

Impounding Animals: Frequently Asked Questions

The decision to impound or remove animals is made by local authorities (including, but not limited to, police, sheriff's department, prosecutor, and animal control). **IC 35-46-3-6** *Impoundment of Animals; Probable Cause Hearing; Custody; Bond*

The Indiana State Board of Animal Health (BOAH) does not have the jurisdictional authority to impound animals. BOAH veterinarians and animal health specialists may assist counties, cities, and other governmental units with investigations as unbiased professionals and provide opinions but cannot independently make the decision to impound animals.

Who is the “impound agency”?

The impound agency means a state, county, municipal, or township agency with the authority to impound animals for violations of Indiana's animal care and welfare laws. This includes law enforcement agencies as well as animal control. (For purposes of this sheet, “agency” will refer to the impound agency.)

Who is responsible for impounded animals?

The impounding agency is responsible for the transportation, physical care, and financial support of impounded animals.

- The agency should plan to meet the basic needs of the animals including food, water, and shelter.
- The agency should provide veterinary care as needed. This service should be provided by a local, private-practice veterinarian. This will likely be a fee-based service with the agency responsible for paying.
- BOAH will provide a detailed report to the agency which may include a body condition score for each animal removed, an assessment of the care provided to the animals, and an assessment of the conditions from which the animals were removed. BOAH veterinarians will not perform a complete physical examination of the animals.

What is the obligation to the animal's owner?

An impound agency must make a reasonable attempt to identify and notify the animal's owner. The owner must also be notified of the bond requirement.

How are impounded animals supported financially?

Sources of financial support for impounded animals are determined by local officials. Common funding sources include: bond paid by owner; pre-established fund through the animal shelter or county; and/or non-profit organization resources and other forms of charitable donations.

How is the bond established?

A bond is the money paid by the owner to the court for reasonable expenses for the care and keeping of impounded animals which have been removed from the owner's possession.

- The bond must be posted not later than 10 business days after the day the animal has been impounded. The amount should be sufficient to provide for the reasonable expenses of the animal's care and keeping for at least 30 days, beginning from the date the animal was impounded. The bond amount shall be determined by the agency and/or local authorities to include medical care, quarantine, and shelter and board for the animal.
- The owner may renew a bond by posting a new bond before the expiration of the previous 30-day bond, in an amount sufficient to cover an additional 30 days.
- If the bond is not posted or expires and is not renewed, the agency or local authorities may determine disposition of the animal subject to a court order.
- Any bond posted will be returned, along with the animal, if the court determines probable cause does not exist.



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Can an animal be euthanized?

The impounding agency (or designee) may euthanize an animal at any time if an Indiana-licensed veterinarian determines that the animal presents a serious threat to other animals or people; or euthanasia is in the best interest of the welfare of the animal.

If the animal's owner is identified, the agency must make a reasonable attempt to notify the owner 10 days after the animal is euthanized. The notification must include the reason(s) why the animal was euthanized.

If an animal is euthanized, any unused portion of the posted bond must be returned to the owner.

When making the determination within the scope of his/her practice, the veterinarian is immune from civil liability in these cases.

How and where should animals be impounded?

Transporting one or two smaller animals, like cats or dogs, can be relatively simple and just requires access to transport carriers/crates. Larger numbers of animals, as well as large species (like livestock) will require different assets as well as animal-handling expertise/knowledge. Safety of the handler(s) and driver(s) is as important as the animals being moved.

Suggestions for transportation of animals from the property:

- Small animals and exotics: Animal rescue groups, animal control officers
- Livestock and horses: Local livestock owners, livestock dealers, professional livestock wranglers

The agency must determine where animals will be housed. When permanent, dedicated spaces are not available (or may be at capacity), alternate, temporary options should be evaluated. Consideration should be made for the length of time animals will likely be held.

Housing after impoundment:

- Large animals: rescue groups, fairgrounds, foster homes, resources from neighboring counties
- Small animals: public or private shelters, rescues, foster homes, emergency response trailer for mobile shelter

Relevant Indiana Code

- **IC 35-46-3** Offenses Relating to Animals (neglect, torture, abuse, mutilation, and abandonment)
- **IC 15-17-11** Disposal of Dead Animals Required
 - State law requires an owner of livestock or poultry to dispose properly of a carcass within 24 hours of learning of an animal's death. The list of approved disposal methods is overseen by the Indiana State Board of Animal Health as a matter of health and safety. Proper carcass disposal must be by one of the following methods:
 1. At an approved disposal plant (rendering).
 2. Burial on the owner's premises at a depth below grade with sufficient coverage to prevent resurfacing of any part of the carcass, scavenging, and odor emissions that create a public nuisance. Above-ground burial that meets specific BOAH requirements is also an option.
 3. Thorough and complete incineration according to standards established by an appropriate governmental agency. (Open burning is not allowed.)
 4. Composting according to standards approved by BOAH. Anaerobic or chemical digestion methods within limits set by state environmental laws are allowed.
- **IC 15-17-11-1(3)** *Dead animal disposal requirements do NOT apply to: Any bodies of dead fish, reptiles, or small animals of any kind, including dogs, cats, and small game. Other exemptions are mentioned in IC 15-17-11-1.*