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Notes

KEEPING MAN'S BEST FRIEND HIS BEST FRIEND: WHY MINORS SHOULD NOT WITNESS ANIMAL ABUSE AND LEGISLATION THAT CAN PREVENT THIS EXPOSURE

I. INTRODUCTION

Joshua is seven years old, lives in an average neighborhood with both of his parents, and goes to school.¹ Joshua knows that his father yells, pushes, and hits his mother. Joshua also knows that his father hits him and his dog, Cooper. Joshua thinks his life is normal.

One day while Joshua is sitting on the couch watching television with his mother, his father comes into the living room, yelling and throwing things. Cooper starts barking but stops when Joshua's father screams at him. Joshua's mother tells Joshua to go to his room. Joshua runs to his room and closes the door. He runs into his closet, puts his small hands over his ears, and squeezes his eyes shut. Joshua can hear his father yelling, his mother crying, and Cooper barking. Then Joshua hears a loud thud, a yelp, and a scream. Cooper has stopped barking. Something is wrong. Joshua opens his door, walks down the hallway and into the living room, and sees Cooper lying on the floor not moving. His father looks at Joshua, points a finger at him and says, "If you don't get back in your room, that's what's going to happen to you." Joshua's mother is on the floor in front of the couch with blood on her face. Joshua runs back into his room and closes the door before hiding in his closet and covering his ears.

Fast forward twenty years. Joshua is known for having a temper and lashing out, but he meets a nice woman, Lori, and they get married. The first time Joshua hit Lori was during an argument early in their marriage. Joshua apologized and assured Lori that it would never happen again. But, slowly, they began to fight more often, each fight becoming more violent than the last, until Joshua finally hits Lori so hard that she falls, strikes her head, and suffers a traumatic brain injury and cranial damage.

¹ The following hypothetical was formulated by the author.

Many minors are exposed to violence against animals.² Animal abuse is rarely the only type of abuse in the household.³ Statistics and scientific analysis show that exposure to violence at a young age significantly increases the likelihood of psychological effects that are often seen in violent criminal offenders, making it more likely those minors will engage in dangerous or criminal behavior.⁴ Furthermore, minors who witness animal abuse learn unhealthy coping habits.⁵ These negative effects could be avoided by preventing juveniles from exposure to these psychologically destructive events.⁶

² See *infra* Part II (discussing information about how often minors are exposed to animal violence and cruelty).

³ See Holly E. Hazard, *The Violence Connection: An Examination of the Link Between Animal Abuse and Other Violent Crimes*, DORIS DAY ANIMAL FOUNDATION (2017), <http://okeys.promise.com/wp-content/uploads/2011/01/DDAF-Violencefin.pdf> [<http://perma.cc/7FSC-YUVJ>] (deliberating on domestic violence and its link with other types of violence, including violence against animals). Animal abuse is commonly used as a way to get psychological control over the other human victims in the household. See Olivia S. Garber, Note, *Animal Abuse and Domestic Violence: Why the Connection Justifies Increased Protection*, 47 U. MEM. L. REV. 359, 363, 367, 370 (2016) (showing that animal abuse can be, and often is, used to allow a perpetrator to control other victims in the household, and it is often used as a coercive tool to gain control). See also *Behind Closed Doors: The Impact of Domestic Violence on Children*, UNICEF (2017), <https://www.unicef.org/media/files/BehindClosedDoors.pdf> [<http://perma.cc/WL79-Y8Z7>] (supporting the reality that animal abuse is usually used as part of a greater system of violence and abuse in the household, and showing that animal abuse is not usually the only type of abuse in the household because often animal abuse is used to aid in the perpetration of other types of abuse).

⁴ See Hazard, *supra* note 3 (scrutinizing domestic violence and its link with other types of violence, including violence against animals); *Behind Closed Doors*, *supra* note 3; *infra* Part II (presenting the effects of exposure to animal violence and cruelty at young ages). See also *What Is the Link*, NAT'L LINK COALITION (2017), <http://nationallinkcoalition.org/what-is-the-link> [<http://perma.cc/P42B-J3JG>] (offering information on the link between animal abuse and other violence such as further domestic violence, or violence against other humans generally); Cynthia Hodges, *The Link: Cruelty to Animals and Violence Towards People*, ANIMAL LEGAL & HIST. CTR. (2008), <https://www.animallaw.info/article/link-cruelty-animals-and-violence-towards-people> [<http://perma.cc/YJT8-B8Z4>] (exploring the link between cruelty to animals and violence toward people, specifically examining animal abuse by adolescents serving as a predictor to further human violence); Arnold Arluke, Jack Levin, Carter Luke & Frank Ascione, *The Relationship of Animal Abuse to Violence and Other Forms of Antisocial Behavior*, 14 J. INTERPERSONAL VIOLENCE 9, 963 (Sept. 1999) (expressing that exposure to animal cruelty during child developmental periods predicts interpersonal violence at later developmental periods).

⁵ See *infra* Part II.A.

⁶ See *infra* Part II.A.

Several Wisconsin laws focus on crimes against animals,⁷ but there is no legislation specifically addressing juvenile exposure to animal abuse.⁸ This Note proposes an amendment to the Wisconsin statute on animal cruelty, modifying the statute to deal with animal abuse in the presence of a minor.⁹

Part II of this Note discusses certain laws related to animal abuse and the impacts on minors who are exposed to animal abuse.¹⁰ Next, Part III analyzes the current laws regarding animal abuse in the top ten most populous states and Wisconsin, the impacts on minors being exposed to animal abuse, and how the law can be the solution to this major issue.¹¹ Part IV proposes an amendment to Wisconsin's statute to deal with the issue of minors being exposed to animal abuse.¹² Finally, Part V concludes by examining the current climate around this issue, the solution, and why solving this issue is important.¹³

II. BACKGROUND

Many laws exist—both state and federal—that relate to animal abuse, and there is great variation among them.¹⁴ Wisconsin has several laws related to how animals can be treated; however, Wisconsin laws on animal abuse and cruelty do not deal with all of the problems that arise when animal abuse or cruelty occurs,¹⁵ nor do they deal with the issue of minors

⁷ See *Chapter 951: Crimes Against Animals*, WIS. ST. LEG. (2017), <https://docs.legis.wisconsin.gov/statutes/statutes/951> [<http://perma.cc/EK4V-EPX9>] (compiling Wisconsin law on crimes against animals).

⁸ See, e.g., Garber, *supra* note 3, at 373 (tabling ideas on how to improve legislation to fill the gap in the current law). See also Vivek Upadhyia, Comment, *The Abuse of Animals as a Method of Domestic Violence: The Need for Criminalization*, 63 EMORY L.J. 1163, 1206 (2014) (examining the elements of a model provision that could be put in place to solve the issues of domestic violence, animal abuse, and child maltreatment); Regina Cabral Jones, *Chapter 205: Including Pets in Domestic Violence Protective Orders*, 39 MCGEORGE L. REV. 469, 470–71 (2008) (discussing Chapter 205, which has included animals to the list of victims that can benefit from a protective order).

⁹ See *infra* Part IV.

¹⁰ See *infra* Part II.B.

¹¹ See *infra* Part III.

¹² See *infra* Part IV.

¹³ See *infra* Part V.

¹⁴ See *infra* Part II.B (looking at the current laws in the United States about animal abuse).

¹⁵ See *Chapter 951, supra* note 7 (providing Chapter 951 of the Wisconsin code, dealing with cruelty to animals). The Wisconsin law deals with many issues very specifically, such as speaking to how a person can properly lead an animal from a motor vehicle or harassment of police and fire animals. WIS. STAT. ANN. § 951.04 (Westlaw through 2017) (presenting the law on how to lead an animal from a motor vehicle and when this activity constitutes criminal behavior); *id.* § 951.095 (furnishing the directives on what activity will constitute the harassment of police and fire animals, which is a criminal activity). Wisconsin also deals with certain topics broadly, such as Wisconsin's general statutes about mistreating animals,

being exposed to these events.¹⁶ In fact, minors are not often mentioned within the context of animal abuse law.¹⁷ While it could be argued that different laws can be pieced together to deal with the exposure of minors to animal violence, the case law and practical application suggest a different result.¹⁸ The lack of proper legislation on this issue is a problem because children's exposure to animal violence perpetuates a cycle of domestic violence and psychological trauma.¹⁹

First, Part II.A examines the public policy and social impact of this issue—because observing violence leads to the creation of more violence²⁰—as well as the conditional fundamental rights parents have regarding their children.²¹ Second, Section II.B.1 presents the current law regarding animal abuse at a federal level.²² Third, Section II.B.2 details state laws that deal with animal abuse, discussing both Wisconsin and the top ten most populous states' laws.²³ Finally, Part II.C presents suggestions for dealing with issues similar to the issue of animal abuse.²⁴

A. *Observing Violence Leads to Perpetrating Violence Against Others*

A history of animal abuse strongly correlates with a lack of empathy toward others as well as a lack of impulsive aggression control.²⁵ The FBI

abandoning animals, and providing animals proper shelter, food, or drink. *Id.* § 951.02 (contributing the basic statute on mistreating animals in Wisconsin, this is also the statute that is amended in the Contribution of this Note); *id.* § 951.15 (delineating that “no person may abandon any animal” as the entire law on the criminal behavior of abandoning an animal); *id.* § 951.13 (supplying the food and drink animals must be provided to be in compliance with Wisconsin law); *id.* § 951.14 (stating that anyone who owns or is responsible for an animal must provide that animal with proper shelter and comply with indoor, outdoor, space, and sanitation standards).

¹⁶ See *infra* Section II.B.2 (offering Wisconsin's current laws on animal abuse, cruelty, and harassment in a general manner).

¹⁷ See *infra* Part II.B (pointing out that animal abuse laws in the United States do not often mention minors, and when laws do speak about minors, the laws do not create penalties for exposing minors to animal abuse).

¹⁸ See *infra* Section III.C.1 (analyzing the current law and how it applies to the issue of exposing minors to animal violence).

¹⁹ See *infra* Part II.A.

²⁰ See *infra* Part II.A.

²¹ See *infra* Part II.A.

²² See *infra* Part II.B.

²³ See *infra* Section II.B.2.

²⁴ See *infra* Part II.C.

²⁵ See Margit Livingston, *Desecrating the Ark: Animal Abuse and the Law's Role in Prevention*, 87 IOWA L. REV. 1, 49 (2001) (examining the lasting effects on an individual's psyche and behavioral habits resulting from exposure to animal violence and cruelty and those who partake in these actions); Joyce Howard Price, *Lawmaker Wants Animal Cruelty Taken Seriously; Seeks Study of Link to Human Crimes*, WASH. TIMES, May 27, 2000, A4 (considering the link between animal cruelty and human crimes); *Child Development and Early Learning*, NAT'L CTR.

considers animal violence and cruelty to be so entwined with violence against humans that it considers juvenile animal cruelty to be a red flag for habitually violent behavior and a signal for a propensity for later abusing vulnerable humans.²⁶ The link between animal violence and violence against humans has been recognized and accepted for many years.²⁷ A 1983 study by The Humane Society Institute for Science and Policy found that a majority of families under supervision for physically abusing their children also had documented incidents of pet abuse.²⁸ A national survey in 1997 revealed that in homes where children were exposed to this violence, thirty-two percent of mothers reported their children also committed acts of cruelty against animals.²⁹ Episodes of partners torturing or killing family pets to threaten or coerce their partners

BIOTECHNOLOGY INFO. (Jul. 23, 2015), <https://www.ncbi.nlm.nih.gov/books/NBK310550/> [<http://perma.cc/GRF5-PB9M>] (deliberating childhood development in young children, including infants and toddlers). Important cognitive development in children experiencing this violence has major consequences. *Id.*

²⁶ See Angela Campbell, Note, *The Admissibility of Evidence of Animal Abuse in Criminal Trials for Child and Domestic Abuse*, 43 B.C. L. REV. 463, 464-65 (2002) (looking at criminal trials for domestic and child abuse and the interplay of evidence of animal abuse in such proceedings); *Tracking Animal Cruelty*, FED. BUREAU INVESTIGATION (Feb. 1, 2016), <https://www.fbi.gov/news/stories/-tracking-animal-cruelty> [<http://perma.cc/4VUE-X54B>]; Sarah A. DeGue & David K. DiLillo, *Is Animal Cruelty a "Red Flag" for Family Violence?: Investigating Co-occurring Violence Toward Children, Partners, and Pets*, 24 J. INTERPERSONAL VIOLENCE 1036, 1036-56 (2008), https://www.researchgate.net/publication/5312044_Is_Animal_Cruelty_a_Red_Flag_for_Family_Violence_Investigating_Co-Occurring_Violence_Toward_Children_Partners_and_Pets [<http://perma.cc/XLR7-M9R3>]. See also DR. HAROLD HOVEL, *THE CONNECTION BETWEEN ANIMAL ABUSE AND HUMAN VIOLENCE* 4 (2015) (discussing that studies by "the Department of Justice, the FBI, the Association of Chiefs of Police, and many commissioned university professors under contract to these organizations show that animal cruelty is: a predictor of future human violence; an identifier of likely suspects; an indicator of on-going child, spouse, or elder abuse; and a felony for the most egregious cruelty incidences in all 50 states").

