



Animal Welfare
Institute

GETTING TO SAFETY: WHAT DO WE KNOW? HOW DO WE HELP?

Presentation For The Battered Women's Justice Program, June 24, 2022

Safe Havens for Pets of DV Victims

- Various arrangements, depending on local community
- Co-housing of domestic violence survivors and their pets
- Local vets provide shelter and medical care
- Fostering
- Negotiating extra kennel space off-site



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Safe havens “deserts”

- Although there are approximate 1,200 safe havens for pets of domestic violence survivors in the U.S., there are not enough
- Some areas of the country have none or too few safe havens for pets
- Safe havens deserts research
 - Established the population of the county for every state
 - Counted the number of safe havens in each county
 - Determined a per capita rate of safe havens for pets per county in each state
 - Results organized by state, showing counties alphabetically and also by descending order for per capita rate



Most important federal law affecting domestic violence survivors who have pets:

The Pet and Women Safety Act

Added to the 2018 Farm Bill
(PL 115-334, the Agriculture Improvement Act of 2018)
as **Section 12502, Protecting Animals With Shelter**

Creates the **Emergency and Transitional Pet Shelter and Housing Assistance Grant Program** for victims of domestic violence, dating violence, sexual assault, and stalking ("domestic violence"). Grants may be made to eligible entities to enable them to provide the following programs:

- **Emergency and transitional shelter and housing assistance** to domestic violence victims with pets, service animals, emotional support animals, and horses ("pets").

These grants may be used for **construction or operating expenses for new or existing emergency or transitional housing or shelter** for the above-named animals of domestic violence victims. **Such housing may be co-located at a domestic violence shelter or within the community.**

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- Short-term shelter and housing assistance for this group in the form of assistance with expenses related to temporary shelter, housing, boarding, or fostering the pets, service or support animals, or support animals of domestic violence survivors, or other expenses incidental to securing the safety of such animals during the sheltering, housing, or relocation of these individuals.
 - Support services that enable a domestic violence survivor who is attempting to flee to locate safe housing for herself and her pet, support or service animal, or horse; or that provide related assistance such as transportation or care services.
 - Training in the link between animal abuse and domestic violence; the needs of dv survivors; and best practices for meeting those needs.
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- Training in the link between animal abuse and domestic violence; the needs of dv victims; and best practices for meeting those needs.
- Assistance may be provided to a dv survivor for up to 24 months, with a 6 month extension when the individual has made a good faith but unsuccessful effort to acquire permanent housing.



“Eligible entities” include the following:

- State and local governments
- Indian tribes
- Organizations with documented histories of providing assistance to dv victims
- Organizations that work directly with pets, service and support animals, or horses, such as animal shelters or animal welfare organizations, and collaborate with any of the other named entities.



Applications requirements include providing the following:

- A description of the activities for which the funding is sought
- Assurances to ensure compliance with the requirements of the program and an understanding of the dynamics of domestic violence
- Certification that the entity will disclose to any dv victim any duty on the part of the service provider to report instances of abuse (including animal abuse)

There may be no requirement for background checks, or requiring the client to accept mandatory services or obtain a protection order.

Under PAWS, law enforcement is equipped with additional tools to protect survivors and their pets from their abusers.

The new law amends existing federal domestic violence protections to prohibit the following:

- Interstate harassing and stalking that places victims in reasonable fear of the death of, or serious bodily injury to, their pet, service or emotional support animal, or horse. While these protections are currently available to victims and their immediate family members (18 U.S.C. 2261A), the PAWS Act would ensure that their pets are also protected.
- There is now a criminal penalty for traveling across state lines for the purpose of harming a pet who is covered by a restraining order.

PAWS also authorizes restitution for veterinary medical expenses.

Other Ways to Assist Survivors With Companion Animals

Make sure they are aware of option to include pet(s) on a Temporary Restraining Order (TRO) or Order of Protection

[Thirty-six states, the District of Columbia, and Puerto Rico](#) have laws to ensure that victims of domestic violence can include their pets in restraining orders.

