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## HUFF POST DIVORCE

MARRIAGES COME AND GO, BUT DIVORCE IS FOREVER



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# Divorce Confidential: Crafting a Creative Pet Parenting Plan

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Couples face many heated battles during the divorce process. One such battle may revolve around the division of the family pet. As I explained in my last post discussing pet custody, pets are not treated the same under the law, as a child. Due to this legal restriction, many pet parents are becoming a lot more creative in the battle for their pets during the divorce process. One creative alternative for pet parents is the creation of a pet parenting plan. A pet parenting plan that outlines a regular visitation schedule is a wonderful idea if you and your ex-spouse can agree to the terms. However, what are some of the considerations you need to remember when creating a pet parenting plan? Let's take a look:

**1. Pet Timeshare/Visitation Schedule:** Similar to a child sharing plan, a pet parenting plan can outline the visitation times you and your ex-spouse will share your beloved furry friend. You and your ex-spouse can be creative in how you want to divide time with your pet, as long as you both agree to a suitable timeshare. Similar to a child sharing plan, pet timeshare can be divided up as follows:

- Every other weekend and one night a week
- One week on, one week off
- 2-2-5-5 schedule: Parent 1 has the pet for two days. Parent 2 has the pet for the following two days. Parent 1 has the pet for five days. Parent 2 has the pet for the next five days and so on.

The above pet parenting schedules are just a few examples of how pet parenting can be divvied up between you and your ex-spouse. But ultimately, a pet parenting schedule should be crafted so it is tailored to what works for you and your ex-spouse. You both may also want to consider pet timeshare during major holidays, which can also include Mother's Day, Father's Day, pet birthdays and long-weekends. What happens if your ex-spouse wants to move away to another city or state? Have an open discussion with your ex-spouse about who will get primary custody of the pet and consider allowing the other pet parent to have time with the pet for the entire summer. If your pet is involved in extra-curricular activities, the party that is responsible to take the pet to these activities should be memorialized in your agreement. These days, there are so many activities that pets can become involved in, including pet play dates with other furry friends and their owners. In San Diego, there are even "Yappy Hours" that allow pet parents to meet, mingle and drink with other pet parents and their pets. A dear friend of mine has two fluffy and adorable bunnies named Mochi and Mocha. She takes her bunnies to "Hoppy Hour" where bunny parents and bunnies can mingle and play. Her bunnies also take agility class where Mocha and Mochi learn to hop over obstacles and compete in races. Be creative, it's up to you both as dedicated pet parents!

**2. Shared Costs For Your Pet:** Another issue you and your ex-spouse may weave into your pet parenting plan is how costs will be shared between the two of you. Having a pet is expensive. There are vet bills to consider, in addition to costs for food, maintenance and grooming. If you have a dog, there may be dog walkers and doggy daycare costs to be considered too. There will also be transportation costs to calculate into the equation if you and your ex-spouse live in different cities and have agreed to a shared custody plan. Remember, flight are costly, not to mention the travel may be stressful on your pet.

**3. Assign The Ultimate Decision-Maker:** Generally, when parents fight for child custody in a divorce, one (sole) or both parents (jointly) will be assigned legal custody over the child. This means that the parent (sole legal custody) or both parents (joint legal custody) can make decisions related to the child's health, education and welfare. Although pets are not treated with the same legal considerations as a child, this is something that you may want to discuss and consider when sharing a pet with your ex-spouse. For example, who will be the ultimate decision maker when your pet becomes ill? Who will make decisions related to your pet's death, burial and costs associated with your pet's death? These are all things you definitely should consider if you and ex-spouse are committed to sharing your pet after a divorce.

**4. Include Terms In A Prenuptial/Postnuptial Agreement:** If you are entering into a marriage, consider adding the terms of your pet parenting agreement and responsibilities in a prenuptial agreement or postnuptial agreement. Unlike children, pets are considered "property" so the terms relating to your pet are enforceable in a prenuptial or postnuptial agreement. Contact your attorney to discuss the terms you would like outlined in your prenuptial or post-nuptial agreement.

It's no surprise pet parents are becoming a lot more serious about pet custody. The need to divide this member of your home can be painful and hold so much more value than the division of material possessions. Think of this as an opportunity for you and your ex-spouse to be extra creative and craft a plan that works for you both. And remember, while pet division may be hard on you, it is likely just as difficult and stressful on your pet as well.

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