



## **DIVORCE AND PET CUSTODY**

Battles over pet ownership and access has become as common as battles over homes, money, automobiles and 401(k)s in divorce cases. Pet owners should consider prenuptial agreements including provisions as to pet ownership, access and responsibility for pet insurance.

Although one spouse may have acquired the pet, prior or during the marriage, if the other spouse became primarily responsible for the pet's training, feeding, exercise and veterinary care, that spouse may be awarded the pet. Some judges may consider one spouse's emotional attachment, others may not. Also establishing who paid for the pet, who paid for food, veterinary care, pet insurance and licensing could be factors that would weigh favor of the court's award.

Sympathetic judges who may be pet owners as well could guide these spouses toward a joint custody agreement. However, this cannot be court ordered as Arizona Statutes do not provide for this. Over time judges will have to consider the emotional attachment people have for their pets as this issue is becoming more and more common in divorces. More and more parties are willing to litigate time sharing and legal ownership. However, courts are yet to view pets in the same light they do children in terms of custody and access.

The best way to avoid a lengthy costly court battle is to have everything detailed in a written agreement such as a prenuptial agreement.