

PROTECTING COMPANION ANIMALS FROM DOMESTIC ABUSE: A COMPARATIVE ANALYSIS OF LEGAL DEVELOPMENTS IN THE U.S. AND THE U.K.

CHRISTINA WARNER* AND MARION C. WILLETTS**

ABSTRACT

The purpose of this paper was to compare legislation in the United States and the United Kingdom concerning the welfare of companion animals¹ in domestic violence contexts. The U.S. has implemented measures designed to protect companion animals specifically in violent homes, whereas the U.K. has not done so. We provide specific legal strategies for both the U.S. and the U.K. that, if implemented, would better provide for the protection and care of companion animals in violent homes.

INTRODUCTION

The link between domestic violence and animal abuse is well documented. For example, in one of the earliest studies establishing this link, Ascione² found that 71% of a small sample of women who sought refuge from an abusive partner at a battered women's shelter in Utah (U.S.) reported that their partners had threatened to harm their companion animals; 57% reported that their partners had killed their companion

* Goldsmith Chambers, London, England.

** Illinois State University, Normal, IL, USA.

¹ In the context of the Oxford Learner's Dictionary "an animal that you have at home for pleasure, rather than one that is kept for work or food; a pet."

² Frank R Ascione, 'Battered Women's Reports of their Partners' and their Children's Cruelty to Animals' (1997) 1 Journal of Emotional Abuse 119.

animals. A later study conducted by Ascione and colleagues³ found that over half of women residing at domestic violence shelters in Utah reported that their partners threatened to harm or kill their companion animals, compared to 12.5% of women in a (non-shelter) comparison group; they also found that just over half of women in shelters reported that their partners had indeed harmed or killed their companion animals, compared to 5% of women in the comparison group. Similarly, Flynn⁴ found that nearly half of women in a domestic violence shelter in South Carolina (U.S.) reported that their companion animals had been threatened or killed by a domestic partner. In a qualitative study of children in the U.S. who resided in homes where domestic violence occurred, 38% reported that the abuser harmed or killed their companion animal; another 27% reported that a threat to harm or kill their companion animal was made, and 35% reported both threats and actual harm. Over 75% of these children reported intervening in an effort to protect their companion animals.⁵

Those employed in the domestic abuse sector often report witnessing cases where a companion animal had been abused in the context of intimate partner violence. In England and Wales, for example, over 90% of professionals working in this sector reported having witnessed such cases and 49% of domestic abuse professionals reported cases in which a companion animal had been killed.⁶ Additionally, over 90% reported that some survivors will not leave their homes if they are not confident that their companion animals would be safe if they did so.⁷

On occasion, abuse towards companion animals has been formally encompassed in legislation as constituting domestic abuse. Specifically, in the U.S., ten states have codified into law definitions of domestic violence that include abuse of an animal owned by a human victim. Seven additional states and the Navajo Nation have implemented similar statutes, though stop short of defining companion animal abuse as domestic violence. Six other states have proposed similar legislation but have not passed such legislation to date.⁸ For many who have found themselves isolated as a result of prolonged and systematic abuse, companion animals often play a vital role in terms of emotional and social support, as many victims rely on them to manage stress.⁹ According Snyder, Ponder, and Lockwood, abusers are very cognizant of the strong attachment victims of domestic violence often have to their companion animals, and as a result, “threats of animal abuse and the killing of favorite pets are powerful tools by which

³ Frank R Ascione and others, ‘Battered Pets and Domestic Violence: Animal Abuse Reported by Women Experiencing Intimate Violence and by Nonabused Women’ (2007) 13 *Violence Against Women* 354.

⁴ Clifton P. Flynn, ‘Woman’s Best Friend: Pet Abuse and the Role of Companion Animals in the Lives of Battered Women’ (2000) 6 *Violence Against Women* 177.

⁵ Shelby Elaine McDonald and others, ‘Children’s Experiences of Companion Animal Maltreatment in Households Characterized by Intimate Partner Violence’ (2015) 50 *Child Abuse and Neglect* 116.

