

INSTRUCTIONS FOR PROTECTED PERSON Motion to Modify / Dismiss Protection Order

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

GENERAL INFORMATION BEFORE YOU FILE YOUR MOTION

- ◆ The Protected Person, or the protected person's attorney, parent or legal guardian if a minor, or appointed Conservator for the Protected Person may apply to the Court at any time to modify or dismiss a protection order. The Protected Person may apply at any time for a modification of the duration of the protection order, or dismissal of a temporary or permanent protection order.
- ◆ The Protected Person should determine if the Restrained Person has any convictions after the date of issuance of the protection order, as the Court cannot grant the dismissal under those circumstances.
- ◆ After the issuance of the permanent protection order, if the Restrained Person has been convicted of, or plead guilty to any misdemeanor or felony against the Protected Person other than the original offense, if any, that formed the basis for the issuance of the protection order, then the protection order **remains permanent and must not be modified or dismissed by the Court.**
- ◆ For additional information, please review Colorado Revised Statute §13-14-108.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website:
http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm

COMMON TERMS

- | | |
|--|---|
| <input checked="" type="checkbox"/> Motion: | Document officially commencing the Motion to Modify / Dismiss process. |
| <input checked="" type="checkbox"/> Moving Party: | The person who files a Motion. |
| <input checked="" type="checkbox"/> Protected Person: | The person who was granted a protection order against another party. |
| <input checked="" type="checkbox"/> Restrained Person: | The person who is to remain away from making contact with another person. |
| <input checked="" type="checkbox"/> May: | In legal terms, "may" is defined as "optional" or "can". |
| <input checked="" type="checkbox"/> Shall: | In legal terms, "shall" is defined as "required". |

If you do not understand this information, please contact an attorney.

FEES

There is no filing fee or any others fees assessed to the Protected Person.

FORMS

To access a form online go to www.courts.state.co.us and click on the "Forms" tab. The packet/forms are available in PDF or WORD by selecting "Protection Orders". Please click either PDF or WORD by the title of the form. You may complete a form online or you may print it and type or print legibly in black ink.

- JDF 397 Motion to Modify / Dismiss Temporary/ Permanent Protection Order
- JDF 410 Order Modifying Protection Order
- JDF 415 Order Vacating Protection Order

STEPS TO FILING YOUR MOTION

Step 1: Complete Appropriate Forms.

Please refer to the list of required forms above to determine which forms must be submitted when filing your case based on your individual circumstances.

- Contact the Court where you plan to file your Motion for specific days or times when hearings to modify or dismiss a protection order are scheduled and to determine if they have any other filing requirements.
- The caption needs to be completed on all forms filed.
- Use the case number on all of your forms that corresponds to the case number on your original temporary or permanent protection order.

| | |
|---|---|
| <input type="checkbox"/> Municipal Court <input type="checkbox"/> County Court <input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile <input type="checkbox"/> Denver Probate _____ County, Colorado Court Address: | ▲ COURT USE ONLY ▲ |
| Petitioner(s): v. Respondent: | |
| Attorney or Party Without Attorney (Name and Address): Phone Number: E-mail: FAX Number: Atty. Reg. #: | Case Number: Division Courtroom |
| NAME OF FORM | |

- Motion to Modify / Dismiss Temporary / Permanent Protection Order (JDF 397).**
 - Complete all necessary information on the form.
 - This Motion must be signed in the presence of a Court Clerk or Notary Public.
 - Make two complete sets of copies.

- Order Modifying Protection Order (JDF 410).**
 - Complete only the caption on the form.
 - The Judge or Magistrate will complete the appropriate portions on the forms and sign the order at the time of the hearing, if your Motion is approved.

or

- Order Vacating Protection Order (JDF 415).**
 - Complete only the caption on the form.
 - The Judge or Magistrate will complete the appropriate portions on the forms and sign the order at the time of the hearing, if your Motion is approved.

Step 2: You are ready to file your Motion with the Court.

- Provide the Court with the documents completed as described in Step 1 above.
- If the Motion has not been signed in the presence of a Notary Public, you will sign the Motion before the Clerk at this time.
- The clerk at the court will fill in the hearing date and time on your Motion.

Step 3: Complete Personal Service.

You shall complete personal service on the other party with a copy of the Motion and all of the attachments per rule 4(e) of the Colorado Rules of Civil Procedure prior to the court appearance date given to you by the clerk.

Helpful Hints to complete personal service:

- Take a copy of the Motion to the Sheriff's Department, a private process server, or someone you know who is 18 years or older, who is not a party to the case, and who knows the rules of service to serve the other person.
- Be sure to direct the sheriff, private process server, or person serving the order to return a copy of the Return of Service to you and to file the original with the Court as soon as possible after service has been completed.
- If the address of the Protected Person is confidential and you have been unable to attain personal service, inquire with the Court to determine what procedures can be completed.
- The process server will need to return the completed return of service to the Court for filing, or return it to you to bring and file with the Court before the Court date.

Step 4: Be Prepared for your Hearing.

- You may be asked questions about your request to modify or dismiss your protection order.
- If the Court orders that the Protection Order is modified or dismissed, you will be provided with an Order stating such.
- If the Order is modified, you will also be provided with a new temporary or permanent protection order that indicates all current conditions of the protection order.
- If the Restrained Person is not present at the hearing, the Restrained Person must be personally served with a copy of the Order and the new protection order as soon as possible. Follow the steps as outlined in Step 3 above.