

COLORADO CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In Colorado, there are 2 types of civil protection orders:

- Civil Protection Orders** are available for a wide array of circumstances including individuals seeking protection from domestic violence, sexual abuse, stalking, and elder abuse; a survivor can apply for this type of order and others may do so on the survivor’s behalf (Colo. Rev. Stat. §§ 13-14-100.2 to 13-14-110).
- Extreme Risk Protection Orders** may be sought by a person with a specific relationship to an individual who poses a serious threat of physical harm to themselves or someone else (Colo. Rev. Stat. §§ 13-14.5-101 to 116).



CIVIL PROTECTION ORDER

Who can apply?

The article has been interpreted to allow a complaint by any person or persons alleging an act of abuse or threat of harm, or imminent danger to the life or health of one or more persons, including but not limited to **domestic abuse**, **sexual assault or abuse**, stalking, or **abuse of the elderly or of an at-risk adult**.

A court may issue a CPO in the name of a business for the protection of its employees.

Colo. Rev. Stat. § 13-14-104.5(7)(b).

Domestic abuse means any of the following committed by a person related to petitioner, who shares or shared the same residence as petitioner, or with whom petitioner shares or shared an intimate relationship:

- Any act of violence, or attempts or threats thereof;
- Stalking;
- Harassment; or
- Coercion.

Colo. Rev. Stat. § 13-14-101(2).

Sexual assault or abuse means:

Any act of unlawful sexual behavior, or attempts or threats thereof by any person, against any other person, regardless of relationship.

Colo. Rev. Stat. § 13-14-101(2.9).

Abuse of the elderly or an at-risk adult means:

Mistreatment of a person who is 60 years or older, or is “at-risk” including, but not limited to:

- Verbal threats or assault;
- Verbal harassment;

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CIVIL PROTECTION ORDER

<p>Who can apply?</p>	<ul style="list-style-type: none"> • Inappropriate use of medications, physical restrains, or chemical restraints; • Misuse of authority or power granted through power of attorney, guardianship or conservatorship that results in unreasonable confinement or restriction of liberty; or • Threats or acts of violence against a pet intended to coerce or punish the elderly or at-risk adult. <p><i>Colo. Rev. Stat. § 13-14-101(1).</i></p> <p>At-risk adult means: An individual 18 or older who is susceptible to mistreatment because the individual is unable to perform or obtain services necessary for their health, safety, or welfare or lacks sufficient understanding to make or communicate responsible decisions. <i>Colo. Rev. Stat. § 26-3.1-101(1.5).</i></p>
<p>Can minors apply?</p>	<p>Yes. The article governing CPOs does not set forth eligibility requirements, including whether a minor can apply on his or her own, but has been interpreted to apply to any person without restriction. <i>Colo. Rev. Stat. § 13-14-103(1)(a).</i></p>
<p>Who can be restrained?</p>	<p>Any adult (defined as age 18 or older) or a juvenile who is age 10 or older. <i>Colo. Rev. Stat. § 13-14-104.5(1)(a).</i></p>
<p>What types of relief may a court order?</p>	<p>A court may issue a temporary or permanent order that includes any of the following when deemed necessary for the protection of the petitioner:</p> <ul style="list-style-type: none"> • Prohibit respondent from threatening or injuring petitioner or their minor child; <p style="text-align: right;"><i>continued on next page</i></p>



CIVIL PROTECTION ORDER

<p>What types of relief may a court order?</p>	<ul style="list-style-type: none"> • Temporarily make determinations of custody and parenting time of shared minor children; • Prohibit respondent from contacting petitioner or their minor child; • Exclude a party from a shared residence or other residence; • Prohibit respondent from interfering with a protected person at their place of work or school; • Prohibit respondent from injuring, transferring, threatening, or otherwise interfering with an animal owned by petitioner, or their minor child; • Specify arrangements for possession and care of animals owned by petitioner or their minor child; • Temporarily require respondent to continue making payments on necessities (e.g. mortgage, rent, utilities, etc.); or • Enter other relief the court deems necessary. <p><i>Colo. Rev. Stat. § 13-14-105(1-1.5); Colo. Rev. Stat. § 13-14-104.5(7).</i></p> <p>A CPO may also restrain a respondent from possessing or purchasing a firearm or ammunition, or to relinquish any firearm or ammunition.</p> <p><i>Colo. Rev. Stat. § 13-14-105.5(1)(a).</i></p>
<p>How long does the order last?</p>	<p>A hearing must be set for no more than 14 days, except that this period may be extended if the petitioner is unable to serve the respondent in that period.</p> <p><i>Colo. Rev. Stat. § 13-14-104.5(10).</i></p> <p>The court may, after examining the record and evidence, for good cause, continue the TPO and show cause hearing for up to 1 year if “in the best interests of the parties and if both parties are present at the hearing and agree to the continuance.” Each party may also request one continuance not to exceed 14 days, which may be granted upon a showing of good cause.</p> <p><i>Colo. Rev. Stat. § 13-14-106(1)(b).</i></p>



