

Family law courts don't decide custody for our furry friends



By Alisa Peskin-Shepherd, Special to Digital First Media

POSTED: 03/26/15, 12:16 PM EDT | UPDATED: ON 03/26/2015

You take the silverware, I'll take the dishes. You take the books, I'll take the dog.

Despite feverish disputes over pet custody during divorce, courts consider pets part of the property of a marriage rather than beings deserving of shared parenting time. According to a 2008 survey by the American Pet Products Association, 63 percent, or 71.1 million, of U.S. households include pets, mostly dogs. Statistics also show that couples are having fewer children than in previous generations and spending more money on their pets (\$58.51 billion a year according to a 2014 APPA survey).

But before you ask your attorney to run to court over your pet, know this: Michigan judges don't like to rule on pets during divorce cases. In 30 years of practicing family law, I have had clients say, "What about my dog?" many times as we're going through custody discussions. And they're serious, talking about parenting time with their dog in the same way other clients discuss parenting time for human children.

For those clients who don't have kids, the pet custody issue looms even larger. I went before a judge once asking for a decision about which spouse won custody of their furry friend. In fact, the American Academy of Matrimonial Lawyers reports that pet custody disputes are increasing for a quarter of family law attorneys.

Unfortunately, judges don't deal with pets. It's hard enough to determine the best interests of children and maintain equitable distribution of time, resources and attention for human families –

no matter how serious pet custody may be to you. If divorce is not hard enough already, pet-loving soon-to-be-ex spouses must find a way to work out the who-gets-Fido question without killing each other because the courts aren't going to help.

So what can divorcing couples do about their pets?

The best approach is to keep the dog with the kids – and when the children switch from Mom's house to Dad's, the dog goes, too. (Or cat. Or goldfish.)

If you're childless or an empty-nester, you can decide to share pet time, as you amicably divorce. Or you can get a new pet as you begin a new chapter of life, learning to love the new pet with as much passion as the first one.

But it's important to keep in mind that custody battles over pets have little to do with the animals themselves. It's about control and winning and lashing out when you feel hurt, as are most arguments during a divorce. When you're feeling a loss of love, holding on to a pet can be reassurance that someone in the world loves you unconditionally.

I once received a box of dog poop from a client's wife during a divorce case. She was angry about the divorce and the dog was precious to her. The dog was also important to her ex-husband, my client, and when the dog pooped in the house, she decided to send it to me. (I would have used it as evidence if necessary during a trial, but likely the judge would have deemed it inadmissible!)

Divorce is hard on everyone involved, including pets. They pick up on your unhappiness just as children too, so watch for signs of stress – sleeping more, eating less, accidents in the house, lack of interest in walks, frequent crying or whimpering.

Then it's time to take your feelings out of the equation and do what is best for your pet. Who will care for him best, who can afford veterinary bills, who has the most time for daily walks and play?

In any divorce, emotions run high and hurt feelings can lead to lashing out and bad behavior. Do what's best by stepping back and surveying the situation from an objective stance.

As French thinker Anatole France once said, "Until one has loved an animal, a part of one's soul remains unawakened."

If I've learned anything as a family law attorney, it's that relationships may end but the people in them can continue on in even brighter form, if they can see the bigger picture. The hurt eventually subsides as the transition leads to better places for all involved.

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