

# PETS: WHAT HAPPENS IN A SEPARATION?



## AUSTRALIANS LOVE THEIR PETS

There are an estimated 25 million pets in Australia, and the RSPCA reports there are pets living in about 63% of Australian households, making us one of the most pet-loving countries in the world.

So while you might share walks, meals and even your bed with your pet, if you consider your pet to be a member of the family, you may be surprised to learn (despite how much you love them) the law takes a slightly different view. Under Australian law, your best furry and fluffy friends are considered to be **property**.

This means that, when it comes to relationship breakdowns, pets fall into the same category of other possessions such as household items, books and jewellery.

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## WHAT HAPPENS TO OUR PETS WHEN WE SEPARATE?

If you are separating from your partner and can't reach an agreement as to who gets the pet, it may come down to the Family Court to decide where the pet ends up living. However the Court doesn't consider what is in the "best interests" of your much loved pet.





## WHAT WILL THE COURT CONSIDER?

The Court may take the following factors into account when deciding where a pet will go:

- Which party's name is the pet registered in?
- Was the pet a gift to one of the parties?
- Who was the pet's main care giver? Who would feed, groom, walk the pet most of the time?
- Who looked after the pet's veterinary care?
- Are the living arrangements of a party suitable for a pet? E.g. rental accommodation

## BUT MY KIDS LOVE OUR PET - I DON'T WANT THEM SEPARATED!

The Court may award possession and ownership of a beloved pet to the party with majority care of the children, as it goes to what's in the child's best interests. However, there is guarantee that the pet will be placed where the children will spend the majority of time.



If you need to speak to a lawyer about a pet in relation to separation, or any family law matter, contact us on 02 9569 3000.

At Gowland Legal our commitment is to provide much needed support and reputable legal guidance to our clients and their families.

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