

**KITSAP COUNTY DISTRICT COURT  
STATE OF WASHINGTON**

<p>_____, Petitioner,  v. ANIMAL CONTROL KITSAP HUMANE SOCIETY, Respondent.</p> <p>Animal Name(s) – _____ Animal Description(s) – _____</p>	<p>No. _____</p> <p><b>PETITION FOR RETURN OF SEIZED ANIMAL(S) RCW 16.52.085(4)(e)</b></p>
---	--

**1. LITIGANT CONFIDENTIAL INFORMATION FORM**

**IMPORTANT NOTICE** – District Court needs information about every party involved in a case so the court can accurately identify the parties and be able to contact them.

If you have not already done so, please complete a Litigant Confidential Information Form and provide it to the court. You should also use the form to update information previously provided to the court. The form is available at many locations on the District Court website ([www.kitsap.gov/dc](http://www.kitsap.gov/dc)).

**2. DECLARATION OF OWNER OR OWNER’S AGENT**

My true name is \_\_\_\_\_ and I make the following declaration –

2.1 **Animal(s) Seized.** On \_\_\_\_\_, the Animal Control Kitsap Humane Society seized the following –

\_\_\_\_\_ (*animal names*) [hereafter “animal(s)”],

\_\_\_\_\_ (*animal descriptions*).

2.2 \_\_\_\_\_ **Owner.** I am the owner of the seized animal(s) [hereafter “owner”].

\_\_\_\_\_ **Agent.** The owner of the seized animal(s) is \_\_\_\_\_ (*name*) [hereafter “owner”]. I am the owner’s agent and authorized by the owner to file this petition on behalf of the owner. RCW 16.52.085(4)(e).

2.3 **Animal(s) Location.** The animal(s) was/were located in Kitsap County, Washington when the animal(s) was/were seized.

2.4 **Notice From Animal Control Kitsap Humane Society.**

\_\_\_\_\_ **Received Notice.** On \_\_\_\_\_, the owner received written notice that the Animal Control Kitsap Humane Society seized the animal(s).

\_\_\_\_\_ **Did Not Receive Notice.** The owner did not receive written notice that the Animal Control Kitsap Humane Society seized the animal(s).

2.5 **Posting A Bond.** I understand that the owner is required to post a bond with the District Court in an amount sufficient to provide minimum care for each animal seized for 30 days, including the day on which the animal(s) was/were taken into custody. RCW 16.52.085(5)(a).

2.6 **Deadline To File Bond.** I understand that the owner is required to file the bond with the clerk of the District Court within 14 calendar days after the animal(s) was/were seized. RCW 16.52.085(5)(a).

In the event the deadline falls upon a day when the court shall be closed, the time for such filing shall be extended until the end of the next business day upon which the Court shall be open for business. General Rule 3.

2.7 **Failure To Timely Post Bond.** I understand that if the owner fails to post a bond by 5:00 PM on the 14th calendar day after the day the animal(s) was/were seized, the animal(s) is/are deemed abandoned and any interest in the animal(s) is/are forfeited to the Animal Control Kitsap Humane Society. RCW 16.52.085(5)(b)(i).

2.8 **My Statement.** Describe why the seized animal(s) should be returned to the owner (see the definitions on the following pages) –

2.9 **Have More Than 14 Days Elapsed Since Seizure Of The Animal(s)?** Washington law requires this petition to be filed with District Court within 14 calendar days after the date the animal(s) was/were seized. RCW 16.52.085(4)(e).

If you did not have “actual notice” of the animal(s) being seized, you may ask District Court to extend the 14-day deadline by another 14 days so you will be able to timely file this petition. RCW 16.52.085(5)(b)(iii).

You must convince the court that there are “exceptional and compelling circumstances” justifying extension of the 14-day deadline.

\_\_\_\_\_ **Request For Extension Of 14-Day Deadline.** More than 14 days have elapsed since the animal(s) was/were seized. I did not have actual notice of the animal(s) being seized. I ask District Court to extend the 14-day deadline so I can petition for the return of the animal(s). *(describe reasons justifying the extension)* –

\_\_\_\_\_

2.10 **My Request.** I request that District Court – (1) order the immediate return of the animal(s) to the owner at no cost to the owner; (2) award reasonable attorney fees for me; (3) award a full refund of the bond posted for the care of my animal(s); and (4) impose any conditions the Court deems appropriate. RCW 16.52.085(5)(c)(ii).

