

The Resource Center Newsletter

Judges Have a Role in Addressing Animal Cruelty and Interpersonal Violence

The Link

Hundreds of studies¹ in the past four decades have shown there is a clear link between behavior involving violence against animals and interpersonal violence, including domestic violence, child abuse, and elder abuse. To explain this link, researchers offer the “general deviance theory”² that suggests animal cruelty is one of several anti-social/deviant behaviors that individuals may engage in throughout their lives. In the family context, abuse of humans and animals are manifestations of an individual’s strategy to use violence or the threat of violence to control another. Abuse of an animal is a red flag that others in the home may not be safe. An individual’s cruelty or threats against an animal or beloved pet in order to intimidate other family members, adults or children, is particularly invidious as it involves inflicting harm on some vulnerable household members to control other vulnerable members. Elders who have caretakers who are abusive or neglectful can be at special risk. If they have an animal companion that is also a service animal, the caretaker’s cruelty or neglect against the pet can have life threatening consequences. Children who have been abused or witness animal cruelty may also subsequently commit harms against animals. Studies have found that children who abuse animals are “...two to three times more likely to have been abused themselves.”³ Some children and teens who abuse animals have been found to suffer from the serious emotional and behavioral disorder known as “conduct disorder” which can underlie other anti-social behavior.

Judges clearly have a role in addressing, intervening, and preventing interpersonal violence. Through their authority to issue protection orders and restraining orders, to remove children

¹ Arkow, P. LINK Bibliography: Bibliography of the link between animal abuse, domestic violence, child abuse, and elder abuse. *Therapy Animals* at <http://animaltherapy.net/animal-abuse-human-violence/link-bibliography>

² Levitt, L. Patronek, G. & Grisson, T. editors (2016). *Animal Maltreatment: Forensic Mental Health Issues and Evaluations*, 7, 50.

³ Lee-Kelland, R. & Finlay, F. (2018). Children who abuse animals: When should you be concerned about child abuse? A review of the literature. *Archives of Disease in Childhood*, 103, 8.

<http://dx.doi.org/10.1136/archdischild-2018-314751>

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from abusive homes, and to order youthful offenders into treatment or secure placement, judges use the power of the courts to respond to cruelty and abuse, to protect victims, and prevent future harm. In their role, judges also have the opportunity to take measures to safeguard the wellbeing of an overlooked member of the household and the community – pets and animals, generally speaking. To do this effectively, they need to understand the links between behavior involving violence against animals and interpersonal violence, including domestic violence, child abuse, and elder abuse.

Federal Animal Cruelty Bill

While every state has laws criminalizing animal cruelty, in 2019, Congress made cruelty to animals a federal crime. The legislation, Public Law 116-72, “Preventing Animal Cruelty and Torture Act” (PACT), bans a range of acts involving intentional harm to “living non-human mammals, birds, reptiles, or amphibians,” with penalties for such acts carrying a fine, a prison term of up to seven years, or both. The federal law makes it possible to prosecute animal cruelty cases that span different states or jurisdictions. Such national legislation provides additional support to acknowledging the links between animal abuse and interpersonal violence: both threaten public safety and the wellbeing of communities. The law recognizes that as potential victims of violent crimes, pets, like their human household members, need protection.

Partnership between the National Council of Juvenile and Family Court Judges (NCJFCJ) and the Animal Legal Defense Fund (ALDF)

The National Council of Juvenile and Family Court Judges has had a decade’s long interest in the connections that animals have with the justice system. These connections have been explored through conference sessions and articles on canine court companions and therapy animals, domestic violence victim protection (including pets), juveniles who commit acts of animal cruelty, therapeutic correctional programs that involve at-risk youth and at-risk dogs, and animal welfare as part of trauma-informed justice. In 2019, NCJFCJ began a partnership with the Animal Legal Defense Fund, a national nonprofit law organization dedicated to protecting the lives and advancing the interests of animals through the legal system, to inform judicial responses in juvenile or family law cases that include animal cruelty issues. Through this partnership, NCJFCJ and ALDF convened judges to explore education and advocacy needed on the issues. The convening led to NCJFCJ’s publication of *Animal Cruelty Issues: What Juvenile and Family Court Judges Need to Know*, a conference presentation on “The Link and What Juvenile and Family Court Judges Need to Know about Animal Cruelty Issues”

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made at the 2019 Annual Conference, passage of the NCJFCJ policy, “Resolution Regarding Animal Cruelty and Its Link to Other Forms of Violence,” and the development of curricula for in-person judicial training and webinars on the links between animal cruelty and interpersonal violence and judicial responses to animal cruelty.

Upcoming Training

NCJFCJ is offering a 1 ½ day training (scheduled for October 5-6, 2020, in Sparks, NV) on the links between animal cruelty and interpersonal violence in juvenile and family court cases. The training will give judicial participants information about the interconnections between animal cruelty and various types of interpersonal violence (domestic violence, child abuse, juvenile delinquency, and elder abuse) as well as guidance on recommended practice. Participants will learn about resources, expertise, and options to help with case decision-making. They will also learn about strategies and partners to work with to promote human and animal safety in their communities. Training faculty will include judges, attorneys, and NCJFCJ staff with subject matter expertise on case law, statutes, policy, and recommended practice.

Resources from NCJFCJ

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 Judge Need to Know*. Reno, NV: National Council of Juvenile and Family Court Judges.

NCJFCJ 2019 RESOLUTION REGARDING ANIMAL CRUELTY AND ITS LINK TO OTHER FORMS OF VIOLENCE

Martha-Elin Blomquist, Ph.D. is the Senior Site Manager in the Juvenile Law Program at the National Council of Juvenile and Family Court Judges.

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