



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 26-1131: CUSTODY OF PET ANIMALS

Prime Sponsors:

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Fiscal note status: This initial fiscal note reflects the introduced bill.

Summary Information

Overview. The bill requires the custody of a pet animal be considered in a legal proceeding for dissolution of marriage when requested.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- State Expenditures

Appropriations. For FY 2026-27, the bill requires an appropriation of \$796,017 to the Judicial Department.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$896,681	\$698,327
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	4.1 FTE	5.1 FTE

Fund sources for these impacts are shown in the table below.

Table 1A
State Expenditures

Fund Source	Budget Year FY 2026-27	Out Year FY 2027-28
General Fund	\$796,017	\$572,495
Cash Funds	\$0	\$0
Federal Funds	\$0	\$0
Centrally Appropriated	\$100,664	\$125,832
Total Expenditures	\$896,681	\$698,327
Total FTE	4.1 FTE	5.1 FTE

Summary of Legislation

The bill requires the custody of a pet be considered in a legal proceeding for dissolution of marriage when requested. In awarding shared or sole custody, the court must consider whether sole or shared custody is being sought, each person's history with the pet, the emotional attachment of any children in the household, and whether either person has committed any abuse toward an animal or human. If shared custody is awarded, the court must order a division of care and custody, including time and expenses to be shared by the two parties.

Additionally, the bill specifies that a court may enforce a pet custody agreement through a complaint to enforce a judgement of a divorce agreement. It also allows for a court to issue an emergency protection order for the temporary custody of a pet, if necessary.

Background

Under current law, a pet includes dogs, cats, rabbits, guinea pigs, hamsters, mice, rats, gerbils, ferrets, birds, fish, reptiles, amphibians, and invertebrates, or any other species of wild or domestic or hybrid animal sold, transferred, or retained for the purpose of being kept as a household pet. A pet does not include livestock or an animal used for working purposes on a farm or ranch.

Assumptions

Dissolution Cases Involving Pets

There are an average of 24,000 annual filings for a dissolution of marriage in Colorado, and about 80 percent are contested and require a lengthier court hearing. Approximately 50 percent of households own at least one pet animal. This equates to about 9,500 contested divorces involving pets, and this fiscal note assumes that about 20 percent of filings will require more extensive litigation, equaling about 1,900 hearings for pet custody annually lasting one hour on average.

Custody Modifications

About 30 percent of child custody arrangements require modification after a dissolution has been finalized, and hearings to modify existing custody orders often take the same amount of time as the original order. This fiscal note assumes the same frequency of request for modification when it comes to pet custody orders. This equates to about 570 additional hearings annually lasting one hour on average.

Noncompliance Hearings

There are an average of 2,400 annual hearings related to noncompliance with orders determined in a dissolution of marriage, equaling about 20 percent of all dissolution cases. Noncompliance hearings are generally more complicated than custody modifications. This fiscal note assumes that about 5 percent of pet custody matters will result in a noncompliance hearing, resulting in about 140 additional hearings annually lasting one hour on average.

State Expenditures

The bill increases state expenditures in the Judicial Department by about \$900,000 in FY 2026-27 and \$700,000 in FY 2027-28 and in future years. These costs, paid from the General Fund, are summarized in Table 2 and discussed below.

Table 2
State Expenditures
Judicial Department

Cost Component	Budget Year FY 2026-27	Out Year FY 2027-28
Personal Services	\$443,094	\$557,777
Operating Expenses	\$11,548	\$14,718
Capital Outlay Costs	\$341,375	\$0
Centrally Appropriated Costs	\$100,664	\$125,832
Total Costs	\$896,681	\$698,327
Total FTE	4.1 FTE	5.1 FTE

Judicial Department

Based on the assumptions above, the trial courts will have an additional 2,600 hours of hearing time beginning in FY 2026-27 to litigate pet custody matters. These costs are prorated for a September 1, 2026 start date and are described below.

District Court Judicial Officers and Support Staff

The increased hearing time equates to 1.3 FTE annually for judicial officers to oversee cases. Per Judicial Department common policy, each judicial officer requires three support staff, which includes a court reporter, judicial clerk, and law clerk. This equates to an additional 3.8 FTE court staff annually, for a total of 5.3 FTE in FY 2026-27 and 5.1 FTE in FY 2027-28 and future years.

District Court Operating Costs

In addition to standard operating costs, court judicial officers require additional operating costs that differ from standard state employees. This includes costs for a law library (\$2,000), robes and cleaning (\$1,500), and travel (\$1,300).

District Court Capital Outlay Costs

There are capital outlay costs for each FTE, totaling about \$340,000 in FY 2026-27 only. These costs include courthouse infrastructure and maintenance, AV costs, and necessary furniture.

Centrally Appropriated Costs

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which may include employee insurance, supplemental employee retirement payments, indirect cost assessments, and other costs, are shown in Table 2 above.

Local Government

Workload for local law enforcement agencies may minimally increase to enforce emergency protection orders for a pet, when necessary.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State Appropriations

For FY 2026-27, the bill requires a General Fund appropriation of \$796,017 to the Judicial Department, and 4.1 FTE.

State and Local Government Contacts

Judicial