



# Animal Abandonment Cases

*Guidance for Animal Control Officers*



The Massachusetts Department of Agricultural Resources (MDAR) Division of Animal Health is responsible for providing training and guidance to animal control officers (ACOs) and for inspections of municipal animal holding facilities. Recently MDAR has received inquiries from ACOs about what to do in abandoned animal cases when an owner is known. We want to make sure ACOs receive guidance on this matter, so we met with peers in animal welfare from the Animal Rescue League of Boston, MSPCA, Boston Workhorse Relief Association, Northwestern District Attorney's Office, ACOAM, and Boston Animal Control to create this document.

ACOs are often asked to take custody of owned animals in emergency situations. ACOs should make every effort to facilitate the reunion of these animals with their rightful owners. However, sometimes return-to-owner efforts can be unsuccessful. Using abandoned animal protocols during and after owned animal intakes can help establish animal custody and reduce length of stay in your facility.

Please keep in mind, the steps listed below are what our peer group decided to be best protocols/practices for specific types of abandonment cases in two categories. **ACOs should first receive approval from their municipality and their respective legal counsel before implementing protocols/practices in this document.**

Please note the following: An Animal Claim Notice 10-day letter is referred to as an "Animal Claim Notice" below.

## Category 1: Involuntary Abandonments

**A domestic animal enters ACO care due to the arrest of their owner for a non-animal related criminal offense, or an owner's medical emergency such as death or hospitalization due to a physical or mental condition or involuntary commitment through the Court for alcohol or substance use (M.G.L. c. 123, § 35) or mental illness (M.G.L. c. 123, § 12).**

For all involuntary abandonment situations, the group recommends trying to get an Animal Claim Notice signed at the time of arrest, or hospitalization whenever possible.

**Each municipality should have their town or city's legal counsel approve the content of the Animal Claim Notice and this process prior to its use.** At the end of this document, you will find a list of key information contained in the Animal Claim Notice.

This Animal Claim Notice letter's primary goal is to provide proof that the owner is aware that if the animal is not claimed by the stated date (recommended to be at least 10 days from notice), then the animal will be considered abandoned and will become property of the municipality and may be adopted, transferred, or euthanized at the municipality's discretion.

If a signed Animal Claim Notice could not be obtained at the time of intake of the animal, due to the non cooperation or physical or mental condition or incapacity of the owner, the group would recommend completing the following steps:

- Send a cover letter and an Animal Claim Notice to the owner's last known location through certified mail AND regular mail (in case mail is being forwarded).
- If the owner is hospitalized or incarcerated, send notice to the owner's case manager, or legal counsel. If the owner has been arrested for a non-animal related criminal offense, the owner should have legal counsel. In this case, an Assistant District Attorney ("ADA") in the Court where the non-animal related criminal case is pending should be able to assist in making contact with legal counsel.
- If the owner is deceased, reach out to the police department to obtain information on next of kin and send a cover letter and an Animal Claim Notice through certified mail AND regular mail (in case mail is being forwarded) to next of kin or to the owner's estate.
- If the owner has special circumstances, consider longer term options for housing the animal such as foster homes, safe pet programs, or emergency shelters (for disasters), etc. If long term housing options are available, make sure to state the terms and conditions in a letter to the owner including:
  - (a) Time frame of housing extension
  - (b) Location of housing, foster, boarding facility etc.
  - (c) Fees that will be owed, and/or waived
  - (d) Medical requirements, vaccines, spay/neuter etc
- If the owner chooses to surrender the animal instead of claiming, have them sign and date a surrender form.

In addition to the Animal Claim Notice, ACOs need to complete required animal intake forms and document all aspects of the case including attempts to contact the owner / case worker / caregiver/ alternate contacts / next of kin etc.

## Category 2: Voluntary Abandonments

**A domestic animal enters ACO care after being found: at the time of an eviction (M.G.L. c. 186, § 30)/foreclosure (M.G.L. c. 244, § 41)/summary process (M.G.L. c. 239, § 14); as a stray; after being left somewhere such as a boarding facility or public space; or is left at a veterinary hospital.**

For voluntary abandonment scenarios, the group recommends that the ACO work to get plans in place before an incident happens. An Animal Claim Notice should also be used for voluntary surrenders.

For an eviction (M.G.L. c. 186, § 30)/foreclosure (M.G.L. c. 244, § 41) /summary process (M.G.L. c. 239, § 14), planning and intervention are the best ways to prevent a voluntary abandonment situation.

- Talk to local housing authorities, and landlords and encourage them to have tenants with pets reach out for assistance before an eviction date.
- Keep a list of licensed shelter/rescues, boarding facilities, pet friendly housing and veterinarians for residents to contact.
- If the owner is present at time of eviction, try to get an Animal Claim Notice or a Surrender Form signed.
- If the owner is not present, send a cover letter and Animal Claim Notice by certified AND regular mail (in case mail is being forwarded).

