



**ANIMAL
HEARINGS**

ANIMAL HEARINGS

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AFFIDAVIT FOR WARRANT TO SEIZE CRUELLY TREATED ANIMAL(S) (Sec. 821.022, H.S.C.)

STATE OF TEXAS
COUNTY OF _____
CITY _____

BEFORE ME, the undersigned authority, on this day personally appeared the affiant, who after being by me duly sworn, deposes and makes the following statements and accusations:

Affiant is _____, who is an Animal Control Officer or Peace Officer for the City of _____, and makes the following statements for legal seizure under Section 821.022, Health and Safety Code: Seizure is requested of an/all animal(s) that is/are being cruelly treated, in particular, _____

_____ [list manner(s) of cruel treatment or check any of the following]

- tortured
- seriously overworked
- unreasonably abandoned
- unreasonably deprived of necessary food, care, or shelter
- cruelly confined
- caused to fight with another animal
- subjected to conduct prohibited by Section 21.09, Penal Code;

Specifically including but not limited to: _____

_____. [list type(s) of animal(s) and name(s) of animal(s), if known.]

This/These animal(s) is/are currently located in the City of _____, _____ County, Texas at _____ [location], which is under the control of _____ [owner's name]. The description of the premises is as follows: _____.

My belief of the foregoing is based on the following facts:
[list specifically how the animal(s) was/were being cruelly treated].

Wherefore, Affiant requests a warrant to seize said animal(s) in accordance with Section 821.022, Health and Safety Code, and requests that a hearing be set within 10 calendar days in order to determine whether said animal(s) has/have been cruelly treated.

Signed on this the _____ day of _____, 20__.

Affiant

Subscribed and sworn to before me the undersigned authority on this the _____ day of _____, 20__.

Judge, Municipal Court

CAUSE NUMBER: _____

IN RE: _____ § IN THE MUNICIPAL COURT
_____ § CITY OF _____
(Name or Description of Animal(s)) § _____ COUNTY, TEXAS

TO THE ANIMAL CONTROL AUTHORITY FOR THE CITY OF _____, TEXAS OR ANY OTHER PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:

Whereas a sworn affidavit has been made before me by _____ [name of Affiant], alleging that the below described animal(s) is/are being or has/have been cruelly treated, a true and exact copy of which application is attached hereto and expressly incorporated herein and made a part hereof, and said affidavit having stated facts and information in my opinion sufficient to establish probable cause for the issuance of this warrant;

Whereas, in accordance with Section 821.022, Health and Safety Code, a seizure warrant may be issued to a peace officer or an officer who has responsibility for animal control in a municipality and has reason to believe that an animal has been or is being cruelly treated;

You are hereby commanded to ENTER UPON AND SEARCH the below described location and to there verify the presence of the below described animal(s) and SHALL SEIZE the same and any other found animals that have been or are being cruelly treated, to inspect, to make note of findings, to take photographs of animals alleged to be/have been cruelly treated and conditions constituting alleged cruel treatment of the below described animal(s):

Animal(s) Description: _____

Address Where Animal Kept: _____

Purported Owner and Address: _____

It is further ordered that the animal(s) shall be IMPOUNDED and held in the custody and control of the City of _____ in accordance with Section 821.022, Health and Safety Code, for the purpose of a hearing to determine whether the animal(s) has/have been cruelly treated as defined under the laws of the State of Texas.

It is further ordered that you give written notice to _____ [name(s) of owner(s)] the alleged owner(s) of said animal(s), that the hearing to determine whether said animal(s) has/have been cruelly treated will be held not later than 10 days from the date of issuance of this warrant in the City of _____ Municipal Court on the _____ day of _____, 20____, at _____ [time], located at _____ [address of municipal court].

HEREIN FAIL NOT, but make due service and return of this warrant, showing how you executed the same.

Signed this _____ day of _____, 20__.

(municipal court seal)

Judge, Municipal Court
City of _____
_____ County, Texas

CAUSE NUMBER: _____

IN RE:	§	IN THE MUNICIPAL COURT
_____	§	CITY OF _____
(Name or Description of Animal(s))	§	_____ COUNTY, TEXAS

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN, that the above styled and numbered cause is set for hearing as provided by law, in the City of _____ Municipal Court located at: _____ at:

____ : ____ .M, ON THE ____ DAY OF _____, 20__.

(within 10 calendar days of issuing the warrant)

(municipal court seal)

 Judge, Municipal Court
 City of _____
 _____ County, Texas

OFFICER'S RETURN

Came to hand the ____ day of _____, 20__, at ____ o'clock ____ .m. and executed on the ____ day of _____, 20__, at ____ o'clock ____ .m. by _____

Peace Officer

ORDER: CRUELLY TREATED ANIMAL(S) HEARING (Sec. 821.023, H.S.C.)