⁶ Freedom Project, ‘Domestic Abuse and Pets Survey’ (n.d.) <<https://www.moretodogstrust.org.uk/freedom-project-parent/news-and-updates>> accessed 29 March 2021.

⁷ *Ibid.*

⁸ National Link Coalition, ‘State Statutes in Which Acts of Animal Abuse Constitute Acts of Domestic Violence or Elder Abuse’ (November 2020) <<https://nationallinkcoalition.org/wp-content/uploads/2020/11/DV-CTA-is-definition-of-DV-EA-2020.pdf>> accessed 18 May 2021.

⁹ Michelle Newberry, ‘Pets in Danger: Exploring the Link Between Domestic Violence and Animal Abuse’ (2016) 34 *Aggression and Violent Behavior* 273.

abusers can perpetuate the context of terror for victims and their children.”¹⁰ In other words, acts of animal abuse may be employed to coerce, control, and intimidate both adult and child victims to remain in, or be silent about, their abusive situation. These and other scholars report that women commonly do not leave an abusive situation due to either concerns over the safety of their companion animals (because domestic violence shelters would not or could not accept them, women stay with their abusers to protect their animals) or to comply with demands by the abuser to ensure their animals remain unharmed.¹¹ It is unknown, however, what proportion of domestic violence victims never seek refuge at a shelter or otherwise leave their abusers for these reasons. According to the Domestic Abuse & Pets Survey conducted by the Dog’s Trust in the U.K.,¹² however, 89% of domestic violence professionals knew of cases where abusers used companion animals as tools to emotionally abuse their human victims.

In an Australian study, Volant and colleagues¹³ researched the impact of witnessing during childhood either domestic abuse of a family member or companion animal. A total of 204 women participated in a telephone survey, half of whom were recruited through family violence services and half of whom were sampled from within the larger community. The family violence sample reported significantly higher incidences of their children having been exposed to the abuse of a companion animal, with 29% of mothers within this sample reporting that their children had witnessed their companion animal being harmed or killed by their partners. In comparison, no mothers within the community sample reported that their children had witnessed the harming or killing of a family companion animal. Additionally, these authors found that 19% of mothers within the family violence sample reported that their children had harmed or killed a family companion animal, compared to only 1% in the community sample. Abuse of a companion animal is one of the four most significant risk factors for an individual to become a domestic abuser (the other risk factors include low educational attainment, mental health issues, and problems with alcohol or drug use).¹⁴ Indeed, approximately 40 years of research supports the conclusion that animal cruelty is an indicator of future risk for violence against humans.¹⁵

Finally, financial or economic abuse is also found in domestic violence cases involving companion animals. An example is when an abuser has restricted finances to such an extent that a companion animal’s health has been jeopardized through a lack of food or veterinary care. Nearly 60% of domestic abuse professionals have reported cases where companion animals themselves or a domestic violence victim’s ability to care for them had been impacted by financial abuse.¹⁶

¹⁰ John Snyder, C Ponder, and R Lockwood, ‘Cruelty to animals and family violence’ (2005) 145 <https://aiam.org.au/resources/Documents/2005%20UAM/PUB_Pro05_JohnSnyder_Crueltytoanimal.s.pdf> accessed 25 March 2021.

¹¹ Newberry (n 9).

¹² Freedom Project (n 6).

¹³ Anne M Volant and others, ‘The relationships between domestic violence and animal abuse’ (2008) 23 *Journal of Interpersonal Violence* 1277.

¹⁴ Benita J Walton-Moss and others, ‘Risk Factors for Intimate Partner Violence and Associated Injury among Urban Women’ (2005) 30 *Journal of Community Health* 377.

¹⁵ Scott A Johnson, ‘Animal Cruelty, Pet Abuse, & Violence: The Missed Dangerous Connection’ (2018) 6 *Forensic Research & Criminology International Journal* 403.

