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March 11, 2021

Senator Carney
Representative Harnett
Members of the Judiciary Committee:

I write this letter in support of the passage of LD 535, an Act to Provide for the Well-being of Companion Animals Upon the Dissolution of Marriage. I am an attorney who has practiced family law for thirty six years in the state of Maine. I am a former Chair of the Maine State Bar Association Family Law section, as well as the section's former secretary and Legislative Liaison. I am a Fellow of the American Academy of Matrimonial Lawyers and served as the president of this national organization of family lawyers in 2012. I am also a Fellow of the International Academy of Family Lawyers and formerly served as a Director of the IAFL. I am a Diplomate of the American College of Family Trial Lawyers, an "invitation only" organization of family trial lawyers, limited to a membership of no more than one hundred diplomates nationwide. Finally, I am a member of the Association of Family and Conciliation Courts (AFCC), an organization comprised of family lawyers, therapists, mediators, arbitrators, and judges.

In my thirty six years of family law practice, I have encountered virtually every issue imaginable appurtenant to the dissolution of a marriage. Although we know that there is no issue more heart wrenching than the parental rights and responsibilities of a child, the "award" of a pet is a close second. As we all know, today pets, as defined by law, are no more than chattel, with equal standing to living room furniture, coffee makers, and the toaster oven. But as anyone who owns a pet knows, a pet is far more than an inanimate object: A pet is a living being deserving much greater consideration than one person getting the lamp in the library and the other the living room coffee table. A pet creates one of the strongest bonds a human being can have with another living creature, and to not provide the courts with the ability to determine what is best for that pet (and their owner) based upon more evidence than simply who paid for it is shortsighted and, ironically, inhumane.

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The argument that allowing judges to consider other factors when determining the disposition of a pet would be further burdensome on court time is spurious. Having the parties outline for the judge their history with the pet would add little time to a trial. I could easily have a client outline for a judge his or her response to the factors being proposed in this legislation in less than fifteen minutes. That does not appear to me to be an extravagant amount of time for such a significant issue.

As the legislature already knows, it is important to recognize that in an abusive situation, a spouse will use a pet to further his or her power and control over his or her spouse, as well as to further abuse or intimidate his or her partner. I have seen situations in which an individual has no interest in retaining possession of a pet, but because he or she paid for the pet, and he or she knows how important that pet is to the other spouse, that individual will advocate for ownership just to exert more power over, and abuse to, that spouse. Allowing the judge to consider the proposed factors will allow the court to see through these ulterior motives and insure that the appropriate party retains ownership of the pet.

Finally, just the fact that the judge has the power to consider the suggested factors would likely decrease litigation rather than impose upon valuable court time. If a client knows that a judge can consider factors other than simply who paid for the pet, it is likely the party will see the folly in litigating an issue he or she knows can't be won, and settle the issue without a hearing. Because our ultimate goal is to settle a case when possible, providing the court with the ability to consider these factors would likely lead to less, rather than more, litigation over companion animals.

For all of the reasons above, I strongly support the passage of LD 535. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Altshuler', with a stylized, cursive script.

Kenneth P. Altshuler

KPA/