# The Legal and Ethical Obligations of Veterinarians

## Who Encounter Suspected Animal Abuse or Neglect in Their Practice

*By Megan A. Senatori, DeWitt Ross & Stevens S.C.*

The first time the client presented the little dog to the veterinarian for treatment, the dog's eyes had been sealed shut with a powerful adhesive. The client was a victim of domestic abuse, and it was clear that she had risked her own safety to try to help her companion animal. But, she was so fearful, that she pleaded for the veterinarian not to report the abuse. She said that if her boyfriend caught her helping her dog, there would be trouble. The veterinarian did not report the abuse. But then later, the client came back with the dog a second time. The dog's eyes were sealed shut again, but this time, the dog's ears and sexual organs had also been sealed shut with the same powerful adhesive.

Unfortunately, this is a true story, profiled in an article in O Magazine called The Case of Battered Pet, an article about the link between domestic abuse and animal cruelty. The veterinarian involved in the story above reported the abuse the second time, but she never knew what happened to the woman who was risking her own safety to try to help her dog. Although the abuse of an animal is not always this black and white, it is not uncommon for a veterinarian to suspect that a patient has been the victim of abuse or neglect.

If this dog were your patient and this woman your client, what would you do? Would you report what was clearly a senseless act of animal abuse? By doing so, would you be risking the safety of your client and her animal? What does the law require you to do?

### AVMA Guidelines

These are difficult questions that veterinarians face in their practices. In an important initiative, the AVMA stepped in to help veterinarians who encounter animal abuse or neglect in their practice. In December, the AVMA, in conjunction with the American Humane Association, published a manual entitled, "Practical Guidance for the Effective Response By Veterinarians To Suspected Animal Cruelty, Abuse and Neglect".

The manual is intended to inform and educate veterinarians regarding the many legal and ethical issues that arise when a veterinarian encounters suspected animal abuse or neglect. The manual, available through the AVMA, covers documentation, decision making, model policies, client questionnaires, legal reporting requirements, liability and confidentiality concerns, and sources of training and resources.

The AVMA's official policy position regarding reporting animal abuse and neglect (last updated 11/09) is as follows:

The AVMA recognizes that veterinarians may observe cases of animal abuse or neglect as defined by federal or state laws, or local ordinances. The AVMA considers it the responsibility of the veterinarian to report such cases to appropriate authorities, whether or not reporting is mandated by law. Disclosure of abuse is necessary to protect the health and welfare of animals and people. Veterinarians should be aware that accurate record keeping and documentation of these cases are essential. The AVMA considers it the responsibility of the veterinarian to educate clients regarding humane care and treatment of animals.

### Reporting Duties Under Wisconsin Law

How a veterinarian may respond in a situation like the tragic story above may also depend upon whether there is a legal requirement to report suspected abuse or neglect.

In Wisconsin, veterinarians have a duty to report when they suspect that an animal has been in a fight in violation of Wis. Stat. § 951.08 (Wisconsin's Criminal Statute that prohibits Animal Fighting). The reporting requirement is set forth in Wis. Stat. § 173.12 (Wisconsin's Chapter to Humane Officers) and provides as follows:

Any veterinarian who has reason to believe that an animal has been in a fight in violation of s. 951.08 shall report the matter to the local humane officer or to a local law enforcement agency. The report shall be in writing and shall include a description and the location of the animal, any injuries suffered by the animal and the name and address of the owner or person in charge of the animal, if known.

Under current Wisconsin law, veterinarians do not have a duty to report other types of animal abuse or neglect. Many other states, including our neighbors Illinois and Minnesota, do require veterinarians to report suspected animal abuse or neglect. It is important for legislation that requires the reporting of suspected animal abuse or neglect to also protect the veterinarian by providing civil immunity for good faith reports. For a summary of laws pertaining to reporting requirements for veterinarians, visit the AVMA at: http://www.avma.org/advocacy/state/issues/sr_animal_abuse.asp.

Legal Briefs
*continued on page 9*

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*continued from page 8*

### Conclusion

As the AVMA initiative confirms, it is important for veterinarians to educate themselves about legal and ethical reporting obligations before the veterinarian is confronted with a patient that may have been abused or neglected. We recommend that veterinary clinics consider creating policies and protocols to help provide guidance for veterinarians who suspect animal abuse or neglect in their practice. As research confirms, and as the story above demonstrates, animal abuse often goes hand iwn hand with the abuse of other family members. Veterinarians serve an integral role in stopping the cycle of abuse.

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