



NATIONAL LINK COALITION

*Working together to stop violence
against people and animals*

Pets in Protection Orders by State

as of: Dec. 4, 2013

**Note: The law is constantly changing. Please
independently confirm the data you find here.**

Compiled by: Phil Arkow arkowpets@snip.net 856-627-5118
Coordinator, National Link Coalition
Link Consultant, ASPCA and Animals & Society Institute
Chair, Animal Abuse & Family Violence Prevention Project, The Latham Foundation

SECTION I: PET PROTECTION ORDER LAWS ENACTED

State	Statute Enacted	Bills Pending	Summary	Enacted Language (<u>underline</u> = new material added to existing statutes)
Arizona	A.R.S. 13-3601 & 13-3602		Allows judges to include pets in domestic violence protection orders; amends the definition of domestic violence to include intentionally or knowingly subjecting an animal to cruel mistreatment, neglect or abandonment resulting in serious physical injury.	13-3601: Domestic violence means intentionally or knowingly subjecting an animal under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal, or intentionally or knowingly subjects any animal to cruel mistreatment. 13-3602: Court may grant petitioner exclusive care, custody or control of any animal owned, possessed, leased, kept or held by the petitioner, respondent, or minor child in either household, and order respondent to stay away from the animal and forbid respondent from taking, transferring, encumbering, concealing, committing an act of cruelty or neglect, or disposing of the animal.
Arkansas	Ark. Code 9-15-205		Upon a finding of domestic abuse at a hearing, the court may direct the care, control or custody of any pet in the household	<u>The court may provide the following relief: direct the care, custody or control of any pet owned, possessed, leased, kept or held by either party residing in the household.</u>

California	Sec. 6320, Family Code		Authorizes the court to order that the petitioner be granted the exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or respondent or a minor child residing in either's household; and to order the respondent to stay away from the animal or harm or dispose of the animal.	Authorizes the court to order, on a showing of good cause, that the petitioner be granted the exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or respondent or a minor child residing in either's household; and to 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.
Colorado	C.R.S. 18-6-800.3 – 803.5 C.R.S. 13-14-101 -- 103		Clarifies the definition of property to include animals in the context of protective orders Defines domestic abuse and abuse of an elderly or at-risk adult as including threats or acts of violence against an animal, or harming or disposing of it, when intended to coerce, control, punish, intimidate, or exact revenge against the person.	“Domestic violence” means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. “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. A person commits the crime of violation of a protection order if, after the person has been personally served with a protection order that identifies the person as a restrained person or otherwise has acquired from the court actual knowledge of the contents of a protection order that identifies the person as a restrained person, such person: (a) Contacts, harasses, injures, intimidates, molests, threatens, or touches the protected person or <u>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;
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	Such order may include temporary child custody or visitation rights and such relief may include but is not limited to an order enjoining the respondent from (1) imposing any restraint upon the person or liberty of the applicant; (2) threatening, harassing, assaulting, molesting,

				<p>sexually assaulting or attacking the applicant; or (3) entering the family dwelling or the dwelling of the applicant. <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>
Hawaii	H.R.S. 586-4		Allows judges to enjoin or restrain either the respondent or the protected person from taking, concealing, removing, threatening, physically abusing, or otherwise disposing of any animal identified to the court as belonging to the household until further court order.	<u>The ex parte temporary restraining order may also enjoin or restrain both of the parties from taking, concealing, removing, threatening, physically abusing, or otherwise disposing of any animal identified to the court as belonging to a household, until further order of the court.</u>
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.	Remedies and standards. The remedies listed in this subsection shall be in addition to other civil or criminal remedies available to petitioner. <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>
Louisiana	R.S. 46:2135(A)(7) and Children's Code Art. 1569(A)(7)		Amends statutes and Children's Code to allow judges to include petitioner's or children's pets in protective orders, grant petitioner exclusive control of pets, and enjoin defendant from harming them	Grants to the petitioner the exclusive care, possession, or control of any pets belonging to or under the care of the petitioner or minor children residing in the residence or household of either party, and directs the defendant from harassing, interfering with, abusing or injuring any pet, without legal justification, known to be owned, possessed, leased, kept, or held by either party or a minor child residing in the residence or household of either party.

