



RESOLUTION REGARDING ANIMAL CRUELTY AND ITS LINK TO OTHER FORMS OF VIOLENCE

WHEREAS, the National Council of Juvenile and Family Court Judges (NCJFCJ) is an organization committed to upholding the rights of all parties and victims, the safety of all family members, and the safety of the community;ⁱ

WHEREAS, empirical research demonstrates a direct linkⁱⁱ between animal cruelty and interpersonal violence including intimate partner abuse,ⁱⁱⁱ child abuse,^{iv} and elder abuse;^v

WHEREAS, 99% of pet owners consider their animals to be “companions” or “family members;”^{vi}

WHEREAS, animal abuse can be used as a tool to control other members of the household and is therefore inextricably linked to the abuse suffered by human victims;^{vii}

WHEREAS, federal law and many state laws acknowledge that there is a link between animal abuse and domestic violence by including companion animals in protection order enforcement laws,^{viii} or by requiring cross-reporting between animal control and child welfare departments;^{ix}

WHEREAS, studies show that a child’s or teenager’s abuse of animals could be a sign that the individual has been abused^x or that intervention is necessary to prevent that individual from harming others;^{xi}

WHEREAS, 43% of school shooters between 1988 and 2012 had histories of abusing animals and the majority of those histories included hands-on violence against household pets, such as dogs or cats;^{xii} and

WHEREAS, more than 35% of adult protective services workers report that their clients have talked about their pets being threatened, injured, killed, or denied care by a caregiver,^{xiii}

NOW, THEREFORE, BE IT RESOLVED:

The NCJFCJ recognizes that animal cruelty is a crime of violence and may be indicative of past or future violent acts.

The NCJFCJ recognizes that in the context of juvenile and family court cases including cases of domestic violence, because of the demonstrated link to the safety of human beings at the hands of the animal abuser, when animals are subjected to cruelty, the court should consider the welfare of such abused animals in reaching its decisions.

The NCJFCJ calls for judges to afford the time and resources necessary to address animal cruelty allegations associated with cases that come before the court to achieve just results and prevent future violence against both humans and animals.

The NCJFCJ recognizes the gravity of animal cruelty perpetrated by juveniles as it may indicate the juvenile has been or is being abused, and early intervention is essential to addressing the harm that such abuse has caused the juvenile and to preventing the juvenile from committing future violent acts.

The NCJFCJ encourages juvenile and family court judges to consider exposure to animal cruelty and trauma-informed assessment and interventions in disposition orders for juveniles found to have engaged in animal cruelty.

The NCJFCJ encourages juvenile and family court judges to consider the safety of all household members, as well as their pets and other animals, when assessing cases concerning domestic violence, child abuse, and elder abuse, and when deciding issues related to protection orders, visitation, and custody.

The NCJFCJ encourages juvenile and family court judges to consider the safety of children, the elderly, intimate partners, and other household members when assessing cases that include allegations of abuse to animals.

The NCJFCJ calls for collaboration and communication among various welfare agencies including those devoted to animal welfare, child welfare, and the care of the elderly and individuals with disabilities to better detect and address concurrent forms of abuse.

The NCJFCJ supports measures which minimize an abuser's access to animals, including the issuance of protection orders and the implementation of limitations on contact with or possession of animals.

The NCJFCJ does not support sentencing animal abusers to serve community service at animal shelters or other organizations which permit or require unsupervised contact with animals.

The NCJFCJ recognizes that many forms of animal abuse stem from underlying psychological issues and, therefore, supports efforts to increase access to offense-specific psychological assessment, evaluation, and treatment for individuals charged with animal cruelty offenses.

The NCJFCJ will collaborate with allied organizations and experts to develop and make available educational resources and trainings to assist judges in better understanding the issues and implications of juvenile and family court cases involving animal cruelty.

Adopted by the NCJFCJ Board of Directors, July 27, 2019, in Orlando, Florida.

