

JDF 398	Temporary Civil Protection Order and Citation		
A. Court <input type="checkbox"/> District <input type="checkbox"/> County <input type="checkbox"/> Probate <input type="checkbox"/> Juvenile <input type="checkbox"/> Municipal Colorado County: Court Address:		<i>This box is for court use only.</i>	
B. Parties to the Case Petitioner: & Respondent:			

1. Background

The Court issues this Order under Colorado Revised Statute (C.R.S.) section (§) 13-14-104.5.
To the Restrained Person:

2. Restrained Person

Name:
Date of Birth: Sex: Race:
Weight: Height: Hair Color: Eye Color:

3. Protected People

- a) **Name:**
Date of Birth: Sex: Race:

- b) **Name:**
Date of Birth: Sex: Race:

- c) **Name:**
Date of Birth: Sex: Race:

- d) **Name:**
Date of Birth: Sex: Race:

- e) **Name:**
Date of Birth: Sex: Race:

4. Citation to Restrained Person

You must attend the Hearing on:

Date:

Time:

In Room:

At the Hearing, you will have the opportunity to explain (*show cause*) why this order shouldn't be made permanent. This Order remains in effect until the Hearing date above unless extended by the Court.

Consequences For Not Attending

- a) The Court may order your arrest.
- b) The Court will enter a Permanent Protection Order without additional Notice to you.

5. Protection Orders

a) Findings

C.R.S. §§ 18-6-800.3; 13-14-104.5(9).

The Court finds:

- It has legal authority (*jurisdiction*) over the parties and subject matter.
- The Restrained Person constitutes a credible risk of physical harm or threat of physical, psychological, or emotional harm to the Protected People.
- Sufficient cause exists for the Court to enter a Civil Protection Order.
- The protection order is based on an act of Domestic Violence. That act involved the threat, use, or attempted use of physical force.

b) Consequences

C.R.S. §§ 18-6-803.5, 13-14-106(1)(a).

It is a crime to break this Order.

If you (*the Restrained Person*) break this order:

- 1) The Government may bring misdemeanor criminal charges, municipal ordinance violations, or delinquent acts (*if you are a juvenile*) against you.
- 2) You'll be in contempt of court and subject to punishment as provided by law.

c) Baseline Orders

1) You (*the Restrained Person*) can't:

- Contact,
- Harass,
- Stalk,
- Injure,
- Intimidate,
- Threaten,
- Touch,
- Sexually Assault,
- Abuse, or
- Molest

The Protected People.

2) You can't:

- Harm,
- Injure,
- Kill,
- Take,
- Transfer,
- Conceal,
- Molest, Encumber,
- Dispose of, or
- Threaten Harm to

Any of the Protected People's (*or their children's*) pets or animals.

3) You can't:

- Use,
- Attempt to Use, or
- Threaten to Use

Physical force against the Protected People that could cause bodily injury. You can't engage in conduct that would place the Protected People in reasonable fear of bodily injury.

d) No Contact

You (*the Restrained Person*) can't have contact **of any kind** with the Protected People.

You can't attempt to contact them through another person except for your attorney.

Exceptions:

e) Exclusion from Places

You (*the Restrained Person*) may not remain in or return to any of the below locations after you receive this Order.

Minimum Distance from Protected People

Yards.

You must stay at least the minimum distance away from the Protected People.

Minimum Distance from Places

Yards.

You must stay the minimum distance away from the following locations:

- Protected Person's Home
 - The Protected Person requested their address be omitted.
Address:
- Protected Person's Work
 - Work Name:
 - Address:
- Protected Person's School
 - School Name:
 - Address:
- Other:
 - Address:

Minimum Distance Exceptions

If accompanied by law enforcement, you can return to a shared residence *once* to obtain enough undisputed personal effects to maintain your usual standard of living until the next hearing.

Other exceptions:

f) Care of Children

It is in the best interest of the minor children that care and control be awarded to:

Name:

until the next hearing. At that hearing, the Court will decide who will have temporary (*up to one year*) care and control of the children.

g) Parenting Issues

Parenting Time and Decision-Making Responsibilities will continue as previously ordered by the Court in:

Court Name/Type:

Case Number:

Parenting Time

- Restrained Person is granted Parenting Time with the minor children.
- Parenting Time and Decision-Making Responsibilities will be considered at a future hearing.
- The following Parenting Time is in effect until: (MM/DD/YYYY)

Interim Decision Making

The following Decision-Making is in effect until: (MM/DD/YYYY)

Name: _____ will

have sole Decision-Making Responsibilities.

The parties shall jointly share Decision-Making Responsibilities.

See "Other Matters" in section 6 for orders on Decision Making.

6. Other Orders

a) Temporary Injunction

As part of this order, a Temporary Injunction is in effect.

This order restrains you (*the Restrained Person*) from:

1) Stop Paying the/for:

- Mortgage or rent,
- Insurance,
- Utilities or related services,
- Transportation,
- Medical care, or
- Child care

When you had a prior existing duty or legal obligation to do so.

2) You can't:

- Transfer,
- Encumber,
- Conceal, or
- Dispose of

Personal effects or real property.

Exception: In the usual course of business or for the necessities of life. After the injunction is entered, you must account for all extraordinary expenditures to the court.

b) Firearms

You (*the Restrained Person*) can't possess or purchase firearms, ammunition, or other weapons.

You must also comply with C.R.S. § 13-14-105.5. You must turn over (*relinquish*) all the firearms and ammunition in your possession or control within:

- 24 hours (*if served in court or from your release from jail*)
- 48 hours (*if served outside of court*)

File form *JDF 687 – Affidavit of Relinquishment* within 7 business days.

