

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

UNREVISED
DRAFT
2.28.13

DRAFT

LLS NO. 13-0227.01 Brita Darling x2241

HOUSE BILL

HOUSE SPONSORSHIP

McCann,

SENATE SPONSORSHIP

Newell,

We request that there be no
changes to the current statutory language
except as indicated for any 14-10-123.4 et seq.

SHORT TITLE: "Civil Actions Protection Orders & Domestic Orders"

DEADLINES: File by: 3/1/2013

A BILL FOR AN ACT

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

Bill Summary

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

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

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

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

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

- Includes additional rights of children with respect to the determination of parenting time in section 14-10-123.4, C.R.S.;
- In the determination of the best interests of a child with respect to the allocation of parental rights and responsibilities pursuant to section 14-10-124, C.R.S.:
 - Requires a court to follow certain procedures in actions where a claim of child abuse or neglect has been made to the court or when the court has reason to believe that a party has committed child abuse or neglect or domestic violence;
 - In contested hearings on final orders, requires the court to make findings on the record concerning the factors the court considered and the reasons for the allocation of rights and responsibilities;
 - States that it shall not be in the best interests of the child to allocate mutual decision-making, over objections, if the court finds that one of the parties has committed domestic violence;
 - Requires the court to consider the current statutory factors concerning the best interests of the child in light of any finding of child abuse or neglect or domestic violence;
 - Includes certain factors that the court may consider when formulating or approving a parenting plan in cases where one of the parties has committed child abuse or neglect or domestic violence;
 - Permits the court to order a domestic violence evaluation and subsequent evaluations and to require a party to participate in domestic violence treatment; and
 - Includes general procedures that may be included in parenting plans.
- Provides that a court is not required to order a parenting time evaluation pursuant to section 14-10-127, C.R.S., and includes a list of factors that the court shall consider in determining whether to order an evaluation.
- In section 14-10-129, C.R.S., expands language relating to

domestic violence and increases from 7 days to 14 days the time within which the court must hear and rule on an emergency motion to restrict parenting time.

SECTION 5 through SECTION 15 of the bill amends, repeals, and relocates the provisions of part 1 of article 14 of title 13 relating to civil protection orders, as follows:

- Moves the legislative declaration currently contained in section 13-14-102 (1), C.R.S., to a new section and adds additional language to the legislative declaration;
- Amends section 13-14-101, C.R.S., containing definitions for article 14 to include a new definition for "contact" and "sexual assault or abuse", and amends existing definitions for "domestic abuse", "protection order", and "stalking";
- Repeals section 14-13-102, C.R.S. and relocates provisions of that section, with amendments, to other sections in article 14.
- Adds additional behaviors to the list of behaviors for which a court may enter an emergency protection order;
- Strikes language in section 13-14-104, C.R.S., relating to foreign protection orders and relocates those provisions, with amendments, to the new section 13-14-110, C.R.S.;
- Creates an amended section 13-14-104, C.R.S., that includes provisions relating to temporary civil protection orders that are relocated from 13-14-102, with amendments, that:
 - Adds to the list of behaviors for which a temporary civil protection orders may be entered;
 - Clarifies that a petitioner is not required to show that: he or she has reported the act that is the subject of the complaint to law enforcement; that charges have been filed, or that he or she is participating in the prosecution of the criminal matter; and
 - An order awarding temporary care and control of the child may be extended for not more than one year.
- Creates a new section 13-14-105, C.R.S., that contains provisions that are relocated from section 13-14-102, C.R.S., with amendments, and adding additional provisions that a court may include as part of a civil protection order.
- Creates a new section 13-14-106, C.R.S., that contains provisions that are relocated from section 13-14-102, C.R.S., with amendments, relating to procedures for permanent civil protection orders, and clarifies that the court need not find that the petitioner is in imminent danger in order to grant a permanent civil protection order.

Further, the court may continue a temporary civil protection order and the show cause hearing for one year for good cause;

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

SECTION 16 through SECTION 21 of the bill contains conforming amendments.

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

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

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

8 (a) The right to have such determinations based upon the best

1 interests of the child;

2 ~~(b) THE RIGHT TO BE EMOTIONALLY, MENTALLY, AND PHYSICALLY~~

3 ~~SAFE WHEN IN THE CARE OF EITHER PARENT; AND~~

4 ~~(c) THE RIGHT TO RESIDE IN AND VISIT IN HOMES THAT ARE FREE OF~~

5 ~~DOMESTIC VIOLENCE AND CHILD ABUSE OR NEGLECT.~~

6 SECTION 2. In Colorado Revised Statutes, 14-10-124, amend

7 (1), (1.5) introductory portion, (1.5) (a) introductory portion, (1.5) (a)

8 (VI), (1.5) (b) introductory portion, (4), and (7); and repeal (1.5) (a) (IX),

9 (1.5) (a) (X), (1.5) (b) (IV), and (1.5) (b) (V); and add (1.7) as follows:

10 14-10-124. Best interests of child. (1) Legislative declaration.

11 WHILE ~~CO-PARENTING IS~~ NOT APPROPRIATE IN ALL CIRCUMSTANCES

12 FOLLOWING DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION, the

13 general assembly finds and declares that, IN MOST CIRCUMSTANCES, it is

14 in the best interest of all parties to encourage frequent and continuing

15 contact between each parent and the minor children of the marriage after

16 the parents have separated or dissolved their marriage. In order to

17 effectuate this goal WHEN APPROPRIATE, the general assembly urges

18 parents to share the rights and responsibilities of child-rearing and to

19 encourage the love, affection, and contact between the children and the

20 parents.

21 (1.5) Allocation of parental responsibilities. The court shall

22 determine the allocation of parental responsibilities, including parenting

23 time and decision-making responsibilities, in accordance with the best

24 interests of the child giving paramount consideration to the CHILD'S

25 ~~SAFETY AND THE~~ physical, mental, and emotional conditions and needs of

26 the child as follows:

27 (a) Determination of parenting time. The court, upon the

Bad neighborhood?

Too limiting? Why not of substance abuse? parental alienate?

Better word? out altogether?

Great ✓

okay ✓

okay ✓

safe neighborhood?

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

10 THIS SECTION. In determining the best interests of the child for purposes
11 of parenting time, the court shall consider all relevant factors, including:

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

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

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

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

*Balancing
of all relevant
factors - what
about claim
of substance
abuse?
Why this more
important?*

*Balance -
what about
substance
abuse,
parental
attachment*

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

Agency

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

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

leave in for as is, please

1 ~~decisions about their children without physical confrontation and in a~~
2 ~~place and manner that is not a danger to the abused party or the child.~~

3 (1.7) PURSUANT TO SECTION 14-10-123.4, CHILDREN HAVE THE
4 RIGHT TO HAVE THE DETERMINATION OF MATTERS RELATING TO PARENTAL
5 RESPONSIBILITIES BASED UPON THE BEST INTERESTS OF THE CHILD. IN
6 CONTESTED HEARINGS ON FINAL ORDERS REGARDING THE ALLOCATION OF
7 PARENTAL RESPONSIBILITIES, THE COURT SHALL MAKE FINDINGS ON THE
8 RECORD CONCERNING THE FACTORS THE COURT CONSIDERED AND THE
9 REASONS WHY THE ALLOCATION OF PARENTAL RESPONSIBILITIES IS IN THE
10 BEST INTERESTS OF THE CHILD.

okay!

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

What Standard

Please leave per current 1470724

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

1 (II) WHETHER ONE OF THE PARTIES HAS COMMITTED AN ACT OF
2 DOMESTIC VIOLENCE, HAS ENGAGED IN A PATTERN OF DOMESTIC
3 VIOLENCE, OR HAS A HISTORY OF DOMESTIC VIOLENCE, WHICH FACTOR
4 SHALL BE SUPPORTED BY A PREPONDERANCE OF THE EVIDENCE. IF THE
5 COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT ONE OF THE
6 PARTIES HAS COMMITTED DOMESTIC VIOLENCE:

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

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

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

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

25 (d) WHEN THE COURT FINDS BY A PREPONDERANCE OF THE
26 EVIDENCE THAT ONE OF THE PARTIES HAS COMMITTED CHILD ABUSE OR
27 NEGLECT OR DOMESTIC VIOLENCE, THE COURT SHALL CONSIDER, AS THE

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is*

*okay -
but PC's
don't accounts
this*

*Can't be
focus only
for other kid
needs*

*leave as
is*

1 PRIMARY CONCERN, THE SAFETY AND WELL-BEING OF THE CHILD AND THE
2 ABUSED PARTY

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

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

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

17 (III) AN ORDER FOR SUPERVISED PARENTING TIME;

18 (IV) AN ORDER RESTRICTING OVERNIGHT PARENTING TIME;

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

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

26 (VII) AN ORDER THAT IMPOSES ANY OTHER CONDITION ON ONE OR
27 MORE PARTIES THAT THE COURT DETERMINES IS NECESSARY TO PROTECT

*too limiting -
What about
kids of
substance
abuse parents?
social media
parents?*

*Already an
option in
all cases -
Please do
not take
away from
other child*

1 THE CHILD, ANOTHER PARTY, OR ANY OTHER FAMILY OR HOUSEHOLD
2 MEMBER OF A PARTY.

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

18 (7) In order to implement an order allocating parental
19 responsibilities, both parties may submit a parenting plan or plans for the
20 court's approval that shall address both parenting time and the allocation
21 of decision-making responsibilities. If no parenting plan is submitted or
22 if the court does not approve a submitted parenting plan, the court, on its
23 own motion, shall formulate a parenting plan that shall address parenting
24 time and the allocation of decision-making responsibilities. WHEN ISSUES
25 RELATING TO PARENTING TIME ARE CONTESTED, AND IN OTHER CASES
26 WHERE APPROPRIATE, THE PARENTING PLAN SHALL BE AS SPECIFIC AS
27 POSSIBLE TO CLEARLY ADDRESS THE NEEDS OF THE FAMILY AS WELL AS

okay, but can do this already

okay - but courts do this already.

