

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Meghan K. Kilcoyne***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act standardizing consideration of pets in divorce and separation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Meghan K. Kilcoyne</i>	<i>12th Worcester</i>	<i>1/8/2025</i>

**HOUSE . . . . . No.**

[Pin Slip]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act standardizing consideration of pets in divorce and separation.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 34 of Chapter 208 of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by inserting after the word “insurance”, in the second  
3 sentence, the following:-

4 , provided however that, as established in section 34E, when asked to assign ownership,  
5 care and custody of a pet, the court shall consider the best interests of the animal, including the  
6 animal’s health, safety, comfort and well-being and whether any party or family member  
7 residing with any party has a history of abuse, cruelty or neglect to animals or humans

8 SECTION 2. Chapter 208 of the General Laws, as appearing in the 2022 Official edition,  
9 is hereby amended by inserting after section 34D the following new section:-

10 Section 34E. Custody of companion animals

11 (a) Upon filing a complaint for divorce or separate support, any party may request that  
12 the court award care and custody of a pet;

13 (b) In awarding sole or shared custody of a pet, the court shall consider the best interest  
14 of the animal, taking into account their health, safety, comfort, and well-being and any relevant  
15 facts, including, but not limited to:

16 (i) Whether the parties are seeking sole or shared custody of the animal; (ii) Each party's  
17 history with the animal, including in acquiring the animal and subsequent amount of time spent,  
18 expenses incurred, and caregiving responsibilities undertaken such as feeding, walking, playing,  
19 grooming, training, and veterinary visits; (iii) The emotional attachment of each party to the  
20 animal and, if relevant, of any children in the household; and (iv) Whether any party or person  
21 residing with any party has a history of abuse, cruelty, neglect, or violence toward animals or  
22 humans including those resulting in a conviction, continuance without a finding, or abuse  
23 prevention order.

24 (c) In awarding shared custody of a pet, the court shall order a division of care and  
25 custody, including, but not limited to the division of time and expenses such as food, toys,  
26 grooming, training, and veterinary visits. In the event of a substantial change of circumstance, a  
27 party may file a complaint for modification;

28 (d) Before the court awards custody of a pet (i) the animal may not be transferred,  
29 encumbered, concealed, or disposed of without the written agreement of all parties or an order of  
30 the court; and (ii) a party may seek a temporary order regarding custody, care, and payment of  
31 expenses of the animal, but no party shall be prejudiced by such temporary order when seeking a  
32 final disposition of these issues; and

33 (e) At any time prior to the court's decision, the parties may enter into an agreement  
34 allocating the sole or shared custody of the pet.

35           (f) The court may enforce a pet custody agreement, including through a complaint for  
36 contempt to enforce a judgment of divorce and separation agreement and through a complaint in  
37 equity to enforce an agreement entered into by non-married individuals. The court may award an  
38 equitable remedy such as shared custody or, alternatively, by determining sole custody by one  
39 party is in the best interest of the animal using the process established in this section.