CAUSE NUMBER: _____

IN RE:	§	IN THE MUNICIPAL COURT
_____	§	CITY OF _____
(Name or Description of Animal(s))	§	_____ COUNTY, TEXAS

ORDER

On this the ____ day of _____, 20____, came to be considered the above-referenced matter. This Court, having determined that it has jurisdiction over the subject matter in controversy and that venue was proper, heard the evidence, and considered all pleadings on file with the Court, and having considered the same,

THIS COURT FINDS that Respondent(s), _____, as owner(s) of the following described animal(s): _____

did not cruelly treat the animal(s), and therefore, **IT IS ORDERED** that the animal(s) be returned to the owner(s).

did cruelly treat the animal(s) by _____ (describe the cruel treatment), and **IT IS THEREFORE ORDERED** that said owner(s) be divested of ownership of said animal(s).

IT IS FURTHER ORDERED (check one)

that said animal(s) be sold by public auction, with the proceeds from the sale of the animal to be first applied to the costs ordered below.

Optional: It is further ordered that the animal(s) be spayed or neutered at the cost of the receiving party.

that said animal(s) be given to a municipal or county animal shelter or a nonprofit animal welfare organization, namely _____

Optional: It is further ordered that the animal(s) be spayed or neutered at the cost of the receiving party.

that said animal(s) be humanely destroyed, as the Court finds that it is in the best interest of the animal or that the public health and safety would be best served by doing so.

IT IS FURTHER ORDERED that the owner pay costs in the amount of \$ _____.

The Respondents have the right to appeal this Order divesting the owner of ownership to the (County Court) (County Court at Law) of _____ County, Texas. The Court finds that the estimated costs likely to be incurred to house and care for the impounded animal during the appeal process is \$ _____. It is therefore **ORDERED** that the amount of bond necessary to perfect an appeal is \$ _____ (sum of the ordered costs and costs likely to be incurred).

(municipal court seal)

 Judge, Municipal Court Date

City _____

_____ County, Texas

APPEAL BOND: CRUELLY TREATED ANIMAL(S) CASE (Sec. 821.025, H.S.C.)

CAUSE NUMBER: _____

IN RE:	§	IN THE MUNICIPAL COURT
_____	§	CITY OF _____
(Name or Description of Animal(s))	§	_____ COUNTY, TEXAS

Whereas, in the above-entitled and numbered cause, judgment was rendered against _____ [owner's name], former owner of _____ [name/description of animal(s)], hereinafter, "the animal(s)," divesting ownership of the animal(s) from _____ [owner's name] and for court costs under Section 821.023, Health and Safety Code, in the sum of \$ _____, from which judgment _____ [owner's name] desires to appeal to the County Court (at Law) of _____ County, Texas; and

Whereas, appellant desires to suspend execution of said judgment pending determination of such appeal;

- I, as principal, am hereby depositing in cash in lieu of sureties with the Municipal Court the sum of _____ dollars \$ _____ (amount of bond set by judge.)
- WE, _____ (name of appellant), as principal, and _____ [either _____ (name of surety company), a corporate surety company duly qualified and authorized to do business in Texas, or _____ (name) and _____ (name), two good and sufficient sureties], as surety, acknowledge ourselves bound to pay to the Municipal Court, the sum of _____ dollars \$ _____ (amount of bond set by judge).

the estimated expenses incurred in housing and caring for the animal(s) while impounded during the appeal process, conditioned, however, that the above-named principal shall prosecute the appeal with effect and shall pay off and satisfy:

- (1) the judgment of court costs under Section 821.023 of the Health and Safety Code, that may be rendered against Appellant on appeal; as well as
 - (2) the estimated expenses of housing and caring for the animal(s) during the appeal process, that may be rendered against Appellant on appeal;
- of which sum I am held and bound to the State of Texas.

The sum of _____ dollars (\$ _____) was deposited with the Court by (cash)(money order)(cashier's check) and bond filed on the _____ day of _____, 20__.

Witness our hands this the _____ day of _____, 20__.