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct, and that I am the person whose name I typed (or wrote) below.

SIGNED at (city) \_\_\_\_\_, (state) \_\_\_\_\_ on (date) \_\_\_\_\_.

\_\_\_\_\_  
*/s/ Signed Electronically*

\_\_\_\_\_  
[Note – By typing your name, you intend to sign electronically and agree your electronic signature is the same as a handwritten signature for the purpose of validity, enforceability, and admissibility.]

## **DEFINITIONS**

### **SEIZURE OF ANIMAL (RCW 16.52.085(2)).**

- (a) If a law enforcement officer or animal control officer has probable cause to believe that an owner of a domestic animal has violated this chapter or a person owns, cares for, or resides with an animal in violation of RCW 16.52.200 (animal cruelty misdemeanor and gross misdemeanor sentences) or an order issued under RCW 16.52.205 (animal cruelty in the first degree) or 16.52.207 (animal cruelty in the second degree), the officer, after obtaining a warrant, may enter the premises where the animal is located and seize the animal.
- (b) If a law enforcement officer or an animal control officer has probable cause to believe an animal is in imminent danger or is suffering serious physical injury or infirmity, or needs immediate medical attention, the officer may enter onto private property without a warrant to:
  - (i) Render emergency aid to the animal; or
  - (ii) Seize the animal without a warrant. Any animal seized without a warrant shall immediately be brought to a veterinarian licensed in the state of Washington to provide medical attention and to assess the health of the animal.

### **ABANDONS (RCW 16.52.011(2)(a)).**

“Abandons” means the knowing or reckless desertion of an animal by its owner, or by a person who has taken control, custody, or possession of an animal that was involved in animal fighting as described in RCW 16.52.117, or the causing of the animal to be deserted by its owner, in any place, without making provisions for the animal's adequate care.

### **ANIMAL.**

- “Animal” means any nonhuman mammal, bird, reptile, or amphibian. RCW 16.52.011(2)(b).
- “Animal” includes all unborn offspring of the seized animal and all offspring of the seized animal born after the animal was seized. RCW 16.52.085(5)(e).

### **ANIMAL CARE AND CONTROL AGENCY (RCW 16.52.011(2)(c)).**

“Animal care and control agency” means any city or county animal control agency or authority authorized to enforce city or county municipal ordinances regulating the care, control, licensing, or treatment of animals within the city or county, and any corporation organized under RCW 16.52.020 that contracts with a city or county to enforce the city or county ordinances governing animal care and control.

**ANIMAL CONTROL AUTHORITY (KCC 7.04.020(5)).**

“Animal control authority” means Kitsap Humane Society, the Kitsap County sheriff’s office, or other organization contracted by the board of county commissioners to enforce the county’s animal control provisions.

**ANIMAL CONTROL OFFICER (RCW 16.52.011(2)(d)).**

“Animal control officer” means any individual employed, contracted, or appointed pursuant to RCW 16.52.025 by an animal care and control agency or humane society to aid in the enforcement of ordinances or laws regulating the care and control of animals. For purposes of this chapter, the term “animal control officer” shall be interpreted to include “humane officer” as defined in (h) of this subsection and RCW 16.52.025.

**DOG (RCW 16.52.011(2)(e)).**

“Dog” means an animal of the species *Canis lupus familiaris*.

**EUTHANASIA (RCW 16.52.011(2)(f)).**

“Euthanasia” means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness, and death during the loss of consciousness.

**FOOD (RCW 16.52.011(2)(g)).**

“Food” means food or feed appropriate to the species for which it is intended.

**HUMANE OFFICER (RCW 16.52.011(2)(h)).**

“Humane officer” means any individual employed, contracted, or appointed by an animal care and control agency or humane society as authorized under RCW 16.52.025.

**HUMANE SOCIETY (RCW 16.52.020).**

Any citizens of the state of Washington incorporated under the laws of this state as a humane society or as a society for the prevention of cruelty to animals may enforce the provisions of this chapter through its animal control officers subject to the limitations in RCW 16.52.015 and 16.52.025.

**LAW ENFORCEMENT AGENCY (RCW 16.52.011(2)(i)).**

“Law enforcement agency” means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

**LIVESTOCK (RCW 16.52.011(2)(j)).**

“Livestock” includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, and bison.

