

Who Gets the Pet in a New Jersey Divorce?

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When people think about divorce, they often think about who gets the house, how finances will be divided, and when children are involved, what the parenting time schedule will look like. But for many families, there is another important question: what happens to the dog, cat, or other beloved family pet?

In New Jersey, while we all may consider our pets “furry children,” pets are not treated the same way as children in a divorce. Legally, pets are considered property. That may sound a little cold to anyone who has ever planned a day around a dog’s walk schedule or shared a couch with a cat who clearly owns the home. Still, under the law, the Court generally addresses pets as part of the couple’s property division.

That does not mean a pet is viewed exactly like a car or a piece of furniture. New Jersey Courts have recognized that pets can have special emotional value to their owners. When deciding who should keep a pet, the practical details matter. Who primarily cared for the pet? Who actually paid for and purchased the pet and which party’s name is on the documents associated with registration and the purchase? Was the pet intended to be a gift? Who took the pet to the veterinarian? Who handled the pet’s daily needs such as feeding, walking, grooming, and training? Was the pet acquired before or during the marriage? Is there a child in the home who has a strong bond with the pet?

Because pets are often deeply connected to family life, it is best to address them thoughtfully and early in the divorce process. Couples may agree on who will keep the pet, whether the other spouse will have time with the pet, and who will pay for veterinary care, food, grooming, insurance, or other expenses. If children are involved, some parties have the family pet exchanged when the children are, keeping all of the “children” together. While not every arrangement will look like a traditional parenting time schedule, a clear agreement can prevent confusion later.

For many families, the best solution is not about “winning” the pet. It is about creating a plan that is practical, stable, and in line with the pet’s daily needs. Divorce brings many changes, but with the right guidance, families can make thoughtful decisions about every member of the household, including the four-legged ones.