

Frisky: The Cat Who Needed Help.

Section Members and Others Mobilize to Help Abandoned Cat.

By Allie Phillips

Editor's Note: I cannot remember an issue that generated so many comments and helpful suggestions on the Animal Law Section listserv as that of Frisky, the cat who remained in a home after an eviction. Everyone's concern and action resulted in a great outcome for Frisky. Read the story—Frisky is a survivor with a strong will to live.

Every day we see stories in newspapers and on television regarding the economic downturn in America. Americans are paying more at the gas pump and for food and energy services. Many are losing their jobs and homes, and now companion pets are caught in the middle. It is anticipated that 2-4 million homes will be foreclosed in the next few years, and an estimated one million companion animals will be directly impacted. Of course, the economic slowdown will also result in evictions.

When both municipal and private nonprofit shelters are already overcrowded and there are not enough homes to relocate pets, the financial crisis adds an additional burden to already struggling shelters. Then add the slow decline of private donations as people put their money toward paying rising costs in all areas of life, and we can understand that animal shelters across the country will need more help than ever. Shelters are already receiving a steady influx of companion animals from families who can barely put food on the table, or may have lost everything. However, people are also abandoning their pets inside of homes or setting companion animals loose in the streets.

Here is one such story of abandonment, unnecessary obstacles, and an eventual happy ending. In late March 2008, the Animal Law Section (ALS) received a request for assistance from a concerned neighbor named Melissa who needed guidance on rescuing an abandoned cat locked in an apartment in Grand Rapids. The occupant had been evicted on March 1 and took three cats with her. However, she left two cats behind, one named Frisky, a long-haired tortoiseshell cat. Concerned neighbors, including Melissa, immediately began to feed the abandoned cats within the apartment and were able to rescue one of the cats after two weeks. That cat was taken to Kent County Animal Control (KCAC), where he was, unfortunately, euthanized.

Frisky, now frightened and confused, was trapped alone in the apartment and was hiding in various places, including in the ceiling. On March 28, the landlord locked the apartment, placed a live trap in the apartment, and refused access to Melissa and others who were feeding Frisky. Melissa knew



Frisky

that Frisky only had a day's supply of food and no apparent water source, but the landlord would not reconsider. Melissa sought help from KCAC and was informed that KCAC had no authority to rescue an abandoned animal for one week and she should call back then. After one week of observing Frisky through a window and attempting to push small amounts of food under the door, she re-contacted KCAC to ask for help. KCAC then informed Melissa that because the landlord placed a live trap within the apartment, they did not have authority to retrieve Frisky.

Knowing that Frisky did not have much time left, Melissa contacted ALS for assistance. The attorneys with ALS quickly mobilized to help Frisky. Although I live and work in Alexandria, VA, I took a personal interest in Frisky's plight and worked with others to coordinate efforts to save Frisky.

First, several attorneys with ALS called KCAC to obtain information on why they did not respond after two requests from Melissa. However, our calls were not returned. Knowing that time was crucial, several attorneys with ALS then contacted the landlord. After discussing the possibility that the landlord was contributing to the abandonment and neglect of Frisky and should allow Melissa entry to save her, he eventually agreed. On April 7, after 11 days of abandonment without known food or water, Melissa was allowed into the apartment and found Frisky cowering behind the stove. While the rescue was occurring, Elaine Sterrett Isley (with ALS) and I sought the assistance of Carol's Ferals, a rescue organization in Grand Rapids, that offered to provide veterinary assistance to Frisky after her rescue, and helped us coordinate with Ruben's Room Cat Rescue in Grand Rapids to take Frisky into their care.

Frisky was quickly transferred to Carol's Ferals and immediately taken to a veterinarian, where two of us from ALS paid for all her veterinary care. In spite of her 11 days without known food or water, the veterinarian pronounced Frisky in good shape. After giving her some fluids, a full examination, and keeping her overnight, Frisky was released to Ruben's Room and went into foster care. Frisky was adopted after a month with Ruben's Room Cat Rescue and is now

living with a retired school teacher and is very loved and happy.

In the meantime, ALS is sending a letter to Kent County officials to educate them that Michigan law does not require a one-week waiting period for abandoned pets, and placing a live trap also does not negate their powers. We are also asking them to investigate Frisky's former owner for abandonment, and the landlord for knowingly locking Frisky in an abandoned apartment for 11 days without food or water. Moreover, ALS is considering a committee on local government and animal control education to prevent confusion regarding abandoned pets.

Frisky may not know how many people came to her rescue, but the actions of a few can truly save lives.

