

CHAPTER 238

COURTS

SENATE BILL 07-136

BY SENATOR(S) Morse, Bacon, Boyd, Groff, Romer, Shaffer, Tapia, Veiga, Williams, and Ward;
 also REPRESENTATIVE(S) Romanoff, Carroll T., Frangas, Green, Jahn, Kerr A., Labuda, Levy, Madden, Marshall, Merrifield,
 Roberts, Solano, Stafford, Stephens, and Summers.

AN ACT**CONCERNING THE JURISDICTION OF COURTS TO ENTER ORDERS FOR THE PROTECTION OF PERSONS.**

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

SECTION 1. 13-14-102 (1), Colorado Revised Statutes, is amended to read:

13-14-102. Civil protection orders - legislative declaration. (1) (a) The general assembly hereby finds that the issuance and enforcement of protection orders are of paramount importance in the state of Colorado because protection orders promote safety, reduce violence, and prevent serious harm and death. In order to improve the public's access to protection orders and to assure careful judicial consideration of requests and effective law enforcement, there shall be two processes for obtaining protection orders within the state of Colorado, a simplified civil process and a mandatory criminal process.

(b) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(I) DOMESTIC VIOLENCE IS NOT LIMITED TO PHYSICAL THREATS OF VIOLENCE AND HARM BUT INCLUDES FINANCIAL CONTROL, DOCUMENT CONTROL, PROPERTY CONTROL, AND OTHER TYPES OF CONTROL THAT MAKE A VICTIM MORE LIKELY TO RETURN TO AN ABUSER DUE TO FEAR OF RETALIATION OR INABILITY TO MEET BASIC NEEDS;

(II) VICTIMS OF DOMESTIC VIOLENCE IN MANY CASES ARE UNABLE TO ACCESS RESOURCES TO SEEK LASTING SAFETY OPTIONS;

(III) THESE VICTIMS NEED THE ASSISTANCE OF ADDITIONAL COURT ORDERS TO MEET THEIR IMMEDIATE NEEDS FOR FOOD, SHELTER, TRANSPORTATION, MEDICAL

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

CARE, AND CHILD CARE AT THE TIME THEY GO TO COURT FOR A CIVIL PROTECTION ORDER; AND

(IV) THESE ADDITIONAL COURT ORDERS ARE NEEDED NOT ONLY IN CASES THAT END IN DISSOLUTION OF MARRIAGE BUT ALSO IN CASES IN WHICH RECONCILIATION IS APPROPRIATE, AS WELL AS IN OTHER CASES.

SECTION 2. 13-14-102 (15), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

13-14-102. Civil protection orders - legislative declaration. (15) A municipal court of record that is authorized by its municipal governing body to issue protection or restraining orders and any county court, in connection with issuing a civil protection order, 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:

(g) (I) A TEMPORARY INJUNCTION THAT MAY BE ISSUED BY THE COURT THAT, UPON PERSONAL SERVICE OR UPON WAIVER AND ACCEPTANCE OF SERVICE BY THE DEFENDANT, IS TO BE IN EFFECT AGAINST THE DEFENDANT FOR A PERIOD DETERMINED TO BE APPROPRIATE BY THE COURT, AND RESTRAINS THE DEFENDANT FROM CEASING TO MAKE PAYMENTS FOR MORTGAGE OR RENT, INSURANCE, UTILITIES OR RELATED SERVICES, TRANSPORTATION, MEDICAL CARE, OR CHILD CARE WHEN THE DEFENDANT HAS A PRIOR EXISTING DUTY OR LEGAL OBLIGATION, OR FROM TRANSFERRING, ENCUMBERING, CONCEALING, OR IN ANY WAY DISPOSING OF PERSONAL EFFECTS OR REAL PROPERTY, EXCEPT IN THE USUAL COURSE OF BUSINESS OR FOR THE NECESSITIES OF LIFE. THE RESTRAINED PARTY SHALL BE REQUIRED TO ACCOUNT TO THE COURT FOR ALL EXTRAORDINARY EXPENDITURES MADE AFTER THE INJUNCTION IS IN EFFECT. ANY INJUNCTION ISSUED SHALL NOT EXCEED ONE HUNDRED TWENTY DAYS AFTER THE ISSUANCE OF THE PERMANENT CIVIL PROTECTION ORDER.

(II) THE PROVISIONS OF THE INJUNCTION SHALL BE PRINTED ON 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 (g).

(III) NOTHING IN THIS PARAGRAPH (g) SHALL PRECLUDE EITHER PARTY FROM APPLYING TO THE DISTRICT COURT FOR FURTHER TEMPORARY ORDERS, AN EXPANDED TEMPORARY INJUNCTION, OR MODIFICATION OR REVOCATION. ANY SUBSEQUENT ORDER ISSUED BY THE DISTRICT COURT AS PART OF A DOMESTIC MATTER INVOLVING THE PARTIES SHALL SUPERSEDE AN INJUNCTION MADE PURSUANT TO THIS PARAGRAPH (g).

SECTION 3. Effective date. This act shall take effect July 1, 2007.

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: May 17, 2007