

HB

147

<TARGET><BILL>HB 147</BILL><SUBJECT>HB
147</SUBJECT><COMM>SJUD29</COMM></TARGET>

SENATE COMMITTEE REPORT

DATE: 4/15/16

FURTHER: Rules
 DATE TURNED IN TO OFFICE: 4/16/16

Judiciary Committee considered CS FOR HOUSE BILL NO. 147(JUD)

HB 147-ANIMALS: PROTECTION/RELEASE/CUSTODY

"An Act relating to cruelty to animals; relating to the seizure of animals; relating to the destruction of animals; relating to the costs of care of animals that have been seized; relating to the inclusion of animals in protective orders and crimes and arrests for violating those protective orders; and relating to the ownership of animals upon divorce or dissolution of marriage."

and recommends:

- be replaced with SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- adopt previous SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.
ADM LWF
CED LAW
COR LEG
EED MVA
DEC DNR
DFG DPS
GOV REV
DHS DOT
AJS UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
ADM			✓	1
ADM			✓	2
AJS			✓	3
DEC			✓	4
DPS			✓	5

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	COGHILL			✓	
	COSTELLO	✓			
	WILKINSON	✓			
CHAIR: 	MCGUIRE	✓			

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SPONSOR STATEMENT FOR HB 147

“An Act relating to the investigation of cruelty to animals complaints; relating to the seizure of animals; relating to the destruction of animals; relating to a bond or security posted for the costs of care for an animal; relating to the inclusion of an animal in a protective order and the crimes and arrests for violating that protective order; and relating to ownership upon divorce.”

This bill, House Bill 147, accomplishes three things: it holds an owner responsible for the reasonable third-party costs of caring for animals lawfully seized due to cruelty or neglect; it provides statutory protection for animals in protective orders, permits granting exclusive temporary custody of the animal to the victim; and permits consideration of the well-being of animals when deciding their ownership in divorce and dissolution proceedings.

1. Cost of Care

Amends animal statutes to require owners of animals lawfully seized for neglect or cruelty to pay their cost of care through bond or other security. This will shift the burden from governmental agencies, or independent shelters, and rescue agencies to the animals' owners – saving tax dollars and animals' lives. The bill also allows the adoption and rehoming of seized animals if the owners surrender them or fail to pay the costs of care ordered or post court-ordered bond.

2. Domestic Violence

Amends domestic violence statutes to allow courts to allow for the inclusion of animals, including for their temporary care, in domestic violence protective orders.

3. Divorce and Dissolution

Amends divorce and marriage dissolution statutes to require consideration of animals' well-being when adjudicating their ownership or joint ownership.

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SECTIONAL FOR HB 147

An Act relating to the investigation of cruelty to animals complaints; relating to the seizure of animals; relating to the destruction of animals; relating to a bond or security posted for the costs of care for an animal; relating to the inclusion of an animal in a protective order and the crimes and arrests for violating that protective order; and relating to ownership upon divorce.

Sections 1-5, 16 (Cost of Care)

Amends animal statutes to require owners of animals lawfully seized for neglect or cruelty to pay their cost of care through bond or other security. This will shift the burden from governmental agencies, or independent shelters, and rescue agencies to the animals' owners – saving tax dollars and animals' lives. The bill also allows the adoption and rehoming of seized animals if the owners surrender them or fail to pay the costs of care ordered or post court-ordered bond. The sections also require notice of a seizure and impending hearing to be posted at the location from which the animal was seized. In addition, the bill specifies that the district court, rather than the superior court, may hear most cases related to the seizure of animals.

Sections 6-15 (Domestic Violence)

Amends domestic violence statutes to allow courts to allow for the inclusion of animals, including for their temporary care, in domestic violence protective orders.

Sections 17-21 (Divorce and Dissolution)

Amends divorce and marriage dissolution statutes to require consideration of animals' well-being when adjudicating their ownership or joint ownership.

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MEMORANDUM

To: Other Legislators
From: Reprs. Liz Vazquez and Max Gruenberg, bill sponsors of HB 147
Cc: Megan Wallace
Date: January 21, 2016
Re: Response to Megan Wallace's December 24, 2015 memo on the "Single Subject Issue" (the "memo")

Issue: Does section 11 violate the single subject rule in Article II Section 13¹ and, if so, should it be stricken?

Discussion: While section 11 of the "M" proposed Judiciary Committee Substitute² [version 29-LSO302\M] could be construed to violate the single subject rule, we do not believe it does and, if a court were to hold that it does, such a decision would not affect the bill in any substantive way, only section 11 would be stricken.

First, section 11 merely classifies and grammatically simplifies the language in AS 11.56.740(a) by changing "a provision" to "one or more provisions"³ and adding "a person"⁴. A court would certainly construe "a person" to mean "one or more persons" in the first change and conclude that the added re-statement of "the person" in the second change just clarifies the

¹ Article II Section 13 of the Alaska Constitution provides in relevant part, "Every bill shall be confined to one subject unless it is an appropriation bill or one codifying, revising, or rearranging ongoing laws."

² Subsequent CS's have not changed subsection 11.

³ page 5, lines 4 and 5 of the "M" version

⁴ page 5 line 6 of the "M" version

grammatical subject of that portion of the subsection. We believe that, should the issue ever be raised (an unlikely possibility), a court would hold that section 11 does not add a new subject, but just clarifies an existing statute, AS 11.56.740(a), and therefore does not violate the “purpose and intent” of the single subject rule to prohibit more than one subject in the bill. See the discussion of the “new more stringent single subject standard” of Croft v. Parnell, 236 P.3d 369 (Alaska 2010), discussed in the memo at 2, n. 11. Therefore, it would be “unlikely” that a court would conclude that section 11 violates the single subject rule.

Second, even if a violation of the rule were found, the only result would be to strike section 11 from the bill, leaving the remainder of the bill intact. The general severability statute, AS 01.10.030, holds that, if one section of a bill is found unconstitutional, the court should sever it from the remainder of the bill, if it can do so without damaging the rest of the bill. AS 01.10.030 implements a fundamental principal of statutory construction which says that courts should try to give effect to legislative enactments to the greatest extent constitutionally permissible. Thus the only result of such a challenge would be to delete section 11 and leave AS 11.56.740(a) unchanged, just not drafted as well as it could be. The remainder of HB 147 would not be affected.

Conclusion: For the above reasons, we request that section 11 be retained.

LEGAL SERVICES

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MEMORANDUM

December 24, 2015

SUBJECT: Single subject issue
(CSHB 147 (); Work Order No. 29-LS0302\M)

TO: Representative Max Gruenberg
Attn: Nicoli Bailey

FROM: Megan A. Wallace 
Legislative Counsel

Attached please find the draft bill you requested. As I understand you have been made aware, sec. 11 of the draft bill, unlike the remainder of the bill, does not relate to animals. It is unclear to me what the single subject could be given that, with the addition of sec. 11, the subject of the bill is no longer limited to "animals." For this reason, the draft bill may violate the single subject rule.¹

The single subject rule requires that all matters in an act "fall under some one general idea, be so connected with or related to each other, either logically or in popular understanding, as to be parts of, or germane to, one general subject."² Historically, the Alaska Supreme Court has interpreted Alaska's single subject rule to permit very broad subject matter in one bill without violating the single subject requirement. For example, the Court has held that bills relating to such broad themes as "development of water resources,"³ "taxation,"⁴ "land,"⁵ "intoxicating liquor,"⁶ and "criminal law"⁷ are

¹ Earlier versions of the bill related to domestic violence or domestic violence and animals. As provisions that only relate to animals were added to the bill the single subject of the bill appears now to be animals.

² *State v. First Nat'l Bank of Anchorage*, 660 P.2d 406 (Alaska 1982).

³ *Gellert v. State*, 522 P.2d 1120 (Alaska 1974).

⁴ *North Slope Borough v. Sohio Petroleum Corp.*, 585 P.2d 534, 545 (Alaska 1978).

⁵ *State v. First Nat'l Bank of Anchorage*, 660 P.2d 406 (Alaska 1982).

⁶ *Van Brunt v. State*, 646 P.2d 872 (Alaska App. 1982).

⁷ *Galbraith v. State*, 693 P.2d 880 (Alaska App. 1985).

Representative Max Gruenberg
December 24, 2015
Page 2

acceptable.⁸ However, there was a strong dissent in one case against allowing broad subject matter in a single bill,⁹ and in 2010, for the first time, the Alaska Supreme Court invalidated a piece of proposed legislation for failure to satisfy the single subject requirement.^{10,11} Failure to comply with this requirement -- although unlikely -- could jeopardize your bill if it were ever challenged.

If I may be of further assistance, please advise.

MAW:dla
15-582.dla

Attachment

⁸ *Evans v. State*, 56 P.3d 1046, 1070 (Alaska 2002).

⁹ *Yute Air Alaska, Inc. v. McAlpine*, 698 P.2d 1173 (Alaska 1985). In his dissent, at page 1182, Justice Moore stated: "This court has mistakenly continued to give the rule such an extremely liberal interpretation that the rule has become a farce."

¹⁰ *Croft v. Parnell*, 236 P.3d 369 (Alaska 2010).

¹¹ The *Croft* ruling and the *Yute Air* dissent may indicate that the Alaska Supreme Court is moving toward a more stringent single subject standard by adding a dimension to the rule expounded in *Harbor v. Deukmejian*, 742 P.2d 1290 (Cal. 1987). *Harbor* interprets California's single subject rule to prohibit excessive generality because it violates the purpose and intent of the single subject rule.

NOTICE

The text of this opinion can be corrected before the opinion is published in the Pacific Reporter. Readers are encouraged to bring typographical or other formal errors to the attention of the Clerk of the Appellate Courts:

303 K Street, Anchorage, Alaska 99501
Fax: (907) 264-0878
E-mail: corrections@akcourts.us

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

ROBIN LEE SICKEL,

Appellant,

v.

STATE OF ALASKA,

Appellee.

Court of Appeals No. A-11393
Trial Court No. 3KN-11-48 CR

OPINION

No. 2480 — December 4, 2015

Appeal from the District Court, Third Judicial District, Kenai,
Sharon A.S. Illsley, Judge.

Appearances: David D. Reineke, under contract with the Public
Defender Agency, and Quinlan Steiner, Public Defender,
Anchorage, for the Appellant. Samuel D. Scott, Assistant
District Attorney, Kenai, and Michael C. Geraghty, Attorney
General, Juneau, for the Appellee.

Before: Mannheimer, Chief Judge, and Allard, Judge.

Judge MANNHEIMER.

Robin Lee Sickel and her romantic partner, Jeff Waldroupe, owned three horses. They kept these horses on land owned by Waldroupe's father. In mid-December 2010, these horses were found to be starving and without shelter. The only food and water available to them was frozen solid. One of the horses was more than 200 lbs

underweight; it had collapsed and had lain there so long that its head and the side of its body were frozen to the ground. The horse had to be euthanized.

Sickel was convicted of cruelty to animals under AS 11.61.140(a). This statute declares that it is a crime if a person, “with criminal negligence[,] fails to care for an animal” and this failure to provide care leads to the animal’s death or causes the animal severe physical pain or prolonged suffering. AS 11.61.140(a)(2).

Sickel now appeals her conviction. She points out that, as a legal matter, a person who fails to prevent a harm does not act “with criminal negligence” unless the person has an applicable duty of care — a legal duty to try to prevent the specified harm.¹

The statute at issue in this case, AS 11.61.140(a), does not define which persons have a duty to care for particular animals. The statute simply declares that any person who violates this duty (acting with at least criminal negligence) is guilty of a crime if their breach of duty leads to the animal’s death or causes the animal severe physical pain or prolonged suffering. Because the statute fails to define who bears a duty to care for animals, Sickel argues that the statute is unconstitutionally vague and that her conviction for cruelty to animals is therefore unlawful.

It is true that the cruelty to animals statute fails to specify which persons have a duty to care for particular animals. But we are authorized to look to the common law to remedy this omission. As we explain in this opinion, we hold that the statute applies to all persons who have undertaken responsibility for the care of an animal — either because they are the owner of the animal, or because they have agreed to kennel

¹ See Rollin M. Perkins & Ronald N. Boyce, *Criminal Law* (3rd edition 1982), pp. 659-662; Wayne R. LaFave, *Substantive Criminal Law* (2nd edition 2003), § 6.2(a), Vol. 1, pp. 436-443.

or board the animal, or because they have otherwise assumed responsibility for the animal's care.

And even though AS 11.61.140(a)(2) is silent regarding this principle, the parties recognized that this principle controlled the outcome of Sickel's case: they actively litigated whether Sickel had undertaken personal responsibility for the care of the horses, and their final arguments to the jury emphasized that this question was dispositive of Sickel's guilt or innocence. We therefore affirm Sickel's conviction.

The scope of the duty of care under AS 11.61.140(a)(2)

Sickel was charged with violating subsection (a)(2) of the cruelty to animals statute. This clause of the statute applies to a person who "fails to care for an animal". In other words, the actus reus of this crime is defined as an omission — a failure to act.

And as we explained earlier, the law does not punish a person's failure to act unless that failure to act constitutes a breach of that person's legal duty. See AS 11.81.900(b)(43) (defining "omission"). And normally, a person has no duty to take affirmative action to prevent a crime or to protect others from harm.² But the common law recognizes several instances in which one person's relationship to another person creates a duty of protection or care. Thus, under the common law, parents have a duty to protect their minor children, ship captains must come to the aid of their crew and their passengers, and jailors must protect the inmates in their custody. In general, see Wayne R. LaFare, *Substantive Criminal Law* (2nd edition 2003), § 6.2(a)(1), Vol. 1, pp. 437-38.

² See Rollin M. Perkins & Ronald N. Boyce, *Criminal Law* (3rd edition 1982), pp. 659-662; Wayne R. LaFare, *Substantive Criminal Law* (2nd edition 2003), § 6.2(a), Vol. 1, pp. 436-443.

The common law also recognizes that a duty of care can arise by contract or agreement, or by any other voluntary assumption of care. Thus, a person employed as a lifeguard at a beach or swimming pool assumes a duty of care toward the swimmers, and a person employed as a crossing guard at a school has a duty of care toward the students. In general, see LaFave, § 6.2(a)(3), Vol. 1, pp. 439-440. And if someone voluntarily assumes responsibility for a helpless person (even in the absence of compensation or formal agreement), this likewise gives rise to a duty to protect the helpless person from further harm. LaFave, § 6.2(a)(4), Vol. 1, p. 440.

In past Alaska cases, these common-law principles of responsibility have been applied to define the scope of criminal statutes — even when those statutes do not expressly speak of liability based on a failure to act. In both *Willis v. State*, 57 P.3d 688, 693-97 (Alaska App. 2002), and *Michael v. State*, 767 P.2d 193, 197-98 (Alaska App. 1988),³ this Court held that a parent can properly be convicted of assault for failing to take reasonable steps to protect their child when they know that the child is in danger of being assaulted by the other parent.

