

Legal Meets Best Practices

Part 2

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3 Ways We'll Share Today's Resources



QR Codes



Website Links

(on slides and at end of presentation)



Resources Tab

(Maddie's University on-demand recorded webinar version)



Using Webinar Quick Response (QR) Codes



We'll share links and resources.



Use your phone's camera and point it at the QR code.



Click the link that appears on your screen in yellow.



Phone browser will take you to the website or resource.



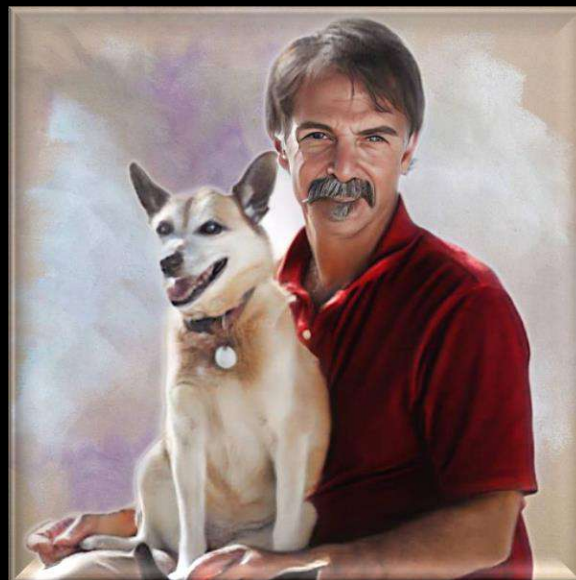
Save the resource or the website for future access.



Your Webinar Hosts



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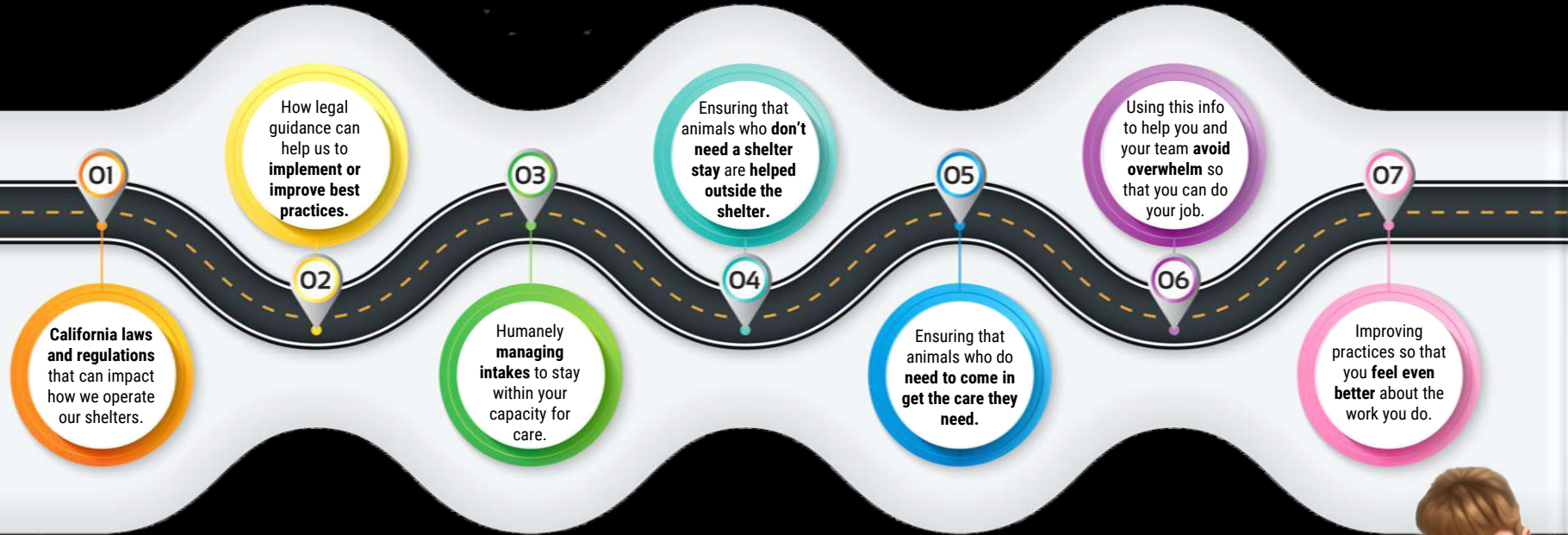
www.sfspca.org/about/advocacy



www.calanimals.org



What are we talking about in this webinar series?



WARNING: We want to test your assumptions...



One of our goals in this series is to test your assumptions. We'd like to help you really think about your shelter's role, mission, and resources with an understanding of the legal requirements that apply to you.

This can help you to formulate policies and practices that best accomplish your goals in light of any resource constraints you may face.

These constraints may change over time (or seasonally). Clarity about how to work with animals and people in your community while carefully considering current resources is vital.



**Let's dive in
and see how
we can help
legal and best
practices work
together.**





Based on Real Life Cases



(names have been changed to protect the innocent 😄)



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Scan this code with phone's camera!

Respond to the questions shared.

*SAME QR code/link for all poll questions during the live webinar.
Questions will be sent to your device.*

Let's Test Out Our Polling System...



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Finder Foster Programs



Does your shelter currently have a "Finder Foster" program?



Does your shelter currently have a "Finder Foster" program?

Yes No



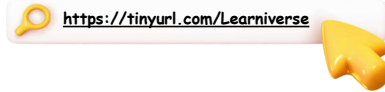
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Which of these types of animals would your shelter be most likely to ask a finder to foster? (Rank by dragging the items up or down.)



Best Practices – Finder Foster Programs

What is a
“Finder
Foster”
program?



What is a Finder Foster Program?

When we ask the person who finds an animal to hang onto it short or longer term to avoid shelter impoundment and the negatives that creates.



Best Practices – Finder Foster Programs

**Why is a
robust Finder
Foster
program a
“Best
Practice?”**



Best Practices – Finder Foster Programs

Encouraging finders of animals to help with the process of reuniting an animal with their original home has many benefits

Fewer animals have to come to the shelter and sit in a cage/kennel waiting for redemption or other outcome

Encourages community involvement in caring for animals in your community and humanizes the animal shelter

Gets more animals back home or to a new home faster

Enhances animal welfare by minimizing time in shelters (which we know are not great environments for animals)

Reduces shelter costs and shelter team workload

Reduces shelter team, volunteer and shelter foster stress, frees time for more/better care for animals who MUST be in the shelter

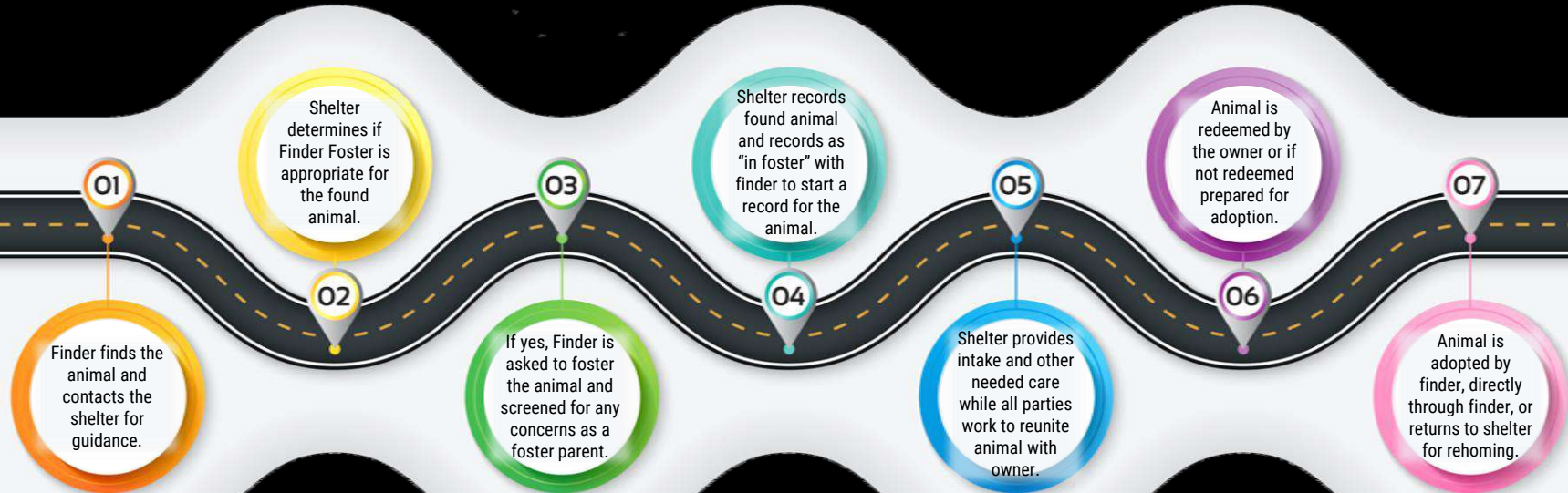


Best Practices – Finder Foster Programs

**What does
the Finder
Foster
pathway
look like?**



Finder Foster Program Pathway – Steps



Finder Foster Pathway – Steps 1, 2 and 3

Shelter is involved from the beginning

Robust messaging to finders about value of Finder Foster and how it works

Easy way for finders to contact the shelter for guidance

Pet gets lost and is found by community member "Finder"

Finder contacts shelter for guidance/next steps

Shelter explains program and screens animal as candidate for Finder Foster

Shelter briefly screens Finder as a "Foster" (following normal processes - which ideally are not difficult)



Finder Foster Pathway – Step 4, 5, 6, 7

If animal is a good candidate, Finder meets foster criteria and agrees to foster, shelter proceeds. Any normal foster documents are completed.