²⁷ See Hazard, *supra* note 3. Specifically, the connection between those who perpetrate violence against animals and murderers and abusers is evident. Hodges, *supra* note 3. There are strong similarities between cruelty to animals and violence toward humans: "both types of victims are living beings, feel pain, experience distress, and may die from their injuries." *Id.* Hodges notes, "Child protection and social service agencies, mental health professionals, and educators regard animal abuse as a significant form of aggressive and antisocial behavior . . ." *Id.* One of the "predictors of future violence as an adult" is committing animal abuse as a child. *Id.* Additionally, the most violent criminals have committed the most severe acts of animal cruelty as children. *Id.*

²⁸ See Elizabeth DeViney, Jeffery Dickert & Randall Lockwood, *The Care of Pets Within Child Abusing Families*, 4 INT'L J. STUDY ANIMAL PROBS. 321, 321-29 (1983), http://animalstudiesrepository.org/cgi/viewcontent.cgi?article=1014&context=acwp_awa p [<http://perma.cc/7R7Z-VA6B>] (examining a study looking at parents who abuse their children).

²⁹ See Hazard, *supra* note 3 (presenting the information from a national survey looking at mothers and their children).

are far too common.³⁰ Some offenders even go so far as to force human victims to watch the death of their pets or acts of bestiality.³¹ Additionally, in most cases, an abusive parent injured or killed the companion animal,³² which can make matters worse for the child.³³ For minors especially, witnessing these actions has long-term consequences.³⁴

More recently, a 1995 study in Northern Utah showed that seventy-one percent of battered women in shelters reported their male partners had threatened, harmed, or killed their pets.³⁵ Eighty-five percent of shelters indicated that women seeking shelter reported or talked about incidents of animal abuse.³⁶ Further, almost seventy-five percent of animal abuse incidents occur in the presence of women and/or children.³⁷

Researchers and experts have examined the connection between interpersonal violence and animal abuse for many years.³⁸ While many of these issues have a strong link with domestic violence, many people—such as those trying to deal with the cycle created by violence, animal abuse, and cruelty—often think that efforts should focus on domestic violence. However, animal cruelty and violence hold a particular and

³⁰ See Garber, *supra* note 3 (scrutinizing, in part, information that points out that often domestic violence that includes animal abuse is used to provide the abuser with control over other members of the household through psychological terrorism); *Behind Closed Doors*, *supra* note 3 (pointing out how often instances of partner abuse and partner control through the use of violence against animals occurs).

³¹ See Garber, *supra* note 3; *Behind Closed Doors*, *supra* note 3.

³² See Hazard, *supra* note 3 (examining the link between violent crimes and animal abuse); DeViney et al., *supra* note 28 (offering a study examining how child-abusing families treat pets).

³³ See Hazard, *supra* note 3; DeViney et al., *supra* note 28.

³⁴ See *supra* Part II.

³⁵ See Hazard, *supra* note 3 (detailing the link between other violence crimes and animal abuse, including looking at the high numbers of males abusing family pets or pets of partners); DeViney et al., *supra* note 28.

³⁶ See Hazard, *supra* note 3 (exploring information about the repercussions exposure to animal abuse can create for exposed victims); DeViney et al., *supra* note 28.

³⁷ See B. Clausen, *Animal Cruelty Laws By State: Is it a Crime to Abuse an Animal?*, THE LEGAL RADAR (Mar. 29, 2016), <http://www.dopplr.com/animal-cruelty-laws/> [<http://perma.cc/QBU3-SMK7>] (providing statistics that show the heavy link between animal cruelty and domestic violence, and mentioning the exposure of minors to this violence).

³⁸ The proposition is held that “[t]he literature is abundant and runs the gambit of topics as there are many different aspects of both animal cruelty and later violent criminal behavior to be considered.” Luis S. Spencer, Commissioner, *Childhood Animal Abuse and Violent Criminal Behavior: A Brief Review of the Literature*, 1 (2011) (noting contributions “[a]s early as the 1960s with [Margaret] Mead’s 1964 bulletin article including her theory ‘that childhood animal cruelty was symptomatic of a violent personality that, if not diagnosed and targeted, could lead to “a long career of episodic violence and murder”’”). See also *Margaret Mead (1901–1978): An Anthropology of Human Freedom*, <http://www.interculturalstudies.org/Mead/biography.html> [<http://perma.cc/HAS4-5EG2>] (discussing the life and accomplishments of Margaret Mead).

dangerous place as part of this cycle – violent offenders often use animal cruelty as a tool for domestic violence³⁹ – and policymakers should deal with this directly.⁴⁰

When minors witness violence against animals, it can have major psychological effects.⁴¹ These resulting effects can be linked to violent, and often criminal, behavior later in life.⁴² Additionally, it is common to see charges for animal cruelty alongside charges of violence against humans and other violent crimes.⁴³ Courts have even gone so far as to consider evidence of animal abuse relevant in a murder trial.⁴⁴ Some suggest that animal abuse should be admissible in child abuse cases.⁴⁵ At

³⁹ Recent research has provided compelling evidence that child maltreatment and domestic violence commonly occur within the same household. See DeGue & DiLillo, *supra* note 26. As noted, it has been suggested that these types of household violence may extend to another group of vulnerable household members – pets. Research shows that most pet owners see their pets as “members of the family,” which supports the concept that abuse of companion animals can be considered a type of family violence:

Consistent with this notion, researchers have begun to explore the connection between witnessing and/or perpetrating animal abuse, childhood maltreatment, and domestic violence. The links posited by researchers and advocates tend to fall into two related categories: (a) the co-occurrence of animal abuse, child abuse, and domestic violence[;] and (b) the perpetration of animal cruelty by children who witnessed animal abuse or were themselves abused.

Id. at 1038–39.

⁴⁰ Animal abuse and partner abuse are tightly intertwined; however, there is no requirement that if a child is exposed to animal violence it is only through the lens of domestic violence. See Garber, *supra* note 3, at 368 (examining the connection between partner abuse and animal abuse, two things that tend to fit together as often abusers use animal abuse as a way to abuse and control their other victims, and pointing out that the connection between partner and animal abuse is frequent and alarming). While the studies and statistics show that it is highly likely that if there is domestic abuse, child abuse and animal abuse are also likely involved, one can exist without the other. *Id.*; *Behind Closed Doors*, *supra* note 3.

⁴¹ See sources cited *supra* note 3 (collecting sources that examine the psychological effects of witnessing animal abuse and cruelty); *infra* Part III.A (analyzing information on the psychological effects individuals can experience when they are exposed to animal abuse and cruelty).

⁴² See *infra* Part III.A.

⁴³ See, e.g., *Victorino v. State*, 23 So. 3d 87, 93 (Fla. 2009) (stating that Victorino was convicted of several charges, including first degree murder, conspiracy for aggravated burglary, murder, armed burglary of a dwelling, tampering with physical evidence, and animal cruelty).

⁴⁴ See *People v. Kovacich*, 201 Cal. App. 4th 863, 895 (Cal. Ct. App. 2011) (providing that evidence of the defendant kicking the family dog, which later died, was admissible in the trial for the murder of defendant’s wife and could be used to show propensity).

⁴⁵ See *People v. Weeks*, 369 P.3d 699, 706 (Colo. App. 2015) (providing commentators’ references that have suggested that because of “the clear link between animal cruelty, domestic violence, child abuse, and other criminal activity,” evidence of animal abuse should be admissible in child abuse cases).

young ages, children learn implicitly to explain the actions of objects around them and to reason for the behavior of people around them.⁴⁶ Especially at such young ages, children are highly responsive to the actions of others.⁴⁷ These basic interactions provide the basis for the transmission of cultural knowledge from one generation to the next.⁴⁸ The “natural pedagogy” that occurs as children respond to cues from the adults in their environment—and absorb how the adult interacts with the world—has major effects on childhood development.⁴⁹ This

⁴⁶ See *Child Development and Early Learning*, *supra* note 25 (examining childhood development in young children, including infants and toddlers).

⁴⁷ See *Child Development and Early Learning*, *supra* note 25 (contemplating the early development in children as they begin to learn from their environments, specifically the massive impact parental influence has on development). A study on the infant attachment to promotion of adolescent autonomy revealed that nothing is more important for child development than the quality of the care that child received. See JOHN G. BORKOWSKI, SHARON LANDESMAR RAMEY & MARIE BRISTOL-POWER, PARENTING AND THE CHILD’S WORLD: INFLUENCES ON ACADEMIC, INTELLECTUAL, AND SOCIAL-EMOTIONAL DEVELOPMENT 187–88 (2002). These effects reach into the ability for those children to interact with peers, the children’s emotional and behavioral problems, their ability to complete school, and adolescent risk behaviors such as promiscuity. *Id.* Attachment is an important relationship construct that affects development. *Id.* Attachment is shown to be predicated by caregiver sensitivity and not by infant temperament. *Id.* at 188. Human infants and children are highly sensitive to ostensive signals (actions like eye contact, speech or contingent reactivity directed at them). See also Gergely Csibra & György Gergely, *Natural Pedagogy as Evolutionary Adaption*, PHILOS. TRANS. R. SOC. LOND. B. BIOL. SCI. 366, 1149–57 (Apr. 12, 2011), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3049090/> [<http://perma.cc/3V3M-3GCX>]. Cultural knowledge includes topics such as conventional behaviors or cognitively opaque skills. *Id.*

⁴⁸ See *Child Development and Early Learning*, *supra* note 25 (discussing how the world influences a child’s development and how children learn from the behavior of the adults around them). Children’s development of “cognitive and social skills needed for later success” results from parenting style. Susan H. Landry, *The Role of Parents in Early Childhood Learning*, ENCYCLOPEDIA OF EARLY CHILDHOOD DEVELOPMENT, <http://www.child-encyclopedia.com/parenting-skills/according-experts/role-parents-early-childhood-learning> [<http://perma.cc/HC2M-NSTS>]. Socio-culturally, cognitively-responsive behaviors are considered to facilitate higher levels of learning. *Id.* The structure of a young child’s skills, like developing attentional and cognitive capacities, is affected by these interactions. *Id.* See also Csibra & Gergely, *supra* note 47, at 1149–1157 (examining the structure of young children’s developing mental capacities).

⁴⁹ See *Child Development and Early Learning*, *supra* note 25 (observing the early development in children and the natural pedagogy that occurs as children’s brains absorb information from the world around them). Natural pedagogy “is a human-specific capacity that allows [people] to acquire cultural information from communication even before the emergence of the first words.” Otávio Mattos & Wolfram Hinzen, *The Linguistic Roots of Natural Pedagogy*, FRONTIERS IN PSYCHOL. (Sept. 23, 2015), <https://www.frontiersin.org/articles/10.3389/fpsyg.2015.01424/full> [<http://perma.cc/6D7N-G6KT>]. Natural pedagogy includes three core elements: (1) “sensitivity to ostensive signals like eye contact that indicate to infants that they are being addressed through communication”; (2) “a subsequent referential expectation (satisfied by the use of declarative gestures)”; and (3) “a biased interpretation of ostensive-referential communication as conveying relevant information about the referent’s

understanding grows more sophisticated when the actions children are observing are directed toward them.⁵⁰ “This connection of relationships and social interactions to cognitive development” matches “how the brain develops and how the mind grows.”⁵¹

Children exposed to violence at young ages, especially in the home, experience severe emotional stress that can harm cognitive development and sensory growth.⁵² The resulting developmental issues can manifest in the form of emotional distress, irritability, sleep issues, fear of being alone, problems with toilet training, language development, and immature behavior.⁵³

These effects are not only psychological; exposure to violence at young ages can also cause physiological changes as well.⁵⁴ These

kind.” *Id.* Natural pedagogy is suspected of being human specific, as opposed to social learning and communication in general, which are widespread through many non-human species. *Id.*

⁵⁰ See *Child Development and Early Learning*, *supra* note 25. Human infants and children have specialized cognitive mechanisms that provide for increased cultural transmission. Mattos & Hinzen, *supra* note 49. Infants are developmentally prepared to identify and interpret others’ communicative acts that are specifically addressed to them. *Id.* at 1-16. These communicative acts also serve as grounds for young children learning generic and shared knowledge. *Id.* at 1.

