

What to Know About California's New Pet Custody Law

Couples wondering who gets the beloved pet in the divorce have a new legal precedent to contend with.

Thanks to a law signed by former California governor, Jerry Brown, judges can now use "special assessments" to determine the custody of pets in contested cases. The law, which went into effect January 1st, recognizes pets' "unique nature," and is aimed at settling particularly messy pet custody disputes.

According to California Family Code Section 2605:

- (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.
- (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.

Under this new rule, individuals are allowed to petition for custody of a pet. The judges who look at these petitions will be allowed to consider who primarily cared for the pet when determining sole ownership, or if the couple should have joint custody of the animal. A judge may inquire, for instance, as who walked the dog the most, who took the cat to their appointments at the vet, who fed the bunny its meals every day, or which spouse purchased the horse in the first place.

While the law is fairly unprecedented in the United States, Alaska and Illinois do have similar statutes on the books, both of which went into effect in 2017. However, California's law is the most specific so far in attempting to establish pet custody, and already, it appears as if other states are looking at the new California statute as a model for establishing similar rules.

"This is something I think you could see creeping up in statehouses across the country," stated Crystal Moreland, the California state director for the Humane Society of the United States. "Once California gets involved in something, you tend to have a national effect."

According to the American Academy of Matrimonial Lawyers, there does appear to be a need to establish these legal precedents. A study the organization conducted in 2014 tracked a 22% increase in pet custody hearings, with 20% of attorneys surveyed saying they had experienced an increase in courts finding pets to be an "asset" in divorce cases.

Bill Quirk, the Democratic California state Assemblyman who drafted the bill that would eventually become the new law stated he wanted to find a way to make judges consider the pets' best interests. He was apparently inspired after he and his wife adopted a 13-year-old Maltese Shih Tzu mix named Luna a few years ago.

Protect What You Love the Most, Hire an Attorney Today

From pet custody to [child custody](#), it is important to have a compassionate and skilled attorney on your side if you plan to dissolve your marriage. At Sullivan Law & Associates, our [Irvine divorce lawyers](#) have years of experience [securing favorable results for clients](#), and promise to never stop fighting to help you hold on to the things you hold dear.

Don't settle for less when it comes to representation. To hold onto your pets and more, call Sullivan Law & Associates now at (949) 565-2793, or [contact us online](#).