



# Applying for a Protection Order

**It can take up to an hour to complete and process the necessary paperwork for a temporary civil protection order prior to being seen by a judge.**

## **Jefferson County:**

### **\*Civil Temporary Protection Orders**

*Civil Temporary Protection Orders* will be heard as follows:

#### **Monday through Friday:**

Civil Temporary Protection Order paperwork must be completed and filed between 7:30 a.m. and 9:00 a.m. to be heard the same day.

**\*Domestic Temporary Protection Orders** (For parties who are also filing for Divorce or have an existing Domestic case) will be heard:

#### **Monday through Thursday:**

Paperwork must be completed and filed between 7:30 a.m. – 11:00 a.m. and 12:30 p.m. – 2:00 p.m. to be heard the same day.

#### **Friday:**

Paperwork must be completed and filed between 7:30 a.m. - 11:00 a.m. to be heard the same day.

\*Domestic Temporary Protection Orders will NOT be heard between noon and 1:00 p.m.

**Gilpin County: Completed paperwork must be submitted to the clerk by 2:45 p.m. to be heard the same day.**

**PLEASE PLAN ACCORDINGLY!**

**If you are represented by an attorney, the attorney MUST electronically file the completed paperwork with the court. You and your attorney must appear before the above stated times for the protection order to be heard the same day.**

## **What is a Protection Order?**

A Temporary Civil Protection Order may be issued against an adult or juvenile who is ten years of age or older, if the Petitioner (the requesting party) meets their burden of proof with evidence that such Order is necessary due to an imminent danger. If the request includes multiple restrained parties, the Petitioner must file the necessary paperwork for each restrained party. The court will review each request individually, and take sworn testimony, to determine if an Order will be issued. All adults that request to be protected **MUST** be present at the time of filing, at the hearing for the Temporary Order and for a hearing for a Permanent Protection Order, if the Temporary Order is granted.

A Protection Order may be granted if the Court makes findings that the Petitioner's life or health is in imminent danger. Order can prohibit the following:

- To prevent assaults and threatened bodily harm;
- To prevent domestic abuse;
- To prevent emotional abuse of the elderly or an at-risk adult;
- To prevent sexual assault or abuse; and
- To prevent stalking (stalking is defined at C.R.S. 18-3-602).
- 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.
- If a domestic relations or juvenile case (e.g. divorce, APR, civil union, paternity, etc.) already exists in the district court, the paperwork should be filed in the existing case. (If you are attempting to obtain a Protection Order for a party other than those listed in the existing case, however, you should file the paperwork as a new case in the county court.)
- For additional information, please review Colorado Revised Statute §13-14-104.5.

## **How do I apply to the court for a Protection Order?**

To access the forms online, visit [www.courts.state.co.us](http://www.courts.state.co.us) and click on the "Self Help/Forms" tab. The instruction packet and necessary forms are available in PDF by selecting "Protection Orders." You may print out the forms and complete them using by using black ink and writing clearly. **(Please bring the original *and* three (3) copies with you to the court for filing.)**

You may also obtain the blank forms from the Clerk of Court's office in both Jefferson County and Gilpin County.

## **How much does it cost to file for a Protection Order?**

A filing fee of \$85.00 is required for each Protection Order filed in county court **except** when the person seeking a Protection Order is a victim of domestic abuse, stalking, elderly/at-risk adult abuse, sexual assault, or unlawful sexual contact. If you cannot afford the filing fee, you may file a motion to file without payment. If approved, the filing fee will be waived.

There is no filing fee required for any Protection Order that is filed within an existing case in the district court; however, if you are planning to file a new district court case *and* a protection order, you will be required to pay the corresponding district court filing fee.

### **How long will it take?**

The process will take a minimum of one (1) hour and could take as long as two (2) hours on the day you file. If you have not completed the necessary paperwork prior to arriving at the courthouse, completing the paperwork will take additional time. If the Protection Order is granted, it will be on a temporary basis, and you will be required to return for a second court hearing within two (2) weeks.

### **Helpful Hints to Complete Personal Service:**

You must arrange for personal service on the restrained party by serving a copy of the Complaint/Motion, Temporary Protection Order, and Affidavit/Certificate of Service as required by Rule 4(e) of the Colorado Rules of Civil Procedure before the Permanent Protection Order Hearing.

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 of age or older and who is not a party to the case and understands the rules for serving a party with legal papers, to serve the restrained party. The sheriff and private process server may charge a fee to serve the paperwork.

**You are responsible for obtaining proof of service from the sheriff/process server and providing it to the court on the day of the Permanent Protection Order Hearing.**

Carry a copy of the returned Affidavit/Certificate of Service with you, along with your Temporary Protection Order, always, as you may need to provide such documentation to law enforcement.