

SHELTER
PALS



SHELTER POLICY AND LEGAL SERVICES

A PROGRAM OF THE SAN FRANCISCO SPCA



Shelter PALS Webinar Series

Bringing the Shelter Into the Community – Finder, Foster, Forever Home

Agenda

06.16.22

- ▶ Big Picture
 - ▶ Solution to the Finder Dilemma
 - ▶ Holding periods for Finders
 - ▶ One tool of many
- ▶ Finder-Foster Programs – How to
 - ▶ Basic principles
 - ▶ Step-by-step
 - ▶ Adoptions
- ▶ What Finder-Foster Programs are *Not*
- ▶ Q+A





WASMAN
FRASCH
WAGMAN

ANIMAL LAW
THIRD EDITION

CAROLINA
ACADEMIC
PRESS

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Big Picture

An Alternative Practice for Getting Strays to Adoption:
The community as part of the shelter



A New Solution to Our Common Issue

The intent of today's webinar

- Offer a legal option to dealing with found animals
 - Using *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
- 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



Helping Animals Faster, In and Out of the Shelter

With the Shelter PALS Finder-Foster Program, the shelter is involved from the beginning, but the animals remain at the Finder's home

- Reduces the number of animals who need to enter the shelter
- Promotes a short turnaround time for animals found/rescued by private individuals
- Requires compliance with state holding periods, but nothing more than if animals were in the shelter
- Enhances animal welfare by minimizing time in shelters
- Helps shelters reduce their operating costs



Intake Requirements

- Hold periods only apply if an animal goes through shelter intake
 - For example, no hold period for community cats kept outside of shelter population or owner-requested euthanasia performed as a separate public service
- “**Shelter intake**” can occur outside the shelter as long as state law requirements are followed
- State law on intake:
 - No state requirement to intake owner-surrendered or healthy unowned stray dogs and cats (contracts and local laws may impose additional obligations)
 - State law requires public (not private) shelters to intake all “stray or abandoned” (owned or showing indicia of ownership such as a collar/tag, valid microchip) dogs and cats in danger or need of medical attention

More Help?

See Shelter PALS Shelter Intake + CCP Webinars (calanimals.org/on)



Physical Location Does Not Matter

Foundational Principle for Foster-Finder: 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



Physical Location Does Not Matter

Animals can be offsite in foster homes in the following scenarios during the holding period.

Examples:

- 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)



Helpful Holding Tips

- **Don't double count**
 - Shelter B that pulls an animal from Shelter A does not have to hold the animal for the statutory hold period if Shelter A has already done so
- **Treat rescues uniquely**
 - A shelter that agrees to accept an animal from a private rescue organization that has had an animal for longer than the statutory hold period can immediately move that animal to a positive outcome (owner-surrender scenario, not stray)
- **Conduct some activities, when appropriate, without triggering holds**
 - Community cat programs
 - Owner-requested euthanasia



Applicability of Finder-Foster Program

Applies:



- Any shelter that takes in animals pursuant to municipal authority
 - Municipal shelters
 - “Hybrid” shelters – private shelters with municipal contracts to deal with stray animals, return-to-owner, reunification processes

**(Hold periods only apply if an animal is taken under shelter’s authority)*

Doesn't Apply:



- Rescue groups that take in strays
- Private individuals that find animals and do not contact the local municipal or hybrid shelter
 - Previous understanding of “finder-foster” programs, where shelter does not get involved initially



The Societal Perspective of Finder-Foster

- The Finder-Foster Program is completely voluntary
- Combines common shelter missions and goals
 - Saving animals
 - Serving the community
 - Providing the most humane options
 - Optimize operations
 - Shared responsibilities between shelters and members of the public
 - Both maximizes and humanizes the work of shelters



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Finder-Foster Programs

How Do They Work?



How it Works

The Shelter PALS model for Finder-Foster programs, aka “In-Home Adoption”, starts from the proposition that a foster parent acts on behalf of the shelter with respect to the animal the foster parent is caring for, and so the foster is subject to the same requirements with respect to holding periods and standards of care as the shelter would be.

Initial Considerations:

- Careful evaluation of the finder-foster before entry into the program
- Standard assessment for adoption of found pets, even if finder is adopter



Simple Principle

The Finder becomes a Foster who is acting as an agent for the shelter, to comply with all legal requirements.



As long as this protocol is followed, a Finder-turned-Foster who is working with a shelter, and who is in possession of an animal the Foster has found, ***need only wait until expiration of the legal holding period and satisfaction of the shelter's requirements to attempt to locate the animal's owner***, all as determined by state and local law, before the animal may be lawfully adopted out by the shelter and the adopting person (including the Foster, if that works out) becomes the lawful owner of the animal.



Program Materials



Programs can be called “**Finder-Foster**,” “**In-Home Adoption**”, or **any other name**.



Shelters will have a “program document” that describes the program, and a single legal document entitled “In-Home Foster Agreement”, which will govern the relationship between the Finder and the shelter after the found animal is entered into the shelter’s records.



The In-Home Foster Agreement will be very similar to the shelter’s standard foster agreement for an animal who was initially physically impounded at the shelter, unless the shelter chooses to include some preferential terms to incentivize people in the community to participate in the Finder-Foster/In-Home Adoption Program.



Shelters can make the Agreement, and description of the program, available to the Finder in whatever form is preferred.



STEP 1: The Journey Begins

- Finder contacts shelter with information regarding found animal.
- Shelter evaluates eligibility of Finder and animal for the Program.
- Use same criteria (for both animal and human) as for determining whether a physically-impounded animal is eligible for fostering or adoption.
- If the found animal is an animal that the shelter is not legally required to intake, then the shelter has discretion to decide if it wants to include the animal in the Program.
- If the shelter determines the animal qualifies, it will enter the animal into the shelter's recordkeeping program and take steps to attempt to locate the animal's owner.
- All other steps in the shelter's normal intake procedure will also be accomplished in the Program.



