

WHAT COLORADO JUDGES SHOULD KNOW TO ADDRESS THE LINK BETWEEN INTERPERSONAL VIOLENCE AND ANIMAL ABUSE

BENCH TOOL^{i,ii}

Human violence and animal abuse are often co-occurring and interwoven.ⁱⁱⁱ This phenomenon has been termed “the Link.”^{iv} Research has established a link between animal abuse and interpersonal violence including domestic violence, child abuse, and elder abuse. Domestic abusers may harm or threaten animals to exert power over human victims.^v Additionally, research has shown that perpetrators of violent acts against animals frequently have significant criminal records and pose a safety risk to the public.^{vi}

The existence of animal abuse is critical for a judge to consider when handling domestic violence, child abuse, elder abuse, and juvenile delinquency cases. Understanding the bond between humans – particularly children – and pets also enables the family court to better serve families in custody and property division cases.

COLORADO STATUTES RELEVANT TO THE LINK BETWEEN INTERPERSONAL VIOLENCE AND ANIMAL ABUSE

Animal Defined

COLO. REV. STAT. § 18-9-201(2)

Cruelty to Animals^{vii}

COLO. REV. STAT. § 18-9-202, et. seq.

COLO. REV. STAT. § 19-2.5-1122(1), (2), (3)

Domestic Violence and Related Definitions

COLO. REV. STAT. § 13-14-101(2), (2.1), (2.4)(a)

COLO. REV. STAT. § 14-10-127.5

COLO. REV. STAT. § 18-6-800.3

Domestic Violence & Protection Orders including Placement of Pets

COLO. REV. STAT. §§ 13-14-101(2), (2.4); 13-14-103(1)(b); § 13-14-105 (1)(g)

COLO. REV. STAT. § 18-6-803.5

Elder Abuse

COLO. REV. STAT. § 13-14-101(1)

Sentencing Provisions including Possession Bans

COLO. REV. STAT. § 18-9-202(2)

COLO. REV. STAT. § 19-2.5-1122

Mandatory Reporting

COLO. REV. STAT. § 19-3-304

COMMON SIGNS OF ANIMAL ABUSE/NEGLECT

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| <ul style="list-style-type: none">• Lack of regular veterinary care or untreated wounds or injuries of the animal• Lack of adequate food, water, or shelter from the elements for the animal• Extreme overcrowding with too many animals• Infestation of the animal with fleas, ticks, or other parasites | <ul style="list-style-type: none">• Lack of grooming, such as extreme matting of fur, overgrown nails or a dirty coat of the animal• Unsanitary or hazardous environment including buildup of animal excrement• Threats to take, harm, dispose of, or kill an animal• Past or current nonaccidental injuries to an animal |
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MATTERS TO CONSIDER FOR ALL FAMILY LAW CASES WITH LINK ISSUES

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| <ul style="list-style-type: none">• Pets present at the home• Bonds between family members and the pet• Individual who provides day-to-day care for the pet• Recent injuries to the pet• Family members concerned about the safety and well-being of the pet | <ul style="list-style-type: none">• Children either witnessing or being involved in the abuse or neglect of the pet• Placing 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• Current or past family dynamics or problems involving interpersonal violence and neglect (although these may not be the issues or reasons the case is in front of the family court) |
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DIVORCE AND PET WELL-BEING ISSUES



Just as with children, some parties in divorce cases use the bond between a human and a pet to manipulate or hurt the other person. A survey of matrimonial lawyers found that 27% of respondents saw an increase in pet custody disputes in the last five years.^{viii}

Matters to Consider

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| <ul style="list-style-type: none">• Where the pet lives pending the divorce• If the parties' relationship will allow for joint custody/ownership of the pet• The interaction of each party, including the child(ren), with the pet | <ul style="list-style-type: none">• The fitness of each party to care for the pet(s)• The safety and well-being of the pet• Addressing pet maintenance, care, and custody in the court's order |
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CHILD CUSTODY AND PET WELL-BEING ISSUES



Children may be strongly attached to their pets.^{ix} The pet-human bond provides mental and physical benefits.^x Children talk to pets who in turn help children feel accepted and less lonely. Children rank their ties to pets above parents/friends as “most likely to last no matter what, even if you get mad at each other.”^{xi}

