STATE OF NEW YORK

269

2023-2024 Regular Sessions

IN ASSEMBLY

January 4, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Judiciary

AN ACT to amend the domestic relations law and the agriculture and markets law, in relation to providing for the legal ownership of a companion animal

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The domestic relations law is amended by adding a new section 256 to read as follows:

§ 256. Order to care for companion animal pending final determination; assignment of sole or joint ownership. 1. Notwithstanding any other law to the contrary, the court, at the request of a party to proceedings for dissolution of marriage or for legal separation of the parties, may enter an order prior to the final determination of ownership of a companion animal to require a party to care for the companion animal taking into consideration the well-being of such companion animal. The existence of an order providing for the care of a companion animal during the course of proceedings shall not have any impact on the court's final determination of ownership of the companion animal.

2. Notwithstanding any other law, the court, at the request of a party to proceedings for dissolution of marriage or for legal separation of the parties, may assign sole or joint ownership of the companion animal taking into consideration the well-being of the companion animal.

3. "Companion animal," as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law.

§ 2. The agriculture and markets law is amended by adding a new section 385 to read as follows:

§ 385. Order to care for companion animal pending final determination. 1. Notwithstanding any other law to the contrary, in any proceeding wherein at issue is ownership of a companion animal who currently does

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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or has resided with parties to the lawsuit, the court may enter an order prior to the final determination of ownership of a companion animal to require a party to care for the companion animal taking into consideration the well-being of such companion animal. The existence of an order providing for the care of a companion animal during the course of proceedings shall not have any impact on the court's final determination of ownership of such companion animal.

2. Notwithstanding any other law to the contrary, in any proceeding wherein at issue is ownership of a companion animal who currently does or has resided with parties to the lawsuit, the court may assign sole or joint ownership of the companion animal taking into consideration the well-being of such companion animal.

3. "Companion animal" as used in this section shall have the same meaning as provided in subdivision five of section three hundred fifty of this article.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law.