



CALIFORNIA RESCUE GROUPS:

KNOW YOUR RIGHTS

IN light of the recent decision by the California Court of Appeal clarifying California law on the obligations of municipal shelters to release dogs to animal rescue organizations, I want to apprise the rescue community of their rights.

California shelters have a mandatory duty to release any dog upon request to a qualifying non-profit rescue organization except in three specific circumstances:

- **The dog is irremediably suffering from severe illness or severe physical injury;**
- **The dog is a newborn, needs maternal care, and has been impounded without his mother;**
- **The dog has a documented history of “vicious” or dangerous behavior recorded by the agency charged with enforcing state and local animal laws before the animal was impounded.**

In other words, the Court of Appeal decision explicitly prohibits California shelters from refusing to release dogs based on temperament testing or that they classify as having “behavior” issues or as being “unadoptable” or “untreatable.”

Once your organization is qualified as a rescue partner, the shelter can no longer refuse to release dogs to you unless they fall within one of the three specific exceptions listed above.

The case is *Santa Paula Animal Rescue Center, Inc. & Lucky Pup Dog Rescue v. County of Los Angeles*, Case No. B318954 (Sept. 18, 2023). The decision will become final on October 18, and barring California Supreme Court review, all California shelters will have to comply.

For more information or a copy of the Court’s opinion, please contact The No Kill Advocacy Center.

Thank you,
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 nokilladvocacycenter.org

