

ANIMAL ABANDONMENT AND LIEN FAQ

1. **What does California's animal abandonment statute say?**

According to the statutory abandonment provisions ([Section 1834.5 of the Civil Code](#)), if an animal is not picked up within 14 days after it was due to be picked up, the animal is considered to be abandoned. Here is the actual language in the law:

(a) Notwithstanding any other provision of law, whenever an animal is delivered to a veterinarian, dog kennel, cat kennel, pet-grooming parlor, animal hospital, or any other animal care facility pursuant to a written or oral agreement entered into after the effective date of this section, and the owner of the animal does not pick up the animal within 14 calendar days after the day the animal was initially due to be picked up, the animal shall be deemed to be abandoned. The person into whose custody the animal was placed for care shall first try for a period of not less than 10 days to find a new owner for the animal or turn the animal over to a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or nonprofit animal rescue group, provided that the shelter or rescue group has been contacted and has agreed to take the animal. If unable to place the animal with a new owner, shelter, or rescue group, the animal care facility may have the abandoned animal euthanized.

(b) If an animal so abandoned was left with a veterinarian or with a facility that has a veterinarian, and a new owner cannot be found pursuant to this section, the veterinarian may euthanize the animal.

(c) Nothing in this section shall be construed to require an animal care facility or a veterinarian to euthanize an abandoned animal upon the expiration of the 10-day period described in subdivision (a).

(d) There shall be a notice posted in a conspicuous place, or inconspicuous type in a written receipt given, to warn a person depositing an animal at an animal care facility of the provisions of this section. (A plaque that complies with the legal notice requirement can be purchased at the [CVMA store](#).)

(e) An abandoned animal shall not be used for scientific or any other type of experimentation.

2. **Do I have to have a posting in my practice to notify clients of the Abandoned Animal Act?**

Yes. California Civil Code Section 1845.5(d) states: *"There shall be a notice posted in a conspicuous place, or inconspicuous type in a written receipt given, to warn a person depositing an animal at an animal care facility of the provisions of this section."*

A plaque that complies with the legal notice requirement can be purchased at the [CVMA Store](#).

3. **Is animal abandonment a crime?**

Yes. The [California Penal code section 597s](#) indicates that animal abandonment is a crime punishable as a misdemeanor. Generally, municipal animal service agencies enforce the penal code for animal-related crimes.

4. **Can a veterinarian charge for food, shelter and medical treatment when the animal is determined to be legally abandoned?**

The veterinarian's legal right in such a case depends on the terms of the oral or written contract between the animal's owner and the veterinarian. In the absence of any specific agreement, there is an implied contract to pay a reasonable amount for services requested.

5. **How do I determine when the 14-day waiting period begins?**

The law states that an animal may be deemed abandoned 14 days after the date the animal was scheduled to be picked up. Although the law does not require it, you may notify the client of this by as many means applicable: registered letter, fax, text, email, phone call, phone message of your intent to declare their animal abandoned on a specific date. Save any proof of delivery of letters, faxes, texts or emails and note in the patient record the dates and times that calls were placed and messages were left with the client.

6. What if I try several methods of notifying the client but am unsuccessful in confirming that my notice of abandonment reached them?

Document everything in the patient record- including the date and time of any and all calls placed to the client, all texts or emails sent (printed copies in the record with date and time stamping included,) and retain any returned registered letters with post office or courier confirmation that delivery was attempted.

7. If the owner abandons the animal and recontacts the veterinarian, at what point does the 14-day period begin?

The 14 day waiting period begins from the date that the animal was originally due to be picked up by the owner. An owner cannot continue to reset this date by calling and declaring intent to pick up the animal. An animal may be determined to be legally abandoned after 14-days following the original date that the animal was supposed to be picked up.

