

INSTRUCTIONS FOR OBTAINING A CIVIL 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 COMPLAINT/MOTION

- ◆ A Temporary or Permanent Civil Protection Order may be issued against an adult or a juvenile who is ten years of age or older.
- ◆ A Protection Order means any Order that prohibits the Restrained Person from contacting, harassing, injuring, intimidating, molesting, threatening, touching, stalking, sexually assaulting or abusing any Protected Person, or from entering or remaining on premises, or from coming within a specified distance of a Protected Person or premises, or from taking, transferring, concealing, harming, disposing of, or threatening harm to an animal owned, possessed, leased, kept, or held by a Protected Person, or any other provision to protect the Protected Person from imminent danger to life or health.
- ◆ Venue is proper in any county where the acts that are the subject of the Complaint/Motion occur, in any county where one of the parties resides, or in any county where one of the parties is employed.
- ◆ To obtain an order for custody of minor children, you will need to file a district court domestic relations case.
- ◆ For additional information, please review Colorado Revised Statute §13-14-104.5, §13-14-105, §13-14-105.5, and §13-14-106.
- ◆ 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

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| <input checked="" type="checkbox"/> Petitioner: | The person or business entity filing a Complaint/Motion against a person. |
| <input checked="" type="checkbox"/> Respondent: | The person that the Complaint/Motion is filed against. |
| <input checked="" type="checkbox"/> Complaint/Motion: | Document that officially commences the Protection Order process. |
| <input checked="" type="checkbox"/> Domestic Abuse: | An act, attempted act, or threatened act of violence, stalking, harassment, or coercion that is committed by any person against another person to whom the actor is currently or was formerly related, or with whom the actor is living or has lived in the same domicile, or with whom the actor is involved or has been involved in an intimate relationship. |
| <input checked="" type="checkbox"/> Protected Person: | The person, persons, or business entity who was granted a Protection Order. |
| <input checked="" type="checkbox"/> Restrained Person: | The person who is to remain away from making contact with another person(s) or business entity. |
| <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

The Court may assess a filing fee to the Person seeking a protection order. A filing fee of \$85.00 is required **except** when the Person seeking a protection order is a victim of domestic abuse, stalking, sexual assault or unlawful sexual contact. If the Person seeking a protection order is not required to pay the filing fee, the Court may assess the filing fee, service-of-process fees and attorney fees against the Restrained Person at the Permanent Protection Order Hearing.

Other fees that you may encounter are as follows:

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| <input type="checkbox"/> | Copy of Documents | \$.75 per page |
| <input type="checkbox"/> | Certification Fee | \$20.00 per document |
| <input type="checkbox"/> | Service Fee | Varies (payable to process server) |

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”. You may complete a form online and print or you may print it and type or print legibly in black ink. You may need all or some of these forms. Read these instructions carefully to determine what forms you may need.

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| <input type="checkbox"/> | JDF 401 | Incident Checklist |
| <input type="checkbox"/> | JDF 402 | Verified Complaint/Motion for Protection Order |
| <input type="checkbox"/> | JDF 404 | Affidavit Regarding Children |
| <input type="checkbox"/> | JDF 442 | Information Sheet for Registering a Protection Order |

STEPS TO FILING YOUR CASE

Step1: Complete Appropriate Forms.

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

- Contact the Court where you plan to file your case for specific days or times when protection order hearings are scheduled and to determine if they have any other filing requirements.

- Verified Complaint/Motion for Protection Order (JDF 402).**
 - Complete all necessary information on the form.
 - Be specific and provide complete information identifying why you are seeking a protection order.
 - If you want to have your address and phone left out of the pleadings, check box #6 on the Complaint/Motion.
 - Add an alternate mailing address to the space provided on page 4 if possible. Examples include a P.O. Box, family member, or trusted friend’s mailing address.

