



The Cat Fanciers' Association, Inc.

"World's Largest Registry of Pedigreed Cats"

ADVOCACY IN ACTION

Who Owns "My" Strays?

Unowned and feral cats may comprise 36-41% of the entire known cat population¹. Studies indicate that 8% to as many as 25% of all households in America are feeding stray or apparently "unowned" cats². While the people in these households obviously care about the cats they feed, not all of them consider themselves to be the owners of these cats. And most households feeding strays fail to spay or neuter the outdoor cats they feed³. Stray cats are freeroaming social cats who may or may not have a home. Feral cats are unsocial cats who cannot be touched and are unsuitable as household pets but deserve to be treated humanely. Often freeroaming/stray/feral/unowned cats may be perceived as a "nuisance" and become a source of friction with neighbors. There is always the danger that these cats will be trapped and taken to Animal Control where destruction is often an inevitable outcome. Those feeding these cats may fear having "their" cats taken away or killed, but they need to know first if someone else owns these cats. If not, then taking the steps toward accepting ownership of the cats is imperative.

Let me start out by stating that cats can be owned in most jurisdictions. Cat ownership is a property interest that can be protected by law. A cat would become "owned" when you buy it from a pet store or adopt it from a breeder or a shelter. A cat may also become owned when you feed and care for a stray even before you have, by your actions and your investment, taken steps to take that cat into your life. Even completely unowned cats are generally protected by laws against animal cruelty and must be treated humanely.

However, there are many shades of gray when it comes to the ownership of cats, particularly those allowed to roam outdoors. Many cats live indoors and enjoy all of the benefits of ownership. Their owners have the full authority of the law, and the Constitutions of both the United States and the individual states to protect them and their interests in the cats. Their cats can not be taken away without legal cause and proper legal procedures. Ownership is one of the valued privileges in a democratic government. Pet owners are protected by law from unreasonable seizure of their pets. Ownership also sets up certain legal responsibilities to protect and provide humane care for their animals.

An indoor-only cat is easy to recognize as clearly being owned and the owners of these cats have all of the rights and responsibilities of ownership as conferred by law. But when a cat lives outside it becomes harder to define "ownership". A cat living outdoors all the time, staying in one yard at all times may seem owned. A cat mostly living indoors, but allowed to roam the neighborhood at times, may not be as obvious. Ownership is harder to define when an outdoor cat is being fed by three or four different households, and is living in the neighborhood. Does he have 4 owners? Or 1 owner? Or none? People may insist that "we **only** feed them, we don't own them." If you don't own them you have no ownership rights. That means that your neighbor could take them to Animal Control where they could be killed at any time and you would have no recourse. If the cats are trapped and destroyed, whose rights have been violated?

Recent attempts to change the status of pet ownership to "guardianship" have further clouded the issue. Legal guardianship in human terms refers to a legal status between two people, the guardian and the ward. The rights of the ward are defined by law, as well as the responsibilities of the guardian. No similar laws exist with respect to cats. As a result, the Constitutional, legal protections given to cat owners are threatened by introducing a term with no definition in law. Existing law protects your property from unreasonable search and seizure. The law protects you from someone taking your property without due process and just compensation. There are no similar laws to protect a "pet guardian" from the unjust taking of their cats. Use of the term, cat "guardian" sets the stage for confusion and loss of protection for cats⁴.

There are several ways to establish yourselves as owners if you choose to protect and claim the outdoor cats you feed. If the cats are social and you have determined that they are homeless, the obvious way is to take them into your home and never let them outside again. Be there for the cats and be their owners. This protects the cats, protects your ownership rights, and solves any problem with them being a nuisance and bothering your neighbors. But even feral/unsocial cats can be owned when they are consistently fed, provided some basic shelter and spayed/neutered. Standard procedure to visually identify these cats as belonging to a colony or you as a caregiver is left ear "tipping" at the time of altering surgery. After altering these cats stay closer to a home base, stop spraying, fighting, howling and producing litters, greatly diminishing nuisance.

Unfortunately some communities actually deter caring for strays or ferals by passing laws either banning or regulating the feeding of outdoor cats. It may be unlawful to allow any cats to be "at large" within some communities. Other jurisdictions require anyone feeding a cat for a specific time (often 30 days) to assume all the responsibilities of an owner, including license fees or compliance with limits on the numbers of animals one can own. This results in freeroaming cats being ignored. You may already be the "owner" of the cats you feed and not even know it. You would need to check your local city or county laws to determine if feeding strays is covered by local law.

Some communities have voluntary or mandatory cat licensing. A few may require some form of identification only for outdoor cats. Licensing the strays you feed could give you legal proof of ownership and a tag to place on their collars to identify them. Most licensing ordinances make it illegal to remove the license tags, and in theory Animal Control would call you if the cats were impounded. However, a tag may be lost or removed and is therefore not reliable protection. An angry neighbor could remove a tag and no one would be the wiser. Microchipping is harder to remove, but not visible and more difficult to detect. The average person who finds your outdoor cat may not think to take the cat somewhere to look for a microchip. Many Animal Control agencies don't have the time or resources to carefully check each and every cat they take in for a microchip. A frightened pet could be deemed "feral" and unowned without any attempt to scan for a microchip. And no form of identification; tag or tattoo or microchip; will provide protection against diseases, cars, poisons...

CFA encourages people to keep their cats indoors. CFA believes that all cats should be treated with respect and, if social, taken into homes and cared for. We try to convince cat owners that their cats are safer indoors and help them understand that cats can adapt to a stimulating and enriched indoor or enclosed outdoor environment. We realize that many owners are genuinely convinced that their cat cannot be happy unless allowed some outdoor access and we urge at least starting with keeping the cat indoors at night. Indoor-only cats need extra attention and stimulation to adapt. Often a compromise can be provided through an outdoor, but confined, environment. There are articles and information on the CFA web site about keeping your cat indoors. A starting point might be the article "[Your Cat is Safer Indoors](#)"

Whether you are feeding homeless stray cats or unsocial feral cats you obviously care what happens to them. You feed them, you alter them, and you don't want to cause problems with your neighbors. Once altered the roaming tendencies of most feral cats are reduced, which is both protective of the cats and conducive to neighborhood good will. The safest place for cats who are social is indoors or confined to an outdoor area. Then you can truly enjoy the full benefits of cat ownership.

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1. <http://nationalpetalliance.com/sdresults.htm>
<http://nationalpetalliance.com/santaclara.htm#summary>
2. Id. see also <http://www.fanciers.com/npa/owned-cats.html#handy>
3. <http://www.cfa.org/articles/legislative/changing-laws-affect-feral-cats.html>
4. <http://www.cfa.org/articles/legislative/guardian-perspective.html>