



Pets and companion animals in family law - major changes from June 2025

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From June 2025, Australian family law changed the way courts in most jurisdictions deal with family pets in [property settlements](#). Pets are no longer treated as just another piece of property. Instead, they are recognised as “companion animals” – a special category with rules that reflect their role in family life. This means the court looks beyond whose name is on the microchip or registration and considers how the animal is cared for, attachment to family members, including children, and the impact of family violence.

These reforms aim to deliver fairer and more practical outcomes when families separate, and a pet is involved.

What changed in June 2025?

When Parliament passed the *Family Law Amendment Act 2024* (Cth) ('the Act'), which amended the *Family Law Act 1975* (Cth), most reforms related to financial and property matters came into effect from 10 June 2025.

The Act includes, for the first time, a definition of companion animal and a list of considerations the court must weigh up when deciding who keeps a family pet. It also makes clear what types of orders courts can and cannot make about pets.

What is a companion animal?

In plain English, a companion animal is an animal kept mainly for company. The Act expressly **excludes** animals that are:

assistance animals under the *Disability Discrimination Act*,

kept as part of a business;

kept for agricultural purposes; or

used in laboratory tests or experiments.

Put simply, most family pets (for example, dogs, cats and similar household animals) are companion animals, while working livestock, commercial breeding animals and service animals are not.

Factors the court must consider when dealing with companion animals

The same legal process applies whether you are married or in a de facto relationship (except for de facto parties in Western Australia). For both married couples ([section 79 of the Act](#)) and de facto couples in all states except WA ([section 90SM](#)), the court must consider specific factors when making an order about a companion animal.

The court looks at things such as:

how and when the animal was acquired;

who currently owns or possesses the animal;

who has cared for and paid for the animal;

any family violence in the relationship;

any history of actual or threatened cruelty or abuse towards the animal;

the bond between the pet and family members, including children;

each party's ability to care for the animal in the future;

any other circumstances the court decides are relevant.

What orders can the court make regarding companion animals?

The court's powers with regard to companion animals are intentionally limited. It can order:

sole ownership to one party;

transfer of ownership to another person if that person consents;

in rare situations, that the animal be sold.

Importantly, the court **cannot** order shared ownership or a roster for spending time with the pet. So, unlike with children, there is no legal mechanism for alternating weeks with the dog or splitting the school holidays with the cat. If you are seeking shared arrangements for the care of pets, this must be agreed privately between the parties.

De facto parties in Western Australia

Property settlements for de facto parties in Western Australia are not dealt with pursuant to the Act. The relevant legislation for de facto parties in *Western Australia is the Family Court Act 1997 (WA)*.

As at the time of publishing (October 2025), the *Family Court Act 1997 (WA)* has not been amended to reflect the changes in the Family Law Amendment Act 2024 (Cth). Therefore, for de facto parties in Western Australia, there are no specific rules for pets and pets are treated as another piece of property.

It is likely the *Family Court Act 1997 (WA)* will be amended to mirror the Act, but we do not know when this will occur.

Family violence and pets

The June 2025 reforms recognise the link between family violence and harm to pets. Courts must now consider both:

any family violence between the parties, and

any actual or threatened harm to the animal.

The law also requires courts to consider the broader financial impact of family violence in property settlements. If you or your pet is at risk, it is important to tell your lawyer as soon as possible so urgent protective steps can be taken.

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Records and evidence that help in pet disputes

If you and your former partner cannot agree about pet ownership or care, you should consider gathering evidence that shows day-to-day responsibility and financial contributions, as well as any safety concerns.

Helpful documents and relevant information include:

registration, microchip, and council records showing possession and ownership;

vet records and invoices showing who booked appointments, who attended appointments and who paid costs;

pet insurance, food and grooming receipts;

photos, training certificates and competition entries that demonstrate ongoing involvement (e.g. obedience lessons or dog shows);

messages or emails that show agreed care arrangements;

messages or emails that show threats relating to pets;

any reports or evidence relevant to family violence or animal cruelty.

Tip: When in doubt, think about what evidence proves who actually looks after the animal on a regular basis – who feeds them, pays for them and spends time with them. That's what matters most to the courts.

Private agreements related to companion animals

Court orders about pets can be limiting, so where it's safe and practical, reaching your own agreement with your former partner may work better.

You can draft a private agreement, but keep in mind it will not be legally enforceable unless it is formalised in a [Binding Financial Agreement](#).

Things you can consider when drafting arrangements in relation to pets include:

who has ownership and where the animal will live;

contributions to day-to-day costs such as food, insurance and vet care;

arrangements for holidays, boarding or temporary care;

a plan for emergency veterinary decisions;

what happens if one party relocates interstate;

how disputes will be resolved, for example, through [mediation](#).

If you reach your own agreement about sole ownership, transfer of ownership or the sale of your pet, then the court can also [formalise your agreement by way of Consent Orders](#).

Frequently asked questions – companion animals and family law disputes

Can the court order shared care of a pet?

No. The court cannot make shared-care or time-spending orders for a companion animal. It can only order sole ownership, a consented transfer or sale. Shared arrangements are a matter for private agreement.

Do the 2025 family law reforms treat pets like children?

No. Pets remain property in law, but as companion animals they are considered under a dedicated checklist that looks at care, attachment and safety, including family violence and cruelty.

Are assistance animals included in property settlement negotiations?

No. Assistance animals under the Disability Discrimination Act (for example, guide dogs) are specifically excluded from the companion animal definition. Animals kept for business, agriculture or laboratory use are also excluded.

When should I seek legal advice?

You should seek legal advice if there is a risk a pet may be sold, given away or harmed, or if family violence is involved. The broader property and family violence reforms give the

court tools to protect parties and account for the safety and economic impacts of abuse when making orders.

In summary

In most jurisdictions, pets are now companion animals under the 2025 Australian family law reforms. A special category of property has been added with a dedicated checklist.

The court must consider care, costs, attachment, safety and any family violence when deciding who keeps pets after separation.

The court can only order sole ownership, a consented transfer or sale of a pet. It cannot consider or make orders for shared care arrangements.

Assistance animals and animals kept for business, agriculture or laboratory use are excluded from the companion animal rules under the Act.

Sensible record-keeping and early legal advice will improve your position and help you reach a practical, low-conflict outcome.

Get help from a family lawyer

Sorting out what happens with a family pet after separation can be stressful – especially when you're also dealing with property and parenting arrangements.

A family lawyer can help you:

prepare the right documents;

address family violence or safety concerns;

negotiate practical arrangements; and

formalise agreements so they are enforceable if needed.

The aim is always a fair and workable solution that reflects day-to-day realities and protects both you and your companion animal's well-being.

The information contained in this article is of general nature and should not be construed as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.