Animal is entered into shelter system and shelter begins normal processes to try to find owner.

Animal gets needed intake care at Finder foster's home or at shelter (photo, brief exam, normal wellness care, microchip scan, etc.)

Shelter continues normal processes of listing the animal and making attempts to find owner.

Finder can also make attempts to find owner (social media, walking around the neighborhood , etc.)

At the end of the applicable legal holding period if not redeemed animal can be made ready for adoption or other outcome.

Shelter follows normal processes to adopt to Finder, other interested adopters or have animal come to the shelter for rehoming.



Let's dive
into a
case
study!



Case Study #8



Case Study #8



Bobby the Bubbly Bully Breed

History:

Found by a Good Sam on his way to work. Bobby jumped into his car when he opened the door and patted the seat.

Appearance:

Weight appears good/good body condition score (BCS = 5/9), appears healthy. No indications of ownership - No collar, no microchip.

Behavior:

Seems very friendly to finder, able to leash and take into his yard.



Is this a dog you might typically ask a finder to foster for your shelter?

Is this a dog you might typically ask a finder to foster for you?

0%



Yes

0%



No

Start the presentation to see live content. For screen share software, share the entire screen. Get help at pollev.com/app



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If you knew that the animal would be more likely to be returned to the owner (and more quickly) from a Finder Foster would you consider it?

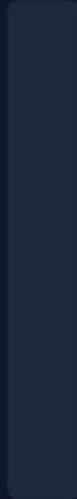
If you knew that the animal would be more likely to be returned to the owner from a Finder Foster would you consider it?

0%



Yes

0%



No

Start the presentation to see live content. For screen share software, share the entire screen. Get help at pollev.com/app



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Let's dive
into a set
of Finder
Foster
case
studies!



Case Study #9, 10, 11, 12





Case Study #9, 10, 11, 12



Ida the valid ID wearing large breed dog.



Otto the offensively worried large breed dog.



Fiona the fearful small breed teenager.



Harry the hit by car dog (stable but has some wounds).



Which of these 4 dogs would you consider asking the Finder to foster (select as many as you would pursue this for)?

Which of these 4 dogs would you consider asking the Finder to foster (select as many as you would pursue this for).



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0%



0%



0%

None of the above

0%



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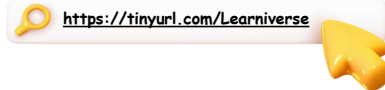
Tell us some of the reasons or situations in which you would NOT want to have a Finder foster an animal (related to the animal, not the Finder). UP or DOWN vote other peoples' responses if you agree or disagree.

Tell us some of the reasons or situations in which you would not want to have a Finder foster an animal (related to the animal, not the Finder). You can UP vote (agree) or DOWN vote (disagree) other peoples' answers as they come in.



Nobody has responded yet.

Hang tight! Responses are coming in.



Best Practices – Finder Foster Programs

We'd like to ask a couple of questions
about your experience with Finder
Foster homes.

Survey link in the chat or scan:



Best Practices – Finder Foster Programs

If you haven't already implemented a robust Finder Foster program or have limited which animals you offer the option to, consider doing some "pilot" programs and see what you learn.



Legal Tips – Finder Foster Programs

**What does
the law say
about Finder
Foster
Programs in
general?**



Legal Tips – Finder Foster Programs

Basic Law

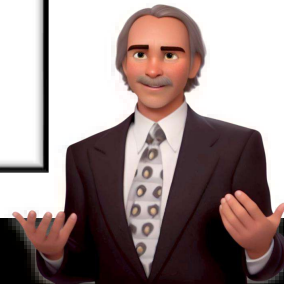
- Finder Foster program is one legal option for dealing with found animals
- Uses current law to assist where appropriate
- Not a law, not a regulation, not an ordinance - based on application of current law
- NOT based on “lost & found” property laws

When to Use

- Not for everyone, not for every situation
- One valuable tool in the toolkit that shelters have to deal with strays
- One option to avoid intake if it is not necessary
- Only applies where the facts all line up

Holding Periods

- Normal holding periods for the facility and type of animal (more on this coming up next).
- Holds are based on what the hold would be if the animal were housed in the shelter (as the shelter is involved, has record of the animal and is making normal efforts to find the owner).



Legal Tips – Finder Foster Programs

**Does it
matter that
the animal
isn't
physically
housed at the
shelter?**



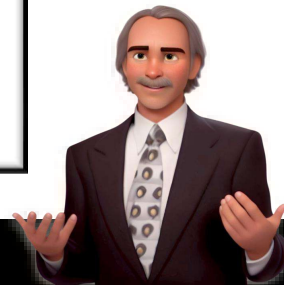
Legal Tips – Finder Foster Programs

Physical Location

- NO - The animal's physical location does not matter in this context.
- State hold periods do not require shelters to physically hold an animal in the shelter.
- "Holding" means that the shelter is in control of and can access the animal
- In the system = in the shelter = in the Finder's home with the Finder-Foster program steps

Examples

- Animals can be offsite in foster homes in the following locations and scenarios (plus others) during the holding period.
 - Normal Finder-Foster
 - Offsite veterinarian
 - Cruelty investigations
 - Shelter in place (in cruelty cases)
 - Natural disaster
 - Transfer partners (with ability to return animal if reclaimed during hold)



Final Thoughts on CCPs and Finder Foster

Both of these programs (Community Cat Programs, covered in Part 1, and Finder Foster) are meant to help shelters ensure that only animals who REALLY need to be in the shelter have to come in.

Animals and people that can be helped outside the shelter should be.

This is one of the best ways we can manage shelter populations and provide optimal care to those animals who do come into the shelter, using our limited resources wisely and sustainably while also engaging our communities.



Best Practices – Intakes and Holding Periods

**Let's talk
about....
Shelter Intakes
and Holding
Periods**



Intakes and Holding Periods



Best Practices – Intakes and Holding Periods

What are we going to talk about regarding intakes and holding periods?



Best Practices – Intakes and Holding Periods

California State-Mandated INTAKES
Local Ordinance or Contract-Based INTAKES

Shelter Elected/Voluntary INTAKES
• Mission, Historical or Community Expectation Based

California Required Legal HOLDING PERIODS
Local Ordinance or Shelter Contract Based HOLDING PERIODS

Shelter Elected HOLDING PERIODS
• Mission, Historical or Community Expectation Based

Best Practices for INTAKES and HOLDING PERIODS



Legal Guidelines – California Mandated vs Elected Intakes

**Let's talk about....
“Mandated” (legally
required) vs “Elected”
(voluntary, not legally
required) shelter
intakes.**



Legal Guidelines – California Mandated vs Elected Intakes

Topic of Debate

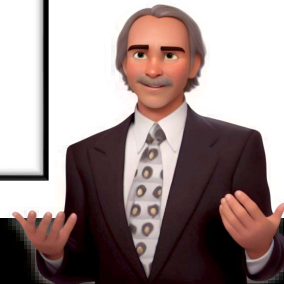
- Community sentiment and institutional history often define shelter operations without legal basis.
- Shelters in the current day – a new vision
- Legal confusion can prevent strategic changes and best practices for positive impacts.
- Knowing and understanding the legal mandates for intakes can help your shelter make progressive changes to improve practices.

Private Shelters

- Private shelters with **no legal connection to a municipality** are under no obligation to take any animals into their shelters.
- Although intake is voluntary, once animals are taken in, other legal obligations will apply depending on animals' origins.
- Only exceptions to this rule are the private shelters' own bylaws, policies, and contracts.
- They do have the freedom to make positive and progressive changes to their policies over time.

Public Shelters and Private with Contracts

- Have specific **state-mandated requirements** to intake specific types of animals.
- May have additional ordinances, contracts, or other requirements for intake.
- In some cases, these non-state-mandated intakes should be reconsidered considering the current role and state of animal shelters in California.



Legal Guidelines – California Mandated vs Elected Intakes

TAKEAWAY: There is no legal mandate to intake any animals at PRIVATE shelters (those without any municipal contracts).