Here, we are dealing with a statute that expressly defines the prohibited conduct as a failure to act. But a failure to act can not be punished unless it constitutes a breach of duty. To define the scope of the applicable duty, we conclude that we should turn to the common-law principles that we have been discussing.

The underlying aim of AS 11.61.140(a)(2) is to protect animals from serious neglect by the people who have assumed responsibility for their care. Typically, these people will be the animals' owners. But there will be times when other people assume responsibility for the care of an animal, either in conjunction with the owners or in lieu of the owners. Thus, the real question is not to identify the persons who have

³ Reversed on other grounds, 805 P.2d 371 (Alaska 1991).

legal ownership of the animal, but rather the persons who have taken on the duty of caring for them.

This is borne out by the corresponding law of other jurisdictions. For example, both California and Rhode Island define the duty as falling on any person “having the charge or custody of any animal, either as owner or otherwise”.⁴ Texas law declares that the duty of care applies to “[any] animal in the person’s custody”.⁵

While the owners of animals may often be the ones who are in charge of providing their daily care, this is not always true. Thus, in *State v. Yorczyk*, 356 A.2d 169, 170 (Conn. 1974), the court held that it was reversible error to instruct the jury that the owner of an animal is criminally liable for its mistreatment or neglect, even when the owner did not have charge and custody of the animal and did not know that it was being mistreated or neglected. See also *Muhlhauser v. State*, 1900 WL 1185, *5 (Ohio 1900), where the Ohio Supreme Court held that it was reversible error to prohibit the owner from introducing evidence that the animals were in someone else’s custody, and that the owner had no reasonable notice that the animals lacked sufficient food or water, or that they were otherwise being mistreated.

We therefore hold that AS 11.61.140(a)(2) applies only to people who have assumed responsibility for the care of an animal, either as an owner or otherwise.

⁴ California Penal Code § 597(b); Rhode Island General Laws § 4-1-2(a).

⁵ Texas Penal Code § 42.09.

Application of this law to Sickel's case

The trial judge in Sickel's case did not instruct the jury that the cruelty to animals statute was limited in this way. The judge instructed the jury that the State had to prove that Sickel failed to care for the horses, and that she acted "with criminal negligence" in failing to care for the horses, but the judge never told the jury directly that there was no "criminal negligence" unless the State proved that Sickel had a duty to care for the horses.

However, we have repeatedly held that flaws in jury instructions can be cured by the arguments of the parties.⁶ We have examined the final arguments of the parties in Sickel's case, and we are convinced (based on those arguments) that the jurors understood that Sickel could not be convicted of cruelty to animals unless she had assumed responsibility for the care of the horses.

In the early portion of the prosecutor's summation, the prosecutor clarified that "ownership" of the horses was not the issue — that the issue was whether Sickel had assumed responsibility for the care of the horses, either because she was one of the legal owners or because she otherwise assumed responsibility for the care of the horses by "exercis[ing] essentially all the attributes, all the characteristics of ownership".

The prosecutor emphasized the evidence that the horses were purchased primarily for Sickel's benefit, and that Sickel fed the horses on a regular basis and provided their other necessities. The prosecutor also emphasized that it was Sickel who made the decision to call the veterinarian, and who made the decision whether the horse would be euthanized by injection or by shooting. Toward the end of his summation, the prosecutor told the jurors:

⁶ See, e.g., *Riley v. State*, 60 P.3d 204, 208 (Alaska App. 2002); *O'Brannon v. State*, 812 P.2d 222, 229 (Alaska App. 1991).

[These] animals are in a unique situation. They're in a pen; ... they can't leave. So they're essentially totally reliant on the people caring for them, totally at their mercy. ... These are essentially helpless creatures, completely relying on ... two people: it's Robin [Sickel] and Jeff [Waldroupe] ... who've frankly failed in that obligation to care for those animals.

The defense attorney's primary argument to the jury was that Sickel did not act negligently — that she could not reasonably have known that the horse was in such a dire condition. Sickel's attorney did not dispute that Sickel assumed responsibility for the care of the horses. Rather, the defense attorney suggested that Sickel should be acquitted because Jeff Waldroupe and Jeff Waldroupe's father also assumed responsibility for the care of the horses, but the State did not charge these two men with cruelty to animals.

Given the attorneys' arguments, the jurors would have understood that they could not convict Sickel unless they found that Sickel had undertaken a responsibility to care for the horses.

In her brief to this Court, Sickel contends that the prosecutor did not merely argue that Sickel could be convicted because she assumed responsibility for the care of the horses. Rather, according to Sickel, the prosecutor suggested that Sickel could be convicted because she failed to meet a moral responsibility toward the horses.

The last three paragraphs of the prosecutor's rebuttal summation are arguably ambiguous on this point. When read out of context, the prosecutor's remarks could potentially be interpreted as inviting the jury to convict Sickel because she had the last clear chance to alleviate the horses' condition, regardless of whether she had assumed responsibility for the horses' care.

Specifically, the prosecutor noted that Sickel knew more about horses than Jeff Waldroupe and the other people who were involved in caring for the horses, and that Sickel was the person who was tending the horses during the last three days before the discovery of the collapsed horse (the horse that had to be euthanized).

But when these remarks are read in context, they are merely extensions of the prosecutor's primary argument that Sickel had assumed responsibility for the care of the horses. In particular, when the prosecutor remarked that Sickel had the last opportunity to do something to save the dying horse, this was based on the prosecutor's assertion that Sickel had essentially assumed sole responsibility for the care of the horses during the last three days.

Viewing the prosecutor's argument as a whole, the jurors would have understood that the prosecutor was asking them to find legal responsibility (i.e., Sickel's assumption of a duty of care), not moral responsibility.

Conclusion

We hold that subsection (a)(2) of the cruelty to animals statute requires proof that the defendant assumed responsibility for the care of an animal, either as an owner or otherwise.

Even though Sickel's jury was not instructed on this element of the offense, we conclude that this flaw was cured by the arguments of the parties.

Accordingly, the judgement of the district court is **AFFIRMED**.



NATIONAL LINK COALITION

*Working together to stop violence
against people and animals*

The National Resource Center on the Link between Animal Abuse and Human Violence

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March 28, 2016

*A spaniel, a woman
and a walnut tree:
the more they're beaten
the better they be.*
-- Old English proverb

To the Alaska State Legislature:

Attn:Reps: Vazquez, Gruenberg, LeDoux, Lynn, Drummond, Edgmon, Guttenberg,
Josephson, Ortiz, Tarr, Tuck, Muñoz, Talerico, Stutes, Spohnholz

The National Link Coalition has been following the rapid enactment of state laws that enable courts to include animals in domestic violence Protection-From-Abuse orders. Since these were first introduced in Maine in 2006, 29 states, the District of Columbia, and Puerto Rico have enacted such legislation. Our coalition of 2,900 multi-disciplinary, professional members is in **support of HB 147**.

We are especially thankful for your inclusion of amendments to Sec. 17. AS 25.24.160(a), Sec. 18. AS 25.24.200(a), Sec. 19. AS 25.24.200(b), and Sec. 20. AS 25.24.200(c), which would allow courts to consider animals' well-being in divorce custody disputes; enactment of this provision would be unique in the entire world and would continue Alaska's well-deserved reputation of being on the new frontier of progressive ideas.

It is our sincere hope, that HB 147 – which was introduced in 2015 and carried over to the 2016 legislative session – will get timely and successful hearings in order to be enacted this year. Already, at least two domestic violence shelters in Alaska* are pet-friendly and have built facilities to allow battered women to bring their beloved pets with them, thereby keeping their family integral and their pets safe. Other Alaskan domestic violence shelters are believed to have referral programs with local animal welfare and veterinary organizations to provide off-site safe housing for these pets. Enactment of HB 147 would make Alaska the 30th state with Pet Protection Order legislation that would greatly enhance the lives and safety of the state's residents and their animals, and would demonstrate Alaska's great pioneer spirit.

The following includes some of our extensive resource materials describing the impact of domestic violence on survivors' animals. If we may be of assistance to you in your support of HB 147 please do not hesitate to call upon us. With best wishes and hopes for successful passage of this bill I am

Very truly yours,

Phil Arkow, Coordinator
The National Link Coalition

* *Safe and Fear-Free Environment (Dillingham) and The LeeShore Center (Kenai)*

“PET PROTECTION ORDERS” A SPECIES-SPANNING SOLUTION TO DOMESTIC VIOLENCE

In the battles of power and control that mark domestic violence cases, batterers take advantage of any opportunity to intimidate their victims. They often take their anger out on pets with whom the victim has a close emotional attachment. The result is emotional blackmail.

- As many as **71%** of victims in women’s shelters report that their abuser harmed, killed or threatened family pets. (*Ascione, Weber & Wood, 1997*).
- Twelve independent surveys report that **between 18% and 48%** of battered women delay their decision to leave, or return to their batterer, out of fear for the welfare of their pets or livestock (*Ascione, 2007*).

Considerable evidence corroborates the anecdotal reports of domestic violence survivors:

CORRELATIONS BETWEEN ANIMAL ABUSE AND INTIMATE PARTNER VIOLENCE

1. Animal abuse is consistent with, and often co-occurs with, the power and control mechanisms prevalent in intimate partner violence.

In a case in East Toledo, Ohio, involving a couple with marital disputes, when she returned home her husband told her, “Your dinner is in the oven.” When she went into the kitchen she found he had baked her cat to death at 500 degrees.

Pets become pawns in the game of power and control when batterers manipulate, intimidate and retaliate against their victims. Abusers take advantage of women’s and children’s attachments to pets by threatening to harm or kill the family pet to ensure the woman will not leave or that the child will not report the abuse.

- As many as **13%** of intentional animal abuse cases involve domestic violence (*Humane Society of the U.S., 2001*).
- One study reported that **87%** of batterer-perpetrated pet abuse was committed in the presence of their partners for the purpose of revenge or control (*Quinlisk, 1999*).
- **41%** of batterers have adult histories of abusing animals (compared to 1.5% of the general population) (*Febres et al., 2014*).
- Animals are targeted by abusers who are jealous that the woman gives more attention to her pets than to him. Pets remain at risk even after a relationship has ended, with abusers extracting vengeance against the pets belonging to family members and friends who helped the woman to leave (*Roguski, 2012*).

2. If he’s hurting animals, the women and children are often next.

Many women blame themselves for the batterer’s actions; however, showing her that his hurting the pets means the fault lies in his behavior, not hers, she is more likely to realize it is time for her to leave.

- **78%** of abused women reported that animal abuse had occurred “often” or “almost always” during the previous 12 months. Incidents included punching, hitting, choking, drowning, shooting, stabbing, and throwing the animal against a wall or down the stairs. Animal abuse coincided with violent outbursts against human family members **51%** of the time (*Carlisle-Frank & Flanagan, 2006*).

3. The issue is particularly acute in rural areas, where facilities for domestic violence survivors are more limited.

- The Ohio Domestic Violence Network identified significant gaps in services available for women and their animals in rural Ohio (*Ohio Domestic Violence Network, 2012*).
- Studies in Wisconsin, Saskatchewan and Prince Edward Island found that abusers often retaliate by torturing or killing livestock as well as pets. This is of particular concern in rural communities (*Faver & Strand, 2003; Lembke, 1999; Doherty & Hornosty, 2008*).

4. Female pet owners often have strong emotional ties to their animals that make them particularly vulnerable.

Researchers have found that women express considerable empathy, affection and concern for animals, which can be used against them by batterers seeking emotional control.

- In nine studies assessing animal abuse as a risk factor for intimate personal violence, **between 40.2% and 90.6%** of battered women had pets in their homes (*Ascione, 2007*).

5. In addition to harm to animals and battered women, cruelty to animals has deleterious effects on children’s development.

Children’s witnessing or perpetrating animal cruelty should be considered an Adverse Childhood Experience and a risk factor for future health concerns.

- Children who are exposed to domestic violence are nearly three times more likely to have been cruel to animals than children not exposed to such violence (*Currie, 2006*).
- **32%** of battered women reported their children had hurt or killed a family pet (*Ascione, 1998*).

6. A history of animal abuse is one of the four most significant risk factors for becoming a domestic violence batterer.

- Researchers identified the four greatest risk factors for someone becoming a batterer in intimate partner violence: substance abuse; low educational level; mental health issues; and a history of animal abuse (*Walton-Moss, Manganello, Frye & Campbell, 2005*).

THE INTERGENERATIONAL CYCLE OF VIOLENCE



(National Link Coalition, 2014)

One Part of the Solution: Including Animals in Protective Orders

Including animals in protective orders removes one obstacle that prevents victims from seeking safety. It ensures their welfare, protects all victims, and breaks the cycles of family violence.

Including pets in domestic violence protective orders is a proactive step toward combating the cycle of interpersonal violence and recognizes that intimate partner violence adversely affects the health, safety and welfare of all members of the family.

- Two pet-friendly domestic violence shelters in **Dillingham** and **Kenai** have built animal kennels at the shelter in order to maintain the safety and integrity of the entire family – both two-legged and four-legged members.

Including pets in domestic violence protection orders protects communities and addresses the links of violence that envelop all vulnerable members of Alaska's families.

“About a hundred miles down the interstate, he opened the car door and ordered my daughter Christine to kick our dog Dusty out. When she refused, he told her he would do to Dusty what he did to Rocko, only he would do it right this time, and she could watch while he tortured and killed Dusty and dumped her off the side of the road, too. Then he said he would come home and kill me and Christine would be left alone with him.

“He raped Christine her first night alone in our new home while I was at work. She had just turned eight.”

-- Marsha Millikin: “Life and Death Inside the Cycles of Violence.”



**MICHIGAN STATE
UNIVERSITY
COLLEGE OF LAW**

DAVID FAVRE, J.D.

Nancy Heathcote Professor of Property and Animal Law

January 31, 2016

*Rep. Max Gruenberg
Alaska State Representative*

Dear Rep. Gruenberg,

Thank you for the opportunity to review HB 147 which updates several part of the Alaska Code dealing with important animal issues. I think you have created a superior bill. The first portion provides clarity about the issue of seizure of animals when there has been a suspected violation of the anti-cruelty laws. This is important so that the appropriate procedures be in place to protect the property rights of the owners while allowing quick care for animals in harm's way.

Second, the bill addresses the issue of abusive spouses who cause harm to pets in the home in order to impose control and fear upon the abused spouse. By amending existing statutory language, the minimum change now provides a path for an at risk spouse to expand the already allowed protective orders to include pets in the home.

