



NATIONAL LINK COALITION

*Working together to stop violence
against people and animals*

Divorce Custody Laws by State

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

Compiled by: Phil Arkow arkowpets@snip.net 828-595-9750
Coordinator, National Link Coalition
Link Consultant, ASPCA
Chair, Animal Abuse & Family Violence Prevention Project, The Latham Foundation

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><u>taking into consideration the well-being of the animal.</u></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, <u>ownership or joint ownership of an animal, taking into consideration the well-being of the animal,</u> 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>
District of Columbia	D.C. Official Code Sec. 16-910		Modifies the pure property disposition of a pet in a divorce so that the court could assign sole or joint ownership of a pet based upon the care and best interest of the animal.	<p>(3)(A) At the request of a party to proceedings for dissolution of marriage or for legal separation of the parties, 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) 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 and best interest of the pet animal. (d) For purposes of this section, “Pet animal”</p>

				means any animal that is community property and kept as a household pet.
Illinois	<p>750 ILCS 5/452 (2017)</p> <p>750 ILCS 5/501 (2017)</p> <p>750 ILCS 5/502 (2017)</p> <p>750 ILCS 5/503 (2017)</p>		<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>To promote amicable settlements, the parties may enter into an agreement allocating sole or joint ownership of and responsibility of pets.</p> <p>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.</p>	<p>(k) . <u>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>(f). <u>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 Section 2.01c of the Humane Care for Animals Act.</u></p> <p>(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></p> <p>(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></p>
Maine	Sec. 1. 19-A MRSA §953, sub. 10 (2021)		Requires courts adjudicating the dissolution of marriages to consider the well-being of companion animals in the disposition of property.	Companion animals. In the disposition of property, the court, with respect to a companion animal, shall award ownership of the companion animal to only one party after considering all relevant factors, including, but not limited to: A. The well-being and basic daily needs of the companion animal; B. The amount of time each party has spent with the companion animal during the

				<p>marriage tending to the companion animal's nutritional, grooming, physical and medical needs;</p> <p>C. The ability of a party to continue to own, support and provide adequate care for the companion animal;</p> <p>D. The emotional attachment of a party to the companion animal;</p> <p>E. The emotional attachment of any child in the household to the companion animal and the benefit to the child of the companion animal's remaining in the primary residence of the child;</p> <p>F. Any domestic violence between the parties or in the household of the parties; and</p> <p>G. Any history of animal abuse or other unsafe conditions for the companion animal.</p> <p>For the purposes of this subsection, "companion animal" means an animal kept primarily for companionship rather than as a working animal, service animal or farm animal kept for profit.</p>
New Hampshire	RSA 458:16-a (2019)		Includes animals as tangible property. The property settlement shall address the care and ownership of the parties' animals, taking into consideration the animals' wellbeing.	<p>130:1 New Paragraph; Annulment, Divorce and Separation; Property Settlement; Animals. Amend RSA 458:16-a by inserting after paragraph II the following new paragraph: II-a. Tangible property shall include animals. In such cases, the property settlement shall address the care and ownership of the parties' animals, taking into consideration the animals' wellbeing.</p>
New York	Section 236(B)(5) of New York's domestic relations law		Requires courts to consider the best interest of companion animals in awarding their possession in a divorce proceeding.	<p>Sec. 236(B)(5)(15): in awarding the possession of a companion animal, the court shall consider the best interest of such animal. "Companion animal", as used in this subparagraph, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law.</p>

SECTION II: DIVORCE CUSTODY BILLS PENDING OR DEAD (AS OF 12/22/2022)

State	Statute Enacted	Bills Pending	Summary	NOTES
Georgia		HB 582 (2019) DIED HB 582 (2020) (DIED)	Would have allowed courts to create a detailed “pet care plan” of responsibilities and schedules to ensure animals’ best interests in marriage dissolutions. Would have allowed courts to create a pet animal care plan in marriage dissolution proceedings that would include the prevention of cruelty to animals and the provision of food, water, shelter, and veterinary care. Courts would have to determine whether the parties have joint ownership of the animals and recognize that a close and continuing owner-pet relationship and continuity in the pet’s life will be in the pet’s best interest.	
Hawai‘i		HB 155 (2017) (DIED)	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.	
Indiana		HB 1423 (2020) (DIED)	Would have excluded a party’s service animals from a court’s division of property in any actions for a dissolution of marriage.	
Michigan		HB4332 (DIED)	Would have made it a 1 st , 2 nd or 3 rd 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 Jersey		A 5549/S 3886 (2019) S 930	Would prohibit persons undergoing a divorce from surrendering a dog or cat to an animal shelter without the consent of the other party. Would allow courts to award sole or joint	

		(2020-2021)	custody of pets in dissolution of marriages or civil unions giving primary consideration to the welfare of the animal.	
Pennsylvania		HB 1652 (2017) DIED	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.	
		HB 1432 (2019)	Would recognize that "companion animals are living beings that are generally regarded as cherished family members that offer their owners companionship, security and assistance," and as a "special category of personal property" need to be granted special consideration in the division of property during marriage dissolution. Parties could enter into an enforceable agreement regarding the care and possession of companion animals, and the court shall consider all relevant factors.	
Rhode Island		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	

		<p>HB 7130 (2020)</p> <p>H 7087 (2022)</p> <p>HB 7573 (2022)</p>	<p>upon a list of factors affecting the animals' well-being.</p> <p>Would allow courts to award custody of pets in a divorce or separation proceeding based upon a list of factors affecting the well-being of the animals and the children, and address joint custody arrangements.</p> <p>Would allow courts to award custody of pets in a divorce or separation proceeding based upon a list of factors affecting the well-being of the animals and the children, and address joint custody arrangements.</p> <p>Would allow a person who possessed a pet while cohabiting with another person to seek equitable relief relating to contested ownership of the pet; district courts could consider the well-being of the pet in making a determination of ownership. The court could not award joint ownership, visitation privileges or financial support and could award ownership to an animal welfare organization if the court found that neither of the previously cohabiting parties could provide a safe and appropriate living environment for the pet.</p>	
West Virginia		HB 2855 (2018)	<p>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.</p>	