows:

26 **13-14-101. Definitions.** For purposes of this article, unless the
27 context otherwise requires:

1 (1.7) "CONTACT" OR "CONTACTING" MEANS ANY INTERACTION OR
2 COMMUNICATION WITH ANOTHER PERSON, DIRECTLY OR INDIRECTLY
3 THROUGH A THIRD PARTY, AND ELECTRONIC AND DIGITAL FORMS OF
4 COMMUNICATION, INCLUDING BUT NOT LIMITED TO INTERACTION OR
5 COMMUNICATION THROUGH SOCIAL MEDIA.

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

20 (a) The minor children of either of the parties; or

21 (b) An animal owned, possessed, leased, kept, or held by either of
22 the parties or by a minor child of either of the parties, which threat, ACT,
23 or ATTEMPTED act is intended to coerce, control, punish, intimidate, or
24 exact revenge upon either of the parties or a minor child of either of the
25 parties.

26 (2.4) (a) "Protection order" means any order that prohibits the
27 restrained person from contacting, harassing, injuring, intimidating,

1 molesting, threatening, ~~or~~ touching, STALKING, OR SEXUALLY ASSAULTING
2 OR ABUSING any protected person OR FROM ENTERING OR REMAINING ON
3 PREMISES, OR FROM COMING WITHIN A SPECIFIED DISTANCE OF A
4 PROTECTED PERSON OR PREMISES, or from ~~threatening~~, taking,
5 transferring, concealing, harming, ~~or~~ disposing of OR THREATENING HARM
6 TO an animal owned, possessed, leased, kept, or held by a protected
7 person, ~~or from entering or remaining on premises, or from coming within~~
8 ~~a specified distance of a protected person or premises~~ or any other
9 provision to protect the protected person from imminent danger to life or
10 health that is issued by a court of this state or a municipal court and that
11 is issued pursuant to:

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

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

27 (2.9) "SEXUAL ASSAULT OR ABUSE" MEANS ANY ACT, ATTEMPTED

1 ACT, OR THREATENED ACT OF UNLAWFUL SEXUAL BEHAVIOR, AS
2 DESCRIBED IN SECTION 16-11.7-102 (3), C.R.S., BY ANY PERSON AGAINST
3 ANOTHER PERSON REGARDLESS OF THE RELATIONSHIP BETWEEN THE
4 ACTOR AND THE PETITIONER.

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

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

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

10 **13-14-103. Emergency protection orders.** (1) (b) An emergency
11 protection order issued pursuant to this subsection (1) may include:

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

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

23 (e) When the county, district, and juvenile courts are unavailable
24 from the close of business at the end of the day or week to the resumption
25 of business at the beginning of the day or week and a peace officer asserts
26 reasonable grounds to believe that an adult is in immediate and present
27 danger of domestic abuse, ~~based upon an allegation of a recent incident~~

1 of actual domestic abuse or threat of domestic abuse ASSAULT, STALKING,
2 SEXUAL ASSAULT OR ABUSE, or that a minor child is in immediate and
3 present danger of an unlawful sexual offense, as defined in section
4 18-3-411 (1), C.R.S., or of domestic abuse, as defined in section
5 13-14-101 (2), a judge made available pursuant to paragraph (d) of this
6 subsection (1) may issue a written or verbal ex parte emergency
7 protection order. Any written emergency protection order issued pursuant
8 to this subsection (1) shall be on a standardized form prescribed by the
9 judicial department and a copy shall be provided to the protected person.

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

1 matters of the same character, and the court shall determine such motions
2 as expeditiously as the ends of justice require.

3 (5) Venue for filing a complaint pursuant to this section is proper
4 in any county where the acts ~~constituting unlawful sexual assault or~~
5 ~~domestic abuse~~ that are the subject of the complaint occur, in any county
6 where one of the parties resides, or in any county where one of the parties
7 is employed. This requirement for venue does not prohibit the change of
8 venue to any other county appropriate under applicable law.

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

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

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

15 **13-14-104.5. [Formerly 13-14-102 (1.5) to (8).] Procedure for**
16 **temporary civil protection order.** ~~(1.5)~~ (1) (a) Any municipal court of
17 record, if authorized by the municipal governing body; any county court;
18 and any district, probate, or juvenile court shall have original concurrent
19 jurisdiction to issue a temporary or permanent civil protection order
20 against an adult or against a juvenile who is ten years of age or older for
21 any of the following purposes:

22 ~~(a)~~ (I) To prevent assaults and threatened bodily harm;

23 ~~(b)~~ (II) To prevent domestic abuse;

24 ~~(c)~~ (III) To prevent emotional abuse of the elderly or of an at-risk
25 adult;

26 (IV) TO PREVENT SEXUAL ASSAULT OR ABUSE; AND

27 ~~(d)~~ (V) To prevent stalking.

