Chief Judge, Twelfth Judicial District

ORDER
Entry of Protection Orders
In All Adult Title 18 Cases
And All Juvenile Delinquency
Cases

CHIEF JUDGE
ADMINISTRATIVE ORDER
2015-03

The goal of this policy is to ensure that all courts in the 12th Judicial District enter mandatory protection orders in criminal and juvenile delinquency cases and to standardize the process across the district.

C.R.S. 18-1-1001(1) creates a mandatory protection order "against any person charged with a violation of any of the provisions of" Title 18. The statute requires the court to inform the defendant of the existence of the protection order at the time of arraignment or first appearance. C.R.S. 18-1-1001(2). The protection order is effective at the time the court informs the defendant of its existence. Similarly, C.R.S. 19-2-707(1)(a) creates a mandatory protection order against "any juvenile charged with a delinquent act and the juvenile's parents or legal guardian."

Courts Clerks create the mandatory protection orders in the court's case management/database system: Eclipse. Since judicial assistants frequently do not have sufficient time to create the mandatory protection orders during the course of a defendant's or juvenile's first appearance or arraignment, they may enter the information in Eclipse in advance of the first appearance or arraignment. Judicial assistants often do not know which conditions the presiding judge will want to include in a mandatory protection order.

In the absence of specific direction by the presiding judge concerning a protection order in an individual case, judicial assistants shall prepare protection orders in ALL Title 18 cases and juvenile delinquency cases as follows:

1. The judicial assistant shall prepare protection orders in Eclipse on the day of the first appearance/arraignment.
2. In juvenile cases, the judicial assistant shall prepare a protection order naming only the juvenile who is charged with the delinquent act. If the presiding judge adds the juvenile's parents at the first appearance, the judicial assistant in court will so modify the protection order in Eclipse.
3. When the case includes a charge of domestic violence, the judicial assistant shall check all of the boxes to make all of the possible conditions of a protection order effective in the case.
4. For all cases other than domestic violence cases, the judicial assistant shall check only the first box: that the defendant shall not harass, molest, intimidate, retaliate or tamper with the victim or witnesses.
5. The judicial assistant shall print the protection order and place the necessary copies in the court file for the judge's use during the first appearance/arraignment.
6. During the first appearance/arraignment, the presiding judge will sign and issue the protection order and provide a copy to the defendant or the juvenile. The presiding judge

may add or remove conditions on the protection order. The judicial assistant working in the courtroom during the first appearance/arraignment will modify the conditions of the protection order in Eclipse to match the modifications the presiding judge makes in open court. The judicial assistant need not print a new protection order but, instead, may copy the protection order the judge modified and signed to provide a copy to the parties.

7. If the presiding judge does not issue the mandatory protection order during the first appearance/arraignment, the judicial assistant working in the courtroom will vacate the protection order in Eclipse before the end of the day.

8. The presiding judge will encourage the prosecutor and district attorney's office staff to provide the judicial assistant/clerk of court victim identifying information (correct name, date of birth, race, height, weight, hair color and eye color) to be entered into Eclipse.

SO ORDERED this _3rd__ day of August 2015.

BY THE COURT:

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Pattie P. Swift, Chief Judge