Legal Guidelines – California Mandated vs Elected Intakes

**Let's talk about
mandates for PUBLIC
shelters to take in cats
and dogs.**



Legal Guidelines – California Mandated Intakes for Public Shelters for Cats



Healthy Cats Found Outdoors

- **No mandatory state law requirement to pick up healthy cats found outdoors**
- Most local ordinances do not address seizure of any healthy cats, owned or unowned – but check your municipality's requirements

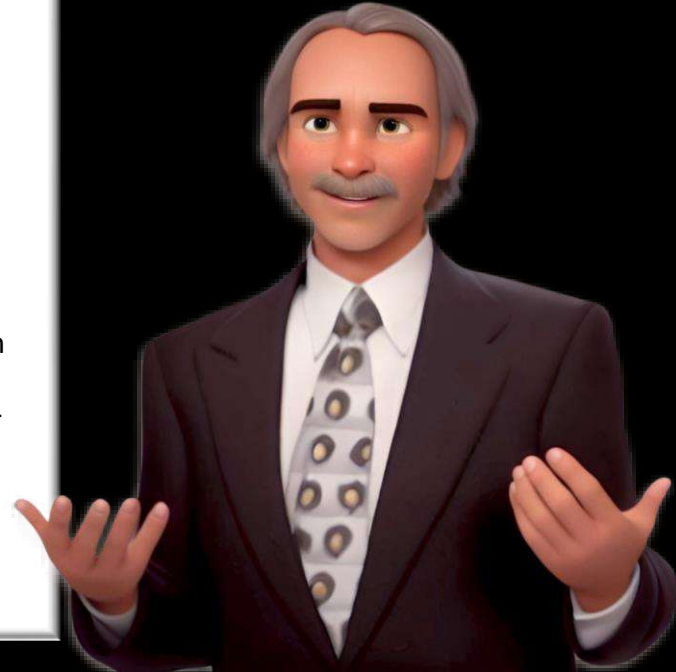


Legal Guidelines – California Mandated Intakes for Public Shelters for Dogs



Dogs

- **There are no mandatory state law requirements to pick up unowned, healthy stray dogs.**
- California state law mandates the pickup of dogs:
 - With indicia of ownership
 - In need of veterinary care
 - Who may be a danger to the public
- Many local ordinances require the municipal shelter, or the shelter with the animal services contract, to pick up dogs running at large – healthy or not, owned or not.
- Local rabies control laws may mandate intake of all dogs at large.
- **Know your local laws.**



Legal Guidelines – California Mandated Intakes for Public Shelters

**Where in the
California Penal
Code are
mandated intakes
of dogs and cats
addressed and
what does it say?**



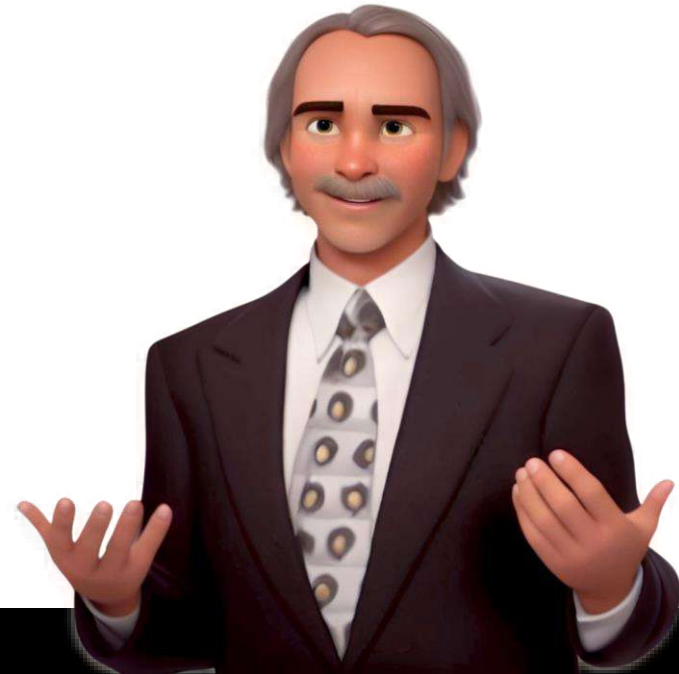
Legal Guidelines – California Mandated Intakes for Public Shelters

CPC - 597.1 (a)

- Peace Officers, Humane Officers and Animal Control Officers required to:
 - To take possession of stray or abandoned animals
 - “Without proper care or attention” and
- Keep them until they are “in suitable condition to be returned to the owner”

Implied Requirements

- Owner exists and is identifiable.
- Animal is in danger or is not in “suitable condition”
- Where necessary to “protect the health or safety of the animal or the health or safety of others”
 - May or may not need immediate veterinary care
 - Compare to section 597.1(c) (coming up next)



Legal Guidelines – California Mandated vs Elected Intakes

TAKEAWAY: The only CA state mandate for dogs and cats is to pick up dogs and cats who

are OWNED and:

1. In danger or need of medical attention

OR

2. A danger to others



Legal Guidelines – California Mandated Intakes for Public Shelters

**What about
animals other
than dogs and
cats?**



Legal Guidelines – California Mandated Intakes for Public Shelters

CPC - 597.1 (a)

- Peace Officers, Humane Officers and Animal Control Officers required to:
 - To take possession of stray or abandoned animals
 - “Without proper care or attention”
 - Or a danger to others and
- Keep them until they are “in suitable condition to be returned to the owner” who can provide necessary care.

Implied Requirements

- Applies only to owned animals who are left alone and in danger or need of medical attention or a threat to public safety.
- An animal who is without identification or microchip, and not taken from a situation indicating ownership (such as a backyard), should be considered unowned.

What Action is to be Taken

- Only requires intake until animal can be returned to owner in “suitable condition” to an owner who can demonstrate the ability to provide necessary care, if that is a possibility.
- Allows for humane euthanasia if owner cannot be found.



Legal Guidelines – California Mandated vs Elected Intakes

TAKEAWAY: The only CA state mandate is to pick up non-cat/dog animals who are OWNED and:

1. In danger or need of medical attention

OR

2. A danger to others



Legal Guidelines – California Mandated Intakes for Public Shelters

**What is the specific
mandate for intake
of injured cats/dogs
in the California
Penal Code?**



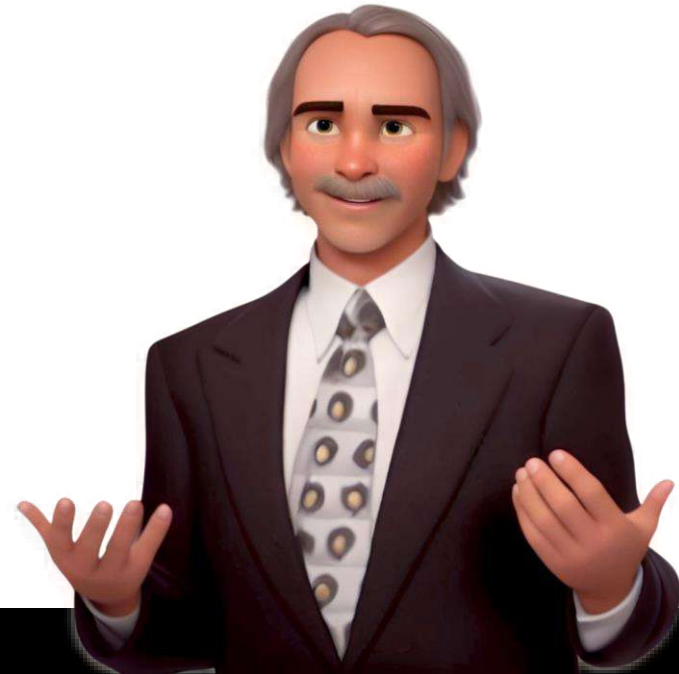
Legal Guidelines – California Mandated Intakes for Public Shelters

CPC - 597.1 (c)

- Peace Officers, Humane Officers and Animal Control Officers required to:
 - Transport “directly” to a veterinarian
 - “All injured cats and dogs”
 - “found without their owners in a public place”

Implied Requirements

- Animal is a cat or a dog.
- Owner exists and is identifiable.
- Animal is injured.



Legal Guidelines – California Mandated Intakes for Public Shelters

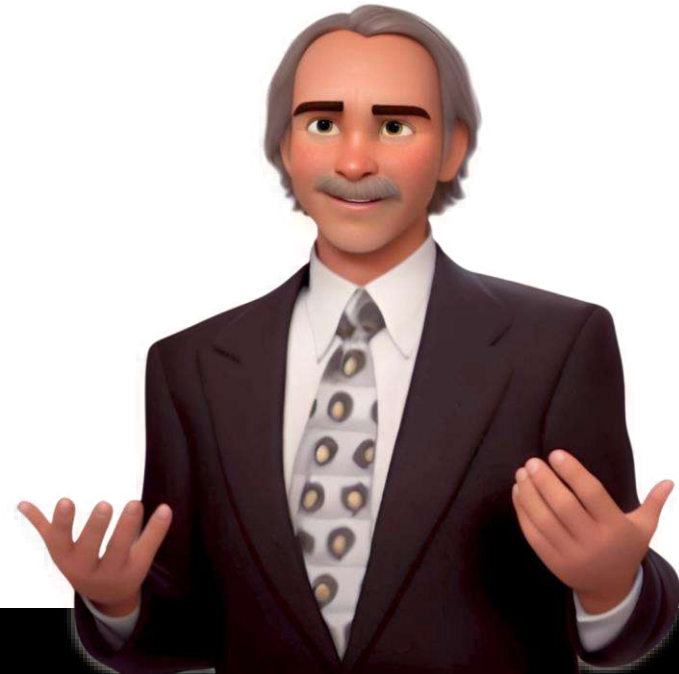
What is the specific legal mandate for intake as part of rabies control?