Finally, I note the proposed modest modification of Alaska's divorce law to deal with the troubling problem of pets caught in the midst of the separation of their owners. As you know, judges now find their discretion limited because the legal system views pets strictly as property which, in a divorce settlement, is allocated on an ownership basis. The amendments proposed in HB 147 will provide judges some discretion in what to do with companion animals at the time of divorce. I have reviewed several bills from around the country which have sought to deal with this topic and I must say that your bill is the most artfully drafted to come across my desk. The adoption of these modest

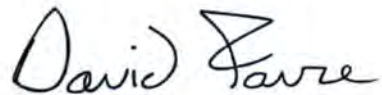
favre@law.msu.edu

(517) 432-6890

provisions will show national leadership for Alaska, while not requiring any complex or expensive change in the divorce process. It simply gives judges broader authority to resolve disputes about companion animals in a manner fair to all parties.

I congratulate you on job well done and look forward to hearing of its adoption.

Yours truly,

A handwritten signature in black ink that reads "David Favre". The signature is written in a cursive style with a large, stylized 'D' and 'F'.

David Favre, Professor of Law
favre@law.msu.edu
(517) 432-6890



Gastineau Humane Society

Dedicated to the promotion of animal welfare and prevention of animal cruelty and suffering

March 24th, 2015

Rep. Max Gruenberg, Rep. Liz Vazquez

Dear Honorable Representatives;

As the executive director of the Gastineau Humane Society, I am writing in support of house bill 147, which would strengthen the protection of domestic animals in our state, as well as provide a means for care of animals during often lengthy court proceeding.

Alaska has long been near the top of the list for lax laws related to animal care and protection. In the last few years we have been making progress recognizing the importance of companion animals in our state. We have increased the classification of violent crimes against animals from misdemeanors to felonies, and have finally criminalized sexual contact with animals. We are headed in the right direction, but with plenty more to do.

This bill, if enacted, would offer some protections of animals in domestic violence situations. Recent studies show that nearly half of the victims who stay in violent households do so because they are afraid for their animals. Over seventy percent of domestic violence victims report that their abuser also targeted their animal. This bill allows for courts to grant custody of an animal, as well as provide for a victim's animal in protective orders.

Over the last few years there has been a number of high profile animal hoarding cases requiring long term care of as many as 160 dogs. Many animal shelters around the state are operated by not-for-profit entities. The cost of housing and caring for animals while awaiting the outcome of a cruelty or hoarding cases can be substantial and this burden should not fall on the animal shelter. This bill would ease this burden and allow the animals care to be bonded by the owner, or the animal adopted to a new family.

This measure is scheduled to be heard by Committee on Monday, March 30th. I would be happy to testify in support in person or telephonically.

Thank You,
Sincerely,

Matt Musslewhite
Executive Director, Gastineau Humane Society.

7705 Glacier Highway • Juneau • Alaska 99801 • (907) 789-0260 • www.ghspets.org

Board of Directors

President: Marina Lindsey • Vice President: Megan Rider

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MUNICIPALITY OF ANCHORAGE



Animal Care and Control Center

907-343-8118

Mayor Dan Sullivan

March 23, 2015

Representatives Liz Vazquez and Max Gruenberg
Alaska Capitol, Room 110
Juneau, Alaska 99801-1182

Regarding: Support House Bill No. 147

Dear Representatives Vazquez and Gruenberg,

Anchorage Animal Care and Control (AACC) is pleased to express our support of House Bill No. 147, as authored by you both and co-sponsored by Representatives LeDoux, Lynn, Drummond, Edgmon, Guttenberg, Josephson, Ortiz, Tarr, and Tuck. This House Bill is valuable to us and similar organizations whose missions are to protect and improve the lives of animals. It holds those who commit cruelty against animals, at the very least, monetarily responsible for the animal(s) they are accused of harming.

Pets are legally acknowledged to be property, despite emotional attachment to same. Their inability to speak for or represent themselves while their legal owner is being processed for a crime of cruelty means that their overall ownership defaults to the very person charged with being cruel to them.

Anchorage Animal Care and Control takes animals into protective custody and provides necessary veterinary care, housing, feed, and environmental enrichment in cases where the owner is the party accused of abuse. Providing long term care to multiple animals can be a significant drain on monetary and staffing resources. This bill would reduce the costly expenditure incurred by us and other agencies in these cases. In many situations, the judicial process spans long periods of time for a variety of reasons. As stated before, our organization has no other recourse but to absorb the cost of the animal's care in the interim.

The following data paints a vivid picture of the aforementioned expenses:

- In 2009, AACC took in 70 cats, 8 dogs and 1 bird from one animal cruelty investigation. Court ordered restitution for medical and veterinary care was placed at over \$10,000 and boarding costs over \$66,000. Many of these animals were housed at our facility for over 350 days pending the outcome of the court case.
- In 2011, AACC held 22 cats for over 50 days pending the outcome of an animal cruelty charge. Costs for medical/veterinary care and boarding were assessed at over \$17,000.
- In 2012, AACC took custody of 39 dogs and 46 birds from one animal cruelty investigation. Our expenditures for medical/veterinary care and boarding costs were over

\$39,000. Some of these animals were at our facility over 150 days pending the outcome of the animal cruelty case.

- In 2014, AACC spent more than \$10,000 on medical/veterinary care for animals involved in animal cruelty investigations.

As of now, the defendant in these cruelty cases bears no burden financially to support the care of the animal(s) they are accused of harming. Additionally, it is difficult to ascertain the emotional cost to the animals, who are the real victims. Although many shelters do their best to provide a clean, humane and emotionally nurturing environment, nothing can replace a "real home". Prolonged court proceedings, as documented in the above referenced cases, only enable the accused to continue to harm the innocent.

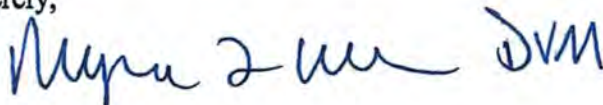
Another tenet of House Bill No. 147 that is equally important to our organization is the provision that would add pets to protective orders in domestic violence cases. The Anchorage Animal Care and Control Center recognizes the relationship between domestic violence and animal cruelty.

The causal link between abuse of human beings and abuse of animals is substantial and well-documented. The most notable documentation of this correlation is *Understanding The Link Between Violence to Animals and People* by Allie Phillips, J.D. [distributed by the American Society for the Prevention of Cruelty to Animals (ASPCA) and the National District Attorneys Association]. In this publication, the correlation is clarified as such:

- Animal abuse presents a risk of child abuse.
- Animal violence may predict future violence.
- Animal abuse is used to threaten human victims.
- Animal abuse is used to prevent families from leaving the abusive home.
- The co-occurrence of multiple forms of violence increases future violence.

In summation, Anchorage Animal Care and Control Center endorses House Bill No. 147 because it is a significant step in providing care, support, and justice to animals and agencies involved in animal cruelty investigations. Thank you very much for your leadership on House Bill No. 147.

Sincerely,



Myra Wilson, DVM
Manager, Anchorage Animal Care and Control

Cc: Catherine Simpson
Nicoli Bailey

MUNICIPALITY OF ANCHORAGE



Department of Health and Human Services

907-343-6718

Mayor Dan Sullivan

March 19, 2015

Representatives Max Gruenberg and Liz Vazquez
Alaska Capitol, Room 110
Juneau, AK 99801-1182

RE: Support for House Bill 147

Dear Representatives Gruenberg and Vazquez,

The Department of Health and Human Services (DHHS) is responsible for Animal Care and Control in the Municipality of Anchorage. These services are essential to the promotion of responsible pet ownership and the protection of public health, safety and welfare of residents and animals in our community.

One of DHHS priorities is addressing cases of animal cruelty and neglect. Such cases, however, can place a significant burden on Animal Care and Control when large numbers of animals are seized for their protection and held for months or years during judicial processes. Thus, we support legislation that shifts this burden from government agencies to animal owners charged with committing crimes of animal cruelty through 1) requiring bond posting to cover the costs of caring for animals while the criminal case is resolved; and 2) providing for immediate forfeiture of the animals if the person fails to post the bond allowing for swift possible adoption rather than holding animals for extended periods of time.

Another DHHS priority is preventing Domestic Violence and Sexual Assault. With our partners in the Alaska Domestic Violence and Sexual Assault Intervention Project (ADVSAIP), offender bail conditions are tracked in a database accessible to police officers throughout the Alaska and are enforced through compliance checks and warrant services. Financial assistance is also provided to victims for their protection and stability. Under ADVSAIP, offenders are held accountable and victim safety is increased.

There is an established correlation between domestic violence and animal abuse. In domestic violence cases, abusers often threaten or harm pets to control, intimidate and exact revenge on their victims. Many victims delay or never leave abusive situations because of concerns over their pets' safety. Passing legislation to include animals in orders of protection in domestic violence cases is an important step in protecting both pets and people.

We support House Bill 147 as it strengthens current laws to accomplish the above priorities. Thank you for your leadership on this important legislation.

Sincerely,



Melinda Freemon, Director



PO Box 240981
Anchorage, AK 99524

March 20, 2015

Representative Max Gruenberg
Alaska Capitol, Room 110
Juneau, Alaska 99801

Re: HB 147

Dear Representative Gruenberg,

I am writing in support of HB 147 on behalf of the Board of Directors of Friends of Pets.

For the past 25 years Friends of Pets has been active in the animal welfare community in Alaska and have worked as an organization to educate the community on the link of violence to animals and related impact to children and women. We hosted two First Strike workshops, inviting representatives from law enforcement, child welfare, animal welfare, domestic violence and the judicial system to explore the issues and potential interventions. As a result of these workshops and enhanced understanding tangible changes were made.

We have seen first hand the cruelty inflicted on animals in our community and state. Our state incidents of rape, domestic violence, substance, chemical and child abuse are nothing to be proud of and animals are often the first targets of abuse. Pets are often used as leverage to get a woman to stay in a violent home. For the past 10 years Friends of Pets has partnered with AWAIC in Anchorage to house pets belonging to women escaping domestic violence. Having pets part of protective orders assists to identify the importance of the pet in the family dynamic.

Pets are considered property and in divorce proceedings can suffer as they are used as emotional pawns between parties in dispute. Many pet owners have the emotional attachment to a pet as they would a human child and having judicial support to help make determination of the pets best interest could assist parties to think beyond their emotion of the moment.

Celebrating 25 Years of Making a Difference
1989 - 2014

We have also rescued pets with horrendous injuries due to abuse and violence. We are strong supporters of requiring the "owner" of these pets to be held accountable for the costs of recovery. One dog we rescued after suffering from a beating during a drunken rage cost Friends of Pets over \$3000.00 in rehabilitation costs.

Friends of Pets applaud all those choosing to move this bill forward. Protecting the most vulnerable among us can only enhance our collective care of each other as a society.

If we can be of additional help please don't hesitate to call.

Thank you!

Sincerely,

Michele Girault
Board President
Friends of Pets



PENINSULA SPAY / NEUTER FUND

March 20, 2015

Representatives Liz Vazquez and Max Gruenberg
Alaska Capital
Juneau, Alaska 99801-1182

Regarding: Support House Bill No. 147, Animal Welfare

The Peninsula Spay/Neuter Fund is pleased to express our support for House Bill 147, relating to the investigation of cruelty to animals, costs associated with lawfully seized animals, protective orders and permitting a judge to consider the well-being of animals when determining custody in a divorce or dissolution.

The Peninsula Spay/Neuter Fund was founded to help reduce the number of homeless, abandoned and neglected animals. It is a widespread problem and we are just one part of the solution. There are many rescue groups/caring people who see an animal in an inhumane situation and attempt to work with an owner to improve the living conditions of the animal. If this is not possible or unsuccessful and the conditions are such that the animal could be legally seized and put in the care of a custodian, the end result is often the animal being returned right back to an inhumane situation. The costs and legal fees associated with the temporary care of the animal is born by those willing to step up against inhumane treatment, trying to prevent it from continuing and recurring.

In the case of victims of abuse, it is not uncommon or surprising that victims will not leave their situation if it means leaving their animal behind. An animal becomes part of the family, security and emotional support. Strengthening laws regarding an animal in a domestic situation increases the likelihood a person will seek help. Our local crisis center accepts animals because they know this is often a determining factor in someone taking that difficult step to seek help.

Because an animal becomes part of a family and put in a situation through no fault of their own, it is our responsibility as a society to determine the best situation for that animal. How our animals are treated is a mirror of how our society views and cares for those with the least ability to determine their fate.

The Peninsula Spay/Neuter Fund supports House Bill 147 because it improves the community as a whole and especially the lives of those most vulnerable.

Sincerely,

Judy Fandrei

Judy Fandrei
Founder, Peninsula Spay/Neuter Fund
Bridges Community Resource Network, Inc.
P.O. Box 1612
Soldotna, Alaska 99669
907-690-2723



Mojo's Hope
2440 E Tudor Rd. PMB 896
Anchorage, AK 99507
www.mojoshope.org
907-230-6394
mojoshope@gmail.com

3/20/15

Representative Liz Vasquez
State Capitol
120 Fourth Street
Juneau AK, 99801-1182

Dear Representative Liz Vasquez,

I am writing as an individual animal advocate in the Anchorage community and as the co-founder of Mojo's Hope, a 501c3 organization for Animals for Special Needs, in support of the proposed Animal Welfare Bill No. 147.

After being in animal welfare for over 20 years, I have observed the gamut of care in a variety of settings, ranging from wildlife centers, multi-animal facilities, shelter environments and foster settings. In these settings I have observed the struggles organizations/municipalities face due to financial strain, large volume of animals coming in with significant special needs and the challenges all endure during the crisis. I have also observed the high quality of care the animals received despite these challenges. As a local non-profit, we rely solely on donations to maintain our mission.

The implementation of this bill will prevent future animals from continual suffering as their care/needs will be met immediately when they are taken out of their present state, including but not limited to cruelty trial, protective custody and/or custody issues. While also placing accountability on the part of the owners, building a community of responsible pet ownership.

Providing quality care and safety to the animals that come from these types of situations will benefit the animals in the long run, the people whose care they are in and their future environments. House Bill No. 147 will help out on a statewide level, a municipality level and also amongst the varied reputable charitable organizations in our community.

Please feel free to contact me for further involvement with these proposed changes.

I greatly appreciate your leadership on the proposal of House Bill No. 147.

Respectfully,

Shannon Basner

Co-Founder/Volunteer

Mojo's Hope

907-230-6394

Paw Prints, Howls and Purrs

paw by paw, step by step, one soul at a time

www.facebook.com/MojosHope

<https://www.facebook.com/pages/Straw-for-Dogs/326853836684>

<https://www.facebook.com/pages/Paw-Prints-Howls-and-Purrs/314465461920372>

<https://www.facebook.com/AlaskasKaaats>

Catherine Simpson

From: Driver Safety <driversafetywestla@sbcglobal.net>
Sent: Friday, March 27, 2015 12:14 PM
To: Rep. Liz Vazquez
Subject: Best wishes on April 19,2015/ Animal Protection Legislation.

