

# **Colorado Legal Services**

Legal help for low-income Coloradans seeking assistance with civil legal needs

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Are you a Victim of

## **Are you a Victim of Domestic Violence or Stalking in Colorado?**

What is domestic violence? The answer may appear straightforward. However, in Colorado domestic violence encompasses more than just physical abuse between married persons. Domestic violence is any act or threatened act of violence upon a person with whom the perpetrator is or has been involved in an intimate relationship. Moreover, domestic violence occurs when an abuser commits any other crime against any other person, property or animal in order to coerce, control, punish, intimidate, or seek revenge against the person with whom the abuser is involved in an intimate relationship.

Stalking is also a crime in Colorado. It occurs when a person repeatedly harasses or intends to harass another person. Stalking can happen through a variety of methods, including telephone calls, text messages, following, or simply showing up in places uninvited.

As a victim of domestic violence or stalking in Colorado you are protected from discrimination in several areas. Specifically, it is imperative that you understand your rights as they relate to your job, your creditors, and your landlord. As a result of abuse, you may experience financial difficulties or need time off from work to protect yourself or your family. Understanding what legal protections are available to you may perhaps ease an understandably stressful time in your life.

This information contains a summary of the protections available to you as a victim of domestic violence or stalking under Colorado law in the areas of employment, debtor-creditor rights, and landlord tenant law. It also includes some guidelines and recommendations on how to manage your life after freeing yourself from your abuser.

### **Your Rights as an Employee**

Under Colorado law, an employer cannot discriminate against you because you are the victim of domestic violence or stalking.

As a victim, you may need time off from work to obtain a protection order, meet with law enforcement, or consult with an attorney about your situation. The law permits you to do so, specifically if your employer employs 50 or more people.

If you've been an employee for at least 12 months, you may request time off to handle your domestic violence situation. Prior to doing so, you must exhaust annual, vacation, personal leave and sick leave (PTO) unless your employer waives this requirement. You must provide appropriate advance notice except in cases of imminent danger to your health or your safety.

You may request time off for the following reasons:

- To seek a civil protection order to prevent further abuse.
- To obtain medical care or mental health counseling for yourself or for your children.
- To make your home secure from your abuser.
- To seek legal assistance or to prepare for a court-related proceeding.

In addition, you may be eligible to quit your employment and be eligible for unemployment benefits under the following circumstances:

- You believe that your continued employment would jeopardize the safety of yourself or a member of your immediate family; and
- You provide sufficient documentation, which may include an active or recently issued protection order or other records documenting domestic abuse (police records or statements from professionals from whom assistance was sought).

If you believe your employer has discriminated against you as a victim of domestic violence or stalking, you may file a civil suit seeking relief including monetary damages (lost wages) in any state district court.

## **Your Rights as a Debtor**

Victims of domestic violence often experience financial difficulties. This is especially true if the abuser has traditionally been the breadwinner in the family. Your abuser could also be intentionally creating financial hardships for you. In this section, we provide tips on how to manage your finances separately from your abuser, how to protect your identity, and how to address your debts.

### **Separating Finances**

Separating your finances is a great step towards becoming independent from your abuser. However, you should always consider **your safety first**. Keep in mind that any action which has the potential to affect your abuser's finances may lead to retaliation. Example: cutting off access to credit cards or access to bank accounts. You alone know how your abuser is likely to react. Always remember that you may be able to seek a protection order from the court if your abuser retaliates against you.

The following are important steps you can take to ensure **only you** have access to your finances:

- If you have moved, make sure none of your bills, statements, or other financial documents are being sent to your abuser's address.
- Change all passwords and Personal Identification Numbers (PINS) for your accounts.
- Consider closing accounts and opening new accounts.
- Continue to monitor your credit report for any adverse changes or new accounts – notify law enforcement and the credit bureaus if you see a new account that you did not open.
- Take your name off old accounts at your abuser's address.

Finally, you should beware of the potential for **identity theft** from your abuser. Your abuser may have learned personal information about you such as your social security number, date of birth, mother's maiden name, current account numbers, or other sensitive information.

If you suspect your identity is being used without your knowledge, call the police immediately.

