

House Bill 582

By: Representative Mitchell of the 88th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 19 of the Official Code of Georgia Annotated, relating to
2 divorce, so as to create a pet animal care plan in marriage dissolution proceedings; to provide
3 definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Chapter 5 of Title 19 of the Official Code of Georgia Annotated, relating to divorce, is
7 amended by adding a new Code section to read as follows:

8 "19-5-18.

9 (a) As used in this Code section, the term:

10 (1) 'Pet animal' means any domesticated animal that is joint marital property and kept as
11 a household companion animal.

12 (2) 'Pet animal care plan' means a written plan for a pet animal that provides for, but is
13 not limited to, the prevention of acts of cruelty or harm and the provision of food, water,
14 veterinary care, and safe and protected shelter.

15 (b)(1) In all cases of divorce in which the custody of a pet animal is at issue between the
16 parties, the court shall make a determination of whether the parties have joint ownership
17 over the pet animal and whether the pet animal was purchased or acquired during the
18 marriage.

19 (2) The court at the request of a party to proceedings for dissolution of marriage or for
20 legal separation of the parties may enter an order, prior to the final determination of
21 ownership of a pet animal, to require a party to care for the pet animal. The existence of
22 an order providing for the care of a pet animal during the course of such proceedings shall
23 not have any impact on the court's final determination of ownership of the pet animal.

24 (c)(1) If the court finds that such pet animal is jointly owned by the parties and was
25 purchased or acquired during the marriage, the court may require each party to prepare
26 a pet animal care plan or may require the parties to jointly submit a pet animal care plan.

27 Any final order of divorce shall incorporate any pet animal care plan submitted pursuant
28 to this Code section.

29 (2) Unless otherwise ordered by the court, a pet animal care plan shall include the
30 following:

31 (A) A recognition that a close and continuing owner-pet animal relationship and
32 continuity in the pet animal's life will be in the pet animal's best interest;

33 (B) A recognition that the pet animal's needs will change and grow as the pet animal
34 matures and demonstrate that the owners will make an effort to provide care that takes
35 this issue into account so that future modifications to the pet animal care plan are
36 minimized;

37 (C) A recognition that a party with physical custody will make day-to-day decisions
38 and emergency decisions while the pet animal is residing with such owner;

39 (D) That both owners will have access to all of the pet animal's records and
40 information, including, but not limited to, health and activities;

41 (E) Where and when a pet animal will be in each owner's physical care, designating
42 where the pet animal will spend each day of the year;

43 (F) Transportation arrangements, including how the pet animal will be exchanged
44 between the owners, the location of the exchange, how the transportation costs will be
45 paid, and any other matter relating to the pet animal spending time with each party;

46 (G) An allocation of decision-making authority to one or both of the owners with
47 regard to the pet animal's health and activities, and if the owners agree the matters
48 should be jointly decided, how to resolve a situation in which the owners disagree on
49 resolution; and

50 (H) What, if any, limitations will exist while one party has physical custody of the pet
51 animal in terms of the other party's right to access health and other activities regarding
52 the pet animal."

53 **SECTION 2.**

54 All laws and parts of laws in conflict with this Act are repealed.