1 (b) TO BE ELIGIBLE FOR A PROTECTION ORDER, THE PETITIONER
2 DOES NOT NEED TO SHOW THAT HE OR SHE HAS REPORTED THE ACT THAT
3 IS THE SUBJECT OF THE COMPLAINT TO LAW ENFORCEMENT, THAT CHARGES
4 HAVE BEEN FILED, OR THAT THE PETITIONER IS PARTICIPATING IN THE
5 PROSECUTION OF A CRIMINAL MATTER.

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

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

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

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

1 order consistent with any other provision of this article.

2 (3.7) (6) At the time a protection order is requested pursuant to
3 this section, the court shall inquire about, and the requesting party and
4 such party's attorney shall have an independent duty to disclose,
5 knowledge such party and such party's attorney may have concerning the
6 existence of any prior protection or restraining order of any court
7 addressing in whole or in part the subject matter of the requested
8 protection order. In the event there are conflicting restraining or
9 protection orders, the court shall consider, as its first priority, issues of
10 public safety. An order that prevents assaults, threats of assault, or other
11 harm shall be given precedence over an order that deals with the
12 disposition of property or other tangible assets. Every effort shall be made
13 by judicial officers to clarify conflicting orders.

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

1 PETITION FOR A PROTECTION ORDER.

2 (b) If the judge or magistrate finds that an imminent danger exists
3 to the employees of a business entity, he or she may issue a civil
4 protection order in the name of the business for the protection of the
5 employees. An employer is not be liable for failing to obtain a civil
6 protection order in the name of the business for the protection of the
7 employees and patrons.

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

20 ~~(6)~~ (9) A copy of the complaint, ~~together with~~ a copy of the
21 temporary civil protection order, and a copy of the citation ~~shall~~ MUST be
22 served upon the ~~defendant~~ RESPONDENT and upon the person to be
23 protected, if the complaint was filed by another person, in accordance
24 with the rules for service of process as provided in rule 304 of the rules
25 of county court civil procedure or rule 4 of the Colorado rules of civil
26 procedure. The citation ~~shall~~ MUST inform the ~~defendant~~ RESPONDENT
27 that, if the ~~defendant~~ RESPONDENT fails to appear in court in accordance

1 with the terms of the citation, a bench warrant may be issued for the arrest
2 of the ~~defendant~~ RESPONDENT, and the temporary protection order
3 previously entered by the court made permanent without further notice or
4 service upon the ~~defendant~~ RESPONDENT.

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

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

25 (b) When any person is served with a temporary protection order
26 issued against ~~such~~ THE person excluding ~~such~~ THE person from a shared
27 residence, ~~such~~ THE temporary protection order ~~shall~~ MUST contain a

1 notification in writing to ~~such~~ THE person of ~~such~~ THE person's ability to
2 return to ~~such~~ THE shared residence pursuant to paragraph (a) of this
3 subsection ~~(8)~~ (11). ~~Such~~ THE written notification shall be in bold print
4 and conspicuously placed in ~~such~~ THE temporary protection order. ~~No~~ A
5 judge, magistrate, or other judicial officer shall NOT issue a temporary
6 protection order that does not comply with this section.

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

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

20 **13-14-105. [Formerly 13-14-102 (15) and (16).] Provisions**
21 **relating to civil protection orders.** ~~(15)~~ (1) A municipal court of record
22 that is authorized by its municipal governing body to issue protection or
23 restraining orders and any county court, in connection with issuing a civil
24 protection order, ~~shall have~~ HAS original concurrent jurisdiction with the
25 district court to ~~issue such additional orders as the~~ INCLUDE ANY
26 PROVISIONS IN THE ORDER THAT THE municipal or county court deems
27 necessary for the protection of persons, ~~Such additional orders may~~

1 ~~include, but are not limited to,~~ INCLUDING BUT NOT LIMITED TO ORDERS:

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

4 (b) Restraining a party from contacting any other party or the
5 minor child of either of the parties;

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

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

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

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

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

1 domestic abuse.

