



Protection Order Guide

	Extreme Risk Protection Order	Civil Protection Order	Criminal Protection Order aka "Mandatory Protection Order"
Petitioning Party	Family member, household member or a law enforcement officer	Any person in fear of personal harm	Court upon felony or misdemeanor charge
Timing of Ex Parte Hearing	Day of filing or next court day	Earliest possible time	N/A
Timing of Continuation Hearing	14 days after ex parte hearing	14 days after ex parte hearing	N/A
Burden of Proof at Ex Parte Hearing	Preponderance of the evidence for finding that respondent is a significant risk to self or others by having firearms	Judicial finding that imminent danger exists to the person or persons seeking protection under the civil protection order	N/A
Burden of Proof at Continuing Hearing	Clear and convincing evidence for finding that respondent is a significant risk to self or others by having firearms	Preponderance of the evidence for finding that respondent has committed acts constituting grounds for issuance of a civil protection order and that unless restrained will continue to commit such acts or acts designed to intimidate or retaliate against the protected person	N/A
Respondent Afforded Opportunity to Terminate Protection Order?	Yes, once during 364 day period.	Yes, two or four years after permanent protection order was issued (depending on when filed)	Yes, through criminal defense process
Respondent Afforded Free, Court-Appointed Counsel to Defend Protection Order?	Yes, at continuation hearing	No	Yes, if eligible for a public defender
Duration of Order	364 days; extension possible	Varies depending on case	Pendency of criminal case
Restrictive Provisions	Respondent cannot receive, purchase, possess or control firearms for 364 days	<p>Vary depending on case</p> <p>Can include orders to stay a certain distance away from petitioner, vacate petitioner's home, limit/prohibit communication, etc.</p> <p>May include orders to hand over firearms and ammunition to law enforcement and refrain from purchasing firearms and ammunition</p>	<p>Defendant cannot harass, molest, intimidate, retaliate against, or tamper with any witness to or victim of the acts charged.</p> <p>May include orders commonly found in civil protection orders</p> <p>Domestic violence protection orders will also include orders to hand over firearms and ammunition to law enforcement and refrain from purchasing firearms and ammunition</p>

Citations:

<https://codes.findlaw.com/co/title-18-criminal-code/co-rev-st-sect-18-1-1001.html>; <https://codes.findlaw.com/co/title-13-courts-and-court-procedure/co-rev-st-sect-13-14-104-5.html>;

<https://law.justia.com/codes/colorado/2016/title-13/civil-protection-orders/article-14/section-13-14-106/>; <https://leg.colorado.gov/bills/hb19-1177>

What is a Burden of Proof?

Generally, a burden of proof describes the standard that a party seeking to prove a fact in court must satisfy to have that fact legally established. There are different standards in different circumstances. For example, in criminal cases, the burden of proving the defendant's guilt is on the prosecution, and they must establish that fact beyond a reasonable doubt. In civil cases, the plaintiff has the burden of proving his case by a preponderance of the evidence. A "preponderance of the evidence" standard and "beyond a reasonable doubt" standard are different standards, requiring different amounts of proof.

https://www.law.cornell.edu/wex/burden_of_proof

