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CALIFORNIA

2 Shelters to Stop Euthanizing

■ A Kern County judge tells the facilities to stop putting down animals after only 24 hours.

By Amy K. Spees
Daily Journal Staff Writer

BAKERSFIELD — Two Kern County animal shelters accused of violating animal-rights laws have been ordered to stop euthanizing dogs and cats held at the shelters for only 24 hours.

Kern County Superior Court Judge Gary Friedman granted a preliminary injunction against the shelters this week, mandating that animals be held at the shelter at least four days and spayed or neutered before adoption. *Lock v. County of Kern*, 254024 (2004)

"All around, it was a good morning for us," said Kate Neiswender, a Ventura attorney representing Patricia Lock, a Frazier Park animal rescue worker. "If shelters take in owner-relinquished animals, they have to follow the law."

The lawsuit targets Kern County facilities in Bakersfield and Mojave, which allegedly euthanized 25,000 animals per year, 90 percent of the pets taken in. Not included in the case are independently run shelters in Lake Isabella and Ridgecrest.

The lawsuit is believed to be one of the

first tests of the state's 1998 Hayden law, which reformed animal shelter regulations. The law, sponsored by Sen. Tom Hayden, D-Santa Monica, extended what was a three-day period to four days for shelters that have evening or weekend hours, and to six days for those that do not have such hours.

UCLA law professor and animal rights expert Taimie Bryant said Wednesday that holding periods are nothing new but

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Kate Neiswender,
plaintiffs lawyer

that the Hayden law was groundbreaking in other respects. The law made California the first state in the nation to enact a public policy preference for animal adoption, she said.

Bryant helped draft the Hayden law.

Deputy Kern County Counsel Charles Collins said the decision is not a surprise. He said the county will probably stop accepting all animals, including owner-relinquished dogs and cats, when the

facility reaches capacity.

The Bakersfield shelter holds 300 dogs and 70 to 80 cats, according to Collins. Last month, 2,500 animals came to that shelter, 90 percent of which were strays, he said.

"The county is a bit betwixt and between in that there are too many animals coming in ... and not enough space for them," Collins said. "If animals are turned away, they're likely to be abandoned and cause other problems."

Animal waste, packs of dogs running wild and rabies are among the county's concerns, Collins said.

During a hearing for a temporary restraining order Oct. 29, the county agreed to three of Neiswender's demands.

An "overnight" Mojave holding pen — in which some animals would not survive — has been eliminated. Animals at the Mojave shelter will no longer be adopted, because they had not been sterilized. And workers who administer lethal injections will be properly trained.

Still at issue in the case are how animal rescue organizations will gain access to the pets, and the protocol for determining that an animal should not be adopted.

Kern County is expected to open a new Bakersfield animal shelter by July 2005. If the county refuses to take in pets given up by their owners, 10 percent of its animals, the freed space should be sufficient to comply with state laws, Collins said.

Panel OKs Child's Molestation Suit

■ A boy allegedly molested in foster care can sue despite missing a legal deadline.

By Dan Evans
Daily Journal Staff Writer

LOS ANGELES — A child allegedly molested in a foster home can sue Los Angeles County long after the six-month statute of limitations has elapsed because the boy's mother was unaware of the abuse until years later, a state appellate court has ruled.

The minor, referred to only as Curtis T., claimed in a lawsuit filed in March 2003 that he had been sexually molested between 1996 and 1999 by an older child named Horatio while at a foster home.

Attorney Steven C. Glickman, who represents the now 14-

county at the trial level and on appeal, declined comment.

Wednesday's published ruling by the 2nd District Court of Appeal reverses Los Angeles Superior Court Judge Mel Red Recana's November 2003 dismissal of the case. Recana said Curtis had to file his claim within six months of the end of the alleged molestation.

After ruling, Recana encouraged an appeal stating, "perhaps we would have some illumination from our [appellate court] saying Recana is wrong, and I'll be happy for that because I really worry about the kids who do not know what's going on."

He ended the hearing stating: "I hope you take me up, and I hope to be told I'm wrong, so I wish you well."

Justice Rueben Ortega, writing for the unanimous three-judge panel, said the case should not be dismissed. Ortega declined to fully reinstate the suit, however. Presiding Justice Vaino Spencer