

CHAPTER 157

COURTS

HOUSE BILL 99-1204

BY REPRESENTATIVES Paschall, Allen, George, Lee, McKay, McPherson, Morrison, Tool, Hagedorn, Piffner, and Stengel;
also SENATORS Anderson, Congrove, Epps, Hernandez, Musgrave, Perlmutter, Reeves, and Sullivant.

AN ACT

CONCERNING ISSUANCE OF CIVIL RESTRAINING ORDERS.

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

SECTION 1. Title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 14
Civil Restraining Orders

13-14-101. Definitions. FOR PURPOSES OF THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ABUSE OF THE ELDERLY" MEANS MISTREATMENT OF A PERSON WHO IS SIXTY YEARS OF AGE OR OLDER, 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

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

RESTRICTION OF LIBERTY.

(2) "DOMESTIC ABUSE" MEANS ANY ACT OR THREATENED ACT OF VIOLENCE 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. "DOMESTIC ABUSE" MAY ALSO INCLUDE ANY ACT OR THREATENED ACT OF VIOLENCE AGAINST THE MINOR CHILDREN OF EITHER OF THE PARTIES.

(3) "STALKING" MEANS THE CRIME OF HARASSMENT BY STALKING AS DESCRIBED IN SECTION 18-9-111, C.R.S.

13-14-102. Civil restraining orders. (1) ANY MUNICIPAL COURT OF RECORD, IF AUTHORIZED BY THE MUNICIPAL GOVERNING BODY, ANY COUNTY COURT, AND ANY DISTRICT COURT SHALL HAVE ORIGINAL CONCURRENT JURISDICTION TO ISSUE A TEMPORARY OR PERMANENT CIVIL RESTRAINING ORDER FOR ANY OF THE FOLLOWING PURPOSES:

- (a) TO PREVENT ASSAULTS AND THREATENED BODILY HARM;
- (b) TO PREVENT DOMESTIC ABUSE;
- (c) TO PREVENT EMOTIONAL ABUSE OF THE ELDERLY;
- (d) TO PREVENT STALKING.

(2) ANY CIVIL RESTRAINING 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) A MOTION FOR A TEMPORARY CIVIL RESTRAINING ORDER SHALL BE SET FOR HEARING, WHICH HEARING MAY BE EX PARTE, AT THE EARLIEST POSSIBLE TIME 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.

(4) A TEMPORARY CIVIL RESTRAINING 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 RESTRAINING ORDER. IN DETERMINING WHETHER AN IMMINENT DANGER EXISTS TO THE LIFE OR HEALTH OF ONE OR MORE PERSONS, THE COURT SHALL CONSIDER WHEN THE MOST RECENT INCIDENT OF ABUSE OR THREAT OF HARM OCCURRED AS WELL AS ALL OTHER RELEVANT EVIDENCE CONCERNING THE SAFETY AND PROTECTION OF THE PERSONS SEEKING THE RESTRAINING ORDER. HOWEVER, THE COURT SHALL NOT DENY A PETITIONER THE RELIEF REQUESTED SOLELY BECAUSE OF A LAPSE OF TIME BETWEEN AN ACT OF ABUSE OR THREAT OF HARM AND FILING OF THE PETITION FOR A RESTRAINING ORDER.

(5) UPON THE FILING OF A COMPLAINT DULY VERIFIED, ALLEGING THAT THE DEFENDANT HAS COMMITTED ACTS THAT WOULD CONSTITUTE GROUNDS FOR A CIVIL

RESTRAINING ORDER, ANY JUDGE OR MAGISTRATE, AFTER HEARING THE EVIDENCE AND BEING FULLY SATISFIED THEREIN THAT SUFFICIENT CAUSE EXISTS, MAY ISSUE A TEMPORARY CIVIL RESTRAINING ORDER TO PREVENT THE ACTIONS COMPLAINED OF AND A CITATION DIRECTED TO THE DEFENDANT COMMANDING THE DEFENDANT TO APPEAR BEFORE THE COURT AT A SPECIFIC TIME AND DATE AND TO SHOW CAUSE, IF ANY, WHY SAID TEMPORARY CIVIL RESTRAINING ORDER SHOULD NOT BE MADE PERMANENT; EXCEPT THAT, 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 TITLE 14, C.R.S., 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, C.R.S. 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.

