

14. Civil Protection Orders [Details]

Law reviews:

For article, "Civil Restraining Orders Pursuant to CRS §§13-14-100.2 et seq.: A Practitioner's Guide", see 43 Colo. Law. 63 (Aug. 2014).

§ 13-14-100.2. Legislative declaration

(1) The general assembly hereby finds that the issuance and enforcement of protection orders are of paramount importance in the state of Colorado because protection orders promote safety, reduce violence and other types of abuse, and prevent serious harm and death. In order to improve the public's access to protection orders and to ensure careful judicial consideration of requests and effective law enforcement, there shall be two processes for obtaining protection orders within the state of Colorado, a simplified civil process and a mandatory criminal process.

(2) The general assembly further finds and declares that domestic abuse is not limited to physical threats of violence and harm but also includes mental and emotional abuse, financial control, document control, property control, and other types of control that make a victim more likely to return to an abuser due to fear of retaliation or inability to meet basic needs. Many victims of domestic abuse are unable to access the resources necessary to seek lasting safety options. Victims need additional provisions in protection orders so that they can meet their immediate needs of food, shelter, transportation, medical care, and childcare for their appearance at protection order hearings. These needs may exist not only in cases that may end in dissolution of marriage but also in other circumstances, including cases in which reconciliation may occur.

(3) Additionally, the general assembly finds and declares that sexual assault affects Coloradans of all ages, backgrounds, and circumstances and is one of the most under-reported of all crimes. Sexual violence may occur in any type of relationship; however, the majority of sexual assault is perpetrated by someone whom the victim knows. Victims of sexual assault who do not report the crime, as well as victims who do report but whose case is not prosecuted, still need and deserve protection from future interactions with the perpetrator, as many victims experience long-lasting physical and emotional trauma from unwanted contact with the perpetrator.

(4) Finally, the general assembly finds and declares that stalking is a dangerous, high-risk crime that frequently escalates over time and that sometimes leads, tragically, to sexual assault or homicide. Countless youth and adults in Colorado have faced the fear, isolation, and danger of being victims of stalking, and many of these incidents go unreported and are not prosecuted. While stalking behaviors may appear innocuous to outside observers, the victims often endure intense physical and emotional distress that affects all aspects of their lives and are more likely than others to express anxiety, depression, and social dysfunction.

**Colo. Rev. Stat. § 13-14-100.2 Legislative declaration
(Colorado Revised Statutes (2021 Edition))**

(Added with relocated provisions by 2013 Ch. 218, §5, eff. 7/1/2013. L. 2013:
Entire section added with relocations, (HB 13-1259), ch. 218, p. 1001, § 5,
effective July 1.)

This section is similar to former §13-14-102(1) as it existed prior to 2013.

§ 13-14-101. Definitions

For purposes of this article 14, unless the context otherwise requires:

(1) "Abuse of the elderly or of an at-risk adult" means mistreatment of a person who is sixty years of age or older or who is an at-risk adult as defined in section 26-3.1-101 (1.5), including but not limited to repeated acts that:

(a) Constitute verbal threats or assaults;

(b) Constitute verbal harassment;

(c) Result in the inappropriate use or the threat of inappropriate use of medications;

(d) Result in the inappropriate use of physical or chemical restraints;

(e) Result in the misuse of power or authority granted to a person through a power of attorney or by a court in a guardianship or conservatorship proceeding that results in unreasonable confinement or restriction of liberty; or

(f) Constitute threats or acts of violence against, or the taking, transferring, concealing, harming, or disposing of, an animal owned, possessed, leased, kept, or held by the elderly or at-risk adult, which threats or acts are intended to coerce, control, punish, intimidate, or exact revenge upon the elderly or at-risk adult.

(1.5) "Adult" means a person eighteen years of age or older.

(1.7) "Contact" or "contacting" means any interaction or communication with another person, directly or indirectly through a third party, and electronic and digital forms of communication, including but not limited to interaction or communication through social media.

(2) "Domestic abuse" means any act, attempted act, or threatened act of violence, stalking, harassment, or coercion that is committed by any person against another person to whom the actor is currently or was formerly related, or with whom the actor is living or has lived in the same domicile, or with whom the actor is involved or has been involved in an intimate relationship. A sexual relationship may be an indicator of an intimate relationship but is never a necessary condition for finding an intimate relationship. For purposes of this subsection (2), "coercion" includes compelling a person by force, threat of force, or intimidation to engage in conduct from which the person has the right or privilege to abstain, or to abstain from conduct in which the person has a right or privilege to engage.

"Domestic abuse" may also include any act, attempted act, or threatened act of violence against:

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

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

(2.2) "Minor child" means a person under eighteen years of age.

(2.3) "Protected person" means the person or persons identified in a protection order as the person or persons for whose benefit the protection order was issued.

(2.4)

(a) "Protection order" means any order that prohibits the restrained person from contacting, harassing, injuring, intimidating, molesting, threatening, touching, stalking, or sexually assaulting or abusing any protected person or from entering or remaining on premises, or from coming within a specified distance of a protected person or premises, or from taking, transferring, concealing, harming, disposing of or threatening harm to an animal owned, possessed, leased, kept, or held by a protected person, or any other provision to protect the protected person from imminent danger to life or health that is issued by a court of this state or a municipal court and that is issued pursuant to:

(I) This article 14, section 18-1-1001, 19-2.5-607, or 19-4-111, or rule 365 of the Colorado rules of county court civil procedure;

(II) Sections 14-4-101 to 14-4-105, C.R.S., section 14-10-107, C.R.S., section 14-10-108, C.R.S., or section 19-3-316, C.R.S., as those sections existed prior to July 1, 2004;

(III) An order issued as part of the proceedings concerning a criminal municipal ordinance violation; or

(IV) Any other order of a court that prohibits a person from contacting, harassing, injuring, intimidating, molesting, threatening, touching, stalking, or sexually assaulting or abusing a person, or from entering or remaining on premises, or from coming within a specified distance of a protected person or premises, or from taking, transferring, concealing, harming, disposing of or threatening to harm an animal owned, possessed, leased, kept, or held by

a person, or from entering or remaining on premises, or from coming within a specified distance of a protected person or premises.

