

El Paso County Domestic Violence Legal Resource Guide



Legal and Community Resources to Help You Navigate the Legal System

The El Paso County Domestic Violence Legal Resource Guide:

If you are looking for general legal and community resources to help you navigate the court system, this guide will help you in your search. The *El Paso County Domestic Violence Legal Resource Guide* (“*The Guide*”) is a brief description of what is available to you, particularly if you are a victim of domestic violence and you do not have an attorney. *The Guide* provides a brief description of topics that many people have questions about, questions to consider about each topic, and where to find additional information. The Guide is brief; however, it can be used as a tool to help you get started.

The Guide was created for victims of domestic violence, local practitioners, and anyone wanting general information about our legal system. You can have access to the entire packet or any page that is useful to you.

The information contained in The Guide is **not legal advice** and is intended only to be general information about navigating the court system. If you need legal advice, it is always best to meet with an attorney to get your questions answered. Information in this packet includes:

TABLE OF CONTENTS

Overview of Contents	Page 5
Information to Help You Navigate the Legal System	
A. What Should You Expect in Court if You Represent Yourself Pro Se?	Page 7 – 8
B. What Should You Do Before Going to Court?	Page 9
C. How Should You Act in Court?	Page 11
D. What is Evidence?	Page 13 – 14
E. How Do You Present Evidence to the Judge When You are Pro Se?	Page 15
F. How Do You Choose a Lawyer?	Page 17 – 18
G. How Do You Get a Protection Order?	Page 19 – 21
H. Worksheet: Your Notes from Court	Page 23
Resources by Topic	
▪ Questions Relating to a Divorce	Page 25
▪ Questions Relating to Allocation of Parental Responsibility (Custody)	Page 27 – 29
▪ Is Mediation Right for You?	Page 31
▪ Domestic Violence and Criminal Cases	Page 33 – 34
▪ Credit and Debt	Page 35
▪ Immigration: Legal & Community Resources	Page 37
▪ Housing: Legal & Community Resources	Page 39
▪ Other Legal Questions	Page 41
▪ Your Local Library	Page 42
▪ Common Legal Terms and Definitions	Page 43 – 47
▪ El Paso County Family Violence Resource List	Page 48 – 49

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El Paso County Legal & Community Resource Guide

Information in this packet includes:

Information to Help Guide You through the Legal System

- A. **What Should You Expect in Court if You Represent Yourself?**
- B. **What Should You Do Before Going to Court?**
- C. **How Do You Act in Court?**
- D. **What is Evidence?**
- E. **How Do You Present Evidence to the Judge When You are Pro Se?**
- F. **How Do You Choose a Lawyer?**
- G. **How Do You Get a Protection Order?**
- H. **Worksheet: Your Notes from Court** – a worksheet for you to use when you go to court

Information Available in this Packet

- **Questions Relating to a Divorce:** Do you want a divorce or legal separation? Do you want to change your final orders or divorce decree? How do you find an attorney? How do you represent yourself?
- **Questions Relating to Allocation of Parental Responsibility (Custody):** Are you and the other parent disagreeing over custody, visitation/exchanges, relocation, child support, health insurance coverage for your child, or calling the Department of Human Services? Do you need more support?
- **Is Mediation Right for You:** What is mediation and what are the benefits? When is mediation not right for you? What should you do if you have concerns about your case going to mediation?
- **Domestic Violence and Criminal Cases:**
 - Are you the victim in a domestic violence case?
 - Are you the defendant in a domestic violence case?
- **Credit and Debt:** Are you concerned about money you owe? Are you facing bankruptcy? Are you struggling to pay your bills? Does someone owe you money?
- **Immigration: Legal & Community Resources:** Do you want to know more about becoming a citizen? Have you or your family members been threatened with being deported? Do you want a VISA?
- **Housing: Legal & Community Resources:** Do you think your landlord/seller discriminated against you? Are you facing housing issues, i.e., eviction, foreclosure, etc.?
- **Other Legal Questions:** Are you looking for additional resources relating to your case?
- **Your Local Library:** Your public library is a great resource for computer access and more.
- **Common Legal Terms and Definitions**
- **El Paso County Family Violence Resource List**

A. What Should You Expect in Court if You Represent Yourself Pro Se?

Please note that this section is a *general* explanation of what you should expect in court. Your situation may require additional and/or other documents. Please take advantage of the Self-Help Center in the Courthouse and the online court documents (see box below) for more detailed information.

When you represent yourself in a legal proceeding, the court refers to you as “pro se,” (pronounced pro-say) which means that you do not have an attorney.

What Will You Need to Do If You Go to Court?

In order for you to change your current legal situation, the court needs to make a decision based on the information you and the other party provide to the judge.

- √ The first step is to file a “*pleading*” with the Clerk at the courthouse. A pleading is a document that explains what you are asking the court to do. If your case is criminal and you are going to represent yourself, the District Attorney’s Office files the first pleading based on your arrest.

To Find the Pleading You Need for Free:

www.courts.state.co.us/chs/court/forms/selfhelpcenter.htm

To Find the Pleading You Need for a Small Fee:

Self-Help Center, 270 S. Tejon, Colorado Springs, CO 80903
(719) 227-5191

- √ After the first pleading is filed with the court, you will have a case number and your case will be assigned to a courtroom, judge, or division. After you file, it is your responsibility to serve the paperwork (i.e., the Complaint, Petition, etc.) to the other party. The Sheriff’s Office, a private process server, or a person over age 18 who is not involved in the case can serve the paperwork. If you have questions about how to serve your paperwork, ask the Court Clerk for additional resources. After serving the other party, the process server needs to give you the “Return of Service” document. Then, you must file the “Return of Service” document with the court. Check online for forms or you can pay the court for the necessary forms.
- √ After the paperwork is served, the other party has an opportunity to respond by filing his/her own paperwork. You will then schedule a meeting or hearing at the courthouse in order for the court to consider your request(s). Any pleadings filed after the initial pleading must also be mailed or hand delivered to the opposing party and you may choose to use a process server. These pleadings require that you attach or file a “Certificate of Mailing or Hand Delivery” stating what was mailed, when and where it was mailed, and to whom it was addressed.

Things to Remember:

- Keep a copy of the documents that you file
- Ask the clerk to stamp the copies you keep to show when you filed the original copy
- You are responsible for mailing/serving the paperwork to the other party and letting the Court know that it was served
- You will get a copy of all the documents filed by the other party
- The other party will get a copy of all the documents that you file

How Can the Clerks at the Courthouse Help You?

When you give a Clerk your CASE NUMBER or the DEFENDANT’S NAME, the clerk can:

- Tell you about basic procedures in the courtroom.
- Check the procedural information on your pleadings.
- Tell you where to file your pleadings.
- Schedule meetings or hearings with the other parties; however, only the *Judges’* clerks can schedule hearings.
- Give you an update on your case.
- Provide you with contacts for legal services.
- Tell you if the judge issued an order or decision in your case.

THE CLERK CANNOT GIVE YOU LEGAL ADVICE.

THE CLERK CANNOT LET YOU SEE THE JUDGE OUTSIDE OF COURT.

HELP THE CLERK – Know Your Case number



B. What Should You Do Before Going To Court?

- √ **Arrange for Childcare.** Please do NOT bring your children to the courthouse. Due to the nature of the conversation, it is not always appropriate for children to hear what is happening. The courthouse provides FREE onsite childcare while you are in court.

To Find Child Care:

<http://cscnc.org/ccare.php> (Court Child Care)
270 South Tejon Street, Room S104 (719) 448-7747

- √ **Dress Appropriately.** “Business casual” dress is appropriate for the courtroom, including slacks, suits, and sweaters. Ask yourself, “Would I feel comfortable wearing this to a job interview or to church?” Hats, sunglasses, tank-tops, shorts, anything that displays an inappropriate message (such as gang-related attire) and anything that shows your stomach, shoulders or thighs are not appropriate.
- √ **Come to Court Prepared.** When you represent yourself, the court should treat you the same as it would an attorney, which means that you need to know and follow the rules when you ask the judge to grant the request in your pleading. The judge may offer some guidance but will not ignore the Rules of Court or the Rules of Evidence (See “What is Evidence” in this packet).

Other Information in this Packet: “What is Evidence?”

Information by Phone/Internet:

- El Paso County Bar Association – Lawyer Referral Program
Call: (719) 636-1532 (\$30.00 for a 30 minute consultation with a pre-screened attorney)
www.elpasocountybar.org/
- Call a Lawyer: (719) 471-0380, 3rd Thursday of Each Month, 7 PM-9 PM (free legal advice)

- √ **Bring your paperwork.** You need to know the names of the other parties and their attorneys, the name of the judge, the name of the Deputy District Attorney (if the case is criminal), the name of any advocates you have talked to and have your copy of all complaints, answers, pleadings or motions filed before the hearing (See “Your Notes from Court” in this packet). Bring all necessary documentation and records to help support your case.
- √ **Come early.** Arrive at the courthouse at least a half an hour before you are scheduled to appear. Everyone in the courthouse must go through security and the line may move slowly. Give yourself enough time to park, stand in line, and find the courtroom.
- √ **Find the courtroom.** If you received any documents from the court, there will be a division or courtroom number. That number will help you find the right courtroom. If you ask a clerk for help, have your case number ready.
- √ **Find the Court Clerk** when you get to the courtroom in order to check in. The judge will need to know that you are present. Do not be surprised if you have to wait for a couple of *hours* before your case is called. You should not make other plans on the day you are going to court.
- √ If you are a victim or a witness in a **criminal case**, you may wish to check in with the Victim Witness Office in the Courthouse, Room S-453. If you are working with a Victim Witness Advocate, he/she may be able to go with you to the courtroom.