¹⁶ Freedom Project (n 6).

As the above literature indicates, domestic violence and animal abuse co-occur in a myriad of ways. To better understand this phenomenon, we begin our analysis by exploring the ways in which non-profit organizations have responded to domestic violence cases involving companion animals. We then provide a comparative discussion of legislation in the U.S., a country that has begun to implement nationwide legislation to provide protection to companion animals in domestic violence situations, and in the U.K., a nation that has as yet not done so. We conclude our discussion with recommendations for how both the U.S. and the U.K. may better protect companion animals in situations of domestic violence.

RESPONSES BY NON-PROFIT ORGANIZATIONS

Animal charities have known of the issues surrounding companion animals and domestic abuse for several decades and have championed ways to better assist those having to make the decision between whether to leave their animals with an abuser or to stay with that person to protect their animals. For example, according to Ascione,¹⁷ some shelters in the U.S. began in the early 2000s to evaluate domestic violence cases involving companion animals on an ad hoc basis by assessing the needs of each woman and the extent to which a shelter was able to offer refuge to her and her companion animals. Other shelters implemented formal programs that included a “designated director, written policies and procedures, a separate budget, and procedures for evaluation.”¹⁸ Often, companion animals were not housed at the domestic violence shelter due to a lack of space and concerns with being overwhelmed, liability issues, etc., resulting in women having to part with companion animals who often served as their greatest source of comfort in domestic violence situations. Instead, animals were temporarily housed at animal shelters, in the homes of temporary fosters, at veterinary clinics, or at a private boarding facility.

In the U.S., RedRover,¹⁹ founded in 1987, provides to shelters “Safe Escape” grants that assist in defraying the costs associated with providing temporary boarding for companion animals while the caregiver is residing in a domestic violence shelter. Personnel at the shelter apply for these grants. This organization also provides to shelters “Safe Housing” grants to assist in defraying the start-up costs associated with constructing shelters for companion animals both at the domestic violence shelter and off-site. RedRover also maintains a website entitled “Safe Place for Pets,” which is a list of approximately 1350 shelters in the U.S. that offer either off-site or on-site housing for the companion animals of battered individuals seeking shelter for themselves. The SAF-T Program, launched in 2008, is a worldwide initiative that works with domestic violence shelters to construct on-site housing for the companion animals of those individuals fleeing violent homes by providing technical assistance and a start-up manual.²⁰

¹⁷ Frank R Ascione, ‘Safe Haven for Pets: Guidelines for Programs Sheltering Pets for Women Who Are Battered’ (2000) <http://www.vachss.com/guest_dispatches/ascione_safe_havens.pdf> accessed 29 March 2021.

¹⁸ Ibid 2.

¹⁹ RedRover, ‘Bringing Animals from Crisis to Care’ (n.d.) <<https://www.redrover.org/>> accessed 17 January 2021.

²⁰ Sheltering Animals and Families Together, ‘Sheltering Animals and Families Together’ (n.d.) <<https://saftprogram.org/>> accessed 18 May 2021.

Currently, over 230 SAF-T Program shelters in the U.S. welcome the companion animals of human victims fleeing violent residences. SAF-T Program shelters have also been established in Australia, Canada, the Netherlands, and Spain, though none have been established to date in the U.K.²¹

In the U.K., Refuge,²² the leading domestic abuse charity, has compiled a list of animal charities that provide services across the country to ensure that companion animals are cared for in a volunteer foster's home or animal shelter until domestic violence victims are able to be reunited with them. Links Group²³ is a non-profit comprising multiple agencies committed to the welfare of vulnerable animals, children, and adults. Some agencies that are part of Links Group offer fostering services to those fleeing violent domestic situations with their companion animals. The Dog's Trust Freedom Programme²⁴ offers a free, confidential dog fostering service for people fleeing domestic abuse. Cats Protection²⁵ offers a similar program with its "Paws Protect" programme. Endeavour²⁶ also offers a similar programme and includes a wider variety of companion animals, such as dogs, cats, smaller fur-bearing animals, birds, and fish. Pet Fostering Service Scotland²⁷ provides short-term care to the companion animals of domestic violence victims.