**MALICE (RCW 16.52.011(2)(k)).**

“Malice” has the same meaning as provided in RCW 9A.04.110, but applied to acts against animals.

RCW 9A.04.110(12) –

“Malice” and “maliciously” shall import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

**MINIMUM CARE (RCW 16.52.085(1)(a)).**

“Minimum care” means care sufficient to preserve the physical and mental health and well-being of an animal and includes, but is not limited to, the following requirements:

- (i) Food of sufficient nutrition, quantity, and quality to allow for normal growth or maintenance of healthy body weight;
- (ii) Open or adequate access to potable water of a drinkable temperature in sufficient quantity to satisfy the animal’s needs;
- (iii) Shelter sufficient to protect the animal from wind, rain, snow, sun, or other environmental or weather conditions based on the animal’s species, age, or physical condition;
- (iv) Veterinary or other care as may be deemed necessary by a reasonably prudent person to prevent or relieve in a timely manner distress from injury, neglect, or physical infirmity; and
- (v) Continuous access to an area:
  - (A) With adequate space for exercise necessary for the physical and mental health and well-being of the animal. Inadequate space may be indicated by evidence of debility, stress, or abnormal behavior patterns;
  - (B) With temperature and ventilation suitable for the health and well-being of the animal based on the animal’s species, age, or physical condition;
  - (C) With regular diurnal lighting cycles of either natural or artificial light; and
  - (D) Kept reasonably clean and free from excess waste, garbage, noxious odors, or other contaminants, objects, or other animals that could cause harm to the animal’s health and well-being.

**NECESSARY FOOD (RCW 16.52.011(2)(l)).**

“Necessary food” means the provision at suitable intervals of wholesome foodstuff suitable for the animal’s age, species, and condition, and that is sufficient to provide a reasonable level of nutrition for the animal and is easily accessible to the animal or as directed by a veterinarian for medical reasons.

**NECESSARY SHELTER (RCW 16.52.011(2)(m)).**

“Necessary shelter” means a structure sufficient to protect a dog from wind, rain, snow, cold, heat, or sun that has bedding to permit a dog to remain dry and reasonably clean and maintain a normal body temperature.

**NECESSARY WATER (RCW 16.52.011(2)(n)).**

“Necessary water” means water that is in sufficient quantity and of appropriate quality for the species for which it is intended and that is accessible to the animal or as directed by a veterinarian for medical reasons.

**OWNER (RCW 16.52.011(2)(o)).**

“Owner” means a person who has a right, claim, title, legal share, or right of possession to an animal or a person having lawful control, custody, or possession of an animal.

**PERSON (RCW 16.52.011(2)(p)).**

“Person” means individuals, corporations, partnerships, associations, or other legal entities, and agents of those entities.

**PHYSICAL INFIRMITY (RCW 16.52.085(1)(b)).**

“Physical infirmity” includes, but is not limited to, starvation, dehydration, hypothermia, hyperthermia, muscle atrophy, restriction of blood flow to a limb or organ, mange or other skin disease, or parasitic infestation.

**PHYSICAL INJURY (RCW 16.52.085(1)(c)).**

“Physical injury” includes, but is not limited to, substantial physical pain, fractures, cuts, burns, punctures, bruises, or other wounds or illnesses produced by violence or by a thermal or chemical agent.

**PROBABLE CAUSE.**

Probable cause requires the existence of reasonable grounds for suspicion supported by circumstances sufficiently strong to warrant a person of ordinary caution in the belief that the statutory basis for action is justified. *Valerio v. Lacey Police Department*, 110 Wn.App. 163, 176-77 (2002).

**SERIOUS PHYSICAL INJURY OR INFIRMITY (RCW 16.52.085(1)(d)).**

“Serious physical injury or infirmity” means physical injury or physical infirmity that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of a limb or bodily organ.

**SUBSTANTIAL BODILY HARM (RCW 16.52.011(2)(q)).**

“Substantial bodily harm” means substantial bodily harm as defined in RCW 9A.04.110.

RCW 9A.04.110(4)(b) –

“Substantial bodily harm” means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part.

**TETHER (RCW 16.52.011(2)(r)).**

“Tether” means: (i) To restrain an animal by tying or securing the animal to any object or structure; and (ii) a device including, but not limited to, a chain, rope, cable, cord, tie-out, pulley, or trolley system for restraining an animal.