

JUVENILE & FAMILY JUSTICE

SPRING 2010

TODAY

A PUBLICATION OF THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES



Protecting Domestic Violence Victims by Protecting Their Pets

By Sherry Ramsey, Mary Lou Randour,
Nancy Blaney and Maya Gupta

ALSO:
Collaboration is Key
to Improving Responses to
Crossover Youth

By Judge Patricia Escher

**NCJFCJ Recognizes
2009 Donors**



Protecting Domestic Violence Victims by Protecting Their Pets

By Sherry Ramsey, Mary Lou Randour, Nancy Blaney, and Maya Gupta

Put yourself in Betty's shoes: She knows that she and her children are in real danger from the increasingly violent behavior of her partner, Rick. She has tried a number of strategies and knows that she must leave soon with her children. Betty has information about the local domestic violence shelter, but there is a problem, or rather, two problems—the family's two beloved mutts, Sally and Ralph. Sally and Ralph have been the one constant in her children's lives; their attachment is not only strong but also a source of comfort and stability to the children. Rick has already threatened the dogs, and even lashed out at Ralph with quick kicks to his ribcage. Betty and her children will be protected physically if they leave, but unless they find a way to place their family pets in a safe situation, they will suffer even greater emotional anguish.

Betty's story is not unusual. Studies show that up to 48% of domestic violence victims report that they delayed leaving a dangerous situation because they feared for their pets' safety and knew of no place to take them (Carlisle-Frank, Frank, & Nielsen 2004). This inability to leave places women, children, and pets at greater risk of exposure to emotional and physical trauma, and death.

“Victims of family violence are often left in a position of deciding whether to stay in an abusive and often dangerous situation, or to go but leave behind their beloved pets.”

Pets: Overlooked Victims of Family Violence

As America witnessed during the tragedy of Hurricane Katrina, many people will not leave their homes without their beloved pets even when their own lives are at stake.

So it is in domestic violence situations, and abusers know this: The threat, or actual use, of violence against family pets is part of the dynamic of family violence—a dynamic that includes not only the spouse and batterer, but also the children, elderly relatives, and the family pet(s).

These crimes are often violent and egregious acts of cruelty. One of this article’s authors has prosecuted a number of domestic abuse cases that included violence against pets, such as setting pets on fire, throwing them off balconies, and beating or killing them in front of children. Victims of family violence are often left in a position of deciding whether to stay in an abusive and often dangerous situation, or to go but leave behind their beloved pets. Victims know that leaving them behind puts their pets at even greater risk of abuse once the victim is gone. Animals are often used by the abuser to punish or manipulate, as well as to take revenge against the victim. Considering that more than 64 million households in the United States include one or more companion animals, being cruel to animals is a common way to punish and control a victim of domestic violence. (Randour & Davidson, 2008). Likewise, attachments to pets on the parts of both victim and the children in a violent family are considerable, and traumatic suffering can result when pets are abused or killed.

In the past twenty years, a growing body of research has firmly established a significant link between domestic violence, child abuse, and animal abuse.

- Multiple studies have found that as many as 71% of battered women reported that their pets had been threatened, harmed, and or killed by their partners (Ascione, Weber, & Wood, 1997; Flynn, 2000; Loring & Bolden-Hines, 2004).
- A national survey of battered women’s shelters determined that 85% of shelters indicated that women seeking shelter at safe houses talked about incidents of pet abuse (Ascione et al., 1997).
- Pet abuse was identified as one of the four significant predictors for intimate partner violence in a recent “gold standard” study conducted by Dr. Jacquelyn Campbell and colleagues. This study, conducted from 1994 to 2000 in 11 large U.S. cities, used a random sample of 3,737 women, as well as a control case sample of 845 women (Walton-Moss, Manganello, Frye, & Campbell, 2005).
- Severe physical violence perpetrated by the batterer was a significant predictor of pet abuse (Ascione et al., 2007).
- 48% of battered women delay leaving a dangerous situation out of concern for their pet’s safety (Faver & Strand, 2003).
- Women have been coerced into committing illegal acts by the batterer because of threats made to their pets (Loring & Bolden-Hines, 2004)
- Children exposed to domestic violence are at greater risk of psychological maladjustment, including a higher risk of becoming perpetrators or victims. Pet abuse is an early indicator of such

maladjustment. Children exposed to domestic violence were at significantly increased risk for behavior problems, including animal abuse (Baldry, 2003).

