

ANIMALS IN CIVIL PROTECTION ORDERS



INTRODUCTION



Shayla Peel, JD

Family and Domestic Violence Programs Manager

Maggie

Emotional Support Animal/Service Dog

PETS AND DOMESTIC VIOLENCE

- The Urban Resource Institute (URI) PALS Survey in 2021 found:
 - 97% of those surveyed said that keeping their pets with them is an important factor in deciding whether or not to seek shelter
 - 50% of survey respondents would not consider shelter for themselves if they could not take their pets with them
 - 48% were worried that the abusive partner would harm or kill the pets; 37% reported that the abusive partner had already threatened to harm or kill pets; and 29% said pets had already been harmed or killed



The Power and Control Wheel of animal abuse and domestic violence



When a child has been abused contact:
Oranga Tamariki, the Ministry for Children (0508 FAMILY)

If an animal has been harmed contact the SPCA:
SPCA New Zealand Targeted Intervention Manager 027 700 3495



IDAHO CIVIL PROTECTION ORDERS – DOMESTIC VIOLENCE

Idaho Code 39-6304

- “a person may seek relief from domestic violence by filing a petition based on a sworn affidavit....alleging that the person or a family or household member...is the victim of domestic violence.”

Idaho Code 39-6306

- Upon a showing that there is an immediate and present danger of domestic violence to the petitioner the court may, if requested order for a period not to exceed one (1) year that:
 - Temporary custody of the minor children of the petitioner be awarded to the petitioner
 - A party may be restrained from committing acts of domestic violence;
 - Exclude the respondent from the dwelling which the parties share or from the residence of the petitioner;
 - The respondent be ordered to participate in treatment or counseling services...
 - ***Other relief be ordered as the court deems necessary for the protection of a family or household member***
 - Respondent restrained from harassing, contacting etc.
 - Respondent restrained from entering various premises

because I do not want my information on this petition.

Full Name of Party Filing Document
Mailing Address (Street or Post Office Box)
City, State and Zip Code
Telephone
Email Address (if any)

IN THE DISTRICT COURT FOR THE JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF
MAGISTRATE DIVISION

Petitioner (Person Seeking Protection Order),
vs.
Respondent (Person You Want Restrained)
Case No.
SWORN PETITION FOR PROTECTION ORDER
Select:
 Domestic Violence (I.C. § 39-6304)
 Stalking and/or Threats (I.C. § 18-7907)

THE LAW REQUIRES THAT THE RESPONDENT BE GIVEN A COPY OF THIS COMPLETED FORM AND ALL ATTACHMENTS.

1. Protected Person(s). I am seeking a protection order for:
 Myself.
 The following minor child/ren (first and last names):
My relationship to child/ren is: Custodial parent Non-custodial parent Guardian
 The following family or household member (first and last names):

7. I ask the Court to order the following:

a. Personal Conduct Order.

Respondent shall not contact or attempt to contact the protected person(s) identified in Section 1 of this petition, in any manner, including in person or through another person, or in writing or through any electronic means, including telephone, email, text, through social networking, or facsimile. Respondent shall not harass; stalk; threaten; use, attempt to use or threaten use of physical force; or engage in any other conduct that would place the protected person(s) in reasonable fear of bodily injury.

b. Stay Away Order.

i. Respondent shall at all times stay away from:

- My residence at:
- No address is given because I do not want my address on this petition.
- Protected Minor's residence at:
- My workplace and/or school at:
- Protected Minor's workplace and/or school at:
- My child/ren's school and/or childcare at:
- Other:

ii. Are any of these addresses within 1,500 feet of where Respondent lives, works, or attends school? No Yes. Please explain the distance and circumstances:

c. Move-out Order.

Respondent shall move from the residence at:

and take from the dwelling only items needed for employment and necessary personal effects (at peace officer's discretion).

d. Child Custody.

Stay the same as ordered in an existing child custody/divorce decree
(Case #, County):

Temporary custody of the minor child/ren named in Section 4 above, be awarded to:

- me
- Respondent.

The other parent should have:

Visitation as follows (list specific days and times)

Neutral drop off and pick up location at:

Transportation provided by

Supervised visitation, why and supervised by whom

No visitation.

e. Treatment/counseling.

Respondent be ordered to participate in treatment or counseling services for (purpose)

f. Other relief requested:

CERTIFICATION UNDER PENALTY OF PERJURY

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Date:

Typed/printed name

Signature

TIPS



Present evidence that abuse of pet is directly related to abuse of petitioner



Provide testimony that pet has been abused and is in danger



Have evidence of ownership

- Vet records
- Registration records
- Purchase records
- ESA Letter



DOGS AND SMALL CLAIMS/DIVORCE

- I.C. 25-2807
 - “Dogs are property; and when the value of any dog is material in any civil or criminal proceeding in this state, the same may be established under the usual rules of evidence relating to values of personal property”



PETS IN PROTECTION ORDERS IN OTHER STATES

- Alaska
- Arizona
- Arkansas
- California
- Colorado
- Connecticut
- Hawaii
- Illinois
- Indiana
- Iowa
- Louisiana
- Maine
- Maryland
- Massachusetts
- Michigan
- Minnesota
- Nevada
- New Hampshire
- New Jersey
- New York
- North Carolina
- Ohio
- Oklahoma
- Oregon
- Rhode Island
- South Carolina
- Tennessee
- Texas
- Vermont
- Virginia
- Washington
- West Virginia
- Wisconsin
- Wyoming

FEDERAL LAW AND PETS

- H.R. 909/S.322- The PAWS (Pet and Women Safety Act)
 - Prohibits crossing state lines to harm a domestic partner's pet
 - Establishes federal grant funding to aid programs in providing safe places for domestic violence survivors to go with their pets
 - Adds veterinary care to the list of restitution costs that can be recovered by victims
 - Recommendation by Congress that states should include pets in protective orders

QUESTIONS OR COMMENTS?

