



GREG HIRSON

**REPRESENTING  
DOMESTIC VIOLENCE  
SURVIVORS WITH PETS**  
*in the District of Columbia,  
Maryland & Virginia*



**Animal Welfare  
Institute**  
[www.awionline.org](http://www.awionline.org)

A Manual for Domestic Violence Attorneys & Advocates  
Helping Survivors Obtain Protection Orders

# REPRESENTING DOMESTIC VIOLENCE SURVIVORS WITH PETS

*in the District of Columbia,  
Maryland & Virginia*

*The Animal Welfare  
Institute wishes to thank and  
acknowledge Hogan Lovells US  
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*In one survey,  
71% of pet-  
owning survivors  
of domestic  
violence reported  
that their abuser  
threatened,  
injured or killed  
their pets.<sup>1</sup>*

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<sup>1</sup>Frank R. Ascione, et al., *The Abuse of Animals and Domestic Violence: A National Survey of Shelters for Women Who Are Battered*, 5[3] Soc'y and Animals (1997), available at [http://www.ncdsv.org/images/animal\\_abuse\\_and\\_dv.pdf](http://www.ncdsv.org/images/animal_abuse_and_dv.pdf).

# WHY SHOULD PETS BE INCLUDED IN PROTECTION ORDERS?

Many families in the United States have companion animals. The 2013-2014 National Pet Owners Survey reported that 68 percent of all American households have at least one pet. Unfortunately, pets can also become victims of domestic violence. Domestic abusers harm pets and service animals just as they physically harm their partners and children. Animal abuse can become part of the cycle of power and control, as abusers use pets to prevent their victims from leaving or seeking help. Because there are few resources for survivors with pets, these threats are often successful, keeping survivors and their pets trapped in a cycle of abuse.

Despite numerous research studies and anecdotal accounts of the co-occurrence of domestic violence and animal abuse, survivors with pets still lack adequate services. Domestic violence intake interviews do not typically involve questions about the presence of pets, and according to the Sheltering Animals & Families Together (SAF-T) website, there are just around 100 pet-friendly domestic violence shelters out of over 2,500 shelters nationwide. It should be noted, however,

- > More than 1 out of every 3 women in the US have been physically abused, raped, and/or stalked by an intimate partner during their lifetimes. Black et al., *2010 Summary Report, The National Intimate Partner and Sexual Violence Survey*.
- > More households in the US have a pet than have a child. American Humane Association, *Facts about Animal Abuse & Domestic Violence*.

that there are about 1,300 other programs that provide some level of assistance to survivors with companion animals. Also, domestic violence organizations often list resources for special-needs populations on their website or in factsheets, such as resources for individuals with disabilities, LGBT individuals, or homeless survivors, but mention of pet-owning survivors is less common. It should not be surprising, then, that despite the fact that over half of the states have pet protection order laws, pets are still rarely included in petitions and final orders.

This manual is intended to serve as an educational tool<sup>2</sup> for attorneys and advocates working with pet-owning domestic violence survivors<sup>3</sup> in the District of Columbia (“DC”), Maryland (“MD”), and Virginia (“VA”). We hope that this step-by-step approach simplifies the inclusion of pets in protection orders, allowing survivors to take control of their lives and escape abuse with their pets.

“One does not have to personally value companion animals to acknowledge that others may and that exploring those relationships can add much to our understanding and treatment of children and families. Recognition that animals play a significant role in the lives of many people needs further attention in social work.” Risley-Curtiss et al., *Animal-Human Relationships in Public Child Welfare*, *Child Welfare* [2010].

<sup>2</sup>The information provided in this manual should not be considered legal advice.

<sup>3</sup>While recognizing that men are also victims of domestic abuse, we use the pronouns “she” and “her” because the vast majority of victims are women. See generally, *Domestic Violence Facts*, The Nat’l Coal. Against Domestic Violence, available at [http://www.ncadv.org/files/DomesticViolenceFactSheet\[National\].pdf](http://www.ncadv.org/files/DomesticViolenceFactSheet[National].pdf). Please note, however, that this manual is also meant to assist advocates serving pet-owning male victims of domestic violence.

