

§ 13-6-101. Establishment.

## **Colorado Statutes**

### **Title 13. COURTS AND COURT PROCEDURE**

#### **COURTS OF RECORD**

#### **Article 6. County Courts**

#### **Part 1. ESTABLISHMENT AND JURISDICTION**

*Current through 2019 Legislative Session*

#### **§ 13-6-101. Establishment**

Pursuant to the provisions of section 1 of article VI of the Colorado constitution, there is hereby established in each county of the state of Colorado a county court.

**Cite as C.R.S. § 13-6-101**

**History.** L. 64: p. 409, § 1. C.R.S. 1963: § 37-13-1.

**Case Notes:**

#### **ANNOTATION**

**Law reviews.** For article, "Colorado's New Court System", see 41 Den. L. Ctr. J. 140 (1964).

**For the general assembly using its constitutional power to create county courts,** see Rowland v. Theobald, 159 Colo. 1, 409 P.2d 272 (1965).

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§ 13-6-102. Court of record.

## **Colorado Statutes**

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*Current through 2019 Legislative Session*

### **§ 13-6-102. Court of record**

Each county court shall be a court of record, with such powers as are inherent in constitutionally created courts.

**Cite as C.R.S. § 13-6-102**

**History.** L. 64: p. 409, § 2. C.R.S. 1963: § 37-13-2.

**Case Notes:**

#### **ANNOTATION**

**County court records are entitled to the same presumptions as those of district courts.** The county courts are courts of record, and as to matters within their jurisdiction under the constitution and laws of this state, their records are supported by the same presumptions and intendments of law as the records of district courts. *Fletcher v. Stowell*, 17 Colo. 94, 28 P. 326 (1891), citing *Hughes v. Cummings*, 7 Colo. 138, 2 P. 289 (1883); *Dusing v. Nelson*, 7 Colo. 184, 2 P. 922 (1883); *Behymer v. Nordloh*, 12 Colo. 352, 21 P. 37 (1888); *In re Rogers*, 14 Colo. 18, 22 P. 1053 (1890)(cases decided under repealed laws antecedent to CSA, C. 46, § 156).

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§ 13-6-103. Statewide jurisdiction.

**Colorado Statutes**

## **Title 13. COURTS AND COURT PROCEDURE**

### **COURTS OF RECORD**

#### **Article 6. County Courts**

## **Part 1. ESTABLISHMENT AND JURISDICTION**

*Current through 2019 Legislative Session*

### **§ 13-6-103. Statewide jurisdiction**

The jurisdiction of the county court shall extend to all cases which arise within the boundaries of this state or are subject to its judicial power and which are within the limitations imposed by this article, but the exercise of this jurisdiction is subject to restrictions of venue as established by this article or, if there are none, by rule of the Colorado supreme court.

**Cite as C.R.S. § 13-6-103**

**History.** L. 64: p. 409, § 3. C.R.S. 1963: § 37-13-3. L. 79: Entire section amended, p. 598, § 12, effective July 1.

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§ 13-6-104. Original civil jurisdiction.

## **Colorado Statutes**

### **Title 13. COURTS AND COURT PROCEDURE**

#### **COURTS OF RECORD**

#### **Article 6. County Courts**

#### **Part 1. ESTABLISHMENT AND JURISDICTION**

*Current through 2019 Legislative Session*

#### **§ 13-6-104. Original civil jurisdiction**

- (1) On and after January 1, 2019, the county court shall have concurrent original jurisdiction with the district court in civil actions, suits, and proceedings in which the debt, damage, or value of the personal property claimed does not exceed twenty-five thousand dollars, including by way of further example, and not limitation, jurisdiction to hear and determine actions in tort and assess damages therein not to exceed twenty-five thousand dollars. The county court shall also have jurisdiction of counterclaims in all such actions when the counterclaim does not exceed twenty-five thousand dollars.
- (2) The county court shall have concurrent original jurisdiction with the district court in actions to foreclose liens pursuant to article 20 of title 38 and in cases of forcible entry, forcible detainer, or unlawful detainer, except when such cases involve the boundary or title to real property and except as provided in section 13-40-109. Judgment in the county court for rent, damages on account of unlawful detention, damages for injury to property, and damages incurred under article 20 of title 38 pursuant to this subsection (2) shall not exceed a total of twenty-five thousand dollars, exclusive of costs and attorney fees, nor shall the county court on and after January 1, 2019, have jurisdiction if the monthly rental value of the property exceeds twenty-five thousand dollars.

