



Can incidents of prior animal or child abuse be admitted as a prior bad act in a domestic violence case?

If your state has a domestic violence “prior bad act” statute, you may be able to argue that prior acts of animal or child abuse may be admissible so long as animal or child abuse is defined as a form of domestic violence. If your state has a Pet Protective Order law (placing family animals in domestic violence protection orders), this could also be argued to show that animal abuse is recognized as a form of family violence. These arguments can be made consistent with Federal Rules of Evidence 413-415 and 404B. **Those states where an argument can be made are highlighted in green.**

Code:

Animal Abuse in CA = Is the animal abuse defined as a form of child abuse?

Animal Abuse in DV = Is animal abuse defined as a form of domestic violence?

Child Abuse in AA = Is child abuse defined within the animal abuse statutes?

Child Abuse in DV = Is child abuse defined as a form of domestic violence?

Domestic Violence in AA = Is domestic violence defined within the animal abuse statutes?

Domestic Violence in CA = Is domestic violence defined within the child abuse statutes?

Make argument = means that you could argue that statutes listed allow for admission as a prior bad act

No = Statutes do not support making a prior bad act argument that includes animal abuse and/or child abuse

Yes = Statutes specifically allow for arguing prior bad acts

<u>State</u>	<u>Relevant Statutes</u>	<u>Pet Protective Order Law?</u>	<u>Animal Abuse Defined as Domestic Violence</u>	<u>Child Abuse Defined as Domestic Violence</u>	<u>Prior Bad Acts Allowed?</u>
Alabama	Alabama Criminal Code § 13A-6-130 Ala.Code 1975 § 30-5-2 Ala. Code 15-10-	No	No	Yes Children also named as protected person	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – no Domestic violence in CA - no

<u>State</u>	<u>Relevant Statutes</u>	<u>Pet Protective Order Law?</u>	<u>Animal Abuse Defined as Domestic Violence</u>	<u>Child Abuse Defined as Domestic Violence</u>	<u>Prior Bad Acts Allowed?</u>
	3; 30-5-2				Case Law: <i>Baker v. State</i> , 2009 WL 4980292 (Ala.Crim.App.2009) (Evidence of prior act of domestic violence involving defendant and capital murder victim was admissible in murder prosecution; during opening statement.)
Alaska	Alaska Stat. § 18.66.990 Alaska Stat. § 12.55.155 Alaska R. Evid. 404(2)(4)	No	No	Yes Children also named as protected person DV in front of a child = Aggravating factor	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – no Domestic violence in CA – make argument (2) In a prosecution for a crime involving a physical or sexual assault or abuse of a minor, evidence of other acts by the defendant toward the same or another child is admissible if admission of the evidence is not precluded by another rule of evidence and if the prior offenses (i) occurred within the 10 years preceding the date of the offense charged; (ii) are similar to the offense charged; and (iii) were committed upon persons similar to the prosecuting witness. (4) In a prosecution for a crime involving domestic violence or of interfering with a report of a crime involving domestic violence, evidence of other crimes involving domestic violence by the defendant against the same or another person or of interfering with a report of a crime involving domestic violence is admissible.
Arizona	A.R.S. 13-3601 A.R.S § 13-3602. A.R.S. § 13-3601.02	Yes Order of protection; procedure; contents; arrest for violation; penalty; protection order from another jurisdiction 7. Grant the petitioner the exclusive care,	Domestic violence means intentionally or knowingly subjecting an animal under the person’s custody or control to cruel neglect or abandonment that results in serious physical injury to the animal, or intentionally or	A. “Domestic violence” means any act that is a dangerous crime against children as defined in § 13-705 or an offense prescribed in § 13-1102, 13-1103, 13-1104, 13-1105, 13-1201, 13-1202, 13-1203, 13-1204, 13-1302, 13-1303, 13-1304, 13-1406, 13-	Animal abuse in CA – make argument Animal abuse in DV - yes Child abuse in AA – make argument Child abuse in DV – yes Domestic violence in AA – yes Domestic violence in CA - yes Has an aggravated domestic violence statute that must include evidence of past acts of convicted

<u>State</u>	<u>Relevant Statutes</u>	<u>Pet Protective Order Law?</u>	<u>Animal Abuse Defined as Domestic Violence</u>	<u>Child Abuse Defined as Domestic Violence</u>	<u>Prior Bad Acts Allowed?</u>
		<p>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 § 13-2910 or otherwise disposing of the animal.</p>	<p>knowingly subjects any animal to cruel mistreatment. A.R.S. 13-3601 citing to A.R.S. 13-2910(A)(8).</p>	<p>1502, 13-1503, 13-1504, 13-1602 or 13-2810, § 13-2904, subsection A, paragraph 1, 2, 3 or 6, § 13-2910, subsection A, paragraph 8 or 9, § 13-2915, subsection A, paragraph 3 or § 13-2916, 13-2921, 13-2921.01, 13-2923, 13-3019, 13-3601.02 or 13-3623, if any of the following applies:</p> <ol style="list-style-type: none"> 1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household. 4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law. 5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant. 	<p>DV</p>
<p>Arkansas</p>	<p>A.C.A. § 9-15-205 A.C.A. § 5-26-303</p>	<p>Yes (a) At the hearing on</p>		<p>Children named as protected person</p>	<p>Animal abuse in CA – make argument Animal abuse in DV – make argument</p>