- **MN compiled data on the use of protection orders to cover companion animals there. It found that in 2010, the year in which it amended its domestic violence law to allow for the inclusion of pets on protection orders, 167 such orders included pets. By 2013, pets had been added to 1,067 orders, well over a 500% increase.**

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- 2005: Maine became the first state to adopt a law allowing for the inclusion of pets on protection orders.
 - Nothing in Maine's laws prohibited the inclusion of pets in restraining orders but judges indicated that they were reluctant to take that step without direct statutory authorization.
 - On April 20, 2022, Maine expanded its historic statute when Gov. Janet Mills signed LD 1696. The new law further prohibits defendants from possessing any dangerous weapons if the defendant has a history of abuse including killing or threatening to kill any animal in the household. Courts may direct defendants to not possess a firearm, muzzle-loading firearm, bow, crossbow, or other dangerous weapon for the duration of the protection order if the complaint demonstrates abuse involving a weapon or a heightened risk of immediate abuse to the plaintiff or a child based upon numerous types of violence, including killing or threatening animals in the household. Especially significant in the legislation is its preamble which recognizes "domestic abuse as a serious crime against the individual and society, producing an unhealthy and dangerous family environment, resulting in a pattern of escalating abuse, including violence, that frequently culminates in intrafamily homicide and creating an atmosphere that is not conducive to healthy childhood development." The amendment is also designed "to allow family and household members who are victims of domestic abuse to obtain expeditious and effective protection against further abuse so that the lives of the nonabusing family or household members are as secure and uninterrupted as possible."
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Even in those states without such specific laws, it is generally possible to add pets to orders as property—this is one instance in which their legal position as “property” actually works to their benefit. Most state protection order laws contain language that gives courts discretion to permit additional orders. For example, a court can order that pets be included in a TRO as they do for the temporary care of children or possession of property. Conditions bonds also can include pets. And a protection order can authorize law enforcement to assist with the removal of a pet from the home.



The types of relief and levels of protection vary from state to state. In general, there are two ways by which protection orders can cover pets, though they are not mutually exclusive.

- Courts can require petitioners (the domestic violence survivor, though this can be applicable as well in cases of stalking or elder abuse) to demonstrate the basis upon which they are entitled to a protection order in their initial petition, where prior abuse incidents are detailed. Some states have “underlying offense” provisions that allow episodes of animal cruelty to be included as part of the underlying abuse that gives rise to the need for and right to a protection order.
- Second, courts also generally require that petitioners state the relief they are seeking. In states with “stay away” and/or custody stipulations, petitioners may have the option of requesting that the order direct respondents to stay away from the companion animal and prohibit them from harming or threatening the pet. In some states, the courts may grant petitioners custody or “care and control” over the animal, or order a respondent not to take the pet away from the victim. Petitioners are often advised to be prepared to document that they have been the pet’s caregiver, although in California, domestic violence survivors may be awarded possession of their family pets regardless of who is the “official” owner.

At the state level, the most significant development has been the inclusion of “animal abuse” in the definition of domestic violence, and/or specific authorization for allowing protection orders to cover pets.

- 2005: Maine became the first state to adopt a law allowing for the inclusion of pets on protection orders.
- Nothing in Maine’s laws prohibited the inclusion of pets in restraining orders but judges indicated that they were reluctant to take that step without direct statutory authorization.
- Now, 36 states, the District of Columbia, and Puerto Rico specifically allow for companion animals to be covered by protection orders and/or establish abuse of an animal as one of the domestic violence offenses from which the petitioner may seek protection.
- MN compiled data on the use of protection orders to cover companion animals. It found that in 2010, the year in which it amended its domestic violence law to allow for the inclusion of pets on protection orders, 167 such orders included pets. By 2013, pets had been added to 1,067 orders, well over a 500% increase.

