



SOUTH

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QofM

Question of the Month



Guardian Ad Deliciae?

How are States Providing Legal Support for Neglected and Abused Pets?

Connecticut lawmakers overwhelmingly enacted [House Bill 5344](#) - “Desmond’s Law” - during the 2016 legislative session. Named after Desmond, a dog involved in a tragic animal cruelty case that highlighted the state’s lack of enforcement mechanisms or investigative powers in animal cruelty offenses, the law aimed to ensure more adequate investigative and prosecutorial resources in these heinous acts while also allowing for increased practical legal experience for students and a more conscious awareness of the studied link between animal cruelty and acts of violence against human victims. Specifically, the law created a Courtroom Animal Advocate Program (CAAP) designed to mirror the similar Guardian Ad Litem (GAL) program commonly used in cases

of child abuse, neglect, abandonment, and other civil matters. A GAL is a court-appointed counsel representing a child or dependent’s best interest in proceedings but not serving as legal counsel.

In addition to scholarly research on the links between animal and human offenders, the Federal Bureau of Investigation in 2016 added animal cruelty crimes to its online database to collect data on crimes against animals. The [National Incident-Based Reporting System \(NIBRS\)](#) collects data from law enforcement agencies on criminal acts, including animal cruelty - separating them from the “All Other Offenses” category under which they were previously reported. The NIBRS database

was spearheaded by the National Sheriffs' Association and the Bureau's Criminal Statistics Management Unit to understand the animal-human abuse connection better and prevent animal abusers from committing more violent human crimes. According to NIBRS 2018-2022 data, nearly 12 percent of all animal cruelty-related offenders were linked to additional offenses. Of these, more than 20 percent were also associated with simple assault crimes, 16 percent with property crimes, and 15 percent with aggravated assault.

The novel **Connecticut** law permits judges to appoint volunteers - from a list of attorneys and law students procured by the state's agriculture commissioner - to advocate for the best interests of justice in certain proceedings involving the welfare or custody of dogs and cats. The Department of Agriculture must maintain a list of attorneys with knowledge of animal issues in the legal system and any law schools that have or anticipate having students interested in animal legal issues. Separate advocates may be appointed for prosecutions involving animal cruelty or fighting, cases stemming from law enforcement's seizure of cruelly treated or neglected animals, and criminal cases involving the welfare or custody of cats or dogs. Either party to a case may request one as well if desired, and the law prohibits the appeal of a decision denying a CAAP request. Advocates are empowered to monitor the case; consult individuals whose information may aid the judge or trier of fact; review law enforcement, veterinary, and other records regarding the animal's condition and alleged abuser's actions; attend court hearings; and present recommendations or reports before the court related to the interests of justice.

Legal scholars trace the genesis of the CAAP program back even further to a prominent 2007 dogfighting case (*U.S. v. Purnell A. Peace*,

Quanis L. Phillips, Tony Taylor, and Michael Vick). In the case, a federal judge for the United States District Court of the Eastern District of Virginia appointed a [Valparaiso University School of Law professor](#) as a guardian and special master responsible for making independent recommendations to the court regarding the disposition and well-being of the seized dogs. Since the Nutmeg State enacted its CAAP law in 2016, at least 13 states - including **Florida** in the South - have filed or passed similar proposals.