<u>State</u>	<u>Relevant Statutes</u>	<u>Pet Protective Order Law?</u>	<u>Animal Abuse Defined as Domestic Violence</u>	<u>Child Abuse Defined as Domestic Violence</u>	<u>Prior Bad Acts Allowed?</u>
	A.C.A. § 5-26-302 A.C.A. § 5-4-702	the petition filed under this chapter, upon a finding of domestic abuse as defined in § 9-15-103, the court may provide the following relief: (7) Direct the care, custody, or control of any pet owned , possessed, leased, kept, or held by either party residing in the household;		DV in front of a child: Enhanced sentence Children who witness Animal cruelty: Enhanced sentence	Child abuse in AA – make argument Child abuse in DV – yes Domestic violence in AA – make argument Domestic violence in CA - yes
California	Sec. 6320, Family Code Sec. 6211, Family Code Cal.Penal Code § 1170.76 Cal.Evid.Code § 1109	Yes: On a showing of good cause, the court may include in a protective order a grant to the petitioner of 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.	Not defined	Children named as protected person . DV in front of a child: aggravating circumstance	Animal abuse in CA – make argument Animal abuse in DV – make argument Child abuse in AA – make argument Child abuse in DV – make argument Domestic violence in AA – make argument Domestic violence in CA – make argument Prior acts of DV are admissible
Colorado	C.R.S. 18-6-800.3 – 803.5 C.R.S. 13-14-101 – 103 C.R.S. 18-6-801.5	Yes “Domestic violence” also includes any other crime against a person, or against property, <u>including an animal</u> , or any municipal ordinance violation against a person, or	“Domestic violence” also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property,	Yes Children also names protected person	Animal abuse in CA – make argument Animal abuse in DV – yes, make argument Child abuse in AA – make argument Child abuse in DV – yes, make argument Domestic violence in AA – make argument Domestic violence in CA – make argument Evidence of similar transactions of DV are admissible

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		against property, <u>including an animal</u> , 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.	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	G.S.C. 46b-15(b) and 46(b)-38(c) and 54-1(k) C.G.S.A. § 46b-38(a)	Yes: 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.	Not defined	Children named as protected person	Animal abuse in CA – no Animal abuse in DV – make argument Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – make argument Domestic violence in CA - no
Delaware	13 Del.C. § 703A 11 Del.C. § 1102	No		Yes Children also named as protected person DV in front of a child: Considered child endangerment	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – no Domestic violence in CA – make argument
District of Columbia	D.C. Official Code Sec.§16-1005 (c), Ch. 10 of Title 16. DC ST § 16-1001	Yes (c) If, after hearing, the Family Division finds that there is good cause to believe the respondent has committed or is	Not defined	(9) “Intrafamily violence” means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person to whom the offender is related by blood, adoption, legal custody,	Animal abuse in CA – no Animal abuse in DV – make argument Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – make argument Domestic violence in CA – make argument

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		threatening an intrafamily offense, or animal cruelty, it may issue a protection order: (10A) Directing the care, custody, or control of a domestic animal in the household.		marriage, or domestic partnership, or with whom the offender has a child in common.	
Florida	Fla. Stat. § 741.28 Fla. Stat. 741.2901 Fla. Stat. § 741.30	No	Considered as part of prior offenses	(2) “Domestic violence” means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. (3) “Family or household member” means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the	Animal abuse in CA – make argument Animal abuse in DV – make argument Child abuse in AA – make argument Child abuse in DV – yes, make argument Domestic violence in AA – make argument Domestic violence in CA – make argument (3) Prior to a defendant's first appearance in any charge of domestic violence as defined in s. 741.28, the State Attorney's Office shall perform a thorough investigation of the defendant's history, including, but not limited to: prior arrests for domestic violence, prior arrests for nondomestic charges, prior injunctions for protection against domestic and repeat violence filed listing the defendant as respondent and noting history of other victims, and prior walk-in domestic complaints filed against the defendant. This information shall be presented at first appearance, when setting bond, and when passing sentence, for consideration by the court. When a defendant is arrested for an act of domestic violence, the defendant shall be held in custody until brought before the court for admittance to bail in accordance with chapter 903. In determining bail, the court shall consider the safety of the victim, the victim's children, and any other person who may be in danger if the defendant is released. (b) In determining whether a petitioner has

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				same single dwelling unit.	<p>reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court shall consider and evaluate all relevant factors alleged in the petition, including, but not limited to:</p> <ol style="list-style-type: none"> 1. The history between the petitioner and the respondent, including threats, harassment, stalking, and physical abuse. 2. Whether the respondent has attempted to harm the petitioner or family members or individuals closely associated with the petitioner. 3. Whether the respondent has threatened to conceal, kidnap, or harm the petitioner's child or children. 4. Whether the respondent has intentionally injured or killed a family pet. 7. Whether the respondent has a criminal history involving violence or the threat of violence. 8. The existence of a verifiable order of protection issued previously or from another jurisdiction. 10. Whether the respondent engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence.
Georgia	Ga. Code Ann., § 19-13-10 Ga. Code Ann., § 16-5-70	No		Children named as protected person DV in front of a child: Considered cruelty to children	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – make argument Domestic violence in AA – no Domestic violence in CA – make argument