(6) A COPY OF THE COMPLAINT TOGETHER WITH A COPY OF THE TEMPORARY CIVIL RESTRAINING ORDER AND A COPY OF THE CITATION SHALL BE SERVED UPON THE DEFENDANT 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 SHALL INFORM THE DEFENDANT THAT, IF THE DEFENDANT FAILS TO APPEAR IN COURT IN ACCORDANCE WITH THE TERMS OF THE CITATION, A BENCH WARRANT MAY BE ISSUED FOR THE ARREST OF THE DEFENDANT AND, IF THE RESTRAINING ORDER IS TO PREVENT DOMESTIC ABUSE, THE TEMPORARY RESTRAINING ORDER PREVIOUSLY ENTERED BY THE COURT SHALL BE MADE PERMANENT WITHOUT FURTHER NOTICE OR SERVICE UPON THE DEFENDANT.

(7) THE RETURN DATE OF THE CITATION SHALL BE SET NOT MORE THAN FOURTEEN DAYS AFTER THE ISSUANCE OF THE TEMPORARY CIVIL RESTRAINING ORDER AND CITATION. IF THE PETITIONER IS UNABLE TO SERVE THE DEFENDANT IN THAT PERIOD, THE COURT SHALL EXTEND THE TEMPORARY RESTRAINING 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 ADDITIONAL CONTINUANCES AS NEEDED IF THE PETITIONER HAS STILL BEEN UNABLE TO SERVE THE DEFENDANT.

(8) (a) ANY PERSON AGAINST WHOM A TEMPORARY RESTRAINING ORDER IS ISSUED PURSUANT TO THIS SECTION, WHICH TEMPORARY RESTRAINING ORDER EXCLUDES SUCH PERSON FROM A SHARED RESIDENCE, SHALL BE PERMITTED TO RETURN TO SUCH SHARED RESIDENCE ONE TIME TO OBTAIN SUFFICIENT UNDISPUTED PERSONAL EFFECTS AS ARE NECESSARY FOR SUCH PERSON TO MAINTAIN A NORMAL STANDARD OF LIVING DURING ANY PERIOD PRIOR TO A HEARING CONCERNING SUCH ORDER. SUCH PERSON AGAINST WHOM A TEMPORARY RESTRAINING ORDER IS ISSUED SHALL BE PERMITTED TO RETURN TO SUCH SHARED RESIDENCE ONLY IF SUCH PERSON IS ACCOMPANIED AT ALL TIMES WHILE THE PERSON IS AT OR IN SUCH SHARED RESIDENCE BY A PEACE OFFICER.

(b) WHEN ANY PERSON IS SERVED WITH NOTICE OF A TEMPORARY RESTRAINING

ORDER ISSUED AGAINST SUCH PERSON EXCLUDING SUCH PERSON FROM A SHARED RESIDENCE, SUCH NOTICE SHALL CONTAIN A NOTIFICATION IN WRITING TO SUCH PERSON OF SUCH PERSON'S ABILITY TO RETURN TO SUCH SHARED RESIDENCE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (8). SUCH WRITTEN NOTIFICATION SHALL BE IN BOLD PRINT AND CONSPICUOUSLY PLACED IN SUCH TEMPORARY RESTRAINING ORDER. NO JUDGE, MAGISTRATE, OR OTHER JUDICIAL OFFICER SHALL ISSUE A TEMPORARY RESTRAINING ORDER THAT DOES NOT COMPLY WITH THIS SUBSECTION (8).

(c) ANY PERSON AGAINST WHOM A TEMPORARY RESTRAINING ORDER IS ISSUED PURSUANT TO THIS SECTION, WHICH TEMPORARY RESTRAINING ORDER EXCLUDES SUCH PERSON FROM A SHARED RESIDENCE, SHALL BE ENTITLED TO AVAIL HIMSELF OR HERSELF OF THE FORCIBLE ENTRY AND DETAINER REMEDIES AVAILABLE PURSUANT TO ARTICLE 40 OF THIS TITLE. HOWEVER, SUCH PERSON SHALL NOT BE ENTITLED TO RETURN TO THE RESIDENCE UNTIL SUCH TIME AS A VALID WRIT OF RESTITUTION IS EXECUTED, FILED WITH THE COURT ISSUING THE RESTRAINING ORDER, AND THE RESTRAINING ORDER IS MODIFIED ACCORDINGLY. A LANDLORD WHOSE LESSEE HAS BEEN EXCLUDED FROM A RESIDENCE PURSUANT TO THE TERMS OF A RESTRAINING ORDER IS ALSO ENTITLED TO AVAIL HIMSELF OR HERSELF OF THE REMEDIES AVAILABLE PURSUANT TO ARTICLE 40 OF THIS TITLE.