2 ~~(HH) (IV) The standard for the award of Temporary care and~~
3 ~~control or interim decision-making responsibility shall~~ MUST be
4 DETERMINED in accordance with THE STANDARD CONTAINED IN section
5 14-10-124, C.R.S.

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

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

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

19 (i) GRANTING SUCH OTHER RELIEF AS THE COURT DEEMS
20 APPROPRIATE;

21 ~~(g) (I) (j) (I) A temporary injunction that may be issued by the~~
22 ~~court that, upon personal service or upon waiver and acceptance of~~
23 ~~service by the defendant, is to be in effect against the defendant for a~~
24 ~~period determined to be appropriate by the court and restrains the~~
25 ~~defendant from ceasing to make payments for mortgage or rent,~~
26 ~~insurance, utilities or related services, transportation, medical care, or~~
27 ~~child care when the defendant has a prior existing duty or legal obligation~~

1 or from transferring, encumbering, concealing, or in any way disposing
2 of personal effects or real property, except in the usual course of business
3 or for the necessities of life. The restrained party shall be required to
4 account to the court for all extraordinary expenditures made after the
5 injunction is in effect. Any injunction issued shall not exceed one hundred
6 twenty days after the issuance of the permanent civil protection order.

7 ENTERING A TEMPORARY INJUNCTION RESTRAINING THE RESPONDENT
8 FROM CEASING TO MAKE PAYMENTS FOR MORTGAGE OR RENT, INSURANCE,
9 UTILITIES OR RELATED SERVICES, TRANSPORTATION, MEDICAL CARE, OR
10 CHILD CARE WHEN THE RESPONDENT HAS A PRIOR EXISTING DUTY OR
11 LEGAL OBLIGATION OR FROM TRANSFERRING, ENCUMBERING,
12 CONCEALING, OR IN ANY WAY DISPOSING OF PERSONAL EFFECTS OR REAL
13 PROPERTY, EXCEPT IN THE USUAL COURSE OF BUSINESS OR FOR THE
14 NECESSITIES OF LIFE AND REQUIRING THE RESTRAINED PARTY TO ACCOUNT
15 TO THE COURT FOR ALL EXTRAORDINARY EXPENDITURES MADE AFTER THE
16 INJUNCTION IS IN EFFECT.

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

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

26 ~~(HH)~~ (IV) Nothing in this paragraph ~~(g)~~ shall preclude (j)
27 PRECLUDES either party from applying to the district court for further

1 temporary orders, an expanded temporary injunction, or modification or
2 revocation. Any subsequent order issued by the district court as part of a
3 domestic matter involving the parties supersedes an injunction made
4 pursuant to this paragraph ~~(g)~~ (j).

5 ~~(16)~~ (2) Any order for temporary care and control issued pursuant
6 to subsection ~~(15)~~ (1) of this section shall be IS governed by the "Uniform
7 Child-custody Jurisdiction and Enforcement Act", article 13 of title 14,
8 C.R.S.

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

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

1 to section 18-6-803.5, C.R.S., or ~~shall constitute~~ CONSTITUTES contempt
2 of court and ~~subject the defendant~~ SUBJECTS THE RESPONDENT to such
3 punishment as may be provided by law. If the ~~defendant~~ RESPONDENT
4 fails to appear before the court for the show cause hearing at the time and
5 on the date identified in the citation issued by the court and the court finds
6 that the ~~defendant~~ RESPONDENT was properly served with the temporary
7 protection order and such citation, it ~~shall not be~~ IS NOT necessary to
8 re-serve the ~~defendant~~ RESPONDENT to make the protection order
9 permanent. However, if the court modifies the protection order on the
10 motion of the protected party, the modified protection order must be
11 served upon the ~~defendant~~ RESPONDENT.

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

1 (c) Notwithstanding the provisions of paragraph (b) of this
2 subsection ~~(9)~~(1), for a protection order filed in a proceeding commenced
3 under the "Uniform Dissolution of Marriage Act", article 10 of title 14,
4 C.R.S., the court may, on the motion of either party if both parties agree
5 to the continuance, continue the temporary protection order until the time
6 of the final decree or final disposition of the action.

7 ~~(10)~~ (2) The court shall electronically transfer into the central
8 registry of protection orders established pursuant to section 18-6-803.7,
9 C.R.S., a copy of any order issued pursuant to this section and shall
10 deliver a copy of such order to the protected party.