⁵¹ *Child Development and Early Learning*, *supra* note 25. From birth to ten years old, “the brain is twice as active as” an adult’s brain. Todd Twogood, MD, FAAP Pediatrician, *Early Childhood Brain Development*, <http://ndaftp.org/image/cache/18s.pdf> [<http://perma.cc/J565-36ME>]. By the age of three, eighty percent of a child’s synaptic connections are already formed. See *id.* See also Cathy Zimmerman, *Growing Brains: Development from Birth to Age 3 Sets State for All of Life*, THE DAILY NEWS (Apr. 18, 2011), http://tdn.com/lifestyles/growing-brains-development-from-birth-to-age-sets-stage-for/article_f0dddee6-6a97-11e0-9611-001cc4c002e0.html [<http://perma.cc/C9KG-5X3K>]. The experiences of the child define the way in which the infant’s brain wires itself. Twogood, *Early Childhood Brain Development*. The care children receive, especially at a young age, has a “decisive, long lasting impact on how people develop, their ability to learn, and their capacity to regulate their own emotions.” *Id.* During the first two years “[t]he parent/child relationship is the most powerful influence on children’s early brain development.” *Id.*

⁵² See Joy D. Osofsky, *The Impact of Violence on Children*, 9 DOMESTIC VIOLENCE & CHILDREN 33, 36 (Winter 1999) (examining child development, specifically regarding sensory growth); *Behind Closed Doors*, *supra* note 3 (discussing different aspects of childhood development).

⁵³ See *Behind Closed Doors*, *supra* note 3 (inspecting the issues from exposing children to animal violence and cruelty).

⁵⁴ See Terrie E. Moffitt & The Klaus-Grawe 2012 Think Tank, *Childhood Exposure to Violence and Lifelong Health: Clinical Intervention Science and Stress Biology Research Join Forces*, HUM. & HEALTH SERVS. PUB. ACCESS (Dec. 20, 2013), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3869039/> [<http://perma.cc/KHA8-UE5Y>] (considering the long-term physiological changes that are not as well-known but affect children exposed to violence). See also Osofsky, *supra* note 52, at 36 (evaluating the effects of childhood interactions with domestic abuse and animal violence). The literature shows that family violence adversely affects childhood development. *Id.*

142 VALPARAISO UNIVERSITY LAW REVIEW [Vol. 53]

physiological changes have lifelong ramifications.⁵⁵ Stress biology research, in this context, is a multidisciplinary area of research that examines stress-sensitive biomarkers in young people.⁵⁶ These markers are associated with “elevated risk for heart disease, metabolic diseases, immune diseases, stroke, and even dementia.”⁵⁷ Alterations to the brain and the body can explain many of the long-term effects that a stressful childhood can have on the overall health of the child.⁵⁸ When examined as a whole, childhood exposure to violence is linked with an increased risk for psychiatric disorders, comorbidity, unfavorable courses of illness, and poor treatment response.⁵⁹ Furthermore, this exposure also predicts a

⁵⁵ See Moffie & Klaus-Grawe, *supra* note 54. The connection between stress and experiencing violence as a child has a tangible link. *Id.* And the effects of stress on children can be severe. *Id.* Ross A. Thompson, *Stress and Child Development*, 24 THE FUTURE OF CHILDREN 1, 41-55 (Spring 2014). Young children adapt to their environment physically at young ages in an attempt to survive. *Id.* Research shows that exposure to chronic stress as a child has effects on the neuroendocrine system through the hypothalamic-pituitary-adrenocortical (HPA) axis. *Id.* at 44-46. “When the brain detects threatening events [it] activates the HPA system” *Id.* at 44. The consequences of this activation include “production of cortisol that mobilizes energy, suppression of immune functioning, enhanced cardiovascular tone, and other critical components of the stress response.” *Id.* Additionally, “the basal levels of HPA functioning, which follow a circadian clock, are important to cortisol output, which helps to maintain our capacity to regulate our emotions and cope with stress.” *Id.* A circadian clock, or rhythm, is a daily internal cycle that instructs the body when to partake in certain physiological events. See PSYCHOL. TODAY, <https://www.psychologytoday.com/basics/circadian-rhythm> [<http://perma.cc/9T75-Y39K>].

⁵⁶ See Moffie & Klaus-Grawe, *supra* note 54 (opening the discussion of stress biology research). Stress biology, as an area of study, has a much broader application. See Kyle K. Biggar & Kenneth B. Storey, *New Approaches to Comparative and Animal Stress Biology Research in the Post-genomic Era: A Contextual Overview*, 11 COMPUT. STRUCT. BIOTECHNOL. J. 138, 138-46 (Sept. 30, 2014) (examining stress biology). Current findings contribute to development of a “general, but refined, view of the important molecular pathways contributing to stress-survival.” *Id.*

⁵⁷ Moffie & Klaus-Grawe, *supra* note 54. Toxic stress response can also have serious effects on children who experience it. See Center on the Developing Child, *Key Concepts: Toxic Stress*, HARV. UNIV. (2017) (looking at toxic stress and the damage it can cause). Toxic stress response can occur when children “experience strong, frequent, and/or prolonged adversity.” *Id.* These actions can be actions “such as physical or emotional abuse, chronic neglect, caregiver substance abuse or mental illness, exposure to violence, and/or the accumulated burdens of family economic hardship” without enough adult support. *Id.* This exposure can affect brain and organ development, and an increased risk for stress-related disease or cognitive impairment. *Id.*

⁵⁸ See Moffie & Klaus-Grawe, *supra* note 54. Chronic stress “changes HPA functioning over time by altering the neurological circuitry that underlies the body’s regulation of responses to stress.” Thompson, *supra* note 55, at 44. Repetitive exposure to stressful events affects the sensitivity of the HPA system. *Id.* The chronic exposure can affect the limbic and cortical processes that regulate HPA activity. *Id.* These systems control things such as motivation, memory, thinking, reasoning, and emotional regulation. *Id.*

⁵⁹ See Moffie & Klaus-Grawe, *supra* note 54. A study was conducted that used a sample of 88 first time mothers and their adolescent children. See Chelsea M. Weaver, John G.

tolerance for interpersonal violence and influences the victim's treatment of others in future relationships.⁶⁰

These effects are serious and raise the question: why are there no laws protecting children from such exposure? The answer to that question lies in the history of the law, as "until very recently, the law viewed children as nothing more than the property of their fathers."⁶¹ Courts did not begin to look at children as individuals, instead of property, until custody disputes arose.⁶² When "childsaving" became a craze during the industrial revolution, the conditions children faced came to light.⁶³ Reforms began, and slowly, the view of children and how they should be treated changed.⁶⁴

Now, parental control over children is no longer considered absolute, and many laws are in place to ensure parental control is no longer so unbounded.⁶⁵ Specifically, laws now exist that remove parenting power from those who engage in domestic violence, which is a step in the right direction, but the bigger picture must be considered, as domestic violence is harmful to children in many of the same ways that animal violence is harmful to children.⁶⁶ Next, the current national law is presented in a

Borkowski & Thomas L. Whitman, *Violence Breeds Violence: Childhood Exposure and Adolescent Conduct Problems*, U.S. DEPT. HEALTH & HUM. SERVS. (2011), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3124247/> [<http://perma.cc/A2NT-9LWR>]. The study's regression analysis showed that witnessing violence and being victimized prior to age ten predicted delinquency and violent behaviors. *Id.* Violence victimization "was found to be the single best predictor of juvenile violent behaviors for both boys and girls in a nationally representative sample of adolescents." *Id.* Additionally, within groups of black urban adolescents, "retrospective reports of witnessing violence and victimization were the strongest predictors of current use of violence, such as involvement in fights and the carrying of weapons." *Id.* Conduct problems with children are heavily associated with exposure to violence, especially in the home, school, or community. *Id.*

⁶⁰ A study of college sophomores exposed a connection "between childhood animal cruelty and a tolerance for interpersonal violence as adults." Hazard, *supra* note 3. The "students who admitted to engaging in animal cruelty as [young people] were more likely than the non-abusers to agree that it is permissible to slap your wife." *Id.*

⁶¹ Kate Welsh, *Protecting Children from Parents*, 13 *LAWNOW* 8, 8 (1988).

⁶² *See id.* at 9 (evaluating children and their transition from being considered as property to individuals with rights).

⁶³ *See id.*

⁶⁴ *See id.*

⁶⁵ *See sources cited infra note 66* (appraising the conditions placed on parents' rights to rear their children and noting that historically parents have been allowed to have a questionable amount of control over their children, which sometimes allows parents to expose their children to negative events).

⁶⁶ *See, e.g.,* DEL. CODE ANN. tit. 13, § 701 (Westlaw through 2018) (delineating Delaware law on the rebuttable presumption against custody or residence of minor children to perpetrators of domestic abuse); Alina Tugend, *Beyond a Parent's Reach: When a Child Legally Becomes an Adult*, *N.Y. TIMES* (2014), <https://www.nytimes.com/2014/11/01/your-money/when-a-child-legally-becomes-an-adult.html> [<https://perma.cc/Z22T-W2XS>]

general manner, followed by different state laws dealing with animal abuse.⁶⁷

B. *Current National Law on Animal Abuse*

Laws are in place that attempt to deter animal violence; however, they do not generally deal with minors, nor do they properly address restitution, as the laws only aim to deter animal violence rather than children's exposure to it.⁶⁸ Thomas Schelling has written on the idea that deterrence is a major facet of preventing unwanted action.⁶⁹ Deterrence is a huge part of the criminal justice system and plays a role in how laws are created and how they function.⁷⁰

Section II.B.1 examines the current federal laws that relate to the exposure of minors to animal violence and abuse. Section II.B.2 looks at how state laws either approach or fail to address the same issue.

(scrutinizing the issue of parental control, and how and when that control changes); Larissa MacFarquhar, *When Should a Child be Taken from His Parents?*, N.Y. TIMES (2017), <https://www.nytimes.com/2014/11/01/your-money/when-a-child-legally-becomes-an-adult.html> [<https://perma.cc/Y39V-N9S9>] (examining when, in family court, the risks parents pose to their children outweigh the risk of separating families).

⁶⁷ See *infra* Part II.B. The Animal Spectator Prohibition Act was not passed on its own, but the Farm Bill was passed. *Id.* The Farm Bill included the text of the Animal Spectator Prohibition Act that criminalized taking those under the age of sixteen to animal-fighting events. *Id.* The Farm Bill makes such a federal felony punishable with prison time and fines. *Id.*

⁶⁸ See *supra* Part II.B. The laws on animal abuse or cruelty, while accomplishing an approach to counteracting or dealing with animal abuse, do not mention minors generally, and when a minor is mentioned in the peripheries of these laws, it is not in the context of protection from exposure to violence. *Id.*

⁶⁹ See THOMAS C. SCHELLING, *ARMS AND INFLUENCE* (Yale Univ. Press 1966) (explicating on how military strategy works and the fact that intimidation, deterrence, and other shows of force are used to deter other military states as opposed to the methods previously thought to be the manner in which military strategy works).

⁷⁰ See C.Y. Cyrus Chu, *Punishing Repeat Offenders More Severely*, 20 INT'L REV. L. & ECON. 127, 127-40 (Mar. 2000) (expanding on the examination of deterrence through the lens of more severe punishment for repeat offenders as opposed to first time offenders, issues with the concept, and the ways in which the concept works); Valerie Wright, Ph.D., *Deterrence in Criminal Justice: Evaluating Certainty vs. Severity of Punishment*, THE SENTENCING PROJECT (Nov. 2010), <https://www.sentencingproject.org/wp-content/uploads/2016/01/Deterrence-in-Criminal-Justice.pdf> [<https://perma.cc/YE5X-4MVM>] (contemplating how deterrence in the criminal justice system functions).

