

SECOND JUDICIAL DISTRICT, DENVER DISTRICT COURT: CITY AND COUNTY OF DENVER, COLORADO  DENVER PROBATE COURT  DENVER COUNTY COURT	<div data-bbox="1146 219 1398 295" data-label="Text"> <p><b>JO #19-04</b> ▲ Court Use Only ▲</p> </div> <div data-bbox="1130 353 1425 387" data-label="Text"> <p><b>DECEMBER 31, 2019</b></p> </div>
<p align="center"><b>JOINT ORDER REGARDING THE ADMINISTRATION OF ACTIONS FILED PURSUANT TO C.R.S. §§ 13-14.5-101 KNOWN AS EXTREME RISK PROTECTION ORDERS</b></p>	

In accordance with the inherent authority of Second Judicial District, the Denver District Court, the Denver Probate Court and the Denver County Court (collectively, “the Courts”) to manage the proceedings before them, the Chief Judge of the Second Judicial District and the Presiding Judges of the Denver Probate Court and Denver County Court enter the following Order governing the administration of actions filed pursuant to C.R.S. §§ 13-14.5-101 et seq. (known as “**Extreme Risk Protection Orders**”).

Colorado Revised Statutes Title 13, Article 14.5 sets forth the procedures for obtaining a temporary extreme risk protection order and an extreme risk protection order directing a person to surrender his/her firearms and any concealed carry permit to law enforcement. *See* C.R.S. §§ 13-14.5-110 et seq. Section 13-14.5-103(1), C.R.S., specifically provides that “[i]f a petition pursuant to section 27-65-106 [court-ordered evaluation for persons with mental health disorders] is also filed against the respondent, a court of competent jurisdiction can hear that petition at the same time as the hearing for a temporary extreme risk protection order or the hearing for a continuing extreme risk protection order.” Further, at the hearing on a petition for extreme risk protection order, the Courts are required to consider certain evidence, if available, including any mental health evaluation or chemical dependency evaluation and are tasked as follows:

(a) Before issuing an extreme risk protection order, the court shall consider whether the respondent meets the standard for a court-ordered evaluation for persons with mental health disorders pursuant to section 27-65-106. If the court determines that the respondent meets the standard, then, in addition to issuing an extreme risk protection order, the court shall order mental health treatment and evaluation authorized pursuant to section 27-65-106(6).

(b) Before issuing an extreme risk protection order, the court shall consider whether the respondent meets the standard for an emergency commitment pursuant to section 27-81-111 or 27-82-107. If the court determines that the respondent meets the standard, then, in addition to issuing an extreme risk protection order, the court shall order an emergency commitment pursuant to section 27-81-111 or 27-82-107.

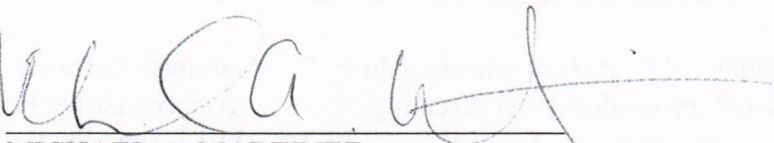
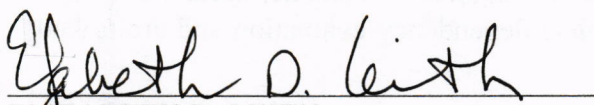
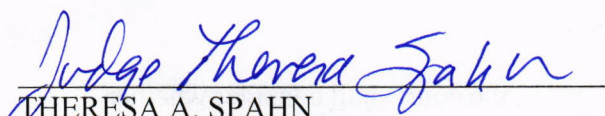
C.R.S. § 13-14.5-105(7); (8)(a), (b) (emphasis added).

The Courts acknowledge that “the district and county courts of the state of Colorado shall have jurisdiction over proceedings pursuant to this article 14.5.” C.R.S. § 13-14.5-104(8). The Courts further acknowledge that the Denver Probate Court is vested with the exclusive jurisdiction over the adjudication of the mentally ill pursuant to the Colorado Constitution. *See* Article VI § 9(3) (“In the city and county of Denver, exclusive original jurisdiction in all matters of probate ... the adjudication of the mentally ill... shall

be vested in a probate court"). The procedures and authority for actions for the adjudication of the mentally ill are set forth in Title 27 of the Colorado Revised Statutes. The Courts recognize that during a proceeding for an extreme risk protection order, Title 13, Article 14.5 mandates the courts to make findings and, if the standard is met, to enter orders for mental health treatment, evaluation, and emergency commitments pursuant to Title 27, C.R.S.

Given that the Denver Probate Court is vested with the exclusive and original jurisdiction over the adjudication of the mentally ill and matters under Title 27, C.R.S., and given the unique structure of the separate courts sitting in Denver County, the Courts, in the interests of judicial and public economy and efficiency, and to provide the public quick access to the courts and to safeguard the due process rights of all parties involved in proceedings pursuant to C.R.S. §§ 13-14.5-101 et seq., the Courts hereby order that all actions brought under C.R.S. §§ 13-14.5-101 et seq. shall be filed and heard in the Denver Probate Court.

ENTERED THIS 31<sup>st</sup> day of December, 2019.

  
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MICHAEL A. MARTINEZ  
Chief Judge, Second Judicial District  
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ELIZABETH D. LEITH  
Presiding Judge, Denver Probate Court  
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THERESA A. SPAHN  
Presiding Judge, Denver County Court