



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

BENCH TOOL^{i,ii}

Animal abuse and human violence are often co-occurring and interwoven.ⁱⁱⁱ This phenomenon has been termed “the Link.”^{iv} Research has established a link between animal abuse and family violence including domestic violence, child abuse, and elder abuse. Individuals who cause harm to other family members may harm or threaten animals to exert power over human victims.^v Additionally, research has shown that individuals who cause harm through violent acts against animals frequently have significant criminal records and pose a safety risk to the public.^{vi} At the outset of a matter, a court should always inquire whether there are animals in the household, regardless of whether there have been allegations of animal abuse.

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 connection between humans – particularly children – and companion animals also enables the family court to better serve families in custody and property division cases.

NEW YORK STATUTES RELEVANT TO THE LINK BETWEEN INTERPERSONAL VIOLENCE AND ANIMAL ABUSE

Animal and Companion Animal Defined

N.Y. AGRIC. & MKTS. LAW, Art. 26, § 350

Animal Cruelty

N.Y. AGRIC. & MKTS. LAW, Art. 26, §§ 350, 353, 353-a, 355, 360

Veterinary Reporting

N.Y. EDUC. LAW, Title 8, Art. 135, § 6714(2)(a)

Domestic Violence & Protection Orders

N.Y. CRIM. PROC. LAW, Part 3, Title P, Art. 530, §§ 530.12(1)(a)(6), 530.13(1)(c);
N.Y. FAM. CT. ACT. §§ 656(i), 842(i), 1056(1)(g)

“Custody” of the Companion Animal In Divorce Cases

N.Y. DOM. REL. LAW § 236(B)(5)(d)(15) (“best interest of the companion animal”)
L.B. v. C.C.B., 77 Misc.3d 429 (Supreme Court Kings County 2022)

Non-Divorce Cases

N.Y. CIV. PRAC. LAW, § 7101, et seq.
Acosta v. Shaw, 2022 NY Slip. Op. 34588(U) (Dec. 16, 2022)

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; lack of adequate space or appropriate freedom of movement; use of tethering/chains to restrict healthy movement• 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 environment, including buildup of animal excrement• Nonaccidental current or past injuries to an animal• Threat(s) of harm to the animal |
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MATTERS TO CONSIDER FOR ALL FAMILY LAW CASES

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| <ul style="list-style-type: none">• Companion animals present at the home• Bonds between family members and the companion animal• Individual who provides day-to-day care for the companion animal• Recent injuries to the companion animal• Family members concerned about the safety and well-being of the companion animal | <ul style="list-style-type: none">• Children either witnessing or being involved in the abuse of a companion animal• Placing companion animals and humans in the safest environment by including companion animals in safety plans, protection orders, stay away/no contact orders, and visitation^{vii} 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 COMPANION ANIMAL WELL-BEING ISSUES



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

Matters to Consider^{ix}

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| <ul style="list-style-type: none">• Where the companion animal lives pending the divorce• If the parties' relationship will allow for joint custody/ownership of the companion animal• The interaction of each party with the companion animal• The fitness of each party to care for the companion animal, including the home environment | <ul style="list-style-type: none">• The well-being of the companion animal, including keeping bonded animals together• Addressing companion animal maintenance, care, and custody in the court's order• Best interest of the companion animal(s), including whether a child is bonded to the animal |
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CHILD CUSTODY AND COMPANION ANIMAL WELL-BEING ISSUES



Children may be strongly attached to their companion animals.^x The companion animal–human bond provides mental and physical benefits.^{xi} Children talk to companion animals despite knowing they do not understand. Companion animals help children feel accepted and less lonely. Children rank their ties to companion animals above parents/friends as “most likely to last no matter what, even if you get mad at each other.”^{xii}

Matters to Consider

- Which parent/guardian can provide a safe environment for the companion animal
- The parent’s ability to care for the companion animal during timesharing
- How companion animal transportation will be handled with children during timesharing
- If the parties’ relationship will allow transfer of the companion animal during timesharing
- The activities the child will be involved in during timesharing with the parent
- Allowing the child access to, or possession of, the companion animal if they have an emotional connection

PROTECTION ORDERS AND LINK ISSUES



Animal abuse is higher in households where intimate partner violence occurs.^{xiii} Individuals who cause harm use the family member’s bond with the companion animal 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 individual who causes harm due to concern for their companion animal.^{xvi}