1. Federal Law That Affects the Cycle of Violence Created by Minors' Exposure to Animal Abuse and Violence

The Animal Fighting Spectator Prohibition Act of 2013 was introduced to both the House and the Senate in 2013.⁷¹ This potential solution sought to amend the Animal Welfare Act and prohibit knowingly attending animal fighting ventures or causing minors to attend such events.⁷² The bill was sponsored by Republican Tom Marino and gained 231 cosponsors in the House.⁷³ This attempt at regulation was sponsored by Democrat Richard Blumenthal and gained forty-one cosponsors in the Senate.⁷⁴ However, the proposal did not manage to pass and died at the end of the session.⁷⁵

The Animal Fighting Spectator Prohibition Act proposed changes such as altering the language “sponsoring or exhibiting an animal in” to “sponsoring or exhibiting an animal in, attending, or causing a minor to attend,” making it a crime to bring a minor to such an exhibition.⁷⁶ The bill sought to change language to include bringing a minor as an illegal act under Section 26 of the Animal Welfare Act.⁷⁷ While the Animal Fighting Spectator Prohibition Act did not pass on its own, on February 7, 2014, President Obama signed the Agricultural Act of 2014 – which used language from the Animal Fighting Spectator Prohibition Act – making it a felony to take a minor under the age of sixteen to a dogfight or cockfight.⁷⁸ The Agricultural Act of 2014 (“Farm Bill”) made taking a minor to dogfighting or cockfighting events a federal felony, punishable with up to three years in prison and a \$250,000 fine. In addition, the Farm

⁷¹ See S. 666, 113th Cong. (2013) (presenting the Animal Fighting Spectator Prohibition Act of 2013 and penalties for those who engage minors in witnessing animal fighting); H.R. 366, 113th Cong. (2013) (delineating the Animal Fighting Spectator Prohibition Act of 2013 and targeting those who engage minors in witnessing animal fighting).

⁷² See S. 666, 113th Cong. (2013).

⁷³ See Congress, *H.R.366 – Animal Fighting Spectator Prohibition Act of 2013*, CONGRESS.GOV (2013), <https://www.congress.gov/bill/113th-congress/house-bill/366/cosponsors> [<http://perma.cc/9MT3-MZCE>] (providing the sponsors and cosponsors involved in the attempt to pass the Animal Fighting Spectator Prohibition Act of 2013).

⁷⁴ See *id.*

⁷⁵ See *id.* (noting that the Animal Fighting Spectator Prohibition Act of 2013 failed to pass but was later included in the Farm Bill).

⁷⁶ See S. 666, 113th Cong. (2013) (presenting the Animal Fighting Spectator Prohibition Act of 2013 language changes that sought to amend the Animal Welfare Act); H.R. 366, 113th Cong. (2013) (delineating the Animal Fighting Spectator Prohibition Act of 2013 and textual changes for the Animal Welfare Act).

⁷⁷ See S. 666, 113th Cong. (2013); H.R. 366, 113th Cong. (2013).

⁷⁸ See *Animal Fighting Spectator Prohibition Act*, ANIMAL WELFARE INST. (2018) (discussing the passing of the Agricultural Act of 2014, “The Farm Bill,” that took language from H.R. 366 and S. 666, better known as the Animal Fighting Spectator Prohibition Act).

Bill made it a federal misdemeanor for a person to knowingly attend such events as a spectator, punishable with up to one year in prison and a \$100,000 fine.⁷⁹ However, the general lack of federal law on the subject caused the responsibility of creating laws to deal with minors' exposure to animal violence and abuse to fall on the states.⁸⁰

2. State Laws Dealing with Exposure of Minors to Animal Violence and Abuse

States have a wide range of laws regarding animal violence.⁸¹ For example, California⁸² law differs from Texas law.⁸³ Texas criminalizes the

⁷⁹ See H.R. 2642, 113th Cong. (2013–14) (depicting the language of the Farm Bill that makes it a federal felony to take a minor under the age of sixteen to a dogfight or cockfight); *Animal Fighting Spectator Prohibition Act*, ANIMAL WELFARE INST. (2018).

⁸⁰ See U.S. CONST. amend. X (providing that the powers not delegated to the federal government remain with the states).

⁸¹ See, e.g., *infra* notes 82–83.

⁸² California defines the terms “torment,” “torture,” and “cruelty” in its animal cruelty statute to essentially mean “every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted.” CAL. PENAL CODE § 599b (Westlaw through 2018). The statute also goes on to include those who are not the owners but are in custody of the animal to be guilty of animal cruelty if they subject the animal to certain actions. *Id.* However, even with such an in-depth statute, the statute does not mention minors. *Id.*

⁸³ Texas criminalizes cruelty to nonlivestock and livestock animals separately. Compare TEX. PENAL CODE ANN. § 42.092 (Westlaw through 2017) (containing Texas laws on cruelty to nonlivestock animals), with TEX. PENAL CODE ANN. § 42.09 (Westlaw through 2017) (incorporating Texas law regarding cruelty to livestock animals). Texas defines “cruel manner” as “a manner that causes or permits unjustified or unwarranted pain or suffering.” TEX. PENAL CODE ANN. § 42.092(a)(3). The statute goes on to define “torture” as something that “includes any act that causes unjustifiable pain or suffering.” § 42.092(a)(8). The Texas statute criminalizes killing, poisoning, or seriously injuring an animal without the owner’s consent, and denying an animal necessary food, water, care or shelter, “unreasonably,” among other subjects. § 42.092(b)(2), (3). Texas also provides defenses against the charges, such as committing the action while in the scope of employment for someone who works for, or is associated with, electrical transmission or distribution. § 42.092(e)(2) (furnishing defenses against the charge of animal cruelty against a nonlivestock animal and allowing those who engage in the act while in “the scope of [their] employment as a public servant or in furtherance of activities or operations associated with electricity transmission or distribution . . . or [during] operations associated with [] generat[ing] electricity, or natural gas delivery” to have a defense against certain charges.) There is also an exception of application of the entire section if the person is fishing, hunting, trapping, acting for the purposes of wildlife management or control, or engaging in agricultural practice involving livestock animals. § 42.092(f)(1)(A) (contributing exceptions for the cruel and illegal treatment of animals in Texas, specifically livestock); § 42.092(f)(1)(B) (depicting further exceptions for when the cruel treatment of animals that may have fit under Texas’s statute for cruel treatment of livestock animals will not constitute illegal treatment of animals); § 42.092(f)(2) (contributing additional information on when actions that could constitute cruel treatment of a livestock animal that will not be considered a criminal action). The

torturing of an animal that results in death or serious bodily injury to the animal.⁸⁴ Meanwhile, the California statute criminalizes the malicious and intentional maiming, torturing, or wounding of a living animal, and the malicious or intentional killing of an animal.⁸⁵ The California statute also makes it illegal to “deprive[] of necessary sustenance, drink, or shelter, or cruelly beat[], mutilate[], or cruelly kill[] an animal.”⁸⁶

Similarly, Florida⁸⁷ criminalizes and penalizes animal abuse differently than New York.⁸⁸ Florida has varying penalties for different types of animal cruelty, such as a violation that includes the “knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal,” which requires the perpetrator “pay a minimum mandatory fine of \$2,500 and undergo psychological counseling or complete an anger management treatment program.”⁸⁹ New York, on the other hand, allows

statute also specifies that “[t]his section does not create a civil cause of action for damages or enforcement of the section.” TEX. PENAL CODE ANN. § 42.092(g). The statute does not mention minors. § 42.092 (outlining Texas law regarding the treatment of livestock animals, which does not speak to minors being exposed to the improper treatment of livestock animals). The Texas statute for cruelty for nonlivestock animals does not mention minors either. § 42.09 (presenting Texas law for treatment of nonlivestock animals and when negligence or damaging treatment to these animals is considered a criminal act).

⁸⁴ See TEX. PENAL CODE ANN. § 42.092(b)(1).

⁸⁵ See CAL. PENAL CODE § 597(a) (Westlaw through 2018).

⁸⁶ See CAL. PENAL CODE § 597(b) (Westlaw through 2018).

⁸⁷ Florida includes different levels of animal cruelty liability. See FLA. STAT. ANN. § 828.12 (Westlaw through 2018). In Florida, there is a misdemeanor in the first degree for animal cruelty that is punishable by Florida law and can include a fine of up to \$5,000. § 828.12(1). Animal cruelty can also be a felony of the third degree with a punishment that can include a fine of up to \$10,000. § 828.12(2). Florida also imposes further punishments for subsequent violations, such as having a mandatory minimum fine of \$5,000 and minimum incarceration of up to six months. § 828.12(2)(b). Additionally, a person who commits multiple acts of animal cruelty or aggravated animal cruelty against an animal can be charged with separate offenses for each act, and those who commit these crimes against multiple animals can be charged with a separate offense for each animal the crimes were perpetrated against. § 828.12(3). However, the Florida statute does not have penalties in place under its animal cruelty statutes for when a minor is exposed to these acts. § 828.12 (depicting information on Florida’s legal definitions for animal cruelty and the penalties that result from violations of animal cruelty by individuals).

⁸⁸ Regarding criminalization, New York has many laws that spread over many statutes related to animals and their treatment. See, e.g., N.Y. AGRIC. & MKTS. LAW §§ 351, 353–80 (McKinney, Westlaw through 2018) (comprising many different statutes with laws on clipping or cutting a dog’s ears, stealing companion animals, seizing transportation dogs for research, operating on horse tails illegally, protecting the public from attacks by wild animals and reptiles, etc.). Laws prevent animal fighting, dog ear cropping, dog stealing, taking animals as prizes, poisoning animals, racing animals, aggravated cruelty, and supply provisions for dog shelters. *Id.*

⁸⁹ FLA. STAT. ANN. § 828.12(2)(a).

officers to arrest violators when a just and reasonable complaint is given under oath or affirmation to an authorized magistrate.⁹⁰

Illinois has individualized criminalization and exceptions written into the Illinois statute regarding animal abuse and has increased penalties for animal abuse in the presence of a minor.⁹¹ For example, Illinois criminalizes “intentionally commit[ting] an act that causes a companion animal to suffer serious injury or death,” with the exception of licensed veterinarians euthanizing a companion animal.⁹²

How states choose to focus their laws also differs from jurisdiction to jurisdiction.⁹³ For example, Pennsylvania looks at intentionally, knowingly, or recklessly ill-treating animals, among other things.⁹⁴ On the other hand, Ohio focuses on animal torture, illegal impoundment, and confinement.⁹⁵ Many variations exist. Each state has the individual power

⁹⁰ See N.Y. AGRIC. & MKTS. LAW § 372.

⁹¹ Illinois makes it a crime, for example, to “knowingly create, sell, market, offer to market or sell, or possess a depiction of animal cruelty.” 510 ILL. COMP. STAT. ANN. 70/3.03-1 (West 2017) (including the definition of a “[d]epiction of animal cruelty,” the laws related to depiction of animal cruelty, and how to prove the penalty for breaking the laws regarding depictions of animal cruelty). See also *The Humane Care of Animals Act Is essentially Chapter 510 Section 70 of the Illinois Compiled Statutes*, ILL. GEN. ASSEMBLY (2017), <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1717&ChapterID=41> [<http://perma.cc/M6XS-QRGY>] (compiling Illinois law that creates the Humane Care for Animals Act). Penalties for the cruel treatment of animals can range from Class A misdemeanors to Class 4 felonies. 510 ILL. COMP. STAT. ANN. 70/3.01(d) (Westlaw through 2018). Illinois also has laws on animal torture. 510 ILL. COMP. STAT. ANN. 70/3.03 (framing the Illinois law regarding animal torture and its penalties). Criminal actions under Illinois’s animal torture statute is a Class 3 felony, and Illinois also requires that the offender “undergo a psychological or psychiatric evaluation and [] undergo treatment that the court determines to be appropriate after due consideration of the evaluation.” 510 ILL. COMP. STAT. ANN. 70/3.03(c).

⁹² 510 ILL. COMP. STAT. ANN. 70/3.02.

⁹³ See, e.g., *supra* notes 82-92 and accompanying text.

⁹⁴ In Pennsylvania, it is illegal for a person to intentionally, knowingly, or recklessly ill-treat, overload, beat, abandon or abuse an animal, and this cruelty to an animal can be either a summary offense or a second-degree misdemeanor. See 18 PA. STAT. AND CONS. STAT. ANN. § 5533 (Westlaw through 2018) (silhouetting the offense of cruelty to an animal in Pennsylvania). Intentionally or knowingly torturing an animal, neglecting an animal, committing animal cruelty, or causing serious bodily injury or death to an animal, is aggravated cruelty to an animal, a third-degree felony. § 5534 (framing the crime of aggravated cruelty to an animal in Pennsylvania).

