## STATE OF COLORADO

4th Judicial District

#### **EL PASO COUNTY COMBINED COURTS**

#### Office of the Clerk of Court

270 South Tejon Colorado Springs, CO 80903

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# Filing an Out of State/Foreign Protection Order

Colorado Revised Statute §13-14-110: Foreign Protection Orders.

- (1) **Definitions.** As used in this section, "foreign protection order" means any protection or restraining order, injunction, or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary or final orders, other than child support or custody orders, issued by a civil or criminal court of another state, an Indian tribe, or a United States territory or commonwealth.
- (2) **Full faith and credit.** Courts of this state shall accord full faith and credit to a foreign protection order as if the order were an order of this state, notwithstanding section 14-11-101, C.R.S., and article 53 of this title, if the order meets all of the following conditions: (a) The foreign protection order was obtained after providing the person against whom the protection order was sought reasonable notice and an opportunity to be heard sufficient to protect his or her due process rights. If the foreign protection order is an ex parte injunction or order, the person against whom it was obtained must have been given notice and an opportunity to be heard within a reasonable time after the order was issued sufficient to protect his or her due process rights. (b) The court that issued the order had jurisdiction over the parties and over the subject matter; and (c) The order complies with section 13-14-106 (3).
- (3) **Process.** A person entitled to protection under a foreign protection order may, but is not required to, file such order in the district or county court by filing with such court a certified copy of such order, which must be entered into the central registry of protection orders created in section 18-6-803.7, C.R.S. The certified order must be accompanied by an affidavit in which the protected person affirms to the best of his or her knowledge that the order has not been changed or modified since it was issued. There shall be no filing fee charged. It is the responsibility of the protected person to notify the court if the protection order is subsequently modified.
- (4) **Enforcement.** Filing of the foreign protection order in the central registry or otherwise domesticating or registering the order pursuant to article 53 of this title or section 14-11-101, C.R.S., is not a prerequisite to enforcement of the foreign protection order. A peace officer shall presume the validity of, and enforce in accordance with the provisions of this article, a foreign protection order that appears to be an authentic court order that has been provided to the peace officer by any source. If the protected party does not have a copy of the foreign protection order on his or her person and the peace officer determines that a protection order exists through the central registry, the national crime information center as described in 28 U.S.C. sec. 534, or through communication with appropriate authorities, the peace officer shall enforce the order. A peace officer may rely upon the statement of any person protected by a foreign protection order that it remains in effect. A peace officer who is acting in good faith when enforcing a foreign protection order is not civilly liable or criminally liable pursuant to section 18-6-803.5 (5), C.R.S.

Source: L. 2013: Entire section added with relocations, (HB 13-1259), ch. 218, p. 1015, § 16, effective July 1

#### REGISTRATION REQUIREMENTS IF PROTECTION ORDER IS PERMANENT

Filing fee is not required.

- Certified copy of the foreign Protection Order obtained from the Court that originally issued the Order.
  - The Judicial Officers signature <u>SHALL</u> appear on the Order.
  - The Order SHALL be clear on if or when the Protection Order expires.
  - The name of the protected party <u>SHALL</u> be the same party requesting to register the Protection Order in Colorado.
  - Proof of <u>original</u> service is required- The Order <u>SHALL</u> indicate that the restrained party was either <u>PRESENT</u> in Court and notified of the terms of the Order, <u>OR</u> the protected person <u>SHALL</u> provide a copy of the completed proof of service form (sometimes referred to as an affidavit of service).
  - o JDF 77 Blank Order
- Affidavit for Registration of Foreign Protection Order (FCF 11)- <u>SHALL</u> be filed by the protected party affirming that the Order has NOT changed or been modified since it was issued.
- **Information Sheet (JDF 442)-** <u>SHALL</u> be filed by the protected party to show demographic information of both protected and restrained parties in order for case to be created in Colorado.

#### REGISTRATION REQUIREMENTS IF PROTECTION ORDER IS TEMPORARY

Filing fee is not required.

- Certified copy of the foreign Protection Order obtained from the Court that originally issued the Order.
  - The Judicial Officers signature <u>SHALL</u> appear on the Order.
  - The Order <u>SHALL</u> be clear on *if or when* the Protection Order expires (typically this is the next court date issued by the originating state).
  - The name of the protected party <u>SHALL</u> be the same party requesting to register the Protection Order in Colorado.
  - Proof of <u>original</u> service is required- The Order <u>SHALL</u> indicate that the restrained party was either <u>PRESENT</u> in Court <u>AND</u> notified of the terms of the Order, <u>OR</u> the protected person <u>SHALL</u> provide a copy of the completed proof of service form (sometimes referred to as an affidavit of service).
  - A copy of the complaint that was used to request the Temporary Protection Order <u>SHALL</u> be filed with this Court.
  - If the protected party files an amended complaint, the Court <u>SHALL</u> require this to be served upon the restrained party with a copy of a new Temporary Protection Order showing the next court date for this Court.
  - o JDF 77 Blank Order
- Affidavit for Registration of Foreign Protection Order (FCF 11)- <u>SHALL</u> be filed by the protected party affirming that the Order has NOT changed or been modified since it was issued.
- **Information Sheet (JDF 442)-** <u>SHALL</u> be filed by the protected party to show demographic information of both protected and restrained parties in order for case to be created in Colorado.
- **Upon creation of the case**, the Court <u>SHALL</u> issue an Order listing the next court date and requiring a copy of the newly created Temporary Protection Order and any other applicable documents to be <u>RE-SERVED</u> upon the restrained party by the protected party to ensure that they are aware of the upcoming court date. Proof of Service of this upcoming court date, and the required documents, will be **REQUIRED** by this Court.

