

# Domestic Violence and Grand Larceny

Are you a victim of domestic violence and your partner has stolen your property? If your partner has stolen money, or other property such as your car, purse or cell phone, etc. there are new protections for you under the law. When you seek protection with a Family Offense, depending on how much your property is worth, you can ask the Family Court for relief.

In 2013, the New York State Legislature amended the family offenses to include Grand Larceny to cover the financial and economic abuse that is all too common with domestic violence. These are important new tools to use in Family Court, but need specific facts to be included.

Trying to decide whether or not you have suffered economic abuse may seem overwhelming, but the information is very important in being able to escape any abusive situation.

## How do I know if I have been a victim of Grand Larceny?

Grand Larceny is also very common in domestic violence cases. It can arise under many different circumstances. For example, if the abuser took a victim's cell phone or their debit card, or took a victim's car without permission, filed the tax return and took the money, and many other situations. The New York Penal Code defines larceny as stealing another person's property. The property that is stolen can be money, real property, personal property, computer data, gas or almost any other thing of value. The new financial offenses enacted in 2013 included Grand Larceny in the 3<sup>rd</sup> and 4<sup>th</sup> degrees.

## How do I know whether I can get relief from the Family Court?

If the abuser steals property and

- The property costs more than \$1,000; **OR**
- The property is a public record or writing (examples include, birth certificates, marriage license); **OR**
- The property is a credit or debit card; **OR**
- The property, regardless of its nature or value, is taken from the person by another (think of grabbing a cell phone out of a victim's hand or grabbing the victim's purse); **OR**
- The property, regardless of its nature or value, is obtained by extortion (extortion is further discussed below); **OR**
- The value of the property is more than \$100 and is a motor vehicle;



## How do I know if the property was obtained by extortion?

**Extortion** is the crime of making or forcing someone to do something against their will. Extortion is defined as coercion. This coercion can be by threat of physical injury, or other types of bullying such as blackmail. Coercion is a new family offense also.

In order to show that you are a victim of Grand Larceny by extortion, you must show that the other party took, obtained or withheld your property. Coercion is making the victim take some **action (or inaction)** that person has a right not to do or to do.

## What are some examples of Grand Larceny?

Examples of this might be grabbing a cell phone out of the hands of a victim of domestic violence, taking a victim's purse either from her person or if the purse contains her wallet with any debit or credit cards, just taking the victim's purse will satisfy this charge, or taking tax return money that either totals more than \$1,000 or is taken through extortion.

## Can I get my stolen items returned to me?

The new law also addresses a remedy that can be included in orders of protection demanding the abuser to return specified "identification documents". These may include a passport, immigration papers, social security card, benefits or insurance card, etc. Make sure to ask for the return of these documents in the relief section of the petition.

### **SAFETY IS THE MOST IMPORTANT THING.**

**IF THERE IS DOMESTIC VIOLENCE PLEASE TALK TO AN ADVOCATE.  
CALL YOUR LOCAL DOMESTIC VIOLENCE SHELTER TO DISCUSS SAFETY PLANNING.**



### **About this Guide**

This guide was created by  
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