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Representative Vasquez:

Legislation protecting pets in divorce case domestic violence and other violent behaviors was long overdue. Congratulations and hopes that this very small step spills over all over the U.S.A. I am determined to take your message to our state elected representatives immediately following passage on April 19, 2015. Continue to sign-up lawmakers in support and you will be assured success. We are extremely supportive of this measure because our organization provides diversion programs and counseling to those convicted of domestic violence, animal neglect and animal cruelty, in addition to substance abuse, etc. We work very closely with the California Superior Courts under approval of our program by local law enforcement. We have seen some of the worse cases you can possibly imagine during 35 years of operation, including but not limited to maiming, torture and killing innocent family pets. Perhaps you could in the not too distant future travel to Los Angeles and speak to our legislators, family law judges and law enforcement. God bless your fine work on behalf of those that cannot speak for themselves.

The great Mahatma Gandhi said it best:

" The moral progress of a nation and its greatness should be judged by the way it treats its animals"

Warm personal regards
Arnold Abrams
Program Director
Family Harmony/Los Angeles/ California/ (310) 479-8353

Catherine Simpson

From: Sally Clampitt <rsclampitt@gci.net>
Sent: Wednesday, March 18, 2015 10:27 AM
To: Catherine Simpson; Nicoli Bailey
Subject: Support for HB 147, Animal Cruelty Complaints

To:

Representative Liz Vasquez

Representative Max Gruenberg

Dear Representative Vasquez and Representative Gruenberg:

I am pleased to express our support for HB 147, "An Act relating to the investigation of animals complaints...." This legislation will go a long way toward filling loopholes in current legislation, and providing humane protection to animals during the complaint/investigation process.

Thank you very much for your hard work to create and introduce HB 147.

Respectfully,

Sally Clampitt

President

Alaska Rural Veterinary Outreach, Inc.

9138 Arlon St., #A3-584

Anchorage, AK 99507

www.akrvo.org ~ info@akrvo.org

Toll-free – 855-259-2786

Anchorage local – 907-349-2786

Fact Sheet

Support The Alaska Cost of Animal Care Act

*Good for Animals *Good for Animal Shelters *Good for Taxpayers

The Alaska Cost of Animal Care Act shifts the financial burden of caring for animals lawfully seized due to cruelty or neglect from government agencies or independent shelters to the animals' owner – saving tax dollars and animals' lives.

The Alaska Cost of Animal Care Act:

- Provides a hearing process whereby an owner whose animals have been lawfully seized due to cruelty or neglect may be required to post a bond to cover the costs of providing for the animals' care during the judicial process.
- Provides a defendant an expedited hearing to challenge the legality of the animal's seizure and the reasonableness of the bond requested.
- Allows for the adoption and rehoming of seized animals if an owner fails to post a court-ordered bond to provide care for his or her animals.
- Relieves animal control agencies or shelters, and by extension taxpayers, from incurring the significant expense of caring for lawfully seized animals.

Why does Alaska need this law?

- Cruelty cases can involve the seizure of dozens or even hundreds of animals. Providing humane and adequate care for these animals for months or years can amount to hundreds of thousands of dollars.
- It is unfair to expect Alaska taxpayers, or independent shelters and rescues, to incur the significant costs of providing care for lawfully seized animals; this expense remains an owner's responsibility.
- Alaska agencies may be unable to help animals who are suffering from neglect and/or abuse simply because they do not have the resources to provide long-term care.

The Alaska Cost of Animal Care Act is supported by The Association of Shelter Veterinarians, The Humane Society of the United States, and The American Society for the Prevention of Cruelty to Animals.



THE HUMANE SOCIETY
OF THE UNITED STATES

Humane Society of the United States

Celebrating Animals | Confronting Cruelty

2100 L Street, NW Washington, DC 20037

t 202.452.1100 f 202.778.6132 humanesociety.org



MUNICIPALITY OF ANCHORAGE

Animal Control Advisory Board

March 19, 2015

Representatives Liz Vazquez and Max Gruenberg
Alaska Capitol, Room 110
Juneau, AK 99801-1182

RE: Support for House Bill 147

Dear Representatives Vazquez and Gruenberg,

Attached is Animal Control Advisory Board Resolution 2015-04 supporting House Bill 147. This resolution was passed unanimously by the Animal Control Advisory Board.

The board appreciates your dedication to the protection of people and pets in Alaska and your leadership on this significant legislation.

Sincerely,



Allegra Hamer, Chair

ATTCH: ACAB Resolution 2015-04



**MUNICIPALITY OF ANCHORAGE
ANIMAL CONTROL ADVISORY BOARD
RESOLUTION NO. 2015-04**

WHEREAS the Animal Control Advisory Board has considered House Bill 147 as it relates to the cost of care in animal cruelty and neglect cases, the inclusion of animals in protective orders in domestic violence cases, and providing for the custody of animals in divorce cases; and

WHEREAS one of the greatest obstacles for enforcing animal cruelty laws is the cost of caring for abused and neglected animals for long periods of time while cases are prosecuted, especially in situations where dozens of animals are seized for their protection; and

WHEREAS cost of animal care laws assist in remedying that obstacle by holding offenders responsible for the financial burden of caring for their pets through posting of a court ordered bond; and

WHEREAS cost of animal care laws also allow for the adoption and re-homing of seized animals if an owner fails to post a bond to provide care for their animals; and

WHEREAS a number of studies show the link between animal and human violence and that pet abuse is a predictor of domestic violence; and

WHEREAS abusers manipulate and control human victims through threatened or actual violence against family pets causing victims to stay in unsafe situations to protect their animals; and

WHEREAS including animals in protection orders is an important way to remove an obstacle that prevents victims from seeking safety and insure the welfare and protection of all victims of family violence, human and animal; and

WHEREAS because pets play a significant role in our lives and become part of our family units, they should not be treated as personal property in divorce cases; and

WHEREAS the courts should consider the best interest of the pet in making custody determinations in cases of divorce; and

WHEREAS the Municipality of Anchorage Animal Control Advisory Board has supported strengthening of animal cruelty and care legislation in Alaska for several years; and

NOW THEREFORE, the Municipal Animal Control Advisory Board hereby resolves:

That House Bill 147 be enacted by the legislature as it protects people and animals in Alaska.

PASSED and Approved by the Animal Control Advisory Board this 20th day of March, 2015.

Chair, Animal Control Advisory Board

Main Office

130 Seward St #214
Juneau, Alaska 99801
Phone: (907) 586-3650
Fax: (907) 463-4493
www.andvsa.org



Pro Bono Office

PO Box 6631
Sitka, Alaska 99835
Phone: (907) 747-7545
Fax: (907) 747-7547
www.facebook.com/andvsa

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 A. Brown". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Peggy A. Brown, Executive Director

cc: Representative Max Gruenberg

41 P.3d 593
Supreme Court of Alaska.

Julie A. (Gough) JUELFS, Appellant,
v.
Stephen J. GOUGH, Appellee.

No. S-9931. | Feb. 15, 2002. |
Rehearing Denied March 13, 2002.

Divorced wife moved for review of dissolution agreement, alleging former husband failed to allow her to spend time with parties' dog as allotted by agreement. The Superior Court, Fourth Judicial District, Fairbanks, [Ralph R. Beistline](#) and [Charles R. Pengilly, JJ.](#), modified dissolution agreement and granted former husband sole custody of the dog. Divorced wife appealed. The Supreme Court, [Carpeneti, J.](#), held that: (1) authority existed to modify agreement and award former husband sole custody of the dog; (2) divorced wife's request to change judge was untimely; and (3) divorced wife was not entitled to attorney fees as a pro se litigant.

Affirmed.

Attorneys and Law Firms

*594 Julie A. Juelfs, pro se, North Pole.

[Cory R. Borgeson](#), [Borgeson & Burns](#), Fairbanks, for Appellee.

Before: [FABE](#), Chief Justice, [MATTHEWS](#), [EASTAUGH](#), and [CARPENETI](#), Justices.

OPINION

[CARPENETI](#), Justice.

I. INTRODUCTION

Arguing that "a pet is not just a thing but occupies a special place somewhere in between a person and a piece of personal property,"¹ Julie A. Juelfs (formerly Goug) appeals a superior court ruling modifying her and her former husband Stephen J. Gough's dissolution agreement to grant sole custody of their dog Coho to Stephen. Julie also appeals the court's ruling denying her a change of judge and requests that Stephen's retirement benefits as well as attorney's fees be awarded to her. Because the decision to modify the

dissolution agreement to award Stephen full custody of Coho was within the superior court's discretion, the decision to deny the motion for a change of judge was not in error, and Julie's requests for the retirement account and attorney's fees are unwarranted, we affirm the superior court decision in all respects.

II. FACTS AND PROCEEDINGS

On January 11, 1993, Superior Court Judge [Ralph R. Beistline](#) signed a decree of dissolution between Stephen J. Gough and Julie A. Gough. The matter had first been assigned to Judge Beistline on November 23, 1992. The decree provided for shared ownership of Stephen and Julie's dog Coho, a chocolate Labrador retriever. The agreement also provided that Stephen would retain \$8,253 paid into Stephen's retirement account during the marriage as well as the interest on that amount.

On March 28, 2000, Julie filed a motion requesting the dissolution agreement be reviewed *595 due to Stephen's alleged failure to allow Julie her allotted time with Coho. Stephen opposed the motion, alleging that two other dogs at Julie's residence threatened Coho's life. Furthermore, he alleged that, during one incident when the dogs were fighting, Julie's boyfriend separated the dogs by pulling Coho's leg, thus dislocating it at the elbow requiring Coho to be under "constant care and medication." In her reply, Julie additionally argued that, because she did not request part of Stephen's retirement fund as a part of the dissolution agreement, she should now be awarded the \$8,253 that accrued in it during the marriage and that the interest earned on it be "consideration" for her portion of medical bills Stephen paid on Coho's behalf.²

Judge Beistline issued his decision in the matter on April 20, 2000. In it, he awarded "legal and physical custody of Coho" to Stephen and allowed Julie "reasonable visitation rights as determined by" Stephen. The order also stated that Stephen would be responsible for all of Coho's medical bills.

Julie moved to review the order on May 22, 2000, claiming Stephen was not providing her with reasonable visitation. Stephen opposed the motion, arguing it was untimely and promising to provide the requisite visitation. Judge Beistline denied the motion, stating that the motion was both untimely and failed on its merits.

In September 2000, the parties sought reciprocal restraining orders against each other as the result of an altercation between them that occurred when Stephen sought to regain custody of Coho after Julie had taken the dog for a visit without Stephen's permission. Julie then filed a request for a hearing to review the custody settlement. On September 19, 2000, Judge Beistline ruled that although the court had remained hopeful that "some type of visitation could still occur between Ms. Gough and Coho" it has not worked. Therefore, the court found that Julie and Stephen should no longer have any contact whatsoever. The court also reaffirmed its previous ruling granting custody of Coho to Stephen stating, "Ms. Gough has no rights whatsoever to Coho and may not demand visitation or take the dog from Mr. Gough." The court then imposed a six-month restraining order prohibiting the parties from contacting each other except through counsel.

Julie filed a change of judge request form in September 2000. This request was denied as the "[c]ourt ha[d] already rendered its decision in the matter" making it "too late to change Judge."

In October 2000, Julie moved for a change in custody of Coho, requesting physical custody of Coho on weekends from Saturday at eight o'clock a.m. until Sunday at eight o'clock p.m. At the same time Julie also filed a request for reconsideration of her request for a change of judge. Judge Beistline responded to Julie's request as well as other concerns regarding Coho's custody on October 23, 2000. In his order he stated that it

is inappropriate [to] wait until after a judge makes a ruling to determine whether or not he or she likes the judge. Nevertheless, in an abundance of caution, the Court will refer this matter to another Superior Court judge to review the issue of whether another judge should be appointed to hear this matter.

Judge Beistline also reaffirmed his previous ruling that Stephen had full physical and legal custody of Coho and that he did not need to consult Julie prior to making any medical decisions.

The matter was then assigned to Superior Court Judge Charles R. Pengilly for review. Judge Pengilly found Julie's request for a new judge "properly rejected ... as untimely" and that

it was "apparent that Ms. Juelfs is simply unhappy with the outcome, which does not and cannot justify disqualification of the judge who decided the case."

Julie now appeals.

III. STANDARDS OF REVIEW

[1] [2] "We will not disturb a trial court's ruling on a Rule 60(b) motion unless an *596 abuse of discretion is demonstrated."¹ An abuse of discretion occurs when we are "left with the definite and firm conviction on the whole record that the judge had made a mistake..."⁴

[3] Only where a judge's refusal to disqualify himself or herself is patently unreasonable will we reverse.⁵

IV. DISCUSSION

A. The Trial Court Did Not Abuse its Discretion in Modifying the Property Settlement.

Julie contends that Judge Beistline abused his discretion in modifying the property settlement. Stephen responds that Julie has failed to adequately brief the issue and that the court properly modified the settlement.

1. Julie has sufficiently briefed the issue.

[4] Stephen contends that, although Julie contests Judge Beistline's authority to modify the property settlement in her points of appeal, she fails to make the argument in her brief, thereby waiving the issue.

[5] Although cursory briefing of an issue is a sufficient reason to disregard a point on appeal, regardless of a party's *pro se* status,⁶ Julie's briefing is adequate. She contests the superior court's ability to modify the property settlement. Although she does not explicitly make this argument, she does so implicitly and in a manner that we can easily review. Stephen accurately perceives her argument and responds to it. Accordingly, he is not prejudiced.⁷ In these circumstances, we decline to find that the issue is waived on the basis of cursory briefing.