⁹⁵ Ohio’s animal cruelty statute criminalizes animal torture, illegally impounding or confining an animal without providing it access to shelter, and carrying or conveying an animal in a cruel or inhumane manner. See OHIO REV. CODE ANN. § 959.13 (Westlaw through 2018). Keeping animals “other than cattle, poultry or fowl, swine, sheep, or goats in an enclosure without wholesome exercise and change of air,” or “feed cows on food that produces impure or unwholesome milk” is also a crime. § 959.13(4). All fines collected under Ohio’s statute on cruelty to animals are “paid to the society or association for the prevention of cruelty to animals” within the “county, township, or municipal corporation

to mold its law as it sees fit. For example, Georgia chooses not to include fish or pests as animals that can be subjected to animal cruelty.⁹⁶ Georgia law also states that cruelty to animals occurs when someone either “causes physical pain, suffering, or death to an animal by any unjustifiable act or omission,” or, while intentionally exercising custody of an animal, fails to provide the animal with adequate necessities.⁹⁷ North Carolina allows each city to define and prohibit the abuse of animals as it chooses and includes a focus on prohibiting the instigation or promotion of animal cruelty.⁹⁸ As a final example, Michigan sets its own standard in criminalizing certain actions for the purposes of fighting or baiting.⁹⁹ Michigan criminalizes owning, possessing, using, buying, selling, importing, or exporting animals for the purposes of fighting or baiting, as

where such violation occurred.” § 959.13(C). Ohio’s animal cruelty statutes do not mention minors. § 959.13.

⁹⁶ In Georgia, fish and pests are not animals. *See* GA. CODE ANN. § 16-12-4 (Westlaw through 2018). Cruelty to animals is a misdemeanor, as opposed to aggravated cruelty to animals, which is a felony. § 16-12-4(c) (stating the penalty for the criminal offense of cruelty against animals, which can be increased depending on certain aggravations); § 16-12-4(e) (providing the penalty for those guilty of aggravated cruelty against animals). Aggravated cruelty to animals includes maliciously causing the death of an animal or maliciously, physically harming an animal by depriving it of necessities, torturing the animal, poisoning the animal, or neglecting the animal. § 16-12-4(d). These statutes do not mention minors being exposed to such crimes. § 16-12-4.

⁹⁷ GA. CODE ANN. § 16-12-4(b).

⁹⁸ North Carolina provides that any city or county can define and prohibit the abuse of animals as it chooses to. *See* N.C. GEN. STAT. ANN. § 160A-182 (Westlaw through 2018) (comprising North Carolina’s general statute for the abuse of animals, which comprises one line of text stating that a “city may by ordinance define and prohibit the abuse of animals”); § 153A-127 (“A county may by ordinance define and prohibit the abuse of animals.”).

North Carolina also has laws for animal fighting, criminalizing dog baiting and fighting. § 14-362.2. And a statute criminalizing instigating or promoting cruelty to animals provides that if any person instigates, promotes, engages in, or acts in furtherance of any act of cruelty to any animal, he is guilty of a Class 1 misdemeanor. § 14-361. North Carolina does not mention minors in its statutes discussing cruelty to animals. § 14-361 (furnishing what North Carolina considers to be actions that rise to the level of cruelty against animals, how they become criminal, and how the state is able to penalize those who commit them but failing to mention minors).

⁹⁹ Michigan also criminalized being a party to fighting, baiting, or shooting animals, regarding animal fighting or baiting, and other activities related to animal fighting or baiting. *See* MICH. COMP. LAWS ANN. § 750.49(2)(b) (Westlaw through 2018). *See also* § 750.49 (delineating behaviors that are considered to be criminal regarding how individuals treat animals within the state of Michigan, specifically examining actions that are lined with animal fighting or baiting for sport); § 750.49(3) (stating that most actions that involve animal fighting and baiting are punishable as felonies).

well as using animals as a target for testing marksmanship.¹⁰⁰ Violations can be misdemeanors or felonies.¹⁰¹

Wisconsin, like other states, has its own standards when it comes to criminalizing the treatment of animals.¹⁰² Chapter 951 of Wisconsin's criminal code speaks to crimes against animals.¹⁰³ Wisconsin criminalizes dognapping and catnapping, mistreating animals, shooting at caged or staked animals, harassing animals, and even regulates use of poisonous and controlled substances in relation to animals.¹⁰⁴ These crimes are spread across nineteen sections of the chapter.¹⁰⁵ However, none of these laws address exposing minors to animal violence.¹⁰⁶

The Wisconsin statute that is used in this Note's Contribution section speaks the most generally to mistreating animals.¹⁰⁷ It provides, in few words, that "[n]o person may treat any animal, whether belonging to the person or another, in a cruel manner."¹⁰⁸ It does not prohibit normal and accepted veterinary activities.¹⁰⁹

¹⁰⁰ See MICH. COMP. LAWS ANN. § 750.49(2) (outlining which actions rise to the level of illegal activity when it comes to how an individual treats animals within Michigan's jurisdiction).

¹⁰¹ See, e.g., § 750.49(11) (providing that when an animal trained or used for fighting, or a first or second-generation offspring of an animal trained or used in fighting, attacks a person without provocation, but does not kill the person, the owner is guilty of a misdemeanor).

¹⁰² See WIS. STAT. ANN. § 951.

¹⁰³ See *id.* (describing Wisconsin's law on crimes against animals, including instigating fights between animals, shooting at caged or staked animals, harassing police and fire animals or service dogs, providing proper shelter, abandoning animals, penalties, etc.).

¹⁰⁴ See, e.g., WIS. STAT. ANN. § 951.02 (Westlaw through 2018) (stating laws on mistreatment of animals); § 951.03 (delineating laws on dognapping and catnapping); § 951.06 (dealing with criminal poisoning and using controlled substances in relation to animals); § 951.09 (laying out laws on shooting at caged or staked animals); § 951.095 (representing laws against harassing police and fire animals); § 951.097 (outlining laws on the harassment of service dogs).

¹⁰⁵ See WIS. STAT. ANN. § 951 (setting forth the sections composing Chapter 951, which deals with crimes against animals).

¹⁰⁶ See generally § 951.

¹⁰⁷ See § 951.02 (proving the most general section of chapter 951 of the Wisconsin law that deals with mistreating animals).

¹⁰⁸ *Id.*

¹⁰⁹ See *id.* (stating the exceptions to the application of when treating any animal in a cruel manner is criminalized, whether the animal is owned by the person harming the animal or not).

C. *Other Suggestions for Approaching the Issue of Animal Abuse and Violence in the Home*

The *Model Penal Code* (MPC) includes language dealing with animal cruelty and violence.¹¹⁰ Specifically, § 250.11 provides that someone commits a crime if by purposefully or recklessly treating an animal cruelly or neglecting, killing, or injuring an animal without legal privilege or the owner's consent.¹¹¹ The MPC also provides an exception for accepted veterinary practices and scientific research activities.¹¹² However, this section of the MPC does not address the issue of children being exposed to violence against animals.¹¹³

Olivia Garber suggests that legislative response is an appropriate reaction to the rampant issue of insufficient animal abuse laws.¹¹⁴ Garber notes that cross-reporting statutes and psychological treatment provisions in animal cruelty laws would help close the legislative protection gap.¹¹⁵ Due to the connection and relationship between animal abuse, child abuse, and domestic violence, educating specialists on familiarization with maltreatment, red flags, potential abuse, and who to report that information to would help create positive change.¹¹⁶

Garber also asserts that traditional types of punishment have little or no deterrent value in regards to animal abusers.¹¹⁷ This is because animal abuse is part of a cycle of violence that can only be broken through intervention and adequate treatment.¹¹⁸ Garber contends that simply penalizing an offender with minimal jail time or a fine is not enough to deal with the underlying psychological issues that cause these offenders

¹¹⁰ See MODEL PENAL CODE § 250.11 (outlining the *Model Penal Code's* section on cruelty to animals).

¹¹¹ See *id.*

¹¹² See *id.* (containing the MPC's section on cruelty to animals, which is used in the Note's contribution to provide some of the language for amending the Wisconsin statute on cruelty to animals).

¹¹³ See *id.*

¹¹⁴ See Garber, *supra* note 3, at 361 (discussing animal abuse and domestic violence and why the connection warrants increased legislative protection).

¹¹⁵ See *id.* Garber looks at the current law and provides that the legislative gap in protection can be improved, in part, by imposing reciprocal reporting duties. *Id.*

¹¹⁶ See *id.* at 373 (looking at the education of specialists on the connections between animal abuse, child abuse, and domestic violence so specialists may be better equipped to identify warning signs).

¹¹⁷ See *id.* See also Kent Greenawalt, *Punishment*, 74 J. CRIM. L. & CRIMINOLOGY 343, 351-52 (1983) (considering different types of punishment and their effectiveness in different situations).

¹¹⁸ See Garber, *supra* note 3, at 373 (advancing the idea that the only way to really deal with the cyclical pattern that is created through domestic violence and abuse is through the use of intervention and adequate treatment and that traditional types of punishment, such as fines or imprisonment, have little to no deterrent value).

to offend, such as an inability to empathize.¹¹⁹ While a person's empathy can be destroyed, empathy can also be taught and cultivated.¹²⁰ With proper treatment—and the use of tools such as early detection and intervention—this inability to empathize can be rehabilitated.¹²¹

Another proposed solution for counteracting domestic violence and animal cruelty issues, suggested by Regina Cabral Jones, incorporates animals into domestic violence protective orders.¹²² This concept has been put forth in the newest version of Chapter 205, which is a bill “amend[ing] existing law to add animals to the list of victims that can receive the benefit of a protective order.”¹²³ Jones also suggests that “develop[ing] ‘Safe Havens for Animals’ programs in the community” may also be a solution.¹²⁴ These are “programs [that] provide those who advocate against domestic violence with the framework and resources to assist victims with safety planning for their companion animals.”¹²⁵

At the time Jones authored the article there were eight of these programs in California.¹²⁶ Jones contends that “everywhere there’s a woman’s safe house there needs to be a safe pets program.”¹²⁷ Jones

¹¹⁹ *Id.*

¹²⁰ Garber proposes that empathy is not something that is just innate, that empathy can be destroyed, or it can be encouraged or learned, and it can be cultivated. An inability to empathize is not ultimate or unchangeable. Especially through the use of tools such as early detection and intervention, a person's inability to empathize can be rehabilitated. *See* Garber, *supra* note 3, at 375. *See also* Emma Seppala, *The Compassionate Mind*, PSYCHOL. SCI. (2013), <https://www.psychologicalscience.org/observer/the-compassionate-mind> [<https://perma.cc/CL43-QMAR>] (looking at what compassion is, and among other topics, whether compassion is natural or learned).

¹²¹ *See* Garber, *supra* note 3, at 375 (proposing that research has shown that a person's inability to empathize can be rehabilitated through the use of proper treatment, such as early detection and intervention). Research has shown that an individual's sense of empathy can be rehabilitated with proper treatment. *Id.* Garber asserts that there are three categories of animal abuse, generally: (1) criminogenic; (2) traumagenic; and (3) psychogenic. *Id.* at 375–76. These different categories should be treated with different forms of intervention, but if treated with the appropriate interventions, progress can be made. *Id.* at 377. For criminogenic-based, the focus may be personal accountability, cognitive behavior, and victim empathy development. *Id.* Alternatively, traumagenic-based and psychogenic-based require specialized therapy, psychiatric management, medication, and therapeutic and psycho-medical oversight. *Id.*

¹²² *See* Jones, *supra* note 8, at 470–71 (discussing Chapter 205, which has taken the step to include animals to the list of victims that can benefit from a protective order).

¹²³ *Id.* at 470.

¹²⁴ *Id.* at 475. *See also* *Directory of Safe Havens for Animals Programs*, HUMANE SOCIETY (2017), http://www.humanesociety.org/issues/abuse_neglect/tips/safe_havens_directory.html [<https://perma.cc/WZ7Z-HKXN>] (conferring information about Safe Havens for Animals, what the program can provide, and locations of such programs).

¹²⁵ Jones, *supra* note 8, at 475.

¹²⁶ *See id.*

¹²⁷ *Id.*

further explained that “[f]or victims who are experiencing incredible anxiety and fear over their own abuse, the knowledge that their pet will be taken care of could be the tipping point toward freeing them from the bonds of their abusive relationship.”¹²⁸ Finally, Aysha Akhtar suggests that policy writers consider including animal protection in public health policies when the policies are being created.¹²⁹ While these suggestions offer potential solutions to related issues, this Note seeks to deal with a specific large-scale issue. To approach this issue, many things must be considered, such as the underlying problem created by exposure to animal abuse and violence,¹³⁰ how this damage can be prevented,¹³¹ and the current law in place to prevent this damage.¹³²

III. ANALYSIS

Domestic abuse is a large issue with many subsets; one of those subsets is animal abuse.¹³³ Witnessing animal abuse leads to damaging psychological and physiological effects, especially on minors.¹³⁴ Those minors then grow into adults who victimize and abuse both humans and animals, creating another generation that carries the same negative behaviors and inflicts the same negative effects on more children.¹³⁵ Breaking this cycle requires a change in the way incidents of minors being exposed to animal violence are handled.¹³⁶

This Note proposes amendments to Wisconsin’s animal abuse laws that will help reduce instances of minors being exposed to animal abuse. Wisconsin was chosen due to the author’s history with the state, including living there as a child. Additionally, Wisconsin law has a solid basis from which an amendment can be made. However, Wisconsin has not yet taken

¹²⁸ *Id.* at 476.

