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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - CONTESTED PET
OWNERSHIP

Introduced By: Representative William W. O'Brien

Date Introduced: February 18, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 8-8 of the General Laws entitled "District Court" is hereby amended
2 by adding thereto the following section:

3 **8-8-3.4. Equitable powers as to pet ownership determination.**

4 In addition to the power heretofore exercised, this district court is hereby empowered to
5 grant equitable relief, including temporary restraining orders, preliminary and permanent
6 injunctions, pursuant to chapter 28 of title 4, as justice and equity may require.

7 SECTION 2. Title 4 of the General Laws entitled "ANIMALS AND ANIMAL
8 HUSBANDRY" is hereby amended by adding thereto the following chapter:

9 CHAPTER 28

10 CONTESTED PET OWNERSHIP

11 **4-28-1. Legislative findings.**

12 The general assembly finds and declares that:

13 (1) Rhode Island has enacted many laws protecting the well-being of animals;

14 (2) Pets are considered much more than mere property of their owners, with special
15 significant sentimental value to their owners;

16 (3) Pets evoke strong emotions, are unique and irreplaceable;

17 (4) Pets hold a cherished status in our society, worthy of special attention and protection;

18 (5) Determining ownership of pets between formerly cohabitating parties can be an

1 emotionally charged and complicated process; and

2 (6) There is a need to provide for a judicial mechanism to determine the ownership of pets
3 between formerly cohabitating parties when such ownership is contested.

4 **4-28-2. Definitions.**

5 As used in this chapter the term "pet" means any domesticated animal kept in close contact
6 with the animal's owners.

7 **4-28-3. Parties.**

8 Any person who has possessed a pet while cohabitating with another person may seek
9 equitable relief relating to ownership of the pet pursuant to this chapter.

10 **4-28-4. Ownership determination factors.**

11 (a) In determining the ownership of a pet between formerly cohabitating parties where the
12 pet's ownership is contested, the district court may consider the wellbeing of the pet equitable
13 analysis as set forth herein. The following is a non-exhaustive list of factors the court may consider
14 in its ownership resolution ruling:

15 (1) Who purchased the pet;

16 (2) Who has paid the majority of the pet's expenses;

17 (3) Who cared for the pet on a daily basis; and

18 (4) Who can provide the most safe and appropriate living environment for the pet.

19 **4-28-5. Remedies.**

20 The district court shall award ownership of a pet between formerly cohabitating parties.
21 Provided, however, the court shall not have the power to award joint ownership, visitation, pet
22 financial support or damages of any nature. Provided further, the court may also award ownership
23 of or otherwise transfer the pet to a third party, including, but not limited to, an animal welfare
24 organization, if the court finds that none of the formerly cohabitating parties can provide a safe and
25 appropriate living environment for the pet.

26 **4-28-6. Costs and attorney fees.**

27 In any proceeding under this chapter, the court may make an award of costs and reasonable
28 attorneys' fees, as it may deem equitable and just.

29 **4-28-7. Construction.**

30 This chapter is declared to be remedial. Its purpose is to settle and to offer relief from
31 uncertainty and insecurity, with respect to the ownership of pets, between formerly cohabitating
32 parties.

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would create a legal process by which formerly cohabitating parties could seek
- 2 from the district court a determination as to ownership of any pet.
- 3 This act would take effect upon passage.

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