1 THE CURRENT AND FUTURE NEEDS OF THE AGING CHILD. IN GENERAL, THE
2 PARENTING PLAN MAY INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING
3 PROVISIONS:

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

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

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

10 (d) A PROCEDURE FOR COMMUNICATING WITH EACH OTHER ABOUT
11 THE CHILD, INCLUDING METHODS FOR COMMUNICATING AND FREQUENCY
12 OF COMMUNICATION;

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

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

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

20 **14-10-127. Evaluation and reports - disclosure.** (1) (a) (I) In all
21 proceedings concerning the allocation of parental responsibilities with
22 respect to a child, the court ~~shall~~ ^{may} ~~MAY~~, upon motion of either party or
23 upon its own motion, order the court probation department, any county or
24 district social services department, or a licensed mental health
25 professional qualified pursuant to subsection (4) of this section to perform
26 an evaluation and file a written report concerning the disputed issues
27 relating to the allocation of parental responsibilities for the child, unless

Who isn't doing this already?

Please no changes to 14-10-127. We need it as is to protect our children who are victims of

domestic violence

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

14 (I.3) ~~IN DETERMINING WHETHER TO ORDER AN EVALUATION~~
15 ~~PURSUANT TO THIS SECTION, IN ADDITION TO ANY OTHER CONSIDERATIONS~~
16 ~~THE COURT DEEMS RELEVANT, THE COURT SHALL CONSIDER:~~

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

22 (B) ~~WHETHER AN EVALUATION PURSUANT TO THIS SECTION IS~~
23 ~~NECESSARY TO ASSIST THE COURT IN DETERMINING THE BEST INTERESTS~~
24 ~~OF THE CHILD; AND~~

25 (C) ~~WHETHER INVOLVING THE CHILD IN AN EVALUATION~~
26 ~~PURSUANT TO THIS SECTION IS IN THE BEST INTERESTS OF THE CHILD.~~

27 **SECTION 4.** In Colorado Revised Statutes, 14-10-129, **amend**

CFI much worse in DV case
A must when DV involved

1 (2) (c) introductory portion and (4) as follows:

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

12 (c) The party with whom the child resides a majority of the time
13 is intending to relocate with the child to a residence that substantially
14 changes the geographical ties between the child and the other party. A
15 court hearing on any modification of parenting time due to an intent to
16 relocate shall be given a priority on the court's docket. In determining
17 whether the modification of parenting time is in the best interests of the
18 child, the court shall take into account all relevant factors, including
19 whether a party has been a perpetrator ⁱⁿ ~~COMMITTED AN ACT~~ of domestic
20 violence, ~~HAS ENGAGED IN A PATTERN OF DOMESTIC VIOLENCE, OR HAS A~~
21 HISTORY OF DOMESTIC VIOLENCE, as that term is defined in section
22 14-10-124 (1.3), which factor shall be supported by a preponderance of
23 the evidence, ~~whether~~ AND SHALL CONSIDER such domestic violence
24 WHETHER IT occurred before or after the prior decree, and all other factors
25 enumerated in section 14-10-124 (1.5) (a) and:

26 (4) A motion to restrict parenting time or parental contact with a
27 parent which alleges that the child is in imminent physical or emotional

*Close
2/28/13*

*One act?
Even if
by victim
of DV?*

*Please no
If false report
by paper trail
that's 14
Children
don't see
parent*

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

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

11 **13-14-100.2. [Similar to 13-14-102 (1).] Legislative declaration.**

12 (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT THE ISSUANCE AND
13 ENFORCEMENT OF PROTECTION ORDERS ARE OF PARAMOUNT IMPORTANCE
14 IN THE STATE OF COLORADO BECAUSE PROTECTION ORDERS PROMOTE
15 SAFETY, REDUCE VIOLENCE AND OTHER TYPES OF ABUSE, AND PREVENT
16 SERIOUS HARM AND DEATH. IN ORDER TO IMPROVE THE PUBLIC'S ACCESS
17 TO PROTECTION ORDERS AND TO ENSURE CAREFUL JUDICIAL
18 CONSIDERATION OF REQUESTS AND EFFECTIVE LAW ENFORCEMENT, THERE
19 SHALL BE TWO PROCESSES FOR OBTAINING PROTECTION ORDERS WITHIN
20 THE STATE OF COLORADO, A SIMPLIFIED CIVIL PROCESS AND A
21 MANDATORY CRIMINAL PROCESS.

22 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
23 DOMESTIC ABUSE IS NOT LIMITED TO PHYSICAL THREATS OF VIOLENCE AND
24 HARM ~~BUT ALSO INCLUDES FINANCIAL CONTROL, DOCUMENT CONTROL,~~
25 ~~PROPERTY CONTROL, AND OTHER TYPES OF CONTROL THAT MAKE A VICTIM~~
26 ~~MORE LIKELY TO RETURN TO AN ABUSER DUE TO FEAR OF RETALIATION OR~~
27 ~~INABILITY TO MEET BASIC NEEDS. MANY VICTIMS OF DOMESTIC ABUSE ARE~~

*Simply
See notes
↓*

*Can?
Just a huge
man of worms.
Downward
protect courts
= Abuse?*

*Agree, but
this is way
to broad
If she
has a job,
but he doesn't,
is that abuse?
Control?*

1 UNABLE TO ACCESS THE RESOURCES NECESSARY TO SEEK LASTING SAFETY
2 OPTIONS. VICTIMS NEED ADDITIONAL PROVISIONS IN PROTECTION ORDERS
3 SO THAT THEY CAN MEET THEIR IMMEDIATE NEEDS OF FOOD, SHELTER,
4 TRANSPORTATION, MEDICAL CARE, AND CHILDCARE FOR THEIR
5 APPEARANCE AT PROTECTION ORDER HEARINGS. THESE NEEDS MAY EXIST
6 NOT ONLY IN CASES THAT MAY END IN DISSOLUTION OF MARRIAGE BUT
7 ALSO IN OTHER CIRCUMSTANCES, INCLUDING CASES IN WHICH
8 RECONCILIATION MAY OCCUR.

9 (3) ADDITIONALLY, THE GENERAL ASSEMBLY FINDS AND DECLARES
10 THAT SEXUAL ASSAULT AFFECTS COLORADANS OF ALL AGES,
11 BACKGROUNDS, AND CIRCUMSTANCES AND IS ONE OF THE MOST
12 UNDER-REPORTED OF ALL CRIMES. ~~SEXUAL VIOLENCE MAY OCCUR IN ANY~~
13 ~~TYPE OF RELATIONSHIP; HOWEVER, THE MAJORITY OF SEXUAL ASSAULT IS~~
14 ~~PERPETRATED BY SOMEONE WHOM THE VICTIM KNOWS. VICTIMS OF~~
15 ~~SEXUAL ASSAULT WHO DO NOT REPORT THE CRIME, AS WELL AS VICTIMS~~
16 WHO DO REPORT BUT WHOSE CASE IS NOT PROSECUTED, STILL NEED AND
17 DESERVE PROTECTION FROM FUTURE INTERACTIONS WITH THE
18 PERPETRATOR, AS MANY VICTIMS EXPERIENCE LONG-LASTING PHYSICAL
19 AND EMOTIONAL TRAUMA FROM UNWANTED CONTACT WITH THE
20 PERPETRATOR.

*Is this
for a
law to
state?*

21 (4) FINALLY, THE GENERAL ASSEMBLY FINDS AND DECLARES THAT
22 STALKING IS A DANGEROUS, HIGH-RISK CRIME THAT FREQUENTLY
23 ESCALATES OVER TIME AND THAT SOMETIMES LEADS, TRAGICALLY, TO
24 SEXUAL ASSAULT OR HOMICIDE. ~~COUNTLESS~~ YOUTH AND ADULTS IN
25 COLORADO HAVE FACED THE FEAR, ISOLATION, AND DANGER OF BEING
26 VICTIMS OF STALKING, AND MANY OF THESE INCIDENTS GO UNREPORTED
27 AND ARE NOT PROSECUTED. WHILE STALKING BEHAVIORS MAY APPEAR

*Is this
for a
law to
state?*

1 INNOCUOUS TO OUTSIDE OBSERVERS, THE VICTIMS OFTEN ENDURE INTENSE
2 PHYSICAL AND EMOTIONAL DISTRESS THAT AFFECTS ALL ASPECTS OF THEIR
3 LIVES AND ARE MORE LIKELY THAN OTHERS TO EXPRESS ANXIETY,
4 DEPRESSION, AND SOCIAL DYSFUNCTION.

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

8 **13-14-101. Definitions.** For purposes of this article, unless the
9 context otherwise requires:

10 (1.7) "CONTACT" MEANS ANY INTERACTION OR COMMUNICATION
11 WITH ANOTHER PERSON, DIRECTLY OR INDIRECTLY THROUGH A THIRD
12 PARTY, AND ELECTRONIC AND DIGITAL FORMS OF COMMUNICATION,
13 INCLUDING BUT NOT LIMITED TO INTERACTION OR COMMUNICATION
14 THROUGH SOCIAL MEDIA.