Matters to Consider

- Individual who causes harm, abuses or threatens to harm the companion animal
- Availability of options to keep the petitioner, children, and family companion animal safe
- Safeguarding companion animals by awarding temporary, exclusive care of the companion animal, and/or preventing transfer, concealment, encumbering, disposing of, or harm to the companion animal

Judicial Authority

- N.Y. CRIM. PRO. LAW, Part 3, Title P, Art. 530, §530.12(1)(a)(6)(A),(B); N.Y. CRIM. PRO. LAW, Part 3, Title P, Art. 530, § 530.13(1)(c)(1), (2); N.Y. FAM. CT. ACT. §§ 656(i), 842(i), 1056(1)(g): Permits the court to:
- Order the defendant or respondent to refrain from intentionally injuring or killing, without justification, any companion animal the defendant knows to be owned, possessed, leased, kept, or held by the victim or a minor child residing in the household.
- “‘Companion animal’, as used in th[ese] section[s], shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law.”

CHILD ABUSE/NEGLECT AND LINK ISSUES



Individuals who cause harm may harm or threaten to harm an animal to intimidate or control their children. Studies have shown that in families with companion animals and children, when animal cruelty occurs, 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 companion animal from abuse which may lead to the child being injured.^{xix}

Matters To Consider With The Child Welfare Worker/ Attorney For The Child (AFC)/ Court Appointed Special Advocate (CASA)

- Children trying to protect their companion animal from abuse or neglect
- Notification by child welfare workers or mandated reporters of suspected animal abuse or neglect

Matters to Consider With Children^{xx}

- Where the companion animal lives
- Who takes care of the companion animal
- Child’s concerns about the companion animal
- What the child wants the judge to know about the companion animal

Matters To Consider For Child And Companion Animal Safety And Well-Being

- The child’s attachment to the companion animal and whether the companion animal’s welfare is an issue
- When there is a removal or placement of the child with a foster parent, allowing the child and companion animal to remain together
- If the foster home placement cannot take the companion animal, having someone the child trusts care for the companion animal or consider requesting animal foster care
- Collaboration between the AFC, CASA, and/or other parties to develop responses that maintain the child–companion animal bond to reduce trauma and promote the child’s best interests, including a child–companion animal visitation plan^{xxi}
- Ordering services and treatment to address the trauma to the child from witnessing animal abuse
- If appropriate, using the child–companion animal bond to promote reunification between the child(ren) and parent(s)

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 companion animals being threatened, injured, killed, or denied care by caregivers.^{xxiii} A caregiver may use the elder-companion animal 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 companion animal 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 companion animal
- Elder's worry that something bad will happen to their companion animal if the elder needs medical care
- Availability of options and resources to keep the elder and their companion animal 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 companion animals

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 and the kind of harm alleged
- The youth's history of violence or displaced anger
- Youth's prior victimization history
- Requesting 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 evaluation and report to address youth positive development, actions to remediate animal harm, and support to build youth empathy and resiliency
- 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

NEW YORK SPECIFIC RESOURCES

[Pet Program – Willow Domestic Violence Center of Greater Rochester](#)

New York State Domestic Violence Animal Shelter Database

<https://www.domesticviolenceanddisaster.org/shelter-search>

<https://rise-ny.org/residential-services/index.aspx>

(This shelter does not house companion animals, but they will make arrangements with a partnering animal shelter to house companion animals while a person is in the shelter.)

<https://uriny.org/uripals/>

(Urban Resource Institute, PALS program offers companion animal-ready apartments and services in some boroughs in New York City)

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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}*C.B.-C. v. W.C.*, 77 Misc.3d 342 (Supreme Court Nassau County 2022)
- ^{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}See *C.B.-C.*, 77 Misc. 3d at 399 and *L.B. v. C.C.B.*, 77 Misc.3d 429 (Supreme Court Kings County 2022) for factors a court could consider in a best interest of the companion animal analysis.
- ^xMcDonald, 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/>.
- ^{xi}*Ibid.*
- ^{xii}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>.
- ^{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-companion animal 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-companion animal bond. Balkin et al.
- ^{xxii}*Ibid.*
- ^{xxiii}*Ibid.*
- ^{xxiv}*Ibid.*
- ^{xxv}*Ibid.*
- ^{xxvi}ALDF Factsheet.
- ^{xxvii}*Ibid.*