

Animal Placement Options 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 become concerned about animals from municipal facilities being transferred to unlicensed shelters/rescues and municipal officials directing residents to work with unlicensed shelters/rescues. We want to make sure ACOs receive guidance on this matter, so we developed this guide on who is authorized to take in and adopt out animals under the Mass General Laws.

ACOs are responsible for taking in stray dogs found within their municipality. Many municipalities also ask their ACOs to assist with owner surrendered animals, including cats and other domestic animals. Animal Intake forms must be completed for every animal that an ACO has in their custody, and rightful owners must be searched for in every case.

If no owner comes forward, the municipality has a decision to make. It is expected that the ACO will make a rational and reasonable decision – adoptable animals should not be put down, and dangerous animals should not be placed back into the community. For animal placements, ACOs have only four options under the Mass General Laws. These options are return, adopt, transfer, or euthanize and the criteria that need to be met for each option are listed.

Option 1. RETURN

Every effort should be made to return animals to the rightful owners.

Stray dogs are required to be held for 7 days to provide an owner time to come forward and reclaim them. Upon returning a dog to their owner, ACOs must follow through to ensure that the dog is up to date with rabies vaccination requirements and that it has a current municipal dog license. There is no required holding period for cats or other stray animals that come into the possession of animal control programs, but every effort should be made to find their owners as well. Only cats can be returned to field. If an ACO takes in an unsocialized healthy cat, and no owner comes forward, they can be spayed/neutered/vaccinated and returned back to the location where they were found. This process for cats is called Trap/Neuter/Return (TNR). The Mass Animal Fund may provide a voucher so these services can be completed at no cost to the municipality.

If an animal is not returned to the owner, only the below options are available.

Option 2: ADOPT

Animals may be placed for adoption directly by the municipal animal control officer. The ACO is authorized by MGL Chapter 140, section 151A to adopt out animals found within the towns for which they have been designated as animal control officer.

However, running an adoption program is not a simple undertaking. The municipality, not just the ACO, must take into consideration the liabilities that may be involved with adoption programs.

A behavior assessment must be conducted to ensure the animal is safe to be transferred to a new home. If you're not comfortable doing the assessment, ask for help. A REPUTABLE licensed shelter will work with you if it means helping an animal. Training for animal behavior assessments is available from many sources. They are not all the same! Make sure you are working with knowledgeable and respected behaviorists. ANIMATCH is a program through the Mass Animal Coalition that may be available to help you with evaluations. If you are stuck, please contact MDAR, and we can provide further guidance.

It is also important to assess the health status of an animal prior to placing it with an adoptive owner. If the town is conducting adoptions, you should have a relationship with a veterinarian who can examine animals before they are placed (they may need to be spayed/neutered or vaccinated before adoption anyway).

Mass Animal Fund can provide ACOs with free spay/neuter/vaccination vouchers for municipal cats and dogs if needed.

The municipality must have a robust adoption contract, approved by the City Solicitor or Town Counsel, that serves to provide some legal protection for the municipality, but also provides adequate safeguards for the animal should the placement not work out. The municipality should also determine what their adoption fees will be (they need to be at least \$3 under the MGLs) and any money collected must be accounted for.

Thinking all these issues through before starting an adoption program will help ensure these animals do not wind up as unclaimed strays in another community.

Option 3: TRANSFER

Domestic animals may be transferred to a licensed shelter/rescue organization.

A Shelter/Rescue is defined in 330 CMR 30.00 as an entity that is not otherwise required to be licensed under M.G.L. c. 129, §§ 39 (livestock dealers), 39A (pet shops), 45 (equine dealers), or c. 94, § 152A (poultry dealers), and whose primary activity is the placement of abandoned, displaced, unwanted, neglected or abused animals. Such entity does not obtain dogs or cats from a breeder or broker for payment or compensation, and is exempt from taxation under § 501(c)3 of the federal Internal Revenue Code or equivalent nonprofit designation under such Code.

For a shelter/rescue organization to be licensed in Massachusetts they must be in compliance with 330 CMR 30.00. ACOs can find a list of all licensed shelters/rescues on the mass.gov website at <https://www.mass.gov/info-details/approved-shelter-and-rescue-organizations>.

Scan this QR Code to go directly to the Shelter/Rescue List



If the only available placement for an animal is with a shelter or rescue based in another state, the ACO

must make sure that the organization meets the licensing requirements of the state in which it is located. Additionally, the ACO is responsible for ensuring all necessary import requirements of the destination state (like interstate health certifications) are obtained and provided before shipping the animal out of state. Import requirements for all US states can be found on the USDA's website at <https://www.aphis.usda.gov/aphis/pet-travel/interstate-pet-travel>. The ACO must work with a USDA-accredited veterinarian if an OCVI (Official Certificate of Veterinary Inspection) is required for transfer.

Behavior and health assessments should be completed prior to surrendering the animal to a licensed shelter or rescue for adoption. If personnel at the shelter are conducting the assessment, you should be available to observe. Neither you nor the municipality should ever offer an aggressive animal to an adoption group or direct the public to do so. If an animal poses a potential public safety risk, the ACO and the municipality need to address that problem themselves.

RESTRICTIONS: ACOs cannot broker animals, so they cannot transfer animals to pet shops or research facilities. ACOs are also prohibited from transferring animals to any organization or individual that is not licensed. Examples of this would be ACOs transferring a cat to a TNR group that is not licensed as a shelter/rescue but has kittens up for adoption, or transferring animals to a veterinarian that is placing animals with clients.

Please note, that municipal animal control programs are not licensed shelters or rescues. Unless the animal control program is affiliated with a licensed animal shelter or rescue, like a "Friends of (municipality)" type group, or they have a mutual aid agreement in place with a transferring municipality, they cannot accept animal transfers from other communities.

Option 4: EUTHANIZE

Humane euthanasia is an option for an animal if needed.

If it is determined that an animal should be euthanized for an aggression problem or a medical problem that cannot be resolved, the euthanasia must be performed by a veterinarian or under the supervision of a veterinarian. Within the current laws, only the administration of barbiturates is considered an acceptable means of euthanizing a dog or cat. A gunshot is mentioned in 151A specifying that it is only acceptable in emergency situations.

ACOs should reach out to MDAR if you have any questions about the placement options available for municipal animals!

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