(b) For purposes of this article only, "protection order" includes any order that amends, modifies, supplements, or supersedes the initial protection order. "Protection order" also includes any emergency protection order, as described in section 13-14-103, any restraining order entered prior to July 1, 2003, and any foreign protection order as defined in section 13-14-110.

(2.8) "Restrained person" means a person identified in a protection order as a person prohibited from doing a specified act or acts.

(2.9) "Sexual assault or abuse" means any act, attempted act, or threatened act of unlawful sexual behavior, as described in section 16-11.7-102(3), C.R.S., by any person against another person regardless of the relationship between the actor and the petitioner.

(3) "Stalking" means any act, attempted act, or threatened act of stalking as described in section 18-3-602, C.R.S.

(Amended by 2021 Ch. 136, §13, eff. 10/1/2021. Amended by 2020 Ch. 265, §7, eff. 9/14/2020. Amended by 2013 Ch. 218, §6, eff. 7/1/2013. L. 99: Entire article added, p. 495, § 1, effective July 1. L. 2000: (3) amended, p. 1012, § 3, effective July 1. L. 2003: IP(1) amended and (2.3), (2.4), and (2.8) added, p. 995, § 1, effective July 1. L. 2004: (1.5) and (2.2) added and (2.4) amended, p. 544, § 1, effective July 1. L. 2010: (1)(e), (2), IP(2.4)(a), and (2.4)(a)(IV) amended and (1)(f) added, (SB 10-080), ch. 78, p. 264, §1, effective July 1; (3) amended, (HB 10-1233), ch. 88, p. 295, §3, effective August 11. L. 2013: (1.7) and (2.9) added and (2), IP(2.4)(a), (2.4)(a)(IV), (2.4)(b), and (3) amended, (HB 13-1259), ch. 218, p. 1002, § 6, effective July 1.)

ANNOTATION

Law reviews. For article, "Statutes Consolidate Civil Restraining Orders", see 28 Colo. Law. 39 (Oct. 1999). For article, "Crisis Intervention to Prevent Elder Abuse: Emergency Guardianships and Other Legal Procedures", see 33 Colo. Law. 91 (July 2004). For article, "Practical Solutions to Elder Financial Abuse and Fiduciary Theft", see 41 Colo. Law. 61 (Dec. 2012). For article, "Animal-Related Legal Disputes: Litigation, ADR, and Court Appointments", see 42 Colo. Law. 43 (Dec. 2013).

**Colo. Rev. Stat. § 13-14-102 Civil protection orders -
legislative declaration. (Repealed) (Colorado Revised Statutes
(2021 Edition))**

**§ 13-14-102. Civil protection orders - legislative declaration.
(Repealed)**

(Amended by 2013 Ch. 366, §3, eff. 6/5/2013. Repealed by 2013 Ch. 218, §7, eff. 7/1/2013. L. 99: Entire article added, p. 496, § 1, effective July 1. L. 2000: IP(1), (5), and (6) amended, (2.5) added, and (19) repealed, pp. 1012, 1013, §§ 4, 5, 6, effective July 1; (16) and (17) amended, p. 1538, § 5, effective July 1. L. 2002: (4) amended, p. 323, § 1, effective April 19; (9)(b) amended and (17.5) added, p. 491, § 1, effective July 1; (11) amended and (21) added, p. 1143, § 1, effective July 1. L. 2003: IP(1), (1)(c), (2), (3) to (9), (12), (13), (14), IP(15), (17.5), (18), and (21) amended, p. 996, § 2, effective July 1. L. 2004: (1), (5), (7), (8)(b), (8)(c), (9), (10), IP(15), (15)(e), and (20) amended and (1.5), (3.3), and (3.7) added, p. 545, § 2, effective July 1; (17.5)(b)(II) amended, p. 74, § 1, effective September 1. L. 2007: (1) amended and (15)(g) added, pp. 940, 941, §§ 1, 2, effective July 1. L. 2010: (15)(f.2) and (15)(f.4) added, (SB 10-080), ch. 78, p. 265, §2, effective July 1; (17.5)(e)(III) amended, (HB 10-1422), ch. 419, p. 2068, §22, effective August 11; (21)(a) and (21)(b) amended, (HB 10-1233), ch. 88, p. 296, §4, effective August 11. L. 2013: (22) added, (SB 13-197), ch. 366, p. 2130, § 3, effective June 5; entire section repealed, (HB 13-1259), ch. 218, p. 1004, § 7, effective July 1.)

§ 13-14-103. Emergency protection orders

(1)

(a) Any county or district court shall have the authority to enter an emergency protection order pursuant to the provisions of this subsection (1).

(b) An emergency protection order issued pursuant to this subsection (1) may include:

(I) Restraining a party from contacting, harassing, injuring, intimidating, threatening, molesting, touching, stalking, sexually assaulting or abusing any other party, a minor child of either of the parties, or a minor child who is in danger in the reasonably foreseeable future of being a victim of an unlawful sexual offense or domestic abuse;

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

(III) Awarding temporary care and control of any minor child of a party involved;

(IV) Enjoining an individual from contacting a minor child at school, at work, or wherever he or she may be found;

(V) Restraining a party from molesting, injuring, killing, taking, transferring, encumbering, concealing, disposing of or threatening harm to an animal owned, possessed, leased, kept, or held by any other party, a minor child of either of the parties, or an elderly or at-risk adult; or

(VI) Specifying arrangements for possession and care of an animal owned, possessed, leased, kept, or held by any other party, a minor child of either of the parties, or an elderly or at-risk adult.