Allie Phillips is the director of public policy for the American Humane Association, a council member of the State Bar of Michigan Animal Law Section, and the vice president of No Paws Left Behind (<http://nopawsleftbehind.org>), a nonprofit dedicated to helping people and pets in the foreclosure crisis. American Humane has created a grant program for shelters struggling with the insurgence of foreclosure-related pets. Also, No Paws Left Behind has created a fund to help shelters and pet owners to keep their pets, including the payment of boarding costs, so that pet owners need not give up their pets.

Pets Caught in the Home Foreclosure Crisis and What is Being Done

By Allie Phillips

Many organizations are setting up special funds to help pets caught in the foreclosure crisis and the shelters that may care for them. Two such organizations are the American Humane Association (www.americanhumane.org) and No Paws Left Behind (<http://nopawsleftbehind.org>), a nonprofit organization specifically formed to find safe placement for pets in the foreclosure crisis and offering funding.

American Humane has three tip sheets on its website to help with foreclosure-related pets issues. One tip sheet advises pet owners what to do if they are in a position of losing their home or having to give up their pet, and cautions against abandoning a pet inside or outside a home. A second tip sheet is for mortgage lenders and investigators to guide them through the process when they find pets abandoned at a foreclosed home, and how to work with animal investigators to properly remove a pet. A third tip sheet is for shelter professionals and explains how to handle the influx of pets from foreclosure situations.

Allie Phillips (ALS council member, American Humane director of public policy, and vice president of No Paws Left Behind) has consulted on numerous cases where companion animals have been abandoned in or outside of a vacant home and caring neighbors asked for animal welfare investigators to help rescue the animals. Surprisingly, many calls to rescue abandoned pets are going unanswered by animal shelters, and neighbors are being forced to take action in order to save these pets. There was one such case in Eaton County earlier in 2008 that received widespread media attention and eventually resulted in the rescue of two dogs and five cats, all abandoned outside.

Many mortgage professionals are now finding deceased animals inside and outside of foreclosed and abandoned homes. Oftentimes, a mortgage inspector cannot inspect a home for 10 days, and that may be too late for many companion animals left behind. Every state, including Michigan, has laws on abandonment and neglect, including provisions for seizing pets from abandoned homes. There is no reason for animals to slowly languish in an abandoned home when laws are sufficient to rescue them and bring them to safety. Please download the American Humane tip sheets at www.americanhumane.org and have them available at your shelter, post them at pet stores and veterinary clinics, provide them to your local mortgage offices, and forward them to your local media to raise awareness of this crisis.

Additionally, American Humane has created a grant program for public and private shelters to receive money to assist with boarding costs at other locations, behavior training for animals frightened or stressed from the loss of their home, veterinary expenses, and foster care expenses. Moreover, No Paws Left Behind has funds available to help pet owners and shelters. Examples of funds already distributed by No Paws include money to pay boarding costs while families find new housing; fees to rescue foreclosure pets from overcrowded shelters and to provide safe placement with a rescue organization; money to provide medical care; and providing food to struggling pet owners.

Animal sheltering professionals already endure significant challenges in caring for abandoned, homeless, and abused animals due to limited housing space and financial resources. The financial crisis will only add to the burden as people tighten their pocketbooks and relinquish their pets. Please consider becoming a foster home for pets at overcrowded shelters, or donate to your local shelter that is struggling to handle the influx of foreclosure pets. We all can make a difference. 🐾

Pound Seizure Bill, Adequate Veterinary Care, and Investigating Animal Cruelty

Additional Topics covered at 2008 Animal Law Symposium

By Roberta M. Gubbins, *Ingham County Legal News*

"I am happy to say that the Ingham County Animal Shelter banned pound seizure in 2003," said Allie Phillips, currently director of public policy, American Humane Association, a member of the Animal Law Section council, and co-founder of Friends of Ingham County Animal Shelter (FICAS). She was speaking to the attendees of the Animal Law Section Symposium held on April 11, 2008.

Pound seizure is the sale or release of cats and dogs from a pound or shelter to a research, testing, or educational facility. Pound seizure was successfully banned at Jackson County Animal Control in July 2006. "We (FICAS) are now working with volunteers in Eaton and Montcalm counties."

Seventeen states prohibit pound seizure, three states (Minnesota, Oklahoma, and Utah) require it, and Michigan has a statute that allows for it but does not require it. "Individual counties can decide on their own if they want to sell or give animals to Class B animal dealers. Class B dealers are 'random source' brokers of animals. These are animals that are not specifically bred for research," said Phillips. Animals which are specifically bred for research are sold by Class A brokers.

"There are two random source dealers that broker live animals in Michigan. There are only 15 in the whole country, and Michigan has two," she added, shaking her head.

