



NATIONAL LINK COALITION

*Working together to stop violence
against people and animals*

Pets in Protection Orders by State

as of: Dec. 16, 2020

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

Compiled by: Phil Arkow arkowpets@snip.net 828-595-9750
Coordinator, National Link Coalition
Link Consultant, ASPCA
Chair, Animal Abuse & Family Violence Prevention Project, The Latham Foundation

SECTION I: PET PROTECTION ORDER LAWS ENACTED

State/ Year Enacted	Statutes	Bills Pending	Summary	Enacted Language (<u>underline</u> = new material added to existing statutes)
Alaska (2016)	AS 18.66.100(c)		Domestic violence protective orders may grant petitioners possession of a pet, regardless of the ownership of the pet. This provision must be printed on the form providing notice to a victim of domestic violence. Petitioners can also ask the court to require the abuser to pay support for pets in the petitioner's care. Courts may consider the well-being of animals when considering ownership or joint ownership by a couple as part of a divorce proceeding.	<p>AS 18.66.100(c): A protective order may give the petitioner possession and use of a vehicle and other essential personal items, <u>including a pet</u>, regardless of ownership of the items; and require the respondent to pay support for the petitioner, a minor child in the care of the petitioner, <u>or a pet in the care of the petitioner</u> if there is an independent legal obligation of the respondent to support the petitioner, child, <u>or pet</u>;</p> <p>AS 25.24.160(a): In a judgment in an action for divorce or action declaring a marriage void or at any time after judgment, the court may provide: <u>if an animal is owned, for the ownership or joint ownership of the animal, taking into consideration the well-being of the animal.</u></p> <p>AS 25.24.220(g): The court may amend written agreements between the spouses relating to child custody, child support, visitation, division of the property, including retirement benefits, spousal maintenance, <u>ownership or joint</u></p>

				<u>ownership of an animal, taking into consideration the well-being of the animal</u> , and allocation of obligations, but only if both petitioners concur in the amendment in writing or on the record.
Arizona (2010)	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 (2011)	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 (2007)	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 (2007)	C.R.S. 18-1-1001 (eff. 11/1/2018)		Current law provides that in cases involving domestic violence, a court may enter any of several types of protection orders against the defendant. The bill adds potential protection orders to the list of options available to the court, including an order prohibiting the taking, transferring, concealing, harming, disposing of, or threatening to harm an animal owned, possessed, leased, kept, or held by the alleged victim or witness.	Upon motion of the district attorney or on the court's own motion for the protection of the alleged victim or witness, the court may, in cases involving domestic violence ... enter any of the following further orders against the defendant: (e) AN ORDER PROHIBITING THE TAKING, TRANSFERRING, CONCEALING, HARMING, DISPOSING OF, OR THREATENING TO HARM AN ANIMAL OWNED, POSSESSED, LEASED, KEPT, OR HELD BY AN ALLEGED VICTIM OR WITNESS;

	<p>C.R.S. 18-6-800.3 – 803.5</p> <p>C.R.S. 13-14-101 – 103</p>		<p>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.</p>	<p>“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.</p> <p>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:</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>
<p>Connecticut (2007)</p>	<p>G.S.C. 46b-15(b) and 46(b)-38(c) and 54-1(k)</p>		<p>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>	<p>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, 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</u></p>

				<u>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>
Florida (2020)	F.S. 741.30 (5)(a) F.S. 741.30 (6)		Allows courts to award exclusive care, control and possession of non-agricultural animals and to order the respondent to temporarily have no contact with the animal or otherwise harming or disposing of it.	<u>Awarding to the petitioner the temporary exclusive care, possession, or control of an animal that is owned, possessed, harbored, kept, or held by the petitioner, the respondent, or a minor child residing in the residence or household of the petitioner or respondent. The court may order the respondent to temporarily have no contact with the animal and prohibit the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal. This subparagraph does not apply to an animal owned primarily for a bona fide agricultural purpose, as defined under s. 193.461, or to a service animal, as defined under s. 413.08, if the respondent is the service animal's handler.</u>
Hawai'i (2009)	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 (2007)	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>
Indiana (2017)	IC 34-26-5-9		Would allow a court to grant an order of protection to: (1) grant exclusive possession, care, custody, or control of any animal	IC 34-26-5-9, Sec. 9. (b) A court may grant the following relief without notice and hearing in an ex parte order for protection or in an ex parte order for protection