Not easy to find usage data...but...

- MN compiled data on the use of protection orders to cover companion animals. It found that in **2010**, the year in which it amended its domestic violence law to allow for the inclusion of pets on protection orders, **167 such orders included pets**. By **2013**, **pets had been added to 1,067 orders, well over a 500% increase**.
- In New York in 2018, the number of temporary orders of protection issued in Family Court that included protection for companion animals **increased by 33 percent over the prior year** and the number of final orders of protection issued in Family Court that included protection for companion animals **increased by 75 percent**.



Designating Animal Abuse as a Form of Domestic Violence

Some legal scholars contend that animal mistreatment should be considered as a form, or component, of domestic violence. Upadhya (2014) proposed that "...domestic violence statutes must treat animal cruelty as a domestic violence offense when committed with the purpose of harming or coercing the human victim." (p. 1164)

15 states have already taken this approach, several in addition to allowing the inclusion of pets on protection orders. In 10, coercive animal abuse is considered domestic violence; in 5, animal abuse is an enhancement to domestic violence charges.

- **Nevada:** Harming an animal to harass a spouse or partner is considered domestic violence and can be given as grounds for a protection order.
- **Florida:** "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 may consider 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."
(https://www.animallaw.info/filters?topic=25221&species=All&type=statute&country=All&jurisdiction=20881&combine_op=contains&keyword=)
 - In July 2020, FL enacted a law allowing for the inclusion of pets on protection orders
- **Utah:** In March 2019, Governor Gary Herbert signed SB 45, amending the state's Cohabitant Abuse Procedures Act adding to its list of offenses that may qualify as domestic violence "aggravated cruelty to an animal with the intent to harass or threaten" another family or household member, or person with whom the abuser is involved in a consensual sexual relationship. The bill's sponsor, state Senator Allen Christensen, said he took action after law enforcement in his district made him aware of the problem.

<https://apnews.com/article/violence-seattle-washington-statutes-domestic-violence-640731632d5812df4ecb505c6a314eee>

AP NEWS

Washington justices: Animal abuse can be domestic violence

February 17, 2022

OLYMPIA, Wash. (AP) — The Washington Supreme Court on Thursday unanimously confirmed that animal abuse can constitute domestic violence.

The court issued its ruling in the case of Charmarke Abdi-Issa, a Tukwila man who was convicted of animal abuse with a domestic violence designation for savagely beating his girlfriend's dog — a Chihuahua-dachshund mix named Mona — to death in a Seattle parking lot in 2018.

He was sentenced to 18 months in prison — 12 for animal abuse and an extra six because the attack traumatized a woman who saw him pounding on the yelping dog and booting it into some bushes.

Responding officers took Mona to a veterinary clinic, where the animal died.

The justices unanimously held that the purpose of the domestic violence designation is to enforce existing criminal statutes in a way that ensures victims are protected. It allows courts to issue a post-conviction no-contact order between the perpetrator and the victim.

While the court unanimously agreed that the domestic violence designation was properly applied in Abdi-Issa's case, two justices — Debra Stephens and Barbara Madsen — disagreed with the majority's decision to uphold the extra six months he received for traumatizing a witness.

Stephens and Madsen said that aggravating factor must apply only when a crime has a destructive and foreseeable impact on a specific person or group of people besides the victim — not simply because the crime is committed in public and a witness is traumatized.

Added Penalties for Exposing Children to Animal Cruelty

Even when physical violence is not inflicted directly upon children, they may be forced to witness or even participate in the abuse of an animal, such as being told that they are not allowed to feed the pet, or worse, are coerced into physically harming the animal. Enhancing penalties in such cases is another policy option for responding to animal abuse in the context of intimate partner violence, though it is one that is used less frequently.