Legal Guidelines – California Mandated Intakes for Public Shelters

H&S Code § 121690

- Every municipality must have its own “animal shelter system and a rabies control program for the purpose of carrying out and enforcing” the state rabies law.
- This may result in mandatory intake by local ordinance of all dogs at large.



Legal Guidelines – California Mandated Intakes for Public Shelters

What about owner-surrendered animals – what is the public shelter requirement?



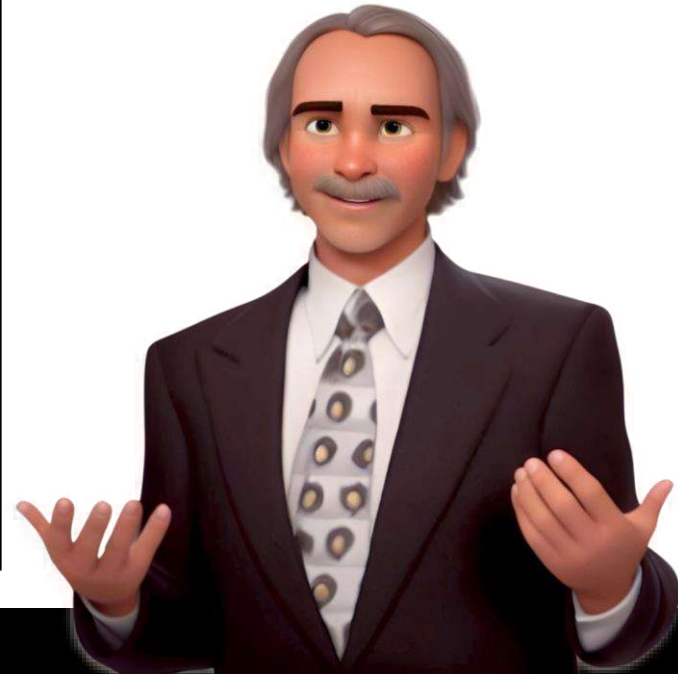
Legal Guidelines – California Mandated Intakes for Public Shelters

Any Mandates?

- There is no state law requirement to accept owner-surrendered animals.
- Local laws (ordinances) or animal services contracts for a specific shelter with their municipalities may currently require intake.
- Justifiable changes may be able to be made to local laws or contracts based on shelter resources and intent behind public animal control services (health and safety, not a rehoming service).

Why take them in?

- Public may expect municipal shelters to accept owner-surrenders.
- Shelters may be the best landing place for unwanted animals.
- However, this was not the original basis or purpose of municipal animal sheltering.
- In resource-constrained public shelters consideration should be made about serving as a rehoming resource/assistance for owners rather than unmanaged intake of owned animals not at risk.



Legal Guidelines – California Mandated vs Elected Intakes

**TAKEAWAY: There is
NO state mandate to
intake owner-
surrendered animals**



Best Practices – Shelter Intakes

**Let's talk about
"Best Practices"
of intakes.**



TEST YOUR UNDERSTANDING OF CA MANDATED INTAKES

Which of the following animals are legally mandated intakes for a public shelter in California with **no other overriding local ordinances or contract requirements** based on what Bruce just shared?



TEST YOUR UNDERSTANDING OF CA MANDATED INTAKES

Let's focus on the letter of the law – not could we, should we, will we – just for a minute to make sure we truly understand the state mandates.



TEST YOUR UNDERSTANDING OF CA MANDATED INTAKES

“At Risk” in current location is open to interpretation but let’s go with the stated risk in the animal’s info.



How many of these animals are California state-mandated intakes for public shelters?

Count for yourself as you hear their info and share your answer of how many are mandated intakes in the poll at the end.



1. Bobby the Bubbly Bully Breed

- No collar, tag, or microchip.
- Healthy, not in need of medical care.
- Found running on city streets along a busy road.



2. Penelope the Purring 8 Week Old Kitten

- No collar, tag, or microchip.
- Appears to be healthy.
- Not at risk in current location.



3. Ida the Valid ID Wearing Large Breed Dog

- Has collar, tag, and microchip.
- Healthy, not in need of medical care.
- Seen in a field in a rural area and not at any particular risk in that location.



4. Cleo the Collar Wearing Microchipped Cat

- Has collar, no tag, has microchip.
- Appears healthy.
- Not at risk in current location.



5. Harry the Hit By Car Dog

- Has a collar and tag, no microchip.
- Found hit by car.
- Stable but has some wounds.



6. Francesca the Fearful Neighborhood Cat

- No collar, tag, or microchip.
- Appears to be healthy.
- Not at risk in current location.



7. Fiona the Fearful Small Breed Teenager

- No collar, tag, or microchip.
- Healthy, not in need of medical care.
- Seen in a local park and not at any particular risk in that location.



8. Sammy the Skinny But Sweet Teenager

- No collar, tag, or microchip.
- Appears underweight and unthrifty
- Not at risk in current location.



9. Freddie the Firmly Feral Tomcat

- No collar, tag, or microchip.
- Appears to be healthy.
- Not at risk in current location.



10. Melody the Momma Cat with 2 Kittens

- No collar, tag, or microchip.
- Appears to be healthy.
- Not at risk in current location.



11. Otto the Offensively Worried Large Breed Dog

- No collar, tag, or microchip.
- Healthy, not in need of medical care.
- Seen in a local park and not at any particular risk in that location.



12. Opal the Owned Cat

- No collar, no tag, no microchip.
- Appears healthy.
- Owner would like to surrender her.



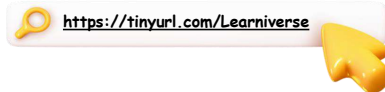
TEST YOUR UNDERSTANDING OF CA MANDATED INTAKES

Enter the number that represents how many of these 12 animals fall under California mandated public shelter intakes (just the number no words - i.e. 1, 3, 8, 12, etc.)



Nobody has responded yet.

Hang tight! Responses are coming in.



Start the presentation to see live content. For screen share software, share the entire screen. Get help at pollev.com/app



How many of these animals are California state-mandated intakes for public shelters?



**Owner Surrender
request.**

**Definitely NOT CA
State-Mandated
Intake**



No indications or known ownership and not sick/injured, not in obvious need of care and not obviously in danger.

NOT CA State Mandated Intakes



No indications
of and no
known
ownership - is
sick/injured, in
need of care.

NOT CA State
Mandated
Intake



No indications of
and no known
ownership – not
sick/injured, but
could be considered
at risk or even a
danger to humans if
running in the road.

Open to
Interpretation as
CA State Mandated
Intake



Indications or
known
ownership,
not
sick/injured.

Are CA State
Mandated
Intakes



Indications of or known ownership, is sick/injured and in need of care, is at risk in current location.

Definitely CA State-Mandated Intake



**Definitely CA
State-
Mandated
Intakes**



NOT CA State- Mandated Intakes

Could be local
laws/ordinances
or jurisdiction
contracts that
require impound.



TEST YOUR UNDERSTANDING OF CA MANDATED INTAKES

Knowing what the law specifically requires and combining that with consideration of your shelter's mission, resources and appropriate public expectations is vital.



TEST YOUR UNDERSTANDING OF CA MANDATED INTAKES

For public shelters with severe resource constraints focusing on California state-mandated intakes is all that is required by the law.