			<p>notify law enforcement agencies, and for those agencies to take necessary actions, when a warrant has been issued for violation of the protection order when the court believes an “imminent threat of bodily injury” exists to any person or domesticated animal involved in the proceedings.</p>	<p>relations, child custody, domestic abuse or abuse prevention proceeding, the court may order the possession, care and control of any domesticated animal owned, possessed, leased, kept or held by either party or a minor child residing in the household to the plaintiff or petitioner. The court may order the defendant to refrain from abusing, threatening, taking, interfering with, transferring, encumbering, concealing, harming or otherwise disposing of such animal.</p> <p>(c) Whenever the court issues a warrant for a violation of a temporary or permanent vacate, stay away, restraining or no contact order or of a judgment issued under section 18, 34B or 34C of chapter 208; section 32 of chapter 209; section 3, 4 or 5 of this chapter; section 15 or 20 of chapter 209C; or section 3, 4, 5, 6 or 7 of chapter 258E, or otherwise becomes aware that an outstanding warrant for such a violation has been issued against a person before the court, the judge may make a finding, based upon the totality of the circumstances, as to whether there exists an imminent threat of bodily injury to any party to such judgment or the petitioner of any such protective order, a member of the petitioner’s family or household or to a domesticated animal belonging to such petitioner or to a member of the petitioner’s family or household. If the court makes a finding that such an imminent threat of bodily injury to a person or domesticated animal exists, the court shall notify the appropriate law enforcement officials of such finding and such law enforcement officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.</p>
Minnesota	Minn. Stat. 518B.01 subd. 6 (14) & (15)		<p>Court may direct the care, possession, or control of a pet or companion animal owned, possessed, or kept by the petitioner, respondent or a child; and direct the respondent to refrain from physically abusing or injuring any pet or companion animal without legal justification, known to be owned, possessed, kept or held by either party or a minor child as “an indirect means of intentionally threatening the safety of such</p>	<p>The court may direct the care, possession, or control of a pet or companion animal owned, possessed, or kept by the petitioner, respondent or a child; and direct the respondent to refrain from physically abusing or injuring any pet or companion animal without legal justification, known to be owned, possessed, kept or held by either party or a minor child as an indirect means of intentionally threatening the safety of such person.</p>

			person.”	
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 against or upon his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he is or was actually residing, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons or his minor child: <u>(7) Injuring or killing an animal.</u></p> <p>The court by a temporary order may: (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> (f) <u>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> The court by an extended order may grant any relief enumerated in subsection 1 and: 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	P.L. 2011 c.213 C.2C:25-29		Allows court to order a pet protection order in respondent’s request for emergency relief, or when defendant has been charged with DV, released on bail or personal recognizance, or convicted. Restraining orders can include animals. When a person has abused or threatened to abuse an animal, there is a presumption that possession of the animal shall be awarded to the non-abusive party.	<p>Emergency relief or restraining orders may include <u>an order directing the possession of any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household and providing that the animal shall not be disposed of prior to entry of a final order</u></p> <p>When a defendant is released from custody before trial on bail or personal recognizance, the court authorizing the release may as a condition of release issue an order prohibiting the defendant from having any contact with the victim including <u>having any contact with any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household. In addition, the court may enter an order directing the possession of the animal and providing that the animal shall not be disposed of prior to the disposition of the crime or offense.</u></p> <p>When a defendant is found guilty of a crime or offense involving domestic violence and a condition of sentence restricts the defendant's ability to have contact with the</p>

				<p>victim, <u>the victim's friends, co-workers, or relatives, or an animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household</u>, the court may require the defendant to receive professional counseling. <u>In addition the court may enter an order directing the possession of an animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household. Where a person has abused or threatened to abuse such animal, there shall be a presumption that possession of the animal shall be awarded to the non-abusive party.</u></p>
New York	NY FAM CT § 842		<p>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>	<p>An order of protection under section 841 of this part shall set forth reasonable conditions of behavior to be observed for a period not in excess of two years by the petitioner or respondent or for a period not in excess of five years upon (i) a finding by the court on the record of the existence of aggravating circumstances as defined in paragraph (vii) of subdivision (a) of section 827 of this article; or (ii) a finding by the court on the record that the conduct alleged in the petition is in violation of a valid order of protection. Any finding of aggravating circumstances pursuant to this section shall be stated on the record and upon the order of protection. Any order of protection issued pursuant to this section shall specify if an order of probation is in effect. Any order of protection issued pursuant to this section may require the petitioner or the respondent: <u>(i) 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>
North Carolina	S.L. 2009-425		<p>Allows a domestic violence protective order to "Provide for the care, custody, and control of any animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household" and to order a party to refrain</p>	

