



NATIONAL LINK COALITION

*Working together to stop violence  
against people and animals*

## Divorce Custody Laws by State

as of: May 21, 2019

**Note: The law is constantly changing. Please  
independently confirm the data you find here.**

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### SECTION I: LAWS ENACTED ALLOWING DIVORCE COURTS TO AWARD CUSTODY OF ANIMALS IN THE ANIMALS' BEST INTERESTS

State	Statute Enacted	Bills Pending	Summary	Enacted Language ( <u>underline</u> = new material added to existing statutes)
Alaska	AS 18.66.100(c) (2016)		Domestic violence protective orders may grant petitioners possession of a pet, regardless of the ownership of the pet. This provision must be printed on the form providing notice to a victim of domestic violence. Petitioners can also ask the court to require the abuser to pay support for pets in the petitioner's care. Courts may consider the well-being of animals when considering ownership or joint ownership by a couple as part of a divorce proceeding.	AS 18.66.100(c): A protective order may give the petitioner possession and use of a vehicle and other essential personal items, <u>including a pet</u> , regardless of ownership of the items; and require the respondent to pay support for the petitioner, a minor child in the care of the petitioner, <u>or a pet in the care of the petitioner</u> if there is an independent legal obligation of the respondent to support the petitioner, child, <u>or pet</u> ;  AS 25.24.160(a): In a judgment in an action for divorce or action declaring a marriage void or at any time after judgment, the court may provide: <u>if an animal is owned, for the ownership or joint ownership of the animal,</u>

				<p><b><u>taking into consideration the well-being of the animal.</u></b></p> <p>AS 25.24.220(g): The court may amend written agreements between the spouses relating to child custody, child support, visitation, division of the property, including retirement benefits, spousal maintenance, <b><u>ownership or joint ownership of an animal, taking into consideration the well-being of the animal,</u></b> and allocation of obligations, but only if both petitioners concur in the amendment in writing or on the record.</p>
California	Family Code Sec. 2605 (2018)		This act authorizes a court, upon request of a party to proceedings for dissolution of marriage or for legal separation of the parties and notwithstanding other requirements for dividing the community estate of the parties, to assign sole or joint ownership of a community property pet animal taking into consideration the care of the pet animal.	<p>(a) The court, at the request of a party to proceedings for dissolution of marriage or for legal separation of the parties, may enter an order, prior to the final determination of ownership of a pet animal, to require a party to care for the pet animal. The existence of an order providing for the care of a pet animal during the course of proceedings for dissolution of marriage or for legal separation of the parties shall not have any impact on the court’s final determination of ownership of the pet animal.</p> <p>(b) Notwithstanding any other law, including, but not limited to, Section 2550, the court, at the request of a party to proceedings for dissolution of marriage or for legal separation of the parties, may assign sole or joint ownership of a pet animal taking into consideration the care of the pet animal.</p>
Illinois	750 ILCS 5/452 (2017)  750 ILCS 5/501 (2017)		<p>Allows parties filing for marriage dissolution to file a joint petition for simplified dissolution if ownership of and responsibility for pets are included in the written agreement.</p> <p>In applying for temporary relief, either party may petition for temporary sole or joint possession of and responsibility for animals jointly owned. In issuing an order, the court shall take into consideration the well-being of the animal.</p>	<p><u>(k) . The parties have executed a written agreement allocating ownership of and responsibility for any companion animals owned by the parties. As used in this Section, “companion animal” does not include a service animal as defined in Section 2.01c of the Humane Care for Animals Act.</u></p> <p><u>(f). Companion animals. Either party may petition or move for the temporary allocation of sole or joint possession of and responsibility for a companion animal jointly owned by the parties. In issuing an order under this subsection, the court shall take into consideration the well-being of the companion animal. As used in this Section, “companion animal” does not include a service animal as defined in</u></p>

	750 ILCS 5/502 (2017)		To promote amicable settlements, the parties may enter into an agreement allocating sole or joint ownership of and responsibility of pets.	Section 2.01c of the Humane Care for Animals Act.  (a) <u>The parties may also enter into an agreement allocating the sole or joint ownership of or responsibility for a companion animal. As used in this Section, “companion animal” does not include a service animal as defined in Section 2.01c of the Humane Care for Animals Act.</u>
	750 ILCS 5/503 (2017)		In awarding disposition of property and debts, if the court determines that a pet is a marital asset, it shall allocate sole or joint ownership of and responsibility for the animal considering its well-being.	(n). <u>If the court finds that a companion animal of the parties is a marital asset, it shall allocate the sole or joint ownership of and responsibility for a companion animal of the parties. In issuing an order under this subsection, the court shall take into consideration the well-being of the companion animal. As used in this Section, “companion animal” does not include a service animal as defined in Section 2.01c of the Humane Care for Animals Act.</u>

## SECTION II: DIVORCE CUSTODY BILLS PENDING OR DEAD (AS OF 5/21/2019)

State	Statute Enacted	Bills Pending	Summary	NOTES
Georgia		HB 582 (2019) <b>DIED</b>	Would have allowed courts to create a detailed “pet care plan” of responsibilities and schedules to ensure animals’ best interests in marriage dissolutions.	
Hawai’i		HB 155 (2017) <b>(DIED)</b>	Would have allowed either party to order the other to restrain from transferring, encumbering or disposing of pets during divorce, separation or annulment, particularly if one party poses a threat of physical harm to the animal. Courts could have ordered a party to pay for pet support, and consider the animals’ well-being and whether future ownership should be individual or joint.	
Michigan		HB4332	Would make it a 1 <sup>st</sup> , 2 <sup>nd</sup> or 3 <sup>rd</sup> degree offense, depending on the severity and number of animals involved, to torture or kill an animal with the intent to cause mental distress or exert control over a person.	
New Hampshire		HB 361 (2019)	Would include animals as tangible property. The property settlement shall address the care and ownership of the parties' animals, taking	

			into consideration the animals' wellbeing.	
<b>New York</b>		A1097 (2019)	Would require courts to consider the best interest of companion animals in awarding their possession in a divorce or separation proceeding.	
<b>Pennsylvania</b>		HB 1652 (2017)	Would allow divorcing parties to enter into a custody agreement for the possession and/or care of a companion animal. Such agreements may specify the time during which each party will possess the pet and each party's financial responsibility regarding its care. The bill defines relevant factors which the court may consider.	
<b>Rhode Island</b>		H5556 (2017) (HELD FOR FURTHER STUDY)	Would require courts to consider the best interest of the animal in awarding possession of a domestic animal in a divorce or separation proceeding.	
		HB 7585 (2018)	Would create a custody procedure for pets in divorce and separation proceedings based on the best interests of the animal.	
		HB 5483 (2019)	Would create a legal process whereby district courts could award custody of pets owned by formerly cohabiting parties based on a list of factors including the animals' best interests.	
		HB 5822 (2019)	Would allow courts to award custody of pets in a divorce or separation proceeding based upon a list of factors affecting the animals' well-being.	
<b>West Virginia</b>		HB 2855 (2018)	Would allow courts to make provisions within the divorce order for the temporary custody and care of pets, including joint custody, allocation of costs and visitation rights for the noncustodial party, taking into consideration the well-being of the animal.	