

VIRGINIA JUDGES HAVE A NEW TOOL FOR ADDRESSING THE LINK BETWEEN DOMESTIC VIOLENCE, CHILD ABUSE, ELDER ABUSE, AND ANIMAL CRUELTY

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Virginia judges are using a newly developed bench guide to address the link between animal cruelty and interpersonal violence in juvenile and family law cases. The guide emerged from the 2020 work of Judge H. Lee Chitwood of the Pulaski County Juvenile and Domestic Relations Court, Gael Strack, and other experts to create a resource for Virginia judges handling non-fatal strangulation cases. The Advisory Committee on Domestic Violence Issues at the Virginia Office of the Executive Secretary (OES) approved the non-fatal strangulation guide and distributed it to all state trial level judges. Noting the success of the non-fatal strangulation bench guide with practitioners, in addition to hosting a training on animal cruelty and its intersection with family law cases, Judge Chitwood felt the judiciary could benefit from a bench guide addressing animal cruelty issues.

Judge Chitwood contacted fellow Virginia Judge Constance Frogale who also sponsored a training on animal cruelty issues. Working with the Domestic Violence Programs and Services Department at OES, they also consulted Michelle Welch, Senior Assistant Attorney General and Director of the Animal Law Unit at Virginia Attorney General's Office, and Phil Arkow, an international expert on animal cruelty and the author of *Child Abuse, Domestic Violence, and Animal Abuse: Linking the Circles of Compassion For Prevention and Intervention (New Directions in the Human-Animal Bond)*. Together this team created the Virginia Bench Guide for Addressing the Link between Animal Abuse and Human Abuse.

Deeply passionate about this subject, Judge Frogale was interested in helping to develop the bench guide due to her years of experience on the bench where she saw the impact that abuse has on families.



Judge Constance Frogale

In 18 years of experience handling thousands of domestic violence cases, I have seen firsthand the awful truth of the link between domestic violence abusers and the connection to animal abuse. Abusers frequently use the most vulnerable, beloved pets to achieve their goals of coercive control through abuse or cruelty to family animals. Sometimes this is in the form of threats to harm the animal, but other times the abuser physically injures or kills the animal to achieve the goal of controlling or punishing the victim. I have seen cases where animals have been beaten, tortured, and even killed by the abusers. The behaviors often start without overt violence, but it usually escalates quickly. The descriptions of the cruelty are often shockingly graphic, and pictures and videos even more so. It is vitally important that judges pay close attention because this link is very real.

I heard the case of a father who was an especially cruel and violent abuser of his nine-year-old daughter, the mother, and their beloved dog Maggie. He often punished the mother by beating Maggie with a steel rod. Maggie was a small Maltese Terrier that both mother and daughter loved very much. The sadistic and brutal cruelty toward the animal was what finally caused the mother to call the police. The abuser said “if you don’t want me to beat the dog, you take the beating yourself.” The father repeatedly threatened that if the mother called the police she would be deported, and he would have sole custody of their daughter. Implicit was his threat to have free reign in his cruelty toward their daughter and the dog. The mother was so terrified about this possibility that she allowed their nightmare life to continue. After enduring years of this cruelty, and watching the dog be repeatedly beaten, it was finally too much so she contacted the police. The court intervention finally gave protection to all the victims, including Maggie.

In the beginning of my tenure as judge, I first saw the prevalence of abusers' use of threats or actual violence to hurt animal companions in a domestic relationship. These strategies were terribly effective at intimidating and controlling other family members. I realized that the attorneys and guardians ad litem practicing in my court needed training on the link between animal cruelty and domestic violence. To meet this need, I organized a training that was well attended and received. The attorneys wanted more guidance or tools to help them assess whether animal cruelty was involved in a household where domestic violence was present.

Their request gave rise to developing something that would be useful to practitioners in the field looking at these cases. Specifically, the need for an informational tool or something concrete and concise to help judges and attorneys recognize the signs of domestic violence and animal abuse in their cases became clear. Rather than relying on a hunch or a feeling that there was something wrong, we wanted judges and attorneys to have guidance on specific indicators to look for and questions to ask to uncover whether abusive conduct involving animal cruelty was occurring or had occurred. A bench guide was developed as a tool to help practitioners and judges recognize the signs of animal cruelty and its connection to domestic violence.

The bench guide contains useful guidance to uncover not only the obvious signs of abuse but also hidden ones. It can make all the difference in revealing serious issues that must be considered by lawyers and judges to effectuate the best and safest dispositions for families and their animal companions. Perhaps we can hope that the true stories like Maggie's family may become a thing of the past. ”

The development of the animal abuse bench guide was a large task and involved judges, clerks, lawyers, and experts who volunteered their time to write, review, and publish it. The Domestic Violence Programs and Services Department at the OES used funds from an Office on Violence Against Women (OVW) grant to edit, print, laminate, and distribute the bench guide to judges across the state. To establish uniformity across the various domestic violence-related bench guides developed in Virginia, the OES modelled the format of the animal abuse bench guide on the format used in the non-fatal strangulation bench guide. After the statewide advisory commission approved the final version of the bench guide, the OES distributed it at the bi-annual Virginia Statewide Domestic Violence Judges' Conference held in November 2021. Phil Arkow was a keynote speaker at the event and trained attending judges about the link between animal cruelty and domestic violence.

The initial response to the bench guide has been very positive. Judges and lawyers have praised the easy access it provides to critical information. Internationally, a Portuguese national animal protection veterinarian has contacted OES to inquire about translating the guide. Her plan is to present it to judges in Portugal and Brazil as a training tool, as well as including it at a judicial conference in Lisbon this summer.

As family law cases continue to grow in complexity and volatility, it is critically important that all judges are aware of the link between domestic violence, animal abuse, child abuse, and elder abuse. This link is sometimes not apparent. But knowing the right questions to ask is the first step in recognizing and preventing abuse. The Virginia guide provides these questions as well as information about the connections between animal cruelty and various types of interpersonal violence and indicators of the risk or presence of these connected harms.

The bench guide can be accessed on the [NCJFCJ website](#). For assistance from the NCJFCJ with bench guide development or training on the link between animal cruelty and interpersonal violence, please contact Dr. Martha-Elin Blomquist, NCJFCJ Senior Site Manager, at mblomquist@ncjfcj.org.

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