

Protection Orders

You and Your Children's Personal Safety



How to Obtain a Protection Order in Park County, Colorado

HELP: 303-816-5912 OR 303-838-7176
www.parkco.us > Sheriff's Office >
Victim Services
www.mountainpeace.org

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**Victim Services
Park County Sheriff's Office**

To reach a Victim Advocate 24/7
call the Non-Emergency Dispatch number at
(719) 836-4121, option 5

During regular business hours call
Bailey Office (303) 816-5912
Fairplay Office (719) 836-4110

Protection Order Process

Are you a victim of domestic violence, stalking or sexual assault? Elder Abuse? Confused? Need help?

Making the decision to obtain a protection order can be a confusing process. We would like you to have the information and support you might need in this process.

You can call the Park County Victim Services staff at 303-816-5912 or have a victim advocate paged by calling Park County Dispatch at 719-836-4121, option #5.

Need or wish for confidentiality?

You may wish to speak to someone in confidence about your circumstances before you proceed with obtaining a protection order. Advocates at the Mountain Peace Shelter are available to talk with you in confidence. Call 303-838-7176.



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What is the difference between Civil and Criminal Protective Orders And Bond Conditions?			
	CIVIL PROTECTIVE ORDER	CRIMINAL PROTECTIVE ORDERS	BOND CONDITIONS
Who initiates the Order?	The individual seeking protection.	The Judge.	The Judge hearing the case.
How long does the Protection Order last?	Remains active UNTIL the person who requested the order asks to have it dropped. After 4 years, the <u>restrained</u> person can request a modification.	It lasts as long as the criminal case does, through completion of sentence (unless modified by the Judge).	It lasts as long as the criminal case does, through completion of sentence (unless modified by the Judge).
Who can change or modify the Order?	Only a Judge can change or modify the Order.	Only a Judge.	Only a Judge.
Who can request that a Protective Order be modified?	Only the person who requested the Protection Order	The victim of the crime may ask the Judge to change or modify the Order.	The victim of the crime may ask the Judge to change or modify the Order.
Who does it protect?	The individual requesting the Order. This can include minor children. Note: This Order is not intended to protect property.	The victim and victim's minor children (if the Judge includes them.)	The victim and the victim's minor children (if the Judge includes them.)
Who can enforce it?	**Any law enforcement officer in any state in the country.	**Law enforcement officers in any state in the country.	Law enforcement in any state in the country.
Does it cost money to get it?	The process is free to all victims of domestic violence, sex assault and stalking.	No.	No.
Do I need to carry any proof to have the Order enforced?	Yes. Carry a copy of the Protective Order with you at all times.	Victim does receive a copy of the Order but inform law enforcement officer of existence anyw ay.	Victim does not receive a copy BUT inform law enforcement officer of existence.

** Civil and Criminal Protective Orders are entered on CCIC (State Wide) and NCIC (National)

Civil Protection Order Check

There is NO CHARGE for filing or service of Protection Orders for victims of domestic violence, stalking, sexual assault and elder abuse. Forms needed to obtain a protection order may be picked up at:

- Court House in Fairplay (719-836-2940)
- Park County Sheriff's Office sub-station, Bailey (303-838-5912)
- Web site: www.courts.state.co.us/Forms/ProtectionOrders
- Download the following forms:
 - JDF 400 (INSTRUCTIONS – PLEASE READ)
 - JDF 401 (Optional)
 - JDF 402
 - JDF 404 (If children need to be included)
 - JDF 442
 - JDF 398 (Print a blank copy and submit)
- **The above forms must be notarized.**
- Complete these forms and present them to the Court Clerk in Fairplay. The Clerk will inform you when a Judge will be available to speak with you.
- If the Judge issues a Protection Order and if the Defendant lives in Park County, you will need to take the signed Protection Order to the Sheriff's Office in Fairplay (719-836-2494) or Bailey (303-838-4441) to have it served by a Deputy.

The order becomes valid ONLY after it has been served.
(Please see Procedures (page 4) and Tips (page 6) for more information).

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Civil Protection Order Procedure

WHAT IS A PROTECTION ORDER?

It is a civil rather than a criminal process (violation of a protection order is a crime)

WHO CAN GET A PROTECTION ORDER?