			from "cruelly treating or abusing an animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household."	
Oklahoma	22 O.S. 2001 60.2(E) & 22 O.S. 2001 1105(B)		Victims of domestic violence, stalking or harassment may request exclusive control, care or possession of animals belonging to them, defendant or minor child, and court may forbid defendant from making contact with, taking, threatening, harming or disposing of animal. In issuing a protective order, the court shall consider, among other histories, whether the alleged violent incident involved the abuse of pets.	<p><u>To the extent that any of the following information is available to the court,</u> the magistrate, judge or court shall consider, in addition to other circumstances, before determining bond and other conditions of release for the protection of the alleged victim...<u>whether the alleged violent incident involved the abuse of pets.</u></p> <p><u>The person seeking a protective order may further request the exclusive care, possession, or control of any animal owned, possessed, leased, kept or held by either the petitioner, defendant or minor child residing in the residence of the petitioner or defendant. The court may order the defendant from taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal.</u></p>
Oregon	ORS 107.718		Allows judges to order any relief it considers necessary to prevent the neglect and protect the safety of any service or therapy animal, or any animal kept for personal protection or companionship. Animals kept for commercial, business, agricultural or economic purposes are excluded.	<p>(h) Other relief that the court considers necessary to:</p> <p>(B) Prevent the neglect and protect the safety of any service or therapy animal or any animal kept for personal protection or companionship, but not an animal kept for any business, commercial, agricultural or economic purpose;</p>
Tennessee	Tennessee 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 inflicting, or attempting to inflict, physical injury on an adult or minor by other than accidental means, placing an adult or minor in fear of physical harm, physical restraint, or malicious damage to the personal property of the abused party, <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 protect the petitioner from domestic abuse, stalking or sexual assault may include, but is not limited to: <u>Directing the care, custody, or control of any animal owned, possessed, leased, kept, or held by either party or a minor</u></p>

				<u>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 care, custody, or control of the petitioner or in an appropriate animal foster situation</u>
Texas	Sec. 85.021, Family Code		Allows the court to prohibit the removal, harm, threat, or interference with the care, custody or control of a pet, companion animal or assistance animal possessed by a person or family member protected by a court order.	<p>In a protective order, the court may prohibit a party from:</p> <p>(A) removing a child who is a member of the family or household from:</p> <p>(i) the possession of a person named in the order; or</p> <p>(ii) the jurisdiction of the court;</p> <p>(B) transferring, encumbering, or otherwise disposing of property, other than in the ordinary course of business, that is mutually owned or leased by the parties; <u>or</u></p> <p><u>(C) removing a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code, from the possession of a person named in the order;</u></p> <p>In a protective order, the court may prohibit the person found to have committed family violence from:</p> <p><u>harming, threatening, or interfering with the care, custody, or control of a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code, that is possessed by a person protected by an order or by a member of the family or household of a person protected by an order.</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:</p> <p><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>
Washington	RCW 26.50.060 and 26.50.110 (2009)		Includes pets among petitioner’s personal effects; allows judges to grant petitioner exclusive custody or control of pets belonging to petitioner, respondent or minor, and to prohibit the respondent from coming within a	RCW 26.50.060 Sec. 2(k). Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent and

			specified distance of specified locations where the pet is regularly found; and prohibits acts of violence, harm or interference with these animals. Violation is a gross misdemeanor.	may prohibit the respondent from interfering with the petitioner's efforts to remove the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found.
West Virginia	WV Code 48-27-503 (2010)		Permits protective orders to include animals of petitioner, respondent or minor child	§48-27-503. Permissive provisions in protective order. The terms of a protective order may include: (13) Awarding the petitioner 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 and prohibiting the respondent from taking, concealing, molesting, physically injuring, killing or otherwise disposing of the animal and limiting or precluding contact by the respondent with the animal.
Puerto Rico	Law No. 154 (2008), P.S. 2552		Protective orders must be given by courts when requested by petitioner in domestic violence or child abuse cases. Orders may also be issued to protect shelters holding animals seized pursuant to abuse charges. Law also increases penalties for animal cruelty committed in front of children, or by offenders with previous convictions for domestic violence, child abuse or elder abuse. Law includes emotional harm within the definition of animal abuse.	Artículo 15. Órdenes de protección. a. En todo caso en que se acusase a una persona de violencia doméstica o maltrato de menores, el Tribunal deberá, a petición de parte, emitir una orden de protección al peticionario para que este sea el único custodio del animal. El Tribunal ordenará al acusado de mantenerse lejos del animal; prohibirle cualquier tipo de acercamiento.
District of Columbia	D.C. Official Code Sec. §16-1005 (c), Ch. 10 of Title 16.	(RESCINDED 2012)	If Family Division finds good cause that the respondent has committed or is threatening animal cruelty, it may issue a protection order directing the care, custody or control of an animal in the household.	D.C. Official Code §16-1005 (c), Ch. 10, Title 16. "(c) If, after hearing, the Family Division finds that there is good cause to believe the respondent has committed or is threatening an intrafamily offense, or animal cruelty, it may issue a protection order : "(10A) Directing the care, custody, or control of a domestic animal in the household.