			belonging to the petitioner, respondent, minor child or other household member; and (2) prohibit a respondent from harming, threatening or taking action against the animal.	modification: ... (5) Order that a petitioner has the exclusive possession, care, custody, or control of any animal owned, possessed, kept, or cared for by the petitioner, respondent, minor child of either the petitioner or respondent, or any other family or household member. (6) Prohibit a respondent from removing, transferring, injuring, concealing, harming, attacking, mistreating, threatening to harm, or otherwise disposing of an animal described in subdivision (5).
Iowa (2014)	I.C. 236.3(1), 236.4(3A) and 236.5(1b)		Allows judges to include any “pet or companion animal” of the petitioner, respondent, or minor child “whose welfare may be affected by the controversy” in temporary or permanent orders. Livestock held primarily or solely for commercial purposes are specifically excluded.	Allows judges, when issuing temporary or permanent orders, to include any “pet or companion animal” of the petitioner, respondent, or minor child “whose welfare may be affected by the controversy.” Courts may prohibit the respondent from approaching, taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the pet or companion animal.” Provisions shall not apply to livestock held solely or primarily for commercial purposes.
Louisiana (2008)	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.
Maine (2006)	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.	Protection order; consent agreement. The court, after a hearing and upon finding that the defendant has committed the alleged abuse, may grant a protective order or, upon making that finding, approve a consent agreement to bring about a cessation of abuse. This subsection does not preclude the parties from voluntarily requesting a consent agreement without a finding of abuse. The court may enter a finding that the defendant represents a credible threat to the physical safety of the plaintiff or a minor child residing in the plaintiff’s household. Relief granted under this section may include: <u>N. Directing the care, custody or control of any animal owned, possessed, leased, kept or held by either party or a</u>

				<p><u>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>
	19-A MRSA §4006 (5-a) and §4007 (1-E1)		Extends domestic violence pet protection orders to include temporary protection orders as well as permanent ones.	
Maryland (2011)	Ann. Code of Md. 4—501, 4—504.1, 4—505, & 4—506.		Authorizes District Court Commissioners, in an interim protective order, or judges, in a temporary or final protective order, to award temporary possession of a pet belonging to either the respondent or the person eligible for relief.	Authorizes District Court Commissioners, in an interim protective order, or judges, in a temporary or final protective order, to award temporary possession of a pet belonging to either the respondent or the person eligible for relief.
Massachusetts (2012)	SECTION 49. Chapter 209A of the General Laws		Allows courts to order defendants to refrain from abusing, threatening, taking, interfering with, transferring, encumbering, concealing, harming or otherwise disposing of any “domesticated animals” in the household. The procedure can apply in any temporary or permanent vacate, stay-away, restraining or no-contact order in any domestic relations, child custody, domestic abuse or abuse-prevention proceeding. Also requires courts to 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>SECTION 49. Chapter 209A of the General Laws is hereby amended by adding the following section:-</p> <p>Section 11. (a) Whenever the court issues a temporary or permanent vacate, stay away, restraining or no contact order or a judgment 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 a temporary restraining order or preliminary or permanent injunction relative to a domestic 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</p>

				<p>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>
<p>Michigan (2016)</p>	<p>MCL600.2950 (1)(j) and (30)(a-d)</p>	<p>HB 4478 (2016)</p>	<p>Would allow courts to issue protection-from-abuse orders preventing respondents from injuring, torturing, neglecting, threatening, or removing the petitioner's animals. It would apply to current or former spouses; individuals with whom the petitioner has a child in common or where there has been a dating relationship; or an individual presently or formerly residing in the same household.</p>	<p>Prohibits any of the following with the intent to cause the petitioner mental distress or to exert control over the petitioner with respect to an animal in which the petitioner has an ownership interest: (i) Injuring, killing, torturing, neglecting, or threatening to injure, kill, torture, or neglect the animal; (ii) Removing the animal from the petitioner's possession; (iii) Retaining or obtaining possession of the animal.</p> <p>The petitioner has an ownership interest in an animal if 1 or more of the following are applicable: (a) The petitioner has a right of property in the animal; (b) The petitioner keeps or harbors the animal; (c) The animal is in the petitioner's care; (d) The petitioner permits the animal to remain on or about premises occupied by the petitioner..</p>
<p>Minnesota (2010)</p>	<p>Minn. Stat. 518B.01 subd. 6 (14) & (15)</p>		<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</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</p>