(c) In cases involving a minor child, the juvenile court and the district court have the authority to issue emergency protection orders to prevent an unlawful sexual offense, as defined in section 18-3-411(1), or to prevent domestic abuse, as defined in section 13-14-101(2), when requested by the local law enforcement agency, the county department of human or social services, or a responsible person who asserts, in a verified petition supported by affidavit, that there are reasonable grounds to believe that a minor child is in danger in the reasonably foreseeable future of being the victim of an unlawful sexual offense or domestic abuse, based upon an allegation of a recent actual unlawful sexual offense or domestic abuse or threat of the same. Any emergency protection order issued pursuant to this

subsection (1) must be on a standardized form prescribed by the judicial department, and a copy must be provided to the protected person.

(d) The chief judge in each judicial district shall be responsible for making available in each judicial district a judge to issue, by telephone, emergency protection orders at all times when the county and district courts are otherwise closed for judicial business. Such judge may be a district court or county court judge or a special associate, an associate, an assistant county judge, or a magistrate.

(e) When the county, district, and juvenile courts are unavailable from the close of business at the end of the day or week to the resumption of business at the beginning of the day or week and a peace officer asserts reasonable grounds to believe that an adult is in immediate and present danger of domestic abuse, assault, stalking, sexual assault or abuse, or that a minor child is in immediate and present danger of an unlawful sexual offense, as defined in section 18-3-411(1), C.R.S., or of domestic abuse, as defined in section 13-14-101(2), a judge made available pursuant to paragraph (d) of this subsection (1) may issue a written or verbal ex parte emergency protection order. Any written emergency protection order issued pursuant to this subsection (1) shall be on a standardized form prescribed by the judicial department, and a copy shall be provided to the protected person.

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

(2)

(a) A verbal emergency protection order may be issued pursuant to subsection (1) of this section only if the issuing judge finds that an imminent danger in close proximity exists to the life or health of one or more persons or that a danger exists to the life or health of the minor child in the reasonably foreseeable future.

(b) Any verbal emergency protection order shall be reduced to writing and signed by the officer or other person asserting the grounds for the order and shall include a statement of the grounds for the order asserted by the officer or person. The officer or person shall not be subject to civil liability for any statement made or act performed in good faith. The emergency protection order shall be served upon the respondent with a copy given to the protected party and filed with the county or district court as soon as practicable after issuance. Any written emergency protection order issued pursuant to this subsection (2) shall be on a standardized form prescribed by the judicial department, and a copy shall be provided to the protected person.

(3) The court shall electronically transfer into the central registry of protection orders established pursuant to section 18-6-803.7, C.R.S., a copy of any order issued pursuant to this section and shall deliver a copy of such order to the protected party or his or her parent or an individual acting in the place of a parent who is not the respondent.

(4) If any person named in an order issued pursuant to this section has not been served personally with such order but has received actual notice of the existence and substance of such order from any person, any act in violation of such order may be deemed sufficient to subject the person named in such order to any penalty for such violation.

(5) Venue for filing a complaint pursuant to this section is proper in any county where the acts that are the subject of the complaint occur, in any county where one of the parties resides, or in any county where one of the parties is employed. This requirement for venue does not prohibit the change of venue to any other county appropriate under applicable law.

(6) A person failing to comply with any order of the court issued pursuant to this section shall be found in contempt of court and, in addition, may be punished as provided in section 18-6-803.5, C.R.S.

(7) At any time that the law enforcement agency having jurisdiction to enforce the emergency protection order has cause to believe that a violation of the order has occurred, it shall enforce the order. If the order is written and has not been personally served, a member of the law enforcement agency shall serve a copy of said order on the person named respondent

therein. If the order is verbal, a member of the law enforcement agency shall notify the respondent of the existence and substance thereof.

(8) The availability of an emergency protection order shall not be affected by the person seeking protection leaving his or her residence to avoid harm.

(9) The issuance of an emergency protection order shall not be considered evidence of any wrongdoing.

(10) If three emergency protection orders are issued within a one-year period involving the same parties within the same jurisdiction, the court shall summon the parties to appear before the court at a hearing to review the circumstances giving rise to such emergency protection orders.

(11) The duties of peace officers enforcing orders issued pursuant to this section shall be in accordance with section 18-6-803.5, C.R.S., and any rules adopted by the Colorado supreme court pursuant to said section.

(Amended by 2018 Ch. 38, §8, eff. 8/8/2018. Amended by 2013 Ch. 218, §8, eff. 7/1/2013. L. 2004: Entire section added, p. 549, § 3, effective July 1. L. 2010: (1)(b)(III) amended and (1)(b)(V) and (1)(b)(VI) added, (SB 10-080), ch. 78, p. 266, §3, effective July 1. L. 2013: (1)(b)(I), (1)(b)(V), (1)(e), (1)(f), (5), and (8) amended, (HB 13-1259), ch. 218, p. 1004, § 8, effective July 1. L. 2018: (1)(c) amended, (SB 18-092), ch. 38, p. 398, § 8, effective August 8.)

For the legislative declaration in SB 18-092, see section 1 of chapter 38, Session Laws of Colorado 2018.

§ 13-14-104. Foreign protection orders. (Repealed)

(Repealed by 2013 Ch. 218, §9, eff. 7/1/2013. L. 2004: Entire section added, p. 549, § 3, effective July 1. L. 2013: Entire section repealed, (HB 13-1259), ch. 218, p. 1005, § 9, effective July 1.)

§ 13-14-104.5. Procedure for temporary civil protection order

(1)

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

(I) To prevent assaults and threatened bodily harm;

(II) To prevent domestic abuse;

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

(IV) To prevent sexual assault or abuse; and

(V) To prevent stalking.

(b) To be eligible for a protection order, the petitioner does not need 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 the petitioner is participating in the prosecution of a criminal matter.

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

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

(4) A motion for a temporary civil protection order shall be set for hearing at the earliest possible time, which hearing may be ex parte, and shall take precedence over all matters, except those matters of the same character that have been on the court docket for a longer period of time. The court shall hear all such motions as expeditiously as possible.

