



Benefits of Transferring Legal Ownership of Equines to Adopters

In order to participate in the 2019 Help a Horse Home: The ASPCA Equine Adoption Challenge (the “Help a Horse Home Challenge”), your organization must transfer legal ownership of equines to an adopter whom you have deemed suitable. We recognize that some organizations do not turn over legal ownership of an adopted horse at the time of physical placement. While we don’t recommend these delayed transfers of ownership, we will recognize these as adoptions so long as the transfer of legal ownership takes place within one year after the adoption agreement has been signed.

We recognize that transferring ownership to adopters represents a change for some organizations, and you may have questions about why we recommend this practice. Here are some ideas for you to consider.

Liability: When a person takes physical possession of an equine, that equine is removed from your organization’s care and control. That means that organizations that do not transfer ownership to adopters but instead choose to remain the legal owner of these horses will own many horses over which they exercise no control or authority. If one of those horses were to injure a person, destroy property, or otherwise cause damage, the person suffering the loss will likely look not only to the person in physical possession of the horse but also to the owner of the horse—the rescue organization. By not transferring ownership of the horses that it places, organizations place themselves at risk of incurring liability over which they have no control and expose themselves to risks that they cannot directly manage.

Decision-Making Authority: Most veterinarians and other third-party service providers look for consent from an authorized person in order to provide service to an animal. While some providers are stricter than others, the individuals who possess the equine may not have the proper authority to obtain the services they need for their equine because they are not the equine’s owner. In addition, some contracts that allow the organization to retain ownership of the equine also include requirements governing medical care but do not allow for veterinary discretion. This contravenes basic principles of veterinary law and ethics.