			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.”	child as an indirect means of intentionally threatening the safety of such person.
Nevada (2007)	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.	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> 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> <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> 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>
New Hampshire (2014)	R.S.A 173-B:1	HB 1410 (2014)	Includes household and domesticated animals under the domestic violence protection statutes by adding animal cruelty to the list of conducts that constitute a credible threat to the petitioner’s safety or which reflect an ongoing pattern of behavior which causes the petitioner to fear for her or his safety or well being. Courts can grant petitioners exclusive care, custody or control of any animal and order defendants to stay away from any animal.	Includes household and domesticated animals under the domestic violence protection statutes by adding animal cruelty to the list of conducts that constitute a credible threat to the petitioner’s safety or which reflect an ongoing pattern of behavior which causes the petitioner to fear for her or his safety or well being. Courts can grant petitioners exclusive care, custody or control of any animal and order defendants to stay away from any animal.

<p>New Jersey (2012)</p>	<p>P.L. 2011 c.213 C.2C:25-29</p>		<p>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>	<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 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>
<p>New York (2006)</p>	<p>NY FAM CT § 842</p>		<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</p>

				<p>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 (2009)	S.L. 2009-425		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 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."	
Ohio (2014)	R.C. § 2151.34, 2303.201, 2903.213, 2903.214, 2919.26, and 3113.31 (2015)		Includes companion animals in the home of the petitioner in protection and temporary protection orders.	The court may include within a protection order issued under this section a term requiring that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the person to be protected by the order, and may include within the order a term authorizing the person to be protected by the order to remove a companion animal owned by the person to be protected by the order from the possession of the respondent.
	R.C. § 109.42, 2151.34, 2903.214, 3113.31 and 3113.33 (2118)		Extended these provisions to include cases of dating violence.	Extended these same provisions for petitioners alleging dating violence.
Oklahoma (2010)	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	<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

			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.	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> <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>
Oregon (2011)	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.	(h) Other relief that the court considers necessary to: (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;
Rhode Island (2019)	General Laws 15-15.3		Allows family courts to issue protection orders providing for the safety and welfare of all household animals and pets.	15-15-3. Protective orders --Penalty --Jurisdiction. 3(a) A person, or a parent, custodian, or legal guardian on behalf of a minor child or the director of the department of children, youth and families or its designee for a child in the custody of DCYF, suffering from domestic abuse or sexual exploitation, may file a complaint in the family court requesting any order that will protect and support her or him from abuse or sexual exploitation, including, but not limited to: (2) Ordering the defendant to vacate the household immediately, and further providing in the order for the safety and welfare of all household animals and pets.
South Carolina (2014)	S. C. Code 20-4-60		Prohibits harm or harassment to pets owned or kept by the petitioner, respondent or other household members, and allows courts to include pets among other property covered by the order.	Section <u>20-4-60(C)</u> of the 1976 Code is amended by adding an appropriately numbered item at the end to read: "() prohibit harm or harassment, including a violation of Chapter 1, Title 47, against any pet animal owned, possessed, kept, or held by: (a) the petitioner; (b) any family or household member designated in the order; (c) the respondent if the petitioner has a demonstrated

				<p>interest in the pet animal."</p> <p>Temporary possession of pet animals</p> <p>SECTION 2. Section <u>20-4-60(C)(5)</u> of the 1976 Code is amended to read:</p> <p>"(5) provide for temporary possession of the personal property, including pet animals, of the parties and order assistance from law enforcement officers in removing personal property of the petitioner if the respondent's eviction has not been ordered."</p>
Tennessee (2007)	Tennessee Code 36-3-601(1) and 36-3-606(a)		<p>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>	<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:</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 care, custody, or control of the petitioner or in an appropriate animal foster situation</u></p>
Texas (2011)	Sec. 85.021, Family Code		<p>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>	<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>