Matters to Consider

- Which parent can provide a safe environment for the pet
- The parent’s ability to care for the pet during parenting time
- How pet transportation will be handled with children during parenting time
- If the parties’ relationship will allow transfer of the pet during parenting time
- The activities the child will be involved in during parenting time with the parent
- Allowing the child access to, or possession of, the pet if they have an emotional connection
- When making child custody decisions, indicators of “coercive control”^{xii}

PROTECTION ORDERS AND LINK ISSUES



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

Matters to Consider

- Perpetrator abuses or threatens to harm the pet
- Availability of options to keep the petitioner, children, and family pet safe
- Safeguarding pets by awarding temporary, exclusive care of the pet, and/or preventing transfer, concealment, encumbering, disposing of, or harm to the pet

Judicial Authority

- **COLO. REV. STAT. § 13-14-105(1)(g):** Permits a court to restrain a party from molesting, injuring, killing, taking, transferring, encumbering, concealing, disposing of or threatening harm to an animal owned, possessed, leased, kept, or held by any other party or minor child of any other party
- **COLO. REV. STAT. § 13-14-105(h):** Permits a court to specify arrangements for possession and care of an animal owned, possessed, leased, kept, or held by any other party or a minor child of any other party.

CHILD ABUSE/NEGLECT AND LINK ISSUES



Abusers may harm or threaten to harm an animal to intimidate or control their children. Studies have shown that when animal cruelty occurs in families with pets and children, it often takes place while a child is present.^{xvii} Observing this abuse is traumatic for a child.^{xviii} Children may intervene to protect their pet from abuse which may lead to the child being injured.^{xix}

Matters to Consider With the Child Welfare Worker/Guardian ad Litem (GAL)/Court Appointed Special Advocate (CASA)/Youth Attorney

- Children trying to protect their pet from abuse or neglect
- Reports by animal control workers of suspected child or animal abuse

Matters to Consider With Children^{xx}

- Where the pet lives
- Who takes care of the pet
- Child’s concerns about the pet
- What the judge should know about the pet

Matters to 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 foster parent, allowing the child and pet to remain together
- If the foster home placement cannot take the pet, having someone the child trusts care for the pet or consider requesting animal foster care
- Collaboration between the GAL, CASA, and/or other parties to develop plans that maintain the child-pet bond to reduce trauma and promote the child’s best interests, including a child-pet visitation plan^{xxi}
- Ordering services and treatment to address the trauma to the child from having witnessed animal abuse
- If appropriate, using the child-pet bond to promote reunification between the child(ren) and parents

ELDER ABUSE AND LINK ISSUES



Elders and adults with disabilities are vulnerable to abuse by caregivers.^{xxii} Adult protective service workers report that clients talk about pets being threatened, injured, killed, or denied care by caregivers.^{xxiii} A caregiver may use the elder-pet bond as a means of control^{xxiv} 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.

Matters to Consider

- Elder's reliance on a family member or caretaker that has harmed or threatened to harm a pet
- Elder's worry that something bad will happen to their pet if the elder needs medical care
- Availability of options and resources to keep the elder and elder's pet cared for and safe
- Exploring and ordering, when possible, financial relief/support to assist the elder in meeting their needs as well as the needs of their pets

JUVENILE ANIMAL CRUELTY OFFENDING AND LINK ISSUES



Juvenile animal cruelty may indicate that the child has or is suffering from abuse or neglect.^{xxv} A child may abuse an animal because they observed their parent or guardian do so.^{xxvi} Childhood animal cruelty may indicate a conduct disorder.^{xxvii}

Matters to Consider

- The specific allegations of animal cruelty including the type of harm and the extent of the harm alleged as well as the number of incident(s) and victim(s)
- The youth's history of violence or displaced anger
- Youth's prior victimization history
- Necessity of a criminogenic risk/needs assessment
- Screening for trauma
- Pending an adjudication, setting conditions for the safe release of the youth and for the safety of animals
- Evaluating plea agreements to ensure the adjudicated charge and facts reflect the seriousness of the offense and the actual harm committed against the animal
- Ordering a psychological screening and assessment from a clinician aware of the links between juvenile animal cruelty and other antisocial juvenile behavior
- Requesting trauma-informed treatment and other services
- Ordering a pre-disposition report to address any recommendations to remediate animal harm and/or to build youth empathy
- Ordering probation conditions that ensure the youth receives humane education to develop compassion for animals
- Holding frequent review hearings to check the youth's progress with probation conditions and services

