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In favor of House Bill No. 5125

April 21, 2025

**RI House Judiciary Committee
Rhode Island State House
82 Smith Street
Providence, RI 02903**

Dear Committee Member:

On behalf of the clients, members, and board of directors, I would like to ask for your support for House Bill No. 5125 by Lombardi, Hull, Ajello, Stewart, Felix that would permit the family court to award custody of household pets to the plaintiff in a domestic abuse complaint, including the enforcement remedy of a restraining order or other injunctive relief. Please note that the following states already in place regarding this topic:

This document lists the states that include pets in domestic violence protection orders with links to the actual statutes. As of 2017, 32 states as well as D.C. and Puerto Rico have enacted such laws.

Note that 32 states and D.C. and Puerto Rico to date (2016) have enacted legislation that includes provisions for pets in DV protection orders.

Alaska

AS § 18.65.515 - 590

In 2016, the State of Alaska added language allowing the inclusion of pets in protective orders for domestic violence. Effective January 17, 2017 under Section 18.65.520, a petitioner may seek a protective order that includes a provision to "grant you [the petitioner] possession and use of a vehicle and other essential personal items, including a pet, regardless of the ownership of those items." In the new amendment to Section 18.65.590, "pet" means "a vertebrate living creature maintained for companionship or pleasure, but does not include dogs primarily owned for participation in a generally accepted mushing or pulling contest or practice or animals primarily owned for participation in rodeos or stock contests."

Arizona

R. S. § 13-3602

This Arizona law provides that, if a court issues an order of protection, the court may grant the petitioner the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the petitioner, the respondent or a minor child residing in the residence or household of the petitioner or the respondent, and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, committing an act of cruelty or neglect in violation of section 13- 2910 or otherwise disposing of the animal.

Arkansas

A.C.A. § 9-15-205 and 9-15-401 to 407

Upon a finding of domestic abuse, a court may direct the care, custody, or control of any pet. owned, possessed, leased, kept, or held by either party residing in the household" in an order for protection filed by a petitioner. Arkansas also defines emotional abuse to include harming a spouse's pet in its Spousal Safety Plan Act; emotional abuse, if committed by a spouse against his or her spouse, also constitutes spousal abuse.

California

West's Ann. Cal. Fam. Code § 6320 - 6327

On a showing of good cause, the court may include in a protective order a grant to the petitioner of this Connecticut law, any family or household member who has been subjected to a continuous threat of present physical pain or physical injury by another family may apply to the Superior Court for an order of protection. The court may also make orders for the protection of any animal owned or kept by the applicant including, but not limited to, an order enjoining the respondent from injuring or threatening to injure such animal. e exclusive care, possession, 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.

Colorado

R. S. A. § 18-6-800.3

This statute includes within the definition of "domestic violence" any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control,

punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

Connecticut

C.G.S.A. § 46b-15

Under this Connecticut law, any family or household member who has been subjected to a continuous threat of present physical pain or physical injury by another family may apply to the Superior Court for an order of protection. The court may also make orders for the protection of any animal owned or kept by the applicant including, but not limited to, an order enjoining the respondent from injuring or threatening to injure such animal.

District of Columbia (D.C.)

DC CODE § 16-1005

This D.C. law provides that if, after a 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 that directs the care, custody, or control of a domestic animal that belongs to petitioner or respondent or lives in his or her household.

Florida

West's F. S. A. § 741.30

This Florida law allows petitioners to file injunctions for protection against domestic violence. Among the described incidents of domestic violence from which the petitioner may obtain protection is where the respondent has "intentionally injured or killed a family pet." The court also considers this as a factor when determining whether there is reasonable cause to believe the petitioner is in imminent danger of becoming a victim of domestic violence. In 2012, an amendment was added to provide exemptions from public records requirements for personal identifying and location information of victims of domestic violence, repeat violence, sexual violence, and dating violence held by the clerks and law enforcement agencies.

Hawaii

H R S § 586-4

In Hawaii, the ex parte temporary restraining order may also enjoin or restrain both of the parties from taking, concealing, removing, threatening,

physically abusing, or otherwise disposing of any animal identified to the court as belonging to a household, until further order of the court.

Illinois

725 I.L.C.S. 5/112A-14

This Illinois law allows a court to issue an order of protection if the court finds that petitioner has been abused by a family or household member. It also allows for the protection of animals in domestic violence situations. The court can "[g]rant the petitioner 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."

Iowa

I.C.A. §§ 236.3, 236.4, 236.5

Iowa now allows the court to grant petitioners exclusive care, possession, or control of any pets or companion animals in both temporary and permanent orders. The animals can belong to the petitioner, the abuser, or a minor child of the petitioner or the abuser. The court can also order the abuser to stay away from the animals and not take, hide, bother, attack, threaten, or otherwise get rid of the pet or companion animal.