The majority of these services are accessed by way of referral from a domestic abuse shelter or service provider offering temporary housing to someone fleeing a situation of domestic abuse.²⁸ Referrals by social workers, police, and support workers also is a means of accessing these services. As is the case with temporary housing for human victims, the placement details of foster homes or animal shelters is kept confidential for the sake of both the animal and human victims.

In summary, although numerous frontline services such as refuges and domestic abuse charities are recognizing the impact of domestic abuse on companion animals, as well as on the duration of time their caregiver may remain in a relationship (given that victims often stay with an abuser in an effort to protect their companion animals²⁹), resources accommodating them are still scarce, particularly in rural areas.³⁰ Prior research, however, has found that the victims of abuse who have companion animals

²¹ Sheltering Animals and Families Together, 'Pet-Friendly Domestic Violence Shelters' (n.d.) <<https://saftprogram.org/pet-friendly-domestic-violence-shelters/>> accessed 18 May 2021.

²² Refuge, 'What about Pets?' (n.d.) <<https://www.refuge.org.uk/get-help-now/what-about-pets/>> accessed 29 March 2021.

²³ Links Group, 'Pet Fostering' (n.d.) <<https://thelinksgroup.org.uk/pet-fostering>> accessed 29 March 2021.

²⁴ Freedom Project, 'About Freedom' (n.d.) <<https://www.moretodogstrust.org.uk/about-freedom/about-freedom>> accessed 29 March 2021. Care is also provided to the companion animals of those who cannot care for their animals themselves due to illness or homelessness.

²⁵ Cats Protection, 'Paws Protect' (n.d.) <<https://www.cats.org.uk/what-we-do/paws-protect>> accessed 29 March 2021.

²⁶ Endeavour, 'Pet Fostering' (n.d.) <<https://www.endeavourproject.org.uk/pet-fostering>> accessed 29 March 2021.

²⁷ Pet Fostering Service Scotland (PFSS), 'Pet Fostering Service Scotland' (n.d.) <<https://www.pfss.org.uk/>> accessed 29 March 2021.

²⁸ Refuge (n 22).

²⁹ Newberry (n 9).

³⁰ Corinne Peek-Asa and others, 'Rural Disparity in Domestic Violence Prevalence and Access to Resources' (2011) 20 *Journal of Women's Health* 1743.

are more likely to cooperate with police investigations and prosecutions should their animal be removed from the abusive household or situation and temporarily housed;³¹ therefore, making such resources available should be a priority in ensuring the safety of both human and non-human victims of domestic violence.

LEGISLATION IN THE U.S. AND THE U.K.

The Violence Against Women Act (VAWA), originally passed in the U.S. in 1994 and requiring reauthorization every five years, was significant in that it raised public awareness of domestic violence.³² The Act provides grants to state and local governments to support research on domestic violence prevention and to fund shelters and various educational programs. The Act does not, however, include any language concerning the well-being of companion animals in domestic violence situations.

Unlike in the U.K., where national laws govern animal cruelty and domestic violence legislation, in the U.S. 50 individual states and 14 territories are each responsible for the implementation and enforcement of their respective anti-cruelty statutes, which address the welfare of animals but vary from one state/territory to another with regard to the species covered and what constitutes a criminal act against their welfare.³³ A majority of states/territories have implemented legislation to protect companion animals specifically in domestic violence situations, and by early 2021, 35 states, the District of Columbia, and Puerto Rico had enacted legislation that includes provisions for companion animals in domestic violence protection orders.³⁴ The legislation typically awards custody of the companion animals to the petitioners and orders the defendants to stay away from the animals. What is missing from the legislation are provisions concerning the housing and care of companion animals for individuals fleeing domestic violence situations but who do not have a protective order yet in place. As a result, any kind of legal protection for companion animals in domestic violence situations only exists in those cases in which an abused individual has successfully filed for an order of protection, and likely has left their violent homes. Women without the financial resources to move to another home, and those without family or friends nearby who can shelter them, only have battered women's shelters to turn to for refuge and are often faced with the choice of either leaving vulnerable animals behind or staying in their violent homes in an attempt to protect them.

