Don’t forget about Fido: Strategies can help ensure pets are taken care of

By Cailin Brown

The loyal family dog that daily greets her owner at the door at dusk, and whose end often becomes a focal point when divorce disrupts a family unit.

But the bad energy that may turn Rover into a contested piece of property in a matrimonial matter can be made productive with the right strategies and some expertise in handling pet questions.


Attendees heard about best practices for establishing different kinds of pet trusts, how to address animals that help people with disabilities and the best ways to negotiate pet custody when conflict arises.

Pets and ADR

The increased use of alternative dispute resolution (ADR) in the legal industry also applies when it comes to resolving disputes involving animals, said Debra Vey Voda-Hamilton, of Hamilton Law and Mediation.

Vey Voda-Hamilton’s book, Nipped in the Bud, Not in the Butt: How to Use Mediation to Resolve Conflicts Over Animals, is one source lawyers can look to for tips on how to address the best methods for handling concerns about the family pet.

“Judges should send people to mediation, there is nothing money about that animal, it is emotional,” Vey Voda-Hamilton said.

“Many people do not use ADR because they do not want to take responsibility for the solution,” she said. “Unfortunately, people who are divorcing, allow their egos to get in the way and they would rather not talk about what is in the best interest of the animal.”

ADR in conflicts over animals provides a platform for addressing parties’ common goals and is one of the main reasons ADR works. The neutral mediator can keep the parties focused on what needs to be done for the pet, she said. When lawyers are involved they are more effective when they communicate in a way that does not create defensive responses.

This approach can work with assorted pet issues, Vey Voda-Hamilton said, from addressing neighbors concerned about barking dogs, to working with insurance companies affiliated with veterinary medicine.

Service and emotional support animals

For lawyer Sim Goldman of Disability Rights New York in Albany, who represents individuals with disabilities, this was his first presentation to the Committee on Animals and the Law. The “cross-pollination,” he said, is positive.

Goldman recalled the case of a woman with a disability who had severe anxiety and expected to be evicted from her apartment in the late 1980s because of her emotional support dog. Goldman employed the newly amended Fair Housing Act to successfully fight her eviction.

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Estate planning

One other perspective the committee considered concerned the question of how owners may protect their pets after the owner dies.

“The goal is to make sure that the animal is safe; it’s about the animal,” said lawyer Rachel Hirschfeld, an estate, wills and trust attorney and author of Petriarch: The Complete Guide to Financial and Legal Planning for a Pet’s Continued Care.

“It gives people peace of mind that they know if something happens to them—they go to hospital, get stuck somewhere, it is good for ‘pet parents’ to know that their animal will be cared for, legally, they have a documentation,” Hirschfeld said.

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