Louisiana

LA R.S. 46:2135

This Louisiana law allows a court to enter a temporary restraining order, without bond, as it deems necessary to protect from abuse the petitioner. Among the provisions is one that allows the court to grant ". . . to the petitioner the exclusive care, possession, or control of any pets belonging to or under the care of the petitioner or minor children residing in the residence or household of either party, and directing the defendant to refrain from harassing, interfering with, abusing or injuring any pet, without legal justification, known to be owned, possessed, leased, kept, or held by either party or a minor child residing in the residence or household of either party."

Maine

19-A M. R. S. A. § 4007

This Maine law concerning personal protection orders in cases of abuse was amended in March of 2006 to include companion animals in protection orders. The new language specifies that a court may enter an order directing the care, custody or control of any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household.

Maryland

MD FAMILY § 4-501, 504.1

This Maryland law amended in 2011 allows an interim protective order to award temporary possession of any pet (defined in § 4-501 as a domesticated animal except livestock) to the person eligible for relief or the respondent).

Massachusetts

M.G.L.A. 209A § 11

This Massachusetts law, effective October of 2012, allows the court to order the possession, care and control of any domesticated animal owned, possessed, leased, kept or held by either party or a minor child residing in the household to the plaintiff or petitioner in a no contact or restraining order. The court may order the defendant to refrain from abusing, threatening, taking, interfering with, transferring, encumbering, concealing, harming, or otherwise disposing of such animal.

Michigan

C. L. A. 600.295

This Michigan law relates to an action for a personal protection order to restrain/enjoin several categories of individuals: (1) a spouse or former spouse; (2) a person with whom the petitioner has a child in common; (3) a person in a dating relationship with petitioner; or (4) an individual who resided or is residing in the same household as the petitioner. Effective August 1, 2016, the order may now restrain or enjoin those mentioned individuals from engaging in the following actions if that person has the intent to cause the petitioner mental distress or to exert control over the petitioner with respect to an animal in which the petitioner has an ownership interest: (1) injuring, killing, torturing, neglecting, or threatening to injure, kill, torture, or neglect the animal; (2) removing the animal from the petitioner's possession; or (3) retaining or obtaining possession of the animal. Section 30 describes the criteria under which a petitioner is deemed to have an ownership interest in an animal.

Minnesota

M.S.A. § 518B.01

This law reflects Minnesota's provision for restraining orders in cases of domestic abuse. An amendment in 2010 concerns the care and keeping of a companion animal owed by either petitioner or respondent and has a provision to allow the court to prevent harm to such animal. As stated in the law, "The order may direct the care, possession, or control of a pet or companion animal owned, possessed, or kept by the petitioner or respondent or a child of the petitioner or respondent. It may also direct the respondent to refrain from physically abusing or injuring any pet or companion animal, without legal justification, known to be owned, possessed, kept, or held by either party or a minor child residing in the residence or household of either party as an indirect means of intentionally threatening the safety of such person."

Nevada

NEV. REV. STAT. §33.018

In Nevada, a knowing, purposeful or reckless course of conduct intended to harass the other such as injuring or killing an animal, is included in their definition of Domestic Violence. A victim can then get a Protection Order and enjoin the adverse party from physically injuring, threatening to injure, or taking possession of any animal that is owned or kept by the applicant or minor child, either directly or through an agent.

New Hampshire

N.H. Rev. Stat. §§ 173-B:1, 173:B4, 173:B5

New Hampshire now considers animal cruelty to be "abuse" under its protection of persons from domestic violence statute. The law now allows a judge to grant the petitioner of a protective order exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by the victim, the abuser, or a minor child in the household; the law also allows a judge to order the abuser to stay away from the pet in both temporary and final domestic violence protective orders.

New Jersey

N.J.S.A. 2C:25-26, 27,28, 29

On January 17, 2012, Governor Christie signed the Domestic Violence Pet Protection Law. The law authorizes courts to include pets in domestic violence restraining orders. The court is allowed to enter an order "prohibiting the defendant from having any contact with any animal owed, possessed, leased, kept or held by either party or a minor child residing in the household."

New York

McKinney's Family Court Act § 842

This New York law pertains to the issuance of protection orders. In July of 2006, the amendment that allows companion animals owned by the petitioner of the order or a minor child residing in the household to be included in the order was signed into law. The law specifically allows a court to order the respondent 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 or a minor child residing in the household.

North Carolina

N.C.G.S.A. § 50B-3

This North Carolina law reflects the state's provision for protective orders in cases of domestic abuse. A protective order may provide for possession of personal property of the parties, including 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. The court may also order a party to refrain from cruelly treating or abusing an animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.

