

New York Custody Battle Centers Around Cat

The Custody battle over a cat challenges New York's 111-year-old city law.

Oliver, a Russian Blue who was adopted by Chavisa Woods, is at the center of a custody battle that has moved its way through State Supreme Court in Manhattan, N.Y. This prompts questions on the 1894 New York City Dog License Law that says a pet owner's right to reclaim a lost pet is terminated if the animal is not claimed within 48 hours of being seized by an authorized city agency, reports The New York Times.

In September 2004, four years after Woods adopted Oliver, he walked out of her house without anyone knowing, she says. Someone in the neighborhood turned him in to an animal rescue agency authorized by the city. Oliver was almost immediately adopted, and Woods wants him back.

Last week, Justice Marilyn G. Diamond decided to hold a full trial to determine whether Woods should be able to keep Oliver or if he, now known as Gatsby, should remain with the new owner, identified as Jane Doe. Justice Diamond ruled that the 48-hour clock should not be started until a lost pet has been listed in a city registry of lost animals. It is in dispute whether the cat was ever listed in the registry, and remains to be determined during the trial, which could take place in January, reports The New York Times.

Animal rights advocates fear that the ruling will overturn thousands of adoptions that have already taken place. It may even make animal rights groups vulnerable to lawsuits.

[Rescue agencies] will be scared out of their minds, says Michael Goldberg, Jane Doe's lawyer. God forbid they don't register someone on the registry; if they put the pet up for adoption maybe they're liable. And even worse, if it's euthanized maybe they're liable.

Goldberg also says that people might hesitate to adopt animals because they might have to return them if the original owner comes back into the picture.

The statute remains exactly the same, says Donald N. David, Woods lawyer. They now have a more definitive point for when the clock should start to tick.

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