The Legal Side of Adoptions

I have been reading your article on “Discrimination at the Adoption Counter,” (Jan-Feb 2010, p. 49). Something that happened at our shelter reminded me of one of the examples presented.

We had a couple from a larger town 204 miles south of us drive to our shelter to adopt a puppy. Within a few days the puppy had passed from parvo. … Per our adoption contract, we issued a voucher so this couple could adopt another animal. The girlfriend returned, decided on a beautiful, long-haired German shepherd, signed papers once again, and drove the dog home.

The boyfriend is a large-framed African-American, and the adult dog she adopted seemed to be afraid of him (he’s afraid of most men). She returned the dog, wanting her money back.

It is noted in our adoption papers that only vouchers can be issued, but by this time she was angry and threw out “lawsuit” conversation. We feel we are protected with our current adoption form, but she has written a letter to our board of directors insisting on a complete refund.

Please share your thoughts.

—A reader in Minnesota

Cherie Travis, author of the article, offered some suggestions, excerpted here: You may want to consider refunding all or some portion of the adoption fee with a letter stating that it is a goodwill gesture and not a contractual obligation. You might want to point out that you are doing this, in part, because she honored the contract and returned the dog to you. (You said she lives more than 200 miles away, so bringing the dog back was an effort on her part. She could have dumped the dog or given it away.)

Going forward, you could avoid this problem by implementing a policy that all members of the household be present for the adoption (even if it was as part of the voucher). That way, you can observe each person’s interaction with the animal and ensure a good fit before it leaves your facility.

In the first few months of 2010, some of the news from animal welfare groups around the country was anything but warm and fuzzy. The director of an Ohio shelter pleaded guilty to animal cruelty charges, after animals in the care of the facility were found to be sick and living in their own filth. In California, an animal control officer was put on leave after pleading guilty to a cruelty charge. The director of an animal shelter in Tennessee was arrested, along with several other staff, on cruelty charges. In Texas, 64 animals were seized from a rescue group after many of them were found to be starving.

We’re sure you’ll agree with us when we say … yuck.

These groups had similar missions, but different operating policies. They were a no-kill shelter, a public humane society, a county animal control department, and a rescue group, respectively. The one thing they had in common was that, in ways big or small, their mission to shelter and protect animals had somehow run off the rails.

As all of us work toward the end of euthanasia of healthy, treatable animals, we should keep these cases in mind.

While saving animals’ lives should be a primary focus at shelters, reasonable people can still differ about euthanasia policies. Many excellent, compassionate shelters still euthanize to cope with the influx of animals into their facilities. Many excellent, compassionate rescue groups and limited-admission shelters do not. And in spite of the differences in their operating policies, many of these organizations have learned to work together to make the biggest possible difference for the animals in their communities.

What reasonable people who care for animals should not differ on is standards of care for the animals they’re sheltering. Whatever your policy on euthanasia, your policy for the living should be clear and uncompromising. The Farm Animal Welfare Council’s Five Freedoms state the case best: Animals deserve freedom from hunger and thirst; freedom from discomfort; freedom from pain, injury and disease; freedom to express normal behaviors, and freedom from fear and distress.

Every organization that takes in animals should self-assess on a regular basis. Ask: Are we providing the basics to the animals we care for so much? And if not, can we really call our passion “compassion,” or has it become something darker?

Animal rescue and sheltering work is dirty, difficult, heartbreaking, and incredibly valuable. The work you do inspires us every day. So keep the Five Freedoms in mind, and remember: Anything worth doing is worth doing well. We can disagree on plenty, but we have to agree on that.

If you’re struggling, The HSUS has resources that may help. Check out the Programs and Services section of animalsheltering.org, and remember, many of our old issues are available in our online resource library.

—Carrie, James, Jim, and Amy Animal Sheltering magazine staff

Editor’s note: In a follow-up letter to Animal Sheltering, the letter writer reported that her board members decided to deny the refund. They sent the couple a letter that included a portion of the shelter’s liability release, which explains that adopters are responsible for the costs incurred following adoptions, and that adopters shall not hold the humane society responsible for adopted animals’ pre-existing medical conditions. They offered a voucher, which the client turned down; the matter appears to have been resolved.

We would add that such situations have at least two aspects—a legal aspect and a customer-service aspect. Shelters should be aware that while they may be legally protected by their adoption contract, they may not be protected from bad word-of-mouth.

Got a question? Enjoyed a story? Write to us at asm@humanesociety.org.