- A victim of domestic violence
- A victim of stalking
- A victim of sexual assault/abuse
- Any one who is in reasonable fear of personal harm
- Emotional abuse of the elderly or an at-risk adult

PURPOSE: The purpose of a civil protection order is to provide:

- Personal protection
- Remove the defendant from the home
- Give you temporary “Care and Control” of your children
- Order the defendant to stay away from your work/home
- Order the defendant not to call
- Set up parenting time and/or deny parenting time if the children are being harmed
- Provide safety during the drop-off and pickup of children

HOW: There are two stages:

1st stage – Temporary Protection Order (TPO) -

This lasts 14 days. You will receive a

date and time for you to return to court to make the order permanent (PPO).

*Obtain the necessary paper work from the Park County Combined Court in Fairplay OR go to the web site (see pg.5) and follow instructions.

*Complete paper work.

*Be prepared to speak to a Judge, either in person at the courthouse in Fairplay (or by phone if circumstances permit) to show that violence or threats of violence have taken place and that you are in imminent danger of further abuse or threats.

*Once the Judge has issued a TPO, YOU must take the paper work to the Sheriff’s Office in FAIRPLAY or BAILEY to have the defendant served.

****This is a very important part of the process as the order does not go into effect until the defendant is served, If officers are not able to find the defendant, you can call 911 when you are with the defendant and officers will then be able to serve the defendant.***

**** Contact Colorado Legal Services at 719-539-4251. Their attorney will be able to represent you at the Permanent Protection Order hearing (PPO).***



Civil Procedure cont:

2nd stage — Permanent Protection Order (PPO) -

This order will remain in effect permanently and can only be modified or dropped by a Judge at YOUR request. *(After 4 years, the restrained party can petition the court to modify or dismiss the order.)

- You will be given a date to appear in court for the PPO. The defendant may be at this hearing also. Be prepared for this by having legal representation (see above) and following the guidelines below.

Preparing for a Permanent Protection Order Hearing.

- Jot down key points you want the judge to consider for the PPO hearing.
- Be clear and concise.
- Focus on the events listed in your complaint.
- Dress conservatively for your court appearance.
- Take a friend, victim advocate or relative to court with you for moral support.

ATTEND YOUR PPO HEARING . If you are late or do not show, your PPO will be dismissed.

- If you decide that you do not want to pursue a PPO, you are encouraged to attend the court date to inform the Judge of your decision.
- If your PPO is granted and changes are made from the TPO,

the PPO must be served again on the defendant (if they are not in court).

CARE AND CONTROL OF CHILDREN

The Judge will want your input regarding "visitation" (parenting time). Consider a weekly visitation schedule that is realistic. If you feel that visitation should be supervised, you may voice your concerns to the judge. Provide clear and concise support for your concerns.

If you intend to request supervised visitation, you are responsible for obtaining the supervisor. Victim Services staff will be able to assist you with this.

If you feel there will be a dispute over "Care and Control" of the children, you would be wise to have an attorney to represent you (see Colo. Legal Service info previous page), however it is not mandatory.

****If your PPO is granted, you may request an emergency child support hearing****

Defendants' Rights—The Defendant has the right to contest the PPO. If contested, a hearing will be scheduled. The hearing may or may not be scheduled for the same day. If the hearing is set for a later date, the TPO will be continued until the PPO hearing. The PPO hearing is an opportunity for both the Plaintiff and the Defendant to give the judge their version of the incident (testimony and cross-examination).

Civil Procedure cont:

The Defendant may also be present and choose not to contest the PPO in which case it will be granted to the Plaintiff without admission of the allegations in the complaint.

Amendments to the PPO at the PPO Hearing

May include:

1. Method of contact
2. Parenting time
3. Mutual attendance at children's school functions.

Please consider the amendments you request carefully. They may expose you to further harm and/or make the PPO difficult for the police to enforce.

PRACTICAL TIPS

Obtaining a Protection Order is often confusing and time consuming . Although you can do this process on your own, we highly recommend that you consult with a victim advocate for assistance and support.

Make safety plans. Your victim advocate can assist you with this.

*****A PROTECTION ORDER SOMETIMES
GENERATES INCREASED HOSTILITY*****

- Once the PPO has been granted, you will need to keep a copy of the order with you at all times.
- Review your Protection Order to make sure that it contains the basic elements for effective enforcement.

