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Landmark court decision in North America where temporary 'custody' of pets is awarded

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Are pets just property – or part of the family? In a recent landmark decision, a judge awarded temporary custody of a couple's two dogs to one of the parties, following the breakup of their relationship. And the person awarded custody was not the one who had originally purchased and registered the pets.

In its decision, the court specifically referred to a popular book on estate planning for pets. *Fat Cats and Lucky Dogs* is a comprehensive guide to how pet owners can ensure a pet is protected if its owner becomes ill or passes away. It's co-authored by Toronto lawyer, Barry Seltzer, and Texas Tech law professor, Gerry W. Beyer.

In explaining his decision, Judge Joel Shaw noted how the internationally recognized book presented a wide range of information on pet ownership, pet trusts, and the expanding body of law regarding the status of pets. These advances in "pet law" allowed for the protection of companion animals, and elevated their status beyond that of mere personal property.

In a personal thank-you to the authors, the plaintiff wrote, "Although I know you wrote it as a book about estate planning, it came in very handy for me in small claims court last week... The judge awarded me interim sole ownership of the puppies.... He quoted several things from your book, which I feel really helped him make his judgement."

The decision in *Coulthard v Lawrence*, handed down by Shaw, D.J. is possibly the only court decision in North America where, in a lawsuit about pets that lived with a couple who were cohabiting, "temporary 'custody'" was awarded to one of the litigants. The companion animals in this case were male and female mixed Great Dane Brittany Spaniels named Baron and Tessa.

And as a possible happy ending, the plaintiff's intends to attempt a shared custody arrangement – because it might be best for the puppies!

About *Fat Cats and Lucky Dogs*

Fat Cats and Lucky Dogs is a highly readable but serious look at the problems and solutions associated with pet owners falling seriously ill, entering long-term care facilities or dying. It has application right across North America and wherever English Common Law underpins the legal system. In addition to its step-by-step approach to helping readers set up legal protection for their pets, the book is full of anecdotes, quotations on animals by famous people, past and present, and auxiliary animal information. The co-authors are Toronto lawyer, Barry Seltzer, and Texas Tech law professor, Gerry W. Beyer.

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