# OVERVIEW OF LEGAL LANDSCAPE

**A**s of September 2014, 27 states, DC, and Puerto Rico had adopted some form of legislation explicitly allowing for the inclusion of pets in civil protection orders (so-called “Pet Protection Order” laws). A federal bill was recently introduced by Representatives Katherine Clark (D-Mass.) and Ileana Ros-Lehtinen (R-Fla.) that would enhance the protections afforded by state Pet Protection Order laws by including pets under federal laws pertaining to stalking, protection order violations, and restitution, among other provisions.

In general, there are two ways pets can be included in protection orders, though they are not mutually exclusive. First, courts generally require that petitioners demonstrate the basis upon which they are entitled to a protection order in their initial petition; this is where prior abusive incidents are detailed. Some states have “Underlying Offense” provisions that allow animal abuse to be included as part of the underlying abuse that gives rise to the right to the protection order. Second, courts also generally require that the petitioner state the relief she is seeking. Some states have “Stay Away and/or Pet Custody” provisions, which allow the petitioner to ask that the abuser be ordered to stay away from the animal and/or ask the court to grant her custody of the pet. Each is described in further detail below.

## Underlying Offense Provisions

In states with this type of provision, animal abuse can qualify as an underlying offense that may warrant a

protection order. There are at least seven states plus DC that have these provisions. (Neither MD nor VA has such a provision.) Below is an example of such a provision.

“If, after hearing, the judicial officer finds that there is good cause to believe the respondent has committed or threatened to commit a criminal offense against the petitioner or against petitioner’s animal or an animal in petitioner’s household, the judicial officer may issue a protection order...” DC Code § 16-1005(c) [2014].

## Stay Away and/or Pet Custody Provisions

In states with these types of provisions, courts are authorized to order the respondent to stay away from the pet and/or allow the petitioner to gain care, custody, or control over the pet. Below is an example of such a provision. (VA and DC also have such provisions.)

“The final protective order may include any or all of the following relief:... award temporary possession of any pet of the person eligible for relief or the respondent.” Md. Code Ann., Fam. Law § 4-506(d)[13] [2014].

## States Without Pet Protection Order Laws

Even if your state does not have a Pet Protection Order law, you can request that the court include pets in the property section or under “other relief” section.

# ADVOCATES: STEPS FOR INCLUDING PET

To ensure that petitioners with pets can effectively utilize the protections afforded by existing laws, this manual outlines four steps that advocates should take when assisting a petitioner with pets:

1. Ask the petitioner whether she has a pet, service animal, therapy animal, or whether any animals live in the home.
2. Research your state's protection order laws, including any individual law addressing Pet Protection Orders specifically.
3. Include animal abuse in the underlying offense portion of the petition and gather evidence to present at the hearing.
4. Determine what relief the petitioner is seeking regarding the pet and be sure to request that such relief is included in any temporary or final order.



## || ASK ABOUT PETS

The first and most important step is for attorneys and advocates to ask about the presence of pets during the initial conversation with the petitioner. The question should be broad enough to determine whether the petitioner owns a pet, a pet lives in her home or her abuser's home, or whether she has a service or therapy animal.<sup>4</sup>

### Sample Questions

1. *Do you have a pet?*
2. *Does an animal live in your home?*
3. *Do you have a service or therapy animal?*
4. *Has your abuser ever harmed your pet or threatened to harm your pet?*
5. *Where is your pet right now?*
6. *Is your pet safe?*
7. *Do you want to ask that the court grant you custody of your pet?*
8. *Do you want to ask that the court order your abuser to stay away from your pet?*
9. *Do you have anything that might help us prove that the abuser has threatened or hurt the animal, e.g. veterinary bills or records, photographs, or eyewitnesses?*

It is not uncommon for survivors with pets to not volunteer that they have a pet. Often they feel that there are no resources for their pets so it is pointless to raise it. Also, survivors are in crisis and may feel so rushed that they forget to mention pet concerns. It is important to realize that failing to ask about pets during intake can lead to a lost opportunity for advocates and attorneys; being able to discuss how the abuser has treated the petitioner's pets can be a valuable tool to illustrate the extent of the abuser's controlling and violent behavior.

<sup>4</sup>Some states have adopted separate laws addressing harm to service animals. Depending on the jurisdiction, harming, injuring, or killing a service animal may constitute a separate crime.

