



NATIONAL LINK COALITION

*Working together to stop violence
against people and animals*

Divorce Custody Laws by State & Province

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**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</u> ,

				<p><u>for the ownership or joint ownership of the animal, 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>
Delaware	§ 1503, Title 13 of the Delaware Code (2023)		Requires Family Court to award possession and provide for the care of companion animals when dividing marital property after considering the well-being of the companion animal.	<p>(g)(1) If the court finds that a companion animal of the parties is marital property, it shall award ownership of and responsibility for the companion animal to 1 or both of the parties and may include responsibility for veterinary or other extraordinary expenses.</p> <p>(2) In issuing an order under paragraph (g)(1) of this section, the Court shall take into consideration the well-being of the companion animal. In determining the well-being of the companion animal, the Court may consider factors such as:</p> <p>a. The ability of each party to own, support, and provide necessary care for the companion animal.</p> <p>b. The attachment between the companion animal and each</p>

				<p>of the parties.</p> <p>c. The time and effort each party spent with the companion animal during the marriage tending to the companion animal's needs.</p> <p>(3) If the parties are awarded a shared interest in a companion animal, the Court shall limit the subsequent disposition of the companion animal to the following:</p> <p>a. The parties may jointly transfer their combined interests to a third party.</p> <p>b. One party may in writing irrevocably surrender their interest to the other party.</p> <p>c. Upon the death of one party, all interest shall transfer to the surviving party.</p> <p>d. Upon a substantial change of circumstances, either party may petition the Family Court to be awarded sole ownership based upon the welfare of the companion animal and the totality of the circumstances.</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" means any animal that is community property and kept as a household pet.</p>
Illinois	750 ILCS 5/452 (2017)		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><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>
	750 ILCS 5/501		In applying for temporary relief, either party	<u>(f). Companion animals. Either party may petition or move</u>

	<p>(2017)</p> <p>750 ILCS 5/502 (2017)</p> <p>750 ILCS 5/503 (2017)</p>		<p>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><u>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><u>(a) 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><u>(n). 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>
<p>Maine</p>	<p>Sec. 1. 19-A MRSA §953, sub. 10 (2021)</p>		<p>Requires courts adjudicating the dissolution of marriages to consider the well-being of companion animals in the disposition of property.</p>	<p>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:</p> <ul style="list-style-type: none"> 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 marriage tending to the companion animal's nutritional, grooming, physical and medical needs; C. The ability of a party to continue to own, support and provide adequate care for the companion animal; D. The emotional attachment of a party to the companion animal; E. The emotional attachment of any child in the household to the companion animal

				<p>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>
Rhode Island	Chap.15-5-30 of the General Laws		Requires courts, in awarding sole or joint possession of a domestic companion animal in a divorce or separation agreement, to consider the best interest of the animal based upon a list of criteria.	
CANADIAN PROVINCES				
British Columbia	Section 1 of the Family Law Act, S.B.C. 2011, c. 25	Bill 17 (2023)	Gives the parties options to jointly own, share possession of or give exclusive ownership or possession of a companion animal to one of the spouses. Section 97 gives direction to the	Section 92 is amended by adding the following paragraphs: Spouses may make agreements respecting the division of property and debt, including agreements to do one or more of the following: (e) jointly own a companion animal; (f)

			<p>Supreme Court over certain factors respecting companion animals that they must consider when making an order: the circumstances in which the animal was acquired; the extent to which each spouse cared for it; the willingness and ability to continue to care for the animal; any history or risk of family violence, cruelty or threats of cruelty toward an animal; and the relationship that any child involved has with the animal.</p>	<p>share possession of a companion animal; (g) give exclusive ownership or possession of a companion animal to one of the spouses.</p> <p>Section 97 is amended... (4.1) In determining whether to make an order under subsection (1) respecting a companion animal, the Supreme Court must consider the following factors: (a) the circumstances in which the companion animal was acquired; (b) the extent to which each spouse cared for the companion animal; (c) any history of family violence; (d) the risk of family violence; (e) a spouse's cruelty, or threat of cruelty, toward an animal; (f) the relationship that a child has with the companion animal; (g) the willingness and ability of each spouse to care for the basic needs of the companion animal; (h) any other circumstances the court considers relevant.</p> <p>(4.2) An order respecting a companion animal must not (a) declare that the spouses jointly own the companion animal, or (b) require the spouses to share possession of the companion animal.</p>
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SECTION II: DIVORCE CUSTODY BILLS PENDING OR DEAD (AS OF 7/31/2023)

State	Statute Enacted	Bills Pending	Summary	NOTES
Georgia		HB 582 (2019) DIED	Would have allowed courts to create a detailed “pet care plan” of responsibilities and schedules to ensure animals’ best interests in marriage dissolutions.	
		HB 582 (2020) (DIED)	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 (2020-2021)	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 custody of pets in dissolution of marriages or civil unions giving primary consideration to the welfare of the animal.	
Pennsylvania		HB 1652 (2017) DIED HB 1432 (2019) (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. 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	

		HB 1108 (2023)	<p>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.</p> <p>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.</p>	
Tennessee		SB 568 & HB 467 (2023) (DIED)	Would allow courts in a divorce or annulment action to provide for the sole or joint ownership of any pet or companion animal owned by the parties, taking into consideration the well-being of the animal.	
West Virginia		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.	
CANADIAN PROVINCES				