

County Court El Paso County Combined Courts 270 S. Tejon St., Colorado Springs, CO 80903	
_____ Petitioner  v.  _____	Case Number: _____  Division: N
<b>CASE MANAGEMENT ORDER (CMO) AND ADVISEMENT REGARDING ISSUES          HEARD AT A PERMANENT CIVIL PROTECTION ORDER HEARING</b>	

**A TEMPORARY PROTECTION ORDER (TPO) WAS ISSUED BY THE COURT**

The Court will set this case for a hearing as to whether the TPO should be made permanent. So that the parties are better prepared to proceed to hearing on the scheduled date, they are advised and ordered as follows:

**NOTICE TO THE PETITIONER**

1. You will receive two copies of the TPO and this Case Management Order from the court clerk. One for yourself and one is to serve on the Respondent. The TPO is temporary and is only effective after it has been served on the Respondent. You must appear in person at the Permanent Protection Order hearing.
2. Personal Service on the Respondent
  - a. **SERVICE ON RESPONDENT IS REQUIRED:** Once you receive a TPO, you must complete personal service on the respondent with a copy of the Complaint/Motion, the TPO and the Affidavit/Certificate of Service. This must be done prior to your Permanent Protection Order hearing.
  - b. **WHO CAN SERVE RESPONDENT:** Service can be performed by 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.
  - c. **YOU NEED A COMPLETED AFFIDAVIT OF SERVICE:** Be sure to direct the sheriff, private process server, or person serving the documents to return the original and a copy of the Affidavit/Certificate of Service to you. **YOU MUST File** the Affidavit/Certificate of Service with the Clerk of Court or bring it with you to the next hearing.
  - d. **IF NO SERVICE ON RESPONDENT:** If you were not able to get service on the Respondent before the permanent hearing, you can ask the Court for additional time to get service. You must be present in person to request the additional time.

## NOTICE TO THE RESPONDENT

1. **If you are the respondent, you have two options:**

- a. First, you may contest/object to the Protection Order, in which case there will be a hearing; or
- b. Second, you can confess the protection order without making any admissions.

## PERMANENT ORDER HEARING

1. At a permanent protection order hearing, the Court may make the TPO permanent with the same or adjusted terms, or the Court may vacate the order entirely.
  - a. **IF THE PETITIONER PREVAILS:** A protection order is made permanent when the Petitioner prevails at the hearing, or if the parties agree that the order should be made permanent.
  - b. **IF THE RESPONDENT PREVAILS:** A protection order is vacated when the Respondent prevails at the hearing, or if the parties agree that the order should be vacated.
2. Each hearing is scheduled for 50 minutes. Each side will have 20 minutes to present his or her respective case, with the remaining 10 minutes reserved for the Court's ruling. *If you believe your case needs additional time, you must file a motion stating your reasons to request this.* This motion can be filed with the Clerk of Court (Room S101).
3. Because he or she filed the case, it is the Petitioner's burden to prove, by a preponderance of the evidence (meaning more likely than not), two things: first, you must prove that the offensive act or acts alleged in your complaint occurred. Next, you must prove that unless restrained, the respondent will continue to commit those acts; or will commit acts that are meant to intimidate or retaliate against you.
4. **Each party is entitled to one continuance for good cause**, not to exceed 14 days. For example, if you were recently served and are retaining counsel or if you're gathering evidence. If the Court grants a continuance, the TPO will remain in effect until the next court date.
5. If a party fails to appear at any scheduled hearing, the opposing party may have the case decided in his or her favor.
6. **SUBPOENAS:** Either party may get a subpoena for a witness from the Clerk of Court (Room S101) to order a witness to appear at the permanent order hearing. Subpoenas must also be served as above.
7. The parties to this case may retain the services of an attorney to advise them and to represent them in court. If any party has further questions regarding the TPO or the upcoming hearing, he or she is encouraged to seek the advice of an attorney. The Court may not provide legal advice.

## EVIDENCE AT THE HEARING

Evidence acceptable to the court includes, but is not limited to, the following categories:

1. **The live testimony** of witnesses or parties to the action. NOTE: Written witness statements or affidavits will NOT be accepted in lieu of live testimony.
2. **Certified/Official records** for a business or government agency that are routinely kept in the normal course of that businesses or agency's activities. Examples include medical records, police reports, bills for cellular service, reports generated by a security service, etc. Copies of all documents a person wishes the Court to consider should be made available for the Court and the opposing party.
3. Evidence that preserves or records the activities of a party or witness. Examples include photographs, email or text communications, messages left on voice mail, etc. It is the responsibility of the party presenting this evidence to supply the equipment necessary for the Court to hear or view such evidence. The Court cannot supply this equipment.
4. **EXHIBITS:** Parties are required to have (3) copies of any/all exhibits intended to be used during the trial.
  - a. **AUDIO/VIDEO EXHIBITS:** If either party plans on using any audio/video, the party is required to download any audio/video onto a flash drive which will become part of the official court record, if requested and accepted into evidence. The party is required to supply a personal laptop to play the audio/video during the trial.
  - b. **All other evidence must be printed.** This includes photographs, emails, documents and screenshots.

The Court may adjust this order to expedite the proceeding.

More information can be found at:

<https://www.coloradojudicial.gov/self-help/getting-protection-order>

So ordered as of this day, December 13, 2024.

BY THE COURT:



Douglas G. Bechtel

4<sup>th</sup> Judicial District Magistrate