2. Property settlements incorporated into divorce decrees are final judgments.

[6] The custody of Coho is a part of the property settlement agreed upon between the parties and incorporated into the divorce decree. This fact, overlooked by both parties, is important because “[a] property division incorporated within a divorce decree is a final judgment and is modifiable to the same extent as any equitable decree of the court.”⁸ Thus, the judgment that custody of Coho would be shared is final and can only be modified under Alaska Rule of Civil Procedure 60(b).⁹

3. Rule 60(b)¹⁰

Upon hearing Julie’s motion to enforce the property settlement as to Coho, Judge Beistline *597 decided that Julie and Stephen should no longer share custody of the dog. He therefore awarded custody of Coho to Stephen. Because the modification does not fall under the parameters of Civil Rule 60(b)(1)-(5),¹¹ we consider whether the modification could be justified under Civil Rule 60(b)(6), the “catch-all” provision.¹²

[7] [8] [9] “A party can invoke subsection (6) only if none of the other five clauses apply and ‘extraordinary circumstances’ exist.”¹³ “[I]n deciding Rule 60(b)(6) motions we give consideration to the following factors: the prejudice, if any, to the non-moving party if relief from judgment is granted, whether any intervening equities make the granting of relief inappropriate, and any other circumstances relevant to consideration of the equities of the case.”¹⁴ We thus “balance the interest in the finality of judgments against the interest in granting relief from judgment when justice so requires.”¹⁵ The last requirement of a motion under Rule 60(b) is that it be made within a “reasonable time.”¹⁶

[10] Unlike Rule 60(b)(3) fraud, which can be brought by the court at any time,¹⁷ subsection (6) requires a motion be made by one of the parties. The rule states that “the procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action.”¹⁸ We construe Stephen’s opposition to Julie’s motion as such a request. In his opposition Stephen contends that the “joint sharing agreement of a dog warrants review by the Court.” He goes on to state that it is “in the best interests of Coho that the property settlement agreement provide that Coho be awarded to Steve Gough solely.” Such language is enough to warrant the trial court’s action. Although there is an interest

in the finality of judgments, it is clear the judgment would never have been final under the circumstances that faced the court. The arrangement between Julie and Stephen assumed a state of facts, namely, cooperation between them, that proved not to exist, requiring judicial intervention. As Judge Beistline aptly noted, the arrangement between Julie and Stephen was not working: “[T]he parties were unable to share custody of Coho without severe contention.”

*598 B. Judge Beistline Did Not Err in Denying Julie’s Request for a Change of Judge.

[11] Julie claims Judge Beistline committed error by failing to properly address her request for a change of judge and by not consulting Standing Master MaryAlice Closuit, the special master who presided over the original dissolution proceeding. Stephen argues in response that Julie’s request was correctly denied as untimely.

“Failure to file a timely notice precludes change of judge as a matter of right. Notice of change of judge is timely if filed before the commencement of trial and within five days after (b) notice that the case has been assigned to a specific judge.”¹⁹

Julie filed her request for a change of judge on September 22, 2000. Judge Beistline signed the decree of dissolution of marriage in this matter on January 11, 1993. Over seven years passed after Judge Beistline’s assignment before Julie requested a change of judge. Rule 42(c)(3) precludes a change of judge as a matter of right in these circumstances.²⁰

Even so, Judge Beistline still referred the matter to another superior court judge for review. After review, the second judge concurred that the request was untimely. There is no basis to find Judge Beistline’s decision patently unreasonable. As in *Lacher v. Lacher*, Julie’s argument is “little more than an expression of [her] dissatisfaction with the superior court’s ruling.”²¹

C. Julie Is Not Entitled to Money from Stephen’s Retirement Account Distributed in the Original Property Settlement.

[12] Julie claims that in light of the change Judge Beistline made to the original dissolution decree, she is entitled to \$10,967 (\$8,253 in Stephen’s retirement account plus interest of \$2,714) that she claims should have been awarded to her at the time of the dissolution. Julie also requests interest on this amount from January 11, 1993. Stephen argues the issue

should not be considered because Julie failed to raise it before the superior court.

The money Julie requests was awarded to Stephen as a part of the property settlement and was incorporated into the dissolution decree. It is therefore a final judgment that can only be changed or modified through the use of Civil Rule 60(b).²²

Julie did not bring a Rule 60(b) motion, either explicitly or implicitly, in the superior court. She is not entitled to raise this issue for the first time on appeal.²³

D. Julie Is Not Entitled to an Award of Attorney's Fees.

[13] Julie requests "half the expenses paid to [Stephen's law firm] for [her] legal work in this matter." Stephen argues in response that this issue was not raised in the lower court and should therefore not be considered first by this court on appeal.

In *Alaska Federal Savings & Loan Ass'n of Juneau v. Bernhardt*,²⁴ we considered the question of whether *pro se*

litigants were entitled to attorney's fees.²⁵ After considering policy reasons for and against²⁶ such *\$99 awards we concluded the reasoning against allowing *pro se* litigants to recover fees was more persuasive.²⁷ We have recently affirmed this conclusion in *Shearer v. Mundt*.²⁸ Julie has provided no reason for us to depart from this approach. Accordingly, we deny Julie's request for fees.

V. CONCLUSION

[14] The superior court did not abuse its discretion in modifying the property settlement incorporated into Julie and Stephen's dissolution decree in awarding Coho to Stephen. The superior court did not err in denying Julie's untimely request for a change of judge. Finally, Julie is not entitled to any portion of Stephen's retirement account, which was previously distributed in the original settlement, or to an award of attorney's fees. We therefore AFFIRM the superior court's ruling in all respects.²⁹

BRYNER, Justice, not participating.

Footnotes

- 1 *Morgan v. Kroupa*, 167 Vt. 99, 702 A.2d 630, 633 (1997).
- 2 Julie, however, disputes that she owes this money, having never been consulted regarding any of Coho's treatment paid for by Stephen.
- 3 *Morris v. Morris*, 908 P.2d 425, 427 (Alaska 1995).
- 4 *Farrell v. Dome Labs.*, 650 P.2d 380, 384 (Alaska 1982) (quoting *Gravel v. Alaskan Village, Inc.*, 423 P.2d 273, 277 (Alaska 1967) (footnote omitted)).
- 5 *Long v. Long*, 816 P.2d 145, 156 (Alaska 1991).
- 6 *A.H. v. W.P.*, 896 P.2d 240, 243 (Alaska 1995).
- 7 See *Wilkerson v. State, Dep't of Health and Soc. Servs., Div. of Family and Youth* 993 P.2d 1018, 1022 (Alaska 1999) (allowing cursory argumentation where argument's "essence" was easily discerned from the briefs).
- 8 *O'Link v. O'Link*, 632 P.2d 225, 228 (Alaska 1981).
- 9 *Love v. Love*, 817 P.2d 453, 456 (Alaska 1991) (noting that although AS 25.24.160(a) allows a court to adjudicate property rights, it "does not authorize a court to dispose of assets on a piecemeal basis where ... the parties' property rights have been purportedly adjudicated and incorporated into a final judgment." Thus, "relief may be granted only within the parameters of Civil Rule 60(b).").
- 10 Alaska R. Civ. P. 60(b) states:
On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, order, or proceeding for the following reasons:
(1) mistake, inadvertence, surprise or excusable neglect;
(2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b);
(3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;
(4) the judgment is void;
(5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or
(6) any other reason justifying relief from the operation of the judgment.

The motion shall be made within a reasonable time, and for reasons (1), (2) and (3) not more than one year after the date of notice of the judgment or orders as defined in Civil Rule 58.1(c). A motion under this subdivision (b) does not affect the finality of a judgment or suspend its operation. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order or proceeding, or to grant relief to a defendant not personally served, or to set aside a judgment for fraud upon the court. Writs of coram nobis, coram vobis and audita querela are abolished, and the procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action.

11 Rule 60(b)(1) is usually applied to cover events occurring prior to entry of the judgment and not those that post-date it. See *McGee v. McGee*, 974 P.2d 983, 989 (Alaska 1999). The events at issue here occurred after Julie and Stephen's divorce decree was entered. Therefore, Rule 60(b)(1) is inapplicable. Subsections (b)(1) through (3) are also inapplicable because there is a one-year time limitation for motions brought under them that courts do not have the power to enlarge. See *O'Link*, 632 P.2d at 229. Subsections (3) through (5) are also inapplicable as neither party alleges facts that would bring this case under those subsections.

12 "Rule 60(b)(6) is, after all, a catch-all provision and 'should be liberally construed to enable courts to vacate judgments whenever such action is necessary to accomplish justice.'" *Clauson v. Clauson*, 831 P.2d 1257, 1261 (Alaska 1992) (emphasis in original) (quoting *O'Link*, 632 P.2d at 230).

13 *Lacher v. Lacher*, 993 P.2d 413, 419 (Alaska 1999) (citing *O'Link*, 632 P.2d at 229).

14 *Norman v. Nichiro Gyogyo Kaisha, Ltd.*, 761 P.2d 713, 717 (Alaska 1988).

15 *Id.*

16 *Lowe v. Lowe*, 817 P.2d 453, 459 (Alaska 1991).

17 See, e.g., *Higgins v. Municipality of Anchorage*, 810 P.2d 149, 154 (Alaska 1991) (noting "Civil Rule 60, which provides for relief from judgment, specifically authorizes a court 'to set aside a judgment for fraud upon the court.'" (quoting Alaska R. Civ. P. 60(b)); *Livingston v. Livingston*, 572 P.2d 79 (Alaska 1977).

18 Alaska R. Civ. P. 60(b)(6).

19 Alaska R. Civ. P. 42(c)(3).

20 See, e.g., *Musser v. Johnson*, 914 P.2d 1241, 1243 (Alaska 1996) (finding six-month delay between assignment and request precluded change as a matter of right).

21 993 P.2d 413, 421 (Alaska 1999).

22 *Allen v. Allen*, 645 P.2d 774, 776 (Alaska 1982) (noting the "court has no inherent equitable power to modify property rights that are part of a final decree. Rather, the provisions of a decree adjudicating property rights are modifiable only to the extent that relief may be obtained from any other final judgment.").

23 *Pierce v. Pierce*, 949 P.2d 498, 501 (Alaska 1997) (holding that issue not raised in trial court was barred on appeal because of prejudice to opposing party).

24 794 P.2d 579 (Alaska 1990).

25 *Id.* at 581-82

26 Reasons against awarding *pro se* litigants fees include:

(1) the difficulty in valuing the non-attorney's time spent performing legal services, i.e., the problem of overcompensating *pro se* litigants for "excessive hours [spent] thrashing about on uncomplicated matters," (2) the danger of encouraging frivolous filings by *pro se* litigants and creating a "cottage industry" for non-lawyers, (3) our view that the express language of Civil Rule 82 specifying "attorneys fees" is not easily susceptible to a construction allowing awards to non-attorneys, and (4) the argument that, in cases where a litigant incurs no actual fees, the award amounts to a penalty to the losing party and a windfall to the prevailing one.

Pratt & Whimsey Canada, Inc. v. Sheehan, 852 P.2d 1173, 1181 n. 12 (Alaska 1993) (citing *Alaska Fed. Sav. & Loan Ass'n of Juneau*, 794 P.2d at 581).

27 *Alaska Fed. Sav. & Loan Ass'n of Juneau*, 794 P.2d at 581-82.

28 36 P.3d 1196 (Alaska 2001).

29 Julie's last contention is that she is entitled to reversal because when she approached Stephen's counsel, he stated he would not deal with her as a *pro se* litigant. Because she made no mention of the matter in the superior court, she may not raise it now for the first time on appeal. *Pierce*, 949 P.2d at 500-01.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: HB 147
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB147CS(JUD)-ACS-TRC-02-01-16
Title: ANIMALS: PROTECTION/RELEASE/CUSTODY
Sponsor: VAZQUEZ
Requester: House Finance Committee

Department: Judiciary
Appropriation: Alaska Court System
Allocation: Trial Courts
OMB Component Number: 768

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2017 Request	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? **No**
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Updated for 2016 session and for new CS.
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Prepared By: Nancy Meade, General Counsel
Division: Alaska Court System
Approved By: Nancy Meade for Christine Johnson, Administrative Director
Agency: Alaska Court System

Phone: (907)463-4736
Date: 02/03/2016 04:00 PM
Date: 02/03/16

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. HB 147

Analysis

The CS for HB 147(JUD) amends the legal process that occurs when a person's animals are seized for suspected cruelty and provides a means for having the owner pay for the costs of caring for the seized animals (sections 1-10; 18), amends the crimes of "violating a protective order" and "cruelty to animals" (sections 11-12), amends the domestic violence protective orders statutes and definitions to have pets specifically considered (sections 13-17), and amends the divorce and dissolution statutes to specify that an animal may be accounted for in those actions (sections 19-26).

The court anticipates that the number of legal actions that will be filed in the district court under the changes to AS 03.55 in CSHB 147 will be small. The changes to the protective order provisions and to the family law statutes are not expected to alter the court's practices in those types of actions. Though the bill may therefore have some effect on our courts, we anticipate that we can absorb that without a fiscal impact.

The court system therefore submits this zero fiscal note.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: HB 147
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB147-DPS-HJUD-02-04-16
Title: ANIMALS: PROTECTION/RELEASE/CUSTODY
Sponsor: VAZQUEZ
Requester: House Judiciary

Department: Department of Public Safety
Appropriation: Statewide Support
Allocation: Statewide Information Technology Services
OMB Component Number: 3050

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Zeroed out by committee. One page note.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSHB 147(JUD)
Fiscal Note Number:	2
(H) Publish Date:	4/7/2016

Identifier: HB147-DOA-PDA-01-29-16
 Title: ANIMALS: PROTECTION/RELEASE/CUSTODY
 Sponsor: VAZQUEZ
 Requester: House Judiciary

Department: Department of Administration
 Appropriation: Legal and Advocacy Services
 Allocation: Public Defender Agency
 OMB Component Number: 1631

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2017 Request	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Quinlan Steiner
 Division: Public Defender Agency
 Approved By: Sheldon Fisher, Commissioner
 Agency: Department of Administration

Phone: (907)334-4414
 Date: 01/29/2016 10:15 AM
 Date: 01/29/16

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

This bill amends statutes related to the cost of care for seized animals and requires the consideration of an animal's well-being when making ownership decisions in divorce proceedings. This bill also allows judges to place limitations on respondents in protective order petitions related to animals and adds conditions under which a person can be charged with violating a protective order.

The agency does not anticipate a significant fiscal impact from this legislation. Therefore, the agency submits a zero fiscal note.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSHB 147(JUD)
Fiscal Note Number:	1
(H) Publish Date:	4/7/2016

Identifier: HB147-DOA-OPA-01-29-16
 Title: ANIMALS: PROTECTION/RELEASE/CUSTODY
 Sponsor: VAZQUEZ
 Requester: House Judiciary

Department: Department of Administration
 Appropriation: Legal and Advocacy Services
 Allocation: Office of Public Advocacy
 OMB Component Number: 43

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017	Included in	Out-Year Cost Estimates					
	Appropriation Requested	Governor's FY2017 Request	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By:	Richard Allen, Director	Phone:	(907)269-3504
Division:	Office of Public Advocacy	Date:	01/29/2016 10:25 AM
Approved By:	Sheldon Fisher, Commissioner	Date:	01/29/16
Agency:	Department of Administration		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

This bill amends statutes related to the cost of care for seized animals and requires the consideration of an animal's well-being when making ownership decisions in divorce proceedings. This bill also allows judges to place limitations on respondents in protective order petitions related to animals and adds conditions under which a person can be charged with violating a protective order.