¹²⁹ See Aysha Akhtar, *The Need to Include Animal Protection in Public Health Policies*, 34 J. PUB. HEALTH POLICY, Nov. 2013, at 549, 549 (presenting the idea of approaching the issue of animal treatment through public health policy).

¹³⁰ See *infra* Part III.A.

¹³¹ See *infra* Part III.A.

¹³² See *infra* Part III.B.

¹³³ See *Animal Cruelty Facts and Statistics: What to Know About Abuse Victims and Legislative Trends*, HUMANE SOCIETY (2017), [http://www.humanesociety.org/issues/abuse_neglect/facts/animal_cruelty_facts_statistics.html?referrer=https://www.google.com/\[https://perma.cc/H3FS-967J\]](http://www.humanesociety.org/issues/abuse_neglect/facts/animal_cruelty_facts_statistics.html?referrer=https://www.google.com/[https://perma.cc/H3FS-967J]). See also *supra* Part II.A (contemplating, among other things, the interactions of animal abuse and domestic abuse).

¹³⁴ See *supra* Part II.A (presenting information on the cycle of violence related to domestic violence).

¹³⁵ See *supra* Part II.A.

¹³⁶ See *supra* Part II.C (contributing other suggestions for dealing with animal abuse and cruelty, generally through legislative means). See also *infra* Part IV.

steps to adjust its law to focus on protecting minors from exposure to animal abuse.

Examining the information on this issue, however, reveals that there are steps that can be taken to protect minors from exposure to animal violence and abuse. First, Part III.A analyzes the issue of minors being exposed to animal abuse and violence and the problems it creates.¹³⁷ Part III.B examines whether the problem can be solved.¹³⁸ Finally, Part III.C analyzes the current law.¹³⁹

A. *What Is the Issue with Minors' Exposure to Animal Violence?*

The effects—both psychological and physiological—on children who witness animal abuse include developmental repercussions that persist well into adulthood.¹⁴⁰ These effects also impact how those individuals learn to interact with others.¹⁴¹ Animal abuse is eleven times more likely in households where domestic violence occurs than in non-domestic violence households—a startling statistic.¹⁴² Due to both the high rates of exposure and the resulting consequences, the problem of minors being exposed to animal violence must be dealt with.¹⁴³

Children who witness violence at a young age are more likely to perpetrate violence upon others in the future, which then enacts the cycle of violence that needs to be broken.¹⁴⁴ The generally accepted and well-known concept that witnessing violence at a young age leads to perpetrating violence against others in the future is a convincing one.¹⁴⁵ For example, a research study that interviewed college sophomores about whether it was permissible to slap one's wife found that those who were exposed to animal cruelty as children tended to respond that such violence

¹³⁷ See *infra* Part III.A.

¹³⁸ See *infra* Part III.B.

¹³⁹ See *infra* Part III.C.

¹⁴⁰ See *supra* Part II.A.

¹⁴¹ See *supra* Part II.A.

¹⁴² See HOVEL, *supra* note 26, at 1 (providing statistics relating to domestic violence).

¹⁴³ See *supra* Part II.A (looking at the psychological and physiological development issues that result from exposure to animal cruelty and violence as a minor).

¹⁴⁴ See *supra* Part II.B (offering information on consequences resulting from exposure to animal violence, abuse, and cruelty).

¹⁴⁵ This observation supports the idea that those exposed to this violence begin to view violence as normal. It is not unreasonable to make the connection that observing violence against animals carries the same effects as seeing violence against a domestic partner. Minors viewing those acts will then accept those actions as normal and become more comfortable engaging in those actions later in life. See Hazard, *supra* note 3 (bolstering the idea that those who are exposed to violence at young ages tend to carry the violence with them in different psychological forms).

was permissible.¹⁴⁶ This response emphasizes the effects of witnessing animal cruelty, showing that this exposure teaches children that it is all right to abuse others.¹⁴⁷ The child's exposure to this violence at a young age then begins a new cycle of violence.

Children exposed to violence at young ages, especially in the home, experience enough emotional stress to harm their cognitive development and sensory growth.¹⁴⁸ This damage often manifests as emotional distress as well as physiological and/or developmental issues.¹⁴⁹ Protecting children during this crucial developmental stage and providing positive influences leads to healthy development, instead of a cycle of violence.¹⁵⁰ During this developmental period, if abuse is permitted to continue, the negative effects—both psychological and physiological—increase the likelihood that the victim will eventually use violence against others.¹⁵¹ In other words, the extreme malleability of a child's psyche at this phase makes exposure to animal violence a major concern.¹⁵² Results of such exposure may include loss of empathy for others, psychosomatic illness, depression, suicidal tendencies, greater risk for substance abuse, criminal behavior, pregnancy at a young age, and chronic violence. Because these problems begin a new cycle of abuse, the same problematic and damaging behavior continues to affect more victims in the future, so these problems should be prevented in order to break that cycle of abuse.¹⁵³

¹⁴⁶ See Hazard, *supra* note 3.

¹⁴⁷ See *id.* (discussing long-term consequences on interpersonal relationships).

¹⁴⁸ See *supra* Part II.A (offering information about how the interaction of minors and exposure to violence against animals affects the minor's development, negatively influences psychological and physiological development and growth, and continues the cycle of violence because those victims tend to become perpetrators of violence against others).

¹⁴⁹ See *Behind Closed Doors*, *supra* note 3 at v, 16, 19 (presenting information about the manifestation of developmental issues resulting from childhood exposure to violence). The developmental issues that can form in minors exposed to animal abuse are far-reaching. *Id.* The abuse occurring in the home is rarely the only type of abuse occurring and is used as a tool of control and psychological terror by perpetrators to control and manipulate their victims. DeGue & DiLillo, *supra* note 26, at 1036, 1038–40, 1044–48.

¹⁵⁰ See *Child Development and Early Learning*, *supra* note 25 (concluding that healthy development while these changes are occurring leads to healthier psychology as an adult).

¹⁵¹ See *id.*

¹⁵² See *Behind Closed Doors*, *supra* note 3.

¹⁵³ Additionally, some studies have suggested that some children struggle with feeling empathy. Other children that have suffered from experiences related to animal abuse, such as hording or fighting, struggle with social isolation, struggle to make friends, and experience social discomfort or confusion about what is socially acceptable and how they should, or can, interact with others. See *Behind Closed Doors*, *supra* note 3.

B. *Is It Possible to Prevent this Damage?*

Animal abuse is one step in a replicating cycle of violence, and children exposed to animal abuse become desensitized to the abuse and often develop abusive behaviors.¹⁵⁴ People who have committed animal abuse are more likely to be associated with crimes such as assault, rape, murder, serial murder, arson, domestic violence, and pedophilia.¹⁵⁵ Preventing exposure to events that cause individuals to become animal abusers, such as observing animal abuse at a young age, makes it less likely those people will commit acts of violence—like rape, arson, domestic violence, or other problem behaviors—which benefits society as a whole.¹⁵⁶

In order to prevent this cycle of abuse, a specific law must address these specific issues.¹⁵⁷ This law must acknowledge that statutes dealing with specific issues like domestic abuse or animal fighting do not address exposure of minors to animal violence or cruelty.¹⁵⁸ The law must name, clearly and specifically, the group to be protected—all minors—and work to protect them from purposeful or intentional exposure to acts of animal violence and cruelty.¹⁵⁹ Vague laws not only leave the door open for an unconstitutionally overbroad challenge but also make application of the law difficult.¹⁶⁰

Specific legislation targeting the exposure of minors to animal violence will help address the issues resulting from exposing minors to animal abuse.¹⁶¹ A new or amended law could help solve the issue, and while some laws have tried, they do not effectively solve all the problems deriving from the exposure of minors to animal cruelty.¹⁶² Next, different proposed legislation and current laws are analyzed, looking specifically at

¹⁵⁴ See *What Is the Link*, *supra* note 4 (looking at the abusive cycle that perpetuates abusive behavior).

¹⁵⁵ See HOVEL, *supra* note 26, at 4 (concluding that fighting animal cruelty would “save . . . human lives, prevent . . . human suffering, prevent . . . animal suffering, help to protect children, help to protect women, children, and elders from domestic violence, [and] lead to far less human violence overall”).

¹⁵⁶ See *id.* at 4–5.

¹⁵⁷ See, e.g., *infra* Part IV.

¹⁵⁸ See, e.g., *infra* Part IV.

¹⁵⁹ See, e.g., *infra* Part IV.

¹⁶⁰ See *The Void-For-Vagueness Doctrine in the Supreme Court: A Means to an End*, 109 U. PA. L. REV. 67, 67–68 (1960) (discussing the vagueness doctrine).

¹⁶¹ See *infra* Part IV (providing the author’s contribution on how the law can be changed to better deal with the issue).

¹⁶² See *infra* Part III.C (considering the current laws on animal abuse both on a larger national scale and a smaller state scale).

why the current state of the law is inadequate in dealing with the negative repercussions created by minors observing animal cruelty and abuse.¹⁶³

The law is one of the strongest places to interrupt this destructive cycle of violence.¹⁶⁴ Currently, very few laws in the United States specifically target exposure of minors to animal violence and cruelty.¹⁶⁵ Exposure to animal cruelty or violence, however, causes many of the same negative effects as being exposed to an animal fighting venture.¹⁶⁶ Specific laws must be put into place to protect minors from exposure to animal violence.¹⁶⁷

C. *Current Law on Animal Abuse*

Before improving the state of the law pertaining to minors being exposed to animal violence, current laws must be analyzed to determine what works and what does not. Section III.C.1 analyzes federal law as well as the *MPC*'s section that focuses on the issue of minors being exposed to animal violence.¹⁶⁸ Then, Section III.C.2 looks at the different state laws that deal with animal abuse but do not deal with the issue of minors being exposed to animal abuse or cruelty.¹⁶⁹

1. The *MPC* and the Federal Law that Attempts to Approach the Issue of Minors' Exposure to Animal Violence and Abuse

Amending Wisconsin's animal abuse statutes, in part, with language that has been used in the *MPC* and in federal laws, will strengthen Wisconsin law to protect minors from exposure to animal violence and cruelty.¹⁷⁰ The *MPC* provides beneficial text for dealing with violence against animals; however, it does not deal with minors being exposed to animal violence or abuse.¹⁷¹ As a result, the *MPC*'s wording cannot be the only text used to amend Wisconsin's laws on animal abuse.¹⁷² The issue

¹⁶³ See *infra* Part III.C.

¹⁶⁴ See *What Is the Link*, *supra* note 4 (speaking to the cycle of violence that perpetuates abusive behavior).

¹⁶⁵ See *supra* Part II.

¹⁶⁶ See *supra* Part II.A.

¹⁶⁷ See, e.g., *infra* Part IV.

¹⁶⁸ See *infra* Section III.C.1 (analyzing federal laws that have attempted to deal with the issue).

¹⁶⁹ See *infra* Section III.C.2 (inspecting different state laws that deal with animals, more specifically, animal abuse or violence, but these laws fail to discuss the illegal activities occurring in the presence of minors).

¹⁷⁰ See *infra* Part IV (providing the author's contribution, which amends Wisconsin law with both language from the *MPC* and proposed federal laws).

¹⁷¹ See MODEL PENAL CODE § 250.11.

¹⁷² See *id.*

must be approached more directly with language that speaks specifically to the exposure of *minors* to animal violence or abuse.¹⁷³

Federal laws have dealt with the issue in more specificity but are still not enough to protect minors from exposure to animal abuse and violence. The Farm Bill, which was signed into law in 2014, included text from the Animal Fighting Spectator Prohibition Act, making it a felony to bring a minor under the age of sixteen to a dogfight or cockfight.¹⁷⁴ The passage of the Animal Fighting Spectator Act—with language specific to dealing with the issue of minors' exposure to animal fighting—shows that steps toward dealing with the issue are being taken, but the law needs to go a step further to protect minors.¹⁷⁵ Creating a law that deals with minors being exposed to animal violence in other situations is necessary.¹⁷⁶

The Farm Bill includes a section that uses the language of the Animal Fighting Spectator Prohibition Act dealing with minors being exposed to animal fighting.¹⁷⁷ The language of the Animal Fighting Spectator Prohibition Act was surrounded by a multitude of other topics the Farm Bill dealt with.¹⁷⁸ The Act penalizes those who involve minors in the act of animal fighting in a more serious manner—through means such as increasing penalties—and prevents further exposure by seeking to deal with repeat offenders.¹⁷⁹ The wording of the Act works to reduce the risk of child exposure to animal violence through prevention and deterrence.¹⁸⁰ While the subset of animal violence the Act attempts to curtail is not all-inclusive, reducing childhood exposure of at least one

¹⁷³ See *infra* Part IV (providing the contribution, which specifically addresses minors).