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	O.C.G.A. § 24-2-2 (applied to DV through case law)				<p>Crumbley v. State, 478 S.E.2d 132 (Ga 1996) (Evidence of prior incidents of domestic violence involving defendant and wife was properly admitted in felony-murder prosecution arising from death of defendant's wife in car fire; testimony of wife's two sisters provided sufficient evidence that the incidents occurred, state offered the evidence to show motive and disprove defendant's contention that fire was accidental, and state proved sufficient probative connection between victim's death and defendant's prior acts of physical violence against her to justify admission of the evidence.)</p> <p>See also Herring v. State, 481 S.E.2d 842 (Ga. App. 1997) (Evidence of defendant's prior domestic violence toward victim, his wife, was admissible in trial for aggravated assault and kidnapping with bodily injury to show defendant's systematic course of conduct in physically abusing victim and his bent of mind to commit acts of violence against her; each incident consisted of physical violence by defendant against same victim, each occurred during course of parties' eight-month marriage, and most incidents, like incident at issue in case, occurred when defendant had been consuming alcohol.)</p>
Hawaii	H.R.S. 586-4 H.R.S. 709-906 H.R.S. § 586-1 HRS § 706-606.4 HRS § 626-1, Rule 404 (applied to domestic violence through case law)	Yes 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	Sec. 12.5. A person who knowingly or intentionally kills a vertebrate animal with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member commits domestic violence animal cruelty, a Class D felony.	Yes Children also named as protected person DV in front of a child: considered an aggravating circumstance	<p>Animal abuse in CA – make argument Animal abuse in DV – yes, make argument Child abuse in AA – no Child abuse in DV – make argument Domestic violence in AA – yes, make argument Domestic violence in CA – make argument</p> <p>State v. Asuncion, 129 P.3d 1182 (HI 2006) (Probative value of evidence of prior acts of domestic violence against girlfriend by defendant charged with abuse of girlfriend outweighed prejudicial effect, and thus evidence was admissible after girlfriend recanted portion of her</p>

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		court.			statement to police; evidence of prior violence between girlfriend and defendant was needed to provide context for their relationship, as no other evidence in the trial did.)
Idaho	I.C. § 39-6303 I.C. § 18-918	No		Children named as protected person DV in front of a child: Enhanced sentence	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – no Domestic violence in CA – make argument
Illinois	725 ILCS 5/112A-14 750 ILCS 60/103 725 ILCS 5/115-7.4 720 ILCS 5/12-3.2	Yes (11.5) Protection of animals. Grant 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.	Not defined	Children named as protected person DV in front of a child: Enhanced sentence	Animal abuse in CA – no Animal abuse in DV – make argument Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – make argument Domestic violence in CA – make argument Prior acts of DV are admissible when relevant (a) In a criminal prosecution in which the defendant is accused of an offense of domestic violence as defined in paragraphs (1) and (3) of Section 103 of the Illinois Domestic Violence Act of 1986, evidence of the defendant's commission of another offense or offenses of domestic violence is admissible, and may be considered for its bearing on any matter to which it is relevant. (b) In weighing the probative value of the evidence against undue prejudice to the defendant, the court may consider: (1) the proximity in time to the charged or predicate offense; (2) the degree of factual similarity to the charged or predicate offense; or (3) other relevant facts and circumstances.
Indiana	Ind. Code §35-46-	No	Sec. 12.5. A person who	Child named as protected	Animal abuse in CA – yes, make argument

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	3-12.5, 31-9-2-29 Ind. Code §34-6-2-34.5 Ind. Code, Rules of Evid., Rule 403; Rule 404 (applied to domestic violence through case law)		knowingly or intentionally kills a vertebrate animal with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member commits domestic violence animal cruelty, a Class D felony.	person	Animal abuse in DV – yes, make argument Child abuse in AA – make argument Child abuse in DV – yes, make argument Domestic violence in AA – make argument Domestic violence in CA – make argument <u>Embry v. State</u> , 923 N.E.2d (Ind. App. 2010) (Probative value of evidence of defendant's five prior uncharged acts of violence was not so substantially outweighed by its potential for unfair prejudice that it should have been excluded from evidence at domestic battery trial, although danger of prejudice was tangible; evidence was admissible to show motive and refute defendant's claim of self-defense, and trial court gave a limiting instruction and admonished the jury that the defendant's prior misconduct was not admitted to demonstrate character or prove action in conformity therewith.) See also <u>Hicks v. State</u> , 690 N.E.2d 215 (1997) (Evidence of prior incidents in which defendant and his girlfriend had become involved in physical altercations, and of admissions made by defendant to police on day after his arrest for murder of girlfriend regarding their violent relationship, were admissible as evidence of prior bad acts by defendant; evidence of domestic violence was probative of hostility between parties, and was not outweighed by danger of unfair prejudice.)
Iowa	I.C 236.3(1), 236.4(3A) and 236.5(1b) I.C. 236.2 I.C. Rule 5.403; 5.404 (applied to DV through case	Yes Allows judges, when issuing temporary or permanent orders, to include any “pet or companion animal” of the petitioner, respondent, or minor child “whose welfare		No - specifically says that children under 18 are not included	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – no Domestic violence in AA – no Domestic violence in CA - no <u>State v. Taylor</u> , 689 N.W.2d 116 (2004) (Probative value of evidence of prior assaults

