

Orlando Sentinel

ASK A LAWYER

Can 1st owner reclaim adopted pet?

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May 3, 2010

Question:

Several months ago my family adopted a dog from a reputable animal-rescue group that got the dog from a county pound.

We love the dog and already consider him part of our family, but we also realize the dog's original owner may be looking for him and could track him down. If that happens, would the original owner have a legal claim?

C.R.

Casselberry



FRANK POHL

Pohl & Short, P.A.

Answer:

Pets, although our beloved companions, are considered personal property under Florida law. A "true" owner generally has rights to "lost" property superior to those of a "finder," and may therefore potentially assert ownership of an adopted pet.

Although there appears to be no published Florida precedent resolving this particular issue, a Vermont court has considered other factors (such as the adopter's efforts to locate the true owner, and how long the adopter has cared for the pet) in allowing the adopter to keep the adopted pet.

Although not binding in Florida, the Vermont case may be persuasive authority in your favor. Additionally, local ordinances may authorize animal-control agencies to make pets available for adoption, if the agency's efforts to find the true owner are unsuccessful. Local pet-adoption ordinances (and how long you have had your adopted pet) may therefore potentially help defeat an original owner's claim.