

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

**PREAMENDED**

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

LLS NO. 13-0227.01 Brita Darling x2241

**HOUSE BILL 13-1259**

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**HOUSE SPONSORSHIP**

**McCann,**

**SENATE SPONSORSHIP**

**Newell,**

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**House Committees**

Public Health Care & Human Services  
Appropriations

**Senate Committees**

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**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.**

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**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.*

*(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.

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

5 (III) ~~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 CONSIDER THE  
26 LENGTH OF TIME BETWEEN AN ACT OF ABUSE OR THREAT OF HARM AND  
27 THE FILING OF THE PETITION FOR A PROTECTION ORDER.



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

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

19 (6) (9) A copy of the complaint, ~~together with~~ a copy of the  
20 temporary civil protection order, and a copy of the citation ~~shall~~ MUST be  
21 served upon the ~~defendant~~ RESPONDENT and upon the person to be  
22 protected, if the complaint was filed by another person, in accordance  
23 with the rules for service of process as provided in rule 304 of the rules  
24 of county court civil procedure or rule 4 of the Colorado rules of civil  
25 procedure. The citation ~~shall~~ MUST inform the ~~defendant~~ RESPONDENT  
26 that, if the ~~defendant~~ RESPONDENT fails to appear in court in accordance  
27 with the terms of the citation, a bench warrant may be issued for the arrest

1 of the ~~defendant~~ RESPONDENT, and the temporary protection order  
2 previously entered by the court made permanent without further notice or  
3 service upon the ~~defendant~~ RESPONDENT.

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

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

24 (b) When any person is served with a temporary protection order  
25 issued against ~~such~~ THE person excluding ~~such~~ THE person from a shared  
26 residence, ~~such~~ THE temporary protection order ~~shall~~ MUST contain a  
27 notification in writing to ~~such~~ THE person of ~~such~~ THE person's ability to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 of personal effects or real property, except in the usual course of business  
2 or for the necessities of life. The restrained party shall be required to  
3 account to the court for all extraordinary expenditures made after the  
4 injunction is in effect. Any injunction issued shall not exceed one hundred  
5 twenty days after the issuance of the permanent civil protection order.  
6 ENTERING A TEMPORARY INJUNCTION RESTRAINING THE RESPONDENT  
7 FROM CEASING TO MAKE PAYMENTS FOR MORTGAGE OR RENT, INSURANCE,  
8 UTILITIES OR RELATED SERVICES, TRANSPORTATION, MEDICAL CARE, OR  
9 CHILD CARE WHEN THE RESPONDENT HAS A PRIOR EXISTING DUTY OR  
10 LEGAL OBLIGATION OR FROM TRANSFERRING, ENCUMBERING,  
11 CONCEALING, OR IN ANY WAY DISPOSING OF PERSONAL EFFECTS OR REAL  
12 PROPERTY, EXCEPT IN THE USUAL COURSE OF BUSINESS OR FOR THE  
13 NECESSITIES OF LIFE AND REQUIRING THE RESTRAINED PARTY TO ACCOUNT  
14 TO THE COURT FOR ALL EXTRAORDINARY EXPENDITURES MADE AFTER THE  
15 INJUNCTION IS IN EFFECT.

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

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

25 ~~(H)~~ (IV) Nothing in this paragraph ~~(g)~~ shall preclude (j)  
26 PRECLUDES either party from applying to the district court for further  
27 temporary orders, an expanded temporary injunction, or modification or

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

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

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

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

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

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

27 (c) Notwithstanding the provisions of paragraph (b) of this



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

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

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

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

19 **13-14-107. [Formerly 13-14-102 (11), (12) and (13).]**  
20 **Enforcement of protection order - duties of peace officer.** ~~(13)~~ (1) A  
21 person failing to comply with any order of the court issued pursuant to  
22 this ~~section shall be found~~ ARTICLE is in contempt of court or may be  
23 prosecuted for violation of a civil protection order pursuant to section  
24 18-6-803.5, C.R.S.

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

1 section.

