

Who Get's The Dogs In A Divorce?

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My husband and I are divorcing. It is fairly amiable with one exception: we don't have children, but do have two dogs that we don't want to separate but that we both love and want. Who gets the dogs? Are there rules in place for this kind of thing?

P.L.

Dear P.L.:

While many people consider their pets to be part of the family, pets are treated as property by the courts of New Jersey. They are subject to equitable distribution between the divorcing parties pursuant to the statutes and case law of this State. For example, a court could award each party possession and ownership of one of the two dogs, or the court could award either party possession of both dogs or joint possession of the two dogs with each party sharing ownership of the dogs.

Since you and your spouse do not want to separate the dogs, you and your ex-spouse can agree to share possession and ownership of the two dogs. You can mutually arrange, or a Court of competent jurisdiction can determine, a schedule in which each party will have possession of the two dogs on specified dates and times, and that each share ownership of, and the costs associated with, the dogs.

Courts in New Jersey would consider such an arrangement to be akin to awarding joint possession of a marital asset; it is not considered custody or parenting time. In situations where divorcing couples have

children, the parties often agree or the Court will order that the family pets follow the children (i.e. whoever has parenting time of the children, the family pets will follow along with the children).

Agreements that provide for the parties spending time with their pets are becoming more common. In the future, this will no doubt lead to trial courts interpreting the language that is used in marital settlement agreements addressing the issues of pets.