C. How Should You Act in Court?

- √ Do not go to the courthouse after drinking alcohol or taking drugs. You will be in contempt of court and could be arrested.
- √ Turn off your cell phone or pagers when you get to the courtroom. If you need to make a call, tell the clerk that you will be in the hall and briefly step out to use your phone.
- √ Throw away your gum, food, or drink before you get to the courtroom.
- √ Be quiet. People talking to the judge before you deserve the judge's undivided attention.
- √ Stand up whenever the judge enters or exits the courtroom.
- √ Call the judge "Your Honor."
- √ Call everyone else "Mr." or "Ms."
- √ Speak slowly, loudly, and respectfully when it is your turn to talk. Everything that you say before the judge is recorded.
- √ Write down what the judge tells you, including what you need to do next and the date and time you will need to come to court again (See "Your Notes from Court" in this packet).
- √ **Ask questions if you do not understand what is going on with your case.**



TREAT THE JUDGE AND STAFF WITH RESPECT AT ALL TIMES

D. What is Evidence?

An Introduction to Evidence:

Evidence is a fact, told or presented by a witness to the court, which the court considers when making its decision. Evidence is presented as *testimony* or *exhibits* and becomes evidence when the judge rules it is allowed under the Rules of Evidence. Information you use in court may or may not be given to the other party depending on the type of case you have.

The Colorado Rules of Evidence

www.boulder-bar.org/bar_media/evidence/13.11.html

Visit the State Self-Help Center

www.courts.state.co.us/chs/court/forms/selfhelpcenter.htm

Colorado State Judicial Branch Self-Help Center – FREE Forms & General Info

Do You Have Questions About Evidence?

El Paso County Bar Association – Lawyer Referral Program

www.elpasocountybar.org/

Call: (719) 636-1532 (\$30.00 for a 30 minute consultation with a pre-screened lawyer)

Call a Lawyer: Free Legal Advice

(719) 471-0380 on the 3rd Thursday of each Month, 7 PM – 9 PM (free legal advice)

What Are The Types of Evidence?

TESTIMONY = Facts that a witness says or testifies to in court

How do you get a witness to testify for you?

- You can ask someone (“witness”) to testify. A witness is someone who saw, or can give firsthand account of, something relating to your case.
- You can ask the court to order someone to testify. The court’s order is called a *subpoena*, and the court clerk or an attorney will issue a subpoena for you. There may be a small fee.
- Once the subpoena is issued, it must be served on the witness.

How do you serve a witness with a subpoena?

- A witness must be served with a subpoena at least 48 hours before the hearing and a mileage fee should be provided.
- The person who serves/hands the subpoena to the witness cannot be an *interested party*. An *interested party* is someone who is involved in your case.
- The person who serves the subpoena may be a hired process server, Sheriff’s Deputy, or someone over the age of 18 who is not an *interested party*. You can ask any Court Clerk how to find a process server.

For More Information about Testimony:

<http://www.courts.state.co.us/chs/court/forms/general/jdf79.pdf>

Colorado State Judicial Branch Self-Help Center – FREE Forms & General Info

EXHIBITS CAN BE:

- Facts in a document, or records, that a witness can identify and explain
- Photographs that a witness can identify and explain
- Maps that a witness can identify and explain
- A diagram or model that a witness can identify and explain

For More Information about Subpoenaing Exhibits
<http://www.courts.state.co.us/chs/court/forms/general/jdf79.pdf>

How Do You Know Whether to Use Testimony or Exhibits?

After you have a list of people (witnesses) and items (exhibits) you would like to present in court, go through the questions below for each witness, document, photograph, etc. If you think some of your evidence will not be allowed, you should not present it, or get legal advice to understand the Rules of Evidence.

If you represent yourself *pro se* (without an attorney), ask yourself the same questions the court will ask:

1. Will the evidence (testimony or exhibit) help the court identify the issues that pertain to your case? Does the evidence provide value to your case?
2. Is the evidence (testimony or exhibit) not allowed because it does not meet the Rules of Evidence (www.boulder-bar.org/bar_media/evidence/13.11.html)?
 - Testimony of someone's character is generally not allowed.
 - Testimony concerning acts by the other party to fix a problem is generally not allowed.
 - Testimony about conversations during negotiations are generally not allowed.
 - Testimony to what someone else *may have said* is generally not allowed.
 - Exhibits appearing to be unfair to the other party, or confusing, may not be allowed.
 - Written statements by a witness who is not present are generally not allowed.

The court will ask similar questions when determining whether or not to allow your exhibit or testimony as evidence.

What Additional Documentation Should I Bring with Me?

Have documentation of the domestic violence, including police reports, medical records, and photographs. Additionally, keep records of all interactions with the other party, including exact times and dates when you spoke, when the children were picked up and returned, dates and amounts received for child support, and exactly what he/she did to violate an order of protection. Have additional documents ready for the court to inspect, including: copy of your marriage certificate, rent receipts, bank statements, utility bills, credit card records, children's report cards, etc. For more information, please review: "Managing Your Divorce: A Guide for Battered Women." National Council of Juvenile and Family Court Judges. D. McHardy and M. Hofford. 1998. Reno, Nevada. For the full document, please review: <http://www.legalexplorer.com/resources/database/PubPDFs/00-MANAGEDIV.pdf>

E. How Do You Present Evidence to the Judge When You Represent Yourself Pro Se?

****You may keep this handout with you when you go to court****

Step 1: Arrive at court with your witnesses and exhibits. Know what facts you want the witnesses to say on the stand. Ask witnesses to participate only if they have firsthand knowledge of helpful facts or if they know what the exhibits are and can explain the exhibit to the judge.

Step 2: After the judge begins the hearing, call your witness(es) when it is your turn.

- Ask the witness to state his/her full name and spell his/her last name.
- Ask the witness questions so the witness can tell the judge (or jury) what he/she knows about your case.

Step 3: Turn your exhibits into evidence.

- Hold the item (exhibit).
- Ask to approach the court reporter to “mark your exhibit” (give your exhibit a number or letter). If there is no court reporter, the judge will tell you to number it yourself.
- Show the marked exhibit to the other party and say out loud, “I am showing what was marked as exhibit # _____ to opposing counsel.”
- Ask the judge if you can walk up to the witness.
- Hand the witness the exhibit.
- Walk back to the podium.
- Ask the witness:
 - Do you recognize the exhibit?
 - What is it?
 - How do you know what it is?
- Ask the judge if the court will “admit the exhibit into evidence.”
- Ask the judge if you can show it to the jury, if there is one.

Step Four: Ask the witness questions so the witness explains the exhibit to the judge (or jury). After the witness is done testifying, give the exhibit to the judge.

Even if you do all of these steps, it is up to the judge whether or not to allow your exhibit or testimony as evidence. This is a simplified way of explaining evidence; for more information, please contact an attorney, review the court websites, visit the Self-Help Center, or review the Colorado Rules of Evidence:

www.boulder-bar.org/bar_media/evidence/13.11.html

F. How Do You Choose a Lawyer?

If possible, find an attorney to represent you in your case. It is best to find an attorney that is experienced in handling cases involving domestic violence. Finding an attorney can be difficult, especially if you need your lawyer to provide services to you without cost or on a sliding scale. You may need to call many different attorneys to find the best one for you, leave multiple messages, and call people back if they do not return your call. Make sure you give your attorney time to get to know you and to prepare your case. You may wish to call your local domestic violence agency or talk with other victims of domestic violence to help narrow your search for an attorney. Additionally, check with the El Paso County Bar to ask about low-cost or free legal services.



Finding a Lawyer to Work for You

Civil Cases:

- Colorado Legal Services
617 S Nevada Ave., CO Springs
www.coloradolegalservices.org/Program/824/index.cfm
Call: (719) 471-0380
- El Paso County Bar Association – Lawyer Referral Program
www.elpasocountybar.org/
Call: (719) 636-1532 (\$30.00 for a 30 minute consultation with a pre-screened attorney)

Criminal Cases:

- Apply for the Public Defender
415 South Sahwatch, Colorado Springs, CO 80903
Call: (719) 475-1235
- Find defense attorneys willing to work on a sliding scale
Colorado Criminal Defense Bar: www.ccdb.org (click “Lawyer Locator”)
Call: (303) 758-2454

What Can an Attorney Do for You? *

You need to be able to tell the attorney what you want to happen in your case. You may not get everything you want, but a good attorney will tell you what he/she can do and warn you if you may not get something. Try talking to more than one attorney about your case. Make sure you feel comfortable asking the attorney questions. The attorney works for you and he/she should tell you what he/she is doing for you. An attorney is expected to do the following:

- Keep you informed about the progress of your case
- Keep statements you make to him/her confidential
- Provide advice about the law, legal alternatives, and their consequences
- Ask you to make the decisions in your case

What Questions Do You Ask an Attorney at Your First Meeting?*

- What is confidentiality and how does it work?
- What is the cost of this meeting and what is your retainer fee?
- What are the other fees and costs I can expect during my case? Does it cost more to go to court?
- Do you bill me at the end of the case or every month?
- What do you think will happen in my case?
- If I hire you and you take my case, what is the next step?
- How long have you been in practice? How much experience do you have in the area of family law?
- Why would you be a good attorney for me?
- Would you be able to represent my particular view?