Attempts at the federal level (U.S.) to implement legislation concerning the protection of companion animals in domestic violence situations commenced in 2015 with the introduction of the bipartisan Pets and Women Safety Act (or PAWS), co-introduced by Congressional representatives Katherine Clark (D-MA) and Ileana Ros-

³¹ Ascione and others (n 3).

³² Ami Lynch, 'Violence Against Women Act' (1994) <<https://www.britannica.com/event/Violence-Against-Women-Act>> accessed 17 January 2021.

³³ Rebecca F Wisch, 'State Anti-Cruelty Laws' (2010) <<https://www.animallaw.info/intro/state-anti-cruelty-laws>> accessed 6 April 2021.

³⁴ Rebecca F Wisch, 'Domestic Violence and Pets: List of States that Include Pets in Protection Orders' (2020) <<https://www.animallaw.info/article/domestic-violence-and-pets-list-states-include-pets-protection-orders>> accessed 17 January 2021.

Lehtinen (R-FL) and with an additional 49 co-sponsors.³⁵ According to the co-authors, the purpose of the bill was to protect both human and non-human victims of domestic violence by ensuring that they have in place the protections they need in order to leave an abusive situation. Approximately three years later, in 2018, the U.S. Congress passed and then President Donald J. Trump signed into law this Act, which was part of the farm bill signed into law.³⁶ The Act is similar to legislation implemented in various states in that it includes companion animals in domestic violence protection orders. It goes beyond the state laws, however, by also allowing for the enforcement of individual states' laws across state lines (should a victim of domestic violence travel across state lines) and by earmarking grants to assist domestic violence shelters and programs in locating shelter for companion animals when victims are fleeing abusive residences. Specifically, these grants cover expenses associated with the construction and maintenance of new or existing housing for companion animals, and they provide funds to defray expenses associated with boarding at private shelters or in foster homes.

In the U.K., the Family Law Act, 1996 (FLA)³⁷ governs the application procedure and process of matters involving domestic abuse in the family courts of England and Wales. Those seeking assistance from the family courts by way of injunctive applications, such as non-molestation or occupation orders to safeguard either their own personal safety or access to their home, are entitled to make applications subject to certain requirements. Companion animals, however, remain outside the scope of protective orders, as the requirements of the FLA caveat the need for the respondent to be an "associated person" to the applicant.³⁸ Additionally, there is no free-standing legislation that offers protection to companion animals in situations of domestic abuse. Instead, the Animal Welfare Act, 2006,³⁹ considered to be the single most important piece of animal welfare legislation since the implementation of the Protection of Animals Act, 1911, provides for the welfare of all kept animals and places a legal obligation on owners and keepers of animals to care for them properly. The Animal Welfare Act, 2006 merged nearly two dozen other pieces of legislation and introduced a new welfare offence by placing a positive duty of care on animal owners and criminalizing their failure to provide for their animals' basic needs (e.g., sufficient nutrition, shelter). Under the Animal Welfare Act, the court can subject those found guilty of an offence to a disqualification

³⁵ The Humane Society of the United States, 'Clark, Ros-Lehtinen Bill Protects Domestic Violence Victims and Pets' (5 March 2015) <<https://www.humanesociety.org/news/clark-ross-lehtinen-bill-protects-domestic-vioence-victims-and-pets>> accessed 4 February 2021.

