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Lawyer says pets in contested divorce cases should go wherever the kids go

By **Matthew R. Arnold, Esq.**

Custody battles between parents in a litigated divorce case can turn into ugly proxy wars in which, sadly, children serve unwillingly on the front lines. The battles, which often have little to do with the children themselves, are instead often “about control and winning and lashing out” when one parent feels hurt by the words or actions of another.



It is easy for any conscientious person to understand how a divorce can negatively affect the life and well-being of one’s children.

What about pets?

Alisa Peskin-Shepherd, a family-law attorney and mediator in Birmingham, Michigan, says that family pets can be used by vindictive divorce litigants as proxies in the same manner as children. When a person going through a divorce feels the loss of the love that once served as the foundation for one’s marriage, “holding on to a pet can be reassurance that someone in the world loves [one] unconditionally.”

Peskin-Shepherd writes of an occasion on which a client’s wife presented her with a box of dog excrement. The dog meant a lot to the woman, and even though she had been awarded custody of the dog, the anxiety of the divorce proceedings had allegedly caused it to defecate on the woman’s floor. The woman presented the gift box to Peskin-Shepherd, presumably, as thanks for causing the mess.

That gets to a larger point about pets. Divorce is hard on them too, Peskin-Shepherd writes, because they pick up on the negative feelings generated in a divorce case, causing them to sleep more, eat less, have accidents in the house and exhibit other signs of lethargy or distress.

Custody of a pet is a bit of a misnomer, Peskin-Shepherd adds, since they are considered property, as opposed to “beings deserving of shared parenting time.” Many divorce clients consider pets to be every bit as much a part of their family as children, and many times—Peskin-Shepherd writes—after hashing out the costly and complex issues in a litigated divorce case a client will ask her: “What about my dog?”

Judges in Michigan do not like to rule on pets in divorce cases, Peskin-Shepherd says. That observation comes out of the 30 years she has spent handling divorce cases in the state. With the other serious issues at play in litigated divorce matters, custody of pets is simply an issue over which most courts are not going to help.

Peskin-Shepherd has her own advice about pets in a divorce: “The best approach is to keep the dog with the kids.” Wherever the kids go, depending on the custody arrangement worked out by parents or a court, the pet follows.

If a couple has no children, she says, the best course is to attempt to reach an amicable agreement regarding custody.

If you find yourself facing a complicated family law matter, it is best to consult with an experienced family-law attorney in Charlotte, North Carolina who can help guide you through the often confusing process of divorce. Please contact the experienced family-law attorneys at Arnold & Smith, PLLC today at (704) 370-2828 or [find additional resources here](#).

About the Author



Matthew Arnold is a Managing Member of Arnold & Smith, PLLC, where he focuses on the areas of family law, divorce, child custody, child support, alimony and equitable distribution.

Mr. Arnold was raised in Charlotte, where he graduated from Providence Senior High School. He attended Belmont Abbey College, where he graduated *cum laude*, before attending law school at the University of North Carolina at Chapel Hill on a full academic scholarship.

A board-certified specialist in the practice of Family Law, Mr. Arnold is admitted to practice in all state courts in North Carolina, in the United States Federal Court for the Western District of North Carolina, in the North Carolina Court of Appeals and Supreme Court, and in the Fourth Circuit United States Court of Appeals in Richmond, Virginia.

In his free time, Mr. Arnold enjoys golfing and spending time with his wife and three children.

Sources:

<http://www.macombdaily.com/opinion/20150326/family-law-courts-dont-decide-custody-for-our-furry-friends>

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