Who Do You Call if You Feel the Attorney is Not Doing His/Her Job?

1. Contact the attorney and tell him or her that you are upset.
2. Give the attorney time to fix the problem – usually they need more than a week.
3. Contact the Colorado Supreme Court Office of Attorney Regulation for an intake
<http://www.coloradosupremecourt.com/Regulation/Complaints.htm>
Call Toll Free: 1-877-888-1370

What Your Attorney Expects from You:*

- Be realistic. You are not your attorney’s only client.
- Avoid phoning repeatedly.
- Keep appointments with your attorney and use the time wisely. Come prepared with the necessary information, documents, and questions. It may be useful to have a list of questions and concerns with you whenever you speak to your attorney over the phone or in person.
- Make your priorities clear and listen carefully to what your attorney tells you about how the law may impact your wants and needs.

*Parts of the section were excerpted from “Managing Your Divorce: A Guide for Battered Women.” National Council of Juvenile and Family Court Judges. D. McHardy and M. Hofford. 1998. Reno, Nevada. For the full document, please review: <http://www.legalexplorer.com/resources/database/PubPDFs/00-MANAGEDIV.pdf>

NOTES:

Attorney Names & Phone Numbers:

Questions to Ask:

G. How Do You Get a Protection Order?

What is a Protection Order?

There are many different types of Protection Orders (sometimes referred to as “Restraining Orders”): Temporary and Permanent Civil Protection Orders; No Contact Orders; Emergency Protection Orders; and Mandatory Protection Orders. We will briefly describe the Mandatory Protection Order (often referred to as the Criminal Protection Order) and move on to focus on Civil Protection Orders.

Mandatory (Criminal) Protection Order (MPO) [CRS 18-1-1001] automatically protects the victim in a criminal case, such as a domestic violence case, from being threatened, harassed, intimidated, or molested by the defendant, throughout the duration of the case (i.e., until the case is closed). This order DOES NOT automatically protect the victim from CONTACT with the defendant. In addition to the MPO, the Judge may order a three business day **No Contact Order** to keep the defendant from contacting the victim. If you are a victim in a case and have questions about the Mandatory Protection Order, contact the Office of the District Attorney at (719) 520-6000. If you are a victim, whether or not you are involved in a criminal case, you have the right to request a Civil Protection Order.

A **Civil Protection Order** is granted by a Judge/Magistrate upon your request if you can prove that you were a victim of domestic violence or there is a threat of violence at the hands of an intimate partner, and that you are at risk of continued violence or threats of violence in the future. You do not need a criminal case in order to request a Civil Protection Order. The Civil Protection Order will bar the defendant from having any contact with you and will exclude him/her from your home; you can request the limitations as to the contact. If you have children together, you can request temporary orders regarding parenting time, which can last up to 120 days. There are 2 kinds of Civil Protection Orders:

- **Temporary Protection Order (TPO)** lasts ten - fourteen days (per state statute) and it must be granted before you can request a Permanent Protection Order.
- **Permanent Protection Order (PPO)** lasts forever, unless you make a request to modify or dismiss it. In order to modify or dismiss the Order, you must see a Judge/Magistrate to explain why you are making the request. The defendant can ask to modify or dismiss the order after four years, under certain circumstances.

How Do You Get a TEMPORARY Civil Protection Order?

Follow the steps below to request a TEMPORARY Civil Protection Order from the court. Please note: Filing for a Protection Order with the court does not guarantee it will be granted. It is up to the discretion of the court, based on the information that is presented.

STEP 1: If you are filing for a protection order against an intimate partner or a former intimate partner (i.e., spouse/ex-spouse, girlfriend/boyfriend, common law spouse, parent of your child) or because of a sexual assault, you have two options:

1. Call the TESSA office (719-633-1462) and ask where you can meet with an advocate who can assist you with the court paperwork and provide you with options, referrals, resources, and support. A TESSA advocate may meet with you at their office or in the courthouse. In order to file your paperwork by 10 AM, we recommend that you arrange to meet with a TESSA advocate no later than 8:30 AM. If TESSA is not an option for you, you can go directly to the courthouse to file your paperwork.

2. Go directly to the courthouse to file your paperwork. Find the Self-Help Center and ask for the protection order paperwork. Complete the forms and ask the Self-Help Center Clerk to file them for you. If you decide to go directly to the Courthouse to file, we recommend that you arrive no later than 9:00 AM. The Clerk will direct you to the correct courtroom on time.

In order to file for the protection order, you must have a complete name and a current address of the person you want protection from and your picture ID. An address is necessary in order to serve the order. There is no fee to file a protection order against an intimate partner or a former intimate partner. There is a fee to serve a non-domestic protection order against a neighbor, friend, relative, etc.

If you are filing against a non-intimate partner (i.e., family member, acquaintance), there is a **fee to file** and you should **go directly to the courthouse** to file your paperwork.

STEP 2: Wait in the courtroom until your case is called by the Judge. The Judge will review your paperwork and will give you a chance to talk to the court and explain why you need the order. You will not present witnesses and/or evidence at this time.

STEP 3: If the Judge grants your TEMPORARY Protection Order, you will need to have it served on the person you need protection from (*the defendant*). You can serve the protection order in three ways: (1) Contact the El Paso County Sheriff's Office and ask that a Sheriff's Deputy serve the defendant; (2) If the Sheriff's Office is unable to serve it for you, you can contact a professional process server; or (3) Ask a person over the age of 18 who is not familiar with the case to serve it. **YOU CANNOT SERVE THE ORDER.** The Clerk in the courtroom will also explain to you your options about serving the order. Your order IS NOT VALID until it has been served on the defendant.

STEP 4: If you use the Sheriff's Office to serve your order, call their office EVERY DAY to see if the defendant has been served with the "TEMPORARY Protection Order."

STEP 5: After the Temporary Protection Order is served, you must pick up your copy of the "Return of Service" from the Sheriff's Office, the jail, or your identified process server. Bring the "Return of Service" with you when you go back to court. A notarized "Return of Service" must be completed and filed with the Court **regardless of who serves the other party.**

KEEP A COPY OF YOUR PROTECTION ORDER WITH YOU AT ALL TIMES. IF THE DEFENDANT VIOLATES THE ORDER, CALL THE POLICE OR DIAL 9-1-1.

How Do You Get a PERMANENT Civil Protection Order?

You must have a TEMPORARY Civil Protection Order (TPO) in order to get a PERMANENT Civil Protection Order (PPO). The TPO expires 10-14 days after it was granted. If you want your TPO made permanent, you must appear in court on the date of your PPO hearing. The date of the hearing will be given to you by the Court Clerk on the day you were granted the TPO (be sure to schedule this court date!).

STEP 1: Before your PPO hearing, collect any evidence that you will present to the Judge in court. Write down everything you want your judge to know about your case. You have the right to be represented by an attorney at this hearing, but it is not required. *For more information on evidence and how to present information to the courts, review “What is Evidence” in the packet.*

STEP 2: Show up at the courthouse on the date/time of your PPO hearing and ask the Court to make the Temporary Protection Order permanent.

The defendant (the person you are seeking protection from) has the right to show up to the PPO hearing and argue against the order being made permanent. If the defendant was not served before the date of your PPO hearing, you should still show up to court and you may ask the court for a “continuance.” If the court grants the continuance, your process server will have more time to serve the defendant with the order. For additional questions related to serving the order, you can call the Sheriff’s Office at (719) 520-7100. For additional questions related to the protection order, you can call TESSA at (719) 633-1462. TESSA cannot serve the order.

IMPORTANT THINGS TO KNOW:

- If the **defendant was served and does not show up to court** to dispute the order, the PPO will be **automatically granted**.
- If YOU do **not go back to court** on the date of your scheduled PPO hearing, you will **not be granted** the PPO and you will **no longer have a valid Protection Order**.
- If YOU do **not go back to court** and you want the order in place, **you will have to start the process over** again.
- If you have been **threatened by the defendant** not to return to court, you can **contact a TESSA** advocate to discuss your options: (719) 633-1462.

Worksheet: Your Notes from Court

- Remember to take a pen when you go to court.
- Complete this worksheet every time you go to court. You could complete sections of this worksheet prior to going to court in order to collect your thoughts ahead of time.
- Bring the finished worksheets with you every time you go to court.
- REMEMBER: Read everything the court gives you very carefully.

Case #: _____ **Court Date:** ____/____/____

Type of Hearing: _____ **Courtroom #:** _____

Judge's Name: _____

Things I want the Judge to know: _____

The Judge said: _____

Ask what you need to do before the **next** court date: _____

Next Court Date: ____/____/____ **Courtroom #:** _____

Next Type of Hearing: _____

Case #: _____ **Court Date:** ____/____/____

Type of Hearing: _____ **Courtroom #:** _____

Judge's Name: _____

Things I want the Judge to know: _____

The Judge said: _____

Ask what you need to do before the **next** court date: _____

Next Court Date: ____/____/____ **Courtroom #:** _____

Next Type of Hearing: _____

Do You Have Questions Relating to a Divorce?

