



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
Margaret M. O'Neill Bldg., Third Floor, Suite 1
410 Federal Street
Dover, Delaware 19901
302-739-3621


The Honorable John Carney,
Governor

John McNeal, Director
SCPD

MEMORANDUM

DATE: April 24, 2023

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Mr. Benjamin Shrader, Chairperson 
State Council for Persons with Disabilities

RE: SB 70 (Proposed Amendment to § 1041, Title 10 of the Delaware Code
Relating to Animals in Protection from Abuse Proceedings)

The State Council for Persons with Disabilities (SCPD) has reviewed SB 70 which proposes to amend § 1041 of Title 10 of the Delaware Code, adding language to include acts against a person's companion or service animal to the definition of abuse for protection from abuse proceedings.

SCPD has the following observations:

- First, the amendment adds to Section (1) that abuse will include “[i]ntentionally or recklessly damaging, destroying, or taking the tangible property of another person, *including inflicting physical injury on any companion animal or service animal,*” and “engaging in a course of alarming or distressing conduct in a manner which is likely to cause fear or emotional distress or to provoke a violent or disorderly response, *including conduct that is directed towards any companion animal or service animal.*”

- The amendment then defines a “companion animal” as “an animal kept primarily for companionship instead of as any of the following: working animal, a service animal as defined in § 4502 of Title 6, or as an animal kept primarily as a source of income, including livestock as defined in § 7700 of Title 3.
- Finally, the amendment adds that as relief, the Court may grant the petitioner the “exclusive care, custody, or control of any companion animal 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 respondent and order the respondent to stay away from the companion animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the companion animal. Any subsequent property division order entered by the Court in any proceeding brought under Title 13 supersedes any relevant provisions regarding companion animals which are included in a protection from abuse order, without the need to modify that protective order.”

Service animals are vital to disabled individuals; abusers attempting to use control over a partner may target a service animal. This amendment will extend protection to service animals and thus will afford disabled victims of abuse more protection. Moreover, a 2021 study found that “companion animals played a critical role in reducing feelings of depression, anxiety, isolation, and loneliness.”¹ Victims of abuse may rely on companion animals to support them through navigating protection from abuse proceedings; extending protection to companion and service animals alike will foster both mental and physical well-being for disabled and non-disabled individuals.

SCPD strongly endorses this legislation.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our position or observations on the proposed legislation.

cc: Ms. Laura Waterland, Esq.
Governor’s Advisory Council for Exceptional Citizens
Developmental Disabilities Council

SB 70 Animals in Protection from Abuse 4-24-23

¹ Lori R. Kogan, Jennifer Currin-McCulloch, Cori Bussolari, Wendy Packman, & Phyllis Erdman, The Psychosocial Influence of Companion Animals on Positive and Negative Affect during the COVID-19 Pandemic, Multidisciplinary Digital Publishing Institute (2021), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8300185/>.