Household pets are not the only victims; farm animals and horses can be subject to abuse. One abuse victim noted that when she made her husband angry, he would beat her beloved horses. These are not isolated cases but rather are typical of how abusers use animals to control victims or seek revenge.

Legislatures Respond to the Need to Protect Pets

After seeing so many people stay behind during Hurricane Katrina to safeguard their pets, many states responded by developing emergency plans that include pets to ensure that people will evacuate their homes when called upon to do so. The federal government acted as well. In 2006, Congress passed and President George W. Bush signed into law the Pets Evacuation and Transportation Standards Act. This law requires that local and state emergency plans cover pets and service animals in order to qualify for grants from FEMA. It also provides assistance with creating appropriate shelters.

Similarly, in violent homes throughout the country, domestic violence victims risk their lives every day staying in dangerous situations in order to protect a beloved companion animal. As was the response to Katrina, it is appropriate that the law and the courts make it easier for these victims to protect themselves by recognizing the need to protect their pets.

Complicating the issue is the fact that animals are considered property in all 50 states. If an abuser refuses to relinquish a pet and the pet is not listed on a temporary restraining order (TRO), police and even courts are often reluctant to get involved in what is usually considered a marital property dispute. As a result, abusers have been known to threaten to harm or kill a pet if a victim does not return to the home, or dismiss criminal charges or restraining orders against an abuser. In one such case, a woman suddenly left a domestic violence shelter after she received pictures of her husband cutting her dog’s ears off with garden shears. Another woman was forced to watch as her husband shot and killed her dog in front of her young son.

Existing State Laws Governing Temporary Restraining Orders that include Pets

Many states have recognized that including pets in TROs is an important component in protecting domestic violence victims. In 2006, Maine enacted the first statute that specifically allowed judges to include pets in protection orders issued against domestic abusers. New York and Vermont followed suit later that year. Currently, at least 13 states have passed laws to ensure that victims can include their pets in restraining orders. Numerous other states have bills pending or are considering such laws.

In addition to these 13 states, some states have passed laws that take into account animal abuse in domestic violence situations. For example, a Florida law provides that the intentional injury or killing of a pet can be one factor used to petition a court for an injunction for protection against domestic violence, and also a factor

State Pet Protective Order Laws

August 2009

State	Citation	Year Enacted
California	Family Code § 6320	2007
Colorado	C.R.S.A § 18-6-803.5	2007
Connecticut	C.G.S.A § 46b-15	2007
Hawaii	H.R.S § 586-4	2009
Illinois	725 ILCS 5/112A-14	2007
Louisiana	R.S. 46:2135	2008
Maine	19-A MRSA §4007	2006
Nevada	NRS §§ 33.018 and 33.030	2007
New York	Family Court Act, § 842	2008
North Carolina	G.S. § 50B-3	2009
Tennessee	T.C.A. § 36-3-606	2007
Washington	RCW §§ 26.50.060 and 26.50.110	2009
Vermont	15 V.S.A. § 1103	2006

that should be considered in determining whether a petitioner has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence. (*Fla. Stat. § 741.30(3)(b) and 741.30(6)(b)(4)*)

Indiana law includes animal cruelty, when combined with a crime against a family or household member, as an act of domestic violence. (*Burns Ind. Code Ann. § 31-9-2-29.5 (14)*) Further, beating, torturing, mutilating, or killing a vertebrate animal with the intent to threaten a family member is also considered an act of domestic violence. (*Burns Ind. Code Ann. § 31-9-2-42 (4)*)

In Pennsylvania, the law finds that killing or threatening to kill a pet constitutes abuse that can constitute grounds for granting a temporary order that requires the defendant to relinquish all firearms to the sheriff. (*23 Pa.C.S. § 6107 (b)(3)(ii)(E)(II)*)

Although neither Pennsylvania, Indiana, nor Florida has specific laws to allow pets' inclusion on restraining orders, their enactment of the above legislation shows they recognize the implications of animal cruelty in domestic violence.