_____ Signature of Principal	_____ Mailing Address
_____ Signature of Surety	_____ Mailing Address
_____ Signature of Surety	_____ Mailing Address

Approved on this ___ day of _____, 20__.

Judge, Municipal Court
City of _____
_____ County, Texas

AFFIDAVIT FOR WARRANT TO SEIZE DOG THAT CAUSED SERIOUS BODILY INJURY OR DEATH (Sec. 822.002, H.S.C.)

STATE OF TEXAS
COUNTY OF _____
CITY _____

BEFORE ME, the undersigned authority, on this day personally appeared the affiant, who after being by me duly sworn, deposes and makes the following statements and accusations:

Affiant, _____ (*any person, including the county attorney, city attorney, or peace officer*), makes the following statements under Section 822.002, Health and Safety Code:

Affiant has good reason to believe and does believe that the below described dog has caused the death of or serious bodily injury to a person by attacking, biting, or mauling him/her within the territorial limits of the City of _____, _____ County, Texas, with serious bodily injury defined as an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

My belief of the foregoing is based on the following facts:

(insert facts about what the affiant saw or knows)

The dog, described as one _____ (*description, including gender, breed, name*) currently located in the City of _____, _____ County, Texas at _____ (*location*), which is under the control of _____ (*name of owner*) caused the (death of) (serious bodily injury to) _____ (*victim's name*) by (attacking) (biting) (mauling) the person.

Wherefore, Affiant requests a warrant to seize said animal in accordance with Section 822.002, Health and Safety Code, and requests that a hearing be set within 10 days in order to determine whether the dog caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person.

Signed on this the _____ day of _____, 20__.

Affiant

Subscribed and sworn to before me the undersigned authority on this the _____ day of _____, 20__.

Judge, Municipal Court

SEIZURE WARRANT FOR DOG THAT CAUSED SERIOUS BODILY INJURY OR DEATH (Sec. 822.002, H.S.C.)

CAUSE NUMBER: _____

IN RE: _____ § IN THE MUNICIPAL COURT
§ CITY OF _____
(Name or Description of Dog) § _____ COUNTY, TEXAS

TO THE ANIMAL CONTROL AUTHORITY FOR THE CITY OF _____, TEXAS - GREETINGS:

Whereas, a sworn complaint has been filed with this Court, alleging that the below described dog has caused the death of, or serious bodily injury to a person by attacking, biting, or mauling him or her within the territorial limits of the City of _____, _____ County, Texas; and

Whereas, the Court has found, based on the statements and allegations contained in the affidavit sworn before the undersigned judge, that probable cause exists to believe that the below described dog has caused serious bodily injury to or the death of a person. The written affidavit, under oath, has been sworn before me by _____ [name of Affiant] hereto attached and expressly made a part hereof, having stated facts and information sufficient to establish probable cause for the issuance of this seizure warrant in accordance with Section 822.002, Health and Safety Code;

IT IS THEREFORE ORDERED, that the Animal Control Authority as designated by the City of _____, or another peace officer or other law enforcement agent so ordered by the Animal Control Authority under the laws of the State of Texas SHALL ENTER UPON AND SEARCH the suspected place and premises described in said affidavit and to there verify the presence of the below described dog and SHALL SEIZE the same.

IT IS FURTHER ORDERED that the dog shall be IMPOUNDED in secure and humane conditions until the Court orders the disposition of the dog in accordance with Section 822.002, Health and Safety Code, in a hearing to determine whether the dog caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person. The hearing shall be held not later than 10th day after the date this warrant issues.

You are therefore commanded to forthwith enter and seize:

Dog Description (breed and color): _____

Address Where Animal Kept: _____

Purported Owner and Address: _____

HEREIN FAIL NOT, but make due service and return of this warrant, showing how you executed the same.

Signed this ____ day of _____, 20__.

(municipal court seal)

Judge, Municipal Court
City of _____

County, Texas

OFFICER'S RETURN

Came to hand the ____ day of _____, 20__, at ____ o'clock __.m. and executed on the ____ day of _____, 20__, at ____ o'clock __.m. by _____.

Peace Officer

NOTICE OF HEARING FOR DOG THAT CAUSED SERIOUS BODILY INJURY OR DEATH (Sec. 822.003, H.S.C.)

