

Get Out

and keep them safe, too!

Including animals in protective orders

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For lawyers

- The use of PAFVA does not amount to a protection order for the animal. Rather, the question is how animals may be considered in the conditions of protection orders for victims of domestic violence.
- Studies in numerous jurisdictions (including the Alberta SPCA study) have shown that victims' concerns for their animals are related to their own protection.
- Various jurisdictions (including 25 US states) have enacted legislation that include provisions for pets in domestic violence protection orders (see: www.animallaw.info).
- Direct protection for animals in domestic violence may also be addressed by Alberta's *Animal Protection Act* and the following sections of the *Criminal Code of Canada*: 444 & 445 (injuring or endangering), 445.1 (causing unnecessary suffering), 446 (neglect and abandonment) and 264.1(1)(c) (uttering threats).



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You can do something about it.



You're not the only one.

Abusers often threaten pets or livestock to control their victims and make them stay. And it works.

In a 2012 Alberta SPCA study, most pet-owning women in emergency shelters (59%) delayed leaving the abusive situation out of concern for their pets or livestock. More than one-third reported that their animals were threatened by the abuser – and those threats were carried out 85% of the time.

Children are also affected. Most of the time, children witness or know about the animal abuse, and in half of the situations it's the child's own pet that is threatened or harmed.

Animals are important to people – livestock can provide income, and pets give us comfort. We often think of pets as part of the family. Legally, though, they're not considered family members. Instead, they are technically considered 'property.' As a result, they are often overlooked in protection orders, as it is said that it is inappropriate to consider the division of property in protection orders. However, pets and livestock are not mere property: they are not like a television or a car, and their well-being can be extremely relevant for the protection of a victim of domestic violence.

Alberta's *Protection Against Family Violence Act* (PAFVA) states that, when making an *Emergency Protection Order* (EPO), a judge can consider "any other provisions [...] necessary to provide for the immediate protection" of the victim (section 2(30)(g)). If the animals' protection is necessary to quickly get victims to safety, then that protection fits under this PAFVA concept of 'any other provision.' Similarly, when making *Queen's Bench Protection Orders* (QBPO), section 4(2)(m) of PAFVA, allows for "any other provision that the Court considers appropriate." As the Alberta SPCA study shows, concern for pets or livestock can – and often does – affect the ability of victims to leave abusive relationships. Furthermore, in many cases those concerns arose from expressed threats made by the abusive partner towards the animal. Victims are at risk longer because of their concern for their animals.



What to do:

- Make note of the dates and extent of the threats.
- If there is evidence of the threat (letter, email, text, recording), keep that evidence.
- Take pictures of any injuries.
- Keep evidence of veterinary bills and pet supplies for which you paid.
- If there are any ownership papers in your name, be sure to keep a copy and include it in your safety plan.
- If possible, keep your pets' vaccinations and licence up to date.
- Tell your lawyer about the threats and the evidence, and request that any protective order includes provisions for the safety of your pets or livestock.