SECTION II: PET PROTECTION ORDER BILLS PENDING OR DEAD (AS OF 6/2013)

State	Statute Enacted	Bills Pending	Summary	NOTES
Delaware		HB 77 (2009) DIED 7/2010	Would allow the court to order that the petitioner be given temporary possession of specified personal property solely or jointly owned by respondent or petitioner, including but not limited to, motor vehicles, checkbooks, keys and other personal effects, and personal property, including pets.	
Florida		SB288 (2012)	Allows court to issue a PPO; 1 st degree misdemeanor to violate it. It includes acts or threats of physical injury to an animal, or placing a family member of fear of an animal's being harmed, within the state's definition of domestic violence.	Providing that a court may issue an injunction for protection against domestic violence granting the petitioner the exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by the petitioner, the respondent, or a minor child residing in the residence or household of the petitioner or respondent; providing that it is a first-degree misdemeanor for a person to willfully violate an injunction for protection against domestic violence by knowingly and intentionally injuring or threatening to injure any animal owned, possessed, leased, kept, or held by the petitioner, the respondent, or a minor child of the petitioner or respondent; providing criminal penalties, etc.
Georgia		HB 493 (2011) DIED	Would amend Code Section 19-13 to provide that acts of family violence shall include inflicting, attempting to inflict, or threatening to inflict unjustified physical injury against a family or household animal. The bill would also allow judges to grant petitioners exclusive care, custody or control of animals and order respondents to refrain from interfering with animals under a protection from abuse order.	
Iowa		House File 32 + Senate File 70 (2009) DIED	Would allow judges to include animals in domestic violence restraining orders, or order the respondent to stay away from, take, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or dispose of the animal.	
Kentucky		HB 195 (2013) DIED	Would allow the court to direct the care, custody or control of any pet belonging to either party or a minor child in the household.	

Michigan		HB 4741 (2008) DIED	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.	
Nebraska		LB 83 (2010) [INDEFIN- ITELY POSTPONED]	Would allow judges to issue protection orders directing the care, custody or control of domestic animals kept by either party or a minor child in the household, and enjoining the respondent from harming or killing such animals.	
New Jersey		A347 (2012)	Would expand domestic violence PPOs to allow courts to issue protective order against any individual convicted of animal abuse or violating state anti-cruelty laws.	
New Mexico		SB 473 (2013) DIED	Defines "domestic abuse" as cruelty to animals with the intent to intimidate, threaten or harass; allows the court to grant to a party the exclusive possession and control of any animal kept, owned or leased by either party or by a minor child residing in the household of either party. The court may order a party to stay away from the animal and may forbid a party from taking, transferring, concealing, mistreating, harming or disposing of the animal;	
Ohio		HB 25 (2011)	Would include companion animals in the home of the petitioner in protection and temporary protection orders. Bill would also revise cruelty penalties and sentencing provisions, mandate medical CE courses for counseling cruelty offenders, require psychological evaluation and counseling for juvenile offenders, and remove pit bulls from the definition of "vicious dog" under state law.	
Pennsylvania		SB 32 (2008) DIED	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		HB 7290 DIED IN COMMITTEE	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.	
South Carolina		H. 3117 (2009)	Would allow the court to prohibit harm or harassment to the petitioner's pet and order temporary possession of the animal to the petitioner.	
Virginia		HB 1716 (2011) HB 363 (2012) DIED 2012	Provides that a court may include in an order to protect a child's life, health, safety or normal development, or for a petitioner alleging family abuse, or for a petitioner seeking protection from stalking, sexual battery or serious bodily injury a requirement to abstain from damaging any item of personal property or harming a companion animal.	HB 1716 was subsumed into HB 2063, which was enacted 3/24/11, amending multiple sections of the Virginia Code. The law enables courts in child abuse, family abuse, and stalking protective orders to prohibit respondents from committing "criminal offenses that result in injury to person or property." Courts may also provide "any other relief necessary for the protection of the petitioner and family or household members of the petitioner." The law does not specifically include companion animals within the definition of property, family or household members.
Wisconsin		SB 162 (2008) DIED IN COMMITTEE	Would expand the definition of domestic abuse to include harm or threat of harm to animals of the petitioner, respondent, children, or others in the household.	
Wyoming		HB 206 (2009) DIED	Would allow the court to direct the care, custody and control of any animal owned or kept by either party or a minor in the household. A new provision allows local law enforcement officers responding to requests for assistance in domestic violence cases to provide or arrange for temporary care, custody and control of these animals.	