

Court Rules Pets Have Special Value

New Jersey appeals court rules the value of a pet can't be measured in money alone.

Posted: April 30, 2009, 4:35 p.m. EDT

A New Jersey appeals court recently ruled that pets, like family heirlooms, have more than just monetary value to their owners and that this so-called "special subjective value" should be considered in resolving custody disputes.

The opinion, issued March 10, came from a three-judge panel in a case involving a South Jersey man and woman who were engaged to be married but then broke up. The panel ruled money was inadequate compensation for Doreen Houseman whose former fiancé, Eric Dare, kept their dog after the breakup of their relationship, despite an oral agreement that she would keep the pet.

According to a court document announcing the panel's decision, Houseman and Dare had a relationship for 13 years before it ended in May 2006. They had purchased a Pug, named Dexter, for \$1,500 in 2003. When they broke up, Houseman took the dog and his "paraphernalia." According to the court document, she left one of the dog's jerseys and some photographs behind as mementos for her ex-fiancé.

Houseman alleged they had an oral agreement that the dog would be hers. She did keep Dexter for several months after she and Dare separated, but she gave him the dog to watch while she went on vacation in February 2007. He refused to return the pet when she returned. Shortly thereafter she sued him.

The court found that Houseman and Dare had an oral agreement, but that Dare could retain ownership of Dexter because he was already in possession of the dog. Dare had to pay Houseman \$1,500, the value of the Pug agreed on by the couple.

Explaining its reversal of the trial court decision, the appellate court ruled that the pet, like heirlooms, family treasures and works of art, induce a "strong sentimental attachment" that monetary damages cannot compensate. The case was sent back to the trial court for further proceedings.

According to a report in the Journal of American Veterinary Medical Association (AVMA), many veterinarians are wary of rulings that tinker with the legal status of animals. Specifically, they worry veterinarians will be exposed to increased liability from aggrieved pet owners if courts put an economic value on the human-animal bond. The good news in this case, according to Rick Alampi, executive director of the New Jersey Veterinary Medical Association, was that the court did not fix a price tag on the bond between Houseman and the dog.

The AVMA welcomed the court's rejection of a best-interest-of-the-pet standard as urged by the Animal Legal Defense Fund and Lawyers in Defense of Animals. The best interest doctrine is typically used by family courts to determine what's best for children whose parents are separating, according to the AVMA.

- Get more updates on dog-related legislation -