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

in an action brought under article 10 of title 14, C.R.S. Either party may request the court to issue a protection order consistent with any other provision of this article.

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

(7)

(a) A temporary civil protection order may be issued if the issuing judge or magistrate finds that an imminent danger exists to the person or persons seeking protection under the civil protection order. In determining whether an imminent danger exists to the life or health of one or more persons, the court shall consider all relevant evidence concerning the safety and protection of the persons seeking the protection order. The court shall not deny a petitioner the relief requested because of the length of time between an act of abuse or threat of harm and the filing of the petition for a protection order. The court shall not deny a petitioner the relief requested because a protection order has been issued pursuant to section 18-1-1001 or 18-1-1001.5.

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

(8) Upon the filing of a complaint duly verified, alleging that the respondent has committed acts that would constitute grounds for a civil protection order, any judge or magistrate, after hearing the evidence and being fully satisfied therein that sufficient cause exists, may issue a temporary civil protection order to prevent the actions complained of and a citation directed to the respondent commanding the respondent to appear before the court at a specific time and date and to show cause, if any, why said temporary civil protection order should not be made permanent. In addition, the court may order any other relief that the court deems appropriate. Complaints may be

filed by persons seeking protection for themselves or for others as provided in section 26-3.1-102(1)(b) and (1)(c), C.R.S.

(9) A copy of the complaint, a copy of the temporary civil protection order, and a copy of the citation must be served upon the respondent and upon the person to be protected, if the complaint was filed by another person, in accordance with the rules for service of process as provided in rule 304 of the rules of county court civil procedure or rule 4 of the Colorado rules of civil procedure. The citation must inform the respondent that, if the respondent fails to appear in court in accordance with the terms of the citation, a bench warrant may be issued for the arrest of the respondent, and the temporary protection order previously entered by the court made permanent without further notice or service upon the respondent.

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

(11)

(a) Any person against whom a temporary protection order is issued pursuant to this section, which temporary protection order excludes the person from a shared residence, is permitted to return to the shared residence one time to obtain sufficient undisputed personal effects as are necessary for the person to maintain a normal standard of living during any period prior to a hearing concerning the order. The person against whom a temporary protection order is issued is permitted to return to the shared residence only if the person is accompanied at all times by a peace officer while the person is at or in the shared residence.

(b) When any person is served with a temporary protection order issued against the person excluding the person from a shared residence, the temporary protection order must contain a notification in writing to the person of the person's ability to return to the shared residence pursuant to paragraph (a) of this subsection (11). The written notification shall be in bold print and conspicuously placed in the temporary protection order. A judge, magistrate, or other judicial officer shall not issue a temporary protection order that does not comply with this section.

(c) Any person against whom a temporary protection order is issued pursuant to this section, which temporary protection order excludes the person from a shared residence, may avail himself or herself of the forcible entry and detainer remedies available pursuant to article 40 of this title. However, such person is not entitled to return to the residence until such time as a valid writ of restitution is executed and filed with the court issuing the protection order and, if necessary, the protection order is modified accordingly. A landlord whose lessee has been excluded from a residence pursuant to the terms of a protection order may also avail himself or herself of the remedies available pursuant to article 40 of this title.

(Amended by 2018 Ch. 50, §3, eff. 11/1/2018. Added with relocated provisions by 2013 Ch. 218, §10, eff. 7/1/2013. L. 2013: Entire section added with relocations, (HB 13-1259), ch. 218, p. 1005, § 10, effective July 1. L. 2018: (7)(a) amended, (SB 18-060), ch. 50, p. 489, § 3, effective November 1.)

This section is similar to former §13-14-102 (1.5) to (8) as they existed prior to 2013.

ANNOTATION

Temporary civil protection orders issued under this section are not reviewable under C.R.C.P. 106(a)(4) because they are not final decisions. *Martin v. Arapahoe County Court*, 2016 COA 154, 405 P.3d 356.

§ 13-14-105. Provisions relating to civil protection orders

(1) A municipal court of record that is authorized by its municipal governing body to issue protection or restraining orders and any county court, in connection with issuing a civil protection order, has original concurrent jurisdiction with the district court to include any provisions in the order that the municipal or county court deems necessary for the protection of persons, including but not limited to orders:

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

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

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

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

(e)

(I) Awarding temporary care and control of any minor children of either party involved for a period of not more than one year.

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

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

(IV) Temporary care and control or interim decision-making responsibility must be determined in accordance with the standard contained in section 14-10-124, C.R.S.

- (f) Restraining a party from interfering with a protected person at the person's place of employment or place of education or from engaging in conduct that impairs the protected person's employment, educational relationships, or environment;
 - (g) Restraining a party from molesting, injuring, killing, taking, transferring, encumbering, concealing, disposing of or threatening harm to an animal owned, possessed, leased, kept, or held by any other party or a minor child of any other party;
 - (h) Specifying arrangements for possession and care of an animal owned, possessed, leased, kept, or held by any other party or a minor child of any other party;
 - (i) Granting such other relief as the court deems appropriate;
 - (j)
 - (I) Entering a temporary injunction restraining the respondent from ceasing to make payments for mortgage or rent, insurance, utilities or related services, transportation, medical care, or child care when the respondent has a prior existing duty or legal obligation or from transferring, encumbering, concealing, or in any way disposing of personal effects or real property, except in the usual course of business or for the necessities of life and requiring the restrained party to account to the court for all extraordinary expenditures made after the injunction is in effect.
 - (II) Any injunction issued pursuant to this paragraph (j) is effective upon personal service or upon waiver and acceptance of service by the respondent for a period of time determined appropriate by the court not to exceed one year after the issuance of the permanent civil protection order.
 - (III) The provisions of the injunction must be printed on the summons, and the petition and the injunction become an order of the court upon fulfillment of the requirements of subparagraph (I) of this paragraph (j).
 - (IV) Nothing in this paragraph (j) precludes either party from applying to the district court for further temporary orders, an expanded temporary injunction, or modification or revocation. Any subsequent order issued by the district court as part of a domestic matter involving the parties supersedes an injunction made pursuant to this paragraph (j).
- (2) Any order for temporary care and control issued pursuant to subsection (1) of this section is governed by the "Uniform Child-custody Jurisdiction and Enforcement Act", article 13 of title 14, C.R.S.

