

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - CONTESTED PET OWNERSHIP

Introduced By: Representative William W. O'Brien

Date Introduced: February 17, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 4 of the General Laws entitled "ANIMALS AND ANIMAL
2 HUSBANDRY" is hereby amended by adding thereto the following chapter:

3 CHAPTER 28

4 CONTESTED PET OWNERSHIP

5 **4-28-1. Legislative findings.**

6 The general assembly finds and declares that:

7 (1) Rhode Island has enacted many laws protecting the well-being of animals;

8 (2) Pets are considered much more than mere property of their owners, with special
9 significant sentimental value to their owners;

10 (3) Pets evoke strong emotions, are unique and irreplaceable;

11 (4) Pets hold a cherished status in our society, worthy of special attention and protection;

12 (5) Determining ownership of pets between formerly cohabitating parties can be an
13 emotionally charged and complicated process; and

14 (6) There is a need to provide for a judicial mechanism to determine the ownership of pets
15 between formerly cohabitating parties when such ownership is contested.

16 **4-28-2. Definitions.**

17 As used in this chapter the term "pet" means any domesticated animal kept in close contact
18 with the animal's owners.

1 **4-28-3. Parties.**

2 Any person who has possessed a pet while cohabitating with another person may seek
3 equitable relief relating to ownership of the pet pursuant to this chapter.

4 **4-28-4. Ownership determination factors.**

5 In determining the ownership of a pet between formerly cohabitating parties where the
6 pet's ownership is contested, the district court may consider the wellbeing of the pet equitable
7 analysis as set forth in this section. The following is a non-exhaustive list of factors the court may
8 consider in its ownership resolution ruling:

9 (1) Who purchased the pet;

10 (2) Who has paid the majority of the pet's expenses;

11 (3) Who cared for the pet on a daily basis; and

12 (4) Who can provide the most safe and appropriate living environment for the pet.

13 **4-28-5. Remedies.**

14 The district court shall award ownership of a pet between formerly cohabitating parties.
15 Provided, however, the court shall not have the power to award joint ownership, visitation, pet
16 financial support or damages of any nature. Provided further, the court may also award ownership
17 of or otherwise transfer the pet to a third party, including, but not limited to, an animal welfare
18 organization, if the court finds that none of the formerly cohabitating parties can provide a safe and
19 appropriate living environment for the pet.

20 **4-28-6. Costs and attorney fees.**

21 In any proceeding under this chapter, the court may make an award of costs and reasonable
22 attorneys' fees, as it may deem equitable and just.

23 **4-28-7. Construction.**

24 This chapter is declared to be remedial. Its purpose is to settle and to offer relief from
25 uncertainty and insecurity, with respect to the ownership of pets, between formerly cohabitating
26 parties.

27 SECTION 2. Chapter 8-8 of the General Laws entitled "District Court" is hereby amended
28 by adding thereto the following section:

29 **8-8-3.4. Equitable powers as to pet ownership determination.**

30 In addition to the power heretofore exercised, the district court is hereby empowered to
31 grant equitable relief, including temporary restraining orders, preliminary and permanent
32 injunctions, pursuant to chapter 28 of title 4, as justice and equity may require.

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO ANIMALS AND ANIMAL HUSBANDRY - CONTESTED PET
OWNERSHIP

- 1 This act would create a legal process by which formerly cohabitating parties could seek a
- 2 determination as to ownership of any pet from the district court.
- 3 This act would take effect upon passage.

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