³⁶ Emanuella Grinburg, 'A New Law Aims to Help the Pets of Domestic Violence Victims' (22 December 2018) <<https://www.cnn.com/2018/12/20/politics/paws-act-farm-bill/index.html>> accessed 4 February 2021. The U.S. farm bill is renewed approximately every five years and addresses issues under the supervisory authority of the United States Department of Agriculture.

³⁷ Parliament of the United Kingdom, 'Family Law Act 1996' <<https://www.legislation.gov.uk/ukpga/1996/27/contents>> accessed 6 April 2021.

³⁸ Family Law Act, 1996, Part IV, section 62, § 3 (a) – (g): Meaning of "cohabitants", "relevant child" and "associated persons."

³⁹ Parliament of the United Kingdom, 'Animal Welfare in England: Domestic Pets' <<https://publications.parliament.uk/pa/cm201617/cmselect/cmenvfru/117/11705.htm>> accessed 31 March 2021.

order for such a period as it deems appropriate from owning, keeping, and/or participating in the keeping of animals.⁴⁰

On 29 December 2015, the offence of controlling or coercive behaviour⁴¹ came into force through Section 76 of the Serious Crime Act, 2015.⁴² The stated aim of this new offence was to “close a gap in the law around patterns of coercive and controlling behaviour during a relationship between intimate partners, former partners who still live together, or family members.”⁴³ This development saw a shift away from stereotypical notions of domestic violence as limited to that of physical harm in a quasi-criminal context towards a broader interpretation. As a result, the current U.K. cross-governmental definition⁴⁴ of domestic violence and abuse defines domestic abuse as

Any incident or pattern of incidents of controlling,⁴⁵ coercive,⁴⁶ threatening behaviour, violence, or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. It can encompass, but is not limited to, the following types of abuse: psychological, physical, sexual, financial, and emotional.

Additionally, the Domestic Abuse Act 2021 creates, for the first time, a statutory definition of domestic abuse that comprises both physical and non-physical violence.⁴⁷ While language concerning companion animals is not explicitly included in this Act, this broader definition could potentially allow for the recognition of companion animals to form part of the greater picture of victims’ suffering, in that courts in England and Wales could consider the psychological abuse caregivers endure when harm or threats of harm are made by abusers toward their companion animals in the absence of other legislation to protect them. The broader definition also indirectly recognizes the role companion animals play in prolonging the time during which victims may remain with their abusers,

⁴⁰ Animal Welfare Act 2006, s 34.

⁴¹ “Coercive and controlling behaviour: Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour. Coercive behaviour is a continuing act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.”

⁴² Serious Crime Act, 2015, s 76.

⁴³ Home Office, ‘Review of the Controlling or Coercive Behaviour Offence Research Report 122’ (March 2021)

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/965361/review-of-the-controlling-or-coercive-behaviour-offence-horr122.pdf> accessed 29 March 2021.

⁴⁴ ‘Cross-governmental’ refers to action or contributions from several different government departments. Office for National Statistics, ‘Domestic Abuse in England and Wales: Year Ending March 2018’ (n.d.) <<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseineEnglandandWales/yearendingmarch2018#annex-2-glossary>> accessed 31 March 2021.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Home Office, ‘Domestic Abuse Act 2021: Overarching Factsheet’ (n.d.) <<https://www.gov.uk/government/publications/domestic-abuse-bill-2020-factsheets/domestic-abuse-bill-2020-overarching-factsheet#:~:text=The%20Bill%20will%3A,the%20Commissioner%27s%20functions%20and%20powers.>>> accessed 18 May 2021.

in addition to the support system companion animals may offer whilst living with or being targeted by the abuser. These definitional shifts are important, given the discussion presented earlier concerning the hesitation of human victims to flee an abusive situation out of concern for the well-being of their animals,⁴⁸ along with the use of companion animals by abusers to control or coerce their human victims.⁴⁹

PROPOSALS MOVING FORWARD

While the U.S. has made more progress to date than has the U.K. in providing legal protections to companion animal victims of domestic violence, more progress could be made in both countries that would better ensure their welfare and that of their human caregivers. Specifically, both governments could implement legislation that would better enable personnel from various agencies to collaborate in protecting both human and non-human victims of domestic violence. Personnel from domestic violence shelters, children's services (including education service providers), animal shelters/non-profits, and law enforcement should be empowered to share information in suspected cases of domestic violence. Doing so would not only better protect the victims in violent situations but potentially would also enable agencies to intervene before an escalation of violence occurs. Furthermore, children who witness such abuse could receive educational and therapeutic treatment that could prevent them from becoming abusers themselves.

