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Research Brief

TO: Representative Max Gruenberg
FROM: Chuck Burnham, Legislative Analyst
DATE: April 1, 2015
RE: Protective Orders for Pets: Inclusion of Animals on Forms used to Petition the Courts
LRS Report 15.353

You asked about other states' statutes directing courts to provide the option of including pets in protective orders. Specifically, you wanted to know if the forms used to petition for protective orders include sections and explicit language to include companion animals. You also wished to know of instances in which petitioners for protective orders have been forced to interact with respondents due to the inclusion of pets in the order.

As you know, 27 states have enacted statutes that permit pets to be included in protective orders. As the attached Table 1 shows, 18 of these states provide on the forms used to petition for protective orders sections specific to pets.¹

It is important to note that the absence of a statutory provision making companion animals eligible for protection does not necessarily mean that courts will not consider pets in their orders. For example, the form to petition for a protective order in Alaska includes pets among "essential personal items," the possession of which petitioners can request be awarded through the order.² Awarding possession is, however, materially different from granting legal protection.

Our search of national news media found numerous reports of domestic abusers abducting, threatening to harm or actually injuring, and otherwise using mistreatment of pets to terrorize or manipulate their victims. In such instances the abusers are often subject to protective orders when the threats or mistreatment of pets occur. However, we identified no instance in which we could conclusively determine that interaction between petitioners and respondents or violence against petitioners was forced or otherwise enabled by the inclusion of pets in a protective order. It is important to note, however, that effectively searching for such an instance is made difficult due to the limitations of electronic key-word searches. Further, there may be interactions with negative consequences that were forced or enabled by the inclusion of a pet in a protective order that were not identified as such in media reports.

We hope this is helpful. If you have questions or need additional information, please let us know.

¹ The nine states that do not are Arkansas, Connecticut, Iowa, Massachusetts, New Jersey, Oregon, South Carolina, Texas, and West Virginia. Although we believe our research to be thorough, there may be additional states with relevant statutes that we were unable to identify. Although the protective order forms in these nine states do not include any mention of pets or animals, it is likely that petitioners are at times directed by court employees to write-in a request to protect pets. A number of the forms we reviewed contained sections for "other" information or requests of the court that appear to be suitable for such a purpose.

² See section 5 (g)(3) of the Petition for Protective Order at <http://www.courtrecords.alaska.gov/webdocs/forms/dv-100-127-multi.pdf>.

Table 1: Selected Information on States that Direct in Statute the Option of Including Pets in Protective Orders		
State	Pets Addressed in Form Requesting Protective Order?	Notes to the Forms
Arizona	Yes	Direction is provided as follows: If you are requesting an Order of Protection to protect yourself, you may also ask the court to grant you the custody, care, and control of any animal owned by you, the defendant, or a minor child living in your household if you believe that the defendant is a danger to the animals. http://www.azcourts.gov/Portals/33/DV/AllPOForms06032013REV.pdf
Arkansas	No	https://courts.arkansas.gov/system/files/Ex%20Parte%20Order%20of%20Protection%202011_0.pdf
California	Yes	Section 11, "Care of Animals," directs that the respondent stay a specified distance from and not "take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of" the animals named in the order. http://www.courts.ca.gov/documents/dv110.pdf
Colorado	Yes	The respondent is ordered not to "molest, injure, kill, take, transfer, encumber, conceal, dispose of, or threaten harm to an animal owned, possessed, leased, kept or held by any other party, a minor child of any other party, or an elderly or at-risk adult." https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=24
Connecticut	No	https://www.jud.ct.gov/webforms/forms/fm137.pdf
Hawaii	Yes	Provides box to check and space for name(s) of pets. http://www.courts.state.hi.us/docs/1FP/1FP752.pdf
Illinois	Yes	Provides a section to direct 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 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." http://www.ilcadv.org/dv_law_in_il/OPPpetitionFINAL.pdf
Iowa	No	https://www.legis.iowa.gov/docs/ACO/CourtRulesChapter/01-30-2015.4.pdf
Louisiana	Yes	Section provided to indicate protection of solely and jointly owned animals. http://www.lasc.org/court_managed_prog/LPOR/LPOR_forms.pdf
Maine	Yes	Pets are among the personal property that can be petitioned for protection on the form. http://www.ptla.org/sites/default/files/PA-001.pdf

