

## **From *The Horse* Starting an Equine Rescue**

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June 01 2010 Article # 16448

*An equine rescue is a business and should be run like one, or it risks putting its horses in more jeopardy.*

Rescue operators don't have to look beyond their own pastures to know the past few years have been hard on horses. Thanks to a persistently lackluster economy, rising feed and fuel costs, real estate foreclosures, and job losses, more owners are turning to equine rescue agencies to take in horses they will not or cannot maintain. The situation is stretching existing rescue operations' finances and facilities to the limit. It is also creating a need for additional equine rescue facilities nationwide.

As the need grows, experienced rescuers say it is critical for newcomers to understand it takes more than passion to operate a successful equine rescue.

"People want to save skinny horses, but in reality, running a rescue is like running a business," says Jo Deibel, president and founder of Angel Acres Horse Haven Rescue Inc., in Glenville, Pa. "That means making a business plan and getting your hands on every single piece of paper necessary to do business in your state."

### **It's a Business**

In fact, having a detailed business plan is crucial for getting a new rescue off to a successful start, says attorney Milton C. Toby, JD, chairman of the Kentucky Bar Association's equine law section. According to Toby, a rescue's business plan should include a detailed accounting of cash resources on hand and projected cash flow sources to keep the fledgling organization afloat for about five years. It should also include long- and short-term fundraising strategies and a description of the organization's short- and long-term management structure.

"Though no bank is going to lend money for a rescue, the rescue's business plan should be just like a business plan someone would take to a bank to apply for a loan. It's a detailed plan of where you want to be in five years," Toby says.

That done, Toby advises rescue operators to incorporate. This creates the corporation that will provide rescue services. It places assets, including real estate, buildings, and funds, under the corporation's ownership.

"That allows you to keep all personal assets separate from the rescue," he says.

## GETTING GUIDANCE

The best management plan, insurance coverage, and working relationships are all critical for getting-- and keeping--equine rescues on the path to success. But it's equally critical that rescue operators understand the business is all about the horses.

"People need to realize that the No. 1 thing they need to be able to do when operating a rescue is take care of the horses," says Ericka Caslin, director of the Unwanted Horse Coalition.

It seems pretty simple. But because most equine rescues operate independently--without state, local, or national government regulation--some horses residing in rescues might not receive the basic care they require to thrive.

To ensure horses receive the best possible care in rescue settings, the American Association of Equine Practitioners (AAEP), the University of California, Davis (UC Davis), Center for Equine Health, the Global Federation of Animal Sanctuaries, the Animal Welfare Institute, and the Unwanted Horse Coalition have created minimum care standards and best business practice methods they recommend to all rescue operators.

These standards pertain to every aspect of basic horse care, from nutrition to routine veterinary and hoof care. They also describe in detail environmental standards, including stall size and per-horse pasture size requirements. Some also offer best rescue management practices ranging from finance and fundraising to community networking