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

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

20 **13-14-107. [Formerly 13-14-102 (11), (12) and (13).]**
21 **Enforcement of protection order - duties of peace officer.** ~~(13)~~ (1) A
22 person failing to comply with any order of the court issued pursuant to
23 this ~~section shall be found~~ ARTICLE is in contempt of court or may be
24 prosecuted for violation of a civil protection order pursuant to section
25 18-6-803.5, C.R.S.

26 ~~(12)~~ (2) The duties of peace officers enforcing a civil protection
27 order shall be in accordance with section 18-6-803.5, C.R.S., and any

1 rules adopted by the Colorado supreme court pursuant to ~~said~~ THAT
2 section.

3 ~~(11) If the order has not been personally served, the peace officer~~
4 ~~responding to a call for assistance shall serve a copy of said order on the~~
5 ~~person named defendant therein and shall write the time, date, and~~
6 ~~manner of service on the protected person's copy of such order and shall~~
7 ~~sign such statement.~~

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

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

17 **13-14-108. [Formerly 13-14-102 (17) and (17.5).] Modification**
18 **and termination of civil protection orders.** ~~(17)~~ (1) Any order granted
19 pursuant to ~~paragraph (c) or (e) of subsection (15) of this section shall~~
20 SECTION 13-14-105 (1) (c) OR (1) (e) MUST terminate whenever a
21 subsequent order regarding the same subject matter is granted pursuant
22 to the "Uniform Dissolution of Marriage Act", article 10 of title 14,
23 C.R.S., ~~or~~ the "Uniform Child-custody Jurisdiction and Enforcement
24 Act", article 13 of title 14, C.R.S., or the "Colorado Children's Code", title
25 19, C.R.S.

26 ~~(17.5)~~ (a) (2) (a) Nothing in this ~~section shall preclude~~ ARTICLE
27 PRECLUDES the protected party from applying to the court at any time for

1 modification, including but not limited to a modification of the duration
2 of a protection order or dismissal of a temporary or permanent protection
3 order issued pursuant to this section.

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

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

24 ~~(B)~~ (II) Notwithstanding the prohibition in ~~sub-subparagraph (A)~~
25 ~~of this~~ subparagraph (I) OF THIS PARAGRAPH (a), a protection order may
26 be modified or dismissed on the motion of the protected person, or the
27 person's attorney, parent or legal guardian if a minor, or conservator ~~of~~ OR

1 legal guardian if one has been appointed; except that this
2 ~~sub-subparagraph (B) shall~~ PARAGRAPH (a) DOES not apply if the parent,
3 legal guardian, or conservator is the restrained person.

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

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

21 ~~(d)~~ (5) ~~Any motion filed pursuant to paragraph (a) of this~~
22 ~~subsection (17.5) shall be heard by the court.~~ THE COURT SHALL HEAR
23 ANY MOTION FILED PURSUANT TO SUBSECTION (2) OF THIS SECTION. The
24 party moving for a modification or dismissal of a temporary or permanent
25 protection order pursuant to ~~paragraph (a) of this subsection (17.5)~~
26 SUBSECTION (2) OF THIS SECTION shall affect personal service on the other
27 party with a copy of the motion and notice of the hearing on the motion,

1 as provided by rule 4 (e) of the Colorado rules of civil procedure. The
2 moving party shall bear the burden of proof to show, by a preponderance
3 of the evidence, that the modification is appropriate or that a dismissal is
4 appropriate because the protection order is no longer necessary. If the
5 protected party has requested that his or her address be kept confidential,
6 the court shall not disclose such information to the restrained party or any
7 other person, except as otherwise authorized by law.

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

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

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

15 (f) (c) Whether the restrained party has been ordered to
16 participate in and ~~complete~~ HAS COMPLETED a domestic violence
17 OFFENDER treatment program provided by an entity approved pursuant to
18 section 16-11.8-103, ~~(4) (a) (III) (C)~~, C.R.S., and whether the restrained
19 party has completed the program OR HAS BEEN ORDERED TO PARTICIPATE
20 IN AND HAS EITHER SUCCESSFULLY COMPLETED A SEX OFFENDER
21 TREATMENT PROGRAM PROVIDED BY AN ENTITY APPROVED PURSUANT TO
22 SECTION 16-11.7-103, C.R.S., OR HAS MADE SIGNIFICANT PROGRESS IN A
23 SEX OFFENDER TREATMENT PROGRAM AS REPORTED BY THE SEX OFFENDER
24 TREATMENT PROVIDER;

25 (f) (d) Whether the restrained party has voluntarily participated
26 in any domestic violence OFFENDER treatment program ~~or other~~
27 ~~counseling addressing domestic violence or anger management issues~~

