



SB682 – An Act Relative to Domestic Violence and Animals

(Sen. Clark)

Referred to Joint Committee on the Judiciary

Position paper in progress – see bill text below.

FOR MORE INFORMATION:

Massachusetts Federation of Dog Clubs and Responsible Dog Owners

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MassFed: 04/14/11

Bill Text for SB682 (SD1471) of 2011-2012 Session

An Act relative to domestic violence and animals.

Prime sponsor: Senator Katherine Clark (D)

SECTION 1. When issuing a temporary or permanent vacate, stay away, restraining or no contact order or judgment issued pursuant to sections 18, 34B or 34C of chapter 208; section 32 of chapter 209; sections 3, 4 or 5 of chapter 209A; section 15 or 20 of chapter 209C; or sections 3, 4, 5, 6, or 7 of chapter 258E; or a temporary restraining order or preliminary or permanent injunction issued by the superior court the court may order the possession, care and control of any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household to the plaintiff. The court may order the defendant to refrain from abusing, threatening, taking, interfering with, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.

A person, who qualifies, may petition the court pursuant to sections 18, 34B or 34C of chapter 208; section 32 of chapter 209; sections 3, 4 or 5 of chapter 209A; section 15 or 20 of chapter 209C; or sections 3, 4, 5, 6, or 7 of chapter 258E for an order that the defendant refrain from abusing, threatening, taking, interfering with, transferring, encumbering, concealing, harming, or otherwise disposing of the animal. The chief justice of administration and management shall amend the relevant complaint forms for chapters 208, 209A, 209C and 258E or shall adopt a form complaint for use under this chapter which shall be in such form and language to permit a plaintiff to prepare and file such complaint pro se.

In all instances where an outstanding warrant exists or a violation of a temporary or permanent vacate, stay away, restraining or no contact order or judgment issued pursuant to sections 18, 34B or 34C of chapter 208; section 32 of chapter 209; sections 3, 4 or 5 of chapter 209A; section 15 or 20 of chapter 209C; or sections 3,

4, 5, 6, or 7 of chapter 258E a judge shall make a finding, based upon all of the circumstances, as to whether an imminent threat of bodily injury exists to the petitioner or to a domesticated animal.

In all instances where such an imminent threat of bodily injury to a human being or a domesticated animal is found to exist, the judge shall notify the appropriate law enforcement officials of such finding and such officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.