STEP 2: Shelter Personnel Visits Finder

- As soon as possible after the initial contact, Shelter/Animal Control/Animal Services will visit the Finder's home to scan the animal for a microchip as required by Food and Agricultural Code Section 31108(c) (dogs) and Section 31751.3(a)(1) (cats), and, if necessary, to photograph the animal.
- This allows shelter to immediately begin its attempts to locate the owner, and to satisfy its obligations to attempt to locate the animal's owner by the time the holding period has expired.



In-Person Meeting Specifics (Home or Shelter)



Shelter representative meets with Finder



Finder acknowledges that Shelter is in “control” and legal possession of animal. Shelter representative does (1) microchip scan and (2) photo session



Shelter representative reviews Program overview materials and In-Home Foster Agreement with Finder

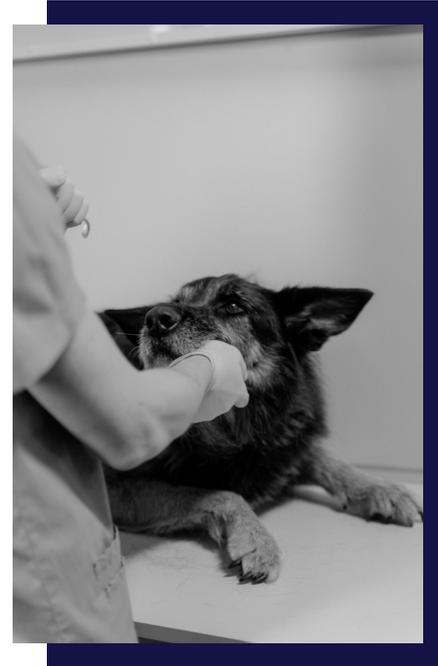


Conditional possession of the animal “returned” to the Finder



STEP 3: Notice and Contact Efforts

- Regardless of microchip, the shelter will also immediately begin to **“make reasonable efforts to contact the owner and notify him or her that his or her [animal] is impounded and is available for redemption,”** as required by Food and Agricultural Code Section 31108(c) (dogs) and Section 31751.3(a)(1) (cats), and to take any other specific measures required by the applicable city/county ordinances.
- These efforts should be the same as for an animal who was initially physically impounded at the shelter.



STEP 4: Finder / Foster / Adopter?

- Assumes no location/contact/information about owner has surfaced
- Trigger -- Legal holding period ends, and shelter has satisfied notice/search obligations

Options:

- If Finder will be adopter, licensing and necessary paperwork
 - “Right to adopt” not guaranteed and need not be promised
- Adopt to referral from Finder after standard assessment
- Finder continues as foster, holding animal pending adoption by third party
- Relinquish animal to shelter



Adoption Reminders

Prior to adoption, as with other animals

- Compliance with spay/neuter laws
- Compliance with microchip laws
- Full assessment of Finder as adopter (if that option is chosen)



A Finder-Foster Program is **NOT...**

- Taking a month and more to get animals to forever homes
- Based on statutes regarding lost property
 - The “30-day rule”
 - The ambiguous “effort to find owner” requirement
- Putting all the responsibility on the finder
- Putting all the responsibility on the shelter



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Quick Refresher: State Hold Periods

Dogs + Cats



Stray Dog + Cat Hold

Public Shelter

- Current hold period for impounded stray dogs and cats in a public shelter
 - = **72 hours** from the moment of capture for euthanasia, adoption or transfer
 - *This is because the hold periods currently set forth in F&A C. §§ 31108 and 31752 are unfunded mandates and therefore not in effect for public shelters. The hold period for both reverts to 72 hours, which is how long public shelters were required to hold these animals previously*
 - *See Statement of Decision, No. CSM98-TC-11, Commission on State Mandates (Jan. 25, 2001), modifying F&A C. §§ 31108 (dogs), 31752 (cats)*



Stray Dog + Cat Hold

Private Shelter

- **Current hold period for impounded stray dogs and cats in a wholly private shelter**
 - = **6 or 4 business days**, not counting day of impoundment, for euthanasia; **3 days** for adoption or transfer
 - Early adoption risks owner wanting to reclaim during hold; however, shelters can weigh pros/cons
 - *This is because the unfunded mandates exemption does not apply to private shelters, and therefore the hold periods set forth in F&A C. §§ 31108 and 31752 remain in effect*
- **Business day =**
 - Any day that a shelter is open to the public for at least 4 hours, excluding state holidays
 - “Open” does not necessarily mean that the shelter doors have to be physically open. For example, could reasonably mean being available for appointments (e.g., during Covid shelter-in-place)
- **4-day hold when:**
 - Fewer than 3 shelter employees + appointment system OR
 - Redemption available on 1 weekday evening until 7pm or 1 weekend day



Exceptions to Hold Periods

- **Cruelty case holds**
- **Community cats**
 - = no hold if not impounded by shelter
 - Note: feral cat law (F&A C. § 31752.5(b) and (c)) almost never applies because of detailed process
- **Owner requested euthanasia**
 - = no euth hold if not impounded by shelter and performed with proper documentation
 - Per paperwork, shelter can override ORE request and intake (then subject to OS hold)
- **Other community service actions**
 - Evictions, hospitalizations, incarceration
 - Homeless relocations



Q+A



ENROLL



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Enroll your shelter for free legal support at:

www.sfspca.org/advocacy/shelter-pals

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