CAUSE NUMBER: _____

IN RE: _____ § **IN THE MUNICIPAL COURT**

§ **CITY OF** _____
(Name or Description of Dog) § _____ **COUNTY, TEXAS**

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN, that the above styled and numbered cause is set for hearing as provided by law, to determine whether the above described dog caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person, in the City of _____ Municipal Court located at: _____ at:

____ : ____ __.M, ON THE ____ DAY OF _____, 20__.

(within 10 days of issuing the warrant)

(municipal court seal)

(municipal court seal)

Judge, Municipal Court
City of _____

County, Texas

Editor's Note: Notice must be given to (1) the owner of the dog or the person from whom the dog was seized; and (2) the person who made the complaint. Sec. 822.003(a), H.S.C.

ORDER: DOG CAUSED SERIOUS BODILY INJURY OR DEATH (Sec. 822.003, H.S.C.)

CAUSE NUMBER: _____

IN RE: _____ § IN THE MUNICIPAL COURT
§ CITY OF _____
(Name or Description of Dog) § _____ COUNTY, TEXAS

ORDER

On this the ____ day of _____, 20____, came to be considered the above-referenced matter. This Court, having determined that it has jurisdiction over the subject matter in controversy and that venue was proper, heard the evidence, and considered all pleadings on file with the Court, and having considered the same,

THIS COURT FINDS that the following described dog _____,

- caused the death** of a person by attacking, biting, or mauling the person. **IT IS THEREFORE ORDERED** that said dog be destroyed as authorized by Section 822.004, Health and Safety Code.
- caused serious bodily injury**, as defined by Section 822.001(2), Health and Safety Code, to a person by attacking, biting, or mauling the person.

The Court further finds (check condition only if applicable):

- that the dog was being used for the protection of a person or person's property, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept; and the enclosure was reasonably certain to prevent the dog from leaving the enclosure on its own and provided notice of the presence of a dog, and the injured person was at least 8 years of age, and was trespassing in the enclosure when the attack, bite, or mauling occurred.
- that the dog was not being used for the protection of a person or person's property, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and the injured person was at least eight years of age and was trespassing in the enclosure when the attack, bite, or mauling occurred.
- that the attack, bite, or mauling occurred during an arrest or other action of a peace officer while the peace officer was using the dog for law enforcement purposes.
- that the dog was defending a person from an assault or a person's property from damage or theft by the injured person.
- that the injured person was younger than eight years of age, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and the enclosure was reasonably certain to keep a person younger than eight years of age from entering.

IT IS THEREFORE ORDERED (check one)

- that said dog be destroyed as authorized by Section 822.004, Health and Safety Code (if none of the above conditions exist).
 - that as a condition exists that prohibits the Court from ordering destruction and that said dog be released to its owner; the person from whom the dog was seized; or any other person authorized to take possession of the dog.
 - that said dog be released to its owner; the person from whom the dog was seized; or any other person authorized to take possession of the dog.
- did not cause** the death of or serious bodily injury to a person by attacking, biting, or mauling the person. **IT IS THEREFORE ORDERED** that said dog be released to its owner; the person from whom the dog was seized; or any other person authorized to take possession of the dog.

(municipal court seal)

Judge, Municipal Court Date
City _____
_____ County, Texas

COMPLAINT: DANGEROUS DOG INCIDENT (Sec. 822.0422, H.S.C.)

STATE OF TEXAS
COUNTY OF _____
CITY _____

The City Council for the City of _____ has adopted an ordinance electing to be governed by Section 822.0422, Health and Safety Code. As such, any person may report an incident as described below to the municipal court.

BEFORE ME, the undersigned authority, on this day personally appeared the Affiant, who after being by me duly sworn, deposes and makes the following statements and accusations under Section 822.0422, Health and Safety Code:

I have good reason to believe and do believe that the below described dog:

- made an unprovoked attack on a person that caused bodily injury and occurred in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- committed unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts caused a person to reasonably believe that the dog will attack and cause bodily injury to that person.

My belief of the foregoing is based on the following facts:

(insert facts about what the affiant saw or knows)

The dog, described as one _____ *(description, including gender, breed, name)* is currently located in the City of _____, _____ County, Texas at _____ *(location)*, which is under the control of _____ *(name of owner)*.

Wherefore, Affiant requests the Court set a time for a hearing to determine whether the above described dog is a dangerous dog, as defined by Section 822.041(2), Health and Safety Code. Furthermore, if the owner of the above described dog does not deliver the dog to the animal control authority as ordered by this Court, Affiant requests a warrant be issued to seize said dog in accordance with Section 822.0422, Health and Safety Code.

Signed on this the _____ day of _____, 20__.

Affiant

Subscribed and sworn to before me the undersigned authority on this the _____ day of _____, 20__.