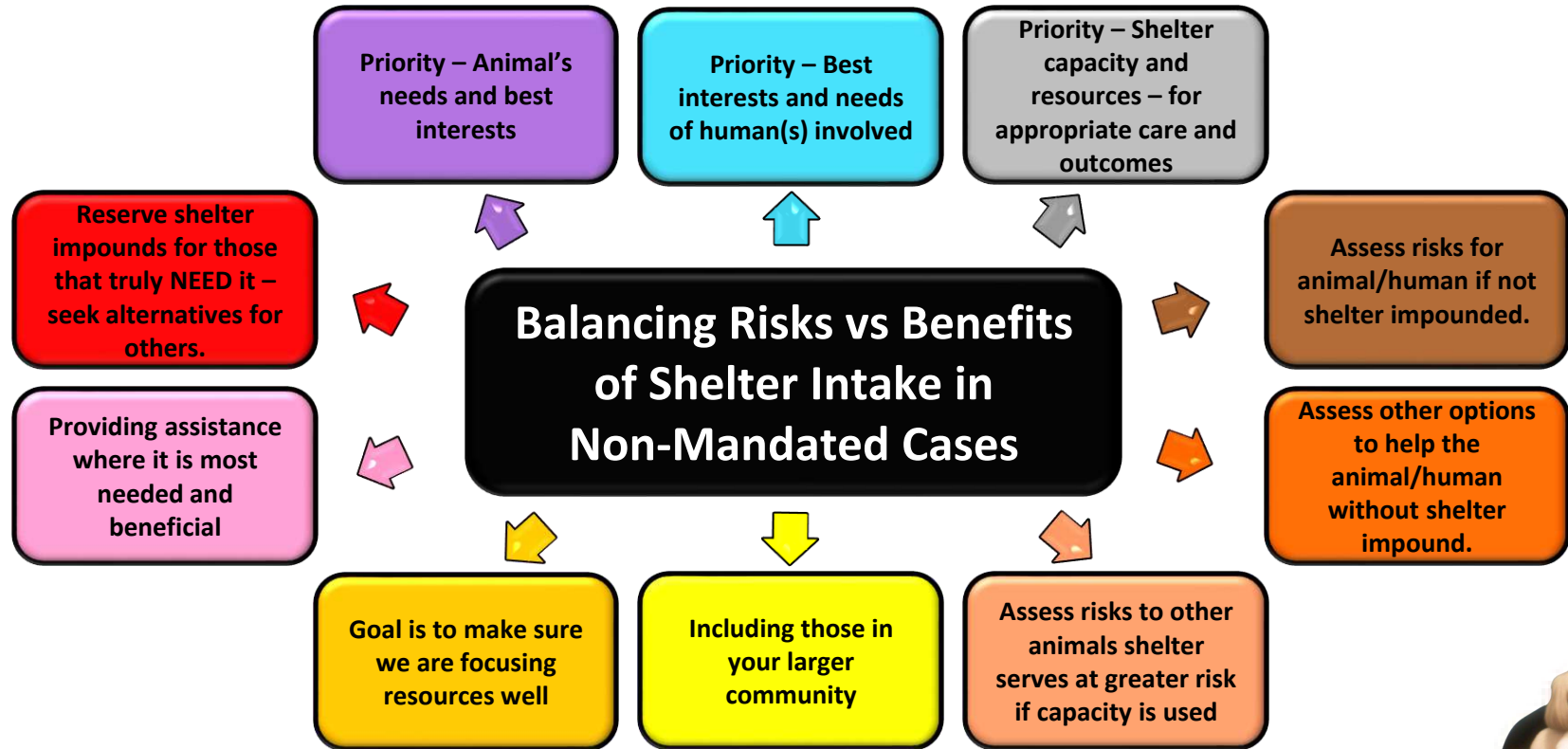


TEST YOUR UNDERSTANDING OF CA MANDATED INTAKES

Local ordinances or contracts requiring additional intakes can be challenged or revised in light of shelter resource constraints to help shelters focus on the animals and humans most in need of their assistance.



“Best Practices” of Intakes



Best Practices – Intakes and Holding Periods

**Let's talk
about....
Holding Periods**



Legal Guidelines – California State-Mandated Holding Periods

**When do
California-
mandated
holding periods
apply?**



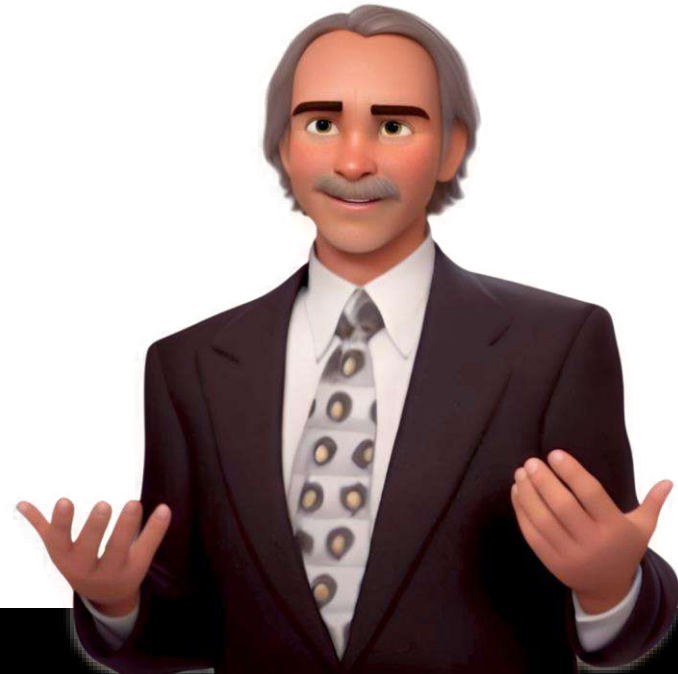
Legal Guidelines – California State-Mandated Holding Periods

Defined by Intake Type

- Holding periods apply only if an animal is affiliated with the shelter.
- Generally they start when the shelter assumes control of the animal.
 - Picked up in the field.
 - Dropped off at shelter.
 - Finder begins to work with shelter on a found animal if Finder Foster.

No Holding Period

- Community Cat Programs following CCP guidelines from Part 1 of this series.
- Owner-requested euthanasia performed as a separate public service with documented surrender of ownership rights.
- Irremediably suffering animals
- Dogs with documented history of dangerousness
- Orphaned unweaned



Legal Guidelines – California State-Mandated Holding Periods

Reminder: “PUBLIC” shelters for purposes of CA state-mandated holding periods include shelters (1) run by a government agency and (2) private shelters that contract with a municipality to provide animal control services.

Fully PRIVATE shelters with no municipal contracts are subject to different guidelines.



Legal Guidelines – California State-Mandated Holding Periods

What are the current CA mandated holding periods for PUBLIC shelters (including private shelters with municipal contracts)?



Legal Guidelines – California State-Mandated Holding Periods – PUBLIC SHELTERS

Stray Dogs and Cats

- 72 hours from moment of becoming under the shelter's control.
- After that outcomes of euthanasia, adoption, or transfer can occur.

What About Longer Holds Under “Hayden”

- Longer holds under in “Hayden Act” and found in F&A C. §§ 31108 and 31752 are “unfunded mandates” and not in effect for public shelters.
- The hold period has reverted to 72 hours, which is how long public shelters were required to hold these animals before the Hayden Act.*

*For more information on status of “Hayden Act” and holding periods, see Statement of Decision, No. CSM98-TC-11, Commission on State Mandates (Jan. 25, 2001), modifying F&A C. §§ 31108 (dogs), 31752 – www.calanimals.org/state-mandates.



Legal Guidelines – California State-Mandated Holding Periods

What are some exceptions and alternate holding periods for PUBLIC shelters (including private shelters with municipal contracts)?



Legal Guidelines – Exceptions to CA Mandated Holds

No Legal Hold

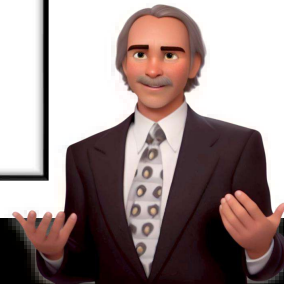
- Community Cat Programs – not a shelter impound/medical service
- Owner Euthanasia request – not a shelter impound/medical service
- Irremediably suffering (per DVM) (can be euthanized during the legal hold)
- Newborn without maternal care (can euthanize, adopt or transfer immediately)

Other Holds

- Unowned, underage puppy or kitten (<8 weeks) – no hold for positive outcome (adoption or transfer) but 72 hours for euthanasia.
- Rabies Quarantine
 - Most common is dog/cat bite - 10 days dogs and cats.
 - Other animals hold can vary – typically 14 days.
 - If not a bite to human but animal possible exposure check with health department for specifics.

Cruelty Cases

- Cruelty cases – often at discretion of judge/others involved in the case on the legal end:
 - Potential default of ownership under CPC 597.1.
 - Or see if owner will surrender (after veterinary assessment and documentation of issues) and with approval of those involved in case.
 - If owner won't surrender – and foster is an option that is better than prolonged shelter stay.



Legal Guidelines – Additional Hold Considerations

Other Legal Holds

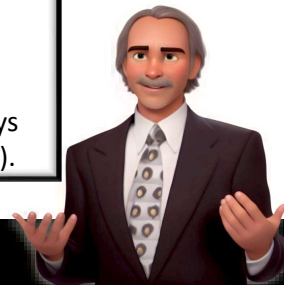
- Documented “Vicious” – refer to F&A C. § 31108.5 for specifics.
- “Abandoned” at shelter – very specific instances – refer to Civil Code § 1834.5. Not a common occurrence.

Safekeeping Holds

- Typically at shelter’s discretion unless law enforcement involved.
- Most shelters elect to use 14 days.
- Examples – Owner’s institutionalization, death, domestic violence
- Ideally should only occur if no friends or family able to safely care for the animal.
- Maintain contact and/or press for surrender if situation seems indefinite.

ID Found

- No additional mandated hold for an animal with ID.
- Historically – before the internet – shelters would mail “Notice of Impound” and give longer for the mail system.
- Now – animals are posted on the internet, no real reason to extend the hold.
- Ideally make attempts to contact the owner but no real reason (legal or practical) to extend hold **at all**, other than your own policy/community service.
- Most owners who are going to redeem do so within first two days (for dogs – maybe longer for cats).



Legal Guidelines – California State-Mandated Holding Periods

**Are there
legal holds for
other species
of animals?**



Legal Guidelines – California State-Mandated Holding Periods

If your shelter elects to take in other species allowed as personal property (pocket pets, snakes, turtles, etc.) use the same legal holds as dogs/cats (except livestock – not covered in this webinar).



