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NEWS

Colorado Supreme Court gives courts rule over restraining orders against nonresidents in Boulder County case

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The Colorado Supreme Court in the Ralph Carr Judicial Center is pictured in 2013. (*Hyoung Chang / The Denver Post*)

EDITOR'S NOTE: This story has been updated to correct the spelling of the name of Anne Tapp, executive director of the Safehouse Progressive Alliance for Nonviolence.

In a unanimous decision, the Colorado Supreme Court ruled that the state's courts can enter protection orders against out-of-state abusers if they are threatening former victims who now live in Colorado.

The ruling in *Parocha v. Parocha* reverses the Boulder District Court's decision vacating a civil protection order against a man in New Jersey, citing a lack of jurisdiction.

The state's highest court ruled in favor with the original Boulder County Court decision, which said that the case fell under the long-arm statute, according to the published opinion. The long-arm statute allows Colorado courts to exercise jurisdiction on nonresidents who commit "tortious acts," including domestic violence.

The Colorado Supreme Court remanded the case back to the district court to go through the proceedings again with this opinion in mind.

"It's an important ruling for victims and a critical way that the legal system can provide protection to victims of domestic violence," said Anne Tapp, executive director of the Safehouse Progressive Alliance for Nonviolence.

About 10 percent of the survivors who work with the nonprofit have lived in other states or fled other states, or have an abuser who moved to another state but continues the abuse via phone, Tapp said.

Social media and technology provide a way for abusers to make victims "feel like they can never be free," she said. A protection order in cases such as this one is "absolutely critical."

The *Parocha v. Parocha* case began in 2016 when the petitioner in the case, Megan Parocha, filed a civil protection order against her husband, Richard Parocha.

At the county court hearing, Megan Parocha testified to a "cycle" of domestic abuse in their marriage. According to the court opinion, she claimed that her husband had threatened her, raped her, locked her out of the home, taken their child and ripped out a chunk of her hair, among other things. While her husband disputed her claims, he did say their relationship included "bouts of fighting."

In the fall of 2016, Megan Parocha decided to move from New Jersey to Colorado, along with their daughter, to be with her family because of the fighting. Her husband said she could go for three months.

During those three months, Richard Parocha contacted her daily, allegedly to speak with their 1-year-old daughter. Once the three months came to an end, Megan Parocha said she wanted to stay in Colorado.

She said Richard Parocha told her via FaceTime calls, emails and texts on Dec. 5, 2016, that he would "make" her come back to New Jersey, which she saw as threats that prompted her to apply for a civil protection order in Colorado.

Bruce Wiener, executive director of nonprofit legal services firm Bridge to Justice, served as the attorney in the case. Six nonprofit agencies also filed amicus curiae briefs in support of Wiener's arguments, including Safe Shelter of St. Vrain Valley and the Safehouse Progressive Alliance for Nonviolence, according to a news release from the Bridge to Justice.

The county court approved the protection order and found Megan Parocha's testimony of abuse credible. Given the pattern of abuse she had faced, the court found the frequent contacts from her husband while she was in Colorado to be "tortious acts" and part of the long-running domestic abuse. This allowed the court to use personal jurisdiction on Richard Parocha, still in New Jersey, under the long-arm statute. It issued a permanent protection order.

Richard Parocha appealed to Boulder District Court, which vacated the order, claiming Colorado courts didn't have the right to exercise personal jurisdiction over a nonresident in this case.

The Colorado Supreme Court ruled that the exercise of jurisdiction complied with the requirements of "fair play and substantial justice." There was little burden on the husband, as it did not seek relief against him. The other interests at stake had greater weight.

"She should not have had to wait until he arrived at her door to seek the court's protection from his threats in light of the history of violence and coercion in their marriage," the opinion says.

Wiener has already cited the case in another permanent protection order hearing and the judge cited the case in his minute order, according to the release.

Because of Megan Parocha's actions, Tapp said she has "made a significant difference in the lives of victims in the future."

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