Knowing whether someone has a pet not only helps the pet get out of the abusive situation, but it also allows for comprehensive safety planning. Because it has been reported that up to 48 percent of survivors do not leave their abusive situation for fear of leaving a pet behind, discussing pets as part of safety planning helps to reduce the likelihood that a survivor may decide not to leave the abusive home.<sup>5</sup>

“It is important for agencies to acknowledge that pets are part of the family and that families experiencing domestic violence will need safety plans for their pets.” Allie Phillips, Understanding the Link between Violence to Animals and People, Nat’l Dist. Attorneys Assoc. 12 [June 2014].

## Discuss Resources for Pets

*Fewer than 100 of the approximately 2,500 domestic violence shelters allow pets.*

Once it is determined that the petitioner has a pet, it is important to work with her to figure out her immediate needs and safety plan accordingly. If the pet is in danger at home, ask her if she has any friends or family who can take care of the pet. Or, if she has financial resources, work with her to find short-term boarding facilities or hotels that allow pets. If your client needs safe housing for her pet, visit the Resources section of this manual for specific options. Be sure to discuss the differences between on-site pet housing (where pets are allowed to stay with their owners at domestic violence shelters) and other programs that typically house pets off-site in foster homes, boarding facilities, veterinary clinics, or animal shelters.

## STATE PROTECTION ORDER LAWS

The relevant laws in DC, MD, and VA are detailed in the sections below. For other states, visit the Animal Legal & Historical Center website at <http://www.animallaw.info/article/domestic-violence-and-pets-list-states-include-pets-protection-orders> for a comprehensive list of state Pet Protection Order laws.

### I. District of Columbia

The Intrafamily Offenses Act, DC Code §§ 16-1001-1006 [2009] (“IFA”), governs protection orders in DC. A domestic violence victim may file a petition for protection if (1) she resides, lives, works, or attends school in DC, (2) is under the legal custody of a DC government agency, or (3) the underlying offense occurred in DC. See DC Code § 16-1006.

The IFA provides for two types of protection orders:

- Temporary Protection Order (“TPO”)
- Civil Protection Order (“CPO”)

When an individual files for a CPO, the court will set a date for the CPO hearing. If the petitioner needs immediate relief prior to the CPO hearing, she can get a TPO as long as a judicial officer finds that her safety or welfare, or that of another member of her household, is in immediate danger due to the respondent. *Id.* § 16-1004(b). The TPO, which can be issued *ex parte*, can last up to 14 days and may be extended in 14-day increments until the CPO hearing date. DC Code § 16-1004(b)(2). A CPO, if granted, lasts up to one year.

CPOs and TPOs require that the petitioner and respondent share an interpersonal, intimate, or intrafamily relationship. DC Code § 16-1001.

<sup>5</sup>Carlisle-Frank, P. et al., Selective Battering of the Family Pet, 17(1) *Anthrozoos* 26-42 [Jan. 1, 2004].

Alternatively, even if the petitioner and respondent do not share one of these types of relationships, if the respondent is stalking, sexually abusing, or sexually assaulting the petitioner, these crimes create the requisite relationship. *Id.* Additionally, at least one criminal offense must have been committed or threatened against the petitioner, the petitioner's animal, or an animal in the petitioner's household. DC Code § 16-1005(c). CPOs and TPOs allow for the inclusion of pets in the relief section. *Id.*

#### *Interpersonal, Intimate, Intrafamily Relationship, or Crime-Created Relationship*

In order to obtain a CPO, the relationship between the petitioner and the respondent must meet the statutorily prescribed definition, which is at least one of the following:

- An Interpersonal Relationship: There is an interpersonal relationship if the petitioner and respondent are sharing a residence or have in the past, or if the petitioner and the respondent have the same current or former spouse, or domestic, sexual, or romantic partner.
- An Intimate Relationship: There is an intimate relationship between the petitioner and respondent if they are or were married or in a domestic partnership, or if they are or were in a romantic, dating, or sexual relationship.
- An Intrafamily Relationship: There is an intrafamily relationship if the petitioner and respondent are related by blood, adoption, legal custody, marriage, or domestic partnership, or if they have a child in common.
- A Crime-Created Relationship: The respondent is stalking, sexually abusing, or sexually assaulting the petitioner, or has previously stalked, sexually abused, or sexually assaulted the petitioner.

See DC Code § 16-1001.