County Court						
El Paso County, Colorado Court Address: 270 S. Tejon St. Colorado Springs, CO Phone Number: 719-452-5000	80903	1				
Petitioner(s):						
V.						
Respondent(s):	Respondent(s):		A COURT USE ONLY A			
Attorney or Party Without Attorney (Nar	ne and Address):	Case Number:				
Phone Number: E-ma	ail:					
	. Reg. #:	Division	Courtroom			
AFFIDAVII FOR REG	ISTRATION OF F	OREIGN PROTECTIO	N ORDER			
1. I am one of the persons listed as	a protected person in	the attached protection order	er issued by a court of			
another state, United States territ	ory, military tribunal,	ribal court, or in the District	of Columbia.			
2. The restrained person is (full name	ne):					
3. The Protection Order was issued	by the following cour	t (specify the county, State,	and jurisdiction of the			
Court that issued the original prot	ection order, as well	as the date of issuance):				
4. The attached copy is a true and c						
the restrained party. The Protection						
modified, amended, rescinded, or	r superseded by any	other orders. The restrained	person was not the			
initial petitioner for a protective or	der or, if he or she wa	as, I filed a written pleading t	for protection and the			
court made specific findings that	each party was entitle	ed to a protective order.				
5. I understand that it is my respons	ibility as the protected	d party to notify the court if the	ne protection order is			
subsequently modified.						
6. Other:						
:						
	VERIFICATI	ON .				
do alama vivi dan vivi altir af vivi di vivi						
declare under penalty of perjury unde	er the law of Colorad	o that the foregoing is true	e and correct.			
xecuted on the day of	,	at				
recuted on the day of (date) (month)	(year)	(city or other location, an	d state OR country			
Printed name of ☐ Petitioner ☐ Respond	dent)	Signature of □ Petitione	er Respondent			
ddress	City	State	Zip Code			
ome Phone	Work Phone	(	Cell Phone			

Case Name v Cas	e Number:
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### Information Sheet for Registering a Protection Order

Complete this form and attach it to the Verified Complaint for Protection Order Form JDF 402. Complete and accurate information is critical for the enforcement of a Protection Order.

If this form is incomplete, information may not be posted at Colorado Bureau of Investigation (CBI) for Law Enforcement officials to access and your protection order may not be properly enforced.

### **Information about You (The Protected Party)**

Full Name:		Da	te of Birt	:h:	
Physical description: Gender: Male	Female	Race:			
Height:Weight:	_Hair Color:		Eye	Color:	
Complete Home Address:				Apt. #:	
City:	State: _			_ Zip Code: _	
Telephone #'s: Home:	Work:			Cell:	
Identify relationship between you and the Restrained Party:         □ Spouse       □ Former Spouse       □ Both parties are parents of the child(ren).         □ Current co-habitants       □ Restrained Party is a parent of the child(ren).         □ Partner in a Civil Union       □ Former Partner in a Civil Union         □ Parties have been or are involved in an intimate relationship for months.         Other persons to be protected: (i.e. children)					
Full Name of Protected Party			Sex	Race	Date of Birth
Informa	tion about F	Party to h	ne Res	strained	
Information about Party to be Restrained  Full Name: Date of Birth:					
If you do not know the date of birth, enter app	oroximate age: _				
Physical description: Gender: Male	Female	F	Race:		
Height: Weight:	_ Hair Color: _		Ey	e Color:	
Complete Home Address:					Apt. #:
City:	Stat	e:		Zip Code	ə:
Telephone #'s: Home:	Work:		Cell:		
☐Check only if applicable. The restrained party goes by another name, please list all aliases below.					
Name:	Name:				
Date:	Signature:				

☐ District Court ☐ County Court	
County, Colorado Court Address:	
Plaintiff(s)/Petitioner(s)	
V.	
Defendant(s)/Respondent(s)	▲ COURT USE ONLY ▲
	Case Number:
ORDER	Division: Courtroom:
Upon consideration of the Motion to  ☐ Respondent/Defendant, it is hereby ordered that:	of the Petitioner/Plaintiff OR
Dated:	BY THE COURT:
	☐ Judge ☐ Magistrate
	<u> </u>