



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1108

PRINTER'S NO. 1677

PRIME SPONSOR: Kulik

COST / (SAVINGS)

FUND	FY 2022/23	FY 2023/24
General Fund	\$0	\$0

SUMMARY:

Amends Chapters 31 and 32 of Title 23 to require a court to determine the possession or care of a companion animal in a divorce proceeding if requested by a party.

ANALYSIS:

The proposed legislation allows parties in a divorce proceeding to enter into an enforceable agreement regarding the possession or care of a companion animal. This agreement may specify the periods of time during which each party will possess the companion animal and the financial responsibility of each party regarding the care of the companion animal.

Title 23 Section 3502 is amended to include that either party in a divorce proceeding may request the court to determine the possession or care of a companion animal. The legislation instructs the court to consider all relevant factors when making this decision, including:

- Whether the companion animal was acquired prior to or during the marriage.
- The basic daily needs of the companion animal.
- The party who generally facilitates veterinary care for the companion animal.
- The party who generally provides the companion animal with social interaction.
- The party who generally ensures compliance with state and local regulations regarding the companion animal.
- The party who provides the greater ability to financially support the companion animal.

The legislation clarifies that if the companion animal is a service animal for the party or for a minor who is in the custody of that party, then there shall be a rebuttable presumption of custody of the companion animal for that party.

A companion animal is defined to be an animal that is a domesticated living being commonly referred to as a pet or has been bought, bred, raised, or otherwise acquired for the primary purpose of providing the owner with assistance in relation to a disability, security, or companionship. The legislation provides the option for the court to determine if an animal that is used for business or agricultural purposes, but that has not been incorporated into the family household as a pet, may be considered as a companion animal.

This legislation would take effect in 60 days upon enactment.

FISCAL IMPACT:

Enactment of this legislation will have no impact on Commonwealth funds.

PREPARED BY: Bradley Keen
House Appropriations Committee (D)

DATE: June 23, 2023

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.