(9) (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 IS OF THE OPINION THAT THE DEFENDANT HAS COMMITTED ACTS CONSTITUTING GROUNDS FOR ISSUANCE OF A CIVIL RESTRAINING ORDER AND THAT UNLESS RESTRAINED WILL CONTINUE TO COMMIT SUCH ACTS, THE JUDGE OR MAGISTRATE SHALL ORDER THE TEMPORARY CIVIL RESTRAINING ORDER TO BE MADE PERMANENT OR ORDER A PERMANENT CIVIL RESTRAINING ORDER WITH DIFFERENT PROVISIONS FROM THE TEMPORARY CIVIL RESTRAINING ORDER. THE JUDGE OR MAGISTRATE SHALL INFORM SAID DEFENDANT THAT A VIOLATION OF THE CIVIL RESTRAINING ORDER SHALL CONSTITUTE A CRIMINAL OFFENSE PURSUANT TO SECTION 18-6-803.5, C.R.S., OR SHALL CONSTITUTE CONTEMPT OF COURT AND SUBJECT THE DEFENDANT TO SUCH PUNISHMENT AS MAY BE PROVIDED BY LAW. IF THE DEFENDANT FAILS TO APPEAR AT THE RETURN DATE AND THE PETITION IS FOR A RESTRAINING ORDER TO PREVENT DOMESTIC ABUSE, THE COURT SHALL ORDER THE TERMS OF THE TEMPORARY RESTRAINING ORDER TO BE MADE PERMANENT WITHOUT FURTHER NOTICE OR SERVICE UPON THE DEFENDANT.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (9), THE JUDGE OR MAGISTRATE, AFTER EXAMINING THE RECORD AND THE EVIDENCE, FOR GOOD CAUSE SHOWN MAY CONTINUE THE TEMPORARY RESTRAINING ORDER TO A DATE CERTAIN NOT TO EXCEED ONE HUNDRED TWENTY DAYS 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. THE JUDGE OR MAGISTRATE SHALL INFORM THE DEFENDANT THAT A VIOLATION OF THE TEMPORARY CIVIL RESTRAINING ORDER SHALL CONSTITUTE A CRIMINAL OFFENSE PURSUANT TO SECTION 18-6-803.5, C.R.S., OR SHALL CONSTITUTE CONTEMPT OF COURT AND SUBJECT THE DEFENDANT TO SUCH PUNISHMENT AS MAY BE PROVIDED BY LAW.

(10) A COPY OF ANY ORDER ISSUED PURSUANT TO THIS SECTION SHALL BE DELIVERED TO ANY LAW ENFORCEMENT AGENCY HAVING JURISDICTION TO ENFORCE SAID ORDER AND TO THE PROTECTED PARTY.

(11) IF THE ORDER HAS NOT BEEN PERSONALLY SERVED, THE PEACE OFFICER RESPONDING TO A CALL FOR ASSISTANCE SHALL SERVE A COPY OF SAID ORDER ON THE PERSON NAMED DEFENDANT THEREIN AND SHALL WRITE THE TIME, DATE, AND MANNER OF SERVICE ON THE PROTECTED PERSON'S COPY OF SUCH ORDER AND SHALL SIGN SUCH STATEMENT. THE COST OF SERVING SAID ORDER SHALL BE TEN DOLLARS, PAYABLE TO THE LAW ENFORCEMENT AGENCY EMPLOYING THE PEACE OFFICER SERVING SAID ORDER, WHICH TEN DOLLARS SHALL BE ASSESSED AGAINST THE PARTIES AS COURT COSTS OF OBTAINING SAID ORDER.

