

## 2007 ASSEMBLY BILL 436

July 3, 2007 – Introduced by Representative ALBERS, cosponsored by Senator ROESSLER. Referred to Committee on Children and Family Law.

1 **AN ACT** *to amend* subchapter V (title) of chapter 767 [precedes 767.401]; and *to*  
2 *create* 767.215 (2) (bm), 767.215 (2) (em), 767.225 (1) (m) and 767.49 of the  
3 statutes; **relating to:** placement of pets in a divorce.

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### *Analysis by the Legislative Reference Bureau*

Current law does not address the placement of pets in actions affecting the family. This bill provides that, in an annulment, divorce, or legal separation action, the petition filed in the action must include information about pets of the parties and whether they have entered into a written agreement as to placement. In the action, a party may file a motion to have the court determine the placement of a pet. The bill requires a court to order placement of a pet in conformity with any written stipulation that the parties file and prohibits the court from ordering shared placement if the parties do not stipulate to it. If the parties are unable to stipulate to the placement of a pet, the court may order placement with one of the parties or may order the parties to surrender the pet to a local humane society and to provide evidence that it has been done. If the court has ordered shared placement of a pet and one of the parties moves to a location that would make it impractical to continue the shared placement, the court modify the placement arrangement in conformity with a stipulation of the parties. If the parties are unable to stipulate, the court may order placement with one of the parties or may order the parties to surrender the pet to a local humane society and to provide evidence that it has been done. The bill prohibits a court from ordering placement of a pet with a party who has been subject



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1 stipulation with the court that provides for shared placement. Except as provided  
2 in sub. (4) (a), the court shall order placement of the pet in conformity with any  
3 written stipulation of the parties.

4 **(2) PLACEMENT OF PET IF NO STIPULATION.** If a party to an annulment, divorce,  
5 or legal separation action requests the court to determine placement of a pet of the  
6 parties and the parties are unable to stipulate as to the pet's placement or sub. (4)  
7 (a) applies, the court may order placement with one of the parties or may order that  
8 the pet be surrendered to a local humane society or other similar animal care facility  
9 designated by the court. If the court orders that the pet be surrendered, the court  
10 shall require that the parties submit evidence to the court that the pet has been so  
11 surrendered.

12 **(3) IF A PARTY MOVES.** If the court has ordered shared placement of a pet under  
13 sub. (1) and one of the parties moves, or intends to move, to a location that would  
14 make it impractical for the current placement arrangement to continue, a party may  
15 file a motion for modification of the placement order. Except as provided in sub. (4)  
16 (a), the court shall modify the placement order in conformity with any written  
17 stipulation of the parties. If the parties are unable to stipulate to a modified  
18 placement arrangement or sub. (4) (a) applies, the court may order placement with  
19 one of the parties or may order that the pet be surrendered to a local humane society  
20 or other similar animal care facility designated by the court. If the court orders that  
21 the pet be surrendered, the court shall require that the parties submit evidence to  
22 the court that the pet has been so surrendered.

23 **(4) GENERAL PROVISIONS.** (a) The court may not order placement of a pet of the  
24 parties with a party who has been subject to a temporary restraining order or  
25 injunction under s. 813.12 or 813.122.

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1 (b) A stipulation under this section may be amended by the parties in writing.

2 **SECTION 6. Initial applicability.**

3 (1) This act first applies to annulment, divorce, or legal separation actions that  
4 are commenced on the effective date of this subsection.

5 (END)