- (3) The county court shall have concurrent original jurisdiction with the district court in petitions for change of name.
- (4) Repealed.
- (5) The county court shall have concurrent original jurisdiction with the district court to issue temporary and permanent civil restraining orders as provided in article 14 of this title.
- (6) (Deleted by amendment, L. 99, p. 501, §5, effective July 1, 1999.)
- (7) The county court shall have concurrent original jurisdiction with the district court to hear actions brought pursuant to section 25-8-607, C.R.S.
- (8) The county court shall have original jurisdiction in hearings concerning the impoundment of motor vehicles pursuant to section 42-13-106, C.R.S.
- (9) (Deleted by amendment, L. 99, p. 501, §5, effective July 1, 1999.)

**Cite as C.R.S. § 13-6-104**

**History.** Amended by 2018 Ch. 298, §1, eff. 1/1/2019.

L. 64: p. 409, § 4. C.R.S. 1963: § 37-13-4. L. 67: p. 1063, § 2. L. 75: (2) amended, p. 1419, § 8, effective April 24; (1) and (2) amended, p. 561, § 1, effective October 1. L. 78: (5) added, p. 352, § 1, effective April 21. L. 79: (6) added, p. 599, § 13, effective July 1. L. 81: (1) and (2) amended, p. 879, § 1, effective July 1; (7) added, p. 1338, § 2, effective July 1. L. 82: (5) R&RE and (6) amended, p. 301, §§ 2, 3, effective April 23. L. 86: (8) added, p. 924, § 2, effective April 3. L. 87: (2) amended, p. 1576, § 13, effective July 10. L. 90: (1) and (2) amended, p. 848, § 2, effective May 31; (1) and (2) amended, p. 854, § 2, effective July 1. L. 92: (9) added, p. 292, § 2, effective April 23. L. 94: (4) repealed, p. 2031, § 6, effective July 1; (8) amended, p. 2548, § 29, effective January 1, 1995. L. 99: (5), (6), and (9) amended, p. 501, § 5, effective July 1. L. 2001: (1) and (2) amended, p. 1517, § 11, effective September 1. L. 2018: (1) and (2) amended, (SB 18-056), ch. 298, p. 1816, § 1, effective January 1, 2019.

**Editor's Note:**

*Section 5 of chapter 298 (SB 18-056), Session Laws of Colorado 2018, provides that the act changing this section applies to civil actions filed on or after January 1, 2019.*

**Case Notes:**

**ANNOTATION**

**I. GENERAL CONSIDERATION.**

**Law reviews.** For comment on *Ohmie v. Martinez*, appearing below, see 38 *Dicta* 123 (1961). For note, "Rural Poverty and the Law in Southern Colorado", see 47 *Den. L.J.* 82 (1970).

**Annotator's note.** Since § 13-6-104 is similar to repealed laws antecedent to CSA, C. 46, § 156, relevant cases construing those provisions have been included in the annotations to this section.

**The jurisdiction of district and county courts is concurrent** with respect to matters which fall within the jurisdiction of both. *Ohmie v. Martinez*, 141 Colo. 480, 349 P.2d 131 (1960).

**County court may enforce a state agency's imposition of a monetary penalty.** *Gibbs v. Colo. Mined Land Reclamation Bd.*, 883 P.2d 592 (Colo. App. 1994).

## II. SUBJECT MATTER JURISDICTION.

**County courts have general subject matter jurisdiction.** Jurisdiction of the subject matter is the power to deal with the general abstract question, to hear the particular facts in any case relating to this question, and to determine whether or not they are sufficient to invoke the exercise of that power. *Camplin v. Jackson*, 34 Colo. 447, 83 P. 1017 (1905).

**County court has jurisdiction in all civil matters, both in law and in equity, except as expressly limited.** *Flynn v. Casper*, 26 Colo. App. 344, 144 P. 1137 (1914), citing *Sievers v. Garfield County Court*, 11 Colo. App. 147, 52 P. 634 (1898); *Arnett v. Berg*, 18 Colo. App. 341, 71 P. 636 (1903).

**County court has jurisdiction in habeas corpus proceedings.** Habeas corpus by a parent, demanding the custody of his infant child, is, under this section, within the jurisdiction of the county court. *Flynn v. Casper*, 26 Colo. App. 344, 144 P. 1137 (1914).

**This section does not apply to proceedings under the eminent domain act.** *Bd. of County Comm'rs v. Poundstone*, 74 Colo. 191, 220 P. 234 (1923).

