

CHAPTER 92

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**COURTS**

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**HOUSE BILL 98-1179**

BY REPRESENTATIVES Tucker and Epps;  
also SENATOR Mutzebaugh.

**AN ACT**

CONCERNING CONSOLIDATION OF PROCEDURES FOR ISSUING CIVIL RESTRAINING ORDERS.

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

**SECTION 1.** Article 1 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**13-1-136. Civil restraining orders - single set of forms.** (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT THE STATUTES PROVIDE FOR THE ISSUANCE OF SEVERAL TYPES OF CIVIL RESTRAINING ORDERS TO PROTECT THE PUBLIC, BUT THAT MANY OF THESE RESTRAINING ORDERS HAVE MANY ELEMENTS IN COMMON. THE GENERAL ASSEMBLY ALSO FINDS THAT CONSOLIDATING THE VARIOUS FORMS FOR ISSUING CIVIL RESTRAINING ORDERS AND CREATING, TO THE EXTENT POSSIBLE, A STANDARDIZED SET OF FORMS THAT WILL BE APPLICABLE TO THE ISSUANCE OF CIVIL RESTRAINING ORDERS WILL SIMPLIFY THE PROCEDURES FOR ISSUING THESE RESTRAINING ORDERS AND ENHANCE THE EFFICIENT USE OF THE COURTS' AND CITIZENS' TIME AND RESOURCES.

(2) ON OR BEFORE MARCH 1, 1999, THE STATE COURT ADMINISTRATOR, PURSUANT TO THE RULE-MAKING AUTHORITY OF THE COLORADO SUPREME COURT, SHALL DESIGN AND MAKE AVAILABLE TO THE COURTS COPIES OF A STANDARDIZED SET OF FORMS THAT SHALL BE USED IN THE ISSUANCE OF CIVIL RESTRAINING ORDERS ISSUED PURSUANT TO SECTION 13-6-107 OR SECTION 14-4-102 OR 14-10-108, C.R.S., OR RULE 365 OF THE COLORADO RULES OF COUNTY COURT CIVIL PROCEDURE. THE STATE COURT ADMINISTRATOR SHALL DESIGN THE STANDARDIZED SET OF FORMS IN SUCH A MANNER AS TO MAKE THE FORMS EASY TO UNDERSTAND AND USE AND IN SUCH A

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

MANNER AS WILL FACILITATE AND IMPROVE THE PROCEDURE FOR REQUESTING, ISSUING, AND ENFORCING CIVIL RESTRAINING ORDERS.

(3) IN DEVELOPING THE STANDARDIZED SET OF FORMS FOR THE ISSUANCE OF CIVIL RESTRAINING ORDERS PURSUANT TO THIS SECTION, THE STATE COURT ADMINISTRATOR SHALL WORK WITH REPRESENTATIVES OF MUNICIPAL, COUNTY, AND DISTRICT COURT JUDGES, LAW ENFORCEMENT, A MEMBER OF THE COLORADO BAR ASSOCIATION, AND REPRESENTATIVES OF OTHER INTERESTED GROUPS.

**SECTION 2.** 13-6-107 (1) and (5), Colorado Revised Statutes, are amended to read:

**13-6-107. Restraining orders to prevent emotional abuse of the elderly.**

(1) A county court shall have authority to issue temporary and permanent restraining orders to prevent emotional abuse of the elderly. ANY RESTRAINING ORDER ISSUED PURSUANT TO THIS SECTION ON OR AFTER MARCH 1, 1999, SHALL BE ISSUED USING THE STANDARDIZED SET OF FORMS DEVELOPED BY THE STATE COURT ADMINISTRATOR PURSUANT TO SECTION 13-1-136.

(5) Upon the filing of a complaint duly verified, alleging that the defendant has committed acts constituting emotional abuse of an elderly person, any judge or magistrate, after hearing the evidence and being fully satisfied therein that sufficient cause exists, may issue a temporary restraining order ~~on a standardized form prescribed by the judicial department~~ to prevent such abuse and a citation directed to the defendant commanding the defendant to appear before the court at a specific time and date, to show cause, if any, why said temporary restraining order should not be made permanent. Complaints may be filed by the elderly person or by persons listed in section 26-3.1-102 (1) (b) and (1) (c), C.R.S.

**SECTION 3.** 14-4-102 (1) and (5), Colorado Revised Statutes, are amended to read:

**14-4-102. Restraining orders to prevent domestic abuse.** (1) A municipal court of record, if authorized by the municipal governing body, county court, and district court shall have authority to issue temporary and permanent restraining orders to prevent domestic abuse whether or not such relief could be obtained in a domestic relations action filed in a district court. ANY RESTRAINING ORDER ISSUED PURSUANT TO THIS SECTION ON OR AFTER MARCH 1, 1999, SHALL BE ISSUED USING THE STANDARDIZED SET OF FORMS DEVELOPED BY THE STATE COURT ADMINISTRATOR PURSUANT TO SECTION 13-1-136, C.R.S.

(5) Upon the filing of a complaint, duly verified, alleging that the defendant has committed acts constituting domestic abuse against the plaintiff or a minor child of either of the parties, any judge of a municipal, county, or district court, after hearing the evidence and being fully satisfied therein that sufficient cause exists, may issue a temporary restraining order ~~on a standardized form prescribed by the judicial department~~ to prevent domestic abuse and a citation directed to the defendant, commanding such defendant to appear before the court at a specific time and date, to show cause, if any, why said temporary restraining order should not be made permanent. However, if the temporary restraining order is issued by the district court in connection with an action filed under the "Uniform Dissolution of Marriage Act",

article 10 of this title, or by the juvenile court under the "Uniform Parentage Act", article 4 of title 19, C.R.S., the court may dispense with the issuance of a citation and require that the temporary restraining order remain in effect until revoked, modified, or terminated as provided in section 14-10-108.

**SECTION 4.** 14-10-108 (3), Colorado Revised Statutes, is amended, and the said 14-10-108 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**14-10-108. Temporary order or temporary injunction.** (2.3) ANY RESTRAINING ORDER ISSUED PURSUANT TO THIS SECTION ON OR AFTER MARCH 1, 1999, SHALL BE ISSUED USING THE STANDARDIZED SET OF FORMS DEVELOPED BY THE STATE COURT ADMINISTRATOR PURSUANT TO SECTION 13-1-136, C.R.S.

(3) The court may issue a temporary restraining order without requiring notice to the other party only if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury would result to the moving party if no order were issued until the time for responding had elapsed. ~~Any temporary restraining order issued pursuant to this section shall be on a standardized form prescribed by the judicial department~~ and A copy OF ANY TEMPORARY RESTRAINING ORDER ISSUED PURSUANT TO THIS SECTION shall be provided to the protected parties.

**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 13, 1998