¹⁷⁴ See H.R. 2642, 113th Cong. (2013–14) (presenting the Farm Bill, an agricultural bill that included wording from the Animal Spectator Prohibition Act).

¹⁷⁵ See *id.* Observing animal fighting is not the only exposure to animal violence that has negative effects on minors. See, e.g., *supra* Part II.A (examining the major negative psychological and physiological effects that exposure to animal abuse has on minors).

¹⁷⁶ See *supra* Part II.A (pointing out the wide range of psychological or physiological damage that exposure to violence creates, including more than just exposure to animal fighting, but animal abuse, cruelty, and general violence).

¹⁷⁷ See S. 666, 113th Cong. (2013) (showing the Animal Fighting Spectator Prohibition Act of 2013 as it was examined by the Senate); H.R. 366, 113th Cong. (2013) (delineating the Animal Fighting Spectator Prohibition Act of 2013 as it arose in the House).

¹⁷⁸ See H.R. 2642, 113th Cong. (2013–14).

¹⁷⁹ In *Jackson*, a father was faced with contributing to the delinquency of a minor when his sons, ages twelve and fifteen, were brought to spectate in a dogfight that occurred in their garage. See *People v. Jackson*, No. 275908, 2008 WL 786526, at *7 (Mich. App. Ct. 2008). The charge of delinquency of a minor earned the father ninety days in jail. See *id.* at *1. This is an inadequate amount of time for an act that carries so many negative psychological consequences. See, e.g., Part II.A (offering information about the psychological effects resulting from witnessing violence against animals at young ages). See also S. 666, 113th Cong. (2013) (giving the Animal Fighting Spectator Prohibition Act); H.R. 366, 113th Cong. (2013) (delineating the Animal Fighting Spectator Prohibition Act).

¹⁸⁰ See MODEL PENAL CODE § 250.11 (outlining the MPC's section on cruelty to animals).

subset of animal violence is an important step.¹⁸¹ The passage of the Farm Bill was the right step to take because it deals with and prevents minors' exposure to animal violence.¹⁸² However, any law that only deals with minors being exposed to animal fighting is not enough.¹⁸³

The language of the Animal Fighting Spectator Prohibition Act deals with repeat offenders by increasing the penalties for multiple offenses, which is necessary because of the nature of the damage these crimes create.¹⁸⁴ The effects of being exposed to animal violence grow worse through repeated incidences of exposure, damaging the person's ability to empathize, relate to others, and exercise self-control.¹⁸⁵

Addressing minors being exposed to animal fighting is an important step; however, other exposure that causes the same type of damage exists, such as exposure to animal abuse in a domestic setting—a type of exposure not covered by the Farm Bill.¹⁸⁶ While the Farm Bill attempts to prevent minors from being exposed to animal fighting, it does not deal with minors' exposure to animal abuse in other settings.¹⁸⁷ Because the federal law is still a problem, the responsibility of dealing with this issue has, in large part, fallen to the states.¹⁸⁸

2. State Law and the Issue of Restitution Aiding to Fill the Gap

Many states, including Wisconsin, fail to specifically mention minors in their animal fighting or animal cruelty statutes.¹⁸⁹ Even laws enacted specifically to protect children, such as child neglect laws, do not approach

¹⁸¹ See *supra* Part II.A (looking at the effects of minors being exposed to animal violence and abuse, how far-reaching those effects can be, and what kind of activity can result from that type of damage).

¹⁸² See H.R. 2642, 113th Cong. (2013–14).

¹⁸³ See *id.*

¹⁸⁴ See Chu, *supra* note 70 (analyzing, without directly concluding, that more severe deterrence could be the solution to deal with repeat offenders and examining the optimal-deterrence framework that has been previously adopted).

¹⁸⁵ See *Behind Closed Doors*, *supra* note 3 (looking at the long-term effects of abuse affecting children); *Social Trends and Child Maltreatment Trends*, NAT'L CTR. BIOTECHNOLOGY INFO. (2012) (summarizing the major points raised at a workshop for child maltreatment research, policy, and practice for the next decade).

¹⁸⁶ See *supra* Part II.A (giving information about the interactions of minors with animal abuse, animal cruelty, and the effects such exposure can have on those minors).

¹⁸⁷ See H.R. 2642, 113th Cong. (2013–2014) (contributing new law using language from the Animal Spectator Prohibition Act and dealing with minors being exposed to animal fighting but no other types of violence against animals).

¹⁸⁸ See U.S. CONST. amend. X (providing that when the federal government has not provided law on certain issues, the states have the power to create and enforce laws on those issues).

¹⁸⁹ See *supra* Part II.B (exemplifying the laws in many states and the manner in which they approach animal fighting and animal cruelty statutes).

this issue with exact legislation to solve the problem.¹⁹⁰ When the law does not specifically discuss a problem, the omission can leave a loophole for offenders to commit such acts without fear of punishment.¹⁹¹

Wisconsin's laws regarding the treatment of animals are separated into multiple sections, which creates different results when the individual sections are interpreted.¹⁹² However, Wisconsin's laws about animal treatment do not mention minors, nor do they seek to penalize behaviors that expose minors to animal violence.¹⁹³ While punishment is an important concern, the goal is to prevent the exposure in order to break the cycle for the next generation of children.¹⁹⁴

While waiting for specific punitive measures to be enacted by the legislature, children continue to be exposed to animal violence.¹⁹⁵ Psychological treatment can play an important role in attempting to counteract the negative effects resulting from exposing minors to animal abuse.¹⁹⁶ Restitution, paid by the offender, could play an important role in assuring a minor's ability to receive such treatment.¹⁹⁷

The application of restitution here would directly provide victims with proven means for helping them deal with the psychological effects they suffer from.¹⁹⁸ Restitution could pay for the minor's counseling, improve the minor's psychological health, and counteract the damage that has been done.¹⁹⁹ Furthermore, therapy is beneficial to teach a child to

¹⁹⁰ See *supra* Part II.B (showing that the laws aimed toward protecting children do not cover animal abuse or animal cruelty).

¹⁹¹ See, e.g., F. Weber, *Abusing Loopholes in the Legal System – Efficiency Considerations of Differentiated Law Enforcement Approaches in Misleading Advertising*, 5 ERASMUS L. REV. 289, 308 (2012) (evidencing loopholes in the law in terms of misleading advertising but speaking to similar concepts).

¹⁹² See *supra* Section II.B.2 (informing on Wisconsin law that deals with treatment of animals).

¹⁹³ See *supra* Section II.B.2.

¹⁹⁴ See *supra* Part II.A (presenting information on how exposure to animal violence can result in perpetuating the cycle of violence, resulting in more violence).

¹⁹⁵ See *What Is the Link*, *supra* note 4 (examining the abusive cycle that perpetuates abusive behavior).

¹⁹⁶ See *supra* Part II.A (focusing on links between exposure to animal violence and cruelty and domestic violence).

¹⁹⁷ See Cortney E. Lollar, *Child Pornography and the Restitution Revolution*, 103 J. CRIM. L. & CRIMINOLOGY 343, 343 (2013) (considering restitution for dealing with child psychological damage, specifically related to pornography).

¹⁹⁸ See *id.*

¹⁹⁹ See *Therapy*, MENTAL HEALTH AM. (2017), <http://www.mentalhealthamerica.net/therapy> [<http://perma.cc/WGJ4-75GS>]; Family Doctor, *Therapy and Counseling*, <https://familydoctor.org/therapy-and-counseling/> (offering the concept that “[p]rofessional therapy and counseling are treatments that can improve [one’s] mental wellness” and can help with emotional and behavioral problems).

better cope with psychological and physical damage.²⁰⁰ This counseling targets the problems triggered or created by the exposure to animal violence.²⁰¹ Many of the issues these minors experience stem from being taught unhealthy coping habits through exposure to violence and cruelty.²⁰² After exposure, teaching minors healthy coping habits can help curtail many of the problems they would have experienced in the future, stopping the cycle of damaging behavior.²⁰³ Restitution can help accomplish this rehabilitation.

The *United States Criminal Code* directs that restitution should be given to victims of interstate domestic violence.²⁰⁴ This statute does not specifically address restitution for the minors at issue here because the restitution results from interstate travel of the offender or victim.²⁰⁵ As such, legislation that provides for restitution in a different context is needed.²⁰⁶ However, children can receive restitution as a result of domestic violence.²⁰⁷ However, not all cases of minors being exposed to animal cruelty and violence clearly fall within the ambit of domestic violence.²⁰⁸ Therefore, application of a specific law criminalizing minors' exposure to animal abuse and violence and providing penalties is necessary, as these issues are very difficult to handle without targeted laws.²⁰⁹

²⁰⁰ See Chad Ernest, *Why Are Coping Skills So Important?*, SUNNY SKY COUNSELING (Sept. 4, 2014), <http://www.sunnyskycounseling.com/blog/2014/9/4/why-are-coping-skills-so-important> [<http://perma.cc/G9FG-BHWQ>].

²⁰¹ See *Child Development and Early Learning*, *supra* note 25 (examining childhood development in young children, including infants and toddlers).

²⁰² See *id.*

²⁰³ Negative coping skills mimic many of the issues documented in children exposed to these violent episodes, and some "negative coping skills include abusing or drinking too much alcohol . . . [or] doing something illegal." Ernest, *supra* note 200. They can also include "not knowing how to control the level of the emotions by being too loud and verbally abus[ing] others, smashing things, [and] dwelling on suicide . . ." Positive coping skills can help to curtail these negative behaviors. *Id.*

²⁰⁴ The *United States Code* specifies that travel or conduct of an offender can constitute illegal acts that warrant restitution. 18 U.S.C. § 2264. "A person who travels in interstate or foreign commerce . . . with the intent to kill, injure, harass, or intimidate a spouse [or partner], and who, in the course of or as a result of such travel or presence, commits or attempts to commit" a violent crime against that person can be responsible for paying restitution. *Id.* § 2264(a)(1)-(2).

²⁰⁵ See 18 U.S.C. § 2264(a)(1)-(2).

²⁰⁶ See *infra* Part IV (presenting information on potential legislative solutions proposed by both the author and others).

²⁰⁷ See, e.g., 730 ILL. COMP. STAT. ANN. 5/5-5-6 (outlining Illinois law on restitution and domestic violence).

²⁰⁸ See *supra* Part II.B (delineating the holes the current law provides regarding minors and their exposure to animal violence and cruelty).

²⁰⁹ See Weber, *supra* note 191 (approaching the subject of loopholes that can be created in the law and results from these loopholes).

For children already exposed to animal cruelty and violence, healing requires more than just restitution and therapy.²¹⁰ Allowing for punitive measures against the perpetrator may also serve a positive purpose.²¹¹ Children grow in positive ways when in a healthy environment,²¹² and punitive measures can help assure that children have access to a healthy environment in which to grow.²¹³ Even after exposure to violence has already occurred, it is possible to help children heal.²¹⁴ To allow them to experience this healing, the exposure to these negative and damaging events must be eradicated.²¹⁵ Eradication requires, among other things, penalizing those exposing minors to these activities in order to prevent the perpetrators from future misconduct.²¹⁶

While psychological aid is needed, restitution could cause potential problems to arise within the family.²¹⁷ For example, if a father is paying restitution, the entire family could suffer due to the diversion of income.²¹⁸ As a solution, a line should be drawn between when restitution is required and when court-ordered counseling is appropriate.²¹⁹ Many potential options for dealing with this issue are available – and many have already been suggested – but for varying reasons, other solutions do not prevent adults from exposing minors to animal violence.²²⁰ Next, a solution is presented, followed by an analysis of other potential options.²²¹

²¹⁰ See *supra* Part II.A (presenting information on the result of childhood exposure to animal violence and cruelty).

²¹¹ See *supra* Part II (noting that punishing the perpetrator is not enough and that victims must also be helped).

²¹² See *Behind Closed Doors*, *supra* note 4 (discussing the importance of the environment in which a child grows).

²¹³ See *id.*

²¹⁴ When provided with more positive environments, children gain a sense of normalcy and healthy habits can be learned, which can lead to healthier development. See *Behind Closed Doors*, *supra* note 3 (offering that children need a safe and secure home environment, routine and normalcy, support services to meet their needs, and an environment that teaches that domestic violence is wrong and non-violent methods of resolving conflicts exist). If given the opportunity, affected children can have a healthy life. Providing aid to these children to help create this better life is a valid goal. *Id.*

²¹⁵ See *Behind Closed Doors*, *supra* note 3 (examining the psychological effects resulting from exposure to domestic violence).

