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**DEAR DIVORCE MEDIATORS:** My husband and I have decided to divorce. We are barely talking at the moment. We have a 7-year old son, Eric and a 3-year old daughter, Ella. We also have two Goldendoodles, "Rocky" and "Roadie." I think we're on the same page about sharing time with Eric and Ella. However, our dogs are going to cause us a major divorce war!

Splitting them up is not an option—they are best friends. But, neither of us will agree to give them up. Will we actually have a "pet custody" battle? How will this go down in court?

Do you have any solutions for us? -- *FURRY-OUS IN PHOENIX*

**DEAR FURRY-OUS:** You and your soon-to-be-former-spouse both love your dogs. For most families, pets are more than property—they are loving members of the family.

Unfortunately, Arizona courts treat doggies in divorce no different than dish towels—as personal property. This means that at end of a long and painful trial, a Judge will "award sole ownership" the dogs to one of you. Since you have two dogs, a Judge may also award one dog to each of you—exactly what you both know is the worst outcome for them. In some cases, pets can even be removed from both owners.

The good news is—**you don't need a Judge to decide this for you.** Parents (of pets and children) are consistently unhappy, and often emotionally and financially devastated, when they enter litigation and allow the court to decide their future.

In divorce mediation, you can both reach creative, personalized agreements about Rocky and Roadie in the same way you can approach your children and all other divorce issues. A professional mediator can identify every issue you should think about, and help you reach agreements that meet both of your wants and needs. This way, you stay in control over your own divorce terms.

There are many ways you can personalize your own "pet parenting plan" in divorce mediation without ever going to court. You might even approach the dogs, like you approach your children.

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Here are a few things to think about:

**Who will retain "ownership" of the dogs?**

You might agree that one of you retains "sole ownership" of the pups. However, consider that Arizona parenting law for children presumes that parents have *joint legal decision-making authority*. Joint decision making over children is most often in the children's best interests.

You can do this for doggies too. You could agree in mediation that you will have "joint ownership" of Rocky and Roadie.



**How will we share time with the dogs?**

"All or nothing" when it comes to seeing the dogs you love is a terrible thought. Especially when you have children *and* dogs, it can hurt everyone when only one spouse winds up allowed to see the family dogs.

In your "pet parenting plan," you could agree: "the dogs go where the children go." For some, that keeps things simple, children have the benefit of always being with the doggies, and both parents get to experience the joy of seeing their children interact with their dogs.

If keeping the kids with the dogs is not important, parents might agree: "When the kids are with Mom, Dad has the dogs. When the kids are with Dad, Mom has the dogs."

Spouses can also take into account their work and travel schedules and agree upon a reasonable time sharing plan that meets their own needs,

and the best interests of the doggies, so that they spend the least amount of time home alone.

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**Who will be financially responsible for the dogs?**

If you share time or ownership of your dogs, you could agree to share financial responsibility too. There are many creative ways divide doggie costs. You could agree to divide vet bills equally, or divide in proportion to your incomes, or one spouse can assume full responsibility for vet bills.

You could also agree to divide costs in proportion to the amount of time you spend with the dogs. Creative agreements are also possible on issues such as food costs and grooming.

Before you begin your divorce path, remember that you both have an interest in keeping conflict low during your divorce—for the well-being of your children and your dogs. You can choose a healthier divorce process in divorce mediation, and avoid a harmful litigated court battle.

*Want your question answered and published? Submit your “Dear Divorce Mediators” question to [michael@auritmediation.com](mailto:michael@auritmediation.com)*

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**Michael Aurit, J.D., M.D.R., and Karen Aurit, M.A.**, help spouses avoid a harmful divorce war. They guide couples through a healthier, more peaceful divorce so that spouses never set foot in a courtroom. As co-founders of [The Aurit Center For Divorce Mediation](#), in Scottsdale, Arizona, the team provides a confidential, affordable, and low stress process that reduces conflict. Spouses stay in control of their own personalized divorce terms and reach mutual agreements on all issues. The Aurit Center handles the entire divorce from beginning to end. Most importantly, divorce mediation protects the health and emotional well-being of children.