*Need to allow through text
Call and hang up?
May too broad!*

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

*too broad
define?*

What is this?

1 act, ATTEMPTED ACT, or threatened act of violence against:

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

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

8 (2.4) (a) "Protection order" means any order that prohibits the
9 restrained person from contacting, harassing, injuring, intimidating,
10 molesting, threatening, or touching, STALKING, OR SEXUALLY ASSAULTING
11 OR ABUSING any protected person OR FROM ENTERING OR REMAINING ON
12 PREMISES, OR FROM COMING WITHIN A SPECIFIED DISTANCE OF A
13 PROTECTED PERSON OR PREMISES, or from ~~threatening~~; taking,
14 transferring, concealing, harming, or disposing of OR THREATENING HARM
15 TO an animal owned, possessed, leased, kept, or held by a protected
16 person, or from entering or remaining on premises, or from coming within
17 a specified distance of a protected person or premises or any other
18 provision to protect the protected person from imminent danger to life or
19 health that is issued by a court of this state or a municipal court and that
20 is issued pursuant to:

21 (IV) Any other order of a court that prohibits a person from
22 contacting, harassing, injuring, intimidating, molesting, threatening, or
23 touching, STALKING, OR SEXUALLY ASSAULTING OR ABUSING a person, OR
24 FROM ENTERING OR REMAINING ON PREMISES, OR FROM COMING WITHIN A
25 SPECIFIED DISTANCE OF A PROTECTED PERSON OR PREMISES, or from
26 ~~threatening~~; taking, transferring, concealing, harming, or disposing of OR
27 THREATENING TO HARM an animal owned, possessed, leased, kept, or held

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

3 (b) For purposes of this article only, "protection order" includes
4 any order that amends, modifies, supplements, or supersedes the initial
5 protection order. "Protection order" also includes any EMERGENCY
6 PROTECTION ORDER, AS DESCRIBED IN SECTION 13-14-103, ANY restraining
7 order entered prior to July 1, 2003, and any foreign protection order as
8 defined in section 13-14-104.

9 (2.9) "SEXUAL ASSAULT OR ABUSE" MEANS ANY ACT, ATTEMPTED
10 ACT, OR THREATENED ACT OF UNLAWFUL SEXUAL BEHAVIOR, AS
11 DESCRIBED IN SECTION 16-11.7-102 (3), C.R.S., BY ANY PERSON AGAINST
12 ANOTHER PERSON REGARDLESS OF THE RELATIONSHIP BETWEEN THE
13 ACTOR AND THE PETITIONER.

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

*What is
this?
Define?
Delete?*

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

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

19 **13-14-103. Emergency protection orders.** (1) (b) An emergency
20 protection order issued pursuant to this subsection (1) may include:

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

27 (V) Restraining a party from ~~threatening~~, molesting, injuring,

OK
1

1 killing, taking, transferring, encumbering, concealing, or disposing of OR
2 THREATENING HARM TO an animal owned, possessed, leased, kept, or held
3 by any other party, a minor child of either of the parties, or an elderly or
4 at-risk adult; or

5 (e) When the county, district, and juvenile courts are unavailable
6 from the close of business at the end of the day or week to the resumption
7 of business at the beginning of the day or week and a peace officer asserts
8 reasonable grounds to believe that an adult is in immediate and present
9 danger of domestic abuse, ~~based upon an allegation of a recent incident~~
10 ~~of actual domestic abuse or threat of domestic abuse~~ ASSAULT, STALKING,
11 SEXUAL ASSAULT OR ABUSE, or that a minor child is in immediate and
12 present danger of an unlawful sexual offense, as defined in section
13 18-3-411 (1), C.R.S., or of domestic abuse, as defined in section
14 13-14-101 (2), a judge made available pursuant to paragraph (d) of this
15 subsection (1) may issue a written or verbal ex parte emergency
16 protection order. Any written emergency protection order issued pursuant
17 to this subsection (1) shall be on a standardized form prescribed by the
18 judicial department and a copy shall be provided to the protected person.

19 (f) An emergency protection order issued pursuant to this
20 subsection (1) shall expire not later than the close of judicial business on
21 the next day of judicial business following the day of issue, unless
22 otherwise continued by the court. The court may continue an emergency
23 protection order filed to prevent domestic abuse pursuant to this
24 subsection (1) only if the judge is unable to set a hearing on plaintiff's
25 request for a temporary protection order on the day the complaint was
26 filed pursuant to section ~~13-14-102~~ 13-14-104; except that this limitation
27 on a court's power to continue an emergency protection order shall not

1 apply to an emergency protection order filed to protect a minor child from
2 an unlawful sexual offense or domestic abuse. For any emergency
3 protection order continued pursuant to the provisions of this paragraph
4 (f), following two days' notice to the party who obtained the emergency
5 protection order or on such shorter notice to said party as the court may
6 prescribe, the adverse party may appear and move its dissolution or
7 modification. The motion to dissolve or modify the emergency protection
8 order shall be set down for hearing at the earliest possible time and shall
9 take precedence over all matters except older matters of the same
10 character, and the court shall determine such motions as expeditiously as
11 the ends of justice require.

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

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

too broad

21 **SECTION 9.** In Colorado Revised Statutes, **amend with**
22 **relocated provisions**, 13-14-104 as follows:

23 **13-14-104. [Similar to 13-14-102 (1.5) to (8).] Procedure for**
24 **temporary civil protection order. (1) Definitions.** ~~As used in this~~
25 ~~section, "foreign protection order" means any protection or restraining~~
26 ~~order, injunction, or other order issued for the purpose of preventing~~
27 ~~violent or threatening acts or harassment against, or contact or~~

1 ~~communication with or physical proximity to, another person, including~~
2 ~~temporary or final orders, other than child support or custody orders,~~
3 ~~issued by a civil or criminal court of another state, an Indian tribe, or a~~
4 ~~U.S. territory or commonwealth.~~

5 ~~(2) Full faith and credit.~~ A foreign protection order shall be
6 accorded full faith and credit by the courts of this state as if the order
7 were an order of this state, notwithstanding section 14-11-101, C.R.S.,
8 and article 53 of this title, if the order meets all of the following
9 conditions:

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

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

19 (c) The order complies with section 13-14-102 (18).

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

1 responsibility of the protected person to notify the court if the protection
2 order is subsequently modified.

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

19 (1)(a) ANY MUNICIPAL COURT OF RECORD, IF AUTHORIZED BY THE
20 MUNICIPAL GOVERNING BODY; ANY COUNTY COURT; AND ANY DISTRICT,
21 PROBATE, OR JUVENILE COURT SHALL HAVE ORIGINAL CONCURRENT
22 JURISDICTION TO ISSUE A TEMPORARY OR PERMANENT CIVIL PROTECTION
23 ORDER AGAINST AN ADULT OR AGAINST A JUVENILE WHO IS TEN YEARS OF
24 AGE OR OLDER FOR ANY OF THE FOLLOWING PURPOSES:

- 25 (I) TO PREVENT ASSAULTS AND THREATENED BODILY HARM;
26 (II) TO PREVENT DOMESTIC ABUSE;
27 (III) TO PREVENT EMOTIONAL ABUSE OF THE ELDERLY OR OF AN

define?

1 AT-RISK ADULT;

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

3 (V) TO PREVENT STALKING.

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

9 (2) ANY CIVIL PROTECTION ORDER ISSUED PURSUANT TO THIS
10 SECTION SHALL BE ISSUED USING THE STANDARDIZED SET OF FORMS
11 DEVELOPED BY THE STATE COURT ADMINISTRATOR PURSUANT TO SECTION
12 13-1-136.

13 (3) VENUE FOR FILING A MOTION OR COMPLAINT PURSUANT TO THIS
14 SECTION IS PROPER IN ANY COUNTY WHERE THE ACTS THAT ARE THE
15 SUBJECT OF THE MOTION OR COMPLAINT OCCUR, IN ANY COUNTY WHERE
16 ONE OF THE PARTIES RESIDES, OR IN ANY COUNTY WHERE ONE OF THE
17 PARTIES IS EMPLOYED. THIS REQUIREMENT FOR VENUE DOES NOT PROHIBIT
18 THE CHANGE OF VENUE TO ANY OTHER COUNTY APPROPRIATE UNDER
19 APPLICABLE LAW.

20 (4) A MOTION FOR A TEMPORARY CIVIL PROTECTION ORDER SHALL
21 BE SET FOR HEARING AT THE EARLIEST POSSIBLE TIME, WHICH HEARING
22 MAY BE EX PARTE, AND SHALL TAKE PRECEDENCE OVER ALL MATTERS,
23 EXCEPT THOSE MATTERS OF THE SAME CHARACTER THAT HAVE BEEN ON
24 THE COURT DOCKET FOR A LONGER PERIOD OF TIME. THE COURT SHALL
25 HEAR ALL SUCH MOTIONS AS EXPEDITIOUSLY AS POSSIBLE.