(12) THE DUTIES OF PEACE OFFICERS ENFORCING THE CIVIL RESTRAINING 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 SAID SECTION.

(13) A PERSON FAILING TO COMPLY WITH ANY ORDER OF THE COURT ISSUED PURSUANT TO THIS SECTION SHALL BE FOUND IN CONTEMPT OF COURT OR MAY BE PROSECUTED FOR VIOLATION OF A CIVIL RESTRAINING ORDER PURSUANT TO SECTION 18-6-803.5, C.R.S.

(14) AT THE TIME A CIVIL RESTRAINING ORDER IS REQUESTED, THE COURT SHALL INQUIRE ABOUT, AND THE REQUESTING PARTY AND SUCH PARTY'S ATTORNEY SHALL HAVE AN INDEPENDENT DUTY TO DISCLOSE, ANY KNOWLEDGE SUCH PARTY AND SUCH PARTY'S ATTORNEY MAY HAVE CONCERNING THE EXISTENCE OF ANY PRIOR RESTRAINING ORDERS OF ANY COURT ADDRESSING IN WHOLE OR IN PART THE SUBJECT MATTER OF THE REQUESTED CIVIL RESTRAINING ORDER.

(15) A MUNICIPAL COURT OF RECORD THAT IS AUTHORIZED BY ITS MUNICIPAL GOVERNING BODY TO ISSUE RESTRAINING ORDERS AND ANY COUNTY COURT, IN CONNECTION WITH ISSUING A CIVIL RESTRAINING ORDER, SHALL HAVE ORIGINAL CONCURRENT JURISDICTION WITH THE DISTRICT COURT TO ISSUE SUCH ADDITIONAL ORDERS AS THE MUNICIPAL OR COUNTY COURT DEEMS NECESSARY FOR THE PROTECTION OF PERSONS. SUCH ADDITIONAL ORDERS MAY INCLUDE, BUT ARE NOT LIMITED TO:

(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 HUNDRED TWENTY

DAYS.

(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 SUCH PARENTING TIME BY A THIRD PARTY WHO AGREES ON THE RECORD 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 STANDARD FOR THE AWARD OF TEMPORARY CARE AND CONTROL SHALL BE IN ACCORDANCE WITH SECTION 14-10-124, C.R.S.

(f) SUCH OTHER RELIEF AS THE COURT DEEMS APPROPRIATE.

(16) ANY ORDER FOR TEMPORARY CARE AND CONTROL ISSUED PURSUANT TO SUBSECTION (15) OF THIS SECTION SHALL BE GOVERNED BY THE "UNIFORM CHILD CUSTODY JURISDICTION ACT", ARTICLE 13 OF TITLE 14, C.R.S.

(17) ANY ORDER GRANTED PURSUANT TO PARAGRAPH (c) OR (e) OF SUBSECTION (15) OF THIS SECTION SHALL 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., OR THE "UNIFORM CHILD CUSTODY JURISDICTION ACT", ARTICLE 13 OF TITLE 14, C.R.S., OR THE "COLORADO CHILDREN'S CODE", TITLE 19, C.R.S.

(18) A COURT SHALL NOT GRANT A MUTUAL RESTRAINING 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 SUBSECTION (4) OF THIS SECTION AND THE COURT MAKES SEPARATE AND SUFFICIENT FINDINGS OF FACT TO SUPPORT THE ISSUANCE OF THE MUTUAL RESTRAINING ORDER TO PREVENT DOMESTIC ABUSE FOR THE PROTECTION OF OPPOSING PARTIES. NO PARTY MAY WAIVE THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (18).

(19) THIS SECTION SHALL NOT APPLY TO ANY CLAIM OF DOMESTIC ABUSE AGAINST A JUVENILE. SUCH CLAIMS SHALL BE ADDRESSED BY THE JUVENILE COURT PURSUANT TO SECTION 19-2-707, C.R.S.

(20) ENACTMENT OF THIS SECTION SHALL NOT AFFECT THE EFFECTIVENESS OF ANY CIVIL RESTRAINING ORDER ISSUED PRIOR TO JULY 1, 1999.