**Colo. Rev. Stat. § 13-14-105 Provisions relating to civil
protection orders (Colorado Revised Statutes (2021 Edition))**

(Added with relocated provisions by 2013 Ch. 218, §11, eff. 7/1/2013. L.
2013: Entire section added with relocations, (HB 13-1259), ch. 218, p. 1008,
§ 11, effective July 1.)

This section is similar to former §13-14-102(15) and (16) as they existed
prior to 2013.

§ 13-14-105.5. Civil protection orders - prohibition on possessing or purchasing a firearm

(1) **Order requirements.** If the court subjects a respondent to a civil protection order and the court determines on the record after reviewing the petition for the protection order that the protection order includes an act of domestic violence, as defined in section 18-6-800.3 (1), and the act of domestic violence involved the threat of use, use of, or attempted use of physical force, the court, as part of such order:

(a) Shall order the respondent to:

(I) Refrain from possessing or purchasing any firearm or ammunition for the duration of the order; and

(II) Relinquish, for the duration of the order, any firearm or ammunition in the respondent's immediate possession or control or subject to the respondent's immediate possession or control; and

(b) May require that before the respondent is released from custody on bond, the respondent relinquish, for the duration of the order, any firearm or ammunition in the respondent's immediate possession or control or subject to the respondent's immediate possession or control; and

(c) Shall schedule a compliance hearing pursuant to subsection (5)(a) of this section and notify the respondent of the hearing date and that the respondent shall appear at the hearing in person unless the hearing is vacated pursuant to subsection (5)(a) of this section.

(2) **Time period to relinquish.**

(a) Except as described in subsection (2)(b) of this section, upon issuance of an order pursuant to subsection (1) of this section, the respondent shall relinquish, in accordance with subsection (4) of this section, any firearm or ammunition:

(I) Not more than twenty-four hours, excluding legal holidays and weekends, after being served with the order in open court; or

(II) Not more than forty-eight hours, excluding legal holidays and weekends, after being served with the order outside of the court.

(b) Notwithstanding subsection (2)(a) of this section, a court may allow a respondent up to an additional twenty-four hours to relinquish a firearm if the respondent demonstrates to the satisfaction of the court that the

**Colo. Rev. Stat. § 13-14-105.5 Civil protection orders -
prohibition on possessing or purchasing a firearm (Colorado
Revised Statutes (2021 Edition))**

respondent is unable to comply within the time frame set forth in subsection (2)(a) of this section.

(3) Additional time to comply if respondent in custody. If a respondent is unable to satisfy the provisions of this section because the respondent is incarcerated or otherwise held in the custody of a law enforcement agency, the court shall require the respondent to satisfy the provisions of this section not more than twenty-four hours, excluding legal holidays and weekends, after the respondent's release from incarceration or custody, or be held in contempt of court. Notwithstanding any provision of this subsection (3), the court may, in its discretion, require the respondent to relinquish any firearm or ammunition in the respondent's immediate possession or control or subject to the respondent's immediate possession or control before the end of the respondent's incarceration. In such a case, a respondent's failure to relinquish a firearm or ammunition as required constitutes contempt of court.

(4) [Formerly 13-14-105.5 (2)(c)] Relinquishment options. To satisfy the requirement in subsection (2) of this section, the respondent shall either:

(a) Sell or transfer possession of the firearm or ammunition to a federally licensed firearms dealer described in 18 U.S.C. sec. 923, as amended; except that this provision must not be interpreted to require any federally licensed firearms dealer to purchase or accept possession of any firearm or ammunition; or

(b) Arrange for the storage of the firearm or ammunition by a law enforcement agency or by a storage facility with which the sheriff has contracted for the storage of transferred firearms or ammunition, pursuant to subsection (7)(a) of this section; except that this provision must not be interpreted to require any law enforcement agency to provide storage of firearms or ammunition for any person; or

(c) Sell or otherwise transfer the firearm or ammunition to a private party who may legally possess the firearm or ammunition; except that a respondent who sells or transfers a firearm pursuant to this subsection (4)(c) shall satisfy all of the provisions of section 18-12-112 concerning private firearms transfers, including but not limited to the performance of a criminal background check of the transferee.

(5) Compliance hearing and affidavit.

(a) The court shall conduct a compliance hearing not less than eight but not more than twelve business days after the order is issued to ensure the

**Colo. Rev. Stat. § 13-14-105.5 Civil protection orders -
prohibition on possessing or purchasing a firearm (Colorado
Revised Statutes (2021 Edition))**

respondent has complied with subsection (5)(b) of this section. The court may vacate the hearing if the court determines the respondent has completed the affidavit described in subsection (5)(b) of this section. Failure to appear at a hearing described in this subsection (5)(a) constitutes contempt of court.

(b) The respondent shall complete an affidavit, which must be filed in the court record within seven business days after the order is issued, stating the number of firearms in the respondent's immediate possession or control or subject to the respondent's immediate possession or control, the make and model of each firearm, any reason the respondent is still in immediate possession or control of such firearm, and the location of each firearm. If the respondent does not possess a firearm at the time the order is issued pursuant to subsection (1) of this section, the respondent shall indicate such nonpossession in the affidavit.