1 PROVIDED BY AN ENTITY APPROVED PURSUANT TO SECTION 16-11.8-103,
2 C.R.S., OR ANY SEX OFFENDER TREATMENT PROGRAM PROVIDED BY AN
3 ENTITY APPROVED PURSUANT TO SECTION 16-11.7-103, C.R.S.;

4 ~~(V)~~ (e) The time that has lapsed since the protection order was
5 issued;

6 ~~(VI)~~ (f) When the last incident of abuse or threat of harm occurred
7 or other relevant information concerning the safety and protection of the
8 protected person;

9 ~~(VII)~~ (g) Whether, since the issuance of the protection order, the
10 restrained person has been convicted of or pled guilty to ~~a crime, the~~
11 ~~underlying factual basis of which has been found by a court on the record~~
12 ~~to include an act of domestic violence, as that term is defined in section~~
13 ~~18-6-800.3 (1), C.R.S., other than the original offense, if any, that formed~~
14 ~~the basis for the issuance of the protection order;~~ ANY MISDEMEANOR OR
15 ANY FELONY AGAINST THE PROTECTED PERSON, OTHER THAN THE
16 ORIGINAL OFFENSE, IF ANY, THAT FORMED THE BASIS FOR THE ISSUANCE
17 OF THE PROTECTION ORDER;

18 ~~(VIII)~~ (h) Whether any other restraining orders, ~~or~~ protective
19 orders, or protection orders have been subsequently issued against the
20 restrained person pursuant to this section or any other law of this state or
21 any other state; ~~and~~

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

25 (j) WHETHER THE CONTINUED SAFETY OF THE PROTECTED PERSON
26 DEPENDS UPON THE PROTECTION ORDER REMAINING IN PLACE BECAUSE
27 THE ORDER HAS BEEN SUCCESSFUL IN PREVENTING FURTHER HARM TO THE

1 ~~PROTECTED PERSON.~~

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

4 **13-14-109. [Formerly 13-14-102 (21).] Fees and costs.**

5 ~~(21)(a) (1) The court may assess a filing fee against a petitioner seeking~~
6 ~~relief under this section ARTICLE; except that the court may not assess a~~
7 ~~filing fee against a petitioner if the court determines the petitioner is~~
8 ~~seeking the protection order as a victim of domestic abuse, as defined by~~
9 ~~section 13-14-101 (2); domestic violence as defined in section 18-6-800.3~~
10 ~~(1), C.R.S., stalking, as described in section 18-3-602, C.R.S.; sexual~~
11 ~~assault as defined by section 18-3-402, C.R.S.; or unlawful sexual contact~~
12 ~~as defined by section 18-3-404, C.R.S. Petitioners shall be provided the~~
13 ~~necessary number of certified copies at no cost. OR SEXUAL ASSAULT OR~~
14 ~~ABUSE. THE COURT SHALL PROVIDE THE NECESSARY NUMBER OF CERTIFIED~~
15 ~~COPIES AT NO COST TO PETITIONERS.~~

16 ~~(b) (2) Fees for service of process may not be assessed by a state~~
17 ~~agency or public agency against petitioners seeking relief under this~~
18 ~~section as a victim of conduct consistent with the following: Domestic~~
19 ~~abuse as defined by section 13-14-101 (2); domestic violence as defined~~
20 ~~by section 18-6-800.3 (1), C.R.S.; stalking as described in section~~
21 ~~18-3-602, C.R.S.; sexual assault as defined by section 18-3-402, C.R.S.;~~
22 ~~or unlawful sexual contact as defined by section 18-3-404, C.R.S. A~~
23 ~~STATE OR PUBLIC AGENCY MAY NOT ASSESS FEES FOR SERVICE OF PROCESS~~
24 ~~AGAINST A PETITIONER SEEKING RELIEF UNDER THIS ARTICLE AS A VICTIM~~
25 ~~OF CONDUCT CONSISTENT WITH THE FOLLOWING: DOMESTIC ABUSE,~~
26 ~~DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S.,~~
27 ~~STALKING, OR SEXUAL ASSAULT OR ABUSE.~~

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

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

8 **13-14-110. [Formerly 13-14-104.] Foreign protection orders.**

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

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

22 (a) The foreign protection order was obtained after providing the
23 person against whom the protection order was sought reasonable notice
24 and an opportunity to be heard sufficient to protect his or her due process
25 rights. If the foreign protection order is an ex parte injunction or order,
26 the person against whom it was obtained ~~shall~~ MUST have been given
27 notice and an opportunity to be heard within a reasonable time after the

1 order was issued sufficient to protect his or her due process rights.