Table 1: Selected Information on States that Direct in Statute the Option of Including Pets in Protective Orders (continued)		
State	Pets Addressed in Form Requesting Protective Order?	Notes to the Forms
Maryland	Yes	Form provides for "temporary possession" of pets. http://mdcourts.gov/courtforms/joint/ccdcdv001.pdf
Massachusetts	No	http://www.mass.gov/courts/forms/restrain-harass-forms-gen.html
Minnesota	Yes	http://www.mncourts.gov/forms/public/forms/Domestic_Abuse/Order_for_Protection/OFP102.pdf
Nevada	Yes	Form provides option for courts to direct that the respondent is prohibited "either directly or through an agent, from physically injuring or threatening to injure any animal that is owned or kept by the Applicant, the minor child(ren), or YOU," and from taking possession of animals owned or kept by the petitioner or any minor children involved. http://www.nevadajudiciary.us/index.php/viewdocumentsandforms/func-startdown/8227
New Hampshire	Unknown	Protective order form not readily available online.
New Jersey	No	http://www.nj.gov/oag/dcj/njpdresources/dom-violence/dv-tro-trng-guide.pdf
New York	Yes	Form directs respondent to "refrain from intentionally injuring or killing without justification" the companion animal(s) or pet(s) listed. https://www.nycourts.gov/forms/familycourt/pdfs/GF-5.pdf
North Carolina	Yes	Form provides a box to check if the petitioner wants "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 granted to me." http://www.nccourts.org/forms/Documents/696.pdf
Oklahoma	Yes	Box can be checked to protect "animal(s) owned by either of the parties or any child living in the household, the Court should order Defendant to have no contact with said animal(s) and order possession and exclusive care of said animal(s) to the Petitioner." http://www.oscn.net/forms/aoc_form/adobe/PO-Petition_for_PO_REVISION.pdf
Oregon	No	http://courts.oregon.gov/Lane/docs/petition-3-10.pdf
South Carolina	No	http://www.judicial.state.sc.us/forms/pdf/SCCA425AB.pdf
Tennessee	Yes	Two separate boxes allow petitioner to ask the court to direct the respondent not to "harm or threaten to hurt any animals that I/we own or keep," and to award "custody and control of any animal owned, possessed, leased, kept or held by me, the respondent, or the children listed above." http://www.tncourts.gov/sites/default/files/docs/final_petition_12-15-10_0.pdf

Table 1: Selected Information on States that Direct in Statute the Option of Including Pets in Protective Orders (continued)		
State	Pets Addressed in Form Requesting Protective Order?	Notes to the Forms
Texas	No	https://www.texasattorneygeneral.gov/files/cvs/protectivekit_dv.pdf
Vermont	Yes	Check box allows petitioner to request that the court "order Defendant to refrain from cruelly treating the pet(s) of the parties or pet(s) of the minor children of the parties." https://www.vermontjudiciary.org/eforms/Form%20150.pdf
Virginia	Yes	Section grants petitioner "possession of the companion animal" named on the form. http://www.courts.state.va.us/forms/district/dc383.pdf
Washington	Yes	Relevant section reads, "petitioner shall have exclusive custody and control of the following pet(s) owned, possessed, leased, kept, or held by petitioner, respondent, or a minor child residing with either the petitioner or the respondent." https://www.courts.wa.gov/forms/?fa=forms.contribute&formID=16
West Virginia	No	http://www.courtswv.gov/public-resources/domestic/DVforms/MDVTPETCombo-DVPetitionForTemporaryEmergencyPO.pdf
<p>Notes: The 27 states listed have statutes in place that direct courts to provide the option of including pets, sometimes called "companion animals," in protective orders. Although we believe our research to be thorough, there may be additional states with relevant statutes that we were unable to identify. Although the protective order forms in nine states listed above--Arkansas, Connecticut, Iowa, Massachusetts, New Jersey, Oregon, South Carolina, Texas, and West Virginia--do not include any mention of pets or animals, it is likely that petitioners are at times directed by court employees to write-in a request to protect pets. A number of the forms we reviewed contained sections for "other" information or requests of the court that appear to be suitable for such a purpose.</p> <p>Source: Websites listed for each state.</p>		