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Disposition of Unclaimed Animals

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A client brings his dog to your clinic for treatment, which requires the dog to be left overnight. The client never returns and fails to pay his bill for your services. New Hampshire law sets forth a procedure that you must follow before you can treat the animal as abandoned.

This procedure, described in NH RSA 437:19, applies to what the law calls “animal care centers.” This is defined to include veterinary establishments, humane societies, boarding kennels or other such centers providing care and treatment for animals.

The law requires the operator of an animal care center to send out a certified letter to the owner of an animal that has refused or neglected to reclaim their animal, or who has refused or neglected to pay fees and charges due for a period of 7 or more days. After this 7-day period (not counting the first day the animal arrived) has expired, the operator of such an establishment may send the letter. The law describes the letter as a “certified letter”, which is sent for the purpose of providing the owner with notice. Although the law does not require, it is advisable to send the letter return receipt requested as well as certified, thus, allowing you to prove “notice” if needed. The letter must advise the owner of the operator’s intention to treat the animal as abandoned, within the meaning of NH RSA 437, if the owner does not reclaim the animal or pay charges and fees within 7 days after mailing of the notification.

A cat reclaimed under the above procedure and which is not licensed under NH’s elective licensing scheme, can only be released upon proof of a current, valid rabies vaccination or upon being vaccinated against rabies.

If an owner fails to reclaim the animal after the 7th day (do not count the day the letter was mailed), the operator of the animal care center shall be vested with ownership of

the animal, at which point the operator may dispose of the abandoned animal in any lawful manner (e.g. adoption, euthanasia, etc.).¹

The law requires you as an operator of an “animal care center” to advise an owner of an animal of the provisions of the law relating to unclaimed and abandoned animals at the time you take custody of the animal. Thus, it is advisable that an operator of an animal care center include a brief statement setting forth this general procedure in the intake paperwork you have an owner sign, when the animal is initially brought to your facility. In addition, the posting of a brief notice in your lobby of this procedure is also advisable, in order to fulfill this legal obligation.

By following the above procedure, you help ensure your compliance with legal requirements in handling those animals unclaimed by their owners. If your facility is acting in a capacity for a local municipality as a repository of unlicensed or stray animals, additional obligations will apply.

¹ New Hampshire law (RSA 437:22) makes it a misdemeanor to make such animal available for purposes of experimentation or vivisection.