



## **Including Pets on Protection Orders**

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## Including Pets on Protection Orders

The idea that pets should be (or even need to be) included on domestic violence protection orders was not considered until relatively recently. However, it is a natural outgrowth of the greater visibility and acceptance of the connection between animal cruelty and abuse and other forms of crime, particularly domestic violence. For example, research found that up to 71% of domestic violence victims with companion animals reported that their abusers had threatened, injured, or killed their pets. [Ascione, F. R., Weber, C. V., Thompson, T. M., Heath, J., Maruyama, M., & Hayashi, K. (2007). Battered pets and domestic violence: Animal abuse reported by women experiencing intimate violence and by non-abused women *Violence Against Women*, 13, 354-373.]

The strong bond that exists between survivors of domestic violence and their companion animals, coupled with the paucity of resources offering safekeeping for their pets, presents a challenge for victim advocates: 48% of respondents in another study refused to leave an abusive situation because they had nowhere to take their pets. [Carlisle-Frank, P., Frank, J. M., & Nielsen, L. (2004). Selective battering of the family pet, *Anthrozoos*, 17, 26-41.]

One way to help these survivors protect their pets is to ensure custody through the protection order process. However, a 2005 workshop in Maine on the link between animal cruelty and human violence revealed confusion on the parts of judges and participants about the legal ability to include companion animals in “protection from abuse” orders for battered spouses and families. This confusion has not been confined to Maine. Judges have been reluctant to take this action without clear statutory authority.

In 2006, after hearing harrowing testimony from Susan Walsh about the brutality inflicted by her husband against the family’s pets and livestock, and her fears about leaving him knowing the fate that awaited the remaining animals, the Maine legislature passed the first bill in the nation which specifically allowed the inclusion of pets on protection orders. Click [here](#) for more information. Today, 32 states, the District of Columbia and Puerto Rico, have [laws](#) providing for the inclusion of pets on protection orders, and/or including animal abuse in their definitions of domestic violence. In the remaining states, statutes providing for protection orders generally contain language giving courts discretion to permit additional relief. For example, a court can order pets to be included in a protection order, just as they can provide for the temporary care of children or possession of property. Bond conditions may in some instances include pets. In addition to awarding custody, having a pet on a protection order may authorize law enforcement to assist with the removal of the pet from the home.

The Animal Welfare Institute (AWI) produces and publishes state manuals designed to enable lawyers and advocates to further assist domestic violence survivors by getting their companion animals included on protection orders. Compiled by attorneys working with AWI staff, the manuals summarize legal issues surrounding the inclusion of pets in civil protection orders, give details about the laws in that specific state, and provide links to relevant forms and outside resources. AWI plans to produce manuals for every state; those that have been completed are

available on the AWI [website](#) along with additional information about pets on protection orders and animals and family violence in general.

Click [here](#) to see the Ohio State Bar Association publication about how to use that state's law to include pets in civil protection orders.

Minnesota has compiled data on the use of protection orders to cover companion animals. It found that in 2010, the year in which it amended its domestic violence law to allow for the inclusion of pets on protection orders, 167 such orders included pets. Three short years later, by 2013, pets were added to 1,067 orders, well over a 500% increase. Click [here](#) for more information.

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