- Four states—**Arkansas, Idaho, Illinois, and Oregon**—provide additional penalties when animal abuse is committed in front of a child.
- In **Washington** state, punishment is more severe if a minor is forced to inflict pain or injury on an animal.
- **Florida** and **Texas** enhance penalties for engaging in animal sexual assault in front of a minor, and Florida also extends that to encouraging, forcing, or enticing a minor to engage in animal sexual assault.



Woman ordered to court for dog beating caught on video

by: [Myles Snyder](#)

Posted: Jun 18, /2019 / 09:52 AM EDT

Updated: Jun 19, 2019 12:02 AM EDT

<https://www.abc27.com/news/local/lancaster/woman-ordered-to-court-for-dog-beating-in-video/>

LANCASTER, Pa. (WHTM) — A Lancaster woman is headed to trial for beating her dog and ordering her pre-teenage son to contribute to the abuse.

Ashley Gaston, 28, was ordered to court on all charges after a preliminary hearing on Monday. A district judge found enough evidence for trial after watching a video of the abuse recorded by a neighbor and ordered that Gaston's bail remain at \$50,000.

The Lancaster County District Attorney's Office said Gaston repeatedly kicked a 1-year-old dog named Trigger and stomped on the animal's head, then commanded her son to beat the dog.

The dog sustained cuts and contusions, including bruised lungs. It will be placed with a new owner.

Gaston is charged with felony counts of aggravated animal cruelty and endangering a child, and a misdemeanor count of corruption of a minor.

Animal Abuse as a Factor in Child Custody Decisions

- AWI has documented a number of cases in which **evidence of animal abuse has been introduced during child custody hearings**. In many of those cases, it has been one of the factors leading to removal of children from one or both parents.
- In one such case involving sexual abuse and neglect of the children, the appellants motioned the court to sever the animal cruelty charges from the sexual abuse charges; however, the court declined, stating that the offenses were intertwined, and evidence of “animal cruelty was essential to establish the physical abuse offenses.” In reaching this conclusion, the court considered that **the animal abuse led to discovering the child abuse**, and that “mistreatment of the animals greatly reflected upon [the defendants’] state of mind when they committed the physical and sexual abuse.” *Schambon v. Commonwealth*, 821 S.W.2d 804 (Ky. 1991)
- **The National Council of Juvenile and Family Court Judges** has gone all in in taking up this issue, working with the Animal Legal Defense Fund to bring a wide array of training opportunities to judges to expand their understanding of the relationship between animal cruelty and child abuse and how important this understanding is to the work they do with families.

Cross-Reporting

The growing awareness of animal cruelty as a serious crime in and of itself, as well as of the link between it and other crimes, particularly intimate partner violence, has led to a variety of other policy responses.

- Domestic violence advocacy organizations include information about animal abuse on their websites.
- Veterinarians are taking more seriously their role as the possible first point of contact for a domestic violence victim with an abused pet. The reporting of animal abuse to the authorities may be the first step to intervening in a violent household—and possibly interrupting the cycle of violence.
- Veterinarians aren’t the only professionals being called on to notify authorities about suspected cases of animal, child, or elder abuse. Social workers, family and child advocates, animal control/humane law enforcement officers, and adult protective service workers are increasingly being encouraged or required to “cross report,” that is, to notify the relevant authorities if, in the course of their regular duties, they observe conditions that might suggest others are also endangered. States are enacting laws to require various levels of cross reporting.

Ohio HB 33 expanded cross reporting of abuse of both animals and people.

- Signed by Governor Mike DeWine on Jan. 6, 2021. Became effective April 2021.
- Requires veterinarians, social service professionals, and counselors who encounter abused companion animals to report their observations to law enforcement or animal control officers.
- Law enforcement and animal control officers must notify social service professionals if a child or senior citizen resides with an alleged animal abuser.
- Adds dog wardens to the list of mandated reporters of child abuse.