Colorado, which does allow pets to be included on TROs, further defines domestic violence as follows:

“Domestic violence” also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal. (C. R. S. A. § 18-6-800.3)

Most states that have express provisions that allow for pets to be included in TROs have merely added sections to the TRO that allow for possession and custody of an animal to the victim. A typical provision such as Louisiana's law states:

(7) Granting to the petitioner the exclusive care, possession, or control of any pets belonging to or under the care of the petitioner or minor children

residing in the residence or household of either party, and directing the defendant to refrain from harassing, interfering with, abusing or injuring any pet, without legal justification, known to be owned, possessed, leased, kept, or held by either party or a minor child residing in the residence or household of either party. (LSA-R.S. 46:2135)

As previously mentioned, at least 13 states have laws that specifically allow for inclusion of pets in TROs. Some provisions are more specific and some are more general in nature. For example, California law states:

§ 6320. Ex parte order enjoining contact; companion animals

(b) On a showing of good cause, the court may include in a protective order a grant to the petitioner of the exclusive care, possession, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent. The court may order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal.

Under Connecticut law:

The court, in its discretion, may make such orders as it deems appropriate for the protection of any animal owned or kept by the applicant including, but not limited to, an order enjoining the respondent from injuring or threatening to injure such animal. If an applicant alleges an immediate and present physical danger to the applicant, the court may issue an ex parte order granting such relief as it deems appropriate. (CT ST § 46b-15)

Likewise in Illinois, the provision under the domestic violence order of protection states:

(11.5) Protection of animals. Grant the petitioner the exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal. (IL ST CH 725 § 5/112A-14)

Certainly, all of these laws are meant to protect the victims of domestic violence by recognizing that animal abuse is often used to hurt the victim. They are also meant to protect animals in these dangerous and volatile situations. Therefore, the disposition of pets can be an important

consideration for family court judges when considering or granting a TRO.

When There Are No Specific Provisions in the Law

Although it is preferable for states to enact laws specifically allowing the inclusion of pets in TROs, it is arguably permissible in the absence of such provisions. Having the specific provision within the TRO allows for the victim to be presented with the option at the time of the request. However, in lieu of such a provision, most state TROs contain language that allows for disposition of specific property. Further, most states include language that allows for additional orders left to the court's discretion. Accordingly, the court can also order that the pets be included in the TRO's protection, as

Continued on page 20

“It wasn't just the cats and dogs, it was the sheep and the chickens. I was terrified for their welfare. I knew if I were to leave, he wouldn't hesitate to kill them. He had done it before.”

— Susan Walsh, 50, whose testimony before the Maine legislature was instrumental in helping to enact the first state law that included animals in domestic violence protective order (*The New York Times*, Apr. 1, 2006).

Safe Havens for Pets



The vast majority of domestic violence shelters do not allow pets. As a result, “safe havens for pets” programs, which provide emergency care for pets while their owners stay at a domestic violence shelter or other temporary housing where pets are not allowed, are extremely important in efforts to keep victims and their pets safe. The actual number, location, and types of services offered by these programs are unknown, which is why the Safe Havens Mapping Project, described below, was initiated.

The manner in which safe haven programs are organized depends on what makes sense locally, and they have generally developed “organically” from the grassroots level. Some programs are partnerships between a domestic violence agency and a humane society; others, such as Ahimsa House in Atlanta, Ga., are not associated with a particular shelter or agency.

In some instances, a domestic violence program may enlist the aid of local veterinarians or boarding facilities, as in the case of Harbor House in Orlando, Fla. Elsewhere, animal shelters provide kennel space for the pets of domestic violence victims. A third option, placing animals in volunteer “foster homes,” often offers a longer length of stay than is available or cost-effective at animal care facilities, while also providing a family environment that avoids the risk of animals developing mental/behavioral problems from being kenneled for long periods. However, safeguards should be put in place when using foster homes, such as careful screening and training, emergency protocols, and ideally a no-contact policy between clients and foster homes (in Ahimsa House’s program, for example, they do not even know one another’s identity or location).