(Judge)(Clerk)(Deputy Clerk), Municipal Court

NOTICE OF DANGEROUS DOG COMPLAINT FILED (Sec. 822.0422, H.S.C.)

CAUSE NUMBER: _____

IN RE:

§

IN THE MUNICIPAL COURT

§

CITY OF _____

(Name or Description of Dog)

§

_____ **COUNTY, TEXAS**

NOTICE OF COMPLAINT FILED

NOTICE IS HEREBY GIVEN, that a report has been filed in this Municipal Court alleging that the below described dog, of which you are the purported owner, is a dangerous dog as defined by Section 822.041(2), Health and Safety Code, set out below. A copy of the report is attached to this Notice.

A dangerous dog is a dog that:

- a) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- b) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Pursuant to Section 822.0422(b), the owner of said dog shall deliver the dog to the Animal Control Authority for the City of _____ not later than the fifth day after the date on which the owner receives this notice that a report has been filed.

If the owner fails to deliver the dog as required, this Court shall order the Animal Control Authority to seize the dog and shall issue a warrant authorizing the seizure. The owner will be required to pay any cost incurred in seizing the dog.

The Animal Control Authority shall provide for the impoundment of the dog in secure and humane conditions until this Court orders the disposition of the dog in a hearing to be held not later than the 10th day after the date on which the dog is delivered or seized. The hearing will be held to determine whether said dog is a dangerous dog as defined above. You will be mailed notice of the hearing date once the dog is in custody of the Animal Control Authority.

Signed on this the _____ day of _____, 20__.

(municipal court seal)

Judge, Municipal Court

City of _____

_____ County, Texas

SEIZURE WARRANT FOR DANGEROUS DOG (Sec. 822.0422, H.S.C.)

CAUSE NUMBER: _____

IN RE: _____ § IN THE MUNICIPAL COURT
_____ § CITY OF _____
(Name or Description of Dog) § _____ COUNTY, TEXAS

TO THE ANIMAL CONTROL AUTHORITY FOR THE CITY OF _____, TEXAS - GREETINGS:

Whereas, a sworn complaint has been filed with this Court, alleging that the below described dog is a dangerous dog as defined by Section 822.041(2), Health and Safety Code; and

Whereas, the Court has found, that the owner of said dog was notified that the complaint was filed with this Court and was ordered to deliver the dog to the Animal Control Authority not later than the fifth day after the date on which the owner received notice that the report was filed; and as of the date of the issuance of this warrant, being at least five days after the date on which the owner received such notice, the owner has failed to deliver the dog as required by Section 822.0422(b), Health and Safety Code,

IT IS THEREFORE ORDERED, that the Animal Control Authority as designated by the City of _____, or another peace officer or other law enforcement agent so ordered by the Animal Control Authority under the laws of the State of Texas SHALL ENTER UPON AND SEARCH the suspected place and premises as described below and to there verify the presence of the below described dog and SHALL SEIZE the same.

IT IS FURTHER ORDERED that the dog shall be IMPOUNDED in secure and humane conditions until the Court orders the disposition of the dog in accordance with Section 822.0423, Health and Safety Code, in a hearing to determine whether the dog is a dangerous dog, to be held not later than the 10th day after the date on which the dog is seized.

You are therefore commanded to forthwith enter and seize:

Dog Description (breed and color): _____

Address Where Animal Kept: _____

Purported Owner and Address: _____

The owner shall pay any cost incurred in seizing the dog.

HEREIN FAIL NOT, but make due service and return of this warrant, showing how you executed the same.

Signed this ____ day of _____, 20__.

(municipal court seal)

Judge, Municipal Court
City of _____
_____ County, Texas

OFFICER'S RETURN

Came to hand the ____ day of _____, 20__, at ____ o'clock __.m. and executed on the ____ day of _____, 20__, at ____ o'clock __.m. by _____.

Peace Officer

NOTICE OF DANGEROUS DOG HEARING (Sec. 822.0423, H.S.C.)

CAUSE NUMBER: _____

IN RE:

§

IN THE MUNICIPAL COURT

§

CITY OF _____

(Name or Description of Dog)

§

_____ COUNTY, TEXAS

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN, that the above styled and numbered cause is set for hearing as provided by law, in the City of _____ Municipal Court located at: _____ at:

_____ : _____ .M, ON THE _____ DAY OF _____, 20__

(not later than the 10th day after the date dog is delivered or seized)

to determine whether the above described dog is a dangerous dog as defined by Section 822.041(2), Health and Safety Code.