Endnotes

- ⁱ *Mission, Vision, and Diversity Statement*, Nat'l Council of Juvenile & Family Court Judges, <http://www.ncjfcj.org/about/mission-vision-and-diversity-statement> (last visited Apr. 8, 2019).
- ⁱⁱ ANIMAL LEGAL DEFENSE FUND, ANIMAL CRUELTY'S LINK TO OTHER FORM OF VIOLENCE (2018), available at <https://aldf.org/wp-content/uploads/2018/07/The-Link-2018.pdf>.
- ⁱⁱⁱ Betty Jo Barrett et al., *Animal Maltreatment as a Risk Marker of More Frequent and Severe Forms of Intimate Partner Violence*, 26 J. INTERPERSONAL VIOLENCE 1 (2017), finding that 89% of women who had companion animals during an abusive relationship reported their animals were threatened, harmed, or killed by their abuser. See also Benita J. Walton-Moss et al., *Risk Factors for Interpersonal Violence and Associated Injury among Urban Women*, 30 J. COMMUNITY HEALTH 377 (2005), finding that abuse of a companion animal is one of the four most significant risk factors for someone becoming a domestic abuser and is an indicator of the use of controlling and violent behaviors.
- ^{iv} Elizabeth DeViney, Jeffery Dickert & Randall Lockwood, *The Care of Pets Within Child Abusing Families*, Int'l J. for the Study of Animal Problems, 4(4), 321-329 (1983) available at <https://animalstudiesrepository.org/cgi/viewcontent.cgi?article=1014&context=acwp> finding that, of 53 families under observation of the New Jersey Division of Youth and Family Services for reasons of child abuse who also owned pets, abuse of a companion animal occurred in 60% of the surveyed homes. See also Shelby Elaine McDonald et al., *Children's Experiences of Companion Animal Maltreatment in Households Characterized by Intimate Partner Violence*, 50 CHILD ABUSE & NEGLECT 116 (2015), examining the link between animal abuse and child maltreatment, particularly looking at the effects that abuse of companion animals has on children who witness animal abuse.
- ^v HUMANE SOC'Y OF THE U.S., STATE OF WIS. DEPT. OF HEALTH & FAMILY SERVS., DIV. OF DISABILITY & ELDER SERVS. & BUREAU OF AGING & LONG TERM CARE RES., CREATING SAFER COMMUNITIES FOR OLDER ADULTS AND COMPANION ANIMALS (2003), available at <http://nationallinkcoalition.org/wp-content/uploads/2013/01/ElderAbuse-WisconsinManual.pdf> [hereinafter *Safer Communities*], finding that 35% of adult protective service workers reported their clients talked about their pets being threatened, neglected, injured, or killed by a caregiver.
- ^{vi} AM. VETERINARY MED. ASS'N, U.S. PET OWNERSHIP & DEMOGRAPHIC SOURCEBOOK (2012), finding that among pet owners, 63.2% considered their pets to be family members; another 35.8% considered their pets to be pets or companions. The remaining 1% considered their pets to be property. <https://www.avma.org/news/javmanews/pages/130201a.aspx>
- ^{vii} McDonald, *supra* note 4, finding that in homes with domestic violence, 50% of children reported that the abuser threatened to harm or kill a beloved animal in order to maintain control over their human victims. See also Barrett *supra* note 3, finding that more than half of women in domestic violence shelters report they delayed their escape out of fear for their animals.
- ^{viii} 34 U.S.C.A. § 20127; 32 states permit animals to be included in protection orders. They are: Alaska (AS § 18.66.100); Arizona (ARS § 13-3602); Arkansas (AC § 9-15-205); California (Cal. Fam. Code § 6320; Cal. Civ. Proc. § 527.6; Cal. Welf. & Inst. § 15657.03); Colorado (CRS §§ 13-14-101; 18-6-800.3; 18-6-803.5; 13-14-103; 13-14-105); Connecticut (CGS §§ 46b-15; 46b-38c; 54-1k); Hawaii (HRS § 586-4); Illinois (725 ILCS 5/112A-14); Indiana (IC §§ 11-13-3-4; 31-9-2-29.5; 35-31.5-2-76; 34-26-5-2; 34-26-5-9; 35-33-8-3.2; 35-38-2-2.3); Iowa (ICA §§ 236.3; 236.4; 236.5); Louisiana (La. Ch. C. Art. 1569; LRS § 46:2135); Maine (19-A MRS § 4007); Maryland (MC Fam. Law §§ 4-501; 4-504.1; 4-505; 4-506); Massachusetts (209A MGL § 11) Michigan (MCL § 600.2950); Minnesota (MS § 518B.01); Nevada (NRS §§ 33.018; 33.030); New Hampshire (NH ST §§ 173-B:1; 173-B:4; 173-B:5); New Jersey (NJS §§ 2C:25-26; 2C:25-27; 2C:25-28; 2C:25-29); New York (NY Crim. Pro. Law §§ 530.12; 530.13; NY Fam. Ct. Law