#### *Criminal Offense*

The respondent must have committed or threatened to commit a criminal offense. The DC statute, which includes an Underlying Offense provision, states:

"If, after hearing, the judicial officer finds that there is good cause to believe the respondent has committed or threatened to commit a criminal offense against the petitioner or against petitioner's animal or an animal in petitioner's household, the judicial officer may issue a protection order...." DC Code § 16-1005(c) [2013] (emphasis added).

At the hearing, the petitioner will need to prove there is good cause to believe the respondent committed or threatened to commit a criminal offense against her animal or an animal in her household. The "good cause" requirement is equivalent to the preponderance of the evidence standard. *Cruz-Foster v. Foster*, 597 A.2d



927, 929-30 [DC 1991]. To determine criminal offenses against animals, look to the relevant animal cruelty statute:

“Whoever knowingly overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly chains, cruelly beats or mutilates, any animal, or knowingly causes or procures any animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly chained, cruelly beaten, or mutilated, and whoever, having the charge or custody of any animal, either as owners or otherwise, knowingly inflicts unnecessary cruelty upon the same, or unnecessarily fails to provide the same with proper food, drink, air, light, space, veterinary care, shelter, or protection from the weather, shall for every such offense be punished by imprisonment in jail not exceeding 180 days, or by fine not exceeding \$250, or by both.” DC Code § 22-1001(a)(1) [2008].

The elements of animal cruelty are:

1. The respondent tortures, torments, deprives of necessary sustenance, cruelly chains, cruelly beats or mutilates an animal or fails to provide proper food, drink, light space, veterinary care, shelter, or protection from the weather; and
2. The respondent does so knowingly.

*Id.*

The petitioner must prove general intent with malice, not specific intent to injure. *Regalado v. United States*,

572 A.2d 416, 420 [DC 1990]. General intent means intent to do the act that constitutes the crime. Malice means that “the actor had no ‘justification, excuse or recognized mitigation’ for his actions and that he was at least aware of the ‘plain and strong likelihood that [the resulting] harm may result.’” *Dauphine v. United States*, 73 A.3d 1029, 1033 [DC 2013] [citations omitted].

Below are several common acts of animal cruelty that often co-occur with domestic violence. Ask the petitioner whether the respondent has ever committed, or threatened to commit, any of these acts. Be prepared to argue how each act fits within the definition of animal cruelty.

- Stabbing
- Beating
- Throwing
- Crushing
- Punching
- Kicking
- Burning
- Drowning
- Killing

Note: If the court downplays or is skeptical of the significance of the animal abuse, be prepared to cite to the statute and reiterate that the court should consider the “entire mosaic” of the situation per *Cruz-Foster*, 597 A.2d at 932 [citation omitted]. Also, per a recent Memorandum Opinion in *Small v. Cannady*, it is important to present how the animal abuse committed against the animal was intended to harm the petitioner emotionally. Nos. 2013 CPO 2174, 2013 CPO 4068, 2013 CPO 4614, 2014 WL 1240252, at \*2 [DC Super. Mar. 26, 2014].



## II. MD

Maryland law provides for three types of protective orders:

- Interim Protective Order (“IPO”)
- Temporary Protective Order (“TPO”)
- Final Protective Order (“FPO”)

An IPO may be issued when courts are closed and there is a protective order hearing pending. District Court commissioners are authorized to issue an IPO as long as the commissioner finds there are reasonable grounds to believe that the respondent abused the petitioner. IPOs last until the TPO hearing or the end of the second business day the District Court clerk’s office is open following the issuance of the IPO, whichever is earlier. See Md. Code Ann., Fam. Law § 4-504.1 [2009].

A TPO can be obtained at a hearing when the court finds there are reasonable grounds to believe that the respondent abused the petitioner. These generally last up to 7 days but can be extended. The court is authorized to proceed to an FPO hearing instead of a TPO hearing if the respondent appears, has been served, there is jurisdiction over him, and if both the petitioner and respondent waive the TPO hearing. *Id.* § 4-505. An FPO generally lasts one year.

There are two main requirements to satisfy in order to obtain any of the aforementioned types of protective orders. First, the petitioner must qualify as a “person eligible for relief.” And second, the petitioner must prove “abuse.” Petitioners can request temporary possession of a pet in any of these three types of protective orders. *Id.* § 4-506.