				In a protective order, the court may prohibit the person found to have committed family violence from: <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>
Vermont (2006)	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.	(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>
Virginia (2014)	§§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, and 19.2-152.10 of the Code of Virginia		Grants the petitioner or the person on whose behalf the order is issued the possession of any companion animal as defined in § 3.2-6500 if such person meets the definition of owner in § 3.2-6500. Provisions apply to preliminary, emergency and regular protective orders and to protective orders in cases of family abuse involving an incarcerated or recently incarcerated respondent. Violations are considered contempt of court.	Grants the petitioner or the person on whose behalf the order is issued the possession of any companion animal as defined in § 3.2-6500 if such person meets the definition of owner in § 3.2-6500. Provisions apply to preliminary, emergency and regular protective orders and to protective orders in cases of family abuse involving an incarcerated or recently incarcerated respondent. Violations are considered contempt of court.
Washington (2009)	RCW 26.50.060 and 26.50.110		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 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.	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 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 (2010)	WV Code 48-27-503		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.
Wisconsin (2016)	W.S.A. 813.12		Permits judges or circuit court commissioners issuing domestic violence, child abuse, individual-at-risk, or harassment temporary restraining order or injunction to order the respondent not to remove, hide, damage, harm, mistreat, or dispose of a household pet. Petitioners or family members acting on their behalf may retrieve a household pet.	The judge or circuit court commissioner may order the respondent not to remove, hide, damage, harm, or mistreat, or dispose of, a household pet and may order the respondent to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet.
Wyoming (2019)	W.S. 8 35-21-105		Allows courts to issue protection orders that grant sole possession of any household pets kept by the petitioner, the respondent, or a minor child to the petitioner “for the purpose of protecting the household pet.” The order would also order the respondent to not have any contact with the animal and to not abduct, remove, conceal, or dispose of the household pet.	35-21-105. Order of protection; contents; remedies; order not to affect title to property; conditions. (a) ... As a part of any order of protection, the court may: (ix) Grant sole possession of any household pet, as defined in W.S. 6-3-203(o), owned, possessed or kept by the petitioner, the respondent or a minor child residing in the residence or household of either the petitioner or the respondent to the petitioner during the period the order of protection is effective if the order is for the purpose of protecting the household pet; (x) Order that the respondent shall not have contact with any household pet, as defined in W.S. 6-3-203(o), in the custody of the petitioner and prohibit the respondent from abducting, removing, concealing or disposing of the household pet if the order is for the purpose of protecting the household pet.
Puerto Rico (2008)	Law No. 154, 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	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

			<p>seized pursuant to abuse charges.</p> <p>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.</p> <p>Law includes emotional harm within the definition of animal abuse.</p>	<p>petionario para que este sea el único custodio del animal. El Tribunal ordenará al acusado de mantenerse lejos del animal; prohibirle cualquier tipo de acercamiento.</p>
District of Columbia (2008)	D.C. Official Code Title 16, Chap. 10, Sec. §16-1005 (c)		<p>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.</p>	<p>D.C. Official Code §16-1005 (c), Ch. 10, Title 16.</p> <p>"(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 :</p> <p>"(10A) Directing the care, custody, or control of a domestic animal in the household.</p>
FEDERAL U.S.A. (2018)	<p>Enacted December 20, 2018 as Subtitle E, Section 12502 of H.R. 2 (Agriculture Improvement Act of 2018, a/k/a The Farm Bill). P.L. No. 115-334.</p> <p>Amends U.S.C. Title 18, Sections 2261A, 2262, 2264, and 2266</p>	H.R. 909/S.322 – The PAWS (Pet And Women Safety) Act	<p>Expands existing federal domestic violence protections to include pets of domestic violence victims. It prohibits crossing state lines to harm a domestic partner’s pet, as well as establishes a federal grant program (\$3,000,000 per year for FY 2019 – 2023) to provide assistance to domestic violence programs for housing victims’ pets in need of emergency shelter, related support services, and training. It amends the Violence Against Women Act’s interstate stalking provisions to make crossing state lines to injure pets a punishable offense. It also adds veterinary care to the list of restitution costs that can be recovered by victims, and expresses a recommendation by Congress that states should include pets in protective orders.</p>	<p>Bills were sponsored by Reps. Kathy Clark (D-MA) and Ileana Ros-Lehtinen (R-FL) and had widespread bipartisan support with over 280 co-sponsors but languished in the gridlocked 113th, 114th and 115th Congresses until the provisions were tacked on to the Farm Bill late in the 115th Congress’ session.</p> <p>The measure concludes that “it is the sense of Congress that States should encourage the inclusion of protections against violent or threatening acts against the pet, service animal, emotional support animal, or horse of a person in domestic violence protection orders.”</p>