Northeast Ohio animal shelters feeling impact of mandated reporting from House bill

<https://www.wkyc.com/article/life/pets/northeast-ohio-animal-shelters-feel-impact-mandated-reporting-house-bill/95-a55a5543-46ed-4484-bd28-daf0cde927b5>

- “We’re seeing a handful more of those particular calls,” said Greg Willey, executive director at Friendship APL. “We’re really proud of our adult protective services and child protective services who are taking advantage and reaching out to us in these cases.”
 - Willey said he is excited for the partnerships and collaboration being built through this reporting system, and said he finds them beneficial.
 - He also noted that the animals coming in as a result of these reports are often involved in more complicated cases.
 - “These animals that are coming in through these types of situations, they’re complicated, as the situation would indicate,” Willey said. “They require more time in the shelter, more time to recover.”
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The legislation helps not only animals, but humans, too.

"If the APL or humane society and the county receives a call regarding animal cruelty, and they go in the home, and there's children in that home, they are mandated then to make a call to our agency," said Fox Berki. [executive director of Lorain County Children Services]

She said that while their agency has reported animal abuse or neglect cases in the past, this bill makes that process more consistent.

"It's very clear when reporting needs to happen, and it's only going to improve the relationship that Lorain County Children Services has with the Friendship APL and the county," she said. "We have a good relationship and now that relationship is just going to be stronger."

Coordinated Community Response Teams

- A particularly effective and concrete expression of the cross reporting concept.
 - Generally include members from private and public service providers (such as departments of children and families), health care providers (including mental health), and representatives from schools, faith communities, and others including, ideally, animal control/humane law enforcement officers and veterinarians.
 - Purpose: To bring the expertise of their varied membership to bear on problem solving, to develop strategies and procedures for thinking through and responding to domestic violence, sexual assault, child abuse, elder abuse, and animal cruelty.
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Financial help for domestic violence survivors to protect yourself and your pet

- American Kennel Club Humane Fund (general)
http://images.akc.org/humane_fund/GrantApp_Women.pdf
- Amie's Place Foundation "Offers support for programs to help keep people and pets together during times of crisis" (general)
<http://www.amiesplacefoundation.org/html/apply.html>, <http://www.philanthropynewsdigest.org/rfps/amie-s-place-foundation-offers-support-for-programs-to-help-keep-people-and-pets-together-during-times-of-crisis>
- Veterinary Care Foundation (for vets only)
<https://veterinarycarefoundation.org/how-it-works/>
- Veterinary Care Charitable Fund (for vets only)
<https://www.vccfund.org/about-vccf/>
- Marion Dougherty Safe Haven Fund (NYC only)
<http://www.animalallianceny.org/wordpress/2013/07/alliance-launches-marion-dougherty-safe-haven-fund-to-assist-domestic-violence-victims-and-their-pets/>
- Red Rover (general). Two types of grants: 1) to cover temporary boarding and/or veterinary care costs to enable a victim to remove pets to safety 2) to cover start-up costs for a domestic violence shelter seeking to house pets on-site
<http://www.redrover.org/redrover-relief-domestic-violence-resources>

Will places that accept pets of domestic violence victims be concerned about COVID-19 transmission from pets?

- The American Veterinary Medical Association discusses the topic of both animal and human health concerns in the time of COVID 19.
<https://www.avma.org/resources-tools/animal-health-and-welfare/covid-19/sars-cov-2-animals-including-pets>
- HSUS's Sheltering magazine is another good source for the animal side of safe havens; information on COVID 19 can also be found.
<https://www.animalsheltering.org/COVID19>
- As an example of what a shelter in the middle of the pandemic is doing, there is the Urban Resource Institute. It is operating and has numbers to call:
<https://uriny.org/uripals/>

Resources available at

<https://awionline.org/content/animals-family-violence>

- Safety Planning for Pets
- Manuals for each state to assist with including pets in protection orders whether or not there is a specific law authorizing their inclusion. <https://awionline.org/content/including-pets-protection-orders>
- Safe Havens Mapping Project
- Facts and Myths about Domestic Violence and Animal Abuse
- Children and Animals At Risk

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