Get copies of your Protection Order—and carry with you at all times.

(** Show the police when you report a violation and also show proof that the order was served.)

Tips cont:

- [Deliver copies of your Protection Order](#) to your school, employer, friends, relatives and any law enforcement agency that may need to enforce your protection order, if appropriate.
- [Get written proof that the Order was served](#) on the abuser from either the law enforcement agency that served the Order or the court that issued the Order.
- [Keep track of and report all of the abuser's violations](#), including phone calls and messages sent through other people (do this even if you are the only one to witness the violation of the Order, since this will establish a “record” and help law enforcement take steps to protect you).
- [Find out about procedures](#) you may have to follow to get your Protection Order enforced in other communities. This is important because procedures vary.
- [Call the legal services office](#) for help with other legal matters related to the Protection Order.



Every Home A Safe Home

WHAT CAN YOU DO TO KEEP YOU AND YOUR CHILDREN SAFE?

Whether or not you feel able to leave an abuser, there are things you can do to make yourself and your family safer. We have listed some ideas and tips for improving your safety. Please contact a victim advocate for a more extensive plan. We can assist you in developing a personalized plan and provide you with additional resources.

IF YOU ARE IN IMMEDIATE DANGER CALL 911

IF YOU ARE STILL IN THE RELATIONSHIP:

- **Think of a safe place** to go if an argument occurs. Stay away from the kitchen (dangerous objects that can become weapons). Stay away from bathrooms, closets; *places where you can be trapped.
- **Get to a room with a door, window, and phone.**
- **Get your own cell phone and keep it with you.** Memorize important phone numbers.
- **Think about a neighbor** or friend you can run to for help. Establish a code word or sign so they know when to call for help.
- **Get medical help** if you are hurt.
- **Pack a bag** for you and your children with important things you need if you have to leave quickly. **Leave to a safe place or with a trusted friend or neighbor.**
Include: cash, car keys, medical records, medications, court papers, marriage license, birth certificates, etc. for you and your children.
- **Take a good self-defense class.**
- **Establish a safety plan** for your pets and have their records.
- **Think about what you will say** to your partner if he becomes violent.

**Call Park County Victim Services, 303-816-5912, or
Mountain Peace Shelter , 303-838-7176
for local help.**

Safety Planning

TO MAKE YOUR CHILDREN SAFER

Teach them . . .

- **not to get in the middle of a fight** even if they want to help;
- **how to get to safety**, to call 911, to give your address and phone number;
- **who to call for help**;
- **to stay away**, especially from the kitchen;
- **your code word** for leaving or going for help.

- **TRUST YOUR INSTINCTS!**
- **YOU HAVE THE RIGHT TO PROTECT YOURSELF AND YOUR CHILDREN.**



IF YOU HAVE LEFT THE RELATIONSHIP

- **Change or un-list your phone numbers** and screen all your calls; don't use caller I.D.
- **Change all locks** and get locks on windows.
- **Inform neighbors to call for help** if they see the abuser at your house.
- **Know** where you are going to go if you have to leave.
- **Know** the quickest route out of your workplace.
- **Change** your regular travel habits.
- **Change** where you bank and shop for food.
- **Keep court orders** and emergency numbers with you at all times.
- **Cancel** any shared bank and credit card accounts.
- **Give school staff a copy of your court order.** Make sure they know not to give out your address/phone number.
- **Make sure the school does not release your children to anyone without talking to you and to use a password so they can be sure it is you on the phone.**
- **Give a photo of the abuser to the school and work.**
- **AT WORK:** Inform your supervisor and security about the abuser and provide them with the information they need to assist you in being safe.
- **Don't walk alone** to your car or go to lunch alone.

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Safety Planning cont:

ADDITIONAL SAFETY PLANNING TOOL

The chart on the right is included for you to use to track any incidents that make you feel that you are being followed or for incidents that worry or concern you.

This information may be important to present to law enforcement or Judges. If you have questions about this form, please call one of the numbers listed on the front and on the back of this booklet.



Park County Victim Services

Park County Sheriff's Office

P.O. Box 604

Fairplay, CO 80440

www.parkco.us > sheriff's office > victim services

303-816-5912 OR 719-836-4110

Mountain Peace Shelter

P.O. Box 836

Bailey, CO 80421

www.mountainpeace.org

303-838-7176

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