Note – Due dates that fall on a weekend or holiday roll to the next business day.

c) Fees

The Court waives all fees. Service fees should not be assessed. C.R.S. § 13-14-109(1), (2).

Fees will be paid by the: Petitioner Respondent

d) Care of Animals

Arrangements for the possession and care of an animal are as follows:

e) No Interference

The Restrained Person can't:

- 1) Interfere with the Protected Person at their work or school; or
- 2) Engage in conduct that impairs the Protected Person's employment, educational relationships, or environment.

f) Other Matters

It is further ordered that:

7. Signatures

So Ordered

Judicial Officer Signature:

Dated:

Judicial Officer Name: *(print)*

Restrained Person

By signing, I acknowledge receipt of this Order:

Restrained Person Signature:

Dated:

The Restrained Person was not present in the courtroom.

Clerk

I certify that this is a true and complete copy of the original order.

Clerk Signature:

Dated:

Law enforcement must use all reasonable means to enforce this Protection Order.



Important Information about Protection Orders

1. General Information

- a) This Order must be given full faith and credit and be enforced in every civil or criminal court of the United States, Indian Tribe or United States Territory pursuant to 18 U.S.C. §2265. This Court has jurisdiction over the parties and the subject matter.
- b) Pursuant to 18 U.S.C. §922(g)(8), it is unlawful for any person to possess or transfer a firearm who is subject to a court order that restrains such person from harassing, stalking or threatening an intimate partner of such person or a child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child.

2. Notice to Restrained Person

- a) You are directed to appear before this Court on the date shown on this form to show cause, if any exists, why this Temporary Protection Order should not be made permanent.
- b) This Temporary Protection Order will be made permanent without further notice or service or the Court may continue the Temporary Protection Orders to a date certain. You are notified that the Permanent Civil Protection Order will remain in effect until further order of the Court. Such Permanent Order will subject you to Federal Laws restricting firearms possession and sale 18 U.S.C., §922(g)(8), §924(a)(2).
- c) A violation of a Protection Order may be a misdemeanor, municipal ordinance violation or a delinquent act (if committed by a juvenile) and is a deportable offense. Anyone over the age of eighteen who violates this order may be subject to fines and jail time. Violation of this Order may constitute contempt of court. Anyone under the age of 18 who violates this Order may be subject to commitment to the Department of Human Services for up to two years.
- d) You may be arrested or taken into custody without notice if a law enforcement officer has probable cause to believe that you have violated this Order.
- e) If you violate this Order thinking that the Protected Person or anyone else has given you permission, **you are wrong**, and can be arrested and prosecuted. The terms of this Order cannot be changed by anyone but the Court.

- f) Possession of a firearm while this Protection Order is in effect may constitute a Felony under Federal Law, 18 U.S.C. §922(g)(8).
- g) Firearm and ammunition relinquishment must be in accordance with C.R.S. § 13-14-105.5(2), (4). Failure to comply with the order to relinquish may result in an arrest warrant.

3. Notice to Protected People

- a) If this Order is violated, you may:
 - 1) Call law enforcement.
 - 2) **START CONTEMPT PROCEEDINGS AGAINST THE RESTRAINED PERSON.**
- b) You can't give the Restrained Person permission to change or ignore this Order in any way. Only the Court can change this Order.
- c) If you receive a return of service for the Protection Order (JDF 398), you must file it with the court.

4. Notice to Law Enforcement Officers

- a) If the Order has not been personally served, the law enforcement officer responding to a call of assistance shall serve a copy of said Order on the person named/Restrained Person therein and shall write the time, date, and manner of service on the Protected Persons' copy of such Order and shall sign such statement. C.R.S. § 13-14-107(2), (3). The officer will provide the Protected Person or the Court with a completed return of service form.
- b) You shall use every reasonable means to enforce this Protection Order.
- c) You shall arrest or take into custody, or if an arrest would be impractical under the circumstances, seek a warrant for the arrest of the Restrained Person when you have information amounting to probable cause that the Restrained Person has violated or attempted to violate any provision of this Order subject to criminal sanctions pursuant to C.R.S. § 18-6-803.5. or municipal ordinance and the Restrained Person has been properly served with a copy of this Order or the Restrained Person has received actual notice of the existence and substance of such Order.
- d) You shall enforce this Order even if there is no record of it in the Protection Order Central Registry.
- e) You shall take the Restrained Person to the nearest jail or detention facility.
- f) You are authorized to use every reasonable effort to protect the Protected Persons to prevent further violence.
- g) You may transport or arrange transportation to a shelter for the Protected Persons.

Return of Service
Temporary Civil Protection Order

A. Court

District County Probate Juvenile Municipal

Colorado County:

Court Address:

This box is for court use only.

B. Parties to the Case

Petitioner:

&

Respondent:

C. Case Details

Number:

Division:

Courtroom:

1. Service Date and Time

I certify that:

- a) I am 18 or older and not a party in this case.
- b) I served the Temporary Civil Protection Order and Citation on the Restrained Party

On Date:

Time:

County and State:

Location Description:

2. Service Method

I completed service by: *(check one)*

- Handing to the Restrained Person.
- Leaving it with the Restrained Person who refused service.
- Leaving it with *(name)*

who is designated to receive service for the Restrained Party because of the following relationship:

per C.R.C.P. 4(e).

I attempted to serve the Restrained Party on *(number)* occasions but have not found them.

If checked, a return is made to the requesting party on *(date)*

3. Service Fees

I am a:

Private process server. Sheriff for *(enter county)*

I charged the following fees:

Base Fee \$ Mileage \$

None. Fees waived (Domestic Violence Protection Order).

4. Verified Signature

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the *(date)* day of *(month)* *(year)*

at City: *(or other location)*

and State: *(or country)*

Print Your Name:

Your Signature: