

CHAPTER 269

**CHILDREN AND DOMESTIC MATTERS**

**HOUSE BILL 99-1234**

BY REPRESENTATIVES Mace, Chavez, Coleman, Decker, Fairbank, Gagliardi, Larson, Leyba, Miller, Tapia, Veiga, Vigil, Webster, S. Williams, T. Williams, and Zimmerman;  
also SENATORS Perlmutter and Tanner.

**AN ACT**

CONCERNING THE AUTOMATIC TEMPORARY INJUNCTION IN A PETITION FOR DISSOLUTION OF MARRIAGE.

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

**SECTION 1.** 14-10-107 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**14-10-107. Commencement - pleadings - abolition of existing defenses - automatic, temporary injunction - enforcement.** (2) The petition in a proceeding for dissolution of marriage or legal separation shall allege that the marriage is irretrievably broken and shall set forth:

(g) A WRITTEN ACKNOWLEDGMENT BY THE PETITIONER AND THE CO-PETITIONER, IF ANY, THAT HE OR SHE HAS RECEIVED A COPY OF, HAS READ, AND UNDERSTANDS THE TERMS OF THE AUTOMATIC TEMPORARY INJUNCTION REQUIRED BY PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION.

**SECTION 2.** 14-10-107 (4) (b) (I) (B), (4) (b) (I) (C), and (4) (b) (II), Colorado Revised Statutes, are amended, and the said 14-10-107 (4) (b) (I) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

**14-10-107. Commencement - pleadings - abolition of existing defenses - automatic, temporary injunction - enforcement.** (4) (b) (I) Upon the filing of a petition for dissolution of marriage or legal separation by the petitioner or copetitioner and upon personal service of the petition and summons on the respondent or upon waiver and acceptance of service by the respondent, a temporary injunction shall be in effect against both parties until the final decree is entered or the petition is dismissed or until further order of the court:

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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.*

(B) Enjoining both parties from molesting or disturbing the peace of the other party; ~~and~~

(C) Restraining both parties from removing the minor child or children of the parties, if any, from the state without the consent of the other party or an order of the court; AND

(D) RESTRAINING BOTH PARTIES, WITHOUT AT LEAST FOURTEEN DAYS' ADVANCE NOTIFICATION AND THE WRITTEN CONSENT OF THE OTHER PARTY OR AN ORDER OF THE COURT, FROM CANCELING, MODIFYING, TERMINATING, OR ALLOWING TO LAPSE FOR NONPAYMENT OF PREMIUMS, ANY POLICY OF HEALTH INSURANCE, HOMEOWNER'S OR RENTER'S INSURANCE, OR AUTOMOBILE INSURANCE THAT PROVIDES COVERAGE TO EITHER OF THE PARTIES OR THE MINOR CHILDREN OR ANY POLICY OF LIFE INSURANCE THAT NAMES EITHER OF THE PARTIES OR THE MINOR CHILDREN AS A BENEFICIARY.

(II) The provisions of the injunction shall be printed upon the summons AND THE PETITION and THE INJUNCTION shall become an order of the court upon fulfillment of the requirements of subparagraph (I) of this paragraph (b). However, nothing in this paragraph (b) shall preclude either party from applying to the court for further temporary orders, an expanded temporary injunction, or modification or revocation under section 14-10-108.

**SECTION 3. Applicability.** This act shall apply to petitions for dissolution of marriage or legal separation filed on or after July 1, 1999.

**SECTION 4. 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: June 1, 1999