- Incident Checklist (JDF 401).**
 - You may complete this form to help you prepare for your hearing.
 - You may keep it or you may file it with your Verified Complaint/Motion.
 - If you do file this form, it will become a part of the public record and will be served on the other party as a part of the Complaint/Motion.**

- Affidavit Regarding Children (JDF 404).**
 - If you intend to ask for temporary care and control, interim decision-making, or parenting time for the children or a protection order for the benefit of any minor child, you must complete this form.
 - This Affidavit must be signed in the presence of a Court Clerk or Notary Public

- Information Sheet for Registering a Protection Order (JDF 442).**
 - Complete this form and attach it to the Verified Complaint/Motion for Protection Order (JDF 402).
 - It is critical that the information be complete and accurate for enforcement of the protection order.

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

- Provide the Court with the documents completed as described in Step 1 above.
- If the Complaint/Motion and/or Affidavit have not been signed in the presence of a Notary Public, you will sign the Complaint/Motion and/or Affidavit before the Court at this time.

Step 3: Temporary Protection Order Hearing.

- Be prepared as you may be asked questions about your request to obtain a temporary protection order and any issues regarding the children, if applicable.
- If the Court grants a temporary protection order, you will be provided with a written Order stating such.
- When you receive the Temporary Protection Order, you need to do the following:**
 - Obtain Certified Copies of the Order. The number of copies will vary based on your circumstances.
 - You will need one for yourself and one to serve the Restrained Person.
 - If you were awarded temporary care and control, parenting time and/or interim decision-making of the minor children or if the Restrained Person was ordered to have no contact with the minor children, you may need copies for your work, children's school, daycare provider, etc.
 - Remember to carry a copy of the Protection Order and Affidavit/Certificate of Service at all times.**

Step 4: Complete Personal Service.

You shall complete personal service on the other party with a copy of the Complaint/Motion, Temporary Protection Order and Affidavit/Certificate of Service per rule 4(e) of the Colorado Rules of Civil Procedure prior to your Permanent Orders Hearing or next hearing date set by the Court. The Permanent Orders hearing is usually set within 14 days from your Temporary Orders Hearing or the Court may set a future hearing date to address parenting time and decision-making responsibilities. **Helpful Hints to complete personal service:**

- Take a copy of the Complaint/Motion, Temporary Protection Order, and Affidavit/Certificate of Service to the sheriff, 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 Respondent.
- Be sure to direct the sheriff, private process server, or person serving the documents to return the original and copy of the Affidavit/Certificate of Service to you.
- Remember to bring the **original** to Court on the day of your Permanent Orders Hearing.
- Carry the returned Affidavit/Certificate of Service with you along with your Temporary Protection Order. You may need to provide both forms to law enforcement.
- If personal service cannot be completed, inquire with the Court to determine what other steps can be taken to complete service.

Step 5: Permanent Orders Hearing.

Ask the Court for information or there may be a victim's advocate program in your area that can provide help. You may call witnesses and present evidence if you wish. The Court will issue subpoenas for witnesses you need.

- If you obtained a Temporary Protection Order, you must:**
 - ◆ Appear at the permanent orders hearing or the next hearing date set by the Court on the date and time scheduled in the Order **or your Temporary Protection Order will automatically expire.**
 - ◆ Bring the original Affidavit/Certificate of Service and submit it to the Court.
- If the Court grants the Permanent Protection Order, you will be provided with a written order stating such. When you receive the Permanent Protection Order, you need to do the following:
 - Obtain Certified Copies of the Order. The number of copies will vary based on your circumstances.
 - You will need one for yourself and one to serve the Restrained Party.
 - If the Restrained Person was ordered to have no contact with minor children, you may need copies for your work, children's school, daycare provider, etc.
 - If the Restrained Person is present during the hearing, the Court will submit the Order to him/her and personal service is not necessary.
 - If the Restrained Person is not present and the Permanent Protection Order is different from the Temporary Protection Order, you must complete personal service. **Helpful Hints to complete personal service:**
 - Take a copy of the Complaint, Permanent Protection Order, and Affidavit/Certificate of Service to the sheriff, 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 Respondent.

- Be sure to direct the sheriff, private process server, or person serving the order to return a copy of the Affidavit/Certificate of Service to you and to file the **original** with the Court as soon as possible after service has been completed.
- If personal service cannot be completed, inquire with the Court to determine what further steps can be taken.

Remember to carry a copy of the Order and Affidavit/Certificate of Service at all times.