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C.R.S. 13-14-106

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Statutes current through all 2024 legislation

[Colorado Revised Statutes Annotated](#) [Title 13. Courts and Court Procedure \(§§ 13-1-101 – 13-100-104\)](#) [Civil Protection Orders \(Arts. 14 – 14.5\)](#) [Article 14. Civil Protection Orders \(§§ 13-14-100.2 – 13-14-111\)](#)

13-14-106. Procedure for permanent civil protection orders.

(1)

(a) On the date of the **permanent protection order** hearing, or on the day to which the hearing has been continued, the judge or magistrate shall examine the record and the evidence. In all cases except those involving sexual violence, if upon the examination the judge or magistrate finds by a preponderance of the evidence that the respondent has committed acts constituting grounds for the issuance of a **civil protection order** and that unless restrained the respondent will continue to commit the acts or acts designed to intimidate or retaliate against the protected person, the judge or magistrate shall **order** the temporary **civil protection order** to be made **permanent** or enter a **permanent civil protection order** with provisions different from the temporary **civil protection order**. If upon the examination the judge or magistrate finds by a preponderance of the evidence that the respondent has engaged in a behavior constituting grounds for the issuance of a **civil protection order** on the basis of sexual violence and that a risk or threat of physical harm or the threat of psychological or emotional harm exists to the petitioner, the judge or magistrate shall **order** the temporary **civil protection order** to be made **permanent** or enter a **permanent civil protection order** with provisions different from the temporary **civil protection order**. The court shall not deny a petitioner the relief requested because a **protection order** has been issued pursuant to section 18-1-1001 or 18-1-1001.5. The court shall encourage the petitioner to notify the respondent if the petitioner intends not to appear at the **permanent protection order** hearing, but the court shall neither require the petitioner to attend nor assess attorney fees or costs against the petitioner for choosing not

to attend the hearing, except as provided in section 13-17-102 (2), (4), and (6). The judge or magistrate shall inform the respondent that a violation of the **civil permanent protection order** constitutes a criminal offense pursuant to section 18-6-803.5 or constitutes contempt of court and subjects the respondent to such punishment as may be provided by law. If the respondent fails to appear before the court for the **permanent protection order** hearing at the time and on the date identified in the citation issued by the court and the court finds that the respondent was properly served with the temporary **protection order** and the citation, it is not necessary to re-serve the respondent and the court must issue a **permanent protection order** by default without requiring additional evidence or testimony. However, if the court modifies the **protection order** on the motion of the protected party, the modified **protection order** must be served upon the respondent, and if the temporary **protection order** includes an act of domestic violence, as defined in section 18-6-800.3, and the act of domestic violence involved the threat of use of physical force, use of physical force, or attempted use of physical force, the temporary **protection order** must also inform the respondent that the respondent must comply with section 13-14-105.5 by refraining from possessing or purchasing a firearm or ammunition for the duration of the **order** and relinquishing for the duration of the **order** a firearm or ammunition in the respondent's immediate possession or control or subject to the respondent's immediate possession or control.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (1), the judge or magistrate, after examining the record and the evidence, for good cause shown, may continue the temporary **protection order** and the show cause hearing to a date certain not to exceed one year 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. In addition, each party may request one continuance for a period not to exceed fourteen days, which the judge or magistrate, after examining the record and the evidence, may grant upon a finding of good cause. The judge or magistrate shall inform the respondent that a violation of the temporary **civil protection order** constitutes a criminal offense pursuant to section 18-6-803.5, C.R.S., or constitutes contempt of court and subjects the respondent to such punishment as may be provided by law.

(c) Notwithstanding the provisions of paragraph (b) of this subsection (1), for a **protection order** filed in a proceeding commenced under the "Uniform Dissolution of Marriage Act", article 10 of title 14, C.R.S., the court may, on the motion of either party if both parties agree to the continuance, continue the temporary **protection order** until the time of the final decree or final disposition of the action.

(2) The court shall electronically transfer into the central registry of **protection orders** established pursuant to section 18-6-803.7, C.R.S., a copy of any **order** issued pursuant to this section and shall deliver a copy of such **order** to the protected party.

(3) A court shall not grant a mutual **protection 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 section 13-14-104.5 (7) and the court makes separate and sufficient findings of fact to support the issuance of the mutual **protection order** to prevent domestic abuse for the **protection** of opposing parties. A party may not waive the requirements set forth in this subsection (3).

Source: L. 2013:Entire section added with relocations,(HB 13-1259), ch. 218, p. 1010, § 12, effective July 1. L. 2018:(1)(a) amended,(SB 18-060), ch. 50, p. 490, § 4, effective November 1. L. 2024:(1)(a) amended,(HB 24-1122), ch. 330, p. 2235, § 7, effective January 1, 2025.

▼ Annotations

Research References & Practice Aids

Hierarchy Notes:

C.R.S. Title 13, Art. 14

State Notes

Notes

Editor's note:

This section is similar to former § 13-14-102 (9), (10), and (18) as they existed prior to 2013.

ANNOTATION

The affirmative defense of consent of the victim is not available to a defendant who is charged pursuant to § 18-6-803.5 (1)(a) with violating a protection order.

A **civil protection order** is an **order** of the court and not an **order** issued by the protected person, and the protected person's consent cannot, as a matter of law, constitute a restrained party's defense to the crime for violation of a **protection order**. *Hotsenpiller v. Morris*, 2017 COA 95, 488 P.3d 219.