**Nor does it apply in proceedings for injunction against city or town ordinance.** County courts have no jurisdiction to control, by injunction, proceedings before police magistrates or justices of the peace acting as such in the enforcement of the ordinances of cities and towns. *Hart v. Dana*, 12 Colo. App. 499, 55 P. 958 (1889).

## III. JURISDICTIONAL AMOUNT.

**Annotator's note.** The jurisdictional amount in repealed laws antecedent to CSA, C. 46, § 156, was \$2,000.

**The purpose behind regulating the jurisdiction of the county court as to the amount** in controversy is to expedite the handling of small claims. This purpose must be considered in the light of the policy that a person cannot be allowed to invoke the jurisdiction of a court, acquiesce in the decree thus obtained, and later question the validity of the judgment when it is enforced against him. Under the circumstances, the petitioner is estopped by his acquiescence and conduct from asserting the invalidity of the judgment in the county court. *In re Estate of Lee v. Graber*, 170 Colo. 419, 462 P.2d 492 (1969).

**Jurisdictional allegation is an essential prerequisite.** Jurisdictional allegation in the complaint that the relief sought

does not exceed the jurisdictional sum is an essential prerequisite to the exercise of jurisdiction by the court. *Myers v. Myers*, 110 Colo. 412, 135 P.2d 235 (1943).

**This section does not prescribe a form for the jurisdictional averment.** There is nothing in this section that indicates an intention to require the jurisdictional averment to be in a prescribed form. The import of the language employed therein is, that it must affirmatively appear from the complaint that the value of the property in controversy, or the amount involved, for which relief is sought, does not exceed the jurisdictional sum. *Hughes v. Brewer*, 7 Colo. 583, 4 P. 1115 (1884); *Bloomer v. Jones*, 22 Colo. App. 404, 125 P. 541 (1912).

**Complaint may be amended to show jurisdiction.** A complaint in a county court which is insufficient by reason of the omission of a jurisdictional averment may be amended so as to give the court jurisdiction. *Myers v. Myers*, 110 Colo. 412, 135 P.2d 235 (1943).

**Amendment may be allowed to include averment.** In condemnation proceedings in the county courts under this section the complaint, if lacking the requisite jurisdictional allegations, is not entirely void but amendable, and when a complaint is amended, it stands as though it had originally read as amended. *Goodman v. City of Ft. Collins*, 164 F. 970 (8th Cir. 1908).

**A defect in this respect may be aided by the answer.** A complaint in an action in the county court which did not allege that the value of the property involved was less than \$2,000, if defective in that respect, was aided by the answer, which alleged it was not worth \$1,500. *Petri v. Doughty*, 75 Colo. 551, 227 P. 388 (1924).

**In a bill to quiet title to lands, an averment** that "the value of the property involved does not exceed or equal two thousand dollars", suffices to support the jurisdiction of the county court. *Green v. Gibson*, 53 Colo. 346, 127 P. 239 (1912).

**Complaint must indicate value of land.** In a complaint, in an action to quiet the title to lands, no money judgment being demanded, an averment that "the amount herein involved and sued for does not equal \$2,000", gives no indication of the value of the land, and is not a compliance with this section. A decree given upon such complaint is void, and may be collaterally assailed. *Bloomer v. Jones*, 22 Colo. App. 404, 125 P. 541 (1912).

**On error defendant will not be heard to question the jurisdiction of the court for want of the averment** as to the amount in controversy required by this section. To permit the jurisdiction to be thus questioned for the first time in the court of review would deprive plaintiff of the right to amend granted by the code of civil procedure. *Nelson v. Chittenden*, 53 Colo. 30, 123 P. 656 (1912).

**Uncertainties in the record will be resolved in favor of the party successful below;** e.g., as to whether an averment essential to the jurisdiction of the court below, appearing by interlineation in the complaint, was therein, when it was originally filed. *Dunkle v. French*, 51 Colo. 170, 116 P. 1039 (1911).

**Determination of jurisdictional amount.** The amount fixed as the statutory limitation of the jurisdiction must be taken to mean the amount due the plaintiff, or the value or amount of his claim, or the value of the property sought to be

recovered at the time of bringing the action, and in an action for the recovery of money, where the principal sum draws interest, if the amount due at the time of the commencement of the action, including interest, does not exceed the jurisdictional amount, the county court, under the constitution and this section, has jurisdiction, and the accumulation of interest pendente lite will not oust such jurisdiction. *Denver Brick Mfg. Co. v. McAllister*, 6 Colo. 326 (1882).

**Jurisdictional limit applies to the total amount to be paid**, and not to each monthly payment of child support. *Mathews v. Urban*, 645 P.2d 290 (Colo. App. 1982).