The Office of Public Advocacy does not anticipate a significant fiscal impact from this legislation and therefore, submits a zero fiscal note.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: HB 147
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB147-DEC-EHL-01-29-16
Title: ANIMALS: PROTECTION/RELEASE/CUSTODY
Sponsor: VAZQUEZ
Requester: HOUSE JUDICIARY COMMITTEE

Department: Department of Environmental Conservation
Appropriation: Environmental Health
Allocation: Laboratory Services
OMB Component Number: 2065

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2017 Request	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? **No**
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Updated for the 2016 legislative session.

Prepared By: Bob Blankenburg, Acting Director
Division: Environmental Health
Approved By: Alice Edwards, Deputy Commissioner
Agency: Department of Environmental Conservation

Phone: (907)269-7690
Date: 01/29/2016 09:35 AM
Date: 01/29/16

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. HB 147

Analysis

Analysis/Assumptions:

This bill amends the law to hold an owner of animals lawfully seized due to cruelty responsible for the costs associated with their care during a cruelty trial. It adds pets to protective orders in cases of domestic violence and permits a judge to consider the well-being of an animal when determining custody in a divorce or dissolution.

The Department has the authority under AS 03.55.100(c) to adopt regulations regarding the minimum standards of care for animals. As written, this bill has no fiscal impact to the Department of Environmental Conservation.

HB 147 – Animals: Protection/Release/Custody

Explanation of Changes: Version Y to Version D

Draft Version "Y" and Draft Version "D" are substantially similar, but items that appear in Draft Version "D" that did not appear in Draft Version "Y" are noted in **bold**.

Section 1 amends AS 03.55.110(b) by replacing the word "take" with "seize" and removes AS 03.55.110(c) to section 2 of the bill.

Section 2 removes the definition of "peace officer" and "cruelty to animals" from AS 03.55.110(d) and adds it to sec. 10 of the bill; replaces the word "take" with "seize."

Section 3 amends AS 03.55.120(c) to require notice to be posted at a premises from which an animal is removed under AS 03.55.120. Replaces the words "removing," "removed," and "removal" in AS 03.55.120(a), (b), and (c) with "seizing," "seized," and "seizure," respectively.

Section 4 removes AS 03.55.130(d) to section 6 and amends AS 03.55.130(a) by replacing the word "removed" with "seized."

Section 5 removes AS 03.55(e) to section 7 and amends AS 03.55.130(b) by replacing the word "removed" with "seized."

Section 6 removes AS 11.56.740(a) to section 11 of the bill and **amends AS 03.55.130(d) to allow a custodian to prevent the adoption or destruction of a seized animal.** Replaces the word "removed" with "seized." Removes a provision that allowed the posting of a bond or security sufficient to care for an animal to prevent the adoption or destruction of the animal, this provision is replaced by AS 03.55.130(e) (sec. 7).

Section 7 removes AS 12.30.027(a) from the bill and repeals and reenacts AS 03.55.130(e). Allows a court on its own or in response to a filing by the custodian or owner of an animal, to enter an order for the cost of care of an animal. The order may include a required bond or security. Failure to comply may result in forfeiture of the animal.

Section 8 removes AS 18.65.520(a) to section 13 of the bill and amends AS 03.55.130(f) by replacing the words "a removal" and "removed" with "the seizure" and "seized," respectively. Replaces a description of "cost of care" with a reference to "cost of care," as "cost of care" is defined under sec. 10 of the bill.

Section 9 removes AS 18.65.590 to section 14 and adds a new subsection to AS 03.55.130 that states that nothing in AS 03.55.130(d) or (e) is to shift the burden of proof from the party that would otherwise have that burden.

Section 10 removes AS 18.66.100(b) from the bill and adds new definitions to AS 03.55.190 for "cost of care" and "cruelty to animals;" adds a new paragraph for the

definition of "peace officer," as that definition previously appeared in AS 03.55.110(c) (sec. 2 of the bill).

Section 11 removes AS 18.66.100(c) to section 15 and amends AS 11.56.740(a) to clarify that it is a crime to violate one or more of the provisions of a domestic violence protective order.

Section 12 removes AS 18.66.110(a) from the bill and **amends AS 11.61.140(a) to clarify that a person commits cruelty to animals if the person "has a legal duty to care for the animal" and with criminal negligence fails to care for an animal.**

Section 13 removes AS 18.66.110(b) from the bill and amends AS 18.65.520(a) to require that the form providing notice to a victim of domestic violence must state that a protective order may grant a victim possession of a pet regardless of the ownership of that pet.

Section 14 removes AS 18.66.130(a) from the bill and **adds a definition of "pet" at AS 18.65.590.**

Section 15 removes AS 18.66.990 from the bill and amends AS 18.66.100(c) to allow a domestic violence protective order issued under AS 18.66.100(c) to grant a petitioner possession of a pet, regardless of the ownership of the pet.

Section 16 AS 22.15.030(a) is removed to section 18 and **amends the definition of "domestic violence" to include cruelty to animals under AS 11.61.140(a)(5) if the animal is a pet.**

Section 17 removes AS 25.24.160(a) to section 19 and adds a definition of "pet" at AS 18.66.990.

Section 18 removes AS 25.24.200(a) from the bill and adds "well-being of the animal" to section 19 of the bill and amends AS 22.15.030(a) to give the district court the jurisdiction over cases involving cruelty to or seizure, destruction, adoption, or costs of care of animals under AS 03.55.100 - 03.55.190.

Section 19 removes AS 25.24.200(b) from the bill and amends AS 25.24.160(a) to allow a court to consider the well-being of an animal when considering ownership or joint ownership of an animal as part of a divorce proceeding.

Section 20 amends AS 25.24.200(c) by adding a requirement that, before a spouse can waive an appearance at a dissolution, or hearing if an animal is owned, the spouses have agreed to the ownership of the animal, taking into consideration the well-being of the animal.¹

¹ Draft Version Y" contained provisions amending AS 25.24.200(a) and (b). Those sections are not contained in Draft Version "D".

Section 21 removes AS 25.24 to section 26 and adds a new subsection to AS 25.24.200 to provide that a husband and wife may provide for the ownership or joint ownership of an animal in a petition filed under (a) or (b) of that section.

Section 22 amends AS 25.24.201(e) to provide that a petition filed by both spouses under AS 25.24.200(a) may provide for the ownership or joint ownership of an animal.

Section 23 amends AS 25.24.220(d) requiring that the court consider whether the written agreements between the spouses concerning the ownership or joint ownership of an animal, taking into consideration the well-being of the animal.

Section 24 amends AS 25.24.220(g) allowing the court to amend the written agreements between the spouses relating to the ownership or joint ownership of an animal, taking into consideration the well-being of the animal.

Section 25 amends AS 25.24.230(a) requiring court to consider whether the written agreements between the spouses concerning the ownership or joint ownership of an animal take into consideration the well-being of the animal in issuing a final decree of dissolution.

Section 26 adds a definition of "animal" at AS 25.24.990.

Catherine Simpson

From: Sherry Ramsey
Sent: Tuesday, March 31, 2015 6:14 AM
To: Nicoli Bailey
Subject: FW: DV bill

Dear Nicoli,

I have reviewed the bill and the letter of opposition from the ANDVSA. As I noted previously, I have worked on these bills around the country and also worked with DV victims as a prosecutor and then in private practice. I think this bill serves to protect DV victims as well as their animals in emergency situations. That is why so many states have passed these laws around the country and why we usually have DV groups supporting and often spearheading these bills. However, I certainly respect the ANDVSA and the great work they do and I understand they have a unique perspective from working in Alaska with DV victims.

Here are some thoughts on some of these issues raised. Animals are sometimes a disputed point in a divorce proceeding as with every other bit of property, which is the point of the case in their letter. The "confusion" that the ANDVA letter notes would be clarified by this bill and is the precise reason we need the law. In my opinion, the idea that this would allow for an abuser to exert power over a victim is less likely to happen after she is awarded possession of an animal because of this law, rather than before she gets possession when the abuser can use the animal to manipulate or punish the victim for leaving. I have seen this happen many times.

Of course what the letter suggests *could* happen, but it could also happen with the children, the house or anything else that the court awards to the victim, if the abuser wants to cause trouble. But courts are much less likely to entertain this kind of request within a DV hearing as compared to a divorce proceeding. And the more common way for an abuser to exert power over a victim in my experience, is by threatening or torturing the animal to get her to return home or punish her for leaving. Going to court to attempt to get visitation of an animal is *much* less likely to be an issue, in my humble opinion. This argument would suggest that all the other provisions within the DV laws should be removed for fear that they could result as a means to exert power over a victim. I believe that making the law clear on this issue is a better way to ensure every jurisdiction is doing the same thing to protect the victims and their animals and to ensure that judges understand this issue, which would prevent the very concern raised in the ANDVSA letter. And because establishing ownership of an animal is often one of the main problems that victims encounter when attempting to obtain possession of an animal during these dangerous situations, the language of this bill is so important.

Lastly, while I have been reviewing your bill in Alaska, I am also reviewing and supporting a recent bill in California. In CA, this kind of DV law has been in effect since 2007 and now they are introducing a bill to expand this exact protection to all other protection orders for juveniles and elders and other civil protection orders. Without having spoken to the sponsor of this bill I would have to assume this law has worked well for DV victims and so they have decided it should be expanded. Here is their existing law and a synopsis of the new CA bill just as an FYI.

CA law currently:

(b) On a showing of good cause, the court may include in a protective order a grant to the petitioner of the exclusive care, possession, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the

respondent. The court may order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal.

New bill:

AB 494 will extend protections to animals of protected parties in restraining orders issued in juvenile dependency cases (Welfare & Institutions Code section 213.5(b)), civil harassment cases (Civil Procedure section 527.6(b)(6)), and Elder Abuse cases (Welfare & Institutions Code section 15657.03). This bill will bring all types of restraining orders in alignment with the protections provided pursuant to the Domestic Violence Prevention Act.

Thank you and Representatives Vazquez and Gruenberg for sponsoring this important bill and feel free to contact me if I can be of any further help.

Best,

Sherry

Sherry Ramsey, Esq.

Director of Animal Cruelty Prosecutions

State Affairs

The Humane Society of the United States

200 West 57th Street

Suite 705

New York, NY 10019

212-246-2632

www.humanesociety.org/justice

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Catherine Simpson

From: Joan Dewey
Sent: Tuesday, March 31, 2015 10:48 AM
To: Catherine Simpson
Cc: Nicoli Bailey
Subject: Re: HB 147 "Pet Bill"

Catherine and Nicoli: Thank you for including Bethel Friends of Canines and Bethel residents in the update for proposed changes to HB147. Would it be possible for you to convey our support and appreciation of the HB 147 AKA "The Pet Bill" sponsors(Representative Vazquez and Representative Gruenberg and to let them know by reading the following testimony:

We in the YK Delta of Alaska, animal rescue and community health services acknowledge the high disproportionate rate of domestic violence occurrences and the need for added safety and welfare mechanisms within the animal protection laws of Alaska for victims of domestic violence. We are well aware of the relationship between animal abuse and neglect, child abuse and neglect and domestic violence. We recognize that animals as beloved family members are frequently caught in the crossfire and/or used to manipulate, dominate and control domestic violence situations. As community members in Alaska are in support of additional service and rights components added to the animal care laws of Alaska to help assure families can protect all of their family members when forced to leave their homes.

We will do our best in Bethel to work in conjunction with TWC/Tundra Women's Coalition and assist with pet relocation or boarding whenever possible. We applaud these measures in the proposed HB 147 to bring safety and health to families and to reduce the added trauma that comes from having to choose to leave animals in unsafe situations.

*Joan Dewey, Bethel Resident
Bethel Friends of Canines*

cc: Bethel Friends of Canines Board

Tima C. Priess , MA, LMFT, CTS

Pleiades Counseling Inc.

543 Third Avenue, Suite 201

Fairbanks, AK 99701

ph & fax (907) 452-8438

Mall to: P.O. Box 213, Ester, AK 99725



RE: House Bill 147

As a Fairbanks psychotherapist specializing in PTSD and traumatic stress since 1991 and as the owner of 5 rescue animals, I am in support of HB 147. I have worked for many years with clients who have experienced trauma including active duty service members, veterans and their families, and survivors of sexual assault, domestic violence, accidents, and traumatic loss.

Over the years, I have witnessed the intense therapeutic bond between humans and pets, military working dogs and other service animals. And, I have helped clients deal with the loss or violent death of animals, and their fears of imminent loss of these important family members. Children who witness animal abuse often carry the scars of that trauma into adulthood and are more likely to continue violent behaviors as adults.

The American Humane Association's study of women seeking temporary "safe haven" shelter showed that 71 percent of those having companion animals reported that their "batterers had injured, maimed, killed, or threatened family pets for revenge or to psychologically control" victims. Many victims make choices to stay in a dangerous situation rather than leave their animals in that same situation.

Clients express concern about the safety and well-being of their pets and their fears of not being able to care for them or to get them away from abusive family members. I've heard stories of adults who remember all too vividly and painfully the death, abandonment or disappearance of treasured animal companions as children. .

Some of my work with trauma clients includes integrating positive, calming, and close memories of animals in ways that increase positive affect and reinforce emotional stability while recalling traumatic memories. In many cases, animals are the most important oasis of safety that people experience.

This bill places value on the "wellbeing of animals". The inclusion of this term changes the game plan from seeing animals as property that can be disposed of to creatures to be cared for. This is crucial because of the links between animal cruelty and other violent crimes. And because, the term implies awareness and compassion which can be developed and enhanced when adults and children are taught to care for and place value on animals.

Sincerely,

Tima C Priess, LMFT, cert in EMDR

Catherine Simpson

From: Kathy Hessler [<mailto:khessler@lclark.edu>]
Sent: Tuesday, March 31, 2015 5:18 PM
To: Nicoli Bailey
Subject: Re: FW: list of questions from our 3/24 meeting

Hi Nicoli,

I am writing in case we don't talk again tonight. (And if we need to talk tomorrow the only time I can't before the hearing is from 9-10 Portland time.)

I'm attaching a CV for your use.

And here are some answers to the questions posed in this email:

First, the protective order doesn't determine ownership and if there is no divorce pending, the victim can handle the animal any way she wants and would already have rights to. If the animal is co-owned, there wouldn't be a limitation on her rights. If the victim is deemed to have been the sole owner she has no obligations to the abuser.

If a divorce is pending and the animal is co-owned, the abuser could seek some financial compensation for his portion - but there is no market value on "used" animals unless the animal has special economic value, like a breeding or show dog. Some states allow for non-economic damages relating to animals, but I don't think Alaska is one (we can check). But the bottom line is that even if there is a violation of the abuser's ownership interests, the remedy is economic compensation and that isn't likely to be very much (perhaps replacement cost).

