

## FACT SHEET: LIEN LAW AND ABANDONMENT LAW

### LIEN LAW

IF THE AMOUNT DUE FOR VETERINARY SERVICES HAS NOT BEEN PAID WITHIN 10 DAYS AFTER THE PAYMENT HAS BECOME DUE, A VETERINARIAN MAY KEEP AN ANIMAL AFTER TREATMENT AND THE ANIMAL IS THEN CONSIDERED LIENED. A LIEN IS THE RIGHT TO HOLD ANOTHER'S PROPERTY UNTIL THE DEBT ON IT IS PAID. THE LAW ALLOWS THE VETERINARIAN TO SELL A LIENED ANIMAL AFTER GIVING AT LEAST 10 BUT NO MORE THAN 20 DAYS' NOTICE TO THE OWNER PRIOR TO SALE, AFTER THE INITIAL 10 DAY PERIOD HAS ELAPSED. (Civil Code Sections 3051 and 3052.)

The proceeds of any such sale must first be applied to the discharge of the lien and the cost of keeping and selling the animal; the remainder, if any, must be paid to the legal owner of the animal. **A veterinarian cannot euthanize an animal which has been liened, they can only sell it.** A veterinarian who threatens to euthanize a liened animal may be subject to discipline for unprofessional conduct by the Board under Business and Professions Code Section 4883(g).

A veterinarian, while holding an animal until payment for veterinary services is received, is entitled to be reimbursed for the value of the food and shelter provided to the animal after it is ready to be claimed by the owner and during the statutory lien period.

A client is initially responsible for their veterinary bill, whether or not they have a dispute about the amount owed. A person may seek civil remedies, such as the small claims court process, to dispute the fees for services, or may work with the veterinarian to obtain agreeable payment terms.

If a veterinarian is concerned about payment for professional services, a retainer or deposit may be obtained before the services are rendered. A veterinarian may also consult with a private attorney for advice on various securities which might be required or other methods by which debts for veterinary services might be collected.

### ABANDONMENT LAW

According to the statutory abandonment provisions (Civil Code Section 1834.5), IF AN ANIMAL IS NOT PICKED UP WITHIN 14 DAYS AFTER IT WAS INITIALLY DUE TO BE PICKED UP, IT IS CONSIDERED TO BE ABANDONED. THE VETERINARIAN SHALL FIRST TRY FOR A PERIOD OF NOT LESS THAN 10 DAYS TO FIND A NEW OWNER FOR THE ANIMAL OR TURN THE ANIMAL OVER TO A PUBLIC ANIMAL CONTROL AGENCY OR SHELTER, SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS SHELTER, HUMANE SOCIETY SHELTER, OR NONPROFIT ANIMAL RESCUE GROUP,

PROVIDED THAT THE SHELTER OR RESCUE GROUP HAS BEEN CONTACTED AND HAS AGREED TO TAKE THE ANIMAL.

If, after 24 days (the initial 14 days plus the additional 10 days), the veterinarian has been unable to find a new home or placement for the animal, the veterinarian may, but is not required to, euthanize (humanely destroy) the animal. Pursuant to Civil Code Section 1834.5, there shall be a notice posted in a conspicuous place, or in conspicuous type in a written receipt given, to warn a person depositing an animal at an animal care facility of the provisions of this section.

If an animal is first considered to be liened, the animal would change from being liened to being abandoned when: (1) the veterinarian has given the owner of the animal express notice that the lien right was being relinquished and that the animal could be picked up on a *specific* date; and (2) the owner of the animal has not picked up the animal within 14 days after the date specified in the veterinarian's notice of relinquishment.

When an animal is first considered to be abandoned, a veterinarian's legal right to charge for food, shelter and medical treatment depends on the terms of the oral or written contract between the animal's owner and the veterinarian. In the absence of any specific agreement, there is an implied contract for the owner to pay a reasonable amount for services rendered.

## Summary of Lien vs. Abandonment

<b>Description</b>	<b>Lien</b>	<b>Abandonment</b>
Legal time parameters to take action (days)	10 - 10 - 20	14 - 10
Notice to legal owner to either lien or abandon the animal	Certified letter	Certified letter
Notice to public to sell the animal	3 places	no
Hospital can charge for boarding the animal	yes	yes
Hospital can charge for providing medical treatment of animal	yes	yes
Veterinarian can humanely euthanize the animal	no	yes
Veterinarian can put the animal up for adoption	yes	yes
Veterinarian can sell the animal	yes	yes
Legal owner can be reached, but does not want to pay	yes	yes
Legal owner cannot be reached	yes	yes
Legal owner can be reached, but does not respond	yes	yes
Veterinarian can release the animal and pursue case in small claims court	yes	yes