Additionally, viewing the research on companion animals as victims of domestic violence through the exposure of children to these incidents may assist in advancing arguments for their protection. In the U.S., all states and territories have implemented statutes that dictate what factors must be considered when serving the best interests of the child in making decisions regarding their care.⁵⁰ In England and Wales, the family courts are anchored by the Children Act, 1989, which states that the Paramountcy Principle of the family courts is that the child's best interest and welfare is their first and paramount consideration.⁵¹ As discussed above, the willingness of children to insert themselves in a potentially dangerous situation to prevent harm to their companion animals as a result of domestic abuse demonstrates the important role companion animals play in children's lives – particularly for those children reared in abusive households who may crave companionship and comfort.⁵² Furthermore, that children witness animal abuse in the context of domestic violence warrants an argument for extending protection to companion animals due to the secondary impact on children's mental health and behavioural development.⁵³ Animal abuse is often one of the first

⁴⁸ Newberry (n 9).

⁴⁹ Snyder, Ponder, and Lockwood (n 10).

⁵⁰ US Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth, and Families, & Children's Bureau, 'Determining the Best Interests of the Child' (June 2020) < https://www.childwelfare.gov/pubPDFs/best_interest.pdf > accessed 6 April 2021.

⁵¹ Children Act 1989, s 1(1).

⁵² McDonald and others (n 5).

⁵³ Ibid.

indicators noticed of a violent home situation, one that if ignored may develop into a pattern of violence against both animals and people.⁵⁴

Finally, consideration should be given to affording protection to companion animals within the U.K. family courts as secondary victims of domestic abuse through the abuse inflicted on their human counterparts. Although judicial interpretation specifically within the family courts of England and Wales indicates that animal welfare is broadly considered an aggravating factor when considering applications under the Family Law Act, 1996, it may serve to have this interpretation encompassed in family court practice directions or procedure rules. As discussed earlier, human victims often feel they have no choice but to stay with their abusers in order to protect their companion animals if they are not permitted in shelters and have nowhere else safe to go, and threats toward and abuse of companion animals is often employed by abusers as a method by which they may control and coerce their human victims.⁵⁵ Consistent with the practices of frontline domestic abuse service providers, the family courts should consider animal abuse as an increased risk factor to the human victim when considering injunctive applications before them. By affording protection to companion animals in this way and concomitantly making available more resources for their care when their caregivers flee an abusive situation, both the human and animal victims may be protected from further abuse.

CONCLUSION

In summary, legal acknowledgment in both the U.S. and the U.K. of the roles companion animals play in the context of abusive households and to their human caregivers may assist in providing insight into their need for independent protection under the law. Without such protection, human victims of domestic violence are less likely to leave their violent homes out of concern for the safety of their companion animals.⁵⁶ Similarly, because both the short- and long-term impacts on child sufferers of domestic abuse who have witnessed harm to their companion animal has been well established by prior research,⁵⁷ greater protection of companion animals through their human victim counterparts is warranted.

⁵⁴ Frank R Ascione and Phil Arkow, 'Preface' in Frank R Ascione and Phil Arkow (eds), *Child Abuse, Domestic Violence, and Animal Abuse: Linking the Circles of Compassion for Prevention and Intervention* (Purdue University Press 1999).

⁵⁵ Snyder, Ponder, and Lockwood (n 10).

⁵⁶ Newberry (n 9).

⁵⁷ McDonald and others (n 5).