Do You Want to Get Divorced or Change Your Final Divorce Orders?

Do you have questions about how to get a legal separation or divorce?

- A legal separation may be a permanent alternative to a divorce. It ends the legal obligations of the parties, divides property, allocates parental responsibility, etc. However, parties remain married and cannot remarry. If you are seeking a legal separation that you know will ultimately end in divorce, the process could add an additional six months to the process.
- A divorce legally ends your marriage, divides property, allocates parental responsibility, etc.

Are you already divorced and want to change your final orders/divorce decree?

- Do you want to change the amount of support you get every month?
- Do you want to change the amount of the ordered supervised visitation and/or parenting time?
- To change your name, you must file a petition with the court.

If you have an attorney, your attorney is the first person you talk to when you have questions like those asked above.

If you do not have an attorney, you have 2 choices:

1. Find an attorney OR
2. Be your own attorney (the court calls this *pro se* – pronounced “pro-say”)

How Do You Find an Attorney?

There are many different ways you can find an attorney. You can ask friends and family if they know a good attorney or look through the newspaper, the yellow pages or on the Internet. No matter how you find the attorney, be sure that you feel comfortable asking him/her questions. Also, try to find an attorney that specializes in Domestic Relations and/or Domestic Violence cases.

Other Info in this Packet: “How Do You Choose A Lawyer?” or “Your Local Library”

Info by Phone:

- El Paso County Bar Association Lawyer Referral Program: (719) 636-1532 (up to \$30.00 for a 30 minute consultation with a pre-screened attorney)
- Call a Lawyer: (719) 471-0380, 3rd Thursday of each month, 7 PM – 9 PM (free legal advice)

Info on the Internet:

- El Paso County Bar Association: www.elpasocountybar.org/

How Do You Represent Yourself?

Representing yourself (“pro se”) takes a lot of work because the court holds you to the same standard as an attorney. If you decide to represent yourself, take advantage of all the resources available. El Paso County has a very organized way for people without an attorney to get a separation or divorce, but they do not provide assistance for people who want to modify their final orders or divorce decree.

Other Info in this Packet: “Worksheet: Your Notes from Court,” “What to Expect in Court,” and “What is Evidence?”

Info by Phone: Self-Help Center, 270 South Tejon, Colorado Springs, (719) 227-5191

- To modify child support, contact the Parenting Opportunity Program: (719) 457-6330

Info on the Internet:

- Colorado Judicial Branch Self-Help Center (free court documents):
www.courts.state.co.us/chs/court/forms/selfhelpcenter.htm
- Colorado Legal Services: www.coloradolegalservices.org

Do You Have Questions Relating to Allocation of Parental Responsibility (Custody)?

Do You and the Other Parent Disagree About Allocation of Parental Responsibilities (Custody)?

- *Do you want a safe place for you and the other parent to exchange and/or visit your child(ren)?*
- *Do you share parenting time but want to move to another county/state?*
- *Is the other parent failing to pay child support or do you need more monetary support?*

Solving or answering questions involving children are different for people who have permanent orders in a divorce or allocation of parental responsibilities (APR) action versus people who do not have permanent orders.

Are You Still Married? Are You Living Separately?

If “yes” and there are no orders regarding parenting time, a dispute over the child can have a dramatic and likely harmful impact on the children. For example, the other parent may tell you that he or she is not returning the child to you after an agreed parenting time; until there is a court order, that other parent may keep the child from seeing you. You may negotiate a written parenting time agreement with the other parent. However, this type of an agreement is not enforceable like a court order and you may or may not be able to convince law enforcement to assist in the return of the child if you have a written agreement with the parent.

It is best to agree on a safe place to exchange your child, i.e., lobby of the police station or other law enforcement agency. You may also call CASA at (719) 447-9898 to schedule supervised exchanges. Or, you and the other parent may agree on a person to help with the exchange, and/or to supervise the parenting time, if necessary. You cannot make the other parent pay you money for support without the court’s permission unless the other parent agrees to it. However, if the other parent is in the military, regulations generally require payment of some support.

You can remove a child from the State under these conditions:

- There is no court order in place that states you cannot remove the child and/or
- Divorce papers have not been filed and served.

However, as a general rule, if the child has resided in Colorado for at least 6 months, you will have to respond to any action filed in Colorado by your spouse regarding the child and you may be ordered to return the child to the State. Depending on the circumstances, the Court may be concerned that, by leaving the State with the child, you have interfered with the relationship between the child and the other parent.

Are You in the Process of Getting a Divorce or Permanent Orders in an Allocation of Parental Responsibility (APR) Case?

If yes:

- You should try to get orders regarding the child as soon as possible, whether on the basis of a temporary parenting plan negotiated with the other parent or after a hearing.
- You can ask for a Judge to appoint a Child and Family Investigator, a Legal Representative for the Child, or an Allocation of Parental Responsibility Evaluator to investigate and make recommendations about what type of plan is in the best interests of the children.
- CASA’S Supervised Exchange and Parenting Time Program is available to you as well, even without a court order.
- You cannot take the child and move away without the court’s permission or a written agreement with the other parent.
- You can ask the court to make the other parent pay child support/temporary maintenance.
- You should tell the court if violence is occurring.

Is Your Divorce or APR Case Final?

If yes, any significant changes in parenting time or monetary support must be reviewed by the court so the court can modify your final orders/divorce decree. If you and the other parent reach an agreement regarding modification of parenting time or support, it must be adopted as orders of the Court to be enforceable. To move with the children after your divorce is final, you must notify the other parent in writing and, if there is an objection, file a motion to relocate with the Court.

Other Info in this Packet: “Do You Have Questions Relating to a Divorce?”

Info by Phone: Call CASA: (719) 447-9898 to learn more about the Supervised Exchange and Parenting Time Program

Info on the Internet:

- CASA: <http://www.casappr.org/>
- Colorado Child Support Enforcement: <http://www.childsupport.state.co.us/do/home/index>
- Colorado Legal Services: www.coloradolegalservices.org

Do you feel like you or your partner need more help?

- *Are you concerned that the other parent might be hurting the children?*
- *Are you **running out of money** and afraid you cannot provide for the children?*
- *Do the children need **health insurance**?*

It is important to document your concerns about the child’s safety. The concerns you have documented will help the Child & Family Investigator (CFI), Legal Representative of the Child, Allocation of Parental Responsibility (APR) Evaluator, and/or the Judge determine how to protect the best interests of the child.

If you are concerned that the other parent is hurting your child, you have a number of different options depending on the severity and type of harm to the child.

- If you think it is safe, talk about your concerns with the other parent before accusing him/her of child abuse or maltreatment. If the other parent is unresponsive to your concerns and you feel the child is being harmed, you could request a hearing on parenting time, perhaps even an emergency hearing, and/or ask that the Court appoint a CFI, Legal Representative to the Child, or APR Evaluator to help determine whether abuse is occurring.
- When there is obvious physical injury requiring immediate medical attention, you could take the child to the doctor or to the hospital emergency room. Medical personnel are required to report child abuse and will call the El Paso County Department of Human Services (DHS) and/or law enforcement if they suspect abuse.
- If there is visible physical injury which does not appear to require medical attention (e.g., bruises), you could call DHS at (719) 444-5700 and, perhaps, follow up with your child’s doctor.
- If you feel the child is being neglected (i.e., not fed or not dressed properly), you could call DHS.
- If your concern is that the child is being harmed emotionally, you could take the child to a counselor or therapist. If DHS is unable to substantiate abuse and/or in the case of emotional harm, you could ask the judge to appoint a CFI, Legal Representative to the Child, or APR Evaluator to determine whether abuse is occurring and to provide the judge with recommendations about how best to protect the child. **CAUTION:** If there is an order for joint decision-making, the decision to take the child to a counselor or therapist must be made jointly with the other parent.
- You always have the option to request a hearing.

CAUTION:

- If there is an order granting parenting time to the parent you suspect is hurting the child, you must file an emergency motion before taking it upon yourself to disobey the order. Even then, you risk being held in contempt for failing to comply with the parenting time order.
- If you accuse the other parent of abuse and are unable to provide evidence of abuse, the Judge may feel that you are trying to interfere with the relationship between the child and other parent, which in turn may affect the Judge's opinion about how much time the child should spend with you.

If you are running out of money, you may be eligible for public assistance, provided through DHS, or financial help from local private groups. If your divorce or APR case is pending, you may ask the Judge to enter an order for support and/or temporary maintenance. The Child Support Enforcement Office can assist you in establishing and/or enforcing a child support order.

If the children need health insurance and you are eligible for Temporary Assistance to Needy Families (TANF) through DHS, the children will receive medical insurance through Medicaid. If your salary is too high and it impacts your eligibility for TANF, DHS may be able to refer you to other resources, including the Child Health Plan Plus (CHP+).