### *Personal Eligible for Relief*

A “person eligible for relief” is defined as follows:

- A current or former spouse of the respondent
- A cohabitant of the respondent
- A person related to the respondent by blood, marriage, or adoption
- A parent, stepparent, child, or stepchild of the respondent or person eligible for relief who lived with the respondent or person eligible for relief for at least 90 days during the last year
- A vulnerable adult
- An individual who has a child in common with the respondent

*Id.* § 4-501(m).

### *Abuse*

The petitioner must prove abuse. The following acts qualify as abuse if they were committed by the respondent against the petitioner:

- An act causing serious bodily harm
- An act placing the petitioner in fear of imminent serious bodily harm
- Assault in any degree
- Rape or sexual offense, or attempted rape or sexual offense in any degree
- False imprisonment
- Stalking

*Id.* § 4-501(b)(1).

Maryland was one of a few states that required that the petitioner prove abuse by clear and convincing evidence, a higher burden than many other jurisdictions. However, effective October 1, 2014, petitioners only need to prove abuse by a preponderance of the evidence. See *Peace Orders and Protective Orders—Burden of Proof*, 2014 Md. Laws, Ch. 111.

Although Maryland does not have an underlying offense statute, you should talk to the petitioner about whether she wants to include prior animal abuse or threats of abuse in the petition. Although animal abuse should not be the sole basis for seeking to obtain a protective order in Maryland, prior acts of animal cruelty could be included in the petition as an act placing the petitioner in fear of immediate serious bodily harm. Even if the animal cruelty does not meet the definition of “abuse,” it may be a good idea to include it to demonstrate how it fits into the cycle of violence.

### III. VA

Virginia law provides for three types of protective orders:

- Emergency Protective Order [“EPO”]
- Preliminary Protective Order [“PPO”]
- Permanent Protective Order [“PO”]

An EPO is issued by a judge or magistrate, *ex parte* if necessary, and lasts up to 72 hours or until court is in session next, whichever is later. These are issued if either the alleged victim or law enforcement shows that there is probable danger of further violence, force, or threats against the victim, or if there is a petition or warrant for arrest for the respondent. Va. Code Ann. § 19.2-152.8 [2014].

A PPO can be granted even if the respondent is not at the hearing and can last up to 15 days, or until the full hearing. A PPO can be issued in an *ex parte* proceeding if there is “good cause shown.” *Id.* § 19.2-152.9[A]. This is satisfied if there is an immediate and present danger of any act of violence, force, or threat or evidence sufficient to establish probable cause that family abuse has recently occurred. *Id.* A PO can last up to two years.

*Id.* § 19.2-152.10[B]. Petitioners can request possession of any companion animal in any type of protective order. Va. Code Ann. § 16.1-279.1[A][8] [2014].

#### *Family or Household Member*

To obtain any of these types of protective orders, the petitioner must prove “family abuse.” To prove family abuse, the petitioner must show that the petitioner is a member of the respondent’s family or household, and she must show that the respondent committed an act of violence, force, or threats.

A “family or household member” is:

- A person’s spouse [regardless of whether they live together]
- A person’s former spouse [regardless of whether they live together]
- A person’s parent, stepparent, child, stepchild, brother, sister, half-brother, half-sister, grandparent, and grandchildren [regardless of whether they live together]
- A person’s mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, and sister-in-law [regardless of whether they live together]
- Someone who shares a child in common with the person [regardless of whether they live together or have been married]
- Someone who cohabitates with a person or who has cohabitated with a person in the last 12 months, and any children of either of them residing in the same home with that person

*Id.*

#### *Act of Violence, Force, or Threat*

The petitioner must show that the respondent committed any act involving violence, force, or threat resulting in bodily injury or placing the petitioner in

reasonable apprehension of death, sexual assault, or bodily injury. Some examples include:

- Assault
- Forceful detention
- Stalking
- Criminal sexual assault

*Id.*

Although Virginia does not have an underlying offense statute, you should talk to the petitioner about whether she wants to include prior animal abuse or threats of abuse in the petition. Although animal abuse should not be the sole basis for seeking to obtain a protective order in Virginia, prior acts of animal cruelty could be included in the petition as an offense placing petitioner in reasonable apprehension of death, sexual assault, or bodily injury. Even if the animal cruelty does not meet the definition of an “act of violence, force or threat,” it may be a good idea to include it to illustrate the cycle of violence.

