

# LATE

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**From:** Janet Hyrne [janethyrne@yahoo.com]  
**Sent:** Thursday, February 12, 2009 7:27 PM  
**To:** JGO Testimony  
**Subject:** SB1086, Relating to Pet Animals

Dear Chairman Taniguchi, Vice-Chair Takamine and Members of the Judiciary Committee:

I am writing in support of SB1086, RELATING TO PET ANIMALS. As a school counselor and marriage and family therapist intern, I have had first-hand experience with domestic violence issues and have seen people delay leaving abusive relationships because they feared their pets would be seriously harmed if left in the care of the abuser.

This bill will allow victims of domestic abuse to have an opportunity to place their pets in a safe environment and to allow these victims an opportunity to flee abusive relationships with one less issue to worry about.

I ask for your support of SB1086. You can play a role in saving the lives of innocent victims...both human and animal.

Sincerely,  
Janet Covington  
(808) 291-5321  
240 Kilea Place  
Wahiawa, HI 96786

**From:** inspirevision@aol.com  
**Sent:** Friday, February 13, 2009 8:44 AM  
**To:** JGO Testimony  
**Subject:** SB 763, SB1194, SB1086, SB488/SB1188 , SB232

Dear Senators,

I am in favor of SB763,SB 1194, SB1086, SB488/SB1188 (prohibiting dog chaining with exceptions (amending with SB 30, Chair Taniguchi's language) and SB232 (Caddy's Bill).

Please support eliminating cruelty to animals and support improving their present quality of life. They depend on people and we must show them compassion.

Jane Shiraki  
Honolulu

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**LATE**

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**From:** Dara Carlin, M.A. [breaking-the-silence@hotmail.com]  
**Sent:** Friday, February 13, 2009 8:26 AM  
**To:** JGO Testimony  
**Subject:** SB1086 to be heard Friday, February 13 at 9:30am in Room 016 by the Committee on Judiciary & Government Operations

**Importance:** High

TO: Senator Taniguchi, Chair  
Senator Takamine, Vice Chair  
Members of the Committee on Judiciary & Government Operations

FROM: Dara Carlin, M.A.  
881 Akiu Place  
Kailua, HI 96734  
(808) 218-3457

DATE: February 13, 2009

RE: Support for SB1086 with Comments

Good morning and my apologies for submitting such late testimony. The intent of this bill is fantastic HOWEVER there is a substantial unintended consequence that I'd like to ask you all to consider. Assuming the right person (the victim) obtains a TRO first, this measure would do as it's intended to do: protect a pet and victim from harm and/or further abuse. It is not unheard of for the "unthinkable" to happen though: the abuser is somehow able to convince the court that HE is the actual victim of abuse and HE needs the TRO.

In that instance, a pet would be awarded to him and considering the high correlation between animal abuse, domestic violence and child abuse, I'd hate to see how such an order would be carried out. What I would suggest is that you include language in here to protect a pet in the event of such an unfortunate situation, Specifically, I would ask for a provision that would say something to the effect of:

**"Should the pet incur any form of questionable injury, illness, sudden disability or death, exhibit observable signs of neglect, abuse or mistreatment and/or "disappear", wander off or run away when the pet has no prior behavioral history of doing so during this protective period, the protected party may be held at a higher level of responsibility for the pet's well-being during this time. The protected party should also be permitted to choose an alternate caregiver for the pet/s if they themselves are able to do so during this protective period. If the petitioner is unable to care for the pet/s, they must choose an alternate caregiver who will assume the same responsibility for the level of care of the pet/s during the protected period as the petitioner".**

I know all of this may sound more complicated than it should, but the realm of domestic violence is a complicated and incomprehensible one, even to those who live in it.

Thank you for your time and consideration.

Respectfully,

**Dara Carlin, M.A.**

Independent Domestic Violence Survivor Advocate

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# ADVOCATES

LATE

To: Senator Brian Taniguchi and Members of the Senate Committee on Judiciary

From: Bob Toyofuku on behalf of the Hawaiian Humane Society



Date: February 13, 2009

Re: SB 1086, Relating to Pet Animals

Dear Senator Taniguchi and Members:

After conferring with one of your committee's staff person, I do agree, on behalf of the Humane Society, that the bill should be amended with the suggestions below. The original draft of this bill was introduced by us based on a California statute and sets forth the intent of the bill, but the suggested amendments make it clear as to what can or should be done by a court regarding a TRO, and the suggested language is more appropriately drafted to conform to the existing statute.

I would appreciate if you and your committee members would consider these amendments. Thank you.

## Suggested Amendments to SB 1086

1. Define "pet animal" in section 586-1 by reference to the definition in section 711-1100.
2. Delete the new language in lines 7 and 8 on page 1.
3. Insert new language (paragraph) after line 5 on page 2 as follows:

The ex parte temporary restraining order may grant exclusive care of a pet animal to a party, and if so, shall enjoin the respondent or person to be restrained from visiting, taking, concealing, threatening, physically abusing, or otherwise disposing of any pet animal whose exclusive care has been granted to the protected party.

4. Delete the new language on lines 6 to 9 on page 2.
5. Delete the new language on lines 20 and 21 on page 2.

Robert S. Toyofuku, Esq.

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6. Insert new language after the word “members” on line 5 on page 3 as follows:

members , or from visiting, taking, concealing, threatening, physically abusing, or otherwise disposing of a pet animal that is in the exclusive care of the protected party.

7. Modify the language on lines 20 and 21 on page 3 by deleting the phrase “, as defined in section 711-1000,”