Legal Guidelines – California State-Mandated Holding Periods

**What if state
mandates are
different than
local laws or
shelter
historical
policies?**



Legal Guidelines – Exceptions to CA Mandated Holds

“Stricter” Law

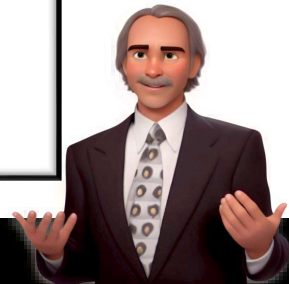
- When state mandated holds conflict with local/jurisdiction law – the “stricter” law – prevails.
- This typically means the longer holding period prevails (consult legal counsel for these questions).

Shelter Internal Policy

- Shelter “internal” policies are not legally binding the way state and local mandates are.
- Shelters can elect not to use a longer hold that was put in place as an internal policy, but change in policy should be clearly stated in writing.
- Recommended to adjust policies to allow greater flexibility.
- For example, most animals with ID use CA mandated stray hold but if extenuating circumstances extend the hold as a courtesy if owner needs extra time to redeem.

Adjusting Local Laws

- If your local/jurisdiction law/ordinances require holds beyond what the state of California mandates you CAN work to get those adjusted.
- Consult a lawyer or become a client of Shelter PALs.



Legal Guidelines – California State-Mandated Holding Periods

What are the holding periods for owner-surrendered animals in any CA shelter? (PUBLIC, private with contract, private)



Legal Guidelines – Owner Surrender CA Mandated Holds

Intake Not Mandated

- Under CA law no shelters are legally required to accept owner surrenders.
- If a shelter elects to take in owner surrenders they must follow the (extended) holds under the Hayden Act.
- Even though the Hayden holding periods are not in effect for **mandatory intake animals**, the extended holds apply when shelters voluntarily intake any animals.

“Positive” Outcomes

- In this and some other cases (especially under “Hayden”) there is a “bifurcated” hold.
- **Be sure to have owner or agent sign over all legal rights of ownership to shelter.**
- In that case, positive outcomes (adoption and rescue/transfer) can happen immediately – no hold.

“Negative” Outcome

- As written, the statute prohibits euthanasia before 6 or 4 business days, not counting the day of impoundment.
- If euthanasia is the expected outcome based on medical or behavioral concerns, consider counseling the owner who wants to surrender about requesting euthanasia as a service instead to prevent the animal needing to wait in the shelter for this outcome.



Legal Guidelines – California State-Mandated Holding Periods

**Let's talk about fully
PRIVATE shelters and
their holding periods.**



Legal Guidelines – California State-Mandated Holding Periods

What are the current CA mandated holding periods for fully PRIVATE shelters (non-municipal shelters with no municipal contracts)?



Legal Guidelines – California State-Mandated Holding Periods

**Let's look at stray
intakes by fully
PRIVATE shelters.**



Legal Guidelines – California State-Mandated Holding Periods – PRIVATE SHELTERS

Stray Animals

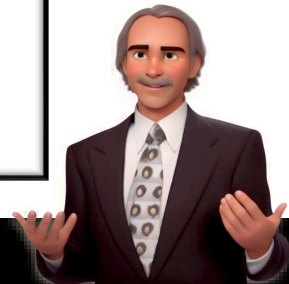
- If a private shelter elects to take in strays (any species) **directly from the street** the holding period is:
 - As specified in F&A C. §§ 31108 and 31752
 - 6 or 4 business days (not counting day of impoundment) for all outcomes.
 - Does not apply to strays transferred from public shelters (where the public shelter has already given the legal hold).

Why the Longer Holds

- Private shelters are not required to take in strays and so they are required to follow the holds created by the Hayden Act.
- They are not government funded so the “unfunded mandate” exclusion for public shelters does not apply to them.

Specifics of Language

- “Business Day” – day shelter is open to the public at least 4 hours. Includes availability for appointments even if not open to walk-ins.
- 4 Day option applies if:
 - Fewer than 3 employees & appointment system in place.
 - Redemption available at least 1 weekday until 7 PM or available at least 1 weekend day.



Legal Guidelines – California State-Mandated Holding Periods

Some “odds and ends” of hold periods for public and private shelters to consider.



Legal Guidelines – California State-Mandated Holding Periods

Don't Double Count

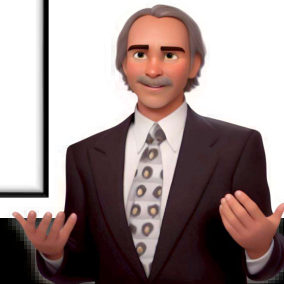
- If an animal has already had a legal hold at the public or private shelter of origin, there is ***no holding period*** for the rescue/transfer partner, regardless of status.

Physical Location

- The physical location of the animal during the hold does not matter.
- Animal should be listed on shelter website and attempts to contact owner made.
- But, animal doesn't have to be held at the shelter.
- Can be in foster, at vet clinic, at satellite center, in care of a rescue/transfer partner etc.
- Just need to be able to get the animal back if an owner is found during the legal hold.

Terms to Clarify

- **"Holding Period"**
 - **Where Hayden Act Does Not Apply** – including public shelter Stray intakes - includes day of impound, starts day/time shelter gains control of the animal.
 - **Where Hayden Act Applies** – Private shelters and all owner surrenders - does not include day of impound – starts the next day.
- **"Due Out" date** – in software we typically use the date the animal would be eligible for euthanasia. Can be exact date/time or just next day to avoid errors.



Legal Guidelines – California State-Mandated Holding Periods

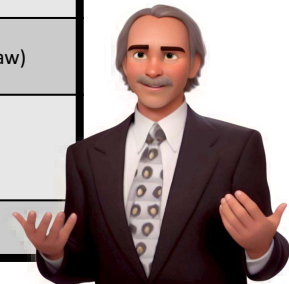
**Here are some helpful
(hopefully) Summary Cheat
Sheets of Legal Holds.**

**You'll be able to download this
slide deck as a PDF – including
these cheat sheets in the deck -
from Maddie's University.**



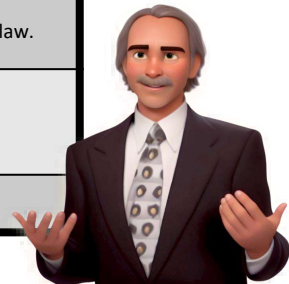
Legal Guidelines – Summary – PUBLIC SHELTERS (or Private with contracts)

INTAKE TYPE	HOLDING PERIOD	BASED ON
Stray	72 hours to non-RTO FINAL outcome (Euth, Adopt, Transfer) – Foster is a location, not a final outcome.	2001 CSM Decision modifying F&A C. §§ 31108, 31752
Owner Surrender (OS)	0 hours to POSITIVE OUTCOME (Adoption, Transfer) 4 or 6 Business days (Excluding impound day) to NEGATIVE OUTCOME (Euth)	F&A C. § 31754
Underage for Adoption Kitten/Puppy (<8 Weeks Old)	0 hours to adopt or transfer; 72 hours to euth <u>or</u> 0 days to euth if unweaned and without mother	F&A C. §§ 31108, 31752, 17006
Unweaned (<4 Weeks)	0 hours to Euth or Foster to Adoption or Transfer if newborn animal w/o maternal care.	F&A C. § 17006
Irremediably Suffering	0 hours to Euth even during hold if animal determined irremediably suffering	F&A C. § 17006
Rabies Quarantine Bite	10 days from day of bite in most cases for dogs/cats; 14 days for other animals	17 CCR § 2606
OS Dog Vicious	0 hours to Euth if owner surrendered and legally documented history (if current bite – hold Rabies hold or submit specimen for Rabies testing)	F&A C. § 31108.5
Cruelty Case	Varies – see management/supervisor. Owner can surrender at any point once case is documented appropriately (then apply surrender hold and outcome options)	Situation dependent
Safekeeping	Typical shelter elected hold often 14 days but should try to get animal to friend/family of owner instead of shelter impound. Owner can surrender at any point (then apply surrender hold)	Courtesy hold (not law)
Abandoned at Shelter	NOTE: This is a specific and unusual circumstance. More often applies to animals abandoned at a service provider – not normal shelter impound or animal just left on premises. 14 days to adopt or transfer; plus 10 days to euth	CIV § 1834.5
CCP and Owner Request Euth	No mandated holding period when done as recommended as service – not at-risk animal “impound”.	Not “impounds”



Legal Guidelines – Summary – PRIVATE SHELTERS (no municipal contract)

INTAKE TYPE	HOLDING PERIOD	BASED ON
Stray	4 or 6 days to any outcome (POSITIVE OR NEGATIVE)	F&A C. §§ 31108, 31752
Owner Surrender (OS)	0 hours to POSITIVE OUTCOME (Adoption, Transfer) 4 or 6 days (Excluding impound day) to NEGATIVE OUTCOME (Euth)	F&A C. § 31754
Underage for Adoption Kitten/Puppy (<8 Weeks Old)	0 hours POSITIVE OUTCOME (Adoption, Transfer) 4 or 6 Business days (Excluding impound day) to NEGATIVE OUTCOME (Euth)	F&A C. §§ 31108, 31752, 17006
Unweaned (<4 Weeks)	0 hours to Euth or Foster to Adoption or Transfer if newborn animal without maternal care.	F&A C. § 17006
Irremediably Suffering	0 hours to Euth even during hold if animal determined irremediably suffering	F&A C. § 17006
Rabies Quarantine Bite	10 days from day of bite in most cases for dogs/cats; 14 days for other animals	17 CCR § 2606
OS Dog Vicious	0 hours to Euth if owner surrendered and legally documented history (if current bite – hold Rabies hold or submit specimen for Rabies testing)	F&A C. § 31108.5
Cruelty Case	Varies – see management/supervisor. Owner can surrender at any point once case is documented appropriately (then apply surrender hold and outcome options)	Situation dependent
Safekeeping	Typical shelter elected hold often 14 days but should try to get animal to friend/family of owner instead of shelter impound. Owner can surrender at any point (then apply surrender hold)	Courtesy hold – not law.
Abandoned at Shelter	NOTE: This is a specific and unusual circumstance. More often applies to animals abandoned at a service provider – not normal shelter impound or animal just left on premises. 14 days to adopt or transfer; plus 10 days to euth	CIV § 1834.5
CCP and Owner Request Euth	No mandated holding period when done as recommended as service – not at-risk animal “impound”.	Not “impounds”



Holding Period Myths We've Shown Aren't True!