**For when averments are sufficient**, see *Hughes v. Brewer*, 7 Colo. 583, 4 P. 1115 (1884).

**Once a court has jurisdiction over a case because the total sum sought is within the jurisdictional limit**, the court does not lose jurisdiction simply because the case is litigated, and attorney fees incurred and awarded exceed the jurisdictional amount. *Ferrell v. Glenwood Brokers, Ltd.*, 848 P.2d 936 (Colo. 1993).

#### **Cross References:**

(1) For treatment by county court of restraining orders issued in restraint of persons threatening assaults and bodily harm, see C.R.C.P. 365(b); for civil protection orders, see article 14 of this title; for provisions relating to domestic abuse programs, see article 7.5 of title 26.

(2) For the legislative declaration contained in the 1990 act amending subsections (1) and (2), see section 1 of chapter 100, Session Laws of Colorado 1990.

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§ 13-6-105. Specific limits on civil jurisdiction.

## **Colorado Statutes**

### **Title 13. COURTS AND COURT PROCEDURE**

#### **COURTS OF RECORD**

##### **Article 6. County Courts**

##### **Part 1. ESTABLISHMENT AND JURISDICTION**

*Current through 2019 Legislative Session*

#### **§ 13-6-105. Specific limits on civil jurisdiction**

- (1) The county court has no civil jurisdiction except that specifically conferred upon it by law. In particular, it has no jurisdiction over the following matters:
  - (a) Matters of probate;

- (b) Matters of mental health, including commitment, restoration to competence, and the appointment of conservators;
  - (c) Matters of dissolution of marriage, declaration of invalidity of marriage, and legal separation;
  - (d) Matters affecting children, including the allocation of parental responsibilities, support, guardianship, adoption, dependency, or delinquency;
  - (e) Matters affecting boundaries or title to real property;
  - (f) Original proceedings for the issuance of injunctions, except:
    - (I) As provided in sections 13-6-104(5) and 38-12-507(1)(b) ;
    - (II) As required to enforce restrictive covenants on residential property and to enforce section 6-1-702.5 ; and
    - (III) As otherwise specifically authorized in this article 6 or, if there is no authorization, by rule of the Colorado supreme court.
- (2) Any powers or duties previously placed in the county court by law in connection with any of the matters excluded from the jurisdiction of the county court by this section are transferred to the district court or, if within their jurisdiction, to the probate court of the city and county of Denver or the juvenile court of the city and county of Denver, and the statutes relating thereto shall be so construed.
- (3) Nothing in this section shall be deemed to prevent the appointment of county judges as magistrates in juvenile matters or as magistrates in mental health and other matters. Appointments of county judges as magistrates in mental health and other matters are authorized, and, when so appointed by the district judge, the county judge shall serve as a district court officer for the designated purposes.

**Cite as C.R.S. § 13-6-105**

**History.** Amended by 2019 Ch. 229, §1, eff. 8/2/2019.

L. 64: p. 410, § 5. C.R.S. 1963: § 37-13-5. L. 78: (1)(f) amended, p. 353, § 2, effective April 21. L. 79: (1)(f) amended, p. 599, § 14, effective July 1; (3) amended, p. 963, § 12, effective July 1. L. 88: (1)(f) amended, p. 601, § 1, effective July 1. L. 91: (3) amended, p. 356, § 8, effective April 9. L. 98: (1)(d) amended, p. 1392, § 24, effective February 1, 1999. L. 2000: (1)(f) amended, p. 2034, § 2, effective August 2. L. 2008: (1)(f) amended, p. 596, § 4, effective August 5.

**Editor's Note:**

*Section 10 of chapter 229 (HB 19-1170), Session Laws of Colorado 2019, provides that the act changing this section*

*applies to conduct occurring on or after August 2, 2019.*

**Case Notes:**

**ANNOTATION**

**Specific exclusions to county court jurisdiction are found in this section.** The jurisdiction of the newly created county courts was defined and specific exclusions were mentioned in this section. *Rowland v. Theobald*, 159 Colo. 1, 409 P.2d 272 (1965).

**Election disputes are not withdrawn from county court jurisdiction.** Six classifications of legal matters are expressly mentioned with reference to which the county court shall have no jurisdiction. Nothing concerning election disputes is withdrawn from consideration by the county courts by these expressed exclusions. *Rowland v. Theobald*, 159 Colo. 1, 409 P.2d 272 (1965).