Info by Phone: Department of Human Services: (719) 636-0000

Info on the Intranet:

- DHS, Child Abuse, TANF/Welfare, Food Stamps, SSD or SSI: <http://dhs.elpasoco.com/>
- Community Partnership for Child Development (Ask for Non-Profit Resource Guide): www.cpcdheadstart.org/directory/resources.htm
- Colorado Judicial Branch Self-Help Center (free court documents and general info): www.courts.state.co.us/chs/court/forms/selfhelpcenter.htm
- Colorado Legal Services: www.coloradolegalservices.org

**Do you need to use a computer and do not have access to one?
Check out “Your Local Library”
in the packet for phone numbers and bus service.**

Is Mediation Right for You?

What is Domestic Relations Mediation?

Mediation is a process that allows you and another party (i.e., spouse) to resolve your dispute outside of the traditional court process. Unlike hearings or a trial, you and the other party work together with a *mediator* (a trained, neutral professional) to identify solutions to your problems, such as custody, visitation, and property division. If you go through mediation, you are not required or forced to reach an agreement with the other party. **All agreements are voluntary.** Most people who try mediation do resolve their issues successfully. However, if you and the other party are unable to reach an agreement during mediation, you are still able to seek help through the traditional court process. No options are taken away from you because of your decision to try mediation. If you are a victim of domestic violence, you should consider whether or not mediation is right for you.

When is Mediation Not Right for You?

If you decide to do mediation, tell the mediator that there has been domestic violence; the mediator will arrange to have you and the other party in separate rooms. You will spend this time speaking to the mediator about what you want and need in the hopes of coming to an agreement with the other party in your domestic relations case. The mediator will talk to the other party about what he/she wants. The mediator will talk to both parties about possible agreements. Therefore, it is VERY important that you feel you are able to talk honestly and directly to the mediator. You should not mediate if you do not believe you will be able to talk about what is important to you during the mediation, or if you believe you will agree to something you do not really want to agree to. You should not take part in mediation if you think there is anything that will limit you or the other party to participate effectively in the process.

Mediation is not appropriate and does not work when either party:

- ✓ Uses fear, force, threats, violence, or intimidation to get what he/she wants;
- ✓ Does not respect or listen to your opinions and interests; or
- ✓ Makes you feel afraid to openly express needs and concerns.

You are not required to reach an agreement at mediation. If you reach an agreement, the mediator will prepare the written agreement. Once you and the other party sign the agreement, the agreement is binding on both parties.

Colorado Statute (CRS 13-22-311) says, "...the court shall not refer the case to mediation ...where one of the parties claims that it has been the victim of physical or psychological abuse by the other party and states that it is thereby unwilling to enter into mediation."

It is up to you to inform the court if you do not want to use the mediation process due to domestic violence.

What Should I Do If I Have Concerns About My Case Going to Mediation?

If you have any concerns about your safety, the safety of others, or other issues that may impact the mediation process, you should raise them when you schedule the mediation. The Office of Dispute Resolution, along with your mediator, can work with you to structure your mediation to promote a safe and fair outcome.

If you think mediation is not right for you, you may file a "Motion Re: Exemption from Mediation/ADR Order (Domestic Relations Case)," form JDF 1307. This form is available online or you may pick it up at the Courthouse. Complete this form within five (5) days of being referred to mediation, and file the motion with the Office of Dispute Resolution at the Courthouse.

Domestic Violence and Criminal Cases

ARE YOU THE VICTIM OF DOMESTIC VIOLENCE IN A CRIMINAL CASE?

Do You Have Questions About Your Case?

As a victim in a criminal case, the Deputy District Attorney prosecuting the defendant is your voice in court during the defendant's case and helps to determine the amount of the defendant's bond.

The Following Are a Few Frequently Asked Questions about a Victim Witness:

- **Do you have to go to all court dates?**

If you receive a subpoena, you must obey the court order or you could be held in contempt of court and go to jail. If you do not get a subpoena, it is your decision whether or not to go to court.

- **Will the defendant have to pay your medical bills or property damage?**

You will receive a "Victim Impact Statement" from the Office of the District Attorney asking for the losses you sustained as a victim of crime, as well as input you would like to give the judge regarding sentencing. Once you return the "Victim Impact Statement," restitution (reimbursement for the damage done to you) can be calculated and requested if the defendant is found guilty or pleads guilty.

Restitution is given to the victim of a crime if he/she suffered financial loss due to the defendant's criminal actions. If you do not return the "Victim Impact Statement," or the defendant is found not guilty, restitution will not be ordered. You may also pursue a civil case against the defendant to recover money damages. However, the Office of the District Attorney is not involved with civil matters and you should talk with a civil attorney to decide whether or not you have a case in civil court.

- **What is Victim Compensation and How Do I Apply?**

Victim compensation comes from funds that are collected from fines paid by convicted defendants. In order to qualify for victim compensation, you must be a victim of a compensable crime (results in physical or psychological injury to a person), a relative of a victim, or a witness at the scene. Victims may be compensated for compensable losses up to \$20,000 and/or emergency awards for immediate short-term needs may be available within 30 days of the crime. To request an application, contact the District Attorney's Office at (719) 520-6036.

- **When will property being held as evidence be released?**

When the defendant is found guilty and sentenced, or at the end of the criminal justice process, you will receive a final disposition letter instructing you to contact the appropriate law enforcement agency to get your property back.

- **How will I know the next court date?**

In most domestic violence cases, you will get a written notice of all important court dates.

Info by Phone:

El Paso County District Attorney's Office (includes Teller County): (719) 520-6049

Info on the Internet: El Paso County District Attorney's Office – Victim Witness:

http://dao.elpasoco.com/victim_witness_Division

▪ **How Do You Get a Protection Order?**

If you are the victim in a domestic violence case, there will be a Mandatory Protection Order (MPO) in place until the end of the case protecting you from being threatened, harassed, intimidated, or molested by the defendant, throughout the duration of the case (i.e., until the case is closed). This order DOES NOT automatically protect the victim from CONTACT with the defendant. In addition to the MPO, the Judge may order a three business day No Contact Order to keep the defendant from contacting the victim. If you are a victim in a case and have questions about the Mandatory Protection Order, contact the Office of the District Attorney. You have the right to request a Civil Protection Order in addition to the Mandatory Protection Order if you are a victim. If you want to know more about Protection Orders, refer to the section in this packet entitled, “*How Do You Get a Protection Order?*”

ARE YOU THE DEFENDANT IN A CRIMINAL CASE?

What if you have a Protection Order against you?

If you are a defendant in a criminal case, there is a Mandatory Protection Order in place to shield the victim until you are found not guilty or found guilty and complete your sentence. If the Court grants limited contact, any contact beyond that specified by the Court is a violation. If you do contact the victim against the rules in the Protection Order, you are in violation of the order and will be charged with a Violation of a Protection Order in addition to the domestic charges included in your current case. In addition to the Mandatory Protection Order, the victim may also be granted a Civil Protection Order and the same rules apply: be sure to read all the stipulations that apply to your Order, which may include not contacting the victim in the case under any circumstances.

If the victim contacts you while there is an active protection order in place, you must refuse communication/contact or you will be in violation of the protection order. The victim cannot be in violation of an active protection that he/she has against you.

Were You Charged with a Domestic Violence Offense and Need Representation?

You may represent yourself (called “pro se”), apply for the public defender, find an attorney who works on a sliding fee scale, or hire a private attorney.

Info in this Packet: “Worksheet: Your Notes from Court,” “What to Expect in Court,” “What is Evidence?” and “How to Choose a Lawyer?”

Info by Phone:

- Colorado Criminal Defense Bar: (303) 758-2454 (attorneys working on a sliding fee scale)
- El Paso County Public Defender: (719) 475-1235

Info on the Internet:

- Colorado Criminal Defense Bar (click “Lawyer Locator”): www.ccdb.org
- El Paso County Public Defender’s Office:
www.state.co.us/defenders/OfficeInfo/colorado_springs.html

**Do you need to use a computer?
Check out “Your Local Library” in this packet!**

Credit and Debt: Legal & Community Resources

Are You Concerned About Money that *You Owe*? Do You Want to Know Your Credit Rating and Need Help Paying Bills or Loans?

When you are trying to get your debt under control and you want to improve your credit rating, make sure you get help from a non-profit organization. Below is a listing for Consumer Credit Counseling Services. You may choose to use a different service, but be careful of companies that want to profit off of your financial challenges.

Other Info in this Packet: “Your Local Library”

Info by Phone: Consumer Credit Counseling Services

- Colorado Springs: (719) 576-0909 or (800) 798-3328
1233 Lake Plaza Drive, Suite A, Colorado Springs, CO 80906
- Colorado Springs: (719) 598-2227
5265 N Academy Blvd, Suite 1000, Colo. Spgs., CO 80918
- Pueblo: (719) 542-6620
200 W 1st St, Suite 302, Pueblo, CO 81003

Info on the Internet: Consumer Credit Counseling Services: www.cccs.net/

Are You Thinking about Filing for Bankruptcy?

Filing for bankruptcy is a big decision and a complicated process. To understand how difficult it is to file for bankruptcy, check out some of the following resources. The Internet has the most amount of information in one place.

