

What to consider if you have a pet and are currently going through a separation with your partner.

Many people own or acquire pets during the course of a relationship. When parties separate, pets can quickly become a cause of dispute. A common question is, who gets to keep the pet?

A decision made in 2022 over the ownership of a dog by the Federal Circuit and Family Court of Australia makes it clear that in family law proceedings, pets will be treated as property. The Court stated that, “As much as it will pain pet lovers, animals are property and are to be treated as such.” Emotional attachment to a pet will not be considered in deciding who keeps a pet after separation. This means that pets will be included in the Court’s usual assessment of property division.

An example

Stacey and Tom have been in a romantic relationship for five years – and married for two of those five years. Together they own a house and two cars with two car loans. They also have a one-year-old child and a cat. They each have their own superannuation.

After their recent separation, Stacey approaches Northern Community Legal Centre for advice on what to do next. In this example, NCLC can assist Stacey by:

- Providing property and spousal maintenance advice about the joint assets and liabilities in the relationship including the house, cars, loans, superannuation and the cat;
- As Stacey is married, NCLC can provide advice about how to begin the divorce process; and
- NCLC can provide advice about parenting arrangements and inform Stacey about the next steps in relation to their child.