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March 27, 2015

Honorable Liz Vazquez
Alaska House of Representatives
State Capitol, Room 428
Juneau, AK 99801

Dear Representative Vazquez,

Thank you for meeting with us and hearing our concerns on HB 149 – Pets in Protective Orders. As you know, we are a membership based statewide coalition representing the direct service domestic violence and sexual assault programs in communities throughout Alaska. On their behalf, we sincerely appreciate your desire to provide the greatest possible provisions to support victims and their safety.

As I indicated to you at our meeting earlier this week, whenever we review proposed legislation we consider two key aspects: is this something that will increase or compromise victim safety and is this something that is necessary. We have had the opportunity to discuss HB 147 with our legislative and policy committee that reviews and analyzes all proposed legislation. Our committee consists of representative shelter programs throughout the state that work with victims daily to secure their safety. After considering the legislation, the Legislative Research Services report “Awarding Custody of Pets in Divorce Proceedings” and the Summary “Protecting Domestic Violence Victims by Protecting Their Pets”, the committee unanimously found that the legislation is not necessary and the consequences to victim safety that would result from this legislation are not worth the risk.

As we indicated to you, the current system which already allows this legal remedy to victims and protection for their pets has served victims well for decades. HB 147 would not, in our opinion, “protect domestic violence victims” but rather would create a confusing process that in reality gives abusers another tool to exert power and control over victims by requiring victims to be continually engaged with abusers regarding the rights of the pets involved. This is already a very real, daily occurrence that occurs in child visitation and custody cases and causes our programs great concern.

Our concerns are illustrated in the case cited by the Legislative Research Report, *Juelfs v. Gough* regarding treating pets as “living property” and applying family law principles rather than property principles in divorce proceedings. The facts of this case highlights the devolving relationship between the couple over custody and visitation rights of their dog “Coho” and how the couple used the court system to

Member Programs

Anchorage AWAIC, STAR Barrow AWIC Bethel TWC Cordova CFRC Dillingham SAFE Fairbanks IAC Homer SPHH
Juneau AWARE Kenai LeeShore Center Ketchikan WISH Kodiak KWRCC Kotzebue MFCC Nome BSWG
Seward SeaView Community Services Sitka SAFV Unalaska USAFV Valdez AVV

petition for changes in custody and visitation more as a means of emotionally manipulating each other – add domestic violence into the mix, and this situation becomes potentially lethal.

Another concern that was brought to our attention is we have been asked by our programs to testify at any hearings on this legislation and make clear on the record for any victim that may be listening to the hearing that this legislation is not necessary for victim pets to be protected and that there is a remedy available *today* for any victim who is in an abusive relationship and afraid to leave for fear of their pets. One program indicated that they have already received a call from a victim who after reading a recent article questioning whether their current protective order protecting their pets was still valid. The confusion that this legislation is creating is of great concern to us.

Finally, we are concerned that the constituents you refer to that are contacting their legislators indicating that this legislation is needed to protect them and their pets are not being made aware of the current ability to do so or the resources available to assist them. We think that there has been a lot of confusion and misunderstanding about the current state of the law in this area and, again, feel the obligation to make clear that anyone seeking help should call their local domestic violence program, visit the court system website which contains both the necessary forms and instructions and explains that pets can be protected and law enforcement can assist them in removing the pets from the residence. They can also visit or call the Family Self-Help Center located within the Court System for assistance with filling out these forms and receive accurate information about the remedies currently available.

We again respectfully ask that you not move this legislation forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Peggy Brown", with a long horizontal flourish extending to the right.

Peggy A. Brown, Executive Director

cc: Representative Max Gruenberg