

Blog

Pets and Divorce

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by Jeffrey M. Williams

Who gets the dog or cat in a divorce? The answer may surprise you. It isn't necessarily the spouse who cared for the animal, or even the spouse who owned it prior to marriage.

"Under current Pennsylvania law, pets are not considered personal property," said Jeffrey M. Williams, founder and managing partner of Williams Family Law. "That means that pets are essentially not even put in the same category as a sofa. However, the reality is more complicated than that, and for the first time in Pennsylvania history, there is legislation that may address this difficult issue."

According to an [article in the Pittsburgh Gazette](#), Rep. Anita Astorino Kulik has introduced House Bill 1432, which "allows divorcing spouses to enter into an enforceable agreement regarding the possession or care or both of a companion animal" in Pennsylvania. Historically, however, according to the article, judges will not include pets in official divorce settlements, nor will they enforce the terms of pet custody.

The bill provides six criteria to assist in pet placement and guardianship. These include whether the pet was acquired prior to or during the marriage and which spouse has the financial means to care for the animal. Other criteria include identifying the primary person who takes care of the pet, takes the animal to the vet and arranges social interactions.

According to a recent article in the ABA Journal, there are [three states who recently enacted laws](#) that treat animals in divorce cases as custody (and not property) matters, with California being the most recent legislation in January of this year. The article called the laws "groundbreaking," saying "they come amid growing interest in protecting pets and settling disputes over them."

The article referenced a 2014 survey by the American Academy of Matrimonial Lawyers where family law attorneys noted an increase in disputes about pets: "Dogs and cats topped the list, which also included horses, an iguana, a python, an African grey parrot and a 130-pound turtle."

Critics of the bill say that adding pets to the mix can prolong an already backed up court system and add time and expense to the divorce process. Proponents say it will ease the process, giving judges more options for resolving issues when two partners can't reach an agreement.

If you need advice on pet custody issues in Bucks County, we can help. Call us at 215-340-2207, or email info@bucksfamilylawyers.com.

