



Safeguarding Children by Using Enforceable Protection Orders in D&N Cases

This bill helps protect children and families by allowing protection orders in Dependency and Neglect (D&N) cases to be enforced by law enforcement and continue after the case closes.

Background:

- When there has been proven abuse and/or neglect, the juvenile court opens a D&N case and may use a “no contact” order to prevent contact between parties. However, “no contact” orders are more limited than protection orders (often referred to as “restraining orders”), making it more difficult for law enforcement and juvenile courts to keep children safe.
- Other municipal, county, and district courts have the ability to use protection orders to require that a person stay away from someone else.

| | Protection Orders | “No Contact” Orders |
|---|--|---|
| How is the order created? | A person requests the order, and it is granted by the court and recorded in the central registry for law enforcement | A juvenile court orders the offending party to stay away from another party and the court clerk places the order in the case file |
| Is law enforcement notified of the order? | YES | NO |
| Can a violator be arrested immediately? | YES | NO |
| When does the order end? | Can be extended past the closing of the D&N case | Ends automatically when the D&N case closes |

Problem:

- “No contact” orders do not adequately protect children and families.
- After a D&N case closes, the protected party may need continued protection from the offending party, but the “no contact” order goes away as soon as the case closes.
- At this point, a protected party may also wish to seek a protection order. However, a court may be unable to grant it because the original basis for the protection order was too long ago to qualify as an “imminent threat.” The only way to obtain a protection order at this point is to wait for a subsequent incident.

Solution:

- This narrowly-focused legislation allows juvenile courts in D&N cases to use protection orders pursuant to existing court procedures, thereby protecting children and families and ensuring adequate due process for offending parties.
- The focus of this legislation is to provide a safe and sustainable environment and also remove government intervention swiftly, permanently, and safely.

Please SUPPORT HB17-1111

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