Shelters must intake healthy unowned strays and owner-surrendered dogs and cats = **FALSE**

If shelter requires appointments for reclaims and surrenders, it is not "open" for business = **FALSE**

Community cats in Community Cat Programs are subject to hold periods = **FALSE if done correctly**

Owner requested euthanasia animals are subject to hold periods = **FALSE if done correctly**

Shelters cannot house animals offsite during holding periods (e.g., Finder Foster, disaster, cruelty cases) = **FALSE**

10-14 day stray hold exists for an animal with a known owner/ID found (e.g., microchipped) = **FALSE**

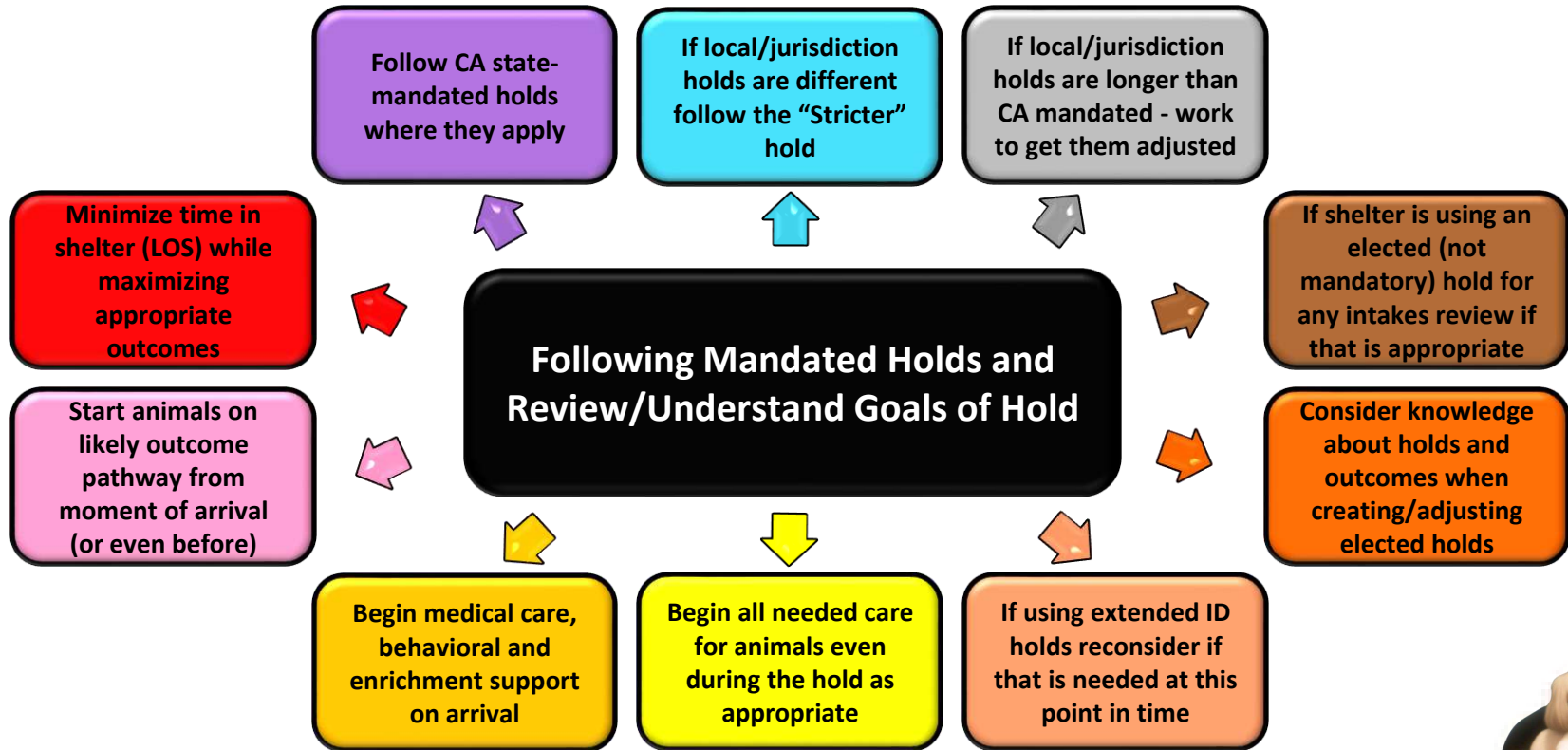
"Reasonable efforts" to locate a known owner of a stray animal always means a longer hold = **FALSE**

Extended holding for animals during natural disaster = **FALSE but may be a good practice**

Private citizen can claim ownership of found animals after 90-day period = **FALSE**



“Best Practices” of Holding Periods



TEST YOUR UNDERSTANDING OF CA MANDATED HOLDS

Let's take a quick look at our sample cases and review what the legal holding period would be for each in a PUBLIC shelter (or private shelter with municipal contract) if the shelter took them each in .



What is the mandated or most appropriate hold for each of these cases if the shelter does end up taking them in?

What care should be provided during the hold?

Compare your answers to our info and tell us how many matched up at the end of this exercise.



1. Bobby the Bubbly Bully Breed

- No collar, tag, or microchip.
- Healthy, not in need of medical care.
- Found running on city streets along a busy road.



72 Hr stray hold

- Make robust efforts to find and reunite Bobby with his owner (even before taking to shelter)
- Explore Finder Foster option
- Intake care and assessment of needs/likely pathways
- List on website
- Provide needed medical, behavior and enrichment care ASAP.



2. Penelope the Purring 8 Week Old Kitten

- No collar, tag, or microchip.
- Appears to be healthy.
- Not at risk in current location.



72 Hr stray hold

- Make robust efforts to find and reunite Penelope with a possible owner (even before taking to the shelter)
- Explore Finder Foster option.
- Intake care and assessment of needs/likely pathways
- List on website
- Provide needed medical, behavior and enrichment care ASAP.
- Ideally prepare for adoption during hold (hold is for Euth and Rehoming not medical care)



3. Ida the Valid ID Wearing Large Breed Dog

- Has collar, tag, and microchip.
- Healthy, not in need of medical care.
- Seen in a field in a rural area and not at any particular risk in that location.



72 Hr stray hold

- Trace ID and make robust efforts to find and reunite Ida with her owner (even before taking to the shelter)
- Explore Finder Foster option.
- Intake care and assessment of needs/likely pathways
- List on website
- Provide needed medical, behavior and enrichment care ASAP.
- Extend hold as a courtesy if needed.



4. Cleo the Collar Wearing Microchipped Cat

- Has collar, no tag, has microchip.
- Appears healthy.
- Not at risk in current location.

72 Hr stray hold

- Make robust efforts to find and reunite Cleo with her owner (even before taking to shelter)
- Explore Finder Foster option
- Intake care and assessment of needs/likely pathways
- List on website
- Provide needed medical, behavior and enrichment care ASAP.



5. Harry the Hit By Car Dog

- Has a collar and tag, no microchip.
- Found hit by car.
- Stable but has some wounds.

72 Hr stray hold

- Seek appropriate medical care immediately.
- Trace ID and make robust efforts to find and reunite Harry with his owner (even while pursuing medical care).
- Explore Finder Foster option once Harry has been assessed/treated if appropriate.
- Intake care and assessment of needs/likely pathways
- List on website
- Provide all other needed medical, behavior and enrichment care ASAP.



6. Francesca the Fearful Neighborhood Cat

- No collar, tag, or microchip.
- Appears to be healthy.
- Not at risk in current location.



Ideally CCP (no hold)

- If CCP not possible and shelter still wants to take her in – 72 Hr stray hold
- Make robust efforts to find and reunite Francesca with any possible owner (even before taking to shelter)
- Including following up in neighborhood with known caretakers
- Explore Finder Foster option
- Intake care and assessment of needs/likely pathways
- List on website
- Provide needed medical, behavior and enrichment care ASAP.



7. Fiona the Fearful Small Breed Teenager

- No collar, tag, or microchip.
- Healthy, not in need of medical care.
- Seen in a local park and not at any particular risk in that location.