²¹⁶ See *supra* Part IV.

²¹⁷ See Ernest, *supra* note 200 (noting that coping skills can be taught).

²¹⁸ See *Expenditures on Children by Families, 2013*, U.S. DEP'T AGRIC., https://www.cnpp.usda.gov/sites/default/files/expenditures_on_children_by_families/crc2013.pdf [<http://perma.cc/GLB7-W2MA>] (presenting information on the amount of money and expenses parents devote to their children).

²¹⁹ See *infra* Part IV (drawing the line between when restitution versus court ordered counselling is appropriate).

²²⁰ See *infra* Part IV.

²²¹ See *infra* Part IV.

IV. CONTRIBUTION

To remedy the issue of minors being exposed to animal abuse – which affects their psyche and causes developmental, cognitive, and physiological issues – legislative intervention is necessary.²²² Formulating laws that target the issue of minors being exposed to animal abuse is important.²²³ First, Part IV.A presents the model statute for solving the issue.²²⁴ Then, Part IV.B addresses and rebuts potential counterarguments.²²⁵

A. *Proposal*

The proposed statute combines the *Model Penal Code's* section on animal cruelty, the proposed Animal Fighting Spectator Prohibition Act, several different state statutes, and the Author's own language. The proposed changes are as follows:

Wis. Stat. Ann. § 951.02

- (1) No person may treat any animal, whether belonging to the person or another, in a cruel manner. This section does not prohibit normal and accepted veterinary practices.²²⁶
- (2) *A person commits a felony if he purposely or recklessly:*
- (a) *In the presence of a minor*
 1. *subjects any animal to cruel mistreatment; or*
 2. *subjects any animal in his custody to cruel neglect; or*
 3. *kills or injures any animal belonging to himself without legal privilege; or*
 4. *kills or injures any animal belonging to another without legal privilege and consent of the owner.*²²⁷

²²² See *supra* Part III.

²²³ See *supra* Part III.

²²⁴ See *infra* Part IV.A.

²²⁵ See *infra* Part IV.B.

²²⁶ See WIS. STAT. ANN. § 951.

²²⁷ MODEL PENAL CODE § 250.11. The *Model Penal Code's* section on cruelty to animals provides, "A person commits a misdemeanor if he purposely or recklessly: (1) subjects any animal to cruel mistreatment; or (2) subjects any animal in his custody to cruel neglect; or (3) kills or injures any animal belonging to another without legal privilege or consent of the owner." Further, that "Subsections (1) and (2) shall not be deemed applicable to accepted veterinary practices and activities carried on for scientific research." *Id.*

(3) *This felony is punishable with imprisonment up to four years and/or a fine up to \$150,000. Portions of said fee will be put toward psychological counselling for the affected minor.*²²⁸

B Commentary

Olivia Garber's suggestions for closing the legislative gap in protection move in the same direction as the proposed amendment above.²²⁹ Her changes also look to deal with the psychological problems of the perpetrators because those problems often cause the cycle of violence to continue.²³⁰ The cross-reporting statutes also serve an important purpose.²³¹ The reason that the above statute does not follow the same format is because this Note aims for a more specific and differentiated approach to the issue.²³² Garber's suggestion speaks to the psychological treatment of the abuser by pointing to the lack of effectiveness of fines or imprisonment and provides information about different treatments that could help correct the behavior of perpetrators.²³³ However, focusing on the perpetrator does not address the issue that this Note aims to remedy.²³⁴ Olivia Garber's suggestion does not speak to those who have witnessed the actions of these abusers and suffer psychological damage as a result of that exposure.²³⁵ This Note seeks to deal more directly with the minors that have been exposed to this violence, prevent them from further exposure, and deal with the trauma they have experienced – which is more beneficial to breaking the cycle of violence.²³⁶

Aysha Akhtar suggests including animal protection in public health policies.²³⁷ This would target the issue of minors' exposure to animal violence indirectly by seeking to increase the protections animals receive

²²⁸ See H.R. 366, 113th Cong. (2013) (presenting the Animal Fighting Spectator Prohibition Act of 2013 and the penalties it puts in place for those who expose minors to animal fighting). In fact, H.R. 366 would have amended the Animal Welfare Act to prohibit any person from knowingly attending an animal fighting venture or causing a minor to attend.

²²⁹ See Garber, *supra* note 3, at 379–89.

²³⁰ See *id.* at 374–79 (clarifying the psychological effects perpetrators experience and proposing that dealing with the psychological experiences they have could aid in breaking the cycle of abuse).

²³¹ See *id.* at 380–81 (offering that cross-reporting statutes can aid in closing the legislative gap between animal violence and domestic abuse).

²³² See *supra* Part III.A.

²³³ See Garber, *supra* note 3, at 373–79.

²³⁴ See *infra* text accompanying notes 235–36 (differentiating between Garber's contribution and author's contribution).

²³⁵ See Garber, *supra* note 3, at 359 (framing Garber's focus on the psychological status of the perpetrator and not necessarily the victim's psychological status).

²³⁶ See *supra* Part IV.A.

²³⁷ See Akhtar, *supra* note 129, at 549.

in policy decisions.²³⁸ However, this has an indirect – not a direct – impact on minors' exposure to animal violence.²³⁹ While it would be beneficial to include animal protections more sufficiently in public health policies, a more direct approach would more adequately prevent minors' exposure to animal violence and abuse and stop the cycle of abuse from spilling into the next generation.²⁴⁰

The current state laws on exposing minors to animal violence and cruelty lack specificity.²⁴¹ Many states, including Wisconsin, are without laws specifically targeting this issue, and while other laws cover the area in some cases, those laws are insufficient to protect minors from psychological damage.²⁴² This Note proposes to amend Wisconsin's statute on animal abuse and cruelty by directly preventing minors from being exposed to animal violence.²⁴³

One argument against the proposed statute is that the current laws regarding animal fighting, cruelty, and child neglect are sufficient.²⁴⁴ However, this amendment would apply in situations where an individual specifically exposes a minor to animal violence, as opposed to using a patchwork of other statutes—such as animal abuse and child abuse statutes—to hold the perpetrator accountable.²⁴⁵ The issue of exposing minors to violence is prevalent, and the law often does not provide sufficient consequences.²⁴⁶ Even when laws are written for the specific purpose of preventing animal fighting or cruelty, child neglect victims often slip through the cracks.²⁴⁷ Specific legislation for this problem needs to be in place to close the potential loopholes that perpetrators of these crimes can slip through.²⁴⁸ Additionally, society needs to make clear—through legislation—that this type of behavior is not acceptable in the United States.²⁴⁹

²³⁸ See *id.*

²³⁹ See *supra* Part IV.A.

²⁴⁰ See *supra* Part IV.A.

²⁴¹ See *supra* Part II.

²⁴² See *supra* Section II.B.2.

²⁴³ See *supra* Part IV.A.

²⁴⁴ See *supra* Part II.

²⁴⁵ See *supra* Part IV.A.

²⁴⁶ See *supra* Part III.B.

²⁴⁷ See *supra* Part II.A.

²⁴⁸ See, e.g., Garber, *supra* note 3, at 373 (exploring ideas on how to make legislation better to fill the gap in the current law); Upadhyia, *supra* note 8, at 1206 (examining the elements of a model provision that could be enacted to solve the issues of domestic violence, animal abuse, and child maltreatment); Jones, *supra* note 8, at 470–71 (considering Chapter 205, which has included animals to the list of victims that can benefit from a protective order).

²⁴⁹ See, e.g., Garber, *supra* note 3, at 373; Upadhyia, *supra* note 8, at 1206; Jones, *supra* note 8, at 470–71.

The United States Supreme Court provides a precedent that parents have the right to rear their children as they see fit.²⁵⁰ It could be argued that this proposed statute affects parents' constitutional right to raise their children as they see fit. However, the constitutional right does not give parents unlimited reign when it comes to subjecting their children to harmful environments. For example, parents are not permitted to engage in the sexual exploitation of their children or sexually abuse their children.²⁵¹ This proposal seeks only to prevent parents' ability to subject their children to violence that is psychologically and physiologically damaging.

An argument could also be made that the proposed statute is too narrow or could interfere with legitimate sporting competitions involving animals. However, specific laws that deal with legal sporting events involving animals are not affected, as this law speaks only to minors being exposed to violence against animals that qualifies as illegal treatment, meaning violence that constitutes animal cruelty or abuse.²⁵²

V. CONCLUSION

Joshua grew up in an environment steeped in unhealthy behavior and abuse. Joshua's situation demonstrates the need for legislation to protect minors from exposure to animal cruelty and violence. As a young child, Joshua was exposed to both domestic and animal violence and, when he grew older, Joshua committed violent acts. Ultimately, the violence that he witnessed—against his mom and particularly against Cooper—had major effects on his psychological development and, eventually, his life. Had there been a law to protect Joshua from his father—such as a law that had put Joshua in a position to grow and learn healthy coping habits—Joshua's future may have been different. Joshua may have grown up to have healthy relationships and live a happy life.

²⁵⁰ See, e.g., *Wisconsin v. Yoder*, 406 U.S. 205, 236 (1972) (stipulating that parents have control over choices related to their children's education); *Pierce v. Soc'y of Sisters*, 268 U.S. 510, 535–36 (1925) (providing that requiring children to attend public school is unconstitutional because it interferes with parental control over their children); *Meyer v. Nebraska*, 262 U.S. 390, 402 (1923) (supporting the idea that parents have the ultimate control over making decisions involving their child's rearing).

²⁵¹ See, e.g., 18 U.S.C. § 2251 (2012) (outlining the law that provides that no parent is allowed to permit or assist a minor's engagement in sexually explicit conduct for visual depiction of such conduct).

²⁵² See, e.g., 230 ILL. COMP. STAT. 5/3.06 (defining horse racing and different horse breeds); 230 ILL. COMP. STAT. 5/3.071 (framing law on inter-track wagering as it relates to horse racing). See also *supra* Part II.A (discussing law in certain states as it relates to animal cruelty and abuse, which applies to animals involved in sporting events when they are treated in an illegal manner).

A specific law is needed in Wisconsin to protect minors like Joshua from exposure to cruelty and violence against animals. The negative impacts affect not only juveniles, but also society as a whole. Juveniles who witness animal violence suffer psychologically. Witnessing animal abuse or cruelty, even in a situation in which the minor is not being directly abused, results in serious mental and physical damage. The resulting damage can express itself through many different avenues or outbursts, including violence against others, unhealthy relationships, or other unhealthy habits or behaviors. One single type of abuse in a household is rare. Abuse against other humans in the home often accompanies animal abuse or cruelty. Individuals exposed to this abuse often experience difficulty in controlling themselves and lash out with inappropriate or violent actions. Eliminating juvenile exposure to these events is the best way to prevent these negative psychological and physiological effects. To accomplish this goal, a law must be in place that specifically deals with minors' exposure to the violence of animal fighting or cruelty.

Scientific analysis shows that exposed minors have a significantly increased likelihood of becoming involved in criminal activity or becoming violent criminal offenders. However, national and state laws lack specificity, which allows the negative consequences caused by exposing juveniles to animal violence and cruelty to permeate society. A statute specifically tailored to protect minors from this psychological abuse and damage would benefit Wisconsin by dealing with the issue of minors being exposed to animal abuse and preventing children like Joshua from growing up to be violent offenders.

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* J.D. Candidate, Valparaiso University Law School (2019); B.S., Organismal Biology, University of Kansas (2016). I would like to dedicate this Note to all of those animals and children affected by violence and abuse. I would like to thank my family and friends, especially my grandparents, David and Barbara Ault, my parents, Kimberly Tuai-Ault and Cameron Tuai, my sisters, Lillian and India Tuai, my aunts and uncles—Lesley & Richard Kentaft, Timothy & Julie Ault, and John & Dorothy Ault—and my best friends Rebecca Clark, Samantha Beauchamp, and especially Kimberly Peterson, without whom I would not have made it through Law School still intact. I want to thank those who provided me with love, support, and encouragement throughout this entire process, and throughout my Law School career as a whole. Additionally, I would like to thank the Valparaiso University Law Review Executive Boards for Volumes 52 and 53, who provided support, critique, feedback, and hours of editing, as well as Professor Robert F. Blomquist, who provided me with advice, guidance, input, ideas, and corrections, and who worked with me when all I had was a vague idea and no direction. I never could have made it through this process without the support and guidance of those around me, and I will be in their debt for years to come.

