



**Governor's Advisory Council for Exceptional Citizens (GACEC)**  
**516 West Loockerman St., Dover, DE 19904**  
**302-739-4553 (voice) 302-739-6126 (fax) <http://www.gacec.delaware.gov>**

**MEMORANDUM**

**DATE:** April 28, 2023

**TO:** The Honorable Members of the Delaware General Assembly

**FROM:** Ann C. Fisher, Chairperson  
GACEC

**RE:** **House Bill No. 95 Companion Animals in the Disposition of Marital Property**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed House Bill No. 95, which proposes to amend §1503 of Title 13 of the Delaware Code. The amendment requires Family Court to award possession and provide for the care of companion animals when dividing marital property after considering the well-being of the companion animal. Council **supports** the proposed legislation.

The amendment defines a "companion animal" as an animal "kept primarily for companionship instead of as any of the following:

- a. A working animal.
- b. A service animal as defined in § 4502 of Title 6.
- c. An animal kept primarily as a source of income, including livestock as defined in § 7700 of Title 3."

Council appreciates this definition as it exempts service animals from being treated as a companion animal when service animals are the property of the person for whom they have been trained to assist. The sponsors of the legislation might consider including this rationale in the statute for clarity.

Thank you for your time and consideration of our support of the proposed legislation. Please feel free to contact me or Pam Weir at the GACEC office should you have any questions.