



# Me or the Dog: Pets on Divorce

According to the [Pet Food Manufacturer's Association](#), in 2021, it was estimated that 59% of UK households had a pet and it is expected this will continue to rise with the increase in pet ownership throughout the pandemic. It is therefore not surprising that it is becoming commonplace following separation for there to be a dispute relating to the ownership of a pet.

## What happens to pets in divorce?

Unlike some areas of family law, the treatment of a pet during [divorce](#) is fairly black and white. Although many view their pet as a valued member of the family, the court will not apply the same factors to your pet's future that are considered in children's proceedings when determining what is best for the welfare of a child. Under English law, the status of a pet is akin to that of a chattel – which in other words is an item of personal property such as furniture or artwork. By these means, unless intention can be shown that the pet was a gift, the assumption is that the person who bought the pet will be its owner. If the pet was purchased jointly then the court may look at other factors such as whose name the pet is registered in and who has paid the vet bills and insurance.

## Dealing with pet disputes during divorce

Despite the approach currently adopted by the court, if there is a dispute between you and your partner regarding your pet's ownership, it is important to keep in mind what is in the best interests of your pet, regardless of any financial contributions.

If an agreement on ownership can be reached, the court can order registered ownership of a pet from one party to another, or put in place a shared schedule of arrangements and expenses as part of a financial settlement on divorce.

But what are your options if you are unable to resolve this between you? You could try:

- Direct discussions with your spouse or partner;
- Mediation; or
- Negotiations via solicitors.

Whilst court proceedings are an option this should be seen as a last resort as it is likely the costs of such an application would be viewed as disproportionate by the court.

## Pet-nuptial agreement?

In the same way that cohabitation agreements and [pre-nuptial agreements](#) are designed to protect financial assets, you could consider with your spouse or partner entering into a similar 'pet-nuptial' document outlining any future arrangements and responsibilities for your pet in event of a relationship breakdown.

If you have any questions or concerns about your pet following your separation or would like to discuss your pet's future in the event of a relationship breakdown, please give our [Family](#) team a call on 01202 786153 or email [online.enquiries@LA-law.com](mailto:online.enquiries@LA-law.com).