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

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

5 (3) **Process.** A person entitled to protection under a foreign
6 protection order may, but ~~shall~~ IS not be required to, file such order in the
7 district or county court by filing with such court a certified copy of such
8 order, which ~~shall~~ MUST be entered into the central registry of protection
9 orders created in section 18-6-803.7, C.R.S. The certified order ~~shall~~
10 MUST be accompanied by an affidavit in which the protected person
11 affirms to the best of his or her knowledge that the order has not been
12 changed or modified since it was issued. There shall be no filing fee
13 charged. It is the responsibility of the protected person to notify the court
14 if the protection order is subsequently modified.

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

1 person protected by a foreign protection order that it remains in effect. A
2 peace officer who is acting in good faith when enforcing a foreign
3 protection order is not civilly liable or criminally liable pursuant to
4 section 18-6-803.5 (5), C.R.S.

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

7 **14-10-108. Temporary orders in a dissolution case.** (3) A party
8 to an action filed pursuant to this article may seek, and the court may
9 issue, a temporary or permanent protection order pursuant to the
10 provisions of ~~section 13-14-102~~ PART 1 OF ARTICLE 14 OF TITLE 13, C.R.S.

11 (7) At the time a protection order is requested pursuant to ~~section~~
12 ~~13-14-102~~ PART 1 OF ARTICLE 14 OF TITLE 13, C.R.S., the court shall
13 inquire about, and the requesting party and such party's attorney shall
14 have an independent duty to disclose, knowledge such party and such
15 party's attorney may have concerning the existence of any prior protection
16 orders or restraining orders of any court addressing in whole or in part the
17 subject matter of the requested protection order.

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

20 **14-11-101. Foreign decrees - how handled.** (3) Notwithstanding
21 the provisions of this article, a restraining or protection order issued by
22 a court of any state, any Indian tribe, or any United States territory shall
23 be enforced pursuant to ~~section 13-14-104~~ 13-14-110, C.R.S.

24 **SECTION 19.** In Colorado Revised Statutes, 18-6-803.5, **amend**
25 (1.5) (a.5) (II) as follows:

26 **18-6-803.5. Crime of violation of a protection order - penalty**
27 **- peace officers' duties.** (1.5) As used in this section:

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

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

8 **18-6-803.7. Central registry of protection orders - creation.**
9 (1) As used in this section:

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

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

15 **19-5-102.5. Relinquishment hearings - court docket priority.**
16 (2) Notwithstanding the provisions of subsection (1) of this section,
17 nothing in this section shall affect the priority of a hearing concerning the
18 issuance of a temporary protection order pursuant to section ~~13-14-102~~
19 13-14-104.5, C.R.S.

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

22 **19-5-202.5. Adoption hearings - termination appeals - court**
23 **docket priority - exceptions.** (2) Notwithstanding the provisions of
24 subsection (1) of this section, nothing in this section shall affect the
25 priority of a hearing concerning the issuance of a temporary protection
26 order pursuant to section ~~13-14-102~~ 13-14-104.5, C.R.S.

27 **SECTION 23. Appropriation.** (1) In addition to any other

1 appropriation, there is hereby appropriated, out of any moneys in the
2 judicial stabilization cash fund created in section 13-32-101 (6), Colorado
3 Revised Statutes, not otherwise appropriated, to the judicial department,
4 for the fiscal year beginning July 1, 2013, the sum of \$217,942 and 3.2
5 FTE, or so much thereof as may be necessary, to be allocated to the trial
6 courts for the implementation of this act as follows:

7 (a) \$211,102 and 3.2 FTE for trial court programs for personal
8 services; and

9 (b) \$6,840 for trial court programs for operating expenses.

10 (2) In addition to any other appropriation, there is hereby
11 appropriated, out of any moneys in the judicial stabilization cash fund
12 created in section 13-32-101 (6), Colorado Revised Statutes, not
13 otherwise appropriated, to the judicial department, for the fiscal year
14 beginning July 1, 2013, the sum of \$57,457, or so much thereof as may
15 be necessary, to be allocated to the courts administration division for
16 courthouse capital expenses related to the implementation of this act.

17 **SECTION 24. Effective date - applicability.** (1) This act takes
18 effect July 1, 2013.

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

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

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