



# WHAT FLORIDA JUDGES NEED TO KNOW AND DO TO ADDRESS THE LINK BETWEEN INTERPERSONAL VIOLENCE AND ANIMAL ABUSE

## BENCH TOOL<sup>i,ii</sup>

Research has established a link between animal abuse and other forms of family violence, such as domestic violence, child abuse, and elder abuse.<sup>iii</sup> Additionally, research has shown that perpetrators of violent acts against animals often have significant criminal records and pose a safety risk for the public.<sup>iv</sup>

### FLORIDA STATUTES RELEVANT TO THE LINK BETWEEN ANIMAL ABUSE AND INTERPERSONAL VIOLENCE

#### Protection Orders

- Courts can consider whether the respondent has intentionally injured or killed a family pet. FLA. STAT. § 741.30(6)(b)(4)
- Companion animals may be included in protection orders. FLA. STAT. § 741.30

#### Cross-Reporting

- Animal control officers are required to report suspected child abuse and child protective investigators are required to report suspected animal cruelty. FLA. STAT. § 39.208
- Approved agencies for cruelty prevention regarding animals or children may investigate crimes against animals or children. FLA. STAT. § 828.03

### QUESTIONS FOR ALL FAMILY LAW CASES

? Are pets or service animals in the home?

? Are there bonds between family members and the pet?

? Who cares for the pet?

? Have there been recent injuries to the pet?

? Are family members concerned about the well-being of the pet?

? Have children witnessed or been involved in the abuse of a pet?

### DECISIONS FOR ALL FAMILY LAW CASES

✓ If appropriate, **order** a trauma-informed mental health screening.

✓ **Place** pets and humans in the safest environment by including pets and service animals in safety plans, protection orders, stay away/no contact orders, and visitation orders.

### JUVENILE ANIMAL CRUELTY OFFENDING AND LINK ISSUES



Juvenile animal cruelty may indicate that the child has or is suffering from abuse or neglect.<sup>v</sup> A child may abuse an animal because they observed their parent or guardian do so.<sup>vi</sup> Childhood animal cruelty may indicate a conduct disorder.<sup>vii</sup>

#### Questions for the Prosecutor and/or Defense Attorney

- What are the allegations about the animal and what kind of harm is alleged?
- Does the youth have a history of violence or displaced anger?
- Has a criminogenic risk/needs assessment been done with the youth?
- Is pro-criminal attitude/behavior a top risk domain?
- Has the youth been a victim of abuse or neglect?
- Has the youth been screened for trauma?

#### Decisions to Promote Animal Safety and Positive Youth Development

- ✓ **Set** conditions for the safe release of the youth and for the safety of animals, pending adjudication.
- ✓ Carefully **evaluate** plea agreements to ensure the adjudicated charge and facts reflect the seriousness of the offense and the actual harm or maltreatment against the animal.
- ✓ **Order** a psychological screening and assessment from a trained clinician aware of the links between juvenile animal cruelty and other antisocial juvenile behavior.
- ✓ **Request** trauma-informed treatment and other services.
- ✓ **Order** a pre-disposition evaluation to address youth positive development, actions to remediate harm to animals, and support to build youth empathy and resiliency.
- ✓ **Order** probation conditions relating to receiving humane education to develop compassion for animals.
- ✓ **Hold** frequent reviews of youth progress with probation conditions and services.

## CHILD ABUSE/NEGLECT AND LINK ISSUES



Abusers may harm or threaten to harm an animal to intimidate or control their children. The majority of animal cruelty incidents in the home occur in the presence of a child.<sup>vii</sup> Observing their pet suffer abuse is a very traumatic experience for a child.<sup>ix</sup> Children may intervene to protect their pet from abuse which may lead to the child being injured.<sup>x</sup>

### Questions for the Child Welfare Worker/Guardian Ad Litem (GAL)/ Court Appointed Special Advocate (CASA)

- Have the children sought to protect their pet from abuse or neglect?
- Has the child welfare worker or other mandated reporter notified the appropriate authorities of suspected animal abuse or neglect?

### Question for Children<sup>xi</sup>

- Do you live with a pet?
- Who takes care of the pet?
- Do you have any concerns about your pet?
- Is there anything you want the judge to know about your pet?

### Decisions to Promote Child and Pet Safety and Well-Being

- ✓ **Consider** the child's attachment to the pet and whether the pet's welfare is an issue.
- ✓ When there is a removal or placement of the child with a resource home, **request** the child and pet remain together.
- ✓ If the resource placement cannot take the pet, **have** someone the child trusts care for the pet or request animal foster care for the pet.
- ✓ **Encourage** collaboration between the child's attorney, CASA, and/or other interested parties to develop responses that maintain the child-pet bond to reduce trauma and promote the child's best interest, this could include a child-pet visitation plan.<sup>xii</sup>
- ✓ **Order** services and treatment to address the trauma to the child from witnessing animal abuse.
- ✓ **Consider** using the child-pet bond to help promote reunification between the child(ren) and parents.