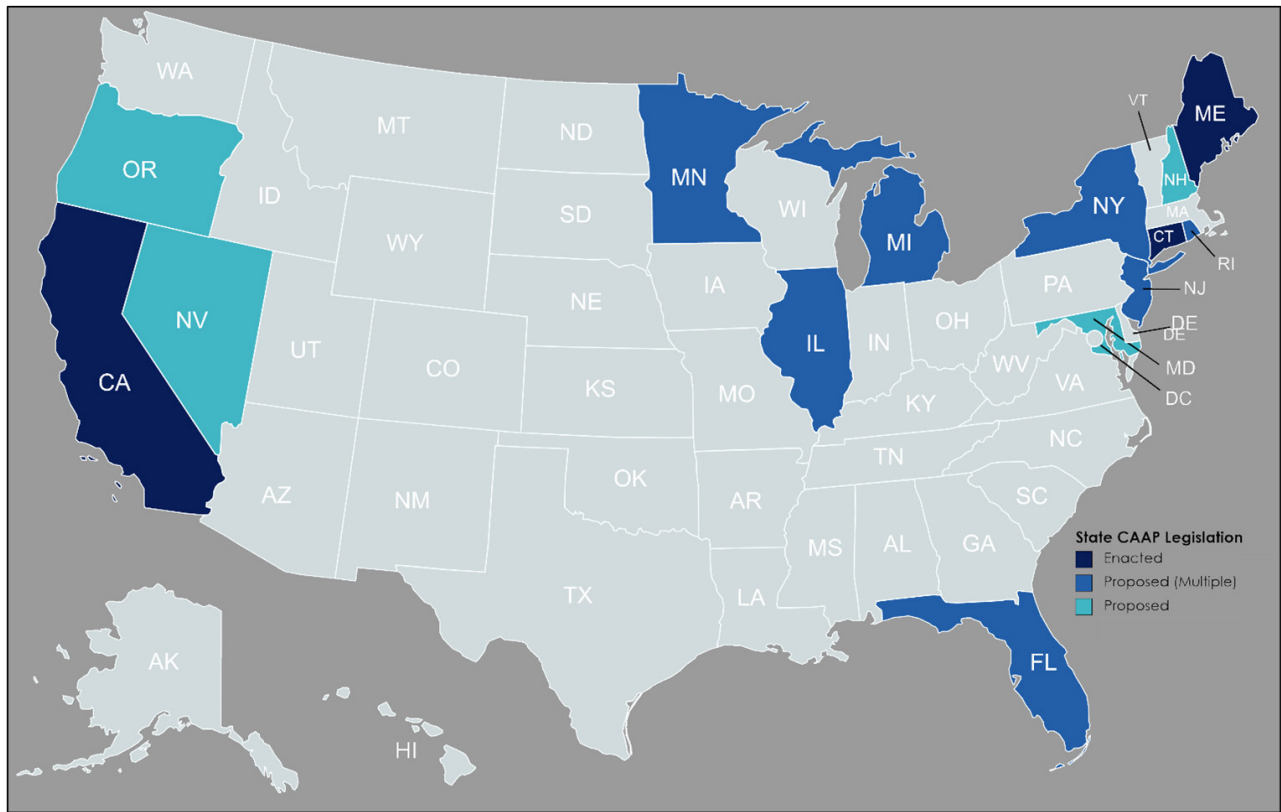


Figure 1. States with CAAP Legislation (2016-2023)

Florida has led the way in the South with nine similar proposals since 2020, featuring bipartisan support and sponsorship. Like other state proposals, these CAAP laws would allow for the request or appointment of an advocate – either a practicing attorney or law student – to represent the interests of justice in matters involving animal cruelty towards dogs or cats. Most recently, lawmakers pre-filed [House Bill 297 \(2024\)](#) and [Senate Bill 272 \(2024\)](#) to reintroduce a CAPP proposal for the upcoming session. According to a [2021 analysis](#) conducted by the House Civil Justice Committee’s legislative staff, a significant reason for creating a CAAP program is the fact



that there is an established link between people abusing animals and victimizing humans. The staff analysis cited several studies, including one concluding that more than 40 percent of school shooters in the U.S.

had histories of animal abuse, and more than 50 percent of children in domestic violence cases reported their abuser threatened a cherished pet to control the victim.

Notably, the bipartisan group of lawmakers authoring the Sunshine State’s CAAP proposals are former prosecutors who cite their law enforcement experience as the impetus for these pet advocacy laws.