Other Info in this Packet: “Your Local Library” and “How to Choose a Lawyer”

Info by Phone:

- El Paso County Bar Association Lawyer Referral Program: (719) 636-1532 (up to \$30.00 for a 30 minute consultation with a pre-screened attorney)
- Call a Lawyer: (719) 471-0380, 3rd Thursday of each month, 7 PM – 9 PM (free legal advice)

Info on the Internet:

- Federal Court Bankruptcy (click on frequently asked questions and then click “debtor”):
www.cob.uscourts.gov/
- El Paso County Bar Association: www.elpasocountybar.org/
- Colorado Legal Services: www.coloradolegalservices.org/co/index.cfm (click on “Consumer Issues” for local, state, and national contact information)

Are You Worried about Money that *Someone Owes You*?

If someone owes you money, you can file a claim to get your money back. You generally do not need an attorney if you file in small claims, up to \$7500. If someone owes you more than \$7500, a more detailed process is required.

Other Info in this Packet: “Your Local Library,” “What to Expect in Court if You Represent Yourself,” and “How to Choose a Lawyer”

Info by Phone:

- El Paso County Bar Association Lawyer Referral Program:(719) 636-1532 (up to \$30.00 for a 30 minute consultation with a pre-screened attorney)
- Call a Lawyer: (719) 471-0380 - 3rd Thursday of each month, 7 PM – 9 PM (free legal advice)

Info on the Internet:

- El Paso County Bar Association: www.elpasocountybar.org/
- Colorado Judicial Branch Self-Help page for general information and FREE forms:
www.courts.state.co.us/chs/court/forms/selfhelpcenter.htm
- CO Legal Services: www.coloradolegalservices.org/co/index.cfm

Immigration: Legal & Community Resources

Do You Want to Know More About Immigration-Related Resources?

- Were you or a family member threatened with being deported?
- Are you having a hard time getting a VISA?
- Are you being treated poorly by your boss because you are not a citizen?

Finding answers to your questions is difficult and immigration law can be difficult to understand. Please contact the organizations listed below to learn more about your situation.

Other Info in this Packet:

- “Your Local Library”
- “How to Work with an Attorney”

Local/Community Resources:

Colorado Legal Services

615 South Nevada Avenue, Colorado Springs, CO 80903

Call: (719) 471-0380

<http://www.coloradolegalservices.org/co/index.cfm> (en Espanol)

Pueblo Diocese

Call: (719) 544-4233, extension 126

Catholic Immigration Services

2525 W. Alameda Avenue, P.O. Box 19020, Denver, CO 80219

Call: (303) 742-4971

Migrant Farmworker Division, Colorado Legal Services

1905 Sherman Street, 4th Floor, Denver, CO 80203

Call: (303) 866-9366

www.coloradolegalservices.org

El Centro Humanitario para Los Humanitarios

2260 California Street, Denver, CO 80205

Call: (303) 292-4115

SafeHouse Denver – Pro Bono Immigration Project

1649 Downing Street, Denver, CO 80218

Call: (303) 318-9959

Crisis Line: (303) 318-9989 (24 hours/day)

The Denver Center for Crime Victims

Immigration Services for Victims of Domestic Violence & Sexual Assault

1000 E. 16th Avenue, Denver, CO 80218

Call: (303) 860-0660 (Administration)

Crisis Line: (303) 894-8000 (24 hours/day)

Housing: Legal and Community Resources

Do You Think a Landlord or Seller Discriminated Against you?

Do you feel like you did not get to rent, lease, or buy a house because of your **race, color, national origin, religion, sex, familial status or handicap** (disability)? If you are concerned that you were discriminated against, check out the contacts below. It may take a lot of work to fight for your rights, but there are organizations you can contact for help.

Other Info in this Packet: “How to Work with an Attorney”

Info by Phone:

- Colorado Division of Civil Rights: 303-894-2997 or 800-262-4845 (English and Spanish); Hearing impaired dial 711
- El Paso County Bar Association Lawyer Referral Program: (719) 636-1532 (up to \$30.00 for a 30 minute consultation with a pre-screened lawyer)
- Call a Lawyer: (719) 471-0380, 3rd Thursday of each month, 7 PM – 9 PM (free legal advice)

Info on the Internet:

Colorado Springs Government Website, <http://www.springsgov.com/Page.asp?NavID=1862>,

Includes:

- Info on the Colorado Division of Civil Rights
- Fair Housing Brochures
- Housing Discrimination Referral Form

Colorado Division of Civil Rights: www.dora.state.co.us/civil-rights

Are You Facing Other Housing Issues?

Are you worried about any of the following housing issues?

- An **eviction** or threats of eviction
- **Foreclosure** on your house
- Dispute with your **landlord or housing authority**
- **Unsafe** or unhealthy living conditions

Other Info in this Packet: “Your Local Library”

Info by Phone:

- Colorado Springs Code Enforcement (only if you live in the City of Colorado Springs, not in the County) [en Espanol]: (719) 444-7891
- Community Housing Services (if you live outside of the City of Colorado Springs) [en Espanol]: (303) 831-1935
- Toll Free Foreclosure Prevention Hotline through the Colorado Division of Housing: 1-877-601-HOPE (4673)

Info on the Internet:

- Community Housing Services : www.chsico.org
- Colorado Legal Services provides general information and local, state, and national contacts (en Espanol):
<http://www.coloradolegalservices.org/co/index.cfm> <http://dola.colorado.gov/doh/Index.htm>
- Colorado Division of Housing: Rental Assistance and Emergency Shelter Grants:
<http://dola.colorado.gov/doh/Index.htm>

Other Legal Questions

Are You Having Problems at Work?

- Do you feel like you are being **discriminated against** at work?
- Were you unfairly **denied unemployment benefits** or worker's compensation?
- Are co-workers on the job **harassing** you?

For a comprehensive list of resources, check out the Colorado Legal Services website (www.coloradolegalservices.org/co/index.cfm). It covers employment assistance, job discrimination, pensions, unemployment, wage claims, workers' compensation, and working condition claims by connecting you with local, state and national organizations.

Other Info in this Packet: "How do You Choose a Lawyer?" and "Your Local Library"

Info by Phone:

- Colorado Division of Civil Rights: 303-894-2997 or 800-262-4845 (English y en Espanol); Hearing impaired dial 711
- El Paso County Bar Association Lawyer Referral Program: (719) 636-1532 (up to \$30.00 for a 30 minute consultation with a pre-screened attorney)
- Call a Lawyer: 719-471-0380, 3rd Thursday of each month, 7 PM – 9 PM (free legal advice)

Info on the Internet:

- Colorado Legal Services (en Espanol): <http://www.coloradolegalservices.org/co/index.cfm>

Do You Want to Find Other Services?

Are you interested in **job training, transportation, support groups, financial services, children's support groups, parenting education, culturally-specific programs, child care, emergency housing, and substance abuse or mental health treatment**? A great resource is the *Resource Guide* from the Community Partnership for Childhood Development (see contact information below).

Other Info in this Packet: "Do You Have Issues Relating to Child Custody" and "Debt and Credit Issues: Legal & Community Issues"

Info by Phone:

Department of Human Services: (719) 636-0000
Community Partnership for Childhood Development: (719) 635-1536
Colorado Springs City Mountain Metropolitan Transit (bus service): (719) 385-RIDE, #4

Info on the Internet:

- Department of Human Services: <http://dhs.elpasoco.com/>
- Community Partnership for Childhood Development Resource Guide: www.cpcdheadstart.org/directory/resources.htm
- Colorado Springs City Homepage – Mountain Metropolitan Transit Bus Service: <http://www.springsgov.com/SectionIndex.asp?SectionID=19>

Your Local Library

If you do not have your own computer or need help using a computer, check out your local library. Almost all of these libraries have free computers and helpful librarians who can work with you to find the answer to your question.

Downtown: Penrose

20 North Cascade Ave
Colo. Springs, CO 80903
Bus Route: 3 and 9
Call: (719) 531-6333

East Library

5550 North Union Blvd.
Colo. Springs, CO 80918
Bus Route: 14
Call: (719) 531-6333

West: Old Colorado City

2418 West Pikes Peak Ave
Colo. Springs, CO 80904
Bus Route: 3
Call: (719) 634-1698

South: Fountain

230 South Main Street
Fountain, CO 80817
Bus Route: 31
Call: (719) 382-5347

South: Sand Creek

1821 South Academy Blvd.
Colo. Springs, CO 80916
Bus Route: 25, 1, 2, and 22
Call: (719) 597-7070

South: Cheyenne Mountain

1785 South 8th St., # 100
Colo. Springs, CO 80906
Bus Route: 4
Call: (719) 633-6278

North: Rockrimmon

832 Village Center Dr.
Colo. Springs, CO 80919
Bus Route: No Service
Call: (719) 593-8000

North: Ruth Holley

685 North Murray Blvd.
Colo. Springs, CO 80915
Bus Route: 21, 22, and 24
Call: (719) 597-5377

North: Briargate

9475 Briar Village Point
Colo. Springs, CO 80920
Bus Route: 25 and E3
Call: (719) 260-6882

North: Palmer Lake

66 Lower Glenway
Palmer Lake, CO 80133
Bus Route: No Service
Call: (719) 481-2587

North: Monument

1706 Lake Woodmoor Dr.
Monument, CO 80132
Bus Route: FREX and 2 block walk uphill
Call: (719) 488-2370

Ute Pass

8010 Severy
Cascade, CO 80809
Bus Route: No Service
Call: (719) 684-9342

CALL FOR THE BRANCH HOURS!

