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Linking Domestic Violence, Child Abuse, and Animal Cruelty

Joan E. Schaffner

I. A “Fictional” Story of Family Abuse

Jane lives with John, her husband, their 2-year-old son, James, and their cat, Jilly. For years John has been emotionally and physically abusive towards Jane. John chastises Jane in front of James and will slap or push Jane against the wall or down the steps when upset. Often, Jane is not so severely injured that she requires medical attention but she does fear for her safety and the safety of James and Jilly. One afternoon she found Jilly lying in a pool of his own blood. James was sitting next to him, crying. James exclaimed: “Daddy hurt Jilly and threatened to hurt me too if I was not a good boy.” Jane took Jilly to the veterinarian who was able to save him. Jilly had been thrown against the wall. When Jane returned home John bragged about his abuse of Jilly and claimed that next time Jilly would not survive.

While this story is fictional, similar, often more egregious, events occur daily throughout this country. Many times the level and frequency of abuse is great and the consequences are death—for Jilly, Jane and/or James. There are laws against domestic violence, child abuse, and animal cruelty but the law has not explicitly recognized these links even though studies of family abuse have proven the link time and again. In the District of Columbia, the George Washington Law School Animal Welfare Project (Project) is working to implement new laws that will address these links and protect all victims of family abuse.

II. The Cycle of Family Abuse

The cycle of family abuse is complex. First, it is well-documented that in homes where there is child or partner abuse there is generally animal abuse as well. In 1983, researchers interviewed 53 families under investigation for child abuse and documented animal abuse in 60% of those families. E. DeViney, et al., *The care of pets within abusing families*, 4 INT’L J STUDY OF ANIMAL PROBLEMS 321–29 (1983). In a more recent national survey of battered women’s shelters, 85% of the shelters reported that women seeking shelter at safe houses spoke of incidents of companion animal abuse. Frank R. Ascione, et al., *The abuse of animals and domestic violence: A national survey of shelters for women who are battered*, 5 SOCIETY AND ANIMALS 205-08 (1997).

Second, children who are exposed to family abuse are at a greater risk of psychological and behavioral problems. These behavioral problems often include animal cruelty. Lisa M. Broidy, et al., *Developmental trajectories of childhood disruptive behaviors and adolescent delinquency: A six site cross national replication*, DEVELOPMENT AND PSYCHOPATHOLOGY (2003). Third, childhood animal abuse is, in turn, linked to persistence of anti-social, aggressive behavior into adolescence and adulthood with animal cruelty identified as one of four factors that predict interpersonal violence. Thus, the cycle is complete; children from abusive family

settings themselves grow up and abuse their own families. In fact, it is now common knowledge that serial killers such as Ted Bundy and Jeffrey Dahmer committed heinous acts of animal abuse before torturing and killing their human victims. DORIS DAY ANIMAL FOUNDATION, *THE VIOLENCE CONNECTION: AN EXAMINATION OF THE LINK BETWEEN ANIMAL ABUSE AND OTHER CRIMES*, 3-4 (Nov. 2004).

III. Legal Recognition of the Abusive Cycle and Solutions

This cycle of family violence must stop and the law can help. Today all states and the District of Columbia have animal cruelty statutes. Darian Ibrahim, *The Anticruelty Statute: A Study in Animal Welfare*, 1 J. ANIMAL L. & ETHICS 175, 176 (2006). Forty-two states and the District of Columbia prosecute aggravated animal cruelty as a felony. Felony Animal Cruelty Laws, available at http://www.hsus.org/web-files/PDF/felonycruelty_map.pdf. These statutes, however, do not expressly address the link among domestic violence, child abuse, and animal cruelty.

Adult victims of domestic violence face many obstacles that often prevent them from seeking help and shelter outside their violent home setting. Victims often feel they are to blame for the abuse that they endure and thus hesitate to report their own abuse. Judge Roger Dutson, *Domestic Violence*, 7 UTAH B.J. 42, 43 (1994). Victims fear that if they do take action against their abuser they themselves will be subjected to more violence and that the abuser will turn violent towards their children and companion animals as well. Family abuse and violence derives from a need to control and intimidate others who are more vulnerable. *Id.* The abuser abuses the companion animal not only to injure the animal but to intimidate other family members, inflicting emotional and psychological harm. Thus all family members are either directly or indirectly the target of the abuser and the abuse. Unless the adult victim can leave the abuse with her entire family, she will stay in the home to protect her children and animals. *See generally*, Dianna J. Gentry, *Including Companion Animals in Protective Orders: Curtailing the Reach of Domestic Violence*, 13 YALE J. LAW & FEMINISM 100-07 (2001).