26 (5) ANY DISTRICT COURT, IN AN ACTION COMMENCED UNDER THE
27 "UNIFORM DISSOLUTION OF MARRIAGE ACT", ARTICLE 10 OF TITLE 14,

1 C.R.S., SHALL HAVE AUTHORITY TO ISSUE TEMPORARY AND PERMANENT
2 PROTECTION ORDERS PURSUANT TO THE PROVISIONS OF SUBSECTION (1) OF
3 THIS SECTION. SUCH PROTECTION ORDER MAY BE AS A PART OF A MOTION
4 FOR A PROTECTION ORDER ACCOMPANIED BY AN AFFIDAVIT FILED IN AN
5 ACTION BROUGHT UNDER ARTICLE 10 OF TITLE 14, C.R.S. EITHER PARTY
6 MAY REQUEST THE COURT TO ISSUE A PROTECTION ORDER CONSISTENT
7 WITH ANY OTHER PROVISION OF THIS ARTICLE.

8 (6) AT THE TIME A PROTECTION ORDER IS REQUESTED PURSUANT
9 TO THIS SECTION, THE COURT SHALL INQUIRE ABOUT, AND THE
10 REQUESTING PARTY AND SUCH PARTY'S ATTORNEY SHALL HAVE AN
11 INDEPENDENT DUTY TO DISCLOSE, KNOWLEDGE SUCH PARTY AND SUCH
12 PARTY'S ATTORNEY MAY HAVE CONCERNING THE EXISTENCE OF ANY PRIOR
13 PROTECTION OR RESTRAINING ORDER OF ANY COURT ADDRESSING IN
14 WHOLE OR IN PART THE SUBJECT MATTER OF THE REQUESTED PROTECTION
15 ORDER. IN THE EVENT THERE ARE CONFLICTING RESTRAINING OR
16 PROTECTION ORDERS, THE COURT SHALL CONSIDER, AS ITS FIRST PRIORITY,
17 ISSUES OF PUBLIC SAFETY. AN ORDER THAT PREVENTS ASSAULTS, THREATS
18 OF ASSAULT, OR OTHER HARM SHALL BE GIVEN PRECEDENCE OVER AN
19 ORDER THAT DEALS WITH THE DISPOSITION OF PROPERTY OR OTHER
20 TANGIBLE ASSETS. EVERY EFFORT SHALL BE MADE BY JUDICIAL OFFICERS
21 TO CLARIFY CONFLICTING ORDERS.

22 (7) (a) A TEMPORARY CIVIL PROTECTION ORDER MAY BE ISSUED IF
23 THE ISSUING JUDGE OR MAGISTRATE FINDS THAT AN IMMINENT DANGER
24 EXISTS TO THE PERSON OR PERSONS SEEKING PROTECTION UNDER THE
25 CIVIL PROTECTION ORDER. IN DETERMINING WHETHER AN IMMINENT
26 DANGER EXISTS TO THE LIFE OR HEALTH OF ONE OR MORE PERSONS, THE
27 COURT SHALL CONSIDER ALL RELEVANT EVIDENCE CONCERNING THE

*Perpetrator
makes false
claim of assault
and that
dealt with
before victim
got property
rights
Oaddeh
?*

1 SAFETY AND PROTECTION OF THE PERSONS SEEKING THE PROTECTION
2 ORDER. THE COURT SHALL NOT CONSIDER THE LENGTH OF TIME BETWEEN
3 AN ACT OF ABUSE OR THREAT OF HARM AND THE FILING OF THE PETITION
4 FOR A PROTECTION ORDER.

5 (b) IF THE JUDGE OR MAGISTRATE FINDS THAT AN IMMINENT
6 DANGER EXISTS TO THE EMPLOYEES OF A BUSINESS ENTITY, HE OR SHE
7 MAY ISSUE A CIVIL PROTECTION ORDER IN THE NAME OF THE BUSINESS FOR
8 THE PROTECTION OF THE EMPLOYEES. AN EMPLOYER IS NOT LIABLE FOR
9 FAILING TO OBTAIN A CIVIL PROTECTION ORDER IN THE NAME OF THE
10 BUSINESS FOR THE PROTECTION OF THE EMPLOYEES AND PATRONS.

11 (8) UPON THE FILING OF A COMPLAINT DULY VERIFIED, ALLEGING
12 THAT THE RESPONDENT HAS COMMITTED ACTS THAT WOULD CONSTITUTE
13 GROUNDS FOR A CIVIL PROTECTION ORDER, ANY JUDGE OR MAGISTRATE,
14 AFTER HEARING THE EVIDENCE AND BEING FULLY SATISFIED THEREIN THAT
15 SUFFICIENT CAUSE EXISTS, MAY ISSUE A TEMPORARY CIVIL PROTECTION
16 ORDER TO PREVENT THE ACTIONS COMPLAINED OF AND A CITATION
17 DIRECTED TO THE RESPONDENT COMMANDING THE RESPONDENT TO
18 APPEAR BEFORE THE COURT AT A SPECIFIC TIME AND DATE AND TO SHOW
19 CAUSE, IF ANY, WHY SAID TEMPORARY CIVIL PROTECTION ORDER SHOULD
20 NOT BE MADE PERMANENT. IN ADDITION, THE COURT MAY ORDER ANY
21 OTHER RELIEF THAT THE COURT DEEMS APPROPRIATE. COMPLAINTS MAY
22 BE FILED BY PERSONS SEEKING PROTECTION FOR THEMSELVES OR FOR
23 OTHERS AS PROVIDED IN SECTION 26-3.1-102 (1) (b) AND (1) (c), C.R.S.

24 (9) A COPY OF THE COMPLAINT, A COPY OF THE TEMPORARY CIVIL
25 PROTECTION ORDER, AND A COPY OF THE CITATION MUST BE SERVED UPON
26 THE RESPONDENT AND UPON THE PERSON TO BE PROTECTED, IF THE
27 COMPLAINT WAS FILED BY ANOTHER PERSON, IN ACCORDANCE WITH THE

1 RULES FOR SERVICE OF PROCESS AS PROVIDED IN RULE 304 OF THE RULES
2 OF COUNTY COURT CIVIL PROCEDURE OR RULE 4 OF THE COLORADO RULES
3 OF CIVIL PROCEDURE. THE CITATION MUST INFORM THE RESPONDENT
4 THAT, IF THE RESPONDENT FAILS TO APPEAR IN COURT IN ACCORDANCE
5 WITH THE TERMS OF THE CITATION, A BENCH WARRANT MAY BE ISSUED
6 FOR THE ARREST OF THE RESPONDENT, AND THE TEMPORARY PROTECTION
7 ORDER PREVIOUSLY ENTERED BY THE COURT MADE PERMANENT WITHOUT
8 FURTHER NOTICE OR SERVICE UPON THE RESPONDENT.

9 (10) THE RETURN DATE OF THE CITATION MUST BE SET NOT MORE
10 THAN FOURTEEN DAYS AFTER THE ISSUANCE OF THE TEMPORARY CIVIL
11 PROTECTION ORDER AND CITATION. IF THE PETITIONER IS UNABLE TO
12 SERVE THE RESPONDENT IN THAT PERIOD, THE COURT SHALL EXTEND THE
13 TEMPORARY PROTECTION ORDER PREVIOUSLY ISSUED, CONTINUE THE
14 SHOW OF CAUSE HEARING, AND ISSUE AN ALIAS CITATION STATING THE
15 DATE AND TIME TO WHICH THE HEARING IS CONTINUED. THE PETITIONER
16 MAY THEREAFTER REQUEST, AND THE COURT MAY GRANT, ADDITIONAL
17 CONTINUANCES AS NEEDED IF THE PETITIONER HAS STILL BEEN UNABLE TO
18 SERVE THE RESPONDENT.

19 (11) (a) ANY PERSON AGAINST WHOM A TEMPORARY PROTECTION
20 ORDER IS ISSUED PURSUANT TO THIS SECTION, WHICH TEMPORARY
21 PROTECTION ORDER EXCLUDES THE PERSON FROM A SHARED RESIDENCE,
22 IS PERMITTED TO RETURN TO THE SHARED RESIDENCE ONE TIME TO OBTAIN
23 SUFFICIENT UNDISPUTED PERSONAL EFFECTS AS ARE NECESSARY FOR THE
24 PERSON TO MAINTAIN A NORMAL STANDARD OF LIVING DURING ANY
25 PERIOD PRIOR TO A HEARING CONCERNING THE ORDER. THE PERSON
26 AGAINST WHOM A TEMPORARY PROTECTION ORDER IS ISSUED IS PERMITTED
27 TO RETURN TO THE SHARED RESIDENCE ONLY IF THE PERSON IS

1 ACCOMPANIED AT ALL TIMES BY A PEACE OFFICER WHILE THE PERSON IS AT
2 OR IN THE SHARED RESIDENCE.

3 (b) WHEN ANY PERSON IS SERVED WITH A TEMPORARY PROTECTION
4 ORDER ISSUED AGAINST THE PERSON EXCLUDING THE PERSON FROM A
5 SHARED RESIDENCE, THE TEMPORARY PROTECTION ORDER MUST CONTAIN
6 A NOTIFICATION IN WRITING TO THE PERSON OF THE PERSON'S ABILITY TO
7 RETURN TO THE SHARED RESIDENCE PURSUANT TO PARAGRAPH (a) OF THIS
8 SUBSECTION (11). THE WRITTEN NOTIFICATION SHALL BE IN BOLD PRINT
9 AND CONSPICUOUSLY PLACED IN THE TEMPORARY PROTECTION ORDER. A
10 JUDGE, MAGISTRATE, OR OTHER JUDICIAL OFFICER SHALL NOT ISSUE A
11 TEMPORARY PROTECTION ORDER THAT DOES NOT COMPLY WITH THIS
12 SECTION.

