
Pet ownership disputes

People sometimes come to the library because someone has possession of a beloved pet, and refuses to return it. It might be a roommate or ex-partner who took the pet when they moved out, or kept it when our patron moved out. It could be that a pet ran off and someone rescued it, but won't return it. This is obviously a stressful and painful situation for the pet owner, and they want the court to order the person with the pet to return it.

There are different rules and procedures for pets that are being held under a [veterinarian's lien](https://www.vmb.ca.gov/laws_regs/lieninfo.pdf) (https://www.vmb.ca.gov/laws_regs/lieninfo.pdf), for [custody of pets in a divorce](https://www.boydlawlosangeles.com/divorce-and-pets-new-california-law/) (<https://www.boydlawlosangeles.com/divorce-and-pets-new-california-law/>), and for asking for protection for your pet in a [domestic violence restraining order](https://selfhelp.courts.ca.gov/DV-restraining-order) (<https://selfhelp.courts.ca.gov/DV-restraining-order>) or a [civil harassment restraining order](https://selfhelp.courts.ca.gov/CH-restraining-order) (<https://selfhelp.courts.ca.gov/CH-restraining-order>). SDLL's guide does not cover these.

These patrons are often surprised to find that under the law, pets are considered "property" just like a TV or a sofa. And just like any other property, it is possible to sue the person who is keeping it away from you and ask for its return. [Cal. Civil Code § 3380](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=3380.&lawCode=CIV) (https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=3380.&lawCode=CIV). Unfortunately, there is no simple form to use in this situation. But there is a great starting point from the [San Diego Law Library](https://sandiegolawlibrary.org/) (<https://sandiegolawlibrary.org/>).

Guide from San Diego Law Library

The SDLL has prepared a [great guide on pet ownership disputes](https://sdlawlibrary.libguides.com/petownershipdisputes) (<https://sdlawlibrary.libguides.com/petownershipdisputes>), including a template for you to use to start the lawsuit (the Complaint).

It includes background information, instructions on how to file the Complaint and how to get it served it on the other party, and links to other forms and instructions you may need.

For instance, just filing the Complaint does not automatically mean the court will issue an order. You must file additional paperwork for that. If you feel that it is an emergency, you can use SDLL's [ex parte application guide](https://sdlawlibrary.libguides.com/c.php?g=1290771&p=9477461) (<https://sdlawlibrary.libguides.com/c.php?g=1290771&p=9477461>) to help ask for an order right away. The judge can order the party to return your pet, or at least prevent them from selling or giving the pet away until the judge can making a final decision about who owns it.



SDLL's guide even includes information about what types of evidence you can use to prove that you are the owner of the pet. From purchase and vet records, to pictures of you with the pet and neighbors testifying that they see you walking the dog every morning, the list gives you great ideas on how you can show that you are the pet's owner.

As always, we advise you to consult a lawyer if you can. And you are always welcome to come into the Sacramento County Public Law Library to do research research your options.

More information

In the Law Library

American Bar Association Legal Guide for Dog Owners
Self Help KF390 .5 .D6 E37 2014

Animal Law in a Nutshell
Self Help KF390.5 .A5 F73 2021

Every Dog's Legal Guide (Nolo Press)
Self Help KF390.5 .D6 R36 2012

Win Your Lawsuit
Self Help KFC968 .D86 2010

On the Internet

San Diego Law Library, "[Pet Ownership Disputes](https://sdlawlibrary.libguides.com/petownershipdisputes)" (<https://sdlawlibrary.libguides.com/petownershipdisputes>)

Justia.com, "[Ownership and Possession of Dogs & Related Legal Issues](https://www.justia.com/animal-dog-law/ownership-and-possession-of-dogs/)" (<https://www.justia.com/animal-dog-law/ownership-and-possession-of-dogs/>) "

Divorce.com, [“Who Gets the Pets in a California Divorce?”](https://divorce.law/guides/pet-custody-divorce/california/) [\(https://divorce.law/guides/pet-custody-divorce/california/\)](https://divorce.law/guides/pet-custody-divorce/california/)
[Who Gets the Pets in a California Divorce? Pet Custody Laws in](https://divorce.law/guides/pet-custody-divorce/california/) [\(https://divorce.law/guides/pet-custody-](https://divorce.law/guides/pet-custody-divorce/california/)
[divorce/california/\)](https://divorce.law/guides/pet-custody-divorce/california/) [divorce/california/\)](https://divorce.law/guides/pet-custody-divorce/california/) 2026”