If the animal is later deemed to have been solely owned by the abuser, the economic compensation is still the remedy. So a victim would not have to talk with an abuser if she did not want to and was willing to pay for the loss of property.

If the word custody is removed from this section as was discussed, I think that addresses some of the questions.

In the divorce section, the language relates to ownership of the animal, not custody so a temporary custody petition would not be appropriate. Nor would any of the other custody and visitation rules.

The right of control (possession) and care are temporary and only come into effect if the victim has asked for that responsibility. If the victim does not want responsibility for a third party's animal, she does not have to ask for it. If a victim chooses to include a third party's animal, she can turn that animal over to the third party. There would be no need for involvement of the abuser.

The only time the rights of the abuser would be relevant is if he has an ownership interest in the animal. But if it is a joint ownership situation and the parties to the marriage have the right to dispose of marital property (absent a pending divorce proceeding) any way they see fit, there may be no legal consequences.

I hope this is helpful.
peace,
kathy

--

Kathy Hessler, J.D., LL.M.
Clinical Professor & Director, Animal Law Clinic
Center for Animal Law Studies
Lewis & Clark Law School
10015 S.W. Terwilliger Blvd.
Portland, OR 97219-7799
Phone: (503) 768-6955
Email: khessler@lclark.edu
Website: CenterForAnimalLawStudies.Org
On 3/31/15 5:20 PM, Nicoli Bailey wrote:

Rep. Gruenberg wanted me to send this to you. This is the list of questions that ANDVSA read to us at the meeting.

Nicoli

From: Lisa Mariotti [<mailto:lmariotti@andvsa.org>]
Sent: Tuesday, March 31, 2015 7:38 AM
To: Nicoli Bailey
Cc: Catherine Simpson; Peggy Brown
Subject: RE: list of questions from our 3/24 meeting

Hi Nicoli,

Our office was closed yesterday in observance of the Seward Day holiday. Below are a list of concerns we discussed during our meeting on 03/24. If you have any other questions, could you please contact Peggy who is handling this bill? Thanks.

- What happens if the victim has to give away the pet during the year she has it in her exclusive custody and care? Does she first have to offer to return the pet to the abuser? Does this wind up creating an obligation for the victim to communicate with the abuser about the pet (especially if it was his pet or jointly owned)? It seems like some victims could be confused by this and feel that they are required to maintain control of the pet, which may be extremely difficult when looking for new housing.
- This part also intersects with the proposed law allowing the court to award custody of an animal in a divorce. In a normal divorce case, the parties are not allowed to dispose of or sell any marital assets, without the permission of the other party or the court, or unless they are doing so in order to provide for their immediate and necessary living

expenses. If a victim has possession of a pet during the pendency of the divorce, what are the consequences if she can't care for it and/or has to get rid of it? Does she have to offer to return the pet to the abuser? Does she have to make a motion to the court before she can get rid of the pet or get the abuser to give her permission to give away or sell the pet? Can the abuser seek a judgment against her for his portion of the value of the pet during the parties' final property division? It seems possible a victim may have to do these things, and that could put a very high burden on her - and also perversely result in harm to the animal if the victim is unable to properly feed or care for it but feels she has to hang on to it because she's not allowed to give the animal away.

- Divorces can sometimes take years to finish. Are we going to start seeing "temporary custody of pet" motions while the divorce is pending, the same way we see temporary custody of children motions? Can it be held against a victim if she refuses to allow an abuser access to a pet, the same as if she withholds access to children? Will a victim have a right to modify custody of a pet order post-divorce for a substantial change in circumstances, the same way she would for a child?
- Finally, these provisions are particularly odd because it gives the petitioner a right to gain "exclusive control, custody and care" over animals owned or possessed by any person in the residence. It also allows a victim to include third party owner pets in their protective orders. This puts a high burden on a victim of domestic violence who would be responsible for insuring the rights of third party pet protection, forcing them to remain in contact with the respondent.

Lisa A. Mariotti, Esq., Policy Director

Alaska Network on Domestic Violence & Sexual Assault

130 Seward Street, Suite 214

Juneau, AK 99801

Phone: (907) 586-3650

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From: Nicoli Bailey [<mailto:Nicoli.Bailey@akleg.gov>]

Sent: Sunday, March 29, 2015 5:23 PM

To: Lisa Mariotti

Cc: Catherine Simpson

Subject: list of questions from our 3/24 meeting

Hi Lisa,

Rep. Gruenberg told me he ran into you at the Legislative Skits last night and you said you would be happy to give us the list of concerns. Could you please email me the list of concerns from your attorneys and possibly others? Thank you in advance for your assistance.

All the best,

Nicoli

Nicoli Ann Bailey

Office of Rep. Max Gruenberg

Alaska State Representative

907) 465-4940

866) 465-4940 toll free

907) 465-3766 Fax

State Capitol Room 110

Juneau, AK 99801

KATHERINE HESSLER

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10015 SW Terwilliger Boulevard
Portland, Oregon 97219

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EDUCATION

Georgetown University Law Center, Washington, DC **LL.M.** 1997
College of William and Mary; Marshall-Wythe School of Law, Williamsburg, VA **J.D.** 1987
Received Faculty Service Award. Founded three public interest student organizations.
George Washington University, Washington, DC **B.A.** 1985
Dean's List; President, Sociological Honor Society; Founder/President, Criminological Honor Society.

TEACHING EXPERIENCE

Lewis & Clark Law School, Portland, OR

Clinical Professor and Director, July 2008 - present

- *Animal Law* - Winter session (2014) **Washington University School of Law**, St. Louis, MO;
- *Graduate Animal Law Seminar* (2012 - 2013). Focuses on research and writing; career development; and collaboration with students at the University of Basel and the Autonomous University of Barcelona.
- *Animal Law* (2008 - 2011). Provides an overview of animal law and examines the development of the field within the context of social justice and law reform movements.
- *Animal Law Clinic* (2009 - present). Clinic takes on matters that allow students to work to further develop the field of animal law while learning to become excellent legal advocates.
- **Among top 15 most innovative clinics**, National Jurist, Pre-Law, January 2015
- *Advanced Animal Law Clinic* (2009 - present). Students continue their clinical work.
- *Animal Law National Moot Court* (2008 - present). Develops legal analysis and oral advocacy skills.

Case Western Reserve University School of Law, Cleveland, OH

Professor, 2002 - 2008; **Associate Professor** 2000 - 2002

- *Civil Litigation and Mediation Clinic* (2005 - 2008); *Civil Clinic* (2000 - 2004). Consumer protection, home repair, predatory lending, and mediation.
- *Animal Law* seminar (2002 - 2007). Animal law, social justice and law reform analysis.
- *Community Development Clinic* (2000 - 2001; 2002 - 2004). Assisted non-profits with organizational structure, leases, employment matters, and IRS lobbying restriction compliance.
- *Family Clinic* (2000 - 2002). Divorce, domestic violence, custody, support, and visitation.
- *Focused Problem Solving* (2004 - 2007). Addressed problem solving theory and skill development.
- *Basic Mediation* (2005 - 2008). Two day mediation training; role of mediation in the legal profession.

Summer Legal Academy, Cleveland, OH

Founder, Director and Faculty Member, 2005 - 2008

- Coordinated two-week legal program for minority high school students.
- Developed and taught curriculum, reported to grantor, managed budget and all aspects of program.

Cornell Law School, Ithaca, NY

Visiting Senior Lecturer, 1999 - 2000

- *Civil litigation Clinic*. Domestic relations, landlord-tenant, and public benefits.

University of Dayton School of Law, Dayton, OH

Visiting Assistant Professor, 1998 - 1999

- *Civil litigation Clinic*. Landlord-tenant and domestic relations.
- Interim Co-Director for Academic Excellence Program, Spring 1999.

Capital University Law School, Columbus, OH

Assistant Professor, 1994 - 1998

- *Civil litigation Clinic* (1994-1998). Housing, wills (for HIV positive and elderly clients), domestic relations, domestic violence, and Social Security.
- *Mediation Practicum* (Fall 1997).
- *Mediation Clinic* (Spring 1998).
- Director of Academic Success Program (Fall 1996).
- Developed and implemented two experimental integrated Dispute Resolution programs for the first-year curriculum (1994-1995/1995-1996). Focused on integrating substance, theory, and practice using Experiential Learning methodology to teach Dispute Resolution, Legal Skills, and Ethics.
- Martin Luther King Image Award (1997).

Georgetown University Law Center, Center for Applied Legal Studies, Washington, DC

Clinical Fellow, 1992 - 1994

- *Civil litigation Clinic*. Consumer protection and social security disability.

George Washington University, Sociology Department, Washington, DC

Assistant Professorial Lecturer, Spring, 1992

- *Violence in the Family*. Team-taught with Department Chair Joseph Tropea. Course focused on sociological implications of the legal system as it relates to violence in American families. Coordinated visiting lecturers. Introduced an interactive education model to the Department.

Center For Teaching Peace, Washington, DC

Advisory Board Member, 2003 - Present

Special Assistant to Colman McCarthy, 1989 - 1994

- Taught classes on feminism, animal rights and other topics related to non-violence. Shared responsibilities with Professor McCarthy included: conducting classes, developing course materials, evaluating students, organizing classes off-campus, and grading.

Georgetown University Law Center, *Law, Conscience and Nonviolence* (1989-1993)

University of Maryland, *Alternatives to Violence* (Honors Department, 1989-1993) *Solutions to Violence* (Sociology Department, Spring 1994).

Fairfax County Public Schools, Fairfax, VA - Substitute Teacher, May 1988 - October 1989

INTERNATIONAL TEACHING

Kenya

- *Animal Law for Veterinarians*, University of Nairobi School of Veterinary Medicine, with Natasha Dolezal, Nairobi, Kenya - May 2014
- *Animal Law*, University of Riara Law School, with Natasha Dolezal, Nairobi, Kenya - May 2014
- *Animal Law for Veterinarians*, University of Nairobi School of Veterinary Medicine, with Natasha Dolezal, Nairobi, Kenya - May 2013

Switzerland

- *Criminal Animal Law in the United States*, University of Zurich, Zurich, Switzerland - April 2014

Spain

- *Application of Animal Law in the U.S. through Cases and Courses*, with Pamela Frasch, <http://www.derechoanimal.info/esp/page/2454/videos>, Master Program in Animal Law & Society, Autonomous University of Barcelona, Barcelona, Spain - March 2013
- *An Overview of Animal Law and Legal Education in the U.S.*, with Pamela Frasch, , <http://www.derechoanimal.info/esp/page/2454/videos>, Master Program in Animal Law & Society, Autonomous University of Barcelona, Barcelona, Spain - March 2013

Brazil

- *Animal Law*, with Pamela Frasch and Teresa Candela, University of Barcelona, at the Federal University Bahia, Brazil - August 2010
- *Animal Law*, with Pamela Frasch, at Liberdade University, Bahia, Brazil - August 2010

Japan

- *Animal Testing*, and *The Development of Animal Law*, University of Chiba, Chiba, Japan - November 2009
- *Animal Testing*, and *The Development of Animal Law*, Hitotsubashi University, Tokyo, Japan - November 2009

OTHER PROFESSIONAL EXPERIENCE

Ohio Legal Assistance Foundation, Columbus, OH

Consultant, 1998 - 1999 - Evaluated performance of legal service providers in Ohio.

Legal Services of Northern Virginia, Fairfax, VA

Staff Attorney, October 1989 - June 1992

Practice focused on family, housing, public benefits, and consumer cases in administrative and state courts. Average annual caseload - 60. Worked on major projects involving the Community Reinvestment Act and a class action housing discrimination case. Trained and supervised volunteer attorneys and law students. Coordinated shelter outreach for bar members. Offered CLE presentations.

SCHOLARSHIP

TEACHING ANIMAL LAW ACROSS THE CURRICULUM, with Joyce Tischler and Pamela Hart, Carolina Academic Press (forthcoming 2015).

Implementing Toxicity Testing in the 21st Century: Challenges and Opportunities, with Paul A. Locke, Margit Westphal, Joyce Tischler, Pamela Frasch, Bruce Meyers, and Daniel Krewski, *Journal of Toxicology and Environmental Health, Part B*, (forthcoming 2015).

Animal Law – A Global Phenomenon, with Pamela Frasch and Natasha Dolezal, *Global Journal of Animal Law*, Åbo Akademi University Department of Law, Finland (1/2014).

The Legal Framework of Animal Testing: Challenges and Opportunities, 54 *South Texas Law Review* 587 (Spring 2013).

The Role of the Animal Law Clinic

- 61 *Revista Brasileira de Direito Animal* (Portugese translation) Ano 2013, Vol. 8, Número 14 (September-December).
- ANIMAL LAW ANTHOLOGY, University of Zurich (2012).
- 60 *Journal of Legal Education* 263, (Number 2/November 2010).

Report and Recommendations on the Status of Clinical Faculty in the Legal Academy, with Bryan Adamson, Bradford Colbert, Katherine Kruse, Robert Kuehn, Mary Helen McNeal, Calvin Pang, and David Santacroce,

- 62 *The Journal of Legal Education* 115 (2012).
- 36 *The Journal of the Legal Profession* 353 (2012).

ANIMAL LAW IN A NUTSHELL, with Pamela Frasch, Sarah Kutil and Sonia Waisman, Thompson West (2011).

Animals in Testing: Concerns and Consequences:

- ANIMAL LAW AND SCIENTIFIC RESEARCH: ETHICS AND LEGAL ASPECTS OF ANIMAL EXPERIMENTATION IN BRAZIL AND EUA, Heron Gordilho, Ed. (2014).
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- *Perspectives Philosophiques Sur la Recherche Animale*, (French translation) *Revue Semestrielle de Droit Animalier – RSDA* (Observatoire des Mutations Institutionnelles et Juridiques, Limoges, Fr.), 327 (2010).
- *Philosophical Foundations and Animals in Testing: Concerns and Consequences*, (Japanese translation), (2010) I. Shimazu ed., *Crime, Restoration and Responsibility*, Research Project Report No.185, Chiba University Graduate School of Humanities and Social Sciences, pp. 36-44. (From the proceedings of the Japanese Association of Legal Philosophy)

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Where Do We Draw the Line Between Harassment and Free Speech? An Analysis of Hunter Harassment Law, 3 *Animal Law Journal* 129 (1997). **CITED** in People v. Sanders, 696 N.E.2d 1144, 1150 (Ill. S.Ct., 1998).

ADDITIONAL WRITING

Report on the Enforcement of the Clean Water Act as it Relates to CAFOs by Oregon's Department of Agriculture, with Denise Luk and Suzanne McMillan, Spring 2012.

Report and Recommendations on the Status of Clinical Faculty in the Legal Academy, by the American Association of Law Schools Section on Clinical Legal Education, Task Force on the Status of Clinicians and the Legal Academy, March 29, 2010.

