



The Judiciary, State of Hawai‘i

Testimony to the House Committee on Agriculture

Representative Richard P. Creagan, Chair

Representative Lynn DeCoite, Vice Chair

Friday, February 3, 2017 at 8:30 a.m.

State Capitol, Conference Room 312

WRITTEN TESTIMONY ONLY

By

Judge R. Mark Browning
Senior Judge, Deputy Chief Judge
Family Court of the First Circuit

Bill No. and Title: House Bill No. 155, Relating to Animals

Purpose: Provides for the support, maintenance and custody of pets during divorce, annulment, and separation proceedings.

Judiciary's Position:

The Judiciary takes no position on this bill but wishes to point out possible problem areas.

1. While we understand and appreciate the attachment people can develop for their pets, this bill gives dogs, cats, domesticated rabbits, guinea pigs, domesticated pigs, and caged birds (“pets” defined according to statute) a status equal to spouses and children (note that the bill lists pets before children in certain sections). This may result in unintended consequences, particularly when limited family resources must be allocated.

2. It may be necessary to include a clear definition of “ownership” of a pet. Additionally, that definition should be used consistently (*cf.* the various terms used for ownership at pages 2, 7, and 8).



House Bill No.155, Relating to Animals
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3. This bill (page 7) allows the parties to reserve jurisdiction to deal with pet issues post-divorce. Post-divorce issues consume court resources disproportionately. Adding pets as a possible issue to reserve for continuing litigation will cut into those already scarce resources that often involve children

Thank you for the opportunity to testify on this measure.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 4:03 PM
To: AGRtestimony
Cc: GerritOsborne@gmail.com
Subject: Submitted testimony for HB155 on Feb 3, 2017 08:30AM

HB155

Submitted on: 2/1/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Gerrit B Osborne	Individual	Support	No

Comments: There is no good reason that pets should suffer the same agony their owners, distracted by divorce procedures, are suffering, any more than that their children should suffer. Counselors for the divorcing parties must see to the welfare of BOTH children and pets!

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 1:12 PM
To: AGRtestimony
Cc: rmmkona@gmail.com
Subject: *Submitted testimony for HB155 on Feb 3, 2017 08:30AM*

HB155

Submitted on: 2/1/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Menacho	Individual	Support	No

Comments:

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Hawaiian Humane Society

People for animals. Animals for people.

2700 Waialae Avenue Honolulu, Hawaii 96826
808.356.2200 • HawaiianHumane.org

Rep. Richard P. Creagan, Chair
Rep. Lynn DeCoite, Vice Chair
and Members
House Committee on Agriculture

Testimony in support of HB155 Relating to Animals

Friday, Feb. 3, 2017
8:30 a.m., Capitol conference room 312

The Hawaiian Humane Society supports House Bill 155, which would protect animals by addressing their support, maintenance and custody while their owners are going through annulment, divorce or separation proceedings.

The Society is dedicated to promoting the human-animal bond and we applaud this effort to bring our laws closer in line with the increasing perception of pet animals as full members of the family.

More than half of Oahu households, 55 percent, reported owning at least one pet in 2015. And a Harris Poll last year found 95 percent of pet owners consider their pets to be members of the family.

The Society strongly supports the protections afforded to pets during annulment, separation or divorce proceedings by HB155. Pets can become victims when families are going through times of intense stress. Policies that recognize the importance of the human-animal bond benefit both pets and their people.

We ask that you pass HB155.

Please let me know if I can be of assistance.

Aloha,

Stephanie Kendrick
Public Policy Advocate
Hawaiian Humane Society
808-356-2217



Submitted by: Donna Whitaker, Executive Director
Hawaii Island Humane Society

Date: February 2, 2017

Rep. Richard P. Creagan, Chair
Rep. Lynn DeCoite, Vice Chair
and Members
House Committee on Agriculture

Testimony in support of HB155 Relating to Animals

The Hawaii Island Humane Society supports House Bill 155, which would protect animals by addressing their support, maintenance and custody while their owners are going through annulment, divorce or separation proceedings.

The Society is dedicated to promoting the human-animal bond and we applaud this effort to bring our laws closer in line with the increasing perception of pet animals as full members of the family.

The Society strongly supports the protections afforded to pets during annulment, separation or divorce proceedings by HB155. Pets can become victims when families are going through times of intense stress. Policies that recognize the importance of the human-animal bond benefit both pets and their people.

We ask that you pass HB155.

