

2019 -- H 5822

LC001094

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO DOMESTIC RELATIONS -- DIVORCE AND SEPARATION

Introduced By: Representatives Lima, Solomon, McLaughlin, O'Brien, and Canario

Date Introduced: March 08, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 15-5 of the General Laws entitled "Divorce and Separation" is
2 hereby amended by adding thereto the following section:

3 **15-5-30. Custody of domestic companion animals -- Pets.**

4 (a) In awarding sole possession of a domestic companion animal in a divorce or
5 separation proceeding, the court shall consider the best interest of the animal and shall consider,
6 but not be limited to, the following:

7 (1) Which party owned the animal first or whether they purchased or acquired the animal
8 together following marriage;

9 (2) Which party assumed most of the responsibility for tending to the animal's needs
10 including, but not limited to, feeding, walking, grooming, and veterinarian visits;

11 (3) Which party spent more time on a regular basis with the animal;

12 (4) What living arrangement is in the best interest of the animal in question;

13 (5) Who presently wants custody and the proximity of the parties to one another to enable
14 shared custody; and

15 (6) Whether there are children involved in caring for the animal and the nature of their
16 attachment to the animal, including consideration of which parent has custody of the children, and
17 whether it is in the best interests of the children to keep the animal in their domicile for care and
18 affection.

19 (b) In awarding joint custody possession of a domestic companion animal, the court shall

1 consider, but not be limited to, the following:

2 (1) How long the animal will stay with each party to the animal custody determination;

3 (2) How veterinary visits and costs shall be handled;

4 (3) Who shall be responsible for basic needs of the animal including, but not limited to,
5 food, toys, pet sitting, and daycare expenses while the animal is in each party's home; and

6 (4) Any additional criteria the court determines relevant to the care and custody of the
7 animal.

8 (c) Either party to a divorce or separation proceeding pursuant to this chapter may
9 petition the court in a form prescribed by the court for the temporary allocation of sole or joint
10 possession of and responsibility for the companion animal jointly owned by the parties, and at
11 any time prior to the court's decision, the parties may also enter into an agreement allocating the
12 sole or joint ownership or responsibility for the companion animal.

13 (d) If the court finds that a companion animal of the parties is a marital asset, it shall
14 allocate the sole or joint ownership of and responsibility for a companion animal of the parties. In
15 issuing an order under this subsection, the court shall take into consideration the well-being of the
16 companion animal under the standards set forth in this section.

17 (e) As used in this section, "companion animal" means a domesticated animal or pet and
18 shall not include assistance animals (also called service animals).

19 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO DOMESTIC RELATIONS -- DIVORCE AND SEPARATION

- 1 This act would create a custody procedure for pets in divorce and separation proceedings
- 2 based on the best interests of the animal.
- 3 This act would take effect upon passage.

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