(municipal court seal)

Judge, Municipal Court
City of _____
_____ County, Texas

Editor's Note: Notice must be given to (1) the owner of the dog or the person from whom the dog was seized; and (2) the person who made the complaint. Sec. 822.0423(b), H.S.C.

CAUSE NUMBER: _____

IN RE: _____ § IN THE MUNICIPAL COURT
_____ § CITY OF _____
(Name or Description of Dog) § _____ COUNTY, TEXAS

ORDER

On this the ____ day of _____, 20____, came to be considered the above-referenced matter. This Court, having determined that it has jurisdiction over the subject matter in controversy and that venue was proper, heard the evidence, and considered all pleadings on file with the Court, and having considered the same,

THIS COURT FINDS that the dog described as a _____ (gender and breed) dog owned by _____ (name of owner) and known as “_____” (name of dog) is a dangerous dog, as that term is defined by Section 822.041(2), Health and Safety Code, in that the dog has been found to have

made an unprovoked attack on a person that caused bodily injury and occurred in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

committed unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts caused a person to reasonably believe that the dog will attack and cause bodily injury to that person.

(if this is an appeal from an animal control determination) IT IS THEREFORE ORDERED that the administrative determination of the City of _____ Animal Control Officer be upheld in that respect.

Owner, _____, hereby learns he/she is the owner of a dangerous dog.

IT IS FURTHER ORDERED that _____ (name of owner) shall be required to register the dangerous dog named “_____” (name of dog) with the City of _____ Animal Control Authority. The dog shall be registered annually.

IT IS FURTHER ORDERED that _____ (name of owner) shall be required to restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure, defined as a fenced area or structure that is locked; capable of preventing the entry of the general public, including children; capable of preventing the escape or release of a dog; clearly marked as containing a dangerous dog; and in conformance with the requirements for enclosures established by the City of _____ local Animal Control Authority and by city ordinance.

IT IS FURTHER ORDERED that _____ (name of owner) shall obtain and maintain liability insurance coverage or show financial responsibility in an amount not less than One Hundred Thousand and 00/100 Dollars (\$100,000.00) to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person.

IT IS FURTHER ORDERED that _____ (name of owner) shall comply will all applicable municipal regulation, requirements, or restrictions on dangerous dogs, including: _____.

If the owner sells or moves the dog to a new address, the owner, not later than the 14th day after the date of the sale or move, shall notify the Animal Control Authority for the area in which the new address is located.

The owner shall notify the Animal Control Authority with which the dangerous dog was registered of any attacks the dangerous dog makes on people.

DANGEROUS DOG JUDGMENT (Secs. 822.042, 822.0422, and 822.0423, H.S.C.) (Page 2 of 2)

IT IS FURTHER ORDERED that _____ (*name of owner*) must comply with the above requirements not later than the 30th day after the date of this judgment. If the owner does not comply by the _____ day of _____, 20____, the owner shall deliver the dangerous dog to the Animal Control Authority, or a warrant for the seizure of the dog shall be issued. The owner shall pay any cost or fee assessed by the City of _____ related to the seizure, acceptance, impoundment, or destruction of the dog.

Signed this _____ day of _____, 20__.

(*municipal court seal*)

Judge, Municipal Court
City of _____
_____ County, Texas

Editor's Note: Notwithstanding any other law or local regulation, any order to destroy a dog adjudged dangerous is stayed for a period of 10 calendar days from the date the order is issued, during which period the dog's owner may file a notice of appeal. Additionally, a court may not order the destruction of a dog during the pendency of an appeal under Section 822.0424, H.S.C.

APPLICATION: DANGEROUS DOG OWNER FAILED TO COMPLY (Sec. 822.042, H.S.C)

STATE OF TEXAS
COUNTY OF _____
CITY _____

BEFORE ME, the undersigned authority, on this day personally appeared the affiant, who after being by me duly sworn, deposes and makes the following statements and accusations under Section 822.042, Health and Safety Code:

I have good reason to believe and do believe the following:

The dog, described as one _____ (*description, including gender, breed, name*) is currently located in the City of _____, _____ County, Texas at _____ (*location*), which is under the control of _____ (*name of owner*) is a "dangerous dog" as that term is defined in Section 822.041(2), Health and Safety Code.

