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What to do if your dog is in danger of being declared 'vicious'

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DOG-GONE TROUBLE

ALDF Suggests: What to do if your dog is in danger of being declared 'vicious'

It is a matter of great concern if your dog is in danger of being euthanized for alleged viciousness. If your dog has been impounded, be sure to request a hearing date so that you will have a chance to convince the judge or hearing officer that your dog is not incorrigible and that you are a responsible guardian. It is advisable to have an attorney present with you at the hearing. ALDF offers suggestions for [finding an animal law attorney](#) to assist you.

You may want to bring friends, neighbors, your veterinarian or other concerned parties to testify on your and your dog's behalf. If your dog was seized in error, be sure to bring witnesses who can testify that your dog was elsewhere when the incident occurred.

Temperament testing can be a useful way of providing an independent assessment of your dog's disposition and may be helpful to your case. Various organizations offer temperament testing. One such organization that offers testing nationwide is the [American Temperament Test Society](#).

The hearing officer may order that your dog be euthanized, even if s/he is not really a danger to the community. In order to save your dog's life, it is wise to make it clear to the judge and/or hearing officer that you are willing to accept certain restrictions. Agree to any restrictions the judge requires, even if you believe they are not necessary.

Such restrictions may include the following:

-Confinement to a fenced in area, or inside the home. Also may require improvements to

existing fences.

-Leashing and/or muzzling when the dog is outside the home.

-Obedience training.

In preparation for the hearing, write a polite letter to the judge assuring him/her that you will faithfully abide by any and all restrictions if your dog is returned to your custody. List some of the restrictions specifically and present copies of the letter to the officials attending the hearing.

Also, have your dog spayed or neutered. In addition to showing the judge or hearing officer that you are a responsible guardian, this may make your dog calmer and less likely to wander.

As a last resort to save the life of your dog, you may want to consider relocating your dog to a good home in another state or county. If you don't know of a good home where your dog will be taken care of in a responsible and loving manner, check with your local shelter for rescue groups out of the area or check the directory section of [World Animal Net](#).

Can you be sued?

If your dog has been accused of biting and you are sued, a familiarity with the rules governing dogs and their guardians is essential before responding to legal action. In most states, you, as the dog's guardian, are financially responsible for damages caused by your companion animal. For information on the laws that pertain to dogs in your state, see:

<http://animallaw.info/statutes/topicstatutes/sttodd.htm>.

Laws in some states impose "strict liability," meaning that the guardian is responsible, regardless of whether s/he was at fault. The effect of such statutes may be mitigated by the conduct of the victim—i.e. if they were trespassing, or teasing, tormenting or provoking the animal. Such defenses will vary according to the state in which the incident occurred and the theories under which you are sued. For information on states with strict liability statutes, see:

<http://animallaw.info/articles/qvusdogbiteslstatutes.htm>

For information on case law pertaining to dog bites, see:

<http://animallaw.info/cases/topiccases/catodd.htm>

Prevention is the best policy!

- When walking your dog, keep him/her on a leash.
- Keep your dog in an enclosed yard or indoors with you.
- Never allow your dog to roam the neighborhood.
- Always have current license and rabies vaccination tags on your dog's collar.

-If you think your dog might injure someone, don't allow people to approach, your dog; post signs on your property, and never let your dog be the one to be the "greeter" when visitors come to your front door.

Note: Portions of this article were provided by longtime ALDF attorney member, Amy Blaymore Paterson

For a full discussion of your legal rights and responsibilities as the guardian of a companion animal, an excellent resource book is Every Dog's Legal Guide: A Must-Have Book for Your Owners, by Mary Randolph. Written for non-lawyers, it's a helpful book on a variety of legal issues relating to canine companions. It's available for purchase from [Nolo Press](#).

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