

# Pets And Divorce



You're getting divorced, maybe you have [kids](#), maybe you don't. Maybe your kids are a 3 year old Springer Spaniel named Duke or a 8 year old Siamese named Mr. Mittens but you still face the same issue of what do you do with your beloved pet? Well, this can be tricky and a little disturbing for people who view their pets as their children. The cold reality of the law says that pets are considered property. There I said it, let the hate email begin! (I'm just kidding, please don't I'm actually a very pet friendly fellow).

## Pets And Divorce

In Minnesota, we have laws to [divide property](#) and pets are considered the same as your car or even your bedroom dresser, of course the difference is real to many people, they love their pets and want to spend time with them. One thing to keep in mind is if the pet is "non-marital" property, this means the pet was given to you or if you bought the pet prior to marriage you may have a claim on the pet free and clear. If Fido isn't non-marital then what are your options? You can't divide him in half (at least not without a terrible mess!) Here are few things that I've seen done over the years:

- Go for "custody" of your pet. You actually won't call it that (as pet custody doesn't exist in Minnesota) but you could make an argument that you get the animal and your soon to be ex will be compensated for ½ of the value of the critter.
- Share "custody" of your pet. If you want to, you can agree to work out visitation schedule with your pet. It will be easier to work this out without a judge, rather than going to trial on the issue, be specific and be sure to tell your lawyer this right away.
- Sell the pet, split the proceeds. Usually, the last resort, but one the Judge has the authority to do.

Every few years the MSBA [Animal Law](#) Section tries to rally support to not treat pets as property in the family law world, but so far the reception by the legislature has not been as enthusiastic as it could be. If you are a pet lover I suggest you do contact your legislator and ask them to consider a pets and divorce bill.

There you go, a brief look at how pets factor into a divorce in Minnesota. My suggestion? Try like heck to work it out with your soon to be ex, it will save time, emotional energy and stress on poor Fido.

Thanks for reading my latest Mankato Family Law Blog post, any comments or questions feel free to post them below or email me directly at [Jkohlmeier@rokolaw.com](mailto:Jkohlmeier@rokolaw.com)

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Remember I'm not giving any one legal advice, this is just an informational blog that hopefully will answer some basic questions and lead you to call an experienced Minnesota Divorce Lawyer.