SECTION 2. 14-10-120, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

14-10-120. Decree. (6) NOTWITHSTANDING THE ENTRY OF A FINAL DECREE OF DISSOLUTION OF MARRIAGE OR OF LEGAL SEPARATION PURSUANT TO THIS SECTION, THE DISTRICT COURT MAY MAINTAIN JURISDICTION TO ENTER SUCH TEMPORARY OR PERMANENT CIVIL RESTRAINING ORDERS AS MAY BE PROVIDED BY LAW UPON REQUEST

OF ANY OF THE PARTIES TO THE ACTION FOR DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION, INCLUDING, BUT NOT LIMITED TO, ANY RESTRAINING ORDER REQUESTED PURSUANT TO SECTION 14-10-108.

SECTION 3. 13-1-136 (2), Colorado Revised Statutes, is amended to read:

13-1-136. Civil restraining orders - single set of forms. (2) On or before ~~March 1,~~ JULY 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~~ ARTICLE 14 OF THIS TITLE OR SECTION 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 manner as will facilitate and improve the procedure for requesting, issuing, and enforcing civil restraining orders.

SECTION 4. 14-10-108 (2.3), Colorado Revised Statutes, is amended 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,~~ JULY 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.

SECTION 5. 13-6-104 (5), (6), and (9), Colorado Revised Statutes, are amended to read:

13-6-104. Original civil jurisdiction. (5) The county court shall have concurrent original jurisdiction with the district court to issue ~~orders to prevent domestic abuse as provided in article 4 of title 14, C.R.S.~~ TEMPORARY AND PERMANENT CIVIL RESTRAINING ORDERS AS PROVIDED IN ARTICLE 14 OF THIS TITLE.

(6) ~~The county court shall have concurrent original jurisdiction with the district court to issue restraining orders to prevent assaults and threatened bodily harm. If the restraining order is to prevent domestic abuse, the provisions of subsection (5) of this section shall apply.~~

(9) ~~The county court shall have original jurisdiction to issue orders to prevent emotional abuse of the elderly as provided in section 13-6-107.~~

SECTION 6. Repeal. 13-6-107 and 14-4-102, Colorado Revised Statutes, are repealed.

SECTION 7. 14-4-103 (4), Colorado Revised Statutes, is amended to read:

14-4-103. Emergency protection orders. (4) An emergency protection order shall expire not later than the close of judicial business on the third day of judicial business following the day of issue, unless otherwise continued by the court. The court may continue an emergency protection order only if the plaintiff has filed a complaint for a restraining order to prevent domestic abuse pursuant to ~~section 14-4-102~~ ARTICLE 14 OF TITLE 13, C.R.S., and the judge is unable to set a hearing on

plaintiff's request for a temporary restraining order on the day the complaint was filed.

SECTION 8. 14-4-104, Colorado Revised Statutes, is amended to read:

14-4-104. Duties of peace officers - enforcement of emergency protection orders. The duties of peace officers enforcing ~~restraining~~ EMERGENCY PROTECTION orders issued pursuant to section ~~14-4-102 or~~ 14-4-103 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.

SECTION 9. 14-10-107.8, Colorado Revised Statutes, is amended to read:

14-10-107.8. Required notice of prior restraining orders to prevent domestic abuse - petitions for dissolution of marriage or legal separation. When filing a petition for dissolution of marriage or legal separation pursuant to this article, the filing party shall have a duty to disclose to the court the existence of any prior temporary or permanent restraining orders to prevent domestic abuse issued pursuant to ~~article 4 of this title~~ ARTICLE 14 OF TITLE 13, C.R.S., ANY MANDATORY RESTRAINING ORDERS ISSUED PURSUANT TO SECTION 18-1-1001, C.R.S., AND ANY EMERGENCY PROTECTION ORDERS ISSUED PURSUANT TO SECTION 14-4-103 entered against either party by any court within ninety days prior to the filing of the petition of dissolution of marriage or legal separation. The disclosure required pursuant to this section shall address the subject matter of the previous restraining OR EMERGENCY PROTECTION orders, including the case number and jurisdiction issuing such orders.