Common Terms Relating to Domestic Violence and Child Maltreatment Cases	
This list is not exhaustive	
Accused	The person charged with a crime.
Acquittal	The verdict of not guilty for a defendant in a criminal case. The prosecutor can appeal claimed errors, but the rule of double jeopardy protects a defendant from further prosecution regarding the case.
Advisement	The judge informs the accused of their constitutional rights, the charges against them, and the penalties for those charges.
Alimony/Spousal Maintenance	Money ordered to be paid by one spouse for the support of the other spouse in legal separation or divorce cases. Now called spousal maintenance.
Allocation of Parental Responsibilities (APR)	The bundle of rights and responsibilities related to raising a child is divided into decision-making and parenting time. Decision-making is how the major decisions regarding the child's health, education, and religion will be made; can be sole or mutual/joint decision-making. If there has been domestic violence, mutual/joint decision-making is not to be ordered over the objection of the victim of violence. Parenting time relates to where the child stays on a daily basis. Allocation of parental responsibilities used to be referred to as "custody."
Appeal	A request by a party asking a higher court to review or reconsider the decision of a lower court.
Arraignment	The proceeding in a criminal case in which a defendant is required to enter a plea to the charge.
Bail	Money or credit deposited with the court to permit the release of an arrested person on the promise that the person will appear in court as ordered.
Beyond a Reasonable Doubt	A doubt based upon reason and common sense which comes from a fair consideration of all the evidence, or the lack of evidence, in a case. The prosecution in a criminal case must prove the charges beyond a reasonable doubt.
Bond	An amount paid as surety or bail to assure the presence of a defendant in a criminal case at a required court appearance.
Case	A legal action or investigation; a controversy between two people or the government and a person; or a statement of the facts or circumstances.
Child & Family Investigator (CFI)	An attorney or mental health professional appointed by the judge to investigate matters regarding children in divorce and allocation of parental responsibility cases. The CFI will provide a report to the court regarding his/her recommendations regarding the best interests of the children.
Child Maltreatment	A general term that includes both child abuse and neglect. Within the concept of abuse, there is a distinction between physical abuse, sexual abuse, and emotional abuse. Child neglect includes physical neglect and emotional neglect or deprivation. Child abuse or neglect means an act or omission in one of four categories (listed below) that threatens the health or welfare of a child.
Child Abuse & Neglect: <i>Colorado Children's Code 19-1-103</i>	Category 1: Any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death and either: such condition or death is not justifiably explained; the history given concerning such condition is at variance with the degree or type of such condition or death; or circumstances indicate that such condition may not be the product of an accidental occurrence. Category 2: Any case in which a child is subjected to sexual assault or molestation, sexual exploitation, or prostitution. Category 3: Any case in which a child is a child in need of services because the child's parents, legal guardian, or custodian fails to take the same actions to

	<p>provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take.</p> <p>Category 4: Any case in which a child is subjected to emotional abuse. As used in this subparagraph, “emotional abuse” means an identifiable and substantial impairment of the child’s intellectual or psychological functioning or development or a substantial risk of impairment of the child’s intellectual or psychological functioning or development.</p>
Child Witness to Domestic Violence	Term encompassing a wide range of experiences for children whose parent is being abused physically, sexually or emotionally by an intimate partner. It not only includes the child who actually observes the abuse, but also includes the child who overhears this behavior or is exposed to the results of the violence without ever hearing or seeing any aggressive act.
Civil Cases	Matters or cases which pertain to the private rights of individuals and to legal actions involving these, such as disputes over contracts, wills, personal injuries, or family matters.
Civil Protection Order	<p>A Civil Protection Order is granted by a Judge/Magistrate upon your request and is a legal document protecting a victim from further harassment, abuse, and contact with the offender. There are 2 kinds of Civil Protection Orders:</p> <ul style="list-style-type: none"> ▪ Temporary Protection Order (TPO) lasts ten - fourteen days (per state statute). ▪ Permanent Protection Order (PPO) lasts forever, unless you make a request to modify or dismiss it. In order to modify or dismiss the Order, you must see a Judge/Magistrate to explain why you are making the request. The restrained party may also ask to modify or dismiss the protection order after four years under certain circumstances.
COMCOR	The Community Corrections Facility which serves as an alternative to jail. The convicted person is permitted to leave the facility to work but must stay at COMCOR at all other times. It has a home detention program and a day reporting program which may or may not include wearing a transmitter or ankle bracelet. A daily fee is required to stay at COMCOR.
Complaint	In a criminal action, a complaint is a written allegation by a police officer. In a civil action, the complaint is the document filed by the plaintiff which begins a civil lawsuit.
Contempt of Court	Any act of showing disrespect for the authority or dignity of a court or for disobedience of a court order.
Court Appointed Special Advocate (CASA)	A specially screened and trained volunteer from CASA is appointed by the court to conduct an independent investigation of child abuse or neglect and submit a formal report offering advisory recommendations as to the best interests of the child.
Court Clerk	The person in charge of handling the docket for the court, maintaining the calendar of dates for trials and hearings, and maintaining files. Also, the official office where cases, motions, and court documents are filed.
Criminal Cases	Matters or cases concerned with acts considered harmful to the general public and forbidden by law and punishable by a fine, imprisonment, or death.
Cross Examination	The questioning in court of a witness under oath by the opposing party to determine the validity of previous statements, to bring out facts favorable to their position, and/or to show the credibility, believability, or bias of the witness.
Custody Evaluator	A person qualified by training and experience to evaluate and make recommendations to the court regarding custody and visitation issues involving children.
Custody	See “Allocation of Parental Responsibilities.”
Deferred Sentence	An agreement between the DA and a defendant who pleads guilty but whose sentence is continued or deferred for up to four years on a felony and up to two years on a misdemeanor. The defendant is required to complete various

	conditions, such as counseling, paying restitution, or spending some time in jail. If the defendant successfully completes the conditions, the guilty plea is withdrawn and the case is dismissed. If the conditions are not completed, the defendant is sentenced based upon the original guilty plea.
Dependency & Neglect Cases (D&N)	Cases involving juveniles which come to the attention of authorities because of abuse, uncontrollable behavior, truancy, or similar situations.
Deposition	A statement made by a witness under oath with all parties represented before trial as part of the discovery process. The witness is questioned before a court reporter outside of court by attorneys.
DHS	Department of Human Services (previously known as the Department of Social Services) is the county agency responsible for overseeing the welfare of families and children at risk due to abuse, neglect and poverty. Resources include child protective services, social workers, financial assistance, and a limited amount of daycare.
Discovery	The process by which attorneys for both sides are required to exchange information on a case, as designated by statute or the judge, prior to trial.
Dissolution of Marriage	Legal termination (end) of marriage contract. Also called a divorce.
District Attorney	An attorney elected or appointed in a judicial district to serve as a prosecutor for the state in criminal cases. Also called the "DA" or the "DDA," Deputy District Attorney.
Docket	A list of cases to be called and heard by the court.
Domestic Relations Cases	Matters or cases pertaining to the dissolution of marriage (divorce); allocation of parental responsibilities and child support; spousal support (alimony) and property division.
Domestic Violence	The clinical or behavioral definition is a pattern of assaultive and coercive behaviors, including physical, sexual, or psychological attacks, as well as economic coercion, which adults or adolescents use against their intimate partners. It typically does not include child abuse, child-to-parent violence, or sibling violence, which are considered forms of family violence.
Evidence	A fact presented before the court, such as a statement of a witness or a document which establishes a point in question.
Expunge	In order to clear or delete criminal records, a person may petition the court to have records expunged, or sealed in certain situations.
Failure to protect	A failure of a custodian to meet the legal obligation to care for a minor in his/her custody. <i>This often arises when a victim of domestic violence does not remove a child or children from a home or from exposure to the abuser's violence.</i>
Family Reunification	The effort to reunify children with their parents after being removed by the child protection agency or courts. Family reunification does not mean necessarily reunifying the children with the entire family; it may mean reunifying the children with the non-abusive parent after the perpetrator has been removed.
Felony	A major crime such as murder, arson or rape punishable by a fine and/or imprisonment in a state prison or death. The penalty can also include probation, restitution, public service or other alternatives.
Guardian Ad Litem (GAL)	An attorney appointed in child abuse and neglect cases (D&N) to represent the best interests of a child who is involved in a court case. The GAL is concerned with all arrangements that would best serve the interests of the child (including living, visitation, etc.).
Hearing	A judicial investigation or trial before a court of law, including determination of many issues before a trial, such as what evidence may be admitted, which witnesses may be called, and what bond may be set for an accused.
Judge	An elected or appointed public official with the authority to hear and decide cases in a court of law.
Jurisdiction	The legal power to hear and decide cases; the territorial range of such power.

