

**NEW YORK CITY BAR ASSOCIATION
COMMITTEE ON LEGAL ISSUES PERTAINING TO ANIMALS**

REPORT ON LEGISLATION

A. 10767
S. 7691

M. of A. Rosenthal
Senator Padavan

An act to amend the Family Court Act and Criminal Procedure Law, in relation to animals being protected under the provisions of a court order of protection.

THIS BILL IS APPROVED

This Committee offers its strong approval of Assembly Bill 10767 and Senate Bill 7691, which would amend Sections 352.3, 446, 551, 759, 842, and 1056 of the Family Court Act and Section 530.12 of the Criminal Procedure Law to provide that a court order of protection may require that the respondent refrain from attacking or otherwise abusing or threatening abuse to any animal owned, possessed, leased, kept or held by the petitioner or a minor child residing in the household. The proposed legislation defines the term animal as including “every living creature except a human being.”

Including animals under the provisions of a court order of protection would have several beneficial effects. Specifically, this bill is necessary to protect the numerous animals at serious risk in volatile households, especially in homes where there is domestic violence. It is also necessary to eliminate a cruel tactic abusers use to intimidate their victims. As according to Joanne Boourbeau, head of the Humane Society’s New England Division, “Violence to pets is often a tactic used by batterers to instill fear in and control over their victims.”

In one national study of battered women in shelters, of the 74% of victims who reported currently or recently having an animal, nearly three quarters reported that their partners had threatened, injured or killed their animals.¹ Of the women with animals, 57% reported that their abusers actually harmed or killed their animals through some acts of

¹ Frank Ascione, *Battered Women’s Reports of Their Partners’ and Their Children’s Cruelty to Animals*, Journal of Emotional Abuse, Vol. 1(1) 1998.

omission, such as neglecting to provide food, water or veterinary care, but more often through extreme acts of violence such as slapping, shaking, throwing, drowning, burning or shooting animals.² A survey of 50 of the largest shelters in the country found that 85% of the women and 63% of the children who came to these shelters spontaneously talked about incidents of companion animal abuse in their homes.³ In another study of both battered women in shelters and women who were not victims of domestic violence, 54% of the battered women said their abusers had injured or killed their animals, as opposed to 4% in the other group.⁴ The proposed legislation is crucial to protect companion animals from the rage of domestic abusers.

Since family violence often involves multiple victims, protecting animals from the abuse specified in this bill supports both animal and human interests. Law enforcement and mental health professionals agree that the link between animal cruelty and interpersonal violence is well documented and that animal abuse can be a predictor of human abuse and vice-versa. Research in the fields of criminology, psychology and sociology indicates that a pattern of cruelty to animals exists among perpetrators of extremely violent crimes against humans.⁵ Since the 1970s, the FBI has considered animal abuse in assessing the dangerousness of criminals.⁶ In fact, infamous murderers such as Jeffrey Dahmer, David Berkowitz, and Ted Bundy all had a history of abusing animals. In 1987, the American Psychiatric Association even added cruelty to animals as a criterion for diagnosing conduct disorders.⁷

The proposed legislation would help eliminate a serious obstacle for domestic violence victims by ensuring the safety of their animals. Batterers often threaten to harm or actually abuse or kill animals as a way to control their partners, prevent their partners from leaving them, coerce their partners to return, or punish their partners for leaving.⁸ There is a clear tendency for victims to delay seeking help and leaving their abusers out of concern for their companion animals.⁹ In a national study of battered women, it was reported that 35% of the women whose animals had been hurt or threatened postponed going to the shelter because they were extremely worried about their animals.¹⁰ Batterers frequently exploit their partners' affection for their animals, who may be their only source of comfort and unconditional love.¹¹ While there are over 2,000 domestic violence

² *Id.*

³ Ascione, Weber, and Wood, *The Abuse of Animals and Domestic Violence: A National Survey of Shelters for Women Who Are Battered*, *Society and Animals* 5, 205-218 (1997).

⁴ Ascione, Weber, and Wood, *Animal Welfare and Domestic Violence: Final Report*. Utah State U. (1997).

⁵ Randall Lockwood and Frank Ascione, *Cruelty to Animals and Interpersonal Violence* (Purdue U. Press 1998).

⁶ Randall Lockwood and Ann Church, *Deadly Serious: An FBI Perspective on Animal Cruelty*, in *Cruelty to Animals and Interpersonal Violence*, *supra* note 5 at 241-242.

⁷ American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders* (3rd ed., 1987).

⁸ Clifton Flynn, *Why Family Professionals Can No Longer Ignore Violence Towards Animals*, 49(1) *Family Relations* 87-95 (2000).

⁹ Pam Belluck, *Battered Wives' Pets Suffer Abuse, Too: New Maine Law Shields Animals in Domestic Violence Cases*, *New York Times*, April 1, 2006, p. A10; Humane Society of the United States, *First Strike: The Connection Between Animal Cruelty and Human Violence* <<http://www.hsus.org/>> (accessed May 9, 2006).

¹⁰ Ascione, *supra* note 4.

¹¹ Belluck, *supra* note 9.

shelters in this country, only a small fraction of them accept animals because of restrictive leases and health codes, so battered partners often find themselves in the dilemma of having to either stay in abusive homes or risk the lives of their animal companions if they leave. This crisis has already caused several communities to respond by collaborating to create safe haven programs where domestic violence shelters partner with veterinary schools, animal hospitals, humane societies and other groups to provide temporary housing for the animals of domestic violence victims.¹² The proposed legislation would allow battered partners to leave their abusive households at a very early stage without jeopardizing the lives of their companion animals or being separated from their animals.

This bill would also safeguard the interests of children and contribute to making our communities safer. Children are often deeply attached to their animals and may be emotionally traumatized if they witness them being abused. Furthermore, in homes where there is animal abuse, there is a much greater likelihood of child abuse as well. Moreover, even if children are not being abused directly, research shows that witnessing domestic violence or animal abuse can actually cause children to become violent themselves, acting out their frustration on the family animal or by emulating what an abusive parent is doing to a partner or animal.¹³ For example, in one study, 32% of battered women with children reported that their children had hurt or killed companion animals.¹⁴ In another study, parents reported that 35% of abused boys and 27% of abused girls were cruel to animals, compared to only 5% of non-abused boys and 3% of non-abused girls.¹⁵ Childhood animal abuse also has serious developmental implications since it is often a precursor to further animal cruelty and interpersonal violence in adolescence and adulthood. Clinical case studies of troubled youth and retrospective studies of violent criminals have repeatedly divulged a connection between childhood animal abuse and later violence.¹⁶ The early cessation of animal abuse in the home is an important first step in limiting emotional scars to children and breaking this cycle of violence to animals and humans.

It is imperative that the legislature recognize that family violence harms animals too and legislation must address the link between animal and human abuse in the home in as comprehensive a manner as possible to protect all victims. By allowing animals to be included under the provisions of a court order of protection, this bill fills an important gap and the Committee strongly recommends its passage.

¹² *Id.*

¹³ Ascione, *supra* note 1.

¹⁴ *Id.*

¹⁵ Frank Ascione, *Children Who Are Cruel to Animals: A Review of Research and Implications for Developmental Psychology*, VI (4) *Anthrozoos* 226-247 (1993).

¹⁶ Phil Arkow, *The Relationship Between Animal Abuse and Other Forms of Family Violence*, 13(2) *Protecting Children* 4-9 (1996).