SECTION II: PET PROTECTION ORDER BILLS PENDING OR DEAD (AS OF 12/2020)

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.	
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.	
Kentucky		HB 216 (2020) HB 216 (2015) DIED HB 195 (2013) DIED	Would allow judges to award possession of a domestic animal to the petitioner in a protection-from-abuse procedure. It also would include violence against an animal used as coercive conduct within the definitions of “domestic violence and abuse” and “dating violence and abuse.” 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.	Following a hearing ordered under KRS 403.730, if a court finds by a preponderance of the evidence that domestic violence and abuse has occurred and may again occur, the court may issue a domestic violence order awarding possession of any shared domestic animals to the petitioner. Would allow courts that determine that a petitioner’s allegations indicate the presence of an immediate and present danger of domestic violence and abuse to issue a protection order that directs the care, custody or control of any animal owned, possessed, leased, kept or held as a pet by either party or by a child residing in the home.
Mississippi		SB2232 (2018) DIED	Would authorize courts to include the protection of pets in the order and require that the respondent not remove, damage, hide, harm or dispose of any companion animal owned by the person protected by the order.	

		<p>SB 2014 (2019) DIED</p> <p>SB 2299 (2020) DIED</p>	<p>The court could also authorize the removal of a companion animal from the possession of the respondent.</p> <p>Would prohibit respondents from removing, damaging, hiding, harming, or disposing of any companion animal owned or possessed by a person protected by the order. The court could also authorize the removal of a companion animal from the respondent.</p> <p>Would allow courts to prohibit respondents from abusing any companion animal, and to grant possession of any personal property to the petitioner.</p>	
Missouri		<p>HB 2374 (2018) DIED</p> <p>HB 2626/SB 959 (2020) DIED</p>	<p>Would add “intimidation,” the coercive, vengeful or punitive injuring, killing or threatening of an animal, as grounds for which a court could issue an order of protection.</p> <p>Would have allowed courts, in issuing adult protection and child protection orders, to restrain or enjoin an individual from committing or threatening to commit abuse against a pet, to include an order of custody of the pet, and to pay for the medical costs of treating the pet abuse.</p>	
Nebraska		<p>LB 83 (2010) [INDEFIN-ITELY POSTPONED]</p>	<p>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.</p>	

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;	
Pennsylvania		SB 594 (2015) DIED SB 480 (2018) DIED	Adds a provision to the cruelty to animals statute (5511 – 1.1) making it a first-degree misdemeanor 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. Would have increased the penalties for a person committing cruelty to an animal belonging to a spouse or partner who is under either a protection from abuse, sexual violence or intimidation order. Current penalties range from \$1,000 to \$10,000; the bill would have increased these to \$2,000 and \$15,000.	
Rhode Island		HB 7290 DIED IN COMMITTEE HB 7032 (2018) HB 7167 (2018)	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. Would permit the family court to award custody of household pets to the plaintiff in a domestic abuse complaint. Would expand family court jurisdiction to enter protective orders to provide for the safety and welfare of household pets in	

		<p>HB 5023 (2019)</p> <p>HB 5076 (2019)</p>	<p>domestic abuse situations.</p> <p>Would allow courts to provide for the safety and welfare of all household animals and pets in protection orders for adult and child victims of domestic abuse and sexual exploitation.</p> <p>Would allow courts to award custody of household pets and to impose enforcement remedies including a restraining order or other injunctive relief.</p>	
Guam		<p>Bill No. 185-35 (2019-20)</p>	<p>Would expand pet protection orders: a mandatory restraining order would be created against any person charged with a cruelty violation to restrain the person from contacting, harassing, molesting, intimidating, retaliating against, or tampering with any animal victims, their guardians or owners, and witnesses. Courts could also include an animal in any other protective order issued.</p>	