

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0595.01 Veronica Parish x2606

HOUSE BILL 26-1131

HOUSE SPONSORSHIP

Valdez,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT
101 **CONCERNING THE CUSTODY OF PET ANIMALS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill gives the courts authority to make determinations for the care and custody of pet animals in proceedings for dissolution of marriage and legal separation. The bill permits a court to issue an emergency protection order concerning the custody and care of a pet animal.

1 *Be it enacted by the General Assembly of the State of Colorado:*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

1 **SECTION 1.** In Colorado Revised Statutes, **add** 14-10-113.2 as
2 follows:

3 **14-10-113.2. Disposition of pet animal - definition.**

4 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
5 REQUIRES, "PET ANIMAL" HAS THE MEANING SET FORTH IN SECTION
6 35-80-102.

7 (2) IN A PROCEEDING FOR DISSOLUTION OF MARRIAGE OR IN A
8 PROCEEDING FOR LEGAL SEPARATION OR IN A PROCEEDING FOR
9 DISPOSITION OF PROPERTY FOLLOWING THE PREVIOUS DISSOLUTION OF
10 MARRIAGE BY A COURT THAT AT THE TIME OF THE PRIOR DISSOLUTION OF
11 THE MARRIAGE LACKED PERSONAL JURISDICTION OVER THE ABSENT
12 SPOUSE OR LACKED JURISDICTION TO DISPOSE OF THE PROPERTY, THE
13 COURT, UPON THE REQUEST OF A PARTY, SHALL AWARD CARE AND
14 CUSTODY OF A PET ANIMAL.

15 (3) IN AWARDING SOLE OR SHARED CUSTODY OF A PET ANIMAL,
16 THE COURT SHALL CONSIDER THE BEST INTEREST OF THE PET ANIMAL,
17 TAKING INTO ACCOUNT THE PET ANIMAL'S HEALTH, SAFETY, COMFORT,
18 AND WELL-BEING, AND ANY RELEVANT FACTS, INCLUDING, BUT NOT
19 LIMITED TO:

20 (a) WHETHER THE PARTIES ARE SEEKING SOLE OR SHARED
21 CUSTODY OF THE PET ANIMAL;

22 (b) EACH PARTY'S HISTORY WITH THE PET ANIMAL, INCLUDING
23 WHO ACQUIRED THE ANIMAL; THE SUBSEQUENT AMOUNT OF TIME SPENT
24 WITH THE PET ANIMAL; EXPENSES INCURRED IN CARING FOR THE PET
25 ANIMAL; AND PET ANIMAL CAREGIVING RESPONSIBILITIES UNDERTAKEN BY
26 EACH PARTY, SUCH AS FEEDING, WALKING, PLAYING, GROOMING,
27 TRAINING, AND VETERINARY VISITS;

1 (c) THE EMOTIONAL ATTACHMENT OF EACH PARTY TO THE PET
2 ANIMAL, AND, IF RELEVANT, THE EMOTIONAL ATTACHMENT OF ANY
3 CHILDREN IN THE HOUSEHOLD TO THE PET ANIMAL; AND

4 (d) WHETHER THE COURT FINDS BY A PREPONDERANCE OF THE
5 EVIDENCE THAT ONE OF THE PARTIES HAS COMMITTED ABUSE, CRUELTY,
6 NEGLECT, OR VIOLENCE TOWARD AN ANIMAL OR A HUMAN.

13 (5) BEFORE THE COURT AWARDS CUSTODY OF A PET ANIMAL:

14 (a) THE PET ANIMAL SHALL NOT BE TRANSFERRED, ENCUMBERED,
15 CONCEALED, OR DISPOSED OF WITHOUT THE WRITTEN AGREEMENT OF ALL
16 PARTIES OR AN ORDER OF THE COURT; AND

17 (b) A PARTY MAY SEEK A TEMPORARY ORDER REGARDING
18 CUSTODY, CARE, AND PAYMENT OF EXPENSES OF THE PET ANIMAL OR A
19 PROTECTION ORDER, BUT A PARTY MUST NOT BE PREJUDICED BY A
20 TEMPORARY ORDER WHEN SEEKING A FINAL DISPOSITION OF THESE ISSUES.

21 (6) ANY TIME PRIOR TO THE COURT AWARDING CARE AND
22 CUSTODY OF A PET ANIMAL, THE PARTIES MAY ENTER INTO AN AGREEMENT
23 ALLOCATING THE SOLE OR SHARED CUSTODY OF THE PET ANIMAL.

24 (7) THE COURT MAY ENFORCE A PET ANIMAL CUSTODY
25 AGREEMENT, INCLUDING THROUGH A COMPLAINT FOR CONTEMPT TO
26 ENFORCE A JUDGMENT OF DIVORCE AND SEPARATION AGREEMENT AND
27 THROUGH A COMPLAINT IN EQUITY TO ENFORCE AN AGREEMENT ENTERED

1 INTO BY NONMARRIED INDIVIDUALS. THE COURT MAY AWARD AN
2 EQUITABLE REMEDY, INCLUDING SHARED CUSTODY OR BY DETERMINING
3 THAT SOLE CUSTODY BY ONE PARTY IS IN THE BEST INTEREST OF THE PET
4 ANIMAL USING THE PROCESS ESTABLISHED IN THIS SECTION.

5 **SECTION 2.** In Colorado Revised Statutes, 14-10-113, **amend**
6 (1) introductory portion as follows:

7 **14-10-113. Disposition of property - definitions.**

8 (1) In a proceeding for dissolution of marriage or in a proceeding
9 for legal separation or in a proceeding for disposition of property
10 following the previous dissolution of marriage by a court ~~which~~ THAT at
11 the time of the prior dissolution of the marriage lacked personal
12 jurisdiction over the absent spouse or lacked jurisdiction to dispose of the
13 property, the court, subject to the provisions of subsection (7) of this
14 section, AND SUBJECT TO SECTION 14-10-113.2 FOR DETERMINING
15 CUSTODY OF A PET ANIMAL, shall set apart to each spouse ~~his or her~~ THEIR
16 property and shall divide the marital property, without regard to marital
17 misconduct, in ~~such~~ proportions as the court deems just after considering
18 all relevant factors, including:

19 **SECTION 3.** In Colorado Revised Statutes, 13-14-103, **amend**
20 (1)(b)(V), (1)(b)(VI), (1)(b)(VII), and (2)(a) as follows:

21 **13-14-103. Emergency protection orders.**

22 (1) (b) An emergency protection order issued pursuant to this
23 subsection (1) may include:

24 (V) Restraining a party from molesting, injuring, killing, taking,
25 transferring, encumbering, concealing, disposing of, or threatening harm
26 to an animal owned, possessed, leased, kept, or held by any other party,
27 a minor child of either of the parties, or an elderly or at-risk adult; **or**

4 (VII) AWARDING TEMPORARY CUSTODY AND CARE OF A PET
5 ANIMAL OF A PARTY INVOLVED.