Donna Whitaker
Executive Director
Hawaii Island Humane Society

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 7:26 AM
To: AGRtestimony
Cc: westhawaiihumanesociety@gmail.com
Subject: Submitted testimony for HB155 on Feb 3, 2017 08:30AM

HB155

Submitted on: 2/2/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Inga Gibson	West Hawaii Humane Society	Support	No

Comments: Dear Chair Creagan and Agriculture Committee members, The West Hawaii Humane Society supports HB155. Pets are often caught in the middle of family and domestic disputes with their continued care left in limbo. This measure would complement our existing laws that allow pets protection in domestic abuse cases (pet protective orders) and in terroristic threatening cases, by ensuring their welfare and custody. Thank you, Inga Gibson West Hawaii Humane Society 808.922.9910

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 5:58 AM
To: AGRtestimony
Cc: rosemarykarlsson@gmail.com
Subject: *Submitted testimony for HB155 on Feb 3, 2017 08:30AM*

HB155

Submitted on: 2/2/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Rosemary Karlsson	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 5:57 AM
To: AGRtestimony
Cc: octopus@maui.net
Subject: *Submitted testimony for HB155 on Feb 3, 2017 08:30AM*

HB155

Submitted on: 2/2/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Rene Umberger	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 9:54 PM
To: AGRtestimony
Cc: 333cory@gmail.com
Subject: Submitted testimony for HB155 on Feb 3, 2017 08:30AM

HB155

Submitted on: 2/1/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Cory Harden	Individual	Support	No

Comments: Aloha legislators, Please support this bill to prevent pets from neglect and abandonment during divorces and separations. mahalo, Cory Harden, Hilo

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AGRtestimony

From: Jennifer Chiwa <bjcmd808@gmail.com>
Sent: Wednesday, February 1, 2017 4:25 PM
To: AGRtestimony
Subject: Support HB 155 - House Agriculture Committee - 2/3/17 - 8:30 am

Aloha, Members of the House Committee on Agriculture -

Please support HB 155 which would provide support, maintenance and custody of pet animals while owners are going through annulment, separation or divorce proceedings. This bill would allow for safety of these pets until these proceedings are finalized. Mahalo.

Jennifer Chiwa

AGRtestimony

From: Victoria Anderson <vanderso@hawaii.edu>
Sent: Wednesday, February 1, 2017 11:47 AM
To: agrcommittee@capitol.hawaii.gov; AGRtestimony
Subject: Fwd: Undeliverable: Please support 6 bills that relate to animal welfare in HI!

Dear Chair Creagan and House Agriculture Committee,

I write in strong support of the following bills that relate to animal welfare in our state:

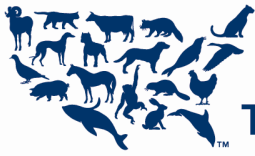
HB 3, 55, 155, 185, 390, and 1516.

Please support these bills!

Mahalo,

--

Victoria B. Anderson
Lai Road, Palolo Valley



**THE HUMANE SOCIETY
OF THE UNITED STATES**

To: Chair Creagan
House Agriculture Committee members

In Support Of: HB155
Date: February 3, 2017 8:30 a.m.
Testimony By: Keith Dane, Hawaii Policy Advisor, The Humane Society of the United States

My name is Keith Dane. I am the Hawaii Policy Advisor for The Humane Society of the United States (HSUS), and I appreciate the opportunity to submit this written testimony on behalf of our Hawaii members and supporters in support of HB155.

This important bill that will allow domestic violence victims to protect their beloved animals through inclusion in restraining, as well as clarifying that the animal(s) are afforded appropriate protection, consideration and care during divorce, annulment or separation proceedings .

As we saw during Hurricane Katrina, people will stay in dangerous situations to protect an animal they love. This is also true in domestic violence (DV) cases. One important study showed that up to 49% of victims of DV admitted that they delayed leaving a dangerous situation because of the fear that their animals would be harmed by their abuser. Other studies show that a large percentage of victims in shelters stated that their animals had been threatened or harmed by the abuser. Those studies and others demonstrate how important it is to ensure that a victim can leave a dangerous situation with her entire family, including her pets.

Since animals are property in every state and because abusers often control every aspect of a DV victim's life, the abuser will often argue that the animal belongs to him/her and he/she will not allow for an animal to be taken by a victim. Without the provisions this bill affords, victims might even sneak back into the home to try to retrieve an animal they are fearful will be abused or that their child wants so badly. Again, risking their own safety to do so.

Currently there are 31 states (as well as D.C. and Puerto Rico) as of 2016 that have enacted legislation to include provisions for animals in the realm of restraining orders and protection from abuse orders; additional bills are pending around the country this year. As of last year, Alaska is the first state in which judges are required to consider animal welfare in cases where divorcing couples have a pet. The provisions included in this bill will make procedures within the state consistent and ensure that judges understand that they can provide this relief to a DV victim, and offer due consideration to the pets of couples entering into divorce or separation proceedings.

