

1973 WL 27591 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 19, 1973

***1 RE: Abandoned pets**

F. P. Caughman, Jr., D.V.M.
President
State Board of Veterinary Examiners
Fost Office Box 5125
Columbie, South Carolina 29205

Dear Dr. Caughman:

Inquiry has been made regarding what actions may be properly taken by veterinarians who have pets brought to their facilities and then left for an extended period of time.

A pet is, of course, a piece of personal property and therefore any person who accepts custody of an animal has a duty to properly care for it and could be found liable for failure to do so. Therefore, when a pet is left with a veterinarian for an unreasonably long time, the first step is to contact the owner. The owner himself should be notified, either by hand delivered notice or by certified mail, return receipt requested, that on a specified date the pet will be considered abandoned and a trespasser upon the premises of the veterinarian concerned. Thereafter, if on the specified date the pet still remains in the custody of the veterinarian, one of the following courses of action may be taken:

- a. Deliver the pet back to its owner and bring suit in a court of competent jurisdiction for the expenses and services associated with its care and maintenance. (Magistrates courts serve as small claim courts for matters up to \$200, and an attorney, though helpful, is not mandatory.)
- b. Have the pet released to the custody of the local animal shelter and bring suit as in paragraph 'a'.
- c. Report the pet's abandonment to the nearest magistrate and have the animal sold at public sale in accord with S. C. Code Sections 6-201 to 204 (copy enclosed). Expenses for care and maintenance of the animal not covered by the sale may then be pursued by suit in paragraph 'a'.

In the event that the owner of a pet cannot be located, the above guidance remains applicable. However, a reasonable effort to locate the owner and to provide him an opportunity to regain physical custody of the pet must be made. This would include, at a minimum, sending notice to the owners last known address. Initials should not be destroyed by veterinarians without the express consent of the owner.

If there are further questions which the Board has, feel free to correspond. With best wishes, I am
Sincerely,

John B. Grimball
Assistant Attorney General

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