Ohio

R.C. § 3113.31

In 2014, the law was amended to allow a court to grant a protection order that may: (E)(1)(i) require that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the petitioner; and (j) authorize the petitioner to remove a companion animal owned by the petitioner from the possession of the respondent.

"Companion animal" has the same meaning as in section 959.131 of the Revised Code, which is defined as any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. The term "companion animal" does not include livestock or any wild animal.

Oklahoma

Okl. St. Ann. § 60.2

This Oklahoma law reflects the state's provision for protective orders in cases of domestic abuse. The person seeking a protective order may further request the exclusive care, possession, or control of any animal owned, possessed, leased, kept, or held by either the petitioner, defendant or minor child residing in the residence of the petitioner or defendant. The court may order the defendant to make no contact with the animal and forbid the

defendant from taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal.

Oregon

O.R.S. § 107.718

Under this Oregon law, if requested by a petitioner who has been the victim of domestic abuse, the court may enter an order to protect a companion or therapy animal. This includes an order to "prevent the neglect and protect the safety of any service or therapy animal or any animal kept for personal protection or companionship, but not an animal kept for any business, commercial, agricultural or economic purpose."

Puerto Rico

PR ST T. 5 § 1678; 5 L.P.R.A. § 1678

This Puerto Rico law provides that, in all cases in which a person is accused of domestic violence or child abuse, the court shall, by petition of party, issue a protection order for the petitioner so that he/she be the sole custodian of the animal. The court shall order the accused to keep far away from the animal and prohibit contact of any kind. Violation is a fourth-degree felony.

South Carolina

Code 1976 § 20-4-60

South Carolina now allows a judge to issue a protective order that prohibits the harm or harassment against any pet animal owned, possessed, kept, or held by the petitioner; any family or household member designated in the order; or the respondent if the petitioner has a demonstrated interest in the pet animal. The law also allows the judge to issue a protective order that provides for temporary possession of the personal property, including pet animals, of the parties and order assistance from law enforcement officers in removing personal property of the petitioner if the respondent's eviction has not been ordered.

Tennessee

C. A. § 36-3-601

Under Tennessee's Domestic Abuse Act, the definitional section states that "abuse" includes inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by an adult or minor. Section 606(9) allows the court to direct the care, custody, or control of any animal owned, possessed, leased, or kept, or held by either party or a minor

residing in the household. Further, in no instance shall the animal be placed in the care, custody, or control of the respondent, but shall instead be placed in the care, custody, or control of the petitioner or in an appropriate animal foster situation.

Texas

V.T.C.A., Family Code § 85.021

In a protective order in Texas, the court may prohibit a party from removing a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code, from the possession of a person named in the order.

Vermont

15 V.S.A. § 1103

Vermont law was amended to allow a court to include an order relating to the possession, care and control of any animal owned, possessed, leased, kept, or held as a pet by either party or a minor child residing in the household in a domestic violence situation.

Virginia

VA Code Ann. §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, and 19.2-152.10

In 2014, Virginia amended its Protective Order laws to grant petitioners possession of any "companion animal," so long as the petitioner is considered the owner. Companion animals include any family pets, such as dogs, cats, hamsters, etc., but do not include farm animals. To be considered an owner, a petitioner must either have a property interest in the animal, keep or house the animal, have the animal in their care, or have acted as a custodian of the animal. This new provision is now included in Virginia's Emergency Protective Orders, Preliminary Protective Orders, and Protective Orders.

Washington

West's RCWA 26.50.060

This Washington law reflects the state's provision for protective orders in cases of domestic abuse. In addition to other forms of relief, a court may also order possession and use of essential personal effects. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent and may prohibit the respondent from interfering

with the petitioner's efforts to remove the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found.

West Virginia

Va. Code, § 48-27-503

In West Virginia, the terms of a protective order may include awarding the petitioner the exclusive care, possession, 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 prohibiting the respondent from taking, concealing, molesting, physically injuring, killing or otherwise disposing of the animal and limiting or precluding contact by the respondent with the animal.

Wisconsin

Wis. Stat. Ann. § 813.12, 813.122, 813.123

Wisconsin allows "household pets," defined as domestic animals that are not farm animals, that are kept, owned, or cared for by the petitioner or by a family member or a household member of the petitioner, to be included in restraining orders or injunctions in domestic abuse cases, child abuse cases, and cases filed by "individuals at risk." In both cases of domestic abuse and child abuse, a judge or circuit court commissioner shall issue a temporary restraining order ordering the respondent to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet, to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet, or any combination of these remedies requested in the petition. An "individual at risk" may also seek a TRO and injunction that orders the respondent to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet and allow the individual at risk or a guardian, guardian ad litem, family member, or household member of the individual at risk acting on his or her behalf to retrieve a household pet.

Sincerely,

Dennis Tabella

Dennis Tabella
Director