Juvenile Case	Cases involving persons under eighteen years of age, delinquent children, children needing oversight, and dependent or neglected children, including abused children.
Kinship Care	Refers to families in which a grandparent or other relative has taken over the care of a child because of the parent's absence or incapacitation. The relative may or may not have legal custody of the child.
Legal Representative of the Child	Appointed in divorce and APR cases to represent the best interests of children. See <i>Guardian ad Litem</i> .
Litigant	A party to a lawsuit.
Magistrate	Magistrates are appointed by the chief judge to serve as judicial officers. They conduct hearings and trials in a variety of cases including trusts, juvenile court, family court, small claims court, protective orders, and traffic court.
Mandatory Child Abuse Reporting Laws	State laws requiring members of certain professions to report suspected incidents of child maltreatment to the appropriate child protection agency having responsibility for receiving and responding to these types of reports. Current laws extend this duty to many professionals, including teachers, day care professionals, foster parents, domestic violence advocates, social workers, psychologists, law enforcement, marriage and family counselors, and medical professionals.
Mediation	A confidential process conducted by neutral third parties that have no authoritative decision-making power over the parties. The goal of mediation is to assist parties in reaching their own mutually acceptable settlement of the issues in dispute. Mediation in child maltreatment cases focuses on facilitating resolutions that serve to preserve the safety and best interest of children and the safety of all family members and should include a specialized protocol for handling domestic violence cases.
Misdemeanor	A lesser criminal offense, such as theft or harassment, punishable by a fine and/or imprisonment in a county jail. The penalty can also include probation, restitution, public service, or other alternatives.
Motion	An application to a court for a ruling or order. Motions may be made orally or in writing.
Personal Recognizance Bond	A type of bail consisting of a written promise by the defendant to appear in court when required. A person with a felony conviction within five years of his application for a personal recognizance bond cannot receive a PR bond without the consent of the District Attorney.
Preliminary Hearing	A hearing in which a Judge or Magistrate determines whether there are sufficient grounds to compel the defendant to stand trial. If probable cause is found, the defendant is "bound over" for trial. This right exists in more serious felony cases in which the District Attorney brings the charges by means of a signed and sworn statement setting forth specific charges. When a charge is commenced by a grand jury indictment, probable cause has already been found and there is no right to a preliminary hearing.
Pre-Trial Conference	An informal meeting between the attorneys or parties for both sides to clarify the issues and to attempt to work out a settlement. Parties are usually not present but can be and are required to be if acting as their own attorney.
Pre-Trial Motion	A request by a party to have the Judge decide certain issues prior to the trial.
Privileged Communication	Confidential communications which are protected by statutes and need not or cannot be disclosed in court over the objections of the holder of the privilege. Lawyers are almost always able to refuse to disclose what a client has told them in confidence. Priests, ministers, and rabbis are similarly covered. Doctors and psychotherapists have generally lesser privileges, and their testimony can be compelled in many cases involving child abuse or neglect. Domestic violence/sexual assault community based-advocates (i.e., advocates at TESSA) operate under complete privileged communication.
Probation	A sentence releasing the defendant into the community under the supervision

	of a Probation Officer. The defendant must promise to obey the law, report to a probation officer at regular intervals for a specified length of time and comply with other conditions.
Pro Bono	Meaning “for the public good,” matters or cases where attorneys work without pay or compensation.
Pro Se	A person who does not hire a lawyer and appears for himself/herself in court.
Protection Order	A protection order for a criminal case is automatic. It prevents a defendant from harassing, molesting, intimidating, retaliating against, or tampering with any witness or victim of the acts charged. A violation of this order by the defendant is a crime. A civil protection order is initiated by a victim and is a court order to keep a specific individual or individuals from having contact with or being near the victim. This allows a domestic violence offender to be arrested for making contact with or being in close proximity to the victim. Criminal: MPO: Mandatory Protection Order (issued by the Judge/Magistrate during ongoing criminal cases) VPO: Violation of a Protection Order EPO: Emergency Protection Order (in effect for 72 hours after a domestic violence incident in order to allow the victim time to apply for a TPO) Civil: TPO: Temporary Protection Order (lasts 10-14 days) PPO: Permanent Protection Order (lasts indefinitely)
Public Defender	An attorney employed by the government to represent a person accused of a crime who cannot afford to hire a defense lawyer. The defendant must meet certain statutory guidelines based on income, assets and family size which prove financial necessity for appointment of an attorney.
Reasonable Efforts	Services required by the Adoption Assistance and Child Welfare Act of 1980 to prevent or eliminate the need for removal of a dependent, neglected, or abused child from his/her home and to reunify the family if the child is removed. The “reasonable efforts” requirement of the federal law is designed to ensure that families are provided with services to prevent disruption of the family and to avoid multiple foster care placements.
Relinquishment	The act of a parent voluntarily giving up parental rights.
Restitution	The requirement that a defendant provide financial compensation for certain losses suffered by a victim. Restitution is usually a condition of probation or parole.
Ruling	Formal decision by a Judge or Magistrate.
Sexual Assault	Any sexual act or attempted sexual act in which the victim is forced to participate by the threat or use of force.
Statute	Law established by a legislative body.
Summons	An official order to appear in court usually served by a Sheriff’s Deputy or private process server.
Subpoena	A written legal order requiring a person to appear in court. Disobedience may be punishable as contempt of court, resulting in a jail sentence and/or fine.
Testimony	A statement made under oath by a witness or a party to establish a fact.
Trial	A formal examination of the facts of a case by a court of law to decide the truth of a charge or claim.
Vacate Order	Orders the abuser to leave the home. Can be issued by a judge as part of a protection order.
Verdict	The formal decision or finding made by the jury or Judge upon matters or questions submitted during the trial. In criminal cases, the verdict is guilty or not guilty.
Warrant	An order issued by a Judge authorizing a law enforcement officer to make an arrest, to search, seize, or to perform some other designated act.
Witness	A person who testifies in court.

EL PASO COUNTY FAMILY VIOLENCE RESOURCE LIST

This list is not exhaustive, but rather represents a brief list of community resources from which you can seek information and referrals. Please note that the agencies listed have not been formerly screened. Source: TESSA. All numbers are (719) area code unless stated otherwise.

GENERAL INFORMATION & REFERRAL (Area Code 719)

<i>Colorado 2-1-1 Health and Human Services Information Line</i>	<i>Dial 2-1-1 or 955-0742</i>
Adolescent Hotline Number (DHS)	444-5777
Alcohol & Drug Abuse	578-3150
Amblicab Par Transit (Person with Disabilities)	633-4677
Army Community Services: Family Advocacy Center	526-4590
Asian Pacific Development Center	533-1301
CASA of the Pikes Peak Region (Children's Advocates)	447-9898
Call A Lawyer (3 rd Thursday of Every Month, 7 PM – 9 PM)	471-0383
Catholic Charities	636-2345
Center on Fathering	634-7797
Centro de la Familia	227-9170
Child Abuse Reporting (DHS)	444-5700
Childcare Connections	638-2057
Colorado House (Homeless)	331-0731
Colorado Legal Initiatives Program (CLIP)	303-830-2100
Colorado Legal Services	471-0380
Colorado Springs Police Department (call 911 for emergency) Non-emergency:	444-7000
Community Health Center	632-5700
Community Partnership for Child Development	635-1536
Consumer Credit Counseling	576-0909
Court Care (Courthouse)	448-7747
Department of Health & Environment	578-3199
Department of Human Services (DHS) Child Abuse Reporting	444-5700
Eastern El Paso County Community Center	347-2976
Ecumenical Social Ministries	636-1916
El Paso County Bar Association	473-9700
El Paso County Court House	448-7700
El Paso County Sheriff's Office Non-Emergency, Dispatch	390-5555
Family Center	471-1816
First Visitor	228-0218
Fourth Judicial District Attorney's Office, Victim Witness	520-6049
Ft. Carson Family Advocacy Program	526-4590
Full Power Self-Defense	591-6289
Greccio Housing	475-1422
Independence Center (Assists People with Disabilities)	471-8181
Marion House (Homeless/Soup Kitchen)	475-7314
Memorial Hospital	365-5000
Medicaid	444-8002
Metropolitan Community Church (GLBT friendly)	634-3771

Neighborhood Justice Center	520-6016
Northern Churches Care	277-7470
Parent Resource Center	599-7772
Partners in Housing	473-8890
Peterson Air Force Base: Family Advocacy	556-8943
Peak Parent Center, Inc (Children with disabilities)	633-4601
Penrose Hospital	776-5000
Pikes Peak Community Action Agency	471-7870
Pikes Peak Family Connections	520-1019
Pikes Peak Gay & Lesbian Community Center	471-4429
Pikes Peak Mental Health Center	635-7000
Pikes Peak Work Force Center	667-3700
Planned Parenthood (Westside)	475-7162
Resource Exchange (Assists People with Developmental Disabilities)	380-1100
Safe Passage (formerly Children's Advocacy Center)	636.2460
Salvation Army	473-6161
Senior Information and Assistance	471-2096
Sign Language Network	599-4517
Silver Key Senior Services	632-1521
Springs Rescue Mission	632-1822
Springs Transit	385-RIDE
Suicide Hotline	596-5433
TESSA (Domestic Violence & Sexual Assault Services)	633-1462
TESSA Crisis Line (24 hours/7 days)	633-3819
Urban League	471-1930
Urban Peak (Homeless Youth)	630-3223
Women Partnering	577-9404
Women's Resource Agency/Dress for Success	471-3170
Yellow Cab	634-5000

Notes:

