

## DOMESTIC VIOLENCE ANIMAL SHELTER DATABASE

### Statutes Allowing Pets to be Included in New York State Orders of Protection

- ❖ Family Court Act § 842(i)
- ❖ Criminal Procedure Law § 530.12(f)

#### APPLICABLE LANGUAGE:

The Order of Protection may require the petitioner or the respondent/defendant:

“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/victim or a minor child residing in the household.”

“Companion Animal” or “pet” means any dog or cat, and any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. “Pet” or “companion animal” shall not include a “farm animal.” Agriculture and Markets Law § 350(5).

#### Safety Planning Tips:

- ❖ Ensure that the animal’s papers are in the victim’s name
- ❖ Gather vet records or receipts showing that the victim has paid for the animal’s vet care
- ❖ Gather records or papers showing that the victim has cared for the animal such as taking the animal to the vet

- ❖ Created by SUNY Buffalo School of Law Women, Children and Social Justice Clinic
- ❖ First database of its kind in New York State
- ❖ Organized by county
- ❖ Links domestic violence victims with agencies that provide emergency shelter for pets or have a referral system with agencies or programs that will accept a victim’s pets
- ❖ Promotes collaborations between domestic violence service providers and agencies such as the ASPCA, animal rescue shelters, and similar agencies that assist animals
- ❖ Resource for victims, domestic violence agencies, law enforcement, and social services

VISIT THE DOMESTIC VIOLENCE  
ANIMAL SHELTER DATABASE AT:

[http://web2.law.buffalo.edu/pet\\_shelters/](http://web2.law.buffalo.edu/pet_shelters/)



\*New York State Domestic Violence and Sexual Assault Hotline, available 24 hours: 1-800-942-6906, in Spanish 1-800-942-6908

Including **PETS**  
in  
Orders of Protection

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The Expansion of  
New York State  
Orders of Protection  
to Include  
Companion Animals



## Pet Safety is a Serious Concern for Domestic Violence Victims

- ❖ Like the men, women, and children who refused to leave their pets behind in Hurricane Katrina, many domestic violence victims will stay in an abusive situation or delay leaving out of fear for their pets safety
- ❖ 25-40% of domestic violence victims do not escape abusive situations because they worry about leaving their pets behind
- ❖ 18-48% of battered women have delayed leaving or have returned to the perpetrator out of fear for their pets safety
- ❖ 71% of victims in women's shelters report that their abuser harmed, killed, tortured, or threatened the family pet

Phil Arkow & Tracy Coppola, *Expanding Protective Orders to Include Companion Animals*, available at <http://www.americanhumane.org/assets/pdfs/interaction/hab-link-ppo-companion-animals.pdf>

## Why Batterers Threaten and Abuse Animals

- ❖ Intimidate and Control
- ❖ Terrify the victim and family into silence
- ❖ Isolate the victim and children
- ❖ Prevent the victim from leaving
- ❖ Coerce the victim to return home
- ❖ Punish the victim for leaving

## Why Include Pets in Orders of Protection?

- ❖ Removes a barrier that prevents the victim from leaving a violent situation
- ❖ Gives domestic violence victims a legal mechanism to keep the batterer away from pets
- ❖ Helps eliminate the cruel tactic abusers use to intimidate victims
- ❖ Allows victims to leave the abusive situation at an early stage without risking the lives of their pets or being separated from them
- ❖ Protects animals from abuse and protects domestic violence victims by protecting their pets
- ❖ Is a way to ensure the animal's welfare and break the cycle of family violence
- ❖ Assists domestic violence victims and children, especially in communities where shelters cannot house the animals and there is no pet foster care program in place
- ❖ Helps protect the interests of children who are often very attached to the family pets and may be traumatized if they witness the

## Be Sure to Ask Important Screening

1. Do you have animals at home?
2. How are the animals cared for?
3. Are you worried about the animal's welfare?
4. Do you need housing for the animals?

Phil Arkow & Anna Melbin, *Practical Strategies for Serving with Pets*, NCADV Conference, July 24, 2012

## Legal Protection in New York State for Animal Victims of

### INCLUDE PETS IN ORDERS OF PROTECTION

What is an Order of protection?

- ❖ An order of protection is a legal document issued by the court to limit/stop the behavior of someone who harms or threatens to harm another person
- ❖ Essentially, it is a legal order that requires one person to stop harming another person
- ❖ You can receive an order of protection through Family Courts, Criminal Courts, and Supreme Courts

What can the order of protection require your abuser to do?

- ❖ Stay away from you and any other household members such as children
- ❖ Stay away from or leave your home, job, child's school, and other places you may want
- ❖ Stop calling, writing, or e-mailing you
- ❖ Not assault, menace, or harass you or commit crimes of reckless endangerment or disorderly conduct towards you
- ❖ Allow you to collect your things, with police protection, from the home
- ❖ Go to a Batterers Intervention Program or drug or alcohol counseling
- ❖ Give up any guns
- ❖ **NOT HARM OR KILL ANY PET**