## || GATHERING EVIDENCE FOR THE HEARING

### Fact-Gathering Questions to Ask the Petitioner

Before completing the relevant petition in DC, MD, or VA, you should ask these questions to gather information about the extent of animal abuse. The answers to these questions will help you gather evidence for the hearing, and they will also help you to present the court with a comprehensive picture of the scope of violence.

- Did the respondent threaten to harm your pet?
- Did the respondent actually physically harm your pet?
- How did the animal abuse affect you?

If the abuser has threatened to harm your client's pet, ask your client what the abuser specifically said. The statement should be admissible as an admission by a party opponent. Figure out where and when the statement occurred, and whether it is possible that someone else heard the threat [i.e., perhaps a neighbor heard the threat, or maybe the threat was made in the presence of a friend or family member]. Encourage your client to recount any physical gestures that the respondent made when he threatened the pet.

If the abuser physically hurt the pet, make sure to get as much detail as possible. It is very important that you ask whether the animal was taken to the vet as a result. If so, think about whether you need to subpoena the veterinary records and/or the veterinarian who saw the animal. Also, inquire as to whether any photographs were taken of the animal. If the abuse is recent, take photographs to document the abuse.

Tell your client to think back to the context of each specific incident. What had she and the respondent been doing leading up to the event? What does she think motivated him to hurt the animal? What did she do after the animal was hurt? Did this cause her to do or not do something? (e.g., As a result of physically harming the animal, the victim chose not to leave the home as she had previously intended to do.)

Remember, it is extremely important that the court understands how the animal abuse fits into the cycle of abuse. Because not everyone recognizes the value of companion animals, being able to show that the abuser used the pet as a pawn to keep the petitioner in the abusive situation will legitimize the significance of the animal abuse.

## Evidentiary Issues

There are several common pieces of evidence that you may want to introduce:

- Statements made by the respondent
- Veterinary records
- Photographs of injuries
- Evidence of prior animal abuse
- Prior convictions for animal abuse
- Subpoenaing a police officer
- Subpoenaing a veterinarian

Check your state's evidence rules to develop a response to possible objections to their admissibility.

## || DETERMINING RELIEF

Before attending the hearing, you need to determine what type of relief your client wishes to seek. It is a good idea to fill out a model protection order together, outlining the specific relief your client is seeking. Bring several copies of the blank protection order to the hearing.

### Questions to Ask about Desired Relief

- Do you want the abuser to be ordered to refrain from harming your pet?
- Do you want the abuser to stay away from your pet?
- Do you want to ask for custody of the pet?

### Including Pet Relief in the Petition and Model Protection Order

After you have researched the relevant laws and ascertained the necessary facts, you will need to know

how and where to include pets in the petition and in the proposed/model order. To supply this information, you should ask questions about who owns the pet and who generally takes care of the pet. Specifically, ask the petitioner whether she would like to ask for custody of the pet. If the survivor is concerned that the abuser may come after her pet, she may also want to ask that the court order the respondent to stay away from the animal in addition to herself. Next, you will need to determine where on the petition and model protection order pet abuse and relief should be placed.

#### I. DC

Although the DC statute allows the court to direct “the care, custody, or control of a domestic animal that belongs to petitioner or respondent or lives in his or her household,” DC Code § 16-1005(c)(10A) (2013), the petition and civil protection order forms do not have a specific section for pets. You should be prepared to include allegations of pet abuse in the designated area for listing criminal offenses. Include pet relief in the “other” sections on the petition and CPO.

#### II. MD

Whether asking for an IPO, TPO, or FPO, a petitioner can request “temporary possession” of either party’s pet (excluding livestock). See Md. Code Ann., Fam. Law §§ 4-504.1(c)(9), 4-505(a)(2)(ix), 4-506(d)(13). To do so, mark the box next to “[t]emporary possession of the pet(s)” and provide a description of the pet in the petition for protection from domestic violence. You may also want to explore whether it makes sense to ask the court to order the respondent to stay away from the pet if your client is afraid he may harm the pet.

#### III. VA

A petitioner can request that the court grant her

“possession of the companion animal described” by marking that box on the first page of the petition. The court can grant possession of any companion animal as part of an EPO, PPO or PO, as long as the pet meets the definition of “companion animal” and the petitioner meets the definition of “owner.” The following types of animals are “companion animals” under the Virginia statute:

- Dogs (domestic or feral)
- Cats (domestic or feral)
- Nonhuman primates
- Guinea pigs
- Hamsters
- Rabbits not raised for human food or fiber
- Exotic or native animals
- Reptiles
- Exotic or native birds
- Any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person

Agricultural animals, game species, or any animals regulated under federal law as research animals are not considered companion animals in this context. Va. Code Ann. § 3.2-6500 (2014).