13 (c) ANY PERSON AGAINST WHOM A TEMPORARY PROTECTION
14 ORDER IS ISSUED PURSUANT TO THIS SECTION, WHICH TEMPORARY
15 PROTECTION ORDER EXCLUDES THE PERSON FROM A SHARED RESIDENCE,
16 MAY AVAIL HIMSELF OR HERSELF OF THE FORCIBLE ENTRY AND DETAINER
17 REMEDIES AVAILABLE PURSUANT TO ARTICLE 40 OF THIS TITLE. HOWEVER,
18 SUCH PERSON IS NOT BE ENTITLED TO RETURN TO THE RESIDENCE UNTIL
19 SUCH TIME AS A VALID WRIT OF RESTITUTION IS EXECUTED AND FILED WITH
20 THE COURT ISSUING THE PROTECTION ORDER AND, IF NECESSARY, THE
21 PROTECTION ORDER IS MODIFIED ACCORDINGLY. A LANDLORD WHOSE
22 LESSEE HAS BEEN EXCLUDED FROM A RESIDENCE PURSUANT TO THE TERMS
23 OF A PROTECTION ORDER MAY ALSO AVAIL HIMSELF OR HERSELF OF THE
24 REMEDIES AVAILABLE PURSUANT TO ARTICLE 40 OF THIS TITLE.

25 **SECTION 10.** In Colorado Revised Statutes, **add with relocated**
26 **provisions 13-14-105** as follows:

27 **13-14-105. [Similar to 13-14-102 (15) and (16).] Provisions**

1 **relating to civil protection orders.** (1) A MUNICIPAL COURT OF RECORD
2 THAT IS AUTHORIZED BY ITS MUNICIPAL GOVERNING BODY TO ISSUE
3 PROTECTION OR RESTRAINING ORDERS AND ANY COUNTY COURT, IN
4 CONNECTION WITH ISSUING A CIVIL PROTECTION ORDER, HAS ORIGINAL
5 CONCURRENT JURISDICTION WITH THE DISTRICT COURT TO INCLUDE ANY
6 PROVISIONS IN THE ORDER THAT THE MUNICIPAL OR COUNTY COURT DEEMS
7 NECESSARY FOR THE PROTECTION OF PERSONS, INCLUDING BUT NOT
8 LIMITED TO ORDERS:

9 (a) RESTRAINING A PARTY FROM THREATENING, MOLESTING, OR
10 INJURING ANY OTHER PARTY OR THE MINOR CHILD OF EITHER OF THE
11 PARTIES;

12 (b) RESTRAINING A PARTY FROM CONTACTING ANY OTHER PARTY
13 OR THE MINOR CHILD OF EITHER OF THE PARTIES;

14 (c) EXCLUDING A PARTY FROM THE FAMILY HOME UPON A SHOWING
15 THAT PHYSICAL OR EMOTIONAL HARM WOULD OTHERWISE RESULT;

16 (d) EXCLUDING A PARTY FROM THE HOME OF ANOTHER PARTY
17 UPON A SHOWING THAT PHYSICAL OR EMOTIONAL HARM WOULD
18 OTHERWISE RESULT;

19 (e) (I) AWARDING TEMPORARY CARE AND CONTROL OF ANY MINOR
20 CHILDREN OF EITHER PARTY INVOLVED FOR A PERIOD OF NOT MORE THAN
21 ONE YEAR.

22 (II) IF TEMPORARY CARE AND CONTROL IS AWARDED, THE ORDER
23 MAY INCLUDE PARENTING TIME RIGHTS FOR THE OTHER PARTY INVOLVED
24 AND ANY CONDITIONS OF SUCH PARENTING TIME, INCLUDING THE
25 SUPERVISION OF PARENTING TIME BY A THIRD PARTY WHO AGREES TO THE
26 TERMS OF THE SUPERVISED PARENTING TIME AND ANY COSTS ASSOCIATED
27 WITH SUPERVISED PARENTING TIME, IF NECESSARY. IF THE RESTRAINED

*Please
don't do
this for
30 days
Leave for
120 days.
This will
push victims
to get to
DR of
faster.
Per perpetrator
males fall
claim, victims
not have kids!*

Can we ensure anything?

1 PARTY IS UNABLE TO PAY THE ORDERED COSTS, THE COURT SHALL NOT
2 PLACE SUCH RESPONSIBILITY WITH PUBLICLY FUNDED AGENCIES. IF THE
3 COURT FINDS THAT THE SAFETY OF ANY CHILD OR THE PROTECTED PARTY
4 CANNOT BE ENSURED WITH ANY FORM OF PARENTING TIME REASONABLY
5 AVAILABLE, THE COURT MAY DENY PARENTING TIME.

Define

6 (III) THE COURT MAY AWARD INTERIM DECISION-MAKING
7 RESPONSIBILITY OF A CHILD TO A PERSON ENTITLED TO BRING AN ACTION
8 FOR THE ALLOCATION OF PARENTAL RESPONSIBILITIES UNDER SECTION
9 14-10-123, C.R.S., WHEN SUCH AWARD IS REASONABLY RELATED TO
10 PREVENTING DOMESTIC ABUSE AS DEFINED IN SECTION 13-14-101 (2), OR
11 PREVENTING THE CHILD FROM WITNESSING DOMESTIC ABUSE.

*These are
new VA
cl's?*

12 (IV) THE COURT SHALL USE SECTION 14-10-124, C.R.S., AS THE
13 STANDARD FOR THE AWARD OF TEMPORARY CARE AND CONTROL OR
14 INTERIM DECISION-MAKING RESPONSIBILITY.

15 (f) RESTRAINING A PARTY FROM INTERFERING WITH A PROTECTED
16 PERSON AT THE PERSON'S PLACE OF EMPLOYMENT OR PLACE OF EDUCATION
17 OR FROM ENGAGING IN CONDUCT THAT IMPAIRS THE PROTECTED PERSON'S
18 EMPLOYMENT, EDUCATIONAL RELATIONSHIPS, OR ENVIRONMENT;

19 (g) RESTRAINING A PARTY FROM MOLESTING, INJURING, KILLING,
20 TAKING, TRANSFERRING, ENCUMBERING, CONCEALING, DISPOSING OF, OR
21 THREATENING HARM TO AN ANIMAL OWNED, POSSESSED, LEASED, KEPT, OR
22 HELD BY ANY OTHER PARTY OR A MINOR CHILD OF ANY OTHER PARTY;

23 (h) SPECIFYING ARRANGEMENTS FOR POSSESSION AND CARE OF AN
24 ANIMAL OWNED, POSSESSED, LEASED, KEPT, OR HELD BY ANY OTHER
25 PARTY OR A MINOR CHILD OF ANY OTHER PARTY;

26 (i) GRANTING SUCH OTHER RELIEF AS THE COURT DEEMS
27 APPROPRIATE;

1 (j) (I) ENTERING A TEMPORARY INJUNCTION RESTRAINING THE
2 DEFENDANT FROM CEASING TO MAKE PAYMENTS FOR MORTGAGE OR RENT,
3 INSURANCE, UTILITIES OR RELATED SERVICES, TRANSPORTATION, MEDICAL
4 CARE, OR CHILD CARE WHEN THE DEFENDANT HAS A PRIOR EXISTING DUTY
5 OR LEGAL OBLIGATION OR FROM TRANSFERRING, ENCUMBERING,
6 CONCEALING, OR IN ANY WAY DISPOSING OF PERSONAL EFFECTS OR REAL
7 PROPERTY, EXCEPT IN THE USUAL COURSE OF BUSINESS OR FOR THE
8 NECESSITIES OF LIFE AND REQUIRING THE RESTRAINED PARTY TO ACCOUNT
9 TO THE COURT FOR ALL EXTRAORDINARY EXPENDITURES MADE AFTER THE
10 INJUNCTION IS IN EFFECT.

Good

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

Good

16 (III) THE PROVISIONS OF THE INJUNCTION MUST BE PRINTED ON THE
17 SUMMONS, AND THE PETITION AND THE INJUNCTION BECOME AN ORDER OF
18 THE COURT UPON FULFILLMENT OF THE REQUIREMENTS OF SUBPARAGRAPH
19 (I) OF THIS PARAGRAPH (j).

Good

20 (IV) NOTHING IN THIS PARAGRAPH (j) PRECLUDES EITHER PARTY
21 FROM APPLYING TO THE DISTRICT COURT FOR FURTHER TEMPORARY
22 ORDERS, AN EXPANDED TEMPORARY INJUNCTION, OR MODIFICATION OR
23 REVOCATION. ANY SUBSEQUENT ORDER ISSUED BY THE DISTRICT COURT
24 AS PART OF A DOMESTIC MATTER INVOLVING THE PARTIES SUPERSEDES AN
25 INJUNCTION MADE PURSUANT TO THIS PARAGRAPH (j).

Good

26 (2) ANY ORDER FOR TEMPORARY CARE AND CONTROL ISSUED
27 PURSUANT TO SUBSECTION (1) OF THIS SECTION IS GOVERNED BY THE

1 "UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT",
2 ARTICLE 13 OF TITLE 14, C.R.S.

