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Model

Laws

The Domestic Abuse Animal Protection Act

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Read Commentary

Sec. 1. Purpose

The purpose of the Domestic Abuse Animal Protection Act is to allow for the inclusion of animals in domestic violence protective orders.

Sec. 2. Protection Orders

(a) In any domestic violence case, the court shall 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 the respondent or a minor child residing in the residence or household of either the petitioner or the respondent.

(b) The court shall further 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.

Sec. 3. Penalties

(a) Any violation of this statute is a Class A misdemeanor.

(b) Any violation subsequent to the first violation is a Class 4 felony.

Additional Commentary

In March 2006 Maine enacted the first statute that allows judges to include pets in protection orders issued against domestic abusers. New York followed suit by enacting a law in 2006, while 14 other states have proposed legislation that allow protective orders to extend to companion pets, assistance animals, and livestock. These measures are due to the recognition of the correlation between animal abuse, family violence, and other forms of violence.

A 1997 report of 50 of the nation's largest domestic violence shelters reported that 85% of women and 63% of children reported incidences of animal abuse in the home. There is an undeniable link between domestic violence and animal abuse in individual homes. Perpetrators often abuse animals in the home in order to threaten, intimidate and control their victims. This abuse ranges from threats, to infliction of physical harm on the animals, to actual death of the animals. Often, victims of domestic violence will not leave their abuser because they are afraid of what will happen to their animals. They fear that their abuser will harm their animals in order to regain control or to punish them for leaving. Protective orders extending to animals will help to diminish that fear as well as provide heightened consequences for violations.

The utility and merit of protecting animals from the hands of abusers is undeniable. Including animals in protection orders is a necessary steps to ensure the safety of all victims of domestic violence.