Owner(s), _____, have failed to comply with the Health and Safety Code, to wit: Section 822.042, Subparagraph (a), which states, in pertinent part:

Not later than the 30th day after a person learns that the person is the owner of a dangerous dog, the person shall:

- (1) Register the dangerous dog with the animal control authority for the area in which the dog is kept;
- (2) Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;
- (3) Obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal control authority for the area in which the dog is kept; and
- (4) Comply with an applicable municipal or county regulation, requirement, or restriction on dangerous dogs.

My belief of the foregoing is based on the following facts:

(insert facts about what the affiant knows and specific details about the failure to comply)

Wherefore, Affiant requests the Court set a time for a hearing not later than the 10th day after the date of this application to determine whether the owner of the dog has complied with Section 822.042, Health and Safety Code.

Signed on this the _____ day of _____, 20__.

Affiant

Subscribed and sworn to before me the undersigned authority on this the _____ day of _____, 20__.

(Judge)(Clerk)(Deputy Clerk), Municipal Court

NOTICE OF HEARING: OWNER FAILED TO COMPLY (Sec. 822.0423, H.S.C.)

CAUSE NUMBER: _____

IN RE:

§

IN THE MUNICIPAL COURT

§

CITY OF _____

(Name or Description of Dog)

§

_____ COUNTY, TEXAS

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN, that the above styled and numbered cause is set for hearing as provided by law, in the City of _____ Municipal Court located at: _____ at:

_____ : _____ .M, ON THE _____ DAY OF _____, 20__

(not later than the 10th day after the date of application)

to determine whether the owner of the above described dog has complied with Section 822.042, Health and Safety Code, "Requirements for Owner of Dangerous Dog."

(municipal court seal)

Judge, Municipal Court
City of _____
_____ County, Texas

Editor's Note: Notice must be given to (1) the owner of the dog or the person from whom the dog was seized; and (2) the person who made the complaint. Sec. 822.0423(b), H.S.C.

DANGEROUS DOG JUDGMENT: OWNER FAILED TO COMPLY (Secs. 822.042, and 822.0423, H.S.C.)

CAUSE NUMBER: _____

IN RE: _____ § **IN THE MUNICIPAL COURT**
_____ § **CITY OF _____**
(Name or Description of Dog) § _____ **COUNTY, TEXAS**

JUDGMENT

On this the ____ day of _____, 20__, came to be considered the above-referenced matter. This Court, having determined that it has jurisdiction over the subject matter in controversy and that venue was proper, heard the evidence, and considered all pleadings on file with the Court, and having considered the same, **THIS COURT FINDS** that the dog described as a _____ (gender and breed) dog owned by _____ (name of owner) and known as "_____" (name of dog) is a dangerous dog, as that term is defined by Section 822.041(2), Health and Safety Code, and that Owner, _____, has failed to comply with the requirements for the owner of a dangerous dog under Section 822.042, Health and Safety Code.

Specifically, Owner has failed to comply with the following requirement set out in the Order Declaring the Dog a Dangerous Dog, entered on the ____ day of _____, 20__: _____

_____.

IT IS HEREBY ORDERED that the Animal Control Authority for the City of _____ seize the dangerous dog and provide for the impoundment of the dog in secure and humane conditions until the Court orders disposition of the dog.

If the Owner has not complied with the requirements for owning a dangerous dog, as ordered by the Court and required under Section 822.042, Health and Safety Code, by the 11th day after the date on which the dog is seized or delivered, the dog shall be humanely destroyed.

If the Owner does comply with the requirements for owning a dangerous dog by the 11th day after the date on which the dog is seized or delivered, the Animal Control Authority with custody of the dog shall return the dog to the Owner.

IT IS FURTHER ORDERED that the owner shall pay any cost or fee assessed by the City of _____ related to the seizure, acceptance, impoundment, or destruction of the dog.

Signed this ____ day of _____, 20__ . _____

(municipal court seal) Judge, Municipal Court
City of _____
_____ County, Texas

.....
The Court finds the dangerous dog was seized by animal control on the ____ day of _____, 20__.

It is hereby **ORDERED that the dog be destroyed**, as the Owner has not complied with the requirements for owning a dangerous dog, and it is at least 11 days following the date of seizure.

It is hereby **ORDERED that the dog be returned** to the Owner, as the Owner has complied with the requirements as ordered.

Judge, Municipal Court
Date: _____

Editor's Note: Notwithstanding any other law or local regulation, any order to destroy a dangerous dog is stayed for a period of 10 calendar days from the date the order is issued, during which period the dog's owner may file a notice of appeal. Additionally, a court may not order the destruction of a dog during the pendency of an appeal under Section 822.0424, H.S.C.