3 **SECTION 11.** In Colorado Revised Statutes, **add with relocated**
4 **provisions 13-14-106** as follows:

5 **13-14-106. [Similar to 13-14-102 (9), (10), and (18).]**

6 **Procedure for permanent civil protection orders.** (1) (a) ON THE
7 RETURN DATE OF THE CITATION, OR ON THE DAY TO WHICH THE HEARING
8 HAS BEEN CONTINUED, THE JUDGE OR MAGISTRATE SHALL EXAMINE THE
9 RECORD AND THE EVIDENCE. IF UPON SUCH EXAMINATION THE JUDGE OR
10 MAGISTRATE FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT THE
11 RESPONDENT HAS COMMITTED ACTS CONSTITUTING GROUNDS FOR
12 ISSUANCE OF A CIVIL PROTECTION ORDER AND THAT UNLESS RESTRAINED
13 WILL CONTINUE TO COMMIT SUCH ACTS OR ACTS DESIGNED TO INTIMIDATE
14 OR RETALIATE AGAINST THE PROTECTED PERSON, THE JUDGE OR
15 MAGISTRATE SHALL ORDER THE TEMPORARY CIVIL PROTECTION ORDER TO
16 BE MADE PERMANENT OR ENTER A PERMANENT CIVIL PROTECTION ORDER
17 WITH PROVISIONS DIFFERENT FROM THE TEMPORARY CIVIL PROTECTION
18 ORDER. A FINDING OF IMMINENT DANGER TO THE PROTECTED PERSON IS
19 NOT A NECESSARY PREREQUISITE TO THE ISSUANCE OF A PERMANENT CIVIL
20 PROTECTION ORDER. THE JUDGE OR MAGISTRATE SHALL INFORM THE
21 RESPONDENT THAT A VIOLATION OF THE CIVIL PROTECTION ORDER
22 CONSTITUTES A CRIMINAL OFFENSE PURSUANT TO SECTION 18-6-803.5,
23 C.R.S., OR CONSTITUTES CONTEMPT OF COURT AND SUBJECTS THE
24 RESPONDENT TO SUCH PUNISHMENT AS MAY BE PROVIDED BY LAW. IF THE
25 RESPONDENT FAILS TO APPEAR BEFORE THE COURT FOR THE SHOW CAUSE
26 HEARING AT THE TIME AND ON THE DATE IDENTIFIED IN THE CITATION
27 ISSUED BY THE COURT AND THE COURT FINDS THAT THE RESPONDENT WAS

*Be careful of
state reporting*

1 PROPERLY SERVED WITH THE TEMPORARY PROTECTION ORDER AND SUCH
2 CITATION, IT IS NOT NECESSARY TO RE-SERVE THE RESPONDENT TO MAKE
3 THE PROTECTION ORDER PERMANENT. HOWEVER, IF THE COURT MODIFIES
4 THE PROTECTION ORDER ON THE MOTION OF THE PROTECTED PARTY, THE
5 MODIFIED PROTECTION ORDER MUST BE SERVED UPON THE RESPONDENT.

6 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS
7 SUBSECTION (1), THE JUDGE OR MAGISTRATE, AFTER EXAMINING THE
8 RECORD AND THE EVIDENCE, FOR GOOD CAUSE SHOWN, MAY CONTINUE
9 THE TEMPORARY PROTECTION ORDER AND THE SHOW CAUSE HEARING TO
10 A DATE CERTAIN NOT TO EXCEED ONE YEAR AFTER THE DATE OF THE
11 HEARING IF HE OR SHE DETERMINES SUCH CONTINUANCE WOULD BE IN THE
12 BEST INTERESTS OF THE PARTIES AND IF BOTH PARTIES ARE PRESENT AT
13 THE HEARING AND AGREE TO THE CONTINUANCE. IN ADDITION, EACH
14 PARTY MAY REQUEST ONE CONTINUANCE FOR A PERIOD NOT TO EXCEED
15 FOURTEEN DAYS, WHICH THE JUDGE OR MAGISTRATE, AFTER EXAMINING
16 THE RECORD AND THE EVIDENCE, MAY GRANT UPON A FINDING OF GOOD
17 CAUSE. THE JUDGE OR MAGISTRATE SHALL INFORM THE RESPONDENT THAT
18 A VIOLATION OF THE TEMPORARY CIVIL PROTECTION ORDER CONSTITUTES
19 A CRIMINAL OFFENSE PURSUANT TO SECTION 18-6-803.5, C.R.S., OR
20 CONSTITUTES CONTEMPT OF COURT AND SUBJECTS THE RESPONDENT TO
21 SUCH PUNISHMENT AS MAY BE PROVIDED BY LAW.

22 (c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (b) OF THIS
23 SUBSECTION (1), FOR A PROTECTION ORDER FILED IN A PROCEEDING
24 COMMENCED UNDER THE "UNIFORM DISSOLUTION OF MARRIAGE ACT",
25 ARTICLE 10 OF TITLE 14, C.R.S., THE COURT MAY, ON THE MOTION OF
26 EITHER PARTY IF BOTH PARTIES AGREE TO THE CONTINUANCE, CONTINUE
27 THE TEMPORARY PROTECTION ORDER UNTIL THE TIME OF THE FINAL

comment

1 DECREE OR FINAL DISPOSITION OF THE ACTION.

2 (2) THE COURT SHALL ELECTRONICALLY TRANSFER INTO THE
3 CENTRAL REGISTRY OF PROTECTION ORDERS ESTABLISHED PURSUANT TO
4 SECTION 18-6-803.7, C.R.S., A COPY OF ANY ORDER ISSUED PURSUANT TO
5 THIS SECTION AND SHALL DELIVER A COPY OF SUCH ORDER TO THE
6 PROTECTED PARTY.

7 (3) A COURT SHALL NOT GRANT A MUTUAL PROTECTION ORDER TO
8 PREVENT DOMESTIC ABUSE FOR THE PROTECTION OF OPPOSING PARTIES
9 UNLESS EACH PARTY HAS MET HIS OR HER BURDEN OF PROOF AS
10 DESCRIBED IN SECTION 13-14-104 (7) AND THE COURT MAKES SEPARATE
11 AND SUFFICIENT FINDINGS OF FACT TO SUPPORT THE ISSUANCE OF THE
12 MUTUAL PROTECTION ORDER TO PREVENT DOMESTIC ABUSE FOR THE
13 PROTECTION OF OPPOSING PARTIES. A PARTY MAY NOT WAIVE THE
14 REQUIREMENTS SET FORTH IN THIS SUBSECTION (3).

15 **SECTION 12.** In Colorado Revised Statutes, **add with relocated**
16 **provisions 13-14-107** as follows:

17 **13-14-107. [Similar to 13-14-102 (12) and (13).] Enforcement**
18 **of protection order - duties of peace officer.** (1) A PERSON FAILING TO
19 COMPLY WITH ANY ORDER OF THE COURT ISSUED PURSUANT TO THIS PART
20 1 IS IN CONTEMPT OF COURT OR MAY BE PROSECUTED FOR VIOLATION OF
21 A CIVIL PROTECTION ORDER PURSUANT TO SECTION 18-6-803.5, C.R.S.

22 (2) THE DUTIES OF PEACE OFFICERS ENFORCING A CIVIL
23 PROTECTION ORDER SHALL BE IN ACCORDANCE WITH SECTION 18-6-803.5,
24 C.R.S., AND ANY RULES ADOPTED BY THE COLORADO SUPREME COURT
25 PURSUANT TO THAT SECTION.

26 (3) IF A RESPONDENT HAS NOT BEEN PERSONALLY SERVED WITH A
27 PROTECTION ORDER, A PEACE OFFICER RESPONDING TO A CALL FOR

1 ASSISTANCE SHALL SERVE A COPY OF THE PROTECTION ORDER ON THE
2 RESPONDENT NAMED IN THE PROTECTION ORDER, SHALL WRITE THE TIME,
3 DATE, AND MANNER OF SERVICE ON THE PROTECTED PERSON'S COPY OF
4 THE ORDER, AND SHALL SIGN THE STATEMENT.

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

7 **13-14-108. [Similar to 13-14-102 (17) and (17.5).] Modification**
8 **and termination of civil protection orders.** (1) ANY ORDER GRANTED
9 PURSUANT TO SECTION 13-14-105 (1) (c) OR (1) (e) MUST TERMINATE
10 WHENEVER A SUBSEQUENT ORDER REGARDING THE SAME SUBJECT MATTER
11 IS GRANTED PURSUANT TO THE "UNIFORM DISSOLUTION OF MARRIAGE
12 ACT", ARTICLE 10 OF TITLE 14, C.R.S., THE "UNIFORM CHILD-CUSTODY
13 JURISDICTION AND ENFORCEMENT ACT", ARTICLE 13 OF TITLE 14, C.R.S.,
14 OR THE "COLORADO CHILDREN'S CODE", TITLE 19, C.R.S.

15 (2) (a) (I) NOTHING IN THIS PART 1 PRECLUDES THE PROTECTED
16 PARTY FROM APPLYING TO THE COURT AT ANY TIME FOR MODIFICATION,
17 INCLUDING BUT NOT LIMITED TO A MODIFICATION OF THE DURATION OF A
18 PROTECTION ORDER OR DISMISSAL OF A TEMPORARY OR PERMANENT
19 PROTECTION ORDER ISSUED PURSUANT TO THIS SECTION.

