

Report on Public Policy Position**Name of section:**

Animal Law Section

Contact Person:

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Bill Number:

[HB 5598](#) (Sak) Family law; marriage and divorce; placement of pets by court in an annulment, divorce, or separate maintenance action; provide for. Amends 1846 RS 84 (MCL [552.1](#) - [552.45](#)) by adding sec. 22a.

Date position was adopted:

January 25, 2008

Process used to take the ideological position:

Position adopted after an electronic discussion and vote.

Number of members in the decision-making body:

15

Number who voted in favor and opposed to the position:

15 Voted for position

Position:

Support with recommended amendments

Explanation of the position, including any recommended amendments:

The Animal Law Section of the State Bar of Michigan (“ALS”) is not the State Bar of Michigan itself, but rather a Section made up of members who choose to voluntarily join. ALS was formed to monitor legal issues associated with animals and their owners or custodians. Our purpose includes advocacy of responsible, humane, and ethical management and care of animals. We provide education, information and analysis about issues of concern through meetings, seminars, the web, public service programs, and publication of a newsletter.

As you are aware, HB 5598 will amend MCL §552.1-552.45, regarding the filing and settlement of pet ownership related to actions for annulment, divorce, or separate maintenance.

We write to you today to express our appreciation and general support for this bill. Our section currently includes over 154 members. Our legislative council that includes 14 members unanimously voted to support this bill as it progresses through the legislative process provided some amendments are included:

Section 1. The language should be permissive and not mandatory, i.e. identification and settlement related to placement of a pet may be stated in the complaint. It is common for spouses to identify and settle the distribution of property, including family pets, after the complaint is filed.

Section 2. In the case that the parties cannot agree to the ownership of the pet, the Court shall order placement with one or the other of the parties, based on the best interests or welfare of the pet.

Section 3. Placement of the pet by the court with animal control or an animal shelter should be deleted. Typically animal shelters and animal control are crowded and do not have readily available placement. Additionally, placing a pet in an animal shelter environment may unnecessarily expose it to stress and disease.

Section 4. Placement shall be ordered in line with sections 2 and 3.

Section 5. We suggest affording increased discretion to the Court. The Court may not order placement of a pet with a party that the Court finds committed domestic or other acts of violence, including but not limited to animal cruelty. Evidence of such violence considered by the Court includes the circumstance that a party is subject to a personal protection order.

In closing, ALS believes that this proposed legislation, if enacted, would greatly benefit the citizens of Michigan and their pets. Please feel free to call on our organization for support for this bill or future legislation designed to protect the welfare of animals. Assistance that we offer includes legal research and drafting. We are also available to testify in support of applicable legislation as it progresses through the legislative process.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2007-HB-5598>