CIVIL PROTECTION ORDER

<p>Can the order be renewed?</p>	<p>Yes, a CPO may be modified, including by extending its duration, subject to certain limitations when a permanent CPO has been issued. <i>Colo. Rev. Stat. § 13-14-108(2).</i></p>
<p>Is a hearing with the respondent required?</p>	<p>No. A court may issue a temporary protection order based on the filing of a complaint after considering the evidence and finding sufficient cause exists. The temporary order may direct the respondent to appear before the court at a specific time and date and to show cause why it should not be made permanent. <i>Colo. Rev. Stat. § 13-14-104.5(8).</i></p>



EXTREME RISK PROTECTION ORDER

<p>Who can apply?</p>	<p>A petition for a temporary ERPO or an ERPO can be filed by:</p> <ol style="list-style-type: none"> 1. A family or household member of the respondent; 2. A community member; or 3. A law enforcement officer or agency. <p><i>Colo. Rev. Stat. §§ 13-14.5-103(1), 104(1).</i></p> <p>Family or household member means:</p> <ul style="list-style-type: none"> • Person related by blood, marriage, or adoption to respondent; • Person with a child in common with respondent; • Person who resides or regularly resided with respondent within the last 6 months; • Domestic partner of respondent; • Person with a biological or legal parent-child relationship with respondent, including grandchildren; or • Respondent’s legal guardian. <p><i>Colo. Rev. Stat. § 13-14.5-102(5).</i></p> <p>Community member means:</p> <p>A licensed health-care professional or mental health professional or an educator who had a direct relationship with the respondent or their child within six months of requesting the order.</p> <p><i>Colo. Rev. Stat. § 13-14.5-102(1).</i></p>
<p>Can minors apply?</p>	<p>Yes, provided the minor is a family or household member of the respondent.</p>



EXTREME RISK PROTECTION ORDER

<p>Who can be restrained?</p>	<p>Anyone who “poses a significant risk of causing personal injury to self or others by having in the respondent’s custody or control a firearm or by purchasing, possessing, or receiving a firearm.” <i>Colo. Rev. Stat. § 13-14.5-105(2).</i></p> <p>A temporary ERPO similarly requires “a significant risk of causing personal injury to self or others in the near future....” <i>Colo. Rev. Stat. § 13-14.5-103(3).</i></p>
<p>What types of relief may a court order?</p>	<p>Surrender of all firearms and any concealed carry permit to law enforcement. <i>Colo. Rev. Stat. § 13-14.5-103(6).</i></p> <p>Surrender of firearms may include sale or transfer of possession to a federally licensed firearms dealer, arrange for storage of the firearm by a law enforcement agency, or, only for an antique firearm or curio or relic, transfer of possession to a relative who does not live with respondent after confirming, though a criminal background check, the relative is eligible to own or possess a firearm under federal and state law. <i>Colo. Rev. Stat. § 13-14.5-108(1).</i></p>
<p>How long does the order last?</p>	<p>364 days. <i>Colo. Rev. Stat. § 13-14.5-105(2).</i></p>
<p>Can the order be renewed?</p>	<p>Yes. The court is required to notify the petitioner of the impending expiration of an ERPO 63 days before the order expires, within which time the petitioner may request renewal of the ERPO. The court is required to order a hearing within 14 days of the renewal request to determine whether to renew the ERPO for up to one year. <i>Colo. Rev. Stat. § 13-14.5-107(2).</i></p>



EXTREME RISK PROTECTION ORDER

Is a hearing with the respondent required?

A hearing with the respondent is not required for a court to issue a temporary ERPO, but is required for a final ERPO.

For a temporary ERPO, the court is required to schedule a hearing within 14 days after issuance of the temporary ERPO, which includes notice to the respondent, to determine if a 364-day ERPO should be issued.

Colo. Rev. Stat. § 13-14.5-103(5).

For an ERPO, the court is required to hold a hearing and must provide notice to the respondent of the hearing no later than one court day after the filing of the petition.

Colo. Rev. Stat. § 13-14.5-105(1).

The court is required to allow the respondent to present evidence and cross-examine witnesses, and be represented by an attorney at the hearing.

Colo. Rev. Stat. § 13-14.5-105(5).

HOW TO APPLY

Forms are available at courthouse and online at https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=24

Petitioner files motion or complaint, and accompanying affidavit, in any county where the acts that are the subject of the motion or complaint occur, in any county where one of the parties resides, or in any county where one of the parties is employed.

Colo. Rev. Stat. § 13-14-104.5(3).

A filing fee of \$85.00 is required, except when the person seeking a CPO is a victim of domestic abuse, stalking, sexual assault or unlawful sexual contact.

Colo. Rev. Stat. § 13-14-109.

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

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