

SPLITTING FROM YOUR PARTNER - WHAT ABOUT THE FAMILY PET?

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For many families their pets are an integral part of family life and when the relationship between the adults breaks down there can be really difficult decisions to make about who keeps the pets.

A rarely talked about aspect of divorce or separation is what happens to the pets.

For couples who have spent many years together and jointly invested in their future - be it homes, children or finances - they may also have shared the care for a pet.

At Viberts we have been involved in cases where everything is agreed apart from where the family dog or cat are to live. These cases are heart-wrenching as there is often so much emotion involved, and agreement is really difficult to reach. In these cases what does the law say?

In Jersey, all pets will be treated as movable property in the same way as say a piece of art, furniture or jewellery. Where there is disagreement about the pet, it may simply come down to who purchased the pet and who has financially maintained it. This sounds very clinical and the situation may be different, if, for example, the pet was purchased as a gift. This can also have an unfair result if most of the caring for the pet has been done by the other party or the children. Unfortunately, all too often the pet becomes a bargaining chip in long drawn out arguments over the financial split of all the assets.

Back in 2017, in Alaska, the court introduced the novel concept of the 'welfare' of the pet in considering who was best placed to look after, in that case, a pet dog. However, this is not part of the law in Jersey and legal ownership will still prevail in most cases.

In conclusion:

Make sure there is evidence who purchased a pet and who has financially cared for it during the relationship.

If there is a pre-nuptial agreement or cohabitation agreement consideration ownership of any pets should be considered within that.

If agreement cannot easily be reached, then consider going to mediation to resolve the issue as litigation will be expensive and stressful if agreement is not reached.

At Viberts we have a dedicated team of family lawyers who are available to assist you in a way that is not only discreet but will allow us to give you answers to many of your questions. The first half an hour of our initial meeting is free of charge and can give you guidance in terms of the next steps that you take.

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Most cases do not involve financially valuable pets but on occasion (for example, some horses), it will be necessary to value them and place that value in the asset schedule.

There are cases where couples decide to have shared care of the pets in the same way as sharing care of the children. There are instances where this could be a solution that might work for all parties, and therefore worth considering. However this approach can often be completely impractical though and it is usually far better for the couple to decide who is best placed to look after the pets on a day to day basis. The costs of one party taking sole responsibility for the pets, such as vets' fees, pet insurance, food would need to be factored into the financial needs of the person keeping the pets.

