

LIABILITY, 'HYSTERIA'

Don't let liability "hysteria" keep you

from sending good dogs home.

In a misguided effort to manage liability, some agencies refuse to adopt out certain breeds of dogs, or place blanket restrictions on adoptions of certain breeds. If reduction in liability is the goal, neither of the above are viable solutions. Based on a review of cases in the United States, shelter liability for unlawful search and seizure, civil rights violations and disputed estate bequests far exceeds those for dog bite injuries.



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**Board of Directors,
American Veterinary Medical
Legal Association**

**General Counsel, Inland
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and SPCA**

You will fulfill your mission and manage risk when you:

- **Observe** the dog while in your care.
- **Document** all observations and all information provided by previous owners
- **Disclose** all known facts to the new owner, including information received from the previous owner, and observations made and documented while in the custody of your shelter. Liability may result if you omit **facts**. Further, in the absence of observations or of information received from previous owners, you should not make claims regarding the interaction of the dog with children; and should never make statements such as, "not recommended for children under 10," or anything similar. Blanket restrictions on the age ranges of children suitable for a given dog or characterizations of specific breeds of dog are unscientific, have little predictive value, yet may constitute an implied warranty on your part. Stick to **facts**.
- **Transfer** ownership of the dog, fully and finally, to the new owner. Whether your state follows strict liability or the "one bite" rule, the liability for a dog bite is on the owner. There is not a single reportable appellate opinion in which an animal shelter was found liable for a bite by a dog that it did not own.

If shelters observe, document, disclose and transfer, they will greatly decrease their chances of being on the wrong side of a lawsuit, and increase their ability to adopt out more dogs to loving families.



Animal Farm Foundation, Inc.
www.animalfarmfoundation.org