## Protecting Your Identity

In addition to protecting yourself from identity theft (see above), you may wish to conceal the whereabouts of your location from your abuser. In addition to seeking a protection order, you can take several additional steps to conceal your location. Specifically, Colorado has the **Address Confidentiality Program (ACP)** to assist you in your relocation to an address unknown to your abuser.

To be eligible to apply for this program, you must:

- Live in the State of Colorado.
- Be a survivor of domestic violence, a sexual offense or stalking who fears for his or her safety.
- Provide evidence of victimization such as police reports, protection orders, or letters from your counselor.
- Have relocated to an address that is unknown to the abuser within the past 90 days or are

planning to relocate.

When considering whether the ACP program is right for you, some questions to ask yourself may be:

- Are you willing to designate the ACP as your agent to receive legal documents, service of process, certified and first-class mail?
- Are you able to manage with a mail delay of up to five days.
- Do you own property? The ACP address cannot be used on property titles or mortgage documents.

You must apply at a designated application assistance center. [Click here](#) for more information. An assistant will then decide whether the ACP should be part of your overall safety plan. Once you are enrolled, you will receive an ACP Authorization Card which will allow you to use your substitute address (e.g. DMV). You must present the card to state and local government officials to use the substituted address. Keep in mind, however, that private businesses do not have to accept your substitute address even when presented with your ACP card. As always, if you are unsure, just ask.

If you have additional questions, or feel this program is for you, contact the Colorado ACP - [click here](#) for their website.

Even if you do not enroll in the ACP there are other steps you can take to protect your identity.

The following recommendations should be considered:

- Never use your residential address on credit or loan applications.
- Consider placing a freeze on your credit reports so they cannot be released without your explicit permission.
- Write all three bureaus - it may cost you money, unless you are the victim of identity fraud.
- Consider requesting that your address on court records be sealed and unavailable to the public.
- In extreme circumstances you may change your social security number. Apply in person at the social security office and take any evidence of abuse with you.

## **Handling Your Debts**

As a result of your separation from your abuser, you may have less income and higher expenses. Facing calls from bill collectors is often intimidating and demoralizing. Put simply, you must prioritize your debt. Of course it is best to stay current on all of your bills, but that may be impossible under the circumstances.

The following guidelines should assist you in managing your expenses:

- Family and safety necessities come first – food, medications, rent, mortgage payments, or car payments.
- Child support payments – failing to pay child support can have **very serious** consequences. For example, you could lose your professional license and/or occupational certification. Consult an attorney if you need your child support obligation changed. Info is also available on this site - [click here](#).
- Pay your federal income tax – it is always better to pay late than to not pay at all. Call the IRS if you need assistance or have questions. **Do not ignore your tax obligation**. CLS is able to help with some tax-related issues (not tax preparation though). Fill out an online application to see if you qualify [here](#).

## Your Rights as a Tenant

Domestic abuse and violence often result in a call to the police and other emergency services. The presence of law enforcement and/or other emergency assistance at your home **cannot be held against** you by your landlord.

Under Colorado law, your landlord cannot:

- **Penalize** you for calling the police or emergency services.
- **Evict** you or **threaten** to evict you for calling the police or emergency services.
- Include a **lease provision** which authorizes the landlord to terminate your lease if you call the police or emergency services.
- Request that you **waive** your right to call the police or emergency services.
- **Penalize** you for a substantial violation of your lease, such as criminal acts or disturbances, if such acts or disturbances occurred on the premises and stem from you being a victim of domestic violence.

Moreover, if you notify your landlord in writing that you and/or your children are in imminent danger of domestic violence or abuse and provide a copy of a police report or protection order written within **the previous 60 days**, you may terminate your residential lease agreement. However, you will be responsible for one month's rent and cannot collect your security deposit until those funds are paid to your landlord. The one month's rent must be paid within 90 days of lease termination.

You and your landlord may apply any funds owed to each other to offset the other's obligations. Example: you can request that your security deposit be applied to the one month's rent that you owe upon terminating your lease. You can also [view a sample letter](#) to send to your landlord if you're moving out because of domestic violence.

**Know Your Rights...**  
and ALWAYS seek help from the police  
if you fear for your safety or your family's safety!

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