**County court forced entry and detainer judgment not dispositive of subsequent property ownership question.** Because county courts are specifically precluded from deciding any matters affecting title to real property, judgment entered in a county court forced entry and detainer action cannot be dispositive of the property ownership question in a subsequent quiet title action. *Gore Trading Co. v. Alice*, 35 Colo. App. 97, 529 P.2d 324 (1974).

**Section not applicable to decrees of specific performance.** In interpreting the reference in this section to "injunctions", presumption is that the general assembly was aware of the legal distinction between injunctions and specific performance decrees. Therefore, subsection (1)(f), which limits a county court's power to issue injunctions, does not limit the court's power to issue decrees of specific performance, and C.R.C.P. 370 properly may be read with the understanding that county courts have jurisdiction to issue decrees of specific performance. *Snyder v. Sullivan*, 705 P.2d 510 (Colo. 1985).

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§ 13-6-106. Original criminal jurisdiction.

**Colorado Statutes**

**Title 13. COURTS AND COURT PROCEDURE**

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**Article 6. County Courts**

**Part 1. ESTABLISHMENT AND JURISDICTION**

*Current through 2019 Legislative Session*

**§ 13-6-106. Original criminal jurisdiction**

- (1) The county court shall have concurrent original jurisdiction with the district court in the following criminal matters:
  - (a) Criminal actions for the violation of state laws which constitute misdemeanors or petty offenses, except those actions involving children over which the juvenile court of the city and county of Denver or the district courts of the state, other than in Denver, have exclusive jurisdiction;
  - (b) The issuance of warrants, the conduct of preliminary examinations, the conduct of dispositional hearings pursuant to section 16-5-301(1), C.R.S., and section 18-1-404(1), C.R.S., the issuance of bindover orders, and the admission to bail in felonies and misdemeanors.
- (2) The provisions of subsection (1)(b) of this section shall not apply to any child under the age of eighteen years alleged to have committed a felony, except a crime of violence punishable by death or life imprisonment where the accused is sixteen years of age or older.

**Cite as C.R.S. § 13-6-106**

**History.** L. 64: p. 411, § 6. C.R.S. 1963: § 37-13-6. L. 67: p. 1051, § 6. L. 79: (1)(a) amended, p. 599, § 15, effective July 1. L. 98: (1)(b) amended, p. 1274, § 4, July 1.

**Case Notes:**

**ANNOTATION**

**Law reviews.** For article, "Commitment of Misdemeanants to the Colorado State Reformatory", see 29 Dicta 294 (1952).

**Annotator's note.** Since § 13-6-106 is similar to repealed § 37-7-1, CRS 53, relevant cases construing that provision have been included in the annotations to this section.

**Under this section, the jurisdiction of county courts in criminal cases is limited to misdemeanors;** hence a conviction of grand larceny in the county court and a sentence to the state penitentiary is void. *Latham v. People*, 136 Colo. 252, 317 P.2d 894 (1957).

The jurisdiction conferred by the general assembly in § 42-4-1504 for misdemeanors involving the operation of motor vehicles did not intend to impliedly repeal this section conferring original jurisdiction upon the county courts in misdemeanor cases. *People v. Griffith*, 130 Colo. 475, 276 P.2d 559 (1954).

**Jurisdiction extends to offenses under § 42-4-1501.** Jurisdiction of the county courts includes those offenses

reclassified as misdemeanor traffic offenses under § 42-4-1501. *Phillips v. County Court*, 42 Colo. App. 187, 591 P.2d 600 (1979).

**Since a person under age 18 can only be charged with an offense in the manner permitted by the Children's Code**, the county court had no jurisdiction to entertain or to dispose of the merits of the proceeding involving an offense alleged against a juvenile and was without authority to go further than merely dismissing the case without prejudice for lack of jurisdiction. *People in Interest of C.O.*, 870 P.2d 1266 (Colo. App. 1994).

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§ 13-6-107. Restraining orders to prevent emotional abuse of the elderly. (Repealed).

## **Colorado Statutes**

### **Title 13. COURTS AND COURT PROCEDURE**

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#### **Article 6. County Courts**

#### **Part 1. ESTABLISHMENT AND JURISDICTION**

*Current through 2019 Legislative Session*

**§ 13-6-107. Restraining orders to prevent emotional abuse of the elderly. (Repealed)**

#### **Cite as C.R.S. § 13-6-107**

**History.** L. 92: Entire section added, p. 290, § 1, effective April 23. L. 94: (5), (9), (10), and (11) amended and (13) added, p. 2005, § 1, effective January 1, 1995. L. 98: (1) and (5) amended, p. 244, § 2, effective April 13. L. 99: Entire section repealed, p. 501, § 6, effective July 1.