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	law)	may be affected by the controversy.” Courts may prohibit the respondent from approaching, taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the pet or companion animal.” Provisions shall not apply to livestock held solely or primarily for commercial purposes.			committed by defendant against victim, who was defendant's wife, sufficiently outweighed danger of unfair prejudice, and thus was admissible in prosecution for first-degree burglary and domestic abuse assault causing bodily injury; intent was hotly contested at trial, evidence of prior assaults supported finding that defendant committed offenses with requisite intent, no dispute existed that defendant committed the prior assaults on his wife, and likelihood of an improper use of the evidence of prior assaults was reduced by the fact that the present case was tried to the court.)
Kansas	KSA 60-3102	No		Children named as protected person	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – no Domestic violence in CA – no
Kentucky	KRS § 403.720 KRE Rule 404 (applied to DV through case law)	No		Children named protected persons	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – no Domestic violence in CA – make argument <u>Bishop v. Com</u> , 2009 WL 424989 (Ky. 2009) (Trial court did not abuse its discretion in admitting evidence of prior act of violence against victim, specifically police officer's testimony that he observed that victim's face was red and had a cut on it, as well as a handprint, during murder trial, given that defendant was the only other person at the scene and the totality of other evidence of defendant's ongoing domestic abuse of victim.) See also <u>Bentley v. Com</u> , 2008 WL

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					2167890 Trial (Ky. 2008) (court's admission of evidence of defendant's domestic violence towards wife was not an abuse of discretion, in prosecution for first degree sodomy; the evidence was relevant in establishing the violent home atmosphere, which may have motivated victim, defendant's son, to keep silent about defendant's sexual abuse for years.)
Louisiana	L.R.S. 46:2135(A)(7); 9:362; 14:35.3 Children's Code Art. 1569(A)(7); 1565 Evidence Code Art. 404 (A)(2); (B)(2)	Yes Grants 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 directs the defendant 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.	Not defined	Yes Children named protected persons	Animal abuse in CA – no Animal abuse in DV – make argument Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – make argument Domestic violence in CA – make argument
Maine	19-A MRSA §4007(1) and §4011 (2); § 4002	Yes Relief granted under this section may include: N. Directing the care, custody or control of any animal owned, possessed, leased, kept or held by either party or a minor child	Not defined	Yes Children protected persons	Animal abuse in CA – no Animal abuse in DV – make argument Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – make argument Domestic violence in CA – make argument

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		residing in the household When the only provision that is violated concerns relief authorized under section 4007, subsection 1, paragraphs H to N, the violation must be treated as contempt and punished in accordance with law.			
Maryland	MD Code, Family Law, §§ 4-501, 504.1, 4-513	Yes § 4-504.1 (c)(9) award temporary possession of any pet of the person eligible for relief or the respondent.	Not specifically	Yes Children protected persons	Animal abuse in CA – no Animal abuse in DV – make argument Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – make argument Domestic violence in CA – make argument
Massachusetts	Mass. Ann. Laws Ch. 209A, § 1 M.G.L.A. 233 § 21 (applied to DV through case law)	Yes Allows courts to order defendants to refrain from abusing, threatening, taking, interfering with, transferring, encumbering, concealing, harming or otherwise disposing of any “domesticated animals” in the household. The procedure can apply in any temporary or permanent vacate, stay-away, restraining or no-contact order in any domestic relations, child custody, domestic	No	Children protected persons	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – no Domestic violence in CA – make argument <u>Com. v. Chartier</u> 686 N.E.2d 1055Mass.App. 1997) (Admission of evidence of defendant's recent prior convictions of violating domestic abuse protective order and making annoying telephone calls to victim, introduced on cross-examination of defendant for purposes of impeaching him, was not abuse of discretion in prosecution for violation of domestic abuse protective order; case turned on credibility of victim and defendant.)

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		abuse or abuse-prevention proceeding. Also requires courts to notify law enforcement agencies, and for those agencies to take necessary actions, when a warrant has been issued for violation of the protection order when the court believes an “imminent threat of bodily injury” exists to any person or domesticated animal involved in the proceedings.			
Michigan	Mich. Comp. Laws § 100.1501 MCL 768.27b	No	No	Children are protected persons	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – no Domestic violence in CA – make argument Evidence of prior acts of DV are admissible
Minnesota	Minn. Stat. 518B.01 (6)(15) Minn. Stat. 634.20 (2011)	Yes The court may direct the care, possession, or control of a pet or companion animal owned, possessed, or kept by the petitioner, respondent or a child; and direct the respondent to refrain from physically abusing or injuring any pet or companion animal without legal justification, known to	Not defined	Children are protected persons	Animal abuse in CA – no Animal abuse in DV – make argument Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – make argument Domestic violence in CA – make argument Evidence of similar conduct by the accused against the victim of domestic abuse, or against other family or household members, is admissible unless the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issue, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

