

Animals in Protection Orders

9/2007

State	Statute Enacted	Bills Pending as of 9/2007	Summary	Enacted Language (<u>underline</u> = new language)
California	CA Fam. §6320		Authorizes the court to grant the exclusive care, custody, or control of an animal to petitioner, and to order the respondent to stay away from the animal.	<p>(a) The court may issue an ex parte order enjoining a party from molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, harassing, telephoning, including, but not limited to, annoying telephone calls as described in Section 653m of the Penal Code, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, coming within a specified distance of, or disturbing the peace of the other party, and, in the discretion of the court, on a showing of good cause, of other named family or household members.</p> <p><u>(b) On a showing of good cause, the court may include in a protective order a grant to the petitioner of the exclusive care, possession, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent. The court may order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal.</u></p> <p><u>(c) On or before July 1, 2009, the Judicial Council shall modify the criminal and civil court forms consistent with this section.</u></p>

Prepared by Phil Arkow, Interim Director for Human-Animal Bond Programs at the [American Humane Association](http://www.americanhumane.org), on behalf of the [American Bar Association Commission on Domestic Violence](http://www.abacdvta@abanet.org). We are always grateful to receive corrections and updates at abacdvt@abanet.org

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Colorado	C.R.S. 18-6-800.3 – 803.5		Clarifies the definition of property to include animals in the context of protective orders	<p>...“Domestic violence” also includes any other crime against a person, or against property, <u>including an animal</u>, or any municipal ordinance violation against a person, or against property, <u>including an animal</u>, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.</p> <p>A person commits the crime of violation of a protection order if, [...] the person as a restrained person, such person:</p> <p>(a) Contacts, harasses, injures, intimidates, molests, threatens, or touches the protected person <u>or protected property, including an animal</u>, identified in the protection order or enters or remains on premises or comes within a specified distance of the protected person, <u>protected property, including an animal</u>, or premises or violates any other provision of the protection order to protect the protected person from imminent danger to life or health, and such conduct is prohibited by the protection order;</p>
Connecticut	G.S.C. 46b-15(b) and 46(b)-38(c) and 54-1(k)		Allows the court to issue a protection order that protects any animal owned or kept by the applicant including an order enjoining the respondent from injuring or threatening to injure such animal	<p>Such order may include [...] <u>The court, in its discretion, may make such orders as it deems appropriate for the protection of any animal owned or kept by the applicant including, but not limited to, an order enjoining the respondent from injuring or threatening to injure such animal.</u></p> <p><u>A protective order issued under this section may include provisions necessary to protect any animal owned or kept by the victim including, but not limited to, an order enjoining the defendant from injuring or threatening to injure such animal.</u></p>

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Illinois	725 ILCS 5/112A-14		Allows the court to include in the protection order exclusive care, custody or control of animals and ordering the respondent to stay away from the animal.	<p>Remedies and standards. The remedies listed in this subsection shall be in addition to other civil or criminal remedies available to petitioner.</p> <p><u>(11.5) Protection of animals. Grant the petitioner the exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.</u></p>
Maine	19-A MRSA §4007(1) and §4011 (2)		Authorizes courts to issue orders of protection to safeguard the well-being of animals of either party or minor children. Violation is treated as contempt.	<p>Relief granted under this section may include: [...]</p> <p><u>N. Directing the care, custody or control of any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household</u></p> <p><u>When the only provision that is violated concerns relief authorized under section 4007, subsection 1, paragraphs H to N, the violation must be treated as contempt and punished in accordance with law.</u></p>
Massachusetts		HB 727 (2007)	Would amend Sec. 3 of Chap. 209A of the General Laws to allow judges to issue a protective order covering the care, custody or control of companion animals or livestock owned, leased, kept or held by either party or a minor child residing in the home.	

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Michigan		Companion HB 4741, 4742 and 4743	Would provide penalties and sentencing guidelines for injuring, killing, torturing, neglecting, removing or threatening an animal, or interfering with the petitioner's efforts to remove the animal, in the perpetration of domestic violence.	
Nevada	NRS 33.018 and 33.030		Expands the unlawful acts which constitute domestic violence to include knowingly, purposefully or recklessly injuring or killing an animal with the intent to harass the victim. The penalty is a misdemeanor. The court may issue a temporary or extended order to prevent the adverse party from harming or taking possession of an animal owned by the victim or a minor child, and may specify arrangements for the care of such animal.	<p>Domestic violence occurs when a person commits one of the following acts [...]:</p> <p><u>(7) Injuring or killing an animal.</u></p> <p>The court by a temporary order may:</p> <p>(e) <u>Enjoin the adverse party from physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant or minor child, either directly or through an agent;</u></p> <p><u>(f) Enjoin the adverse party from physically injuring or threatening to injure any animal that is owned or kept by the adverse party, either directly or through an agent;</u></p> <p>The court by an extended order may grant any relief enumerated in subsection 1 and:</p> <p>b) <u>Specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child;</u></p>
New Jersey		SB 1856 and SB 2246	SB 1856 permits courts to include animals in DV restraining orders. SB 2246 requires the court to issue animal protective orders against persons found guilty of abusing animals.	

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New York	NY FAM CT §842		Allows a court to order the respondent to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the petitioner or a minor child residing in the household.	<p>Any order of protection issued pursuant to this section may require the petitioner or the respondent: (i) <u>1. to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the petitioner or a minor child residing in the household.</u></p> <p><u>2. "Companion animal", as used in this section, shall have the same meaning as in subdivision 5 of section 350 of the agriculture and markets law.</u></p>
Pennsylvania		SB 32	Adds a provision to the cruelty to animals statute (5511 – 1.1) making it a third-degree felony for a person subject to a protection abuse order to willfully and maliciously kill, maim, disfigure, torture, or poison any domestic animal or domestic fowl that is in the care, control or supervision of a person who benefits from an abuse order.	
Rhode Island		Companion bills HB 5185 and SB 463	Allow the court to include in a protective order, temporary order or restraining order provisions concerning the care, custody or control of companion animals owned, possessed, leased or held by either party or a minor child.	
Tennessee	TN Code 36-3-601(1) and 36-3-606(a)		Expands the definition of domestic abuse to include physical harm or threatened physical harm to a pet of an adult or minor, and allows security of pets to be provided for in protection orders.	<p>“Abuse” means [...], <u>inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by an adult or minor, or placing an adult or minor in fear of physical harm to any animal owned, possessed, leased, kept, or held by such adult or minor.</u></p> <p>A protection order granted under this part to</p>

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				<p>protect the petitioner from domestic abuse, stalking or sexual assault may include, but is not limited to:</p> <p><u>Directing the care, custody, or control of any animal owned, possessed, leased, kept, or held by either party or a minor residing in the household. In no instance shall such animal be placed in the care, custody, or control of the respondent but shall instead be placed in the case, custody, or control of the petitioner or in an appropriate animal foster situation</u></p>
Vermont	15 V.S.A. §1103		Allows a court to include an order relating to the possession, care and control of any animal owned, possessed, leased, kept, or held as a pet by either party or a minor child residing in the household in a domestic violence situation.	<p>(c) If the court finds that the defendant has abused the plaintiff and that there is a danger of further abuse, the court shall make such orders as it deems necessary to protect the plaintiff, the children, or both, which may include the following: <u>(7) an order concerning the possession, care and control of any animal owned, possessed, leased, kept, or held as a pet by either party or a minor child residing in the household.</u></p>
Wisconsin		SB 162	Would expand the definition of domestic abuse to include animals owned by the petitioner, respondent, children, or others in the household.	

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