8. What do I do if an animal dies in my care while in the 14-day abandonment waiting period?

You may attempt to notify the owner to inform them of the animal's death and inquire about what they would like to do with the remains. If you cannot reach them, the California Code of Regulations, Title 16, Section 2030.1(b) states: *"When the client has not given the veterinarian authorization to dispose of his or her deceased animal, the veterinarian shall be required to retain the carcass in a freezer for at least 14 days prior to disposal."*

9. What do I do if I have an animal in extreme pain but the owner is non-responsive to my calls?

An animal in critical condition or extreme pain may fall under the jurisdictional oversight of a municipal animal service agency because of a reference to "needless suffering" in [California Penal Code 597\(b\)](#). Contact your local animal services agency and explain the situation. They have statutory authority under California Penal Code 597.1 to take legal possession of the animal and direct treatment. Also, the [California Business and Professions Code section 4830.7](#) states, *Whenever any licensee under this chapter has reasonable cause to believe an animal under its care has been a victim of animal abuse or cruelty, as prescribed in Section 597 of the Penal Code, it shall be the duty of the licensee to promptly report it to the appropriate law enforcement authorities of the county, city, or city and county in which it occurred. No licensee shall incur any civil liability as a result of making any report pursuant to this section or as a result of making any report of a violation of subdivisions (a), (b), and (c) of Section 597 of the Penal Code"*

10. If I am in possession of an abandoned animal and cannot find it a home and shelters/ rescues refuse to take it, am I mandated to euthanize it?

No. The law gives the veterinarian the option to euthanize an abandoned animal after trying for a period of not less than 10 days to find it a home, but does not require that the veterinarian perform euthanasia.

11. At what time is the animal considered abandoned if first liened?

If a veterinarian refuses to release an animal and first places a lien on the animal in order to protect his/her lien right, the animal would change from being liened to being abandoned when: (a) the veterinarian had given the owner of the animal express notice that the lien right was being relinquished

and that the animal could be picked up on a *specific* date; and (b) the owner of the animal had not picked up the animal or otherwise contacted the veterinary facility regarding the animal within 14 days after the date specified in the veterinarian's notice of relinquishment.

12. What is a lien?

A lien is a legal right to keep possession of property belonging to another person until a debt owed by that person is discharged.

13. Can veterinarians put a lien on animals?

Yes, a veterinarian is authorized to hold an animal for payment after treatment is ended and payment for services due according to [California Civil Code Section 3051](#). According to the law, a veterinarian may keep an animal after treatment if the bill is not paid. If the amount due for veterinary services has not been paid within 10 days after the payment has become due, the law authorizes the veterinarian to sell the animal. However, he/she must give at least 10 and not more than 20 days' notice to the owner prior to the sale. The proceeds of the sale must be applied to the discharge of the lien and the cost of keeping and selling the animal. The remainder, if any, must be paid to the legal owner.

14. Can a veterinarian euthanize a liened animal?

No, statutory lien provision only permits a veterinarian to sell an animal which has been liened, but not euthanize it.

15. If medical services are rendered after the animal becomes liened, can this cost be recovered?

According to the opinion of the legal office at the California Department of Consumer Affairs, the Civil Code (Section 1892) precludes the veterinarian who exercising lien rights over an animal from claiming compensation from the owner for any trouble or expense incurred during the lien period, *except if* the costs were incurred to preserve the animal from an expected and unusual injury or because of concealed defects in the animal. Practically speaking however, a situation involving both unexpected and unusual injury would be rare. Moreover, it would be extremely difficult to convince a court that an animal suffered from any "*concealed defects*" when one of the areas of a veterinarian's expertise is to diagnose the condition of the animals in his/her care.

16. What recourse does the veterinarian have to protect his or her interests in lien or abandonment situations?

If there is concern on the part of the veterinarian about payment for professional services, a retainer or deposit might be required before the services are rendered. An alternative course of action for a veterinarian to ensure future payment by a client who is not able to pay for the services when they are rendered, would be to consult with their private attorneys for advice on the various securities which might be required or other methods by which debts for veterinary services might be lawfully collected through the court process or otherwise. These may include payment agreements, credit card authorization forms or other payment arrangements.