

Do We Need To Go To Court?

Definitely not!

You and your ex spouse don't need a court order if you can agree about where your pet will live.

Agreeing - on your own or with the help of a mediator - gives you more control and flexibility than if a judge decides the matter.



For help on reaching an agreement:

- Contact Family Justice Counsellors at your local Justice Access Centre or call: 1-800-663-7867
- Mediate BC have family law mediators who meet with each person (with or without lawyers) to help resolve issues. info@mediatebc.com

For more information see www.familylawinbc.ca



Need Help? Ask Legal Help BC
Call or Text 1-855-875-8867

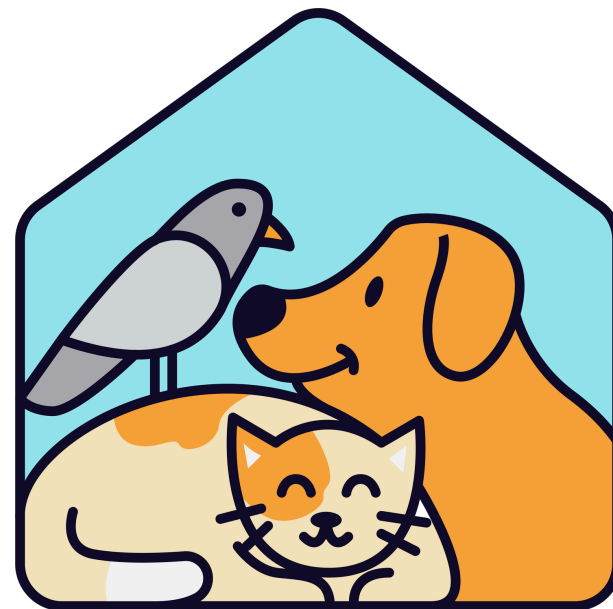


Justice Education Society

DIVORCE & SEPARATION

WHO GETS THE FAMILY PET?

www.familylawinbc.ca



This pamphlet provides legal information only, not legal advice. Consider speaking with a lawyer.

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If you are separating or divorcing, the *Family Law Act* helps determine who owns or keeps the family pet (companion animal).

What is a Companion Animal?



A companion animal is a family pet kept mainly for companionship, such as a dog or cat.

These are not companion animals:

- Guide or service dogs
- Animals kept for a business
- Farm or agricultural animals

Under the law, a companion animal is property, but it is treated differently than other property (like furniture) when it comes to decisions about ownership.

Make an Agreement About Pets



If you are separating or divorcing, you can make your own agreement about your pet.

The agreement can:

- State that you both own the pet
- Set out a schedule showing when the pet will live with each of you
- Give one spouse sole ownership
- Detail how pet expenses will be paid

What if We Can't Agree?



If you and your ex spouse can't agree on who gets the family pet, either of you can apply to Provincial Court or Supreme Court for a decision.

Speak to a family justice counsellor to find out more on how to start a claim.

How Do Courts Decide Who Keeps the Pet?

The court will consider:

- How and when the pet was acquired
- Who cared for the pet
- Any family violence or risk of violence
- Any cruelty or threats of cruelty toward the animal
- A child's relationship with the pet
- Each spouse's ability and willingness to care for the pet
- Any other relevant circumstances

Note



The court **cannot** order shared ownership or shared possession of a pet. It can only order that one spouse has **sole** ownership or possession of the pet.

If you want to share a pet, you must make your own agreement.