“Owner” means any person who: (1) has a right of property in an animal; (2) keeps or harbors an animal; (3) has an animal in his care; or (4) acts as a custodian of an animal. *Id.* As mentioned previously, explore whether your client wants the court to order the respondent to stay away from the animal for the pet’s safety. *Id.*

## FORMS & RESOURCES

The forms referenced throughout this manual can be accessed electronically via the court websites. Make sure to confirm with your local court that the form you are using is up-to-date. We have also included general and state-specific resources for domestic violence survivors in DC, Maryland, and Virginia.

### || GENERAL

For a state-by-state, zip-code-searchable listing of safe haven programs, which include not only domestic violence shelters that also provide housing for clients’ companion animals, but also facilities that house only animals and programs that provide assistance with finding safe housing, visit the Animal Welfare Institute’s Safe Havens Mapping Project at <http://awionline.org/safe-havens>.

Additional technical assistance and guidance for advocates assisting pet-owning survivors is available at the National Resource Center on Domestic Violence website: Why Pets Mean So Much: The Human-Animal Bond in the Context of Intimate Partner Violence: <http://vawnet.org/nrcdv-publications/?type=TA%20Guidance>.



## || DISTRICT OF COLUMBIA

The Petition and Affidavit for a Civil Protection Order, Civil Protection Order and Temporary Protection Order can be found on the DC Superior Court website.  
<http://www.dccourts.gov/internet/formlocator.jsf>

### Assistance with Seeking a Protection Order

- DC SAFE  
<http://dcsafe.org/>
- Domestic Violence Intake Center  
[http://www.dccourts.gov/internet/public/aud\\_dvu\\_intake.jsf](http://www.dccourts.gov/internet/public/aud_dvu_intake.jsf)
- DC Volunteer Lawyers Project (DCVLP)  
<http://www.dcvlp.org/>

### Safe Havens for Pets

- Washington Humane Society's Safe Haven Program  
[http://support.washhumane.org/site/PageServer?pagename=programs\\_safehaven&AddInterest=1047](http://support.washhumane.org/site/PageServer?pagename=programs_safehaven&AddInterest=1047)
- Safety Network for Abused Animals & People (SNAAP)  
<http://www.snaap.org/>

### Pet-Friendly Domestic Violence Shelter

There is no pet-friendly domestic violence shelter in DC. However, if your client qualifies for the Crime Victims Compensation program, she can request to be placed in a pet-friendly motel or hotel for 30 days.

### Other Domestic Violence Resources

- DC Coalition Against Domestic Violence  
<http://www.dccadv.org/>

## || MARYLAND

The Petition for Protection and Petition for Permanent Protection from Domestic Violence can be found on the Maryland Courts website. The website also contains a Peace and Protective Order brochure.  
<http://mdcourts.gov/family/formsindex.html#petitionforprotection>

- Pet-Friendly Domestic Violence Shelter Heartly House (Frederick, MD)  
<http://www.heartlyhouse.org/>

### Other Domestic Violence Resources

- Maryland Network Against Domestic Violence  
<http://mnadv.org/>
- Maryland Coalition Against Sexual Assault  
<http://www.mcasa.org/>

## || VIRGINIA

The Petition for a Protective Order can be found on Virginia's Judicial System website.  
[www.courts.state.va.us/forms/district/civil.html](http://www.courts.state.va.us/forms/district/civil.html) or  
[www.courts.state.va.us/forms/district/dc383.pdf](http://www.courts.state.va.us/forms/district/dc383.pdf)

Online assistance with the form is available at:  
[www.courts.state.va.us/courtadmin/aoc/judpln/programs/afapo/home.html](http://www.courts.state.va.us/courtadmin/aoc/judpln/programs/afapo/home.html)

- Pet-Friendly Domestic Violence Shelter Doorways for Women and Families (Arlington, VA)  
<http://www.doorwaysva.org/>

### Other Domestic Violence Resources

- Virginia Sexual and Domestic Violence Action Alliance  
<http://www.vsdvalliance.org/>