The Project has researched this issue, working with experts in the field, including Mary Lou Randour and Nancy Perry with the Humane Society of the United States, Debbie Duel with the Washington Humane Society (WHS), and Larisa Kofman at the DC Coalition Against Domestic Violence, to draft legislation to address this link.

A. Cross-Reporting Among Social Service Agencies

The first step in addressing the link involves timely communication to detect family abuse before it escalates. The Project proposes that the District mandate, rather than merely permit, cross-reporting among the agencies responsible for investigating and reporting family abuses. *See e.g.* Conn. Gen. Stat. § 46b-129(a) (1995). California currently is the only state to mandate cross-reporting among social welfare agencies. *See* Cal. Penal Code § 11166(a) (West 1999).

Specifically, the Project's proposal requires the preparation of a "Child Presence Report" by an animal cruelty officer of WHS, the organization charged with the enforcement of animal cruelty laws, when the officer, acting within the scope of her employment, observes a child at the home of a person reasonably suspected of animal abuse. The report is then directed to Child Protective Services, who will make reasonable attempts to inquire about the proper care of the child. Similarly, any employee of an agency relating to governmental child services or adult protective services, must prepare (1) a "Suspected Abuse Report" when that agent, while within the scope of her employment, has knowledge of or observes an animal whom she knows or reasonably suspects has been the victim of cruelty, abandonment, or neglect or (2) an "Animal Presence Report" if that same agent observes an animal at the home of a person reasonably suspected of the child or adult abuse. The reports are to be directed to the WHS who (1) will treat the Suspected Abuse Report as an animal abuse complaint and (2) when in receipt of the Animal Presence Report, will make reasonable attempts to inquire about the proper care of the animal.

This amendment recognizes the direct link between domestic violence, child abuse, and animal cruelty by forcing social welfare agents to be aware of the circumstances of abuse in the home and notify the proper agencies of potential abuse of other family members. In this manner, future abuse may be avoided.

B. Companion Animal Cruelty as Grounds for Protective Order

The second step is to provide an additional ground for courts to award protective orders in a case of "intrafamily offense." Currently, DC courts have the authority to issue a protective order if, after a hearing, "there is good cause to believe the [alleged abuser] has committed or is threatening an intrafamily offense." D.C. Code § 16-1005 (2001). "Intrafamily offense" is defined as a criminal act committed by an offender upon a person to whom the offender is related or with whom the offender shares a mutual residence or maintains a romantic relationship. D.C. Code § 16-1001(5).

The Project proposes that the court have the authority to issue a protective order if, after a hearing, there is good cause to believe that the alleged abuser has committed or is threatening to commit animal cruelty against a companion animal with the intent to injure, psychologically, a human family member. No jurisdiction currently recognizes this kind of animal cruelty as grounds for granting a protective order. The provision recognizes the abusers' use of animal cruelty to intimidate and thus emotionally harm human family members. Further, it may provide earlier protection for all family members if grounds exist prior to the escalation of direct physical violence against a human family member. Finally, while adult victims are hesitant to report their own abuse out of guilt, some may be more willing to report the physical abuse of their companion animal.

C. Protecting Companion Animals in Protective Orders

The third step is to provide protection to enable all family members to exit the abusive

conditions. The Project proposes that courts be given express authority to allow a protective order to direct the care, custody, or control of a companion animal residing in the home.

This year, Maine, Vermont, and New York enacted laws that allow judges to provide for the care of a companion animal in protective orders. The Maine and Vermont bills amend their statutes to allow “an order concerning the care, custody, or control of any animal owned, possessed, leased, kept, or held as a pet by either party or a minor child residing in the household.” Vermont Bill H.0373 § 4; Maine Bill LD 1881 (HP 1321) § 12. Violation of this provision of an order may be prosecuted as a crime or as contempt in Vermont but only as contempt in Maine. In New York, the court may order that the person “refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept, or held as a pet by either party or a minor child residing in the household.” New York Bill 10767A.

D. Safe Havens for All Family Members

Finally, shelter intake personnel must identify the needs of their clients’ companion animals and procedures must be in place to facilitate the care and protection of companion animals leaving the abusive home. Intake forms should be amended to include a question concerning companion animals and local animal shelters should offer services to the victims by providing a shelter for the companion animal until the family can be reunited. *See generally*, Frank R. Ascione, *Safe Havens for Pets: Guidelines for Programs Sheltering Pets for Women Who Are Battered* (2000). In the District, the WHS provides such a service. *See* <http://www.washhumane.org/programs.htm> (Safe Haven).

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