Under Michigan law, shelters may sell to dealers for no more than \$10 per animal. In December 2007, the following Michigan counties were giving or selling animals to Class B dealers: Eaton, Gratiot, Mecosta, Montcalm, and Osceola.

"We are lobbying to get a bill passed banning pound seizure," said Phillips. "We have House Bill 5263, filed in September by Representative Coleman Young. It prohibits research facilities from acquiring a random source dog or cat for experimentation. It also prohibits animal shelters from providing or selling pets to dealers or research facilities." Phillips urged shelter groups, individuals, and organizations to help push the bill along.

Professor David Favre, MSU College of Law, the next speaker, has written several articles and books dealing with animal issues. He teaches animal law, wildlife law, and international environmental law. His topic at the symposium was adequate veterinary care. Holding up his newest book

[editor's note: *Animal Law: Welfare, Interests, and Rights (Elective Series)*], Favre said, "I am proud of it as an individual, but I am also proud of it as a movement. Aspen Publishers is perhaps the most prestigious of legal publishers, and two to three years ago they would not even have taken my phone calls. It is a sign of the broadly growing social concern about animal issues. The size of the wave that is accumulating over the past five years is stunning."

"The American Bar Association formed an animal law group four years ago," he said. "The Association of Law Professors is just in the midst of forming an animal group as well because finally we have enough professors at the various law schools to form a core group. The awareness of the issues is global, not just national. I have been asked by universities outside the United States to deal with Ph.D. thesis on animal rights. I think we are at the threshold of significant legal change."

"Today," said Favre, "I will address the question: 'To what extent should the owner or keeper of an animal be charged with a duty to provide adequate care in the form of veterinary attention?'"

Michigan's anti-cruelty statute is a criminal law that provides "you must provide adequate veterinary care, whatever the term 'adequate' means." Because it is a criminal law, the punishment for breaking it is fines, costs, and imprisonment.

"I think," said Favre, "that we need to go back to look at what we want to accomplish with the law. I think we want to support the health and well-being of pets to the extent we can. We have to realize that what is practical and reasonable may vary."

"I propose," he concluded, "that we create a civil provision that allows humane societies to perform certain functions before we go to the criminal law. A person should be able to call the humane society to get information about diseases or conditions. The humane society should be able to investigate complaints and offer to provide care and information rather than worrying about seeking a criminal charge. If you have people really not doing the right thing—then we take away the animal after a court hearing."

Deborah MacDonald, humane investigator, Michigan Humane Society, began her discussion noting that "Animal

cruelty cases fall into two general categories: neglect cases or felony cases such as dog fighting cases.”

“Unfortunately,” she said, “many of our cases sat in drawers in the past because of lack of support from the Prosecutor’s Office. This situation has changed due to the greater cooperation between the Prosecutor’s Office and the Humane Society.”

Because dog-fighting cases are so involved, education was needed. “A volunteer organization was created to prosecute all pet care cases,” said Rajesh Prasad, assistant prosecuting attorney, Wayne County Prosecutor’s Office.

“We contacted Debbie and police officers to educate them,” said Prasad. Many times an arrest for drugs or illegal firearms will reveal a dog-fighting ring. After alerting the officers what to look for, arrests increased.

Punishment for animal cruelty is “usually probation and the condition that you can not own a pet for five years,” said Prasad. 🐾

Scenes from the Symposium



Deborah MacDonald and Rajesh Prasad

Justice Kelly and Rose Stern



Anna Marie Scott, Professor David Favre, and Allie Phillips

Nominating Committee Report

The Nominating Committee recommends to the section the following nominees:

Chair: Anna Rose Stern (was chair-elect)

Chair-Elect: Anna Marie Scott (was secretary)

Secretary: Jennifer Pierce (was council member)

Treasurer: Beatrice M. Friedlander

Term Expiring 2011: MaryAnn Kozlowski and Denise Massey

Per the Animal Law Section bylaws, other nominations may be made from the floor, at the Section’s Annual Meeting, Friday, September 19, 1 p.m.-3 p.m, at the Hyatt Regency in Dearborn.

Submitted by the Nominating Committee

Donald R. Garlit
MaryAnn Kozlowski
Anna Marie Scott

Upcoming Event

Friday, September 19, 2008—1 p.m. to 3 p.m.

Annual Animal Law Section meeting at the State Bar of Michigan Annual Meeting at the Hyatt Regency in Dearborn. Award presentations will be made during this time.



Animal Legal Lifeline

**Toll-free Number for Referrals:
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Allie Phillips spoke at the symposium in April. See symposium-related articles and photos starting on page 6.

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