Possession is nine-tenths of the dog

This series gives readers the opportunity to consider and contribute to discussion of some of the ethical dilemmas that can arise in veterinary practice. Each month, a case scenario is presented, followed by discussion of some of the issues involved.

In addition, a possible way forward is suggested; however, there is rarely a cut-and-dried answer in such cases, and readers may wish to suggest an alternative approach. This month’s dilemma, ‘Possession is nine-tenths of the dog’, was submitted and discussed by Richard Brown. Readers with comments to contribute are invited to send them as soon as possible, so that they can be considered for publication in the next issue. Discussion of the dilemma ‘Immediate dispatch?’, which was published in the May issue of In Practice, appears on page 311.

The series is being coordinated by Siobhan Mullan, of the University of Bristol. It is hoped it will provide a framework that will help practices find solutions when facing similar dilemmas.

Possession is nine-tenths of the dog

A client comes and asks for his seven-year-old spaniel to be put to sleep. The dog’s record shows only regular vaccinations, ecto- and endoparasitcides, and a dental. The owner explains that this was a difficult decision; his wife recently had a second baby, after which the terrier’s behaviour became unpredictable and, in the last week, both his older daughter and wife were bitten several times.

You inspect the dog, which appears clinically healthy. It is active and ‘mouthy’ but not aggressive. You suggest rehoming, a behaviourist and some time to reconsider, but the man is adamant. He pays with a credit card and leaves.

However, before any action can be taken, a woman arrives and explains that the man who dropped off the dog is her husband. They are going through a messy divorce and she does not want the bitch to be put to sleep. All the records are in the husband’s name; even the original consent form. Although the wife purchased wormers, she always paid in cash. Without possessing any documentary evidence to link the dog to the woman, how should you proceed?

Issues to consider

In a small animal practice a lot of different things can sometimes happen all at one time. Therefore, the vet needs to multitask, sifting through the information provided to retain and discard many different ideas at one time. This situation is an exercise in prioritisation, which is a necessary part of practising ethically.

Fortunately, very few people are extremely good and so talented at lying that everyone is taken in. This may be one of those situations and, until you gather more evidence, you should consider both the husband and wife to be potential liars.

Lots of permutations appear possible here. If the dog is owned by the woman, or at least jointly owned, the man may be committing an offence by destroying the property, ‘chattel’, of the woman and, therefore, there is a possibility that the police could be involved.

Equally, the man could be the sole and rightful legal owner of the dog and, therefore, have a legal (if not moral) right to destroy his property, even if it causes distress to others.

Depending on the experience and seniority of the vet in this situation, it might be best to have a more senior member of staff conduct the formalities of working through this tangled web, as their knowledge and experience can be invaluable in such a difficult and bizarre situation.

The more a practice knows about the character and behaviour of their clients the better. Without descending to outright gossip it is good idea to allow or even encourage staff to discuss the behaviour and background of the clients involved.

Possible way forward

First and foremost, keep the dog alive. Therefore, immediately make sure no one is ‘helpful’ (e.g., finds the cage with the signed documents and puts the dog to sleep). Also, double check that the microchip is correct. Secondly, it is vital to keep clear and accurate records of what has transpired and is about to occur.

As sensitively as possible, you should move the woman out of the reception area. Assign one member of staff to stay with her and inform her that the bitch is still alive but that you have to check one or two things first.

Even if you think you know how best to proceed you should also check with another body. For instance, the BVA has legal advisers and the Veterinary Defence Society is
Common sense suggests that the dog should not be put to sleep. However, this is dependent on several things. First, you should check with a body you trust and get their advice. Secondly, it depends on whether any members of your staff are willing to give evidence that, in their opinion, the woman is one of the owners. Given that the man wanted to destroy the dog, you could offer that she be allowed to take over ownership, depending on the legal advice you have obtained. In addition, it is important to consider the safety and welfare of the dog; the woman needs to demonstrate that she has the proper means to look after the dog.

The bottom line is, don’t put the dog down unless you are 100 per cent sure it is correct to do so. The act is irreversible.

Assessing rightful legal ownership of an animal is not always easy but it can impact dramatically on a vet's obligations and responsibility.