



Who Gets the Family Pet: *Is it time for England & Wales to follow the likes of France and Spain?*

By Kate O'Connell, Family Law Solicitor

Katie O'Connell, Family Law Solicitor, considers how the current law in England & Wales treats pets following a breakdown in a relationship.

We are a nation of pet lovers and it can therefore come as a surprise to divorcing spouses that their beloved fur baby is seen as an inanimate object, rather than a very much-loved part of the family with feelings and emotions of their own.

Who will get the family pet can often stir up many emotions when dealing with divorce. As the pet is seen as property, they are dealt with in the same way as items of furniture etc. This can often lead to bitter disputes over who the family pet will reside with. It can be even more upsetting where there are children involved who are often very attached to their pet.

In England and Wales, if there is a dispute about a pet, it will often come down to who can prove ownership. This would come down to making enquiries as to who purchased the pet in the first place, who is the person associated with any microchips and in whose name the pet is registered in at the vet. Obviously, this raises concerns that this may not be reflective of the true owner of the pet or if it would be in the best interests of the pet to reside with the person determined to be the owner.

Spain has recently made it law that a pet will no longer be considered as an object but as sentient beings when spouses divorce/separate. A Judge can also decide the living arrangements for the pet, taking into account its welfare. France and Portugal already have similar laws in place.

So where does that leave us in England and Wales? As with all matters on divorce, it is always the best case scenario that an amicable agreement can be reached between the parties as to what is considered best for the pet. At Watkins & Gunn we are advocates of a sensible and amicable approach and often help find a way through. Where this is an issue, with the right help many divorcing couples are able to agree to a sharing of time. Often mediation can help bridge the gap. Ultimately the law as it stands treats pets as objects – which may well horrify many a pet lover.

If agreement is not possible we are on hand to assist with any difficult negotiations that may follow. We appreciate the sensitive nature of what you are going through and how emotive an issue it is for many.



Katie O'Connell is a specialist family law solicitor at Watkins and Gunn who has extensive experience in all family matters and is known for her empathetic manner.