(c) If the respondent possessed a firearm at the time of the qualifying incident giving rise to the duty to relinquish the firearm pursuant to this section but transferred or sold the firearm to a private party prior to the court's issuance of the order, the respondent shall disclose the sale or transfer of the firearm to the private party in the affidavit described in subsection (5)(b) of this section. The respondent, within seven business days after the order is issued, shall acquire a written receipt and signed declaration that complies with subsection (8)(a)(I) of this section, and the respondent shall file the signed declaration at the same time the respondent files the affidavit pursuant to subsection (5)(b) of this section.

(d) The state court administrator shall develop the affidavit described in subsection (5)(b) of this section and all other forms necessary to implement this section no later than January 1, 2022. State courts may use the forms developed by the state court administrator pursuant to this subsection (5)(d) or another form of the court's choosing, so long as the forms comply with the requirements of this subsection (5).

(e) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging there is probable cause to believe the respondent has failed to comply with the provisions of this section, the court shall determine whether probable cause exists to believe that the respondent has failed to relinquish all firearms or a concealed carry permit in the respondent's custody, control, or possession. If probable cause exists, the court shall issue a search warrant that states with particularity the places to be searched and the items to be taken into custody.

(6) Relinquishment to a federally licensed firearms dealer. A federally licensed firearms dealer who takes possession of a firearm or

**Colo. Rev. Stat. § 13-14-105.5 Civil protection orders -
prohibition on possessing or purchasing a firearm (Colorado
Revised Statutes (2021 Edition))**

ammunition pursuant to this section shall issue a written receipt and signed declaration to the respondent at the time of relinquishment. The declaration must memorialize the sale or transfer of the firearm. The federally licensed firearms dealer shall not return the firearm or ammunition to the respondent unless the dealer:

(a) Contacts the Colorado bureau of investigation, referred to in this section as "the bureau", to request that a criminal background check of the respondent be performed; and

(b) Obtains approval of the transfer from the bureau after the performance of the criminal background check.

(7) Storage by a law enforcement agency or storage facility.

(a) A local law enforcement agency may elect to store firearms or ammunition for A respondent pursuant to this section. The law enforcement agency may enter into an agreement with any other law enforcement agency or storage facility for the storage of transferred firearms or ammunition. If a law enforcement agency elects to store firearms or ammunition for a respondent:

(I) The law enforcement agency may charge a fee for the storage, the amount of which must not exceed the direct and indirect costs incurred by the law enforcement agency in providing the storage;

(II) The law enforcement agency shall establish policies for disposal of abandoned or stolen firearms or ammunition; and

(III) The law enforcement agency shall issue a written receipt and signed declaration to the respondent at the time of relinquishment. The declaration must memorialize the transfer of the firearm.

(b) If a local law enforcement agency elects to store firearms or ammunition for a respondent pursuant to this subsection (7), the law enforcement agency shall not return the firearm or ammunition to the respondent unless the law enforcement agency:

(I) Contacts the bureau to request that a criminal background check of the respondent be performed; and

(II) Obtains approval of the transfer from the bureau after the performance of the criminal background check.

(c)

**Colo. Rev. Stat. § 13-14-105.5 Civil protection orders -
prohibition on possessing or purchasing a firearm (Colorado
Revised Statutes (2021 Edition))**

(I) A law enforcement agency that elects to store a firearm or ammunition for a respondent pursuant to this section may elect to cease storing the firearm or ammunition. A law enforcement agency that elects to cease storing a firearm or ammunition for a respondent shall notify the respondent of the decision and request that the respondent immediately make arrangements for the transfer of the possession of the firearm or ammunition to the respondent or, if the respondent is prohibited from possessing a firearm, to another person who is legally permitted to possess a firearm.

(II) If a law enforcement agency elects to cease storing a firearm or ammunition for a respondent and notifies the respondent as described in subsection (7)(c)(I) of this section, the law enforcement agency may dispose of the firearm or ammunition if the respondent fails to make arrangements for the transfer of the firearm or ammunition and complete the transfer within ninety days after receiving the notification.

(d) A law enforcement agency that elects to store a firearm or ammunition shall obtain a search warrant to examine or test the firearm or ammunition or facilitate a criminal investigation if a law enforcement agency has probable cause to believe the firearm or ammunition has been used in the commission of a crime, is stolen, or is contraband. This subsection (7)(d) does not preclude a law enforcement agency from conducting a routine inspection of the firearm or ammunition prior to accepting the firearm for storage.

(8) Relinquishment to a private party.

(a) If a respondent sells or otherwise transfers a firearm or ammunition to a private party who may legally possess the firearm or ammunition, as described in subsection (4)(c) of this section, the respondent shall acquire:

(I) From the federally licensed firearms dealer, a written receipt and signed declaration memorializing the transfer, which receipt must be dated and signed by the respondent, the transferee, and the federally licensed firearms dealer; and

(II) From the federally licensed firearms dealer who requests from the bureau a criminal background check of the transferee, as described in section 18-12-112, a written statement of the results of the criminal background check.

(b) The respondent shall not transfer the firearm to a private party living in the same residence as the defendant at the time of the transfer.

**Colo. Rev. Stat. § 13-14-105.5 Civil protection orders -
prohibition on possessing or purchasing a firearm (Colorado
Revised Statutes (2021 Edition))**

(c) Notwithstanding section 18-12-112, if a private party elects to store a firearm for a respondent pursuant to this section, the private party shall not return the firearm to the respondent unless the private party acquires from the federally licensed firearms dealer who requests from the bureau a background check of the respondent, a written statement of the results of the background check authorizing the return of the firearm to the respondent.

(9) Requirement to file signed declaration.

(a) The respondent shall file a copy of the signed declaration issued pursuant to subsection (6), (7)(a)(III), or (8)(a)(I) of this section, and, if applicable, the written statement of the results of a criminal background check performed on the respondent, as described in subsection (8)(a)(II) of this section, with the court as proof of the relinquishment at the same time the respondent files the signed affidavit pursuant to subsection (5)(b) of this section. The signed declaration and written statement filed pursuant to this subsection (9) are only available for inspection by the court and the parties to the proceeding. If a respondent fails to timely transfer or sell a firearm or file the signed declaration or written statement as described in this subsection (9):

(I) The failure constitutes a violation of the protection order pursuant to section 18-6-803.5(1)(c); and

(II) The court shall issue a warrant for the respondent's arrest.