20 (II) THE RESTRAINED PARTY MAY APPLY TO THE COURT FOR
21 MODIFICATION, INCLUDING BUT NOT LIMITED TO A MODIFICATION OF THE
22 DURATION OF THE PROTECTION ORDER OR DISMISSAL OF A PERMANENT
23 PROTECTION ORDER PURSUANT TO THIS SECTION. HOWEVER, IF A
24 PERMANENT PROTECTION ORDER HAS BEEN ISSUED OR IF A MOTION FOR
25 MODIFICATION OR DISMISSAL OF A PERMANENT PROTECTION ORDER HAS
26 BEEN FILED BY THE RESTRAINED PARTY, WHETHER OR NOT IT WAS
27 GRANTED, NO MOTION TO MODIFY OR DISMISS MAY BE FILED BY THE

1 RESTRAINED PARTY WITHIN TWO YEARS AFTER ISSUANCE OF THE
2 PERMANENT ORDER OR AFTER DISPOSITION OF THE PRIOR MOTION.

3 (3) (a) (I) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (2)
4 OF THIS SECTION TO THE CONTRARY, AFTER ISSUANCE OF THE PERMANENT
5 PROTECTION ORDER, IF THE RESTRAINED PARTY HAS BEEN CONVICTED OF
6 OR PLED GUILTY TO ANY MISDEMEANOR OR ANY FELONY, OTHER THAN THE
7 ORIGINAL OFFENSE, IF ANY, THAT FORMED THE BASIS FOR THE ISSUANCE
8 OF THE PROTECTION ORDER, THEN THE PROTECTION ORDER REMAINS
9 PERMANENT AND MUST NOT BE MODIFIED OR DISMISSED BY THE COURT.

10 (II) NOTWITHSTANDING THE PROHIBITION IN SUBPARAGRAPH (I) OF
11 THIS PARAGRAPH (a), A PROTECTION ORDER MAY BE MODIFIED OR
12 DISMISSED ON THE MOTION OF THE PROTECTED PERSON, OR THE PERSON'S
13 ATTORNEY, PARENT OR LEGAL GUARDIAN IF A MINOR, OR CONSERVATOR
14 OR LEGAL GUARDIAN IF ONE HAS BEEN APPOINTED; EXCEPT THAT THIS
15 PARAGRAPH (a) SHALL NOT APPLY IF THE PARENT, LEGAL GUARDIAN, OR
16 CONSERVATOR IS THE RESTRAINED PERSON.

17 (b) A COURT SHALL NOT CONSIDER A MOTION TO MODIFY A
18 PROTECTION ORDER FILED BY A RESTRAINED PARTY PURSUANT TO
19 PARAGRAPH (a) OF THIS SUBSECTION (3) UNLESS THE COURT RECEIVES THE
20 RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF
21 THE RESTRAINED PARTY THAT IS CONDUCTED WITHIN NINETY DAYS PRIOR
22 TO THE FILING OF THE MOTION. THE FINGERPRINT-BASED CRIMINAL
23 HISTORY RECORD CHECK SHALL INCLUDE A REVIEW OF THE STATE AND
24 FEDERAL CRIMINAL HISTORY RECORDS MAINTAINED BY THE COLORADO
25 BUREAU OF INVESTIGATION AND FEDERAL BUREAU OF INVESTIGATION. THE
26 RESTRAINED PARTY SHALL BE RESPONSIBLE FOR SUPPLYING FINGERPRINTS
27 TO THE COLORADO BUREAU OF INVESTIGATION AND TO THE FEDERAL

1 BUREAU OF INVESTIGATION AND PAYING THE COSTS OF THE RECORD
2 CHECKS. THE RESTRAINED PARTY MAY BE REQUIRED BY THE COURT TO
3 PROVIDE CERTIFIED COPIES OF ANY CRIMINAL DISPOSITIONS THAT ARE NOT
4 REFLECTED IN THE STATE OR FEDERAL RECORDS AND ANY OTHER
5 DISPOSITIONS THAT ARE UNKNOWN.

6 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS PART 1, THE ISSUING
7 COURT RETAINS JURISDICTION TO ENFORCE, MODIFY, OR DISMISS A
8 TEMPORARY OR PERMANENT PROTECTION ORDER.

9 (5) THE COURT SHALL HEAR ANY MOTION FILED PURSUANT TO
10 SUBSECTION (2) OF THIS SECTION. THE PARTY MOVING FOR A
11 MODIFICATION OR DISMISSAL OF A TEMPORARY OR PERMANENT
12 PROTECTION ORDER PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL
13 EFFECT PERSONAL SERVICE ON THE OTHER PARTY WITH A COPY OF THE
14 MOTION AND NOTICE OF THE HEARING ON THE MOTION, AS PROVIDED BY
15 RULE 4 (e) OF THE COLORADO RULES OF CIVIL PROCEDURE. THE MOVING
16 PARTY SHALL BEAR THE BURDEN OF PROOF TO SHOW, BY A
17 PREPONDERANCE OF THE EVIDENCE, THAT THE MODIFICATION IS
18 APPROPRIATE OR THAT A DISMISSAL IS APPROPRIATE BECAUSE THE
19 PROTECTION ORDER IS NO LONGER NECESSARY. IF THE PROTECTED PARTY
20 HAS REQUESTED THAT HIS OR HER ADDRESS BE KEPT CONFIDENTIAL, THE
21 COURT SHALL NOT DISCLOSE SUCH INFORMATION TO THE RESTRAINED
22 PARTY OR ANY OTHER PERSON, EXCEPT AS OTHERWISE AUTHORIZED BY
23 LAW.

24 (6) IN CONSIDERING WHETHER TO MODIFY OR DISMISS A
25 PROTECTION ORDER ISSUED PURSUANT TO THIS SECTION, THE COURT SHALL
26 CONSIDER ALL RELEVANT FACTORS, INCLUDING BUT NOT LIMITED TO:

27 (a) WHETHER THE RESTRAINED PARTY HAS COMPLIED WITH THE

1 TERMS OF THE PROTECTION ORDER;

2 (b) WHETHER THE RESTRAINED PARTY HAS MET THE CONDITIONS
3 ASSOCIATED WITH THE PROTECTION ORDER, IF ANY;

4 (c) WHETHER THE RESTRAINED PARTY HAS BEEN ORDERED TO
5 PARTICIPATE IN AND HAS COMPLETED A DOMESTIC VIOLENCE OFFENDER
6 TREATMENT PROGRAM PROVIDED BY AN ENTITY APPROVED PURSUANT TO
7 SECTION 16-11.8-103, C.R.S., OR HAS SUCCESSFULLY COMPLETED A SEX
8 OFFENDER TREATMENT PROGRAM PROVIDED BY AN ENTITY APPROVED
9 PURSUANT TO SECTION 16-11.7-103, C.R.S.;

10 (d) WHETHER THE RESTRAINED PARTY HAS VOLUNTARILY
11 PARTICIPATED IN ANY DOMESTIC VIOLENCE OFFENDER TREATMENT
12 PROGRAM PROVIDED BY AN ENTITY APPROVED PURSUANT TO SECTION
13 16-11.8-103, C.R.S., OR ANY SEX OFFENDER TREATMENT PROGRAM
14 PROVIDED BY AN ENTITY APPROVED PURSUANT TO SECTION 16-11.7-103,
15 C.R.S.;

16 (e) THE TIME THAT HAS LAPSED SINCE THE PROTECTION ORDER
17 WAS ISSUED;

18 (f) WHEN THE LAST INCIDENT OF ABUSE OR THREAT OF HARM
19 OCCURRED OR OTHER RELEVANT INFORMATION CONCERNING THE SAFETY
20 AND PROTECTION OF THE PROTECTED PERSON;

21 (g) WHETHER, SINCE THE ISSUANCE OF THE PROTECTION ORDER,
22 THE RESTRAINED PERSON HAS BEEN CONVICTED OF OR PLED GUILTY TO
23 ANY MISDEMEANOR OR ANY FELONY, OTHER THAN THE ORIGINAL OFFENSE,
24 IF ANY, THAT FORMED THE BASIS FOR THE ISSUANCE OF THE PROTECTION
25 ORDER;

26 (h) WHETHER ANY OTHER RESTRAINING ORDERS, PROTECTIVE
27 ORDERS, OR PROTECTION ORDERS HAVE BEEN SUBSEQUENTLY ISSUED

1 AGAINST THE RESTRAINED PERSON PURSUANT TO THIS SECTION OR ANY
2 OTHER LAW OF THIS STATE OR ANY OTHER STATE;

3 (i) THE CIRCUMSTANCES OF THE PARTIES, INCLUDING THE
4 RELATIVE PROXIMITY OF THE PARTIES' RESIDENCES AND SCHOOLS OR
5 WORK PLACES AND WHETHER THE PARTIES HAVE MINOR CHILDREN
6 TOGETHER; AND

7 (j) WHETHER THE PROTECTION ORDER SHOULD REMAIN IN PLACE
8 BECAUSE COMPLIANCE WITH THE TERMS OF THE PROTECTION ORDER HAS
9 BEEN SUCCESSFUL IN PREVENTING FURTHER HARM TO THE PROTECTED
10 PERSON.

11 **SECTION 14.** In Colorado Revised Statutes, **add with relocated**
12 **provisions** 13-14-109 as follows:

13 **13-14-109. [Similar to 13-14-102 (21).] Fees and costs.** (1) THE
14 COURT MAY ASSESS A FILING FEE AGAINST A PETITIONER SEEKING RELIEF
15 UNDER THIS PART 1; EXCEPT THAT THE COURT MAY NOT ASSESS A FILING
16 FEE AGAINST A PETITIONER IF THE COURT DETERMINES THE PETITIONER IS
17 SEEKING THE PROTECTION ORDER AS A VICTIM OF DOMESTIC ABUSE,
18 DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S.,
19 STALKING, OR SEXUAL ASSAULT OR ABUSE. THE COURT SHALL PROVIDE
20 THE NECESSARY NUMBER OF CERTIFIED COPIES AT NO COST TO
21 PETITIONERS.