COLORADO SPECIFIC RESOURCES

Temporary Assistance – PawsCo
<https://pawscolorado.org/temporary-assistance>

PeaceWorks Inc – Safe Homes, Safe Relationships – Bailey, CO
<https://peaceworksinc.co/>

Temporary Pet Housing Program – City and County of Denver
<https://denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directories/Animal-Shelter/Programs/Temporary-Pet-Housing-Program>

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.



**ANIMAL LEGAL
DEFENSE FUND**



NATIONAL COUNCIL OF
JUVENILE AND FAMILY COURT JUDGES



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

REFERENCES

- ⁱThe 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 Guide for Addressing the Link between Animal Abuse and Human Abuse* as a template for the NCJFCJ's link bench tool project.
- ⁱⁱThe 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 do not necessarily represent the official position or policies of the ALDF or the NCJFCJ.
- ⁱⁱⁱJegatheesan, B., Enders-Slegers, MJ, Ormerod, E., Boyden, P., (2020). Understanding the link between animal cruelty and family violence: The bioecological systems model. *Int. J. Environ. Res Public Health*. 2020 Apr. 30; 17(9):3116. Doi: 19.3390/ijerph17093116. PMID: 32365760; PMC7246522, available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC7246522/>.
- ^{iv}Positive Links, *About the Link*, <https://thelinknm.com/the-link/about-the-link/>.
- ^vAnimal Legal Defense Fund, (2021). *Animal Cruelty's Link to Other Forms of Violence*, <https://aldf.org/wp-content/uploads/2022/01/Animal-Legal-Defense-Fund-Link-Factsheet.pdf>. (Hereafter referred to as ALDF Factsheet.)
- ^{vi}Arluke, A. et al. (1999). The relationship of animal abuse to violence and other forms of antisocial behavior. *Journal of Interpersonal Violence*, 14, 963.
- ^{vii}The penalties for animal cruelty range from Class 1 misdemeanors to Class 4 felonies. See COLO. REV. STAT. § 18-9-202.
- ^{viii}American Academy of Matrimonial Lawyers, (2014). Pet Custody Disputes on the Rise Find Nation's Top Matrimonial Lawyers, PR Newswire, Feb. 12, 2014, available at <https://www.prnewswire.com/news-releases/pet-custody-disputes-on-the-rise-find-nations-top-matrimonial-lawyers-245220181.html>.
- ^{ix}McDonald, S.E., Collins, E.A., Maternick, A., Nicotera, N., Graham-Bermann, S., Ascione, F.R., Williams, J.H., (2015). Children's experiences of companion animal maltreatment in households characterized by intimate partner violence. *Child Abuse Negl.*, 2015 Dec.; 50, 116-127, doi: 10.1016/j.chiabu.2015.10.005, available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC4688106/>.
- ^x*Ibid.*
- ^{xi}Melson, G.F. (2001). *Why the Wild Things Are: Animals in the Lives of Children*. Cambridge, MA: Harvard University Press. See also <https://www.psychologytoday.com/us/blog/why-the-wild-things-are/201703/friends-in-fur>.
- ^{xii}A court can consider "coercive control" which includes "threatening to harm or kill an animal with which the individual or the individual's child or relative has an emotional bond." COLO. REV. STAT. §§ 14-10-124(1.3)(a)(VII), 14-10-129(2)(c), and 14-10-116.5(5).
- ^{xiii}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.
- ^{xiv}*Ibid.*
- ^{xv}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.
- ^{xvi}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>.
- ^{xvii}ALDF Factsheet.
- ^{xviii}*Ibid.*
- ^{xix}Balkin et al.
- ^{xx}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.
- ^{xxi}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.
- ^{xxii}*Ibid.*
- ^{xxiii}*Ibid.*
- ^{xxiv}*Ibid.*
- ^{xxv}*Ibid.*
- ^{xxvi}ALDF Factsheet.
- ^{xxvii}*Ibid.*