

JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY

BILL NO. H1817

TITLE: An Act standardizing consideration of pets in divorce and separation

SPONSOR: Rep. Meghan K. Kilcoyne

COSPONSOR(S): Rep. Michael O. Moore Rep. Michael D. Brady
Rep. James K. Hawkins Rep. Jacob R. Oliveira
Rep. Marjorie C. Decker Rep. James Arciero
Rep. Patrick Joseph Kearney Rep. William C. Galvin
Rep. Manny Cruz Rep. Bruce E. Tarr
Rep. Adam J. Scanlon Rep. Jonathan D. Zlotnik

HEARING DATE: April 22, 2025

PRIOR HISTORY: None

SENATE BILL: S1206 (Moore)

CURRENT LAW: Section 34 of Chapter 208 of the General Laws permits a court with personal jurisdiction over both parties to make a judgment for either party to pay alimony during or at any time after a divorce. The court may, in lieu of alimony, assign to either party all or any part of the estate of the other including benefits and all rights and funds accrued during the marriage. In fixing the nature and value of this property the court shall consider the length of the marriage, the conduct of parties during the marriage, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities and needs of each of the parties, the opportunity of each for future acquisition of capital assets and income, and the amount and duration of alimony. The court may also consider the present and future needs of the dependent children and the contributions of each party to the state or as a homemaker to the family unit.

BILL SUMMARY: Section 1 – Adds language to Section 34 of Chapter 208 requiring the court, when asked to assign ownership, care and custody of a pet, to consider the best interests of the animal, including its health, safety, comfort and well-being and whether any party or family

member residing with any party has a history of abuse, cruelty or neglect to animals or humans.

Section 2 – Adds a new section to Chapter 208 covering the custody of companion animals in divorce or separation. Any party when filing a complaint for divorce or separate support may request an order from the court awarding care and custody of a pet. When awarding custody the court must consider the best interest of the animal, considering their health, safety, comfort and well-being and any relevant facts including if sole or shared custody is sought, each party's history with the animal and emotional attachment to the animal and if any party or person residing with the party has a history of abuse or neglect towards animals and humans. The court shall order a division of care and custody including expenses when making the custody order.

Before the court's custody decision, the animal may not be transferred without written agreement of all parties, but a party may seek a temporary custody order, and the parties may enter into their own agreement on custody. A court may enforce a pet custody agreement through a complaint for contempt to enforce its judgment or equity for non-married individuals.