How do I find a Safe Haven for Pets program in my area?

Information about safe haven programs can be found at the Ahimsa House Web site, and in the National Coalition Against Domestic Violence (NCADV) National Directory of Domestic Violence Programs. Unfortunately, at this time the NCADV directory is not available online, and the Ahimsa House directory is not yet national in scope. The American Humane Association is also supporting the development of on-site facilities at domestic violence shelters that allow victims to bring their pets with them. This alternative, while limited, presents another choice for those communities investigating the formation of a safe haven program. American Humane maintains a list of shelters that accept pets;

however, since shelters may have restrictions on the type and number of pets allowed, please contact them for more information (see below).

In order to provide a comprehensive, national resource for safe havens for pets programs, the Safe Havens Mapping Project was initiated in 2009. When complete, the Project will provide information online, identifying service areas and contact information for havens programs around the country.

The Safe Havens Mapping Project

The Animal Welfare Institute and the Humane Society of the United States initiated the Safe Havens Mapping Project in order to offer victims of domestic violence and their representatives rapid and easy access to information about safe haven programs. Additionally, for existing programs, improved access to information about fellow programs statewide/nationwide will facilitate communication, collaboration, and coordination of care. Finally, identifying and mapping service areas of existing programs will assist in identifying geographic areas lacking safe haven coverage where development of new programs should be encouraged. This information is being compiled into a searchable national database housed on the Web site of Ahimsa House (www.ahimsahouse.org/directory).

Staff and volunteers of these organizations have been contacting the domestic violence programs listed in the NCADV directory to confirm, update, and expand upon the information it provides regarding the availability of housing, or assistance with finding safe placement, for the companion animals of women attempting to escape a violent partner. In addition to finding out whether services are provided on-site, off-site, or via referral, we elicit additional details about the services, e.g., whether foster homes are utilized. In one case, we learned that small mammals, such as hamsters, may be kept in one’s room at the shelter. We also ask whether a stay at the shelter is required, and whether questions about pets are asked of callers to the hotline or during intake.

Once the Safe Havens Mapping Project is online, it will provide a national resource to domestic violence agencies, law enforcement, prosecutors, and social services. With this additional resource, greater protection can be extended to protect families and the animals that live with them.

For more information on Safe Havens for Pets programs:

Ahimsa House: www.ahimsahouse.org; Ahimsa House safe havens listserv: <http://lists.lists.ahimsahouse.org/mailman/listinfo/safehavens>

American Humane Association, Pets and Women’s Shelters (PAWS) Programs: <http://www.americanhumane.org/human-animal-bond/programs/pets-and-womens-shelters/>

Ascione, F. R. (2000). Safe havens for pets: Guidelines for programs sheltering pets for women who are battered. Available at: http://www.vachss.com/guest_dispatches/safe_havens.html

The Humane Society of the United States (2004). Starting safe havens for animals program. Available at: http://files.hsus.org/web-files/PDF/2004_SafeHavens_Guide.pdf

Continued from page 18

with the temporary care of the children, or possession of homes or vehicles. Thus, in the same way as certain property is given to the victim pending a final disposition, so can animals be turned over exclusively to a victim pending the Final Restraining Order hearing. Judges have often used such language to include pets in TROs prior to specific provisions in the law that spell out this consideration.

In rare cases, concerns have been raised in situations when an individual has used the system to obtain possession of pets inappropriately or out of spite—not unlike what occasionally happens in certain child custody disputes. Although these may be rare circumstances, the court can ensure that the pets are safe and fairly awarded by ordering that the pets must remain in the custody of the petitioner and not be removed or euthanized pending a final disposition of the animals. This is comparable to initial Separation Orders, which can prohibit the parties from moving any family members or assets until the final settlement.

Including Pets in Temporary Restraining Orders

Allowing pets to be included in restraining orders removes one obstacle that may prevent a victim from leaving an abusive situation. Including pets in an initial TRO is often essential to protecting the animal as well as ensuring that the victim can leave without fear of abuse to her animal family member.