72 Hr stray hold

- Make robust efforts to find and reunite Fiona with her owner (even before taking to shelter)
- Explore Finder Foster option
- Intake care and assessment of needs/likely pathways
- List on website
- Provide needed medical, behavior and enrichment care ASAP



8. Sammy the Skinny But Sweet Teenager

- No collar, tag, or microchip.
- Appears underweight and unthrifty
- Not at risk in current location.



72 Hr stray hold

- Seek appropriate medical care immediately.
- Make robust efforts to find and reunite Sammy with his owner (even while pursuing medical care).
- Explore Finder Foster option once Sammy has been assessed/treated if appropriate.
- Intake care and assessment of needs/likely pathways
- List on website
- Provide all other needed medical, behavior and enrichment care ASAP.



9. Freddie the Firmly Feral Tomcat

- No collar, tag, or microchip.
- Appears to be healthy.
- Not at risk in current location.



Ideally CCP (no hold) SERIOUSLY CCP!

- If CCP not possible and shelter still wants to take him in (this is not recommended for him) – 72 Hr stray hold
- Follow up in neighborhood if possible with any known community cat caretakers
- Intake care and assessment of needs/likely pathways
- List on website
- Provide needed medical, behavior and enrichment care ASAP.
- Seek barn home/working home ideally.



10. Melody the Momma Cat with 2 Kittens

- No collar, tag, or microchip.
- Appears to be healthy.
- Not at risk in current location.



72 Hr stray hold

- Make robust efforts to find and reunite Melody and kittens with her owner (even before taking to shelter)
- Explore Finder Foster option (if not get to foster with regular foster ASAP).
- Intake care and assessment of needs/likely pathways
- List on website
- Provide needed medical, behavior and enrichment care ASAP

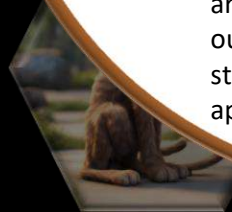


11. Otto the Offensively Worried Large Breed Dog

- No collar, tag, or microchip.
- Healthy, not in need of medical care.
- Seen in a local park and not at any particular risk in that location.

72 Hr Stray Hold

- Make robust efforts to find and reunite Otto with any possible owner (even before taking to shelter)
- Including following up in neighborhood where he was found
- Intake care and assessment of needs/likely pathways
- House appropriately in shelter for safety
- List on website
- Provide needed medical, behavior and enrichment care ASAP.
- Begin behavior mod and enrichment on arrival to increase Otto's chances of live outcome if not redeemed but prepare staff/volunteers that he may not be an appropriate candidate if not RTO'd.



12. Opal the Owned Cat

- No collar, no tag, no microchip.
- Appears healthy.
- Owner would like to surrender her.

Only take in if resources available Owner Surrender Hold

0 hours to POSITIVE OUTCOME (Adoption, Transfer)
4 or 6 Business days (Excluding impound day) or 72
hours to NEGATIVE OUTCOME (Euth)

- Ideally work with owner to keep Opal and support with resources as needed.
- Intake care and assessment of needs/likely pathways
- List on website
- Provide needed medical, behavior and enrichment care ASAP.
- Seek Adoption or Rescue/Transfer ASAP



TEST YOUR UNDERSTANDING OF CA MANDATED HOLDS

How did you do? How many did you get "right"? Any questions pop them in the Q&A.d public shelter intakes (just the number no words - i.e. 1, 3, 8, 12, etc.)



Nobody has responded yet.

Hang tight! Responses are coming in.



 <https://tinyurl.com/Learniverse> 

Start the presentation to see live content. For screen share software, share the entire screen. Get help at pollev.com/app



CA Mandated Intakes and Holding Periods

Knowing what the law specifically requires and combining that with consideration of your shelter's mission, resources and appropriate public expectations is vital.



Who Can Do What Medical Care in the Shelter?

Big updates so we'll cover this topic in light of those changes that go into effect 1/1/24 in our TMVX Webinar on January 24, 2024.

Previous Guidance from Spring 2023 on "Who Can Do What" in this product on Maddie's[®] University:

<http://tinyurl.com/WhoCanDoWhat>



Q&A From this Webinar

Don't forget, we're gathering questions from the Q&A. Get them in there now if you have any.

We'll gather those up and post responses after the webinar to an event Discussion Thread on Maddie's Pet Forum.

Part 1 Q&A is already available on that page.

Visit the post-event Q&A here:
<https://tinyurl.com/LMBP-QandA>
Or scan this QR code.



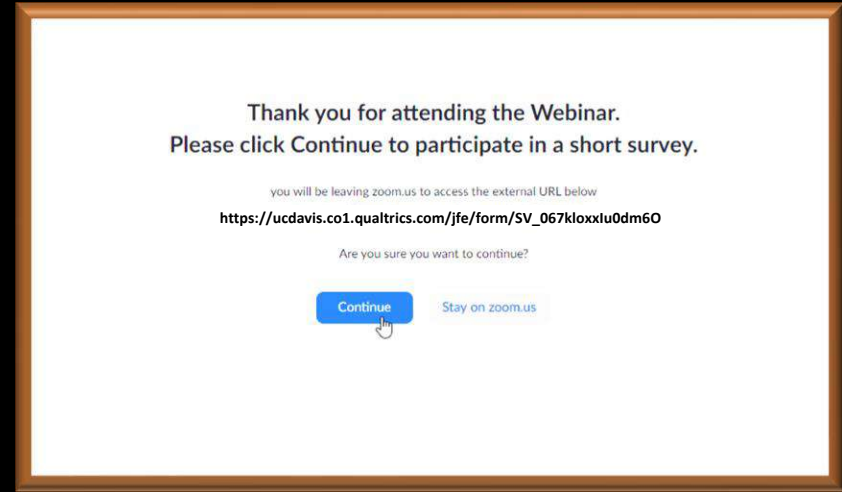
**On-Demand Version of Part 1 (available now)
and Part 2 (coming soon – once we get this recording loaded)**

Access on-demand on Maddie's[®] University

<https://tinyurl.com/Maddies-LegalBestPractices>



After the Webinar – We'd LOVE your feedback!



Save the Dates! Register Now!

A New Era for Shelter Medical Care in CA:

*Telemedicine and Vaccine Clinic
Legal Changes for 2024*

January 24, 2024 – 10 AM Pacific

<https://tinyurl.com/TMVX-Updates>



Back Where They Belong:

*A solution-sharing summit to get animals home
faster, easier, better*

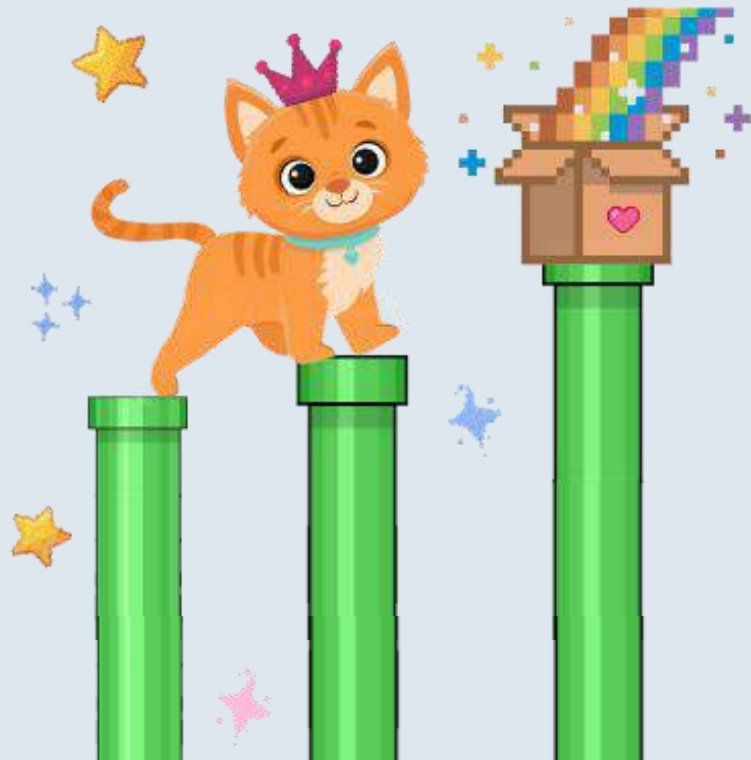
February 21 and 28, 2024, 9 AM-2 PM Pacific

<https://tinyurl.com/BackWhereTheyBelongReg>



LEVEL UP YOUR CAT HOUSING:

Game-Changing Upgrades Are Within Reach



Level up your cat housing even with limited resources! In this **webinar on 1/17/24 from 10-11:30 am PST**, UC Davis Koret Shelter Medicine Program veterinarians Dr. Becky Stuntebeck and Dr. Denae Wagner will unveil tips and tactics for creating housing that works better for cats and your team. You'll learn:

- How to improve your cat housing
- Setup & strategies that meet cat, staff, & shelter needs
- Double-compartment housing benefits for cats & staff

*Register now to join us live
or watch later on-demand!*

TinyUrl.com/LevelUpCatHousing



Scan with phone's
camera to register