## PROTECTION ORDERS AND LINK ISSUES



Animal abuse is higher in households where intimate partner violence occurs.<sup>xiii</sup> Perpetrators use the bond between a pet and family members to intimidate and/or control their victim,<sup>xiv</sup> to gain the victim's compliance, and to prevent the victim from leaving the relationship or seeking a protection order.<sup>xv</sup> Victims may delay, or refrain from, leaving the abuser due to concern for their pet.<sup>xvi</sup>

### Questions to Ask

- Has the perpetrator abused or threatened harm to the pet?
- What options are there for the safety of the petitioner and the petitioner's pet?

### Order for Safeguarding Family Members and Their Pets

- ✓ When issuing protection orders, **safeguard** pets by awarding temporary, exclusive care of the pet, and/or preventing transfer, concealment, disposal, or harm to the pet.

## ELDER ABUSE AND LINK ISSUES



Elders and adults with disabilities are vulnerable to abuse by caregivers.<sup>xvii</sup> Adult protective service workers report that clients talk about their pets being threatened, injured, killed, or denied care by a caregiver.<sup>xviii</sup> A caregiver may use the elder-pet bond as a means of control,<sup>xix</sup> including for financial exploitation. Elders may delay, or refrain from, requesting services or medical attention for fear that their pet may be harmed, taken away, or be without care.

### Questions for the Elder Or Adult Protection Worker

- Is the elder reliant on a family member or caretaker that has harmed or threatened a pet?
- If the elder needs medical care, are they worried what will happen to their pet?
- What options and resources are available to keep the elder and elder's pet cared for and safe?

### Decision To Safeguard the Elder And The Pet

- ✓ **Order** financial relief/support, when possible, to assist the elder in meeting their needs as well as the needs of their pets.

This tool is funded by a grant from the Animal Legal Defense Fund. It does not represent the official views or policies of the ALDF or the NCJFCJ.



For additional resources and references related to this topic, please scan the code here.

## REFERENCES

<sup>i</sup>The National Council of Juvenile and Family Court Judges (NCJFCJ) is grateful to the Advisory Committee on Domestic Violence Issues in Virginia's Courts and the Virginia Office of the Attorney General for permission to use the *Virginia Bench Tool Guide for Addressing the Link between Animal Abuse and Human Abuse* as a template for the NCJFCJ's link bench tool project. Florida also has two bench cards related to the link. This tool serves as a supplemental resource to those existing bench cards. <https://www.flcourts.gov/content/download/869062/file/Animal%20Abuse%20Benchcard%201.4.pdf>

<sup>ii</sup>The NCJFCJ wishes to acknowledge that this bench tool is made possible by a grant from the Animal Legal Defense Fund (ALDF). The points of view or opinions expressed in this tool are those of the NCJFCJ project team members and assisting judicial officers and do not necessarily represent the official position or policies of the ALDF or the NCJFCJ.

<sup>iii</sup>Animal Legal Defense Fund, *Animal Cruelty's Link to Other Forms of Violence*, (2021), <https://aldf.org/wp-content/uploads/2022/01/Animal-Legal-Defense-Fund-Link-Factsheet.pdf>. (Hereafter referred to as ALDF Factsheet).

<sup>iv</sup>Arluke, A. et al. (1999). The relationship of animal abuse to violence and other forms of antisocial behavior. *Journal of Interpersonal Violence*, 14, 963.

<sup>v</sup>Ibid.

<sup>vi</sup>ALDF Factsheet.

<sup>vii</sup>Ibid.

<sup>viii</sup>ALDF Factsheet.

<sup>ix</sup>Ibid.

<sup>x</sup>Balkin et al.

<sup>xi</sup>The NCJFCJ recommends children in child abuse cases attend court hearings. Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*. Reno, NV: National Council of Juvenile and Family Court Judges.

<sup>xii</sup>Child-pet visitation should be viewed as part of the court's and child welfare agency's obligation to create and maintain normalcy for children and youth in foster care. Recommended practice is for the court, the child welfare agency, and a local animal shelter to have a memorandum of understanding regarding care, services, and visitation to maintain the child-pet bond. Balkin et al.

<sup>xiii</sup>Ascione, F.R. (2007). Emerging research on animal abuse as a risk factor for intimate partner violence. In K. Kendall-Tackett & S. Giacomoni (Eds.), *Intimate Partner Violence* (pp. 3.1-3.17). Kingston, NJ: Civil Research Institute.

<sup>xiv</sup>Ibid.

<sup>xv</sup>Balkin, D., Blomquist, M., Bowman, S., Chitwood, H.L., Dunn, L., Ely, C., Groman, D., Kay, A., Taylor, P., and Wood, K. (2019). *Animal Cruelty Issues: What Juvenile and Family Court Judges Need to Know*. Reno, NV: National Council of Juvenile and Family Court Judges.

<sup>xvi</sup>Alberta Society for the Prevention of Cruelty to Animals (2013). *The Cruelty Connection: The Relationship Between Animal Cruelty, Child Abuse & Domestic Violence*, available at <https://nationallinkcoalition.org/wp-content/uploads/2021/10/Alberta-SPCA-Cruelty-Connection.pdf>.

<sup>xvii</sup>Ibid.

<sup>xviii</sup>Ibid.

<sup>xix</sup>Ibid.