(b) In any subsequent prosecution for a violation of a protection order described in this subsection (9), the court shall take judicial notice of the respondent's failure to transfer or sell a firearm, or file the signed declaration or written statement, which constitutes prima facie evidence of a violation of the protection order pursuant to section 18-6-803.5(1)(c), and testimony of the clerk of the court or the clerk of the court's deputy is not required.

(10) Nothing in this section limits a respondent's right to petition the court for dismissal of a protection order.

(11) A respondent subject to a civil protection order issued pursuant to section 13-14-104.5(1)(a) who possesses or attempts to purchase or receive a firearm or ammunition while the protection order is in effect violates the order pursuant to section 18-6-803.5(1)(c).

(12)

**Colo. Rev. Stat. § 13-14-105.5 Civil protection orders -
prohibition on possessing or purchasing a firearm (Colorado
Revised Statutes (2021 Edition))**

(a) A law enforcement agency that elects in good faith to not store a firearm or ammunition for a respondent pursuant to subsection (7)(a) of this section is not criminally or civilly liable for such inaction.

(b) A law enforcement agency that returns possession of a firearm or ammunition to a respondent in good faith as permitted by subsection (7) of this section is not criminally or civilly liable for such action.

(13) **Immunity.** A federally licensed firearms dealer, law enforcement agency, storage facility, or private party that elects to store a firearm pursuant to this section is not civilly liable for any resulting damages to the firearm, as long as such damage did not result from the willful and wrongful act or gross negligence of the federally licensed firearms dealer, law enforcement agency, storage facility, or private party.

(Amended by 2021 Ch. 293, §1, eff. 6/22/2021. Added by 2013 Ch. 366, §6, eff. 7/1/2013. L. 2013: Entire section added, (SB 13-197), ch. 366, p. 2140, § 6, effective July 1.)

For the legislative declaration in the 2013 act adding this section, see section 1 of chapter 366, Session Laws of Colorado 2013.

§ 13-14-106. Procedure for permanent civil protection orders

(1)

(a) On the return date of the citation, or on the day to which the hearing has been continued, the judge or magistrate shall examine the record and the evidence. If upon such examination the judge or magistrate finds by a preponderance of the evidence that the respondent has committed acts constituting grounds for issuance of a civil protection order and that unless restrained will continue to commit such acts or acts designed to intimidate or retaliate against the protected person, the judge or magistrate shall order the temporary civil protection order to be made permanent or enter a permanent civil protection order with provisions different from the temporary civil protection order. A finding of imminent danger to the protected person is not a necessary prerequisite to the issuance of a permanent civil protection order. The court shall not deny a petitioner the relief requested because a protection order has been issued pursuant to section 18-1-1001 or 18-1-1001.5. The judge or magistrate shall inform the respondent that a violation of the civil protection order constitutes a criminal offense pursuant to section 18-6-803.5 or constitutes contempt of court and subjects the respondent to such punishment as may be provided by law. If the respondent fails to appear before the court for the show cause hearing at the time and on the date identified in the citation issued by the court and the court finds that the respondent was properly served with the temporary protection order and such citation, it is not necessary to re-serve the respondent to make the protection order permanent. However, if the court modifies the protection order on the motion of the protected party, the modified protection order must be served upon the respondent.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (1), the judge or magistrate, after examining the record and the evidence, for good cause shown, may continue the temporary protection order and the show cause hearing to a date certain not to exceed one year after the date of the hearing if he or she determines such continuance would be in the best interests of the parties and if both parties are present at the hearing and agree to the continuance. In addition, each party may request one continuance for a period not to exceed fourteen days, which the judge or magistrate, after examining the record and the evidence, may grant upon a finding of good cause. The judge or magistrate shall inform the respondent that a violation of the temporary civil protection order constitutes a criminal offense pursuant to section 18-6-803.5, C.R.S., or constitutes contempt of court and subjects the respondent to such punishment as may be provided by law.

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

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

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

(L. 2013: Entire section added with relocations, (HB 13-1259), ch. 218, p. 1010, § 12, effective July 1. L. 2018: (1)(a) amended, (SB 18-060), ch. 50, p. 490, § 4, effective November 1.)

This section is similar to former §13-14-102(9), (10), and (18) as they existed prior to 2013.

ANNOTATION

The affirmative defense of consent of the victim is not available to a defendant who is charged pursuant to §18-6-803.5(1)(a) with violating a protection order. A civil protection order is an order of the court and not an order issued by the protected person, and the protected person's consent cannot, as a matter of law, constitute a restrained party's defense to the crime for violation of a protection order. *Hotsenpiller v. Morris*, 2017 COA 95, ___ P.3d ___.

**Colo. Rev. Stat. § 13-14-107 Enforcement of protection order
- duties of peace officer (Colorado Revised Statutes (2021
Edition))**

§ 13-14-107. Enforcement of protection order - duties of peace officer

(1) A person failing to comply with any order of the court issued pursuant to this article is in contempt of court or may be prosecuted for violation of a civil protection order pursuant to section 18-6-803.5, C.R.S.

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

(3) If a respondent has not been personally served with a protection order, a peace officer responding to a call for assistance shall serve a copy of the protection order on the respondent named in the protection order, shall write the time, date, and manner of service on the protected person's copy of the order, and shall sign the statement.

(Added with relocated provisions by 2013 Ch. 218, §13, eff. 7/1/2013. L. 2013: Entire section added with relocations, (HB 13-1259), ch. 218, p. 1011, § 13, effective July 1.)

This section is similar to former §13-14-102(11), (12), and (13) as they existed prior to 2013.