SEIZURE WARRANT FOR DANGEROUS DOG: OWNER FAILED TO COMPLY (Sec. 822.042, H.S.C.)

CAUSE NUMBER: _____

IN RE: _____ § IN THE MUNICIPAL COURT
_____ § CITY OF _____
(Name or Description of Dog) § _____ COUNTY, TEXAS

TO THE ANIMAL CONTROL AUTHORITY FOR THE CITY OF _____, TEXAS - GREETINGS:

Whereas, after a hearing under Section 822.0423, Health and Safety Code, this Court has found that Owner, _____, of the dog described as a _____ (gender and breed) and known as “_____” (name of dog), a dangerous dog, as that term is defined by Section 822.041(2), Health and Safety Code, has failed to comply with the requirements for the owner of a dangerous dog under Section 822.042, Health and Safety Code.

IT IS THEREFORE ORDERED, that the Animal Control Authority as designated by the City of _____, or another peace officer or other law enforcement agent so ordered by the Animal Control Authority under the laws of the State of Texas SHALL ENTER UPON AND SEARCH the suspected place and premises as described below and to there verify the presence of the below described dog and SHALL SEIZE the same.

IT IS FURTHER ORDERED that the dog shall be IMPOUNDED in secure and humane conditions until the Court orders the disposition of the dog in accordance with Section 822.042, Health and Safety Code.

You are therefore commanded to forthwith enter and seize:

Dog Description (breed and color): _____

Address Where Animal Kept: _____

Purported Owner and Address: _____

The owner shall pay any cost incurred in seizing the dog.

HEREIN FAIL NOT, but make due service and return of this warrant, showing how you executed the same.

Signed this ____ day of _____, 20__.

(municipal court seal)

Judge, Municipal Court
City of _____
_____ County, Texas

OFFICER'S RETURN

Came to hand the ____ day of _____, 20__, at _____ o'clock __.m. and executed on the ____ day of _____, 20__, at _____ o'clock __.m. by _____.

Peace Officer

NOTICE OF APPEAL AND APPEAL BOND: DANGEROUS DOG (Sec. 822.0424, H.S.C.)

CAUSE NUMBER: _____

IN RE: _____ § IN THE MUNICIPAL COURT
_____ § CITY OF _____
(Name or Description of Dog) § _____ COUNTY, TEXAS

Whereas, after a hearing under Section 822.0423, Health and Safety Code, this Court has found that the dog described as a _____ (gender and breed) dog owned by _____ (name of owner) and known as “_____” (name of dog) is a dangerous dog, as that term is defined by Section 822.041(2), Health and Safety Code, [and that Owner has failed to comply with the requirements for the owner of a dangerous dog under Section 822.042, Health and Safety Code], from which judgment _____ [owner’s name] desires to appeal to the County Court (at Law) of _____ County, Texas; and

Requests a jury trial.

Whereas, appellant desires to suspend execution of said judgment pending determination of such appeal;

I, as principal, am hereby depositing in cash in lieu of sureties with the Municipal Court the sum of _____ dollars \$ _____ (amount of bond set by judge.)

WE, _____ (name of appellant), as principal, and _____ [either _____ (name of surety company), a corporate surety company duly qualified and authorized to do business in Texas, or _____ (name) and _____ (name), two good and sufficient sureties], as surety, acknowledge ourselves bound to pay to the Municipal Court, the sum of _____ dollars \$ _____ (amount of bond set by judge),

the estimated expenses incurred in housing and caring for the animal(s) while impounded during the appeal process, conditioned, however, that the above-named principal shall prosecute the appeal with effect and shall pay off and satisfy:

(1) any cost or fee assessed by the City of _____ related to the seizure, acceptance, impoundment, or destruction of the dog, as well as

(2) the estimated expenses of housing and caring for the animal(s) during the appeal process, that may be rendered against Appellant on appeal;

of which sum I am held and bound to the State of Texas.

The sum of _____ dollars (\$ _____) was deposited with the Court by (cash)(money order)(cashier's check) and bond filed on the _____ day of _____, 20____.

Witness our hands this the _____ day of _____, 20____.

Signature of Principal

Mailing Address

Signature of Surety

Mailing Address

Signature of Surety

Mailing Address

Approved on this _____ day of _____, 20____.

Judge, Municipal Court
City of _____
_____ County, Texas