**If an animal is found as a stray or left at a public space**, and the owner is known but has not claimed the animal, the group would recommend that an Animal Claim Notice be sent by certified and regular mail (in case mail is being forwarded).

- If the owner is local, an Animal Claim Notice can also be posted on the door of their dwelling. A picture of the posted notice should be taken and documented in a report.
- If the owner is not in your municipality, notify the local animal control officer and ask for a notice to be posted as above.

**If the animal is left at a boarding or daycare facility**, the ACO should be notified of the abandonment. Boarding and daycare facilities should have care contracts in place with owners. ACOs are not required to take animals left at private boarding or daycare facilities, but if the animal is taken into care due to a special or an emergency circumstance, abandoned animal protocols should be utilized.

**If the animal is left at a veterinary hospital**, the ACO should be notified of the abandonment, but is not required to take these animals into ACO care. Veterinary hospitals have their own statute on abandoned animals (M.G.L. c. 112 § 59A).

- Under that law, the veterinarian can dispose of an animal after 10 days' notice has been given. After the 10 days the veterinarian may transfer the animal to a licensed shelter/rescue or euthanize. The 10 day notice must include the use of a certified letter and when sent, 10 days must be allowed to elapse upon return receipt or returned undelivered letter, before moving forward with a transfer.
- Unless the veterinarian holds a license as a shelter/rescue or pet shop they can not adopt out the animal.

## Animal Claim Form: Key Factors

These key factors should be on an Animal Claim Notice or any other form used in abandoned animal protocols:

- Owner's name and contact info.
- Animal identifiers include breed, name, sex, color, microchip number, etc.
- Date receiving animal.
- Date animal must be claimed by.
- Location and contact info for ACO/ ACO facility
- Statement that owner is liable for all holding fees even if the animal is not claimed.
- Proof of rabies vaccination and current municipal license should be presented for reclaim.
- How the letter was served
  - (a) In hand
  - (b) By registered mail
- Who signed
  - (c) Owner
  - (d) Witness
- Custody emergency contacts

## Forms and Templates

Visit the Mass Animal Fund ACO Resources page to find the Animal Claim Form, Animal Intake Form, custody forms, and many many others!

[www.mass.gov/info-details/aco-resources](http://www.mass.gov/info-details/aco-resources)



ACOs should reach out to MDAR if they need spay/neuter or placement assistance after an Animal Claim Notice is used.

## MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES CONTACTS

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# ANIMAL CONTROL ANIMAL CLAIM NOTICE

Municipality: \_\_\_\_\_ Animal Control Officer (ACO): \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Owner/Keeper Information: ☐ Owner ☐ Other \_\_\_\_\_

Name: \_\_\_\_\_ D.O.B.: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

## Alternate Person(s) Given the Authority to Claim Animal Information:

*It is the owner's responsibility to notify additional person(s) authorized to claim animal and **claim must be made by date on this notice.***

Alternate 1 Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Email : \_\_\_\_\_

Alternate 2 Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Email : \_\_\_\_\_

Animal Information: ☐ Dog ☐ Cat ☐ Other \_\_\_\_\_

Animal Name: \_\_\_\_\_ Sex: \_\_\_\_\_ Approx. Age: \_\_\_\_\_

Breed/ Description: \_\_\_\_\_ ID Number: \_\_\_\_\_

The animal listed above is being held under municipal care at the animal control's holding facility located at :  
(Holding Address) \_\_\_\_\_.

Contact (ACO) \_\_\_\_\_ at (Phone) \_\_\_\_\_ to claim your animal.

Owner is liable for all fees that may accumulate while the animal is under municipal care.

Proof of rabies vaccination ( if applicable) and licensing (if applicable) should be presented at the time of claim.

The animal was brought into care on \_\_\_\_/\_\_\_\_/\_\_\_\_, and must be claimed by \_\_\_\_/\_\_\_\_/\_\_\_\_

**I UNDERSTAND THAT THIS ANIMAL MUST BE CLAIMED BY ME OR AN AUTHORIZED ALTERNATE PERSON (LISTED ABOVE) BY \_\_\_\_/\_\_\_\_/\_\_\_\_ OR IT WILL BE CONSIDERED ABANDONED AND WILL BECOME PROPERTY OF THE MUNICIPALITY. AT THAT TIME, THE MUNICIPALITY WILL HAVE THE DISCRETION TO ADOPT OUT, TRANSFER TO A LICENSED SHELTER/RESCUE, OR HUMANELY EUTHANIZE THE ANIMAL.**

Owner Signature \_\_\_\_\_ Date: \_\_\_\_\_

Witness Signature: \_\_\_\_\_ ACO: \_\_\_\_\_ Date: \_\_\_\_\_

☐ Owner refused to sign ☐ Owner unable to sign \_\_\_\_\_ ☐ Owner given copy in hand ☐ Mail