Exotic Animals as Pets, with Tanith Balaban, American Bar Association GP Solo, Vol. 26, No. 5 (July/August 2009).

Agricultural Animals and the Law, with Tanith Balaban, American Bar Association GP Solo, Vol. 26, No. 5 (July/August 2009).

Amicus Curiae brief filed with the United States Supreme Court in the case of *U.S. v. Stevens*, drafted with Megan A. Senatori, Pamela D. Frasch, and Laura Handzel. The brief was filed in support of neither party, but rather on behalf of a group of American animal law professors to offer expert opinion on the question of whether preventing animal cruelty is a compelling governmental interest, 2009.

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INTERVIEWED

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- *Hunted to Extinction*, Bobbie Hasselbring, The Chronicle Magazine, p. 20, Fall 2014.
- *Kenya Legal Project offered animal-law students opportunity for hands-on experience*, Monique Balas, The Oregonian, July 7, 2014, http://www.oregonlive.com/pets/index.ssf/2014/07/kenya_legal_project_offered_an.html
- *Pet Talk: Lewis & Clark animal law students embark for Kenya*, Monique Balas, OregonLive.com, May 5, 2014, http://www.oregonlive.com/pets/index.ssf/2014/05/pet_talk_lewis_clark_animal_la_1.html
- Interview on Our Hen House, with Natasha Dolezal, Jasmin Singer and Mariann Sullivan, April 19, 2014, <http://go.toutapp.com/1245793ab2ce349404>
- Animal Abuse segment, KATU 630 news with Steve Dunn, April 18, 2014.
- *Oregon Appeals Court Ruling Addresses Warrantless Search of Animals*, Think Out Loud with Dave Miller, Oregon Public Broadcasting, April 18, 2014, <http://www.opb.org/radio/programs/thinkoutloud/segment/oregon-appeals-court-ruling-addresses-warrantless-search-of-animals/>
- *A hands-on summer*, Rebecca Larsen, National Jurist, p. 37, February 2014, <http://www.nxtbook.com/nxtbooks/cypress/nationaljurist0214/#/36>
- *Petition would list single captive orca as endangered*, Chris Winters, www.heraldnet.com/article/20140207/NEWS01/140209308/1172/Murky-legal-waters February 7, 2014.
- *Should Animals Have Legal Personhood?* Think Out Loud with Dave Miller, Oregon Public Broadcasting, December 4, 2013, <http://www.opb.org/radio/programs/thinkoutloud/segment/should-animals-have-legal-personhood/>
- FM 101 KXL Morning News, with Rebecca Marshall and Steve Leader, December 4, 2013.
- *EPA's feedlot control still lagging*, Bridget Huber (Fair Warning), The Kansas City Star, June 4, 2013, <http://www.kansascity.com/2013/06/04/4273134/epas-feedlot-control-still-lagging.html#>
- KGW news, Portland Oregon, October 25 and 28 2012.
- *Our Hen House*, Jasmin Singer and Mariann Sullivan, podcast September 22, 2012. <http://www.ourhenhouse.org/category/podcast/>
- *Pet custody battles illustrate need for legal clarity regarding pets*, Monique Balas, OregonLive.com, September 7, 2012. http://blog.oregonlive.com/pets_impact/print.html?entry=/2012/09/pet_talk_pet_custody_battles_i.html
- *The Rise of Animal Law*, Greg Miller, Science, Vol 332, p. 28, 1 April 2011.
- *Panel debates effectiveness of state's CAFO program*, Mitch Lies, Capital Press, July 15, 2010. <http://www.capitalpress.com/dairy/ml-cafo-oregon-071610>

- *Animal Rights Is the treatment of animals improving?*, Marcia Clemmitt, Congressional Quarterly researcher, Volume 20, Number 1, pps 1-24, January 8, 2010.
- *Divorce and separations can send pets into legal limbo*, Jacques Von Lunen, the Oregonian, September 9, 2009. http://www.oregonlive.com/pets/index.ssf/2009/09/divorce_and_separations_can_se.html
- *Animal Law An Overview*, Robert J. Derocher, American Bar Association GP Solo, Vol. 26, No. 5 (July/August 2009). http://www.abanet.org/genpractice/magazine/2009/jul_aug/#features

RECENT PRESENTATIONS

- *CAFOs: Environmental Protection Perspective*, Factory Farming: Impacts on Animals, Humans, and the Environment, ALDF University of Southern California Law School Symposium, USC, Los Angeles, CA - March 2015
- *Lewis & Clark Animal Law Program*, Human Animal Studies Symposium, Lewis & Clark College, Portland, OR - March 2015
- *Animals in Agriculture and Animal Law Overview*, Master Vegetarian Program, NW Veg, Portland, OR - March 2015
- *Animal Agriculture Overview*, Lewis & Clark Law School, Portland, OR – January 2015
- *Animals as Family*, Annual Meeting, American Association of Law Schools, Washington, DC - January 2015
- *Keeping it Current: Animal Law Examples Across the Curriculum*, Annual Meeting, American Association of Law Schools, Washington, DC - January 2015
- *Clinical Innovation*, Texas A&M Faculty Speaker Series, Forth Worth, TX - November 2014
- *Vegan Prisoners and the Religious Land Use and Institutionalized Persons Act (RLUIPA)*, Lewis & Clark Law School, Portland, OR – November 2014
- *What Can We Do To Protect Animals Overseas?*, with Natasha Dolezal, The Animal Law Conference at Lewis & Clark, Animal Law in a Changing Environment; Finding Common Ground, Lewis & Clark Law School, Portland, OR - October 2014
- *Resistance; Not All Germs Are Created Equal*, with Michael Graziano and Rachel Fischer, MD, MPH, Portland, OR - October 2014
- *Animal Law Clinic: Law Clinic Tour*, CARE: Community and Recreation for Employees, Lewis & Clark, Portland, OR - July 2014
- *Animal Law for Veterinarians*, University of Nairobi School of Veterinary Medicine, with Natasha Dolezal, Nairobi, Kenya - May 2014
- *Animal Law*, University of Nairobi Law School, with Natasha Dolezal, Nairobi, Kenya - May 2014
- *Animal Law and Agriculture*, Master Vegetarian Program, Northwest VEG, Portland, OR - May 2014
- *Learning from Difficult Cases: Lessons from Tilikum v. SeaWorld and Consideration of Rights*, The Animal Turn and the Law: Interdisciplinary Perspectives and New Directions in Animal Law, The first Annual European Animal Law Conference, University of Basel, Basel, Switzerland - April 2014
- *Criminal Animal Law in the United States*, University of Zurich, Zurich, Switzerland - April 2014
- *"Ag-Gag"*, National Lawyers Guild, Northwest Regional Conference, Lewis & Clark Law School, March 2014
- *Protecting Workers and Animals*, CAFO Panel, sponsored by the Student Animal Legal Defense Fund and Latino Law Society, Lewis & Clark Law School, Portland, OR - February 2014
- *Case Studies in Animal Law*, Human Animal Conference, Lewis & Clark College, Law School and Graduate School, Portland, OR - January 2014
- *Legal Issues Related to Animal Shelters*, Lewis & Clark Legal Analysis and Writing class, Portland, OR - January 2014
- *Overview of Recent Developments in Animal Law*, Louisiana State Bar Association Animal Law Section Annual New CLE, New Orleans, LA - December 2013

- *Risk to workers in Animal Production*, Animal Law Conference, Lewis & Clark, Animal Legal Defense Fund and L&C Student Animal Legal Defense Fund at Stanford Law School, Palo Alto, CA - October 2013
- *Multi-Species Conflict: Sea Lions, Salmon and Humans in the Bonneville Dam Dispute*, Oregon State Bar, 2013 Annual Environmental and Natural Resources CLE, Portland, OR - October 2013
- *Pro-Pasture, Law and Animal Agriculture*, InFARMation, Friends of Family Farmers, Portland, OR - September 2013
- *Animal Law and Agriculture*, Master Vegetarian Program, Northwest VEG, Portland, OR - July 2013
- *Animal Law for Veterinarians*, University of Nairobi School of Veterinary Medicine, with Natasha Dolezal, Nairobi, Kenya - May 2013
- *Application of Animal Law in the U.S. through Cases and Courses*, with Pamela Frasch, Assistant Dean of the Center for Animal Law Studies, <http://www.derechoanimal.info/esp/page/2454/videos>, Master Program in Animal Law & Society, Autonomous University of Barcelona, Barcelona, Spain - March 2013
- *An Overview of Animal Law and Legal Education in the U.S.*, with Pamela Frasch, Assistant Dean of the Center for Animal Law Studies, <http://www.derechoanimal.info/esp/page/2454/videos>, Master Program in Animal Law & Society, Autonomous University of Barcelona, Barcelona, Spain - March 2013
- *Animal Law and Agriculture*, Northwest Master Vegetarian Series, Portland, OR - February 2013
- *Vegan Prisoners: Free Exercise or Government Sponsored Carnism?*, Lewis & Clark Law School faculty colloquium, Portland, OR - February 2013
- *Animal Law* - Week-long Inter-session course, Washington University School of Law, St. Louis, MO - January 2013
- *Commenting 101*, Student Animal Legal Defense Fund, Lewis & Clark Law School, Portland, OR - November 2012
- *The Legal Framework of Animal Testing: Challenges and Opportunities*, 19th Annual Ethics Symposium, South Texas Law Review, South Texas College of Law, Houston, TX - October 2012
- *Learning from Difficult Cases: Focusing on Strategy*, on a panel with Jeff Kerr, The Animal Law Conference at Lewis & Clark "Celebrating 20 Years of Animal Law: Looking Back and Looking Forward", Lewis & Clark Law School, Portland, OR - October 2012
- *Standing and Preemption* (moderator), Second Annual Animal Law Review Symposium, Lewis & Clark Law School, Portland, OR - October 2012
- *Learning from the U.S. Animal Law Experience: Cases and Classes*, Animal Law and Ethics Conference, Reflecting on European, American, and Asian Concepts, University of Zurich, Zurich, Switzerland - July 2012
- *Consideration of Whether Hunting is Cruel Under the Law*, Law & Society Annual Meeting, Honolulu, HA - June 2012

BAR MEMBERSHIPS

- 1989 - Virginia (inactive)
- 1989 - District of Columbia (inactive)
- 1996 - Ohio (inactive)
- 2001 - United States District Court, Northern District of Ohio
- 2009 - Oregon

INVOLVEMENTS

Positions:

- *Executive Committee Member (Past Chair, Founding Board Member)* - AALS Balance in Legal Education Section (Board member from 2005), 2012 - present
- *Executive Committee Member (Past Chair, Founding Board Member)* - AALS Animal Law Section - (Board member 2007-2011), 2013 - present
- *Board Member, National Advisor* - Animal Law Journal, 1998 - 2008; *Faculty Advisor*, 2008 - present
- *Legal Advisory Board Member*, Equal Justice Alliance, 2011 - present
- *Advisory Board Member* - Vienna Encyclopedia of Animal Welfare, 2011 - present
- *Advisory Board Member* - Center for Teaching Peace, 2003 - present
- William and Mary Co-Counsel Program, 1992 - present

Select Previous Positions:

- *Member* - AALS Clinical Section Committee on the Status of Clinicians, 2005 - 2010
- *Executive Board Member* - AALS Clinical Legal Education Section, 2003 - 2006; 2007 - present; *Chair* 2008
- *Associate Director* - Center for the Interdisciplinary Study of Conflict and Dispute Resolution, 2004 - 2008
- *National Board Member* - Animal Legal Defense Fund, 2005 - 2008
- *Founder, Member* - Animal Bar Committee, Cuyahoga County Bar Association, 2005 - 2008
- *Founding Board Member, Director* - Summer Legal Academy, 2003 - 2008
- *Advisory Board Member* - Case Western Reserve University's Women's Center, 2003 - 2008
- *Committee Chair* - AALS Clinic Section, Committee on Integration/Teaching Methods, 1999 - 2008
- *Faculty Senator* - Case Western Reserve University, 2004 - 2007
- *Member* - Executive Committee of American Association of Clinical Legal Education, 2003- 2006
- *Strategic Planning Committee Member* - Case Western University, 2004 - 2005
- *Member* - AALS Planning Committee for Annual Conference on Clinical Legal Education, 2002
- *Chair* - AALS Clinical Section's Committee on Integration into Traditional Curriculum, 1999-2007
- *Chair* - ABA Negotiation Competition Subcommittee, 1998-1999, *Member* 1996-1998

Awards:

- Recognition for service as Co-Chair of the AALS Section on Clinical Legal Education - 2009
- Salute by Summer Legal Academy - 2008
- Cuyahoga County Bar Association Lawyer Profile - 2008
- Woman of Excellence - Case Western Reserve University - 2007
- Outstanding Program Award - Summer Legal Academy, Ohio State Bar Foundation - 2006
- Martin Luther King Image Award – 1997

REFERENCES

Lewis & Clark Law School

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- Assistant Dean, Animal Law Program, Director, Center for Animal Law Studies, Pamela Frasch
- Dean Robert Klonoff

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- Professor Gerald Korngold, (formerly Dean of Case) New York Law School
- Professor Judy Lipton
- Professor Ken Margolis
- Professor Bryan Adamson (formerly at Case) Seattle University School of Law

Cornell Law School

Legal Aid Clinic, Myron Taylor Hall, Ithaca, NY 14853-4901, (607) 255-4196

- JoAnne Miner, Senior Lecturer
- Nancy Cook, Senior Lecturer (formerly at Cornell) University of Minnesota

University of Dayton School of Law

300 College Park, Dayton, OH 45469-1320, (937) 229-3818

- Professor Andrea Seielstad
- Professor Kim O'Leary, (formerly clinical director at Dayton) Thomas M. Cooley Law School

Capital University Law School

303 East Broad Street, Columbus, OH 43215, (614) 236-6500

- Professor Mark Strasser
- Professor Don Hughes

Georgetown University Law Center

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- Professor David A. Koplow
- Professor Philip G. Schrag
- Professor Carrie Menkel-Meadow

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- Colman McCarthy, Director

Catherine Simpson

From: Peggy Brown [mailto:pbrown@andvsa.org]
Sent: Tuesday, April 14, 2015 9:23 AM
To: Rep. Max Gruenberg; Rep. Liz Vazquez; Rep. Matt Claman
Cc: Lisa Mariotti
Subject: hb 147

Representatives Vazquez, Gruenberg and Claman,

Thank you all for working with us on this bill and addressing our concerns. With the current CS workdraft 29-LS0302\U, ANDVSA removes its opposition to the bill. Lisa Mariotti, ANDVSA Policy Director, will be available to state so on the record when the bill is next heard.



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