22 (2) A STATE OR PUBLIC AGENCY MAY NOT ASSESS FEES FOR
23 SERVICE OF PROCESS AGAINST A PETITIONER SEEKING RELIEF UNDER THIS
24 PART 1 AS A VICTIM OF CONDUCT CONSISTENT WITH THE FOLLOWING:
25 DOMESTIC ABUSE, DOMESTIC VIOLENCE AS DEFINED IN SECTION
26 18-6-800.3 (1), C.R.S., STALKING, OR SEXUAL ASSAULT OR ABUSE.

27 (3) AT THE PERMANENT PROTECTION ORDER HEARING, THE COURT

1 MAY REQUIRE THE RESPONDENT TO PAY THE FILING FEE AND SERVICE OF
2 PROCESS FEES, AS ESTABLISHED BY THE STATE AGENCY, POLITICAL
3 SUBDIVISION, OR PUBLIC AGENCY PURSUANT TO A FEE SCHEDULE, AND TO
4 REIMBURSE THE PETITIONER FOR COSTS INCURRED IN BRINGING THE
5 ACTION.

6 **SECTION 15.** In Colorado Revised Statutes, **add with relocated**
7 **provisions** 13-14-110 as follows:

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

9 **(1) Definitions.** AS USED IN THIS SECTION, "FOREIGN PROTECTION ORDER"
10 MEANS ANY PROTECTION OR RESTRAINING ORDER, INJUNCTION, OR OTHER
11 ORDER ISSUED FOR THE PURPOSE OF PREVENTING VIOLENT OR
12 THREATENING ACTS OR HARASSMENT AGAINST, OR CONTACT OR
13 COMMUNICATION WITH OR PHYSICAL PROXIMITY TO, ANOTHER PERSON,
14 INCLUDING TEMPORARY OR FINAL ORDERS, OTHER THAN CHILD SUPPORT
15 OR CUSTODY ORDERS, ISSUED BY A CIVIL OR CRIMINAL COURT OF ANOTHER
16 STATE, AN INDIAN TRIBE, OR A UNITED STATES TERRITORY OR
17 COMMONWEALTH.

18 **(2) Full faith and credit.** COURTS OF THIS STATE SHALL ACCORD
19 FULL FAITH AND CREDIT TO A FOREIGN PROTECTION ORDER AS IF THE
20 ORDER WERE AN ORDER OF THIS STATE, NOTWITHSTANDING SECTION
21 14-11-101, C.R.S., AND ARTICLE 53 OF THIS TITLE, IF THE ORDER MEETS
22 ALL OF THE FOLLOWING CONDITIONS:

23 **(a)** THE FOREIGN PROTECTION ORDER WAS OBTAINED AFTER
24 PROVIDING THE PERSON AGAINST WHOM THE PROTECTION ORDER WAS
25 SOUGHT REASONABLE NOTICE AND AN OPPORTUNITY TO BE HEARD
26 SUFFICIENT TO PROTECT HIS OR HER DUE PROCESS RIGHTS. IF THE FOREIGN
27 PROTECTION ORDER IS AN EX PARTE INJUNCTION OR ORDER, THE PERSON

1 AGAINST WHOM IT WAS OBTAINED MUST HAVE BEEN GIVEN NOTICE AND AN
2 OPPORTUNITY TO BE HEARD WITHIN A REASONABLE TIME AFTER THE
3 ORDER WAS ISSUED SUFFICIENT TO PROTECT HIS OR HER DUE PROCESS
4 RIGHTS.

5 (b) THE COURT THAT ISSUED THE ORDER HAD JURISDICTION OVER
6 THE PARTIES AND OVER THE SUBJECT MATTER; AND

7 (c) THE ORDER COMPLIES WITH SECTION 13-14-106 (3).

8 (3) **Process.** A PERSON ENTITLED TO PROTECTION UNDER A
9 FOREIGN PROTECTION ORDER MAY, BUT SHALL NOT BE REQUIRED TO, FILE
10 SUCH ORDER IN THE DISTRICT OR COUNTY COURT BY FILING WITH SUCH
11 COURT A CERTIFIED COPY OF SUCH ORDER, WHICH SHALL BE ENTERED INTO
12 THE CENTRAL REGISTRY OF PROTECTION ORDERS CREATED IN SECTION
13 18-6-803.7, C.R.S. THE CERTIFIED ORDER SHALL BE ACCOMPANIED BY AN
14 AFFIDAVIT IN WHICH THE PROTECTED PERSON AFFIRMS TO THE BEST OF HIS
15 OR HER KNOWLEDGE THAT THE ORDER HAS NOT BEEN CHANGED OR
16 MODIFIED SINCE IT WAS ISSUED. THERE SHALL BE NO FILING FEE CHARGED.
17 IT IS THE RESPONSIBILITY OF THE PROTECTED PERSON TO NOTIFY THE
18 COURT IF THE PROTECTION ORDER IS SUBSEQUENTLY MODIFIED.

19 (4) **Enforcement.** FILING OF THE FOREIGN PROTECTION ORDER IN
20 THE CENTRAL REGISTRY OR OTHERWISE DOMESTICATING OR REGISTERING
21 THE ORDER PURSUANT TO ARTICLE 53 OF THIS TITLE OR SECTION
22 14-11-101, C.R.S., IS NOT A PREREQUISITE TO ENFORCEMENT OF THE
23 FOREIGN PROTECTION ORDER. A PEACE OFFICER SHALL PRESUME THE
24 VALIDITY OF, AND ENFORCE IN ACCORDANCE WITH THE PROVISIONS OF
25 THIS ARTICLE, A FOREIGN PROTECTION ORDER THAT APPEARS TO BE AN
26 AUTHENTIC COURT ORDER THAT HAS BEEN PROVIDED TO THE PEACE
27 OFFICER BY ANY SOURCE. IF THE PROTECTED PARTY DOES NOT HAVE A

1 COPY OF THE FOREIGN PROTECTION ORDER ON HIS OR HER PERSON AND THE
2 PEACE OFFICER DETERMINES THAT A PROTECTION ORDER EXISTS THROUGH
3 THE CENTRAL REGISTRY, THE NATIONAL CRIME INFORMATION CENTER AS
4 DESCRIBED IN 28 U.S.C. SEC. 534, OR THROUGH COMMUNICATION WITH
5 APPROPRIATE AUTHORITIES, THE PEACE OFFICER SHALL ENFORCE THE
6 ORDER. A PEACE OFFICER MAY RELY UPON THE STATEMENT OF ANY
7 PERSON PROTECTED BY A FOREIGN PROTECTION ORDER THAT IT REMAINS
8 IN EFFECT. A PEACE OFFICER WHO IS ACTING IN GOOD FAITH WHEN
9 ENFORCING A FOREIGN PROTECTION ORDER IS NOT CIVILLY LIABLE OR
10 CRIMINALLY LIABLE PURSUANT TO SECTION 18-6-803.5 (5), C.R.S.

11 **SECTION 16.** In Colorado Revised Statutes, 14-10-108, **amend**
12 (3) and (7) as follows:

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

17 (7) At the time a protection order is requested pursuant to ~~section~~
18 ~~13-14-102~~ PART 1 OF ARTICLE 14 OF TITLE 13, C.R.S., the court shall
19 inquire about, and the requesting party and such party's attorney shall
20 have an independent duty to disclose, knowledge such party and such
21 party's attorney may have concerning the existence of any prior protection
22 orders or restraining orders of any court addressing in whole or in part the
23 subject matter of the requested protection order.

24 **SECTION 17.** In Colorado Revised Statutes, 14-11-101, **amend**
25 (3) as follows:

26 **14-11-101. Foreign decrees - how handled.** (3) Notwithstanding
27 the provisions of this article, a restraining or protection order issued by

✓ *file*
✓ *file*

1 a court of any state, any Indian tribe, or any United States territory shall
2 be enforced pursuant to section ~~13-14-104~~ 13-14-110, C.R.S.

3 **SECTION 18.** In Colorado Revised Statutes, 18-6-803.5, **amend**
4 (1.5) (a.5) (II) as follows:

5 **18-6-803.5. Crime of violation of a protection order - penalty**
6 **- peace officers' duties.** (1.5) As used in this section:

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

12 **SECTION 19.** In Colorado Revised Statutes, 18-6-803.7, **amend**
13 (1) (b.5) (II) as follows:

14 **18-6-803.7. Central registry of protection orders - creation.**
15 (1) As used in this section:

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

19 **SECTION 20.** In Colorado Revised Statutes, 19-5-102.5, **amend**
20 (2) as follows:

21 **19-5-102.5. Relinquishment hearings - court docket priority.**
22 (2) Notwithstanding the provisions of subsection (1) of this section,
23 nothing in this section shall affect the priority of a hearing concerning the
24 issuance of a temporary protection order pursuant to section ~~13-14-102~~
25 13-14-104, C.R.S.

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

1 **19-5-202.5. Adoption hearings - termination appeals - court**
2 **docket priority - exceptions.** (2) Notwithstanding the provisions of
3 subsection (1) of this section, nothing in this section shall affect the
4 priority of a hearing concerning the issuance of a temporary protection
5 order pursuant to section ~~13-14-102~~ 13-14-104, C.R.S.

6 **SECTION 22. Effective date - applicability.** (1) This act takes
7 effect July 1, 2013.

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

10 (b) Sections 5 to 15 of the act apply to civil protection orders
11 entered on or after the effective date of this act.

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