We urge committee members to support HB 155, to ensure that both the human and animal victims of domestic violence, as well as pets of family going through difficult times are appropriately considered and protected.

The Humane Society of the United States requests a favorable report on HB155.

Keith Dane
301-312-1489

**FAMILY LAW SECTION
OF THE
HAWAII STATE BAR ASSOCIATION**

LATE

c/o 841 Bishop Street, Ste. 480, Honolulu, Hawaii 96813
www.hawaiifamilylawsection.org

February 2, 2017

TO: Representative Richard P. Creagan, Chair
Representative Lynn DeCoite, Vice Chair
House Committee on Agriculture

FROM: LYNNAE LEE, Chair
TOM TANIMOTO, Vice-Chair
Family Law Section of the Hawaii State Bar Association

CHAIR
LYNNAE LEE
llee@lla-hawaiiaw.com
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TOM TANIMOTO
ttanimoto@coatesandfrev.com
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ANTHONY PERRAULT
tony@farrell-hawaii.com
TREASURER
NAOKO MIYAMOTO
N.Miyamoto@hifamlaw.com

HEARING DATE: February 3, 2017 at 8:30 a.m.

RE: Testimony in Opposition to HB155 Relating to Animals

Dear Chair Creagan, Vice Chair DeCoite, and fellow committee members:

We are writing in opposition to HB155 on behalf of the Family Law Section of the Hawaii State Bar Association which is comprised of approximately 140 members statewide all practicing and/or expressing an interest in Family Law.

Legally, pets have been defined as property, despite their ability to comfort, provide companionship, protect, detect narcotics, etc. Sometimes, parties even fight tooth and nail for “custody” of their pet(s) as valued members of their family, along with any children. However, pets are not children and no matter how strongly animal lovers advocate for this aspect, any change in the law as to the legal status of animals lies in the purview of the legislature to accord them a status greater than they currently have. With that being said, to accord pets status such that their support is to be considered alongside the same factors as human alimony, would be placing the cart before the horse.

Pet maintenance and support is already factored in to a litigant’s budget, and consequently is already taken into consideration when looking at issues of human support/alimony. Thus, we submit that carving out a statutory provision for pet alimony is likely very unnecessary, but absent a change in a pet’s legal status, it would be a drain on judicial resources to have a divorce case involving the care and support of a pet run the same course as a case with child custody and alimony at hand.

Presently, matters pertaining to child support can extend through a child's college years, and for alimony, once granted, until it is exhausted. Parties can return to Court on a post-divorce matter to modify support for children or former spouses. If pet support is thrown into the mix, there is certain to be an onslaught of cases by individuals seeking contribution for care of their beloved pets. This bill can invite protracted litigation and even start crossing the threshold into untenable inquiries such as what kind of support is in a pet's best interests and/or sufficient to maintain a pet's lifestyle.

For the reasons stated above, the Family Law Section respectfully opposes HB155.

Thank you for the opportunity to provide testimony on this bill.

NOTE: The comments and recommendations submitted reflect the position/viewpoint of the Family Law Section of the HSBA. The position/viewpoint has not been reviewed or approved by the HSBA Board of Directors, and is not being endorsed by the Hawaii State Bar Association.



LATE

Testimony in Opposition of HB 155

Rep. Richard Creagan, Rep. Lynn De Coite, and members of the House Agriculture committee:

The Pacific Pet Alliance is a Hawai'i non-profit organization that promotes responsible pet ownership through education and advocacy.

The Pacific Pet Alliance (PPA) respectfully requests that you **vote no on HB 155**. This bill opens the door for other animal rights agenda items like “pet guardianship”. As much as the general public thinks of pets as part of their family, these are animals and not “children”. As a licensed social worker in this community for over 35 years, my professional opinion is that passing such a law will open more problems in terms of enforcement. Pet ownership issues are best addressed by mediation.

Thank you for this opportunity to testify before you.

Lynn Muramaru
Board Member
Pacific Pet Alliance

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 8:17 PM
To: AGRtestimony
Cc: makahababy@aol.com
Subject: Submitted testimony for HB155 on Feb 3, 2017 08:30AM

LATE

HB155

Submitted on: 2/2/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Sara Perry	Individual	Support	No

Comments: This bill may seem silly to some people, but I sure wish it had been on the books 5 years ago. This was a serious issue in my divorce - with the bastard I was married to basically abandoning our pets and leaving me with the bills for the rest of their lives. Pets as a couple are a couple's responsibility. If one partner leaves, they still have responsibilities to an innocent animal's welfare. I love this bill. Pass it.

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