§ 13-14-108. Modification and termination of civil protection orders

(1) Any order granted pursuant to section 13-14-105(1)(c) or (1)(e) must terminate whenever a subsequent order regarding the same subject matter is granted pursuant to the "Uniform Dissolution of Marriage Act", article 10 of title 14, C.R.S., the "Uniform Child-custody Jurisdiction and Enforcement Act", article 13 of title 14, C.R.S., or the "Colorado Children's Code", title 19, C.R.S.

(2)

(a) Nothing in this article precludes the protected party from applying to the court at any time for modification, including but not limited to a modification of the duration of a protection order or dismissal of a temporary or permanent protection order issued pursuant to this section.

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

(3)

(a)

(I) Notwithstanding any provision of subsection (2) of this section to the contrary, after issuance of the permanent protection order, if the restrained party has been convicted of or pled guilty to any misdemeanor or any felony against the protected person, other than the original offense, if any, that formed the basis for the issuance of the protection order, then the protection order remains permanent and must not be modified or dismissed by the court.

(II) Notwithstanding the prohibition in subparagraph (I) of this paragraph (a), a protection order may be modified or dismissed on the motion of the protected person, or the person's attorney, parent or legal guardian if a minor, or conservator or legal guardian if one has been appointed; except that this paragraph (a) does not apply if the parent, legal guardian, or conservator is the restrained person.

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

(4) Except as otherwise provided in this article, the issuing court retains jurisdiction to enforce, modify, or dismiss a temporary or permanent protection order.

(5) The court shall hear any motion filed pursuant to subsection (2) of this section. The party moving for a modification or dismissal of a temporary or permanent protection order pursuant to subsection (2) of this section shall affect personal service on the other party with a copy of the motion and notice of the hearing on the motion, as provided by rule 4 (e) of the Colorado rules of civil procedure. The moving party shall bear the burden of proof to show, by a preponderance of the evidence, that the modification is appropriate or that a dismissal is appropriate because the protection order is no longer necessary. If the protected party has requested that his or her address be kept confidential, the court shall not disclose such information to the restrained party or any other person, except as otherwise authorized by law.

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

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

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

(c) Whether the restrained party has been ordered to participate in and has completed a domestic violence offender treatment program provided by an entity approved pursuant to section 16-11.8-103, C.R.S., or has been ordered to participate in and has either successfully completed a sex offender

treatment program provided by an entity approved pursuant to section 16-11.7-103, C.R.S., or has made significant progress in a sex offender treatment program as reported by the sex offender treatment provider;

(d) Whether the restrained party has voluntarily participated in any domestic violence offender treatment program provided by an entity approved pursuant to section 16-11.8-103, C.R.S., or any sex offender treatment program provided by an entity approved pursuant to section 16-11.7-103, C.R.S.;

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

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

(g) Whether, since the issuance of the protection order, the restrained person has been convicted of or pled guilty to any misdemeanor or any felony against the protected person, other than the original offense, if any, that formed the basis for the issuance of the protection order;

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

(i) The circumstances of the parties, including the relative proximity of the parties' residences and schools or work places and whether the parties have minor children together; and

(j) Whether the continued safety of the protected person depends upon the protection order remaining in place because the order has been successful in preventing further harm to the protected person.

(Added with relocated provisions by 2013 Ch. 218, §14, eff. 7/1/2013. L. 2013: Entire section added with relocations, (HB 13-1259), ch. 218, p. 1011, § 14, effective July 1.)

This section is similar to former §13-14-102(17) and (17.5) as they existed prior to 2013.

§ 13-14-109. Fees and costs

(1) The court may assess a filing fee against a petitioner seeking relief under this article; except that the court may not assess a filing fee against a petitioner if the court determines the petitioner is seeking the protection order as a victim of domestic abuse, domestic violence as defined in section 18-6-800.3(1), C.R.S., stalking, or sexual assault or abuse. The court shall provide the necessary number of certified copies at no cost to petitioners.

(2) A state or public agency may not assess fees for service of process against a petitioner seeking relief under this article as a victim of conduct consistent with the following: Domestic abuse, domestic violence as defined in section 18-6-800.3(1), C.R.S., stalking, or sexual assault or abuse.

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

(Added with relocated provisions by 2013 Ch. 218, §15, eff. 7/1/2013. L. 2013: Entire section added with relocations, (HB 13-1259), ch. 218, p. 1014, § 15, effective July 1.)

This section is similar to former §13-14-102(21) as it existed prior to 2013.

§ 13-14-110. Foreign protection orders

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

(2) **Full faith and credit.** Courts of this state shall accord full faith and credit to a foreign protection order as if the order were an order of this state, notwithstanding section 14-11-101, C.R.S., and article 53 of this title, if the order meets all of the following conditions:

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

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

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

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

(4) **Enforcement.** Filing of the foreign protection order in the central registry or otherwise domesticating or registering the order pursuant to article 53 of this title or section 14-11-101, C.R.S., is not a prerequisite to enforcement of the foreign protection order. A peace officer shall presume the validity of, and enforce in accordance with the provisions of this article, a foreign protection order that appears to be an authentic court order that has been provided to the peace officer by any source. If the protected party does

not have a copy of the foreign protection order on his or her person and the peace officer determines that a protection order exists through the central registry, the national crime information center as described in 28 U.S.C. sec. 534, or through communication with appropriate authorities, the peace officer shall enforce the order. A peace officer may rely upon the statement of any person protected by a foreign protection order that it remains in effect. A peace officer who is acting in good faith when enforcing a foreign protection order is not civilly liable or criminally liable pursuant to section 18-6-803.5(5), C.R.S.

(Added with relocated provisions by 2013 Ch. 218, §16, eff. 7/1/2013. L. 2013: Entire section added with relocations, (HB 13-1259), ch. 218, p. 1015, § 16, effective July 1.)

This section is similar to former §13-14-104 as it existed prior to 2013.