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- §§ 656; 842; 1056); North Carolina (NCGS § 50B-3); Ohio (ORC §§ 2151.34; 2903.213; 2903.214; 2919.26; 3113.31); Oklahoma (22 OS §§ 60.2; 60.4); Oregon (ORS § 107.718); South Carolina (SCC § 20-4-60); Tennessee (TC §§ 36-3-601; 36-3-606); Texas (Tex. Fam. Code §§ 85.021; 85.022); Vermont (15 VS § 1103); Virginia (VC §§ 16.1-253; 253.1; 253.4; 279.1; 19.2-152.8; 152.9; 152.10); Washington (WRC §§ 26.50.060; 26.50.110); West Virginia (WVC § 48-27-503); and Wisconsin (WS §§ 813.12; 813.122; 813.123; 813.125).
- ^{ix} 14 states either require or explicitly permit cross-reporting of suspected animal abuse or child abuse between various agencies, such as animal control, humane societies, social services, and child welfare departments. California (CA Penal §§ 11166; 11199); Colorado (CRS § 19-3-304); Connecticut (CGS §§ 17a-100a; 17a-100c; 17a-106d; 22-329b); Illinois (325 ILCS 5/4 & 5/11.8; 510 ILCS 70/18); Indiana (IC §§ 12-10-3-8.5; 31-33-8-7.5); Louisiana (LRS § 14:403.6); Maine (MRS tit. 22 §§ 3477 & 4011-A; tit. 34-B § 1901); Massachusetts (MGL ch. 19A § 15; ch. 19A § 42; ch. 19C § 1; ch. 19C § 14; ch. 119 § 21; ch. 119, § 85); Nebraska (NE ST § 28-1017); Ohio (ORC §§ 1717.04; 1717.06; 1717.09; 1717.14); Oregon (ORS §§ 40.252; 609.654; 609.656); Tennessee (TC §§ 38-1-401; 38-1-403; 39-14-212); Virginia (VA ST § 63.2-1509); West Virginia (WV ST §§ 7-10-2; 9-6-9; 9-6-9a, 48-27-702; 49-2-803; 49-2-806).
- ^x Fiona S. McEwen et al., *Is Childhood Cruelty to Animals a Marker for Physical Maltreatment in a Prospective Cohort Study of Children?* 38 CHILD ABUSE & NEGLECT 533 (2014); see also Sarah DeGue & David DiLillo, *Is Animal Cruelty a “Red Flag” for Family Violence?: Investigating Co-occurring Violence Toward Children, Partners, and Pets*, 24 J. OF INTERPERSONAL VIOLENCE 1036 (2009).
- ^{xi} Denise Parkes & Tania Signal, *Revisiting a Link: Animal Abuse, Bullying, and Empathy in Australian Youth*, 5 HUMAN-ANIMAL INTERACTION BULLETIN 26 (2017), examining the link between animal abuse and bullying, and finding that male adolescents who were cruel to animals also tended to have lower levels of cognitive and affective empathy, and had a greater need for egoistic power.
- ^{xii} Arnold Arluke & Eric Madfis, *Animal Abuse as a Warning Sign of School Massacres: A Critique and Refinement*, 18 HOMICIDE STUDIES 7 (2013), finding that, in the 23 cases of school mass shootings where two or more humans were killed by shooters under 20 years of age, 10 of the shooters had a history of animal cruelty. Nine shooters had committed up-close and personal abuse of an animal, seven of whom targeted dogs and cats. Therefore, the percentage of school shooters who engaged in hands-on abuse of dogs or cats was 30.4%. By comparison, a 2009 survey of 260 undergraduates found only 1% of the respondents committed hands-on abuse of dogs or cats (Jack Levin & Arnold Arluke, *The Link Between Animal Abuse and Human Violence: Reducing the Link’s False Positive Problem*, SUSSEX ACADEMIC PRESS, 163-171 (2009).
- ^{xiii} *Safer Communities*, *supra* note v.