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

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

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

16 **13-14-108. [Formerly 13-14-102 (17) and (17.5).] Modification**  
17 **and termination of civil protection orders.** ~~(17)~~ (1) Any order granted  
18 pursuant to ~~paragraph (c) or (e) of subsection (15) of this section shall~~  
19 SECTION 13-14-105 (1) (c) OR (1) (e) MUST terminate whenever a  
20 subsequent order regarding the same subject matter is granted pursuant  
21 to the "Uniform Dissolution of Marriage Act", article 10 of title 14,  
22 C.R.S., ~~or~~ the "Uniform Child-custody Jurisdiction and Enforcement  
23 Act", article 13 of title 14, C.R.S., or the "Colorado Children's Code", title  
24 19, C.R.S.

25 ~~(17.5)~~ (a) (2) (a) Nothing in this ~~section shall preclude~~ ARTICLE  
26 PRECLUDES the protected party from applying to the court at any time for  
27 modification, including but not limited to a modification of the duration

1 of a protection order or dismissal of a temporary or permanent protection  
2 order issued pursuant to this section.

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

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

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

1 ~~sub-subparagraph (B) shall~~ PARAGRAPH (a) DOES not apply if the parent,  
2 legal guardian, or conservator is the restrained person.

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

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

20 ~~(d)~~ (5) ~~Any motion filed pursuant to paragraph (a) of this~~  
21 ~~subsection (17.5) shall be heard by the court.~~ THE COURT SHALL HEAR  
22 ANY MOTION FILED PURSUANT TO SUBSECTION (2) OF THIS SECTION. The  
23 party moving for a modification or dismissal of a temporary or permanent  
24 protection order pursuant to ~~paragraph (a) of this subsection (17.5)~~  
25 SUBSECTION (2) OF THIS SECTION shall affect personal service on the other  
26 party with a copy of the motion and notice of the hearing on the motion,  
27 as provided by rule 4 (e) of the Colorado rules of civil procedure. The

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

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

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

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

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

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

27 (H) (e) The time that has lapsed since the protection order was

1 issued;

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

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

13 ~~(VIII)~~ (h) Whether any other restraining orders, ~~or~~ protective  
14 orders, or protection orders have been subsequently issued against the  
15 restrained person pursuant to this section or any other law of this state or  
16 any other state; ~~and~~

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

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

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

26 **13-14-109. [Formerly 13-14-102 (21).] Fees and costs.**

27 ~~(21)~~(a) (1) The court may assess a filing fee against a petitioner seeking

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

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

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

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

3           **13-14-110. [Formerly 13-14-104.] Foreign protection orders.**

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

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

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

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

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

27           (3) **Process.** A person entitled to protection under a foreign



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

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

27 **SECTION 17.** In Colorado Revised Statutes, 14-10-108, **amend**

1 (3) and (7) as follows:

2 **14-10-108. Temporary orders in a dissolution case.** (3) A party  
3 to an action filed pursuant to this article may seek, and the court may  
4 issue, a temporary or permanent protection order pursuant to the  
5 provisions of ~~section 13-14-102~~ PART 1 OF ARTICLE 14 OF TITLE 13, C.R.S.

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

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

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

19 **SECTION 19.** In Colorado Revised Statutes, 18-6-803.5, **amend**  
20 (1.5) (a.5) (II) as follows:

21 **18-6-803.5. Crime of violation of a protection order - penalty**  
22 **- peace officers' duties.** (1.5) As used in this section:

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

1           **SECTION 20.** In Colorado Revised Statutes, 18-6-803.7, **amend**

2 (1) (b.5) (II) as follows:

3           **18-6-803.7. Central registry of protection orders - creation.**

4 (1) As used in this section:

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

8           **SECTION 21.** In Colorado Revised Statutes, 19-5-102.5, **amend**

9 (2) as follows:

10           **19-5-102.5. Relinquishment hearings - court docket priority.**

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

15           **SECTION 22.** In Colorado Revised Statutes, 19-5-202.5, **amend**

16 (2) as follows:

17           **19-5-202.5. Adoption hearings - termination appeals - court**

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

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

23 appropriation, there is hereby appropriated, out of any moneys in the

24 judicial stabilization cash fund created in section 13-32-101 (6), Colorado

25 Revised Statutes, not otherwise appropriated, to the judicial department,

26 for the fiscal year beginning July 1, 2013, the sum of \$217,942 and 3.2

27 FTE, or so much thereof as may be necessary, to be allocated to the trial

1 courts for the implementation of this act as follows:

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

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

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

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

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

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

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