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		be owned, possessed, kept or held by either party or a minor child as an indirect means of intentionally threatening the safety of such person.			
Mississippi	Miss. Ann. Code § 93-21-3	No	No	Yes - Sexual abuse under CIVIL LAW Children are protected persons	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – no Domestic violence in CA – make argument
Missouri	V.A.M.S. 565.063 (3)(13)	No	No	No	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – no Domestic violence in AA – no Domestic violence in CA - no Evidence of similar criminal convictions of domestic violence pursuant to this chapter, chapter 566, RSMo, or chapter 568, RSMo, within five years of the offense at issue, shall be admissible for the purposes of showing a past history of domestic violence.
Montana	MCA 45-5-206 MCA 41-3-102	No	No	Children named as protected persons DV in front of a child: Witnessing DV is considered physiological abuse or neglect	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – no Domestic violence in CA – make argument
Nebraska	Neb. Rev. Stat. 42-903	No	No	Under CIVIL LAW – Children are protected	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – make argument Domestic violence in AA – no Domestic violence in CA – make argument
Nevada	NRS 33.018 and	Yes	Domestic violence occurs	Under CIVIL law- Children	Animal abuse in CA – make argument

<u>State</u>	<u>Relevant Statutes</u>	<u>Pet Protective Order Law?</u>	<u>Animal Abuse Defined as Domestic Violence</u>	<u>Child Abuse Defined as Domestic Violence</u>	<u>Prior Bad Acts Allowed?</u>
	33.030	The court by a temporary order may: (e) 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; (f) Enjoin the adverse party from physically injuring or threatening to injure any animal that is owned or kept by the adverse party, either directly or through an agent; The court by an extended order may grant any relief enumerated in subsection 1 and: b) Specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child;	when a person commits one of the following acts against or upon his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he is or was actually residing, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons or his minor child: (7) Injuring or killing an animal.	are protected persons	Animal abuse in DV – yes, make argument Child abuse in AA – make argument Child abuse in DV – make argument Domestic violence in AA – make argument Domestic violence in CA – make argument
New Hampshire	N.H. Rev. Stat 173-B:1	No	No	No - Children specifically not included	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – no Domestic violence in AA – no Domestic violence in CA - no
New Jersey	N.J.S. C:25-29 (a)(1)	Yes Emergency relief or		No - Children specifically not included	Animal abuse in CA – no Animal abuse in DV - no

<u>State</u>	<u>Relevant Statutes</u>	<u>Pet Protective Order Law?</u>	<u>Animal Abuse Defined as Domestic Violence</u>	<u>Child Abuse Defined as Domestic Violence</u>	<u>Prior Bad Acts Allowed?</u>
	<p>N.J.S. 2C:25-19 NJ R. Evid. N.J.R.E. 404 (Applied to DV for Child abuse case through case law)</p>	<p>restraining orders may include an order directing the possession of any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household and providing that the animal shall not be disposed of prior to entry of a final order When a defendant is released from custody before trial on bail or personal recognizance, the court authorizing the release may as a condition of release issue an order prohibiting the defendant from having any contact with the victim including having any contact with any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household. In addition, the court may enter an order directing the possession of the animal and providing that the animal shall not be disposed of prior to the disposition of the crime or offense.</p>			<p>Child abuse in AA – no Child abuse in DV – no Domestic violence in AA – no Domestic violence in CA - no</p> <p>At the hearing the standard for proving the allegations in the complaint shall be by a preponderance of the evidence. The court shall consider but not be limited to the following factors:</p> <p>(1) The previous history of domestic violence between the plaintiff and defendant, including threats, harassment and physical abuse;</p> <p><u>New Jersey Div. of Youth and Family Services v. I.H.C.</u>, 551, 2 A.3d 1138 (NJ 2010) (Trial judge may determine whether evidence of past domestic violence should be excluded from proceeding on abuse of children because its probative value is substantially outweighed by undue prejudice, confusion of the issues, delay, waste of time, or needless presentation of cumulative evidence.)</p>

<u>State</u>	<u>Relevant Statutes</u>	<u>Pet Protective Order Law?</u>	<u>Animal Abuse Defined as Domestic Violence</u>	<u>Child Abuse Defined as Domestic Violence</u>	<u>Prior Bad Acts Allowed?</u>
		<p>When a defendant is found guilty of a crime or offense involving domestic violence and a condition of sentence restricts the defendant's ability to have contact with the victim, the victim's friends, co-workers, or relatives, or an animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household, the court may require the defendant to receive professional counseling. In addition the court may enter an order directing the possession of an animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household. Where a person has abused or threatened to abuse such animal, there shall be a presumption that possession of the animal shall be awarded to the non-abusive party.</p>			
New Mexico	N.M. Ann. Stat. 40-13-2	No		Children protected persons under CIVIL LAW	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – make argument

<u>State</u>	<u>Relevant Statutes</u>	<u>Pet Protective Order Law?</u>	<u>Animal Abuse Defined as Domestic Violence</u>	<u>Child Abuse Defined as Domestic Violence</u>	<u>Prior Bad Acts Allowed?</u>
					Domestic violence in AA – no Domestic violence in CA – make argument
New York	NY FAM CT § 842 N.Y. Soc. Serv. Law § 459-a N.Y. Crim. Proc. § 60.40 (applied to DV through case law)	Yes Any order of protection issued pursuant to this section may require the petitioner or the respondent: (i) 1. 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. 2. "Companion animal", as used in this section, shall have the same meaning as in subdivision 5 of section 350 of the agriculture and markets law.	Not defined	No - Children specifically not included	Animal abuse in CA – no Animal abuse in DV – make argument Child abuse in AA – no Child abuse in DV – no Domestic violence in AA – make argument Domestic violence in CA - no People v. Archbold (1 Dept. 2007) 40 A.D.3d 403 (1 Dept. 2007) (Evidence of a series of uncharged crimes and bad acts, committed by defendant against victim, were admissible in domestic violence prosecution to prove element of forcible compulsion, to explain relationship between defendant and victim and to place events in question in a believable context, particularly since defendant raised issue of victim's delay in reporting charged criminal conduct, and to establish intent, motive and identity.)
North Carolina	NC ST § 50B-3 S.L. 2009-425 NC ST § 14-33 NC ST § 50B-1	Yes NC ST 50B-3(a)(9) 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.	Not specifically defined.	Yes - in CIVIL LAW Children named protected persons DV in front of a child: Class 1A Misdemeanor	Animal abuse in CA – make argument Animal abuse in DV – make argument Child abuse in AA – make argument Child abuse in DV – yes, make argument Domestic violence in AA – make argument Domestic violence in CA – make argument State v. Daniels, 659 S.E.2d 22 (NC App. 2008) (Evidence of defendant's prior acts of domestic violence against victim was admissible in prosecution for sexual assault, kidnapping, and larceny to show defendant's motive, intent or purpose, opportunity, and the absence of consent

