

SENATE BILL 1062 / SL 2009-425

Strengthen DVPOs / Pets

Effective Date: August 5, 2009

Who Should Have Copies: Please distribute copies of the bill in your community

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|-----------------------|-------------------------------|
| ✓ Victims/Survivors | ✓ Judges |
| ✓ Court Advocates | ✓ District Attorneys |
| ✓ Legal Aid Attorneys | ✓ Victim/Witness Coordinators |
| ✓ Private Attorneys | ✓ Mediators |
| ✓ Magistrates | ✓ DSS Workers |
| ✓ Law Enforcement | ✓ Animal Control Officers |

Amendments to Chapter 50B, NCGS § 50B-3(a)

Summary:

[Senate Bill 1062](#) amends the relief section of Chapter 50B to specifically address the protection of pets and the possession of pets in domestic violence protective orders so that victims can leave abusive situations without fear that their pets will be harmed or killed and children who witness acts of domestic violence and animal abuse will be protected.

Background:

- 71% of victims with pets who enter domestic violence shelters report that their batterer threatened, injured, or killed family pets.ⁱ
- 25% to 40% of domestic violence victims are unable to escape their abusers because they worry about what will happen to their pets or livestock should they leave.ⁱⁱ
- One study found that 87% of batterer-perpetrated incidents of pet abuse are committed in the presence of their partners for the purpose of revenge or control.ⁱⁱⁱ
- Studies show that 62% to 76% of batterer-perpetrated incidents of pet abuse are committed in the presence of children.^{iv}
- Although the court had the authority to grant possession of pets and to protect pets under the “catch all” provision in 50B which allows the court to include any additional prohibitions or requirements the court deems necessary to protect any party or any minor child, the issue of pets was often overlooked. By including specific language in the statute and on the forms, these important issues are more likely to be addressed which will benefit victims and their children.

What is considered a pet?

- The statute defines a pet as any animal owned, possessed, kept, or held as a pet by either party or a minor child residing in the household.

What is the Process?

- The Plaintiff must check the appropriate blocks in the DVPO Complaint to 1) seek possession of the pets; and 2) ask the court to order the Defendant not to cruelly treat or abuse the pets. [block #3a & #6a on page 2]
- There is no requirement that the Defendant has previously abused the pets to be granted these provisions. However, it may be helpful to include any previous abuse of pets by the Defendant in the Complaint.
- The AOC forms have been revised accordingly. Please visit <http://www.nccourts.org> to download the current complaint and order forms (CV-303, CV-304 & CV-306).

What happens if the Defendant violates these provisions in a DVPO?

- Violation of the provision in the order that grants possession of the pets to the Plaintiff, as well as violation of the provision in the order that prohibits the Defendant from cruelly treating or abusing the pets, is a Class A1 misdemeanor.
- In addition, violation of the provision not to cruelly treat or abuse a pet falls within the mandatory arrest section of Chapter 50B [see [NCGS § 50B-4.1\(b\)](#)]. Therefore, if the Plaintiff calls law enforcement to report this violation, the Defendant should be arrested immediately. If the Defendant is no longer on the scene, law enforcement should seek a warrant for arrest.
- Keep in mind that the Defendant may have committed an additional crime of animal cruelty [see [NCGS § 14-360](#)].

ⁱ Ascione, F.R., Weber, C.V. & Wood, D.S. (1997). The abuse of animals and domestic violence: A national survey of shelters for women who are battered. *Society & Animals* 5(3), 205-218.

ⁱⁱ Arkow, P. (1994). Animal abuse and domestic violence: Intake statistics that tell a sad story. *Latham Letter* 15(2), 17.

ⁱⁱⁱ Quinlisk, J.A. (1999). Animal Abuse and Family Violence. In, Ascione, F.R. & Arkow, P., eds.: *Child Abuse, Domestic Violence, and Animal Abuse: Linking the Circles of Compassion for Prevention and Intervention*. West Lafayette, IN: Purdue University Press, pp. 168-175.

^{iv} Faver, C.A. & Strand, E.B. (2003). Domestic Violence and Animal Cruelty: Untangling the Web of Abuse. *Journal of Social Work Education*. 39(2), 237-253.