In addition, including pets on a TRO can authorize law enforcement to assist the victim in retrieving pets left behind at the residence during flight. Absent this protection, victims may attempt to return to the residence alone to retrieve or care for pets, placing themselves in danger of encountering the abuser. In a recent situation known to one author, a victim staying at a domestic violence shelter returned to the residence each day at a time when she predicted the abuser would be absent—bringing her children with her—to feed the dogs and allow them to relieve themselves. After a few days, the victim became too fearful to attempt the journey. Soon thereafter, she left the shelter due to concern about the dogs, which were her children's beloved pets. While this case clearly illustrates a failure of the domestic violence shelter to recognize and address the safety risks inherent in the situation, it is also an example of how including the dogs in a TRO (which this victim did not have) might have produced a different outcome.

Animal abuse is a recognized indicator of future violence and is a common and violent crime in domestic violence situations. Understanding how to address animal abuse can protect both animals and victims of domestic violence. In the same way that domestic violence was once thought of as a minor offense, with education, stronger laws, and judicial attention to these issues, including animals in TROs can advance the protection of animals as well as protect victims and children from additional trauma and violence.

ABOUT THE AUTHORS:

Sherry Ramsey, a licensed attorney in New York and New Jersey, is Manager of Animal Cruelty Prosecutions at the Humane Society of the United States.

Dr. Mary Lou Randour, Director of Professional Outreach for the Humane Society of the United States, is a psychologist who has focused on research, policy, and practice related to the link between animal cruelty and other crimes, especially interpersonal violence.

Nancy Blaney is Senior Policy Analyst at the Animal Welfare Institute. She has over 25 years of experience advocating on behalf of animals at the state and federal level.

Dr. Maya Gupta, a psychologist with interests in the link between animal cruelty and interpersonal violence, is President and CEO of Ahimsa House.

References

Ascione, F. R., Weber, C. V., Thompson, T. M., Heath, J., Maruyama, M., & Hayashi, K. (2007). Battered pets and domestic violence: Animal abuse reported by women experiencing intimate violence and by non-abused women. *Violence Against Women*, 12, 354-373.

Ascione, F. R., Weber, C. V., & Wood, D. S. (1997). The abuse of animals and domestic violence: A national survey of shelters for women who are battered. *Society and Animals*, 5, 205-218.

Baldry, A. C. (2003). Animal abuse and exposure to interparental violence in Italian youth. *Journal of Interpersonal Violence*, 18, 258-281.

Carlisle-Frank, P., Frank, J. M., & Nielsen, L. (2004). Selective battering of the family pet. *Anthrozoös*, 17, 26-42.

Faver, C. A., & Strand, E. B. (2003). Domestic violence and animal cruelty: Untangling the web of abuse. *Journal of Social Work Education*, 39(2), 237-253.

Flynn, C. P. (2000). Why family professionals can no longer ignore violence toward animals. *Family Relations: Interdisciplinary Journal of Applied Family Studies*, 49(1), 87-95.

Loring, M. T., & Bolden-Hines, T.A. (2004). Pet abuse by batterers as a means of coercing battered women into committing illegal behavior. *Journal of Emotional Abuse*, 4, 27-37.

Randour, M. L., & Davidson, H. (2008). *A common bond: Maltreated children and animals in the home: Guidelines for practice and policy*. American Humane Association and The Humane Society of the United States, 1-45.

Walton-Moss, B. J., Manganello, J., Frye, V., & Campbell, J. C. (2005). Risk factors for intimate partner violence and associated injury among urban women. *Journal of Community Health*, 30(5), 377-389.

DOJ interested in animal cruelty crimes

The U.S. Department of Justice sent a strong signal of its interest in the problem of animal cruelty and interpersonal violence when its Bureau of Justice Assistance (BJA) awarded the Association of Prosecuting Attorneys nearly \$500,000 to provide training and other assistance to prosecutors in handling animal abuse and animal fighting cases.

This project provides on-site and webinar training; Web-based resources, including a brief bank; and ongoing technical assistance and access to expertise to encourage and enhance the vigorous prosecution of these crimes and address their link to domestic abuse, child abuse, and other forms of violence.