<u>State</u>	<u>Relevant Statutes</u>	<u>Pet Protective Order Law?</u>	<u>Animal Abuse Defined as Domestic Violence</u>	<u>Child Abuse Defined as Domestic Violence</u>	<u>Prior Bad Acts Allowed?</u>
North Dakota	N.D. Cent Code § 14-07.1-01	No		Children named protected person	by victim.) Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – no Domestic violence in CA – make argument
Ohio	OH Rev. Stat. § 3113.31 OH Rev. Stat. § 2945.59 (applied to DV through case law)	No		Yes Children named protected persons	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – no Domestic violence in CA – make argument <u>State v. Roper</u> (Ohio App. 9 Dist., Summit, 11-30-2005) No. 22566, 2005-Ohio-6327, 2005 WL 3190966 (Trial court acted within its discretion in trial for domestic violence and rape in admitting prior-acts evidence of defendant's acts of violence against women to show motive, intent, purpose, and absence of mistake or accident, given defendant's contentions that he accidentally caused victim's injuries) See also <u>State v. Weatherholtz</u> (Ohio App. 3 Dist., Wyandot, 07-09-2003) No. 16-02-15, 2003-Ohio-3633, 2003 WL 21543813
Oklahoma	22 O.S. 2001 60.2(E) & 22 O.S. 2001 1105(B) 21 O.S. § 644 21 O.S. § 644.1	Yes To the extent that any of the following information is available to the court, the magistrate, judge or court shall consider, in addition to other circumstances, before determining bond and other conditions of release for the protection of the	Not defined.	Children named protected persons	Animal abuse in CA – make argument Animal abuse in DV – make argument Child abuse in AA – make argument Child abuse in DV – yes, make argument Domestic violence in AA – make argument Domestic violence in CA – make argument Domestic abuse with a prior pattern of physical abuse- where proof is established by the sworn testimony of a third party who was a witness to the alleged physical abuse or by other admissible direct evidence that is independent of the testimony of

<u>State</u>	<u>Relevant Statutes</u>	<u>Pet Protective Order Law?</u>	<u>Animal Abuse Defined as Domestic Violence</u>	<u>Child Abuse Defined as Domestic Violence</u>	<u>Prior Bad Acts Allowed?</u>
		<p>alleged victim... whether the alleged violent incident involved the abuse of pets. 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 from taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal.</p>			<p>the victim.</p>
Oregon	<p>O.R.S. 107.718 O.R.S. 107.705; 409.290; 135.230 O.R.S. § 163.160</p> <p>O.R.S. § 40.170 (applied to DV through case law)</p>	<p>Yes (h) Other relief that the court considers necessary to: (B) 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</p>		<p>No</p> <p>DV in front of a child: Class A misdemeanor or Class C felony</p>	<p>Animal abuse in CA – no Animal abuse in DV – make argument Child abuse in AA – no Child abuse in DV – no Domestic violence in AA – make argument Domestic violence in CA - no</p> <p>State v. Yong (2006) 138 P.3d 37 (Or.App. 2006) (Evidence of defendant's previous convictions for domestic assault and menacing of the victim and for assault of his former wife was admissible to prove intent in prosecution for assault and stalking; defendant and victim acknowledged that altercation occurred and that victim suffered</p>