SECTION 10. 14-10-123.6, Colorado Revised Statutes, is amended to read:

14-10-123.6. Required notice of prior restraining orders to prevent domestic abuse - proceedings concerning parental responsibilities relating to a child. When filing a proceeding concerning the allocation of parental responsibilities relating to a child pursuant to this article, the filing party shall have a duty to disclose to the court the existence of any prior temporary or permanent restraining orders to prevent domestic abuse issued pursuant to ~~article 4 of this title~~ ARTICLE 14 OF TITLE 13, C.R.S., AND ANY EMERGENCY PROTECTION ORDERS ISSUED PURSUANT TO SECTION 14-4-103 entered against either party by any court within ninety days prior to the filing of the proceeding. The disclosure required pursuant to this section shall address the subject matter of the previous restraining orders OR EMERGENCY PROTECTION ORDERS, including the case number and jurisdiction issuing such orders.

SECTION 11. 18-6-803.5 (1.5) (d), Colorado Revised Statutes, is amended to read:

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

(d) "Restraining order" means any order that prohibits the restrained person from contacting, harassing, injuring, intimidating, molesting, threatening, or touching any person, or from entering or remaining on premises, or from coming within a specified distance of a protected person or premises, that is issued by a court of this state or a

municipal court, and that is issued pursuant to ~~section 13-6-107~~, ARTICLE 14 OF TITLE 13, C.R.S., 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., section 18-1-1001, section 19-2-707, C.R.S., section 19-3-316, C.R.S., section 19-4-111, C.R.S., or rule 365 of the Colorado rules of county court civil procedure, an order issued as part of the proceedings concerning a criminal municipal ordinance violation, or any other order of a court that prohibits a person from contacting, harassing, injuring, intimidating, molesting, threatening, or touching any person, or from entering or remaining on premises, or from coming within a specified distance of a protected person or premises. For purposes of this section only, "restraining order" includes any order that amends, modifies, supplements, or supersedes the initial restraining order. "Restraining order" also includes any foreign protection order as defined in section 18-6-803.8.

SECTION 12. 18-6-803.7 (1) (e), Colorado Revised Statutes, is amended to read:

18-6-803.7. Central registry of restraining orders - creation. (1) As used in this section:

(e) "Restraining order" means any order that prohibits the restrained person from contacting, harassing, injuring, intimidating, molesting, threatening, or touching any person, or from entering or remaining on premises, or from coming within a specified distance of a protected person or premises, that is issued by a court of this state or an authorized municipal court, and that is issued pursuant to ~~section 13-6-107~~, ARTICLE 14 OF TITLE 13, C.R.S., 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., section 18-1-1001, section 19-2-707, C.R.S., section 19-3-316, C.R.S., section 19-4-111, C.R.S., or rule 365 of the Colorado rules of county court civil procedure or an order issued as part of the proceedings concerning a criminal municipal ordinance violation. "Restraining order" also includes any foreign protection order as described in section 18-6-803.8.

SECTION 13. 19-2-707 (1) (b), Colorado Revised Statutes, is amended to read:

19-2-707. Mandatory restraining order. (1) (b) A restraining order to prevent domestic abuse, as defined in section 14-4-101 (2), C.R.S., may be issued pursuant to this section against any juvenile and the juvenile's parents or legal guardian, based upon the standards set forth in ~~section 14-4-102 (4)~~ SECTION 13-14-102 (4), C.R.S.

SECTION 14. 19-4-107.5, Colorado Revised Statutes, is amended to read:

19-4-107.5. Required notice of prior restraining orders to prevent domestic abuse - determination of parent and child relationship. When filing a proceeding under this article, the filing party shall have a duty to disclose to the court the existence of any prior temporary or permanent restraining orders to prevent domestic abuse issued pursuant to ~~article 4 of title 14~~ ARTICLE 14 OF TITLE 13, C.R.S., AND ANY EMERGENCY PROTECTION ORDERS ISSUED PURSUANT TO SECTION 14-4-103, C.R.S., entered against either party by any court within ninety days prior to the filing of the proceeding to determine the parent and child relationship. The disclosure required pursuant to this section shall address the subject matter of the previous restraining orders OR EMERGENCY PROTECTION ORDERS, including the case number and jurisdiction issuing such orders.

SECTION 15. Effective date - applicability. This act shall take effect July 1, 1999, and shall apply to civil restraining orders issued on or after said date.

SECTION 16. 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 30, 1999