

# Sacramento Divorce: Who Gets the Pets?

**By Matthew Crider, JD  
Family Protection Attorney**

Pets are often an issue in a divorce. As a Sacramento Divorce Lawyer, I have handled many cases where the spouses are fighting over a beloved pet. At the Huffington Post, Jill Brooke wrote an insightful article about pets during a divorce:

It is no secret that divorces can derail into a real dog fight. But nowadays it's more likely that Fluffy or Rover could be part of a custody battle. "No way," you may laugh, thinking your ex is barking up the wrong tree? Well think again.

According to the American Academy of Matrimonial Lawyers, attorneys have seen a 23 percent jump in pet custody cases. Harvard even has a course teaching animal law. Issues can range from visitation rights to how vet bills are split. Another consideration is how long treatment should be kept to maintain life before putting an animal to sleep. But the biggest battles are for which spouse gets custody.

Britney Spears and Kevin Federline battled over their pups. Drew Barrymore demanded custody of her lab, Flossie, while Jon Gosselin lost custody of Shoka and Nala, his two German shepherds. He does, however, split custody of his eight kids.

One tabloid even purported that Jennifer Aniston's pup had to go to a shrink because it missed Brad Pitt.

Dogs used to be viewed as property, like a velvet couch or piece of jewelry, and whoever bought it got it. But now courts realize that pets are members of the family and their best interests are being considered.

I know of a case where the husband had purchased a golden doodle dog but the judge ruled in favor of the ex-wife because his work required so much travel. Is that fair? He didn't think so.

Stanley and Linda Perkins of San Diego, California fought for two years over Gigi, a mix of pointer and greyhound. After much testimony, the judge awarded custody to Linda after she showed the video, "A Day in the Life of Gigi." The video showed her close relationship to Gigi, who slept under her chair at work, and played fetch on the beach.

Gail Myers wasn't happy after a judge ruled she split custody of her dog, Lucky.

"I don't have any kids, so she is the closest that I am going to have to a child," Myers told ABC News. "I have another dog as well; they are both like my kids."

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Maryland Judge Graydon McKee ruled that the battling couple would have to accept joint custody of Lucky. The dog would spend six months with each spouse.

Jennifer Keane, author of *We Can't Stay Together For The Dogs*, says that there are even tests to determine who the dog likes better and then the pet goes to that spouse. Does the dog like to be on a leash with one of the spouses? Responses will be compared.

Billy Gundelfinger, a divorce attorney in Johannesburg, South Africa said arguments about the family pet could literally make or break a divorce settlement.

"I've had cases where that was the straw that broke the camel's back, where they've settled the residency of the children, they've settled the finances, the antiques and the paintings, the cars and the holiday homes, and then they fight over the pet — and one of them says the whole deal is off, we're going to court," he told a local newspaper.

Gundelfinger cited a previous case in which a multi-million divorce was on the brink of settlement and it fell apart on the court steps over a Staffordshire terrier. Finally he convinced the client that this was taking it too far.

When the divorce involves children, most judges give primary custody to the parent who lives with the kids most of the time. Many kids often bring their pets while they visit the other parent as a comforting form of continuity. But in the heat of a divorce battle, many spouses forget that they indeed will see their beloved pet.

You've heard of cases where couples stay together for the kids? Well it can apply to pets too.

"I had a case where a couple getting divorced agreed to stay in their apartment to continue to care for their sick dog," says famed matrimonial attorney Raoul Felder. "Instead of making the dog a trophy in the divorce case, they stayed together until the dog passed away." The couple even buried the dog in a silver coffin. The costs were split.

Oh and don't think that a break-up ends after death either.

Sandra Morgan, a lawyer in Albuquerque, New Mexico, had a case where the couple shared custody of the dog's ashes. "Each was allowed to have the urn for a set period, and then the urn would be conveyed to the other," she said. "This went on for some time, until one of them accused the other of filling the urn with ashes from the fireplace.

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## About Matthew Crider, J.D.

Matthew Crider formed [Crider Law PC](#) in 1999 so he could help individuals through the California divorce process by providing creative solutions as their trusted advisor and legal counselor. His divorce and family law practice focuses on assisting people in dissolution matters, including divorce, child custody and visitation, child and spousal support, spousal support and alimony, and parental rights.