<u>State</u>	<u>Relevant Statutes</u>	<u>Pet Protective Order Law?</u>	<u>Animal Abuse Defined as Domestic Violence</u>	<u>Child Abuse Defined as Domestic Violence</u>	<u>Prior Bad Acts Allowed?</u>
		economic purpose;			physical injury, and prior acts were directly relevant to the state's theory, in opposition to defendant's defense, that defendant was the aggressor.)
Pennsylvania	23 Pa.C.S.A. § 6107 23 Pa.C.S.A § 6102 Pa.R.E., Rule 403; Rule 404 (applied to DV through case law)	No, however – Killing or threatening to kill a pet constitutes abuse that can constitute grounds for granting a temporary order that requires the defendant to relinquish all firearms to the sheriff.		Yes - Child sexual abuse Children named protected persons	Animal abuse in CA – no Animal abuse in DV – make argument Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – make argument Domestic violence in CA – make argument Com. v. Jackson, 900 A.2d 936 (PA 2006) (Prior bad act evidence consisting of officers' testimony about the pattern of domestic abuse which existed between defendant and murder victim and defendant's repeated violation of numerous protection from abuse (PFA) orders was admissible in murder prosecution; prior bad act evidence suggested that the abuse by defendant of victim continued to escalate until defendant ultimately murdered victim, and the evidence showed the chain or sequence of events which formed the history of the case, was part of the natural development of the case, and demonstrated defendant's motive, malice, intent, and ill-will toward the victim.)
Puerto Rico	PR ST T. 5 § 1678, Law No. 154 (2008), P.S. 2552 PR ST T. 8 § 444(s) PR ST T. 33 § 4013	Yes Protective orders must be given by courts when requested by petitioner in domestic violence or child abuse cases. Orders may also be issued to protect shelters holding animals seized pursuant to abuse charges. Law also increases penalties for animal cruelty committed in	Not defined	Yes - “Minors also will be considered victims of abuse if the father, mother, or person responsible for the minor has engaged in acts that constitute domestic violence” Children protected persons under CRIMINAL LAW	Animal abuse in CA – no Animal abuse in DV – make argument Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – make argument Domestic violence in CA – make argument

<u>State</u>	<u>Relevant Statutes</u>	<u>Pet Protective Order Law?</u>	<u>Animal Abuse Defined as Domestic Violence</u>	<u>Child Abuse Defined as Domestic Violence</u>	<u>Prior Bad Acts Allowed?</u>
		front of children, or by offenders with previous convictions for domestic violence, child abuse or elder abuse. Law includes emotional harm within the definition of animal abuse.			
Rhode Island	R.I Gen. Laws § 8-8.1-1 R.I. Gen. Laws § 15-15-1	No	No	Children protected persons	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – no Domestic violence in CA – make argument
South Carolina	SC ST § 16-25-70 SCRE, Rule 403; 404 SC ST § 16-25-20	No	No	No	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – no Domestic violence in AA – no Domestic violence in CA - no State v. Sweat, 606 S.E.2d 508 (S.C.App. 2004) (Probative value of prior episode of domestic violence, which was relevant to motive and intent, was not outweighed by its prejudicial effect in prosecution for first-degree burglary, assault and battery with intent to kill, and assault of a high and aggravated nature.) Additional charges with Prior DV convictions.
South Dakota	S.D. Ann. Stat. § 25-10-1 S.D. Ann. Stat. § 19-12-5 (applied to DV through case law)	No		Children protected persons	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – no Domestic violence in CA – make argument State v. Laible, 594 N.W.2d 328 (S.D. 1999)

<u>State</u>	<u>Relevant Statutes</u>	<u>Pet Protective Order Law?</u>	<u>Animal Abuse Defined as Domestic Violence</u>	<u>Child Abuse Defined as Domestic Violence</u>	<u>Prior Bad Acts Allowed?</u>
					(When an accused had a close relationship with the victim of domestic abuse, prior aggression, threats or abusive treatment of the same victim by the same perpetrator are admissible when offered on relevant issues.)
Tennessee	Tennessee Code 36-3-601(1) and 36-3-606(a) Tennessee Code 39-13-111	Yes “Abuse” means inflicting, or attempting to inflict, physical injury on an adult or minor by other than accidental means, placing an adult or minor in fear of physical harm, physical restraint, or malicious damage to the personal property of the abused party, inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by an adult or minor, or placing an adult or minor in fear of physical harm to any animal owned, possessed, leased, kept, or held by such adult or minor. A protection order granted under this part to protect the petitioner from domestic abuse, stalking or sexual assault may include, but is not limited to: Directing the care,	“Abuse” means inflicting, or attempting to inflict, physical injury on an adult or minor by other than accidental means, placing an adult or minor in fear of physical harm, physical restraint, or malicious damage to the personal property of the abused party, inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by an adult or minor, or placing an adult or minor in fear of physical harm to any animal owned, possessed, leased, kept, or held by such adult or minor.	Children protected persons	Animal abuse in CA – make argument Animal abuse in DV – yes, make argument Child abuse in AA – make argument Child abuse in DV – yes, make argument Domestic violence in AA – make argument Domestic violence in CA – make argument

<u>State</u>	<u>Relevant Statutes</u>	<u>Pet Protective Order Law?</u>	<u>Animal Abuse Defined as Domestic Violence</u>	<u>Child Abuse Defined as Domestic Violence</u>	<u>Prior Bad Acts Allowed?</u>
		<p>custody, or control of any animal owned, possessed, leased, kept, or held by either party or a minor residing in the household. In no instance shall such animal be placed in the care, custody, or control of the respondent but shall instead be placed in the case, custody, or control of the petitioner or in an appropriate animal foster situation.</p>			
Texas	Sec. 85.021, 71.001, 71.0021 Family Code	<p>Yes In a protective order, the court may prohibit a party from: (A) removing a child who is a member of the family or household from: (i) the possession of a person named in the order; or (ii) the jurisdiction of the court; (B) transferring, encumbering, or otherwise disposing of property, other than in the ordinary course of business, that is mutually owned or leased by the parties; or (C) removing a pet, companion animal, or assistance animal, as defined by Section</p>		Yes under CIVIL LAW	<p>Animal abuse in CA – no Animal abuse in DV – make argument Child abuse in AA – no Child abuse in DV – make argument Domestic violence in AA – make argument Domestic violence in CA – make argument</p>

<u>State</u>	<u>Relevant Statutes</u>	<u>Pet Protective Order Law?</u>	<u>Animal Abuse Defined as Domestic Violence</u>	<u>Child Abuse Defined as Domestic Violence</u>	<u>Prior Bad Acts Allowed?</u>
		<p>121.002, Human Resources Code, from the possession of a person named in the order; In a protective order, the court may prohibit the person found to have committed family violence from: harming, threatening, or interfering with the care, custody, or control of a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code, that is possessed by a person protected by an order or by a member of the family or household of a person protected by an order.</p>			
Utah	<p>Utah Ann. Code §78B-7-102; 77-36-1 Utah Ann. Code § 76-5-109.1 Utah Rules of Evidence, Rule 404 (applied to DV through case law)</p>	No	No	<p>Yes DV in front of a child: Third degree felony or class B misdemeanor</p>	<p>Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – no Domestic violence in CA – make argument <u>State v. Holbert</u>, 61 P.3d 291 (Utah App. 2002) (Testimony by defendant's wife, regarding prior incident in which defendant choked her and then threw her during argument, was more probative than prejudicial, in aggravated kidnapping prosecution arising from subsequent incident in which defendant allegedly pointed gun at wife's head and threw her into bedroom; there was strong evidence that the prior incident occurred,</p>

<u>State</u>	<u>Relevant Statutes</u>	<u>Pet Protective Order Law?</u>	<u>Animal Abuse Defined as Domestic Violence</u>	<u>Child Abuse Defined as Domestic Violence</u>	<u>Prior Bad Acts Allowed?</u>
					incidents were similar, less than three months lapsed between the incidents, evidence of prior incident was necessary to show pattern of domestic violence that proved specific intent element, and wife's testimony would not cause jury to lose concentration on aggravated kidnapping offense.)
Vermont	15 V.S.A. § 1103 15 V.S.A. § 1101	Yes (c) If the court finds that the defendant has abused the plaintiff and that there is a danger of further abuse, the court shall make such orders as it deems necessary to protect the plaintiff, the children, or both, which may include the following: (7) an order concerning 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.	Not defined	Yes	Animal abuse in CA – no Animal abuse in DV – make argument Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – make argument Domestic violence in CA – make argument
Virginia	Va. Ann. Code § 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, 19.2-152.10, 16.1-228	Yes Grants the petitioner or the person on whose behalf the order is issued the possession of any companion animal as defined in § 3.2-6500 if such person meets the definition of owner in § 3.2-6500. Provisions apply to preliminary, emergency and regular protective orders and to		Children protected persons	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – make argument Domestic violence in AA – no Domestic violence in CA – make argument

<u>State</u>	<u>Relevant Statutes</u>	<u>Pet Protective Order Law?</u>	<u>Animal Abuse Defined as Domestic Violence</u>	<u>Child Abuse Defined as Domestic Violence</u>	<u>Prior Bad Acts Allowed?</u>
		protective orders in cases of family abuse involving an incarcerated or recently incarcerated respondent. Violations are considered contempt of court.			
Washington	WA ST 26.50.060 WA. ST.10.99.020 Washington Rules of Evidence, ER 404 (applied to DV through case law)	Yes 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.	Not defined	Children Protected persons	Animal abuse in CA – no Animal abuse in DV – make argument Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – make argument Domestic violence in CA – make argument <u>State v. Grant</u> , 920 P.2d 609 (Wash. App. 1996) (The list of purposes for which evidence of a defendant's prior misconduct may be introduced pursuant to ER 404 is not exclusive; thus, evidence of past domestic violence may be admissible in cases where the charge alleges further domestic violence.) <u>State v. Price</u> , 109 P.3d 27 (Wash. App. 2005) (In a murder prosecution, evidence of prior acts of domestic violence by defendant against victim was not barred as evidence to prove the character of a person in order to show action in conformity therewith; evidence was offered, and was admissible as, evidence of the aggravating circumstance of a pattern or practice of domestic violence incidents perpetrated by defendant against the victim, and court provided appropriate limiting instruction.) See also <u>State v. Nelson</u> , 125 P.3d 1008 (Wash. App. 2006); <u>State v. Birnel</u> , 949 P.2d 433 (Wash App. 1998)
West Virginia	W. Va. Code, § 48-27-503	Yes The terms of a		YES	Animal abuse in CA – no Animal abuse in DV – make argument

<u>State</u>	<u>Relevant Statutes</u>	<u>Pet Protective Order Law?</u>	<u>Animal Abuse Defined as Domestic Violence</u>	<u>Child Abuse Defined as Domestic Violence</u>	<u>Prior Bad Acts Allowed?</u>
	W. Va Code, § 49-1-3(a)(4) W. Va. Code § 61-2-28	protective order may include: (13) 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.		Children protected persons	Child abuse in AA – no Child abuse in DV – yes, make argument Domestic violence in AA – make argument Domestic violence in CA – make argument
Wisconsin	Wisc. Ann. Stat. §813.12; 968.075	No		NO- specifically says between adults	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – no Domestic violence in AA – no Domestic violence in CA - no
Wyoming	Wy. Ann. Stat. § 35-21-102	No		NO- specifically says “adult children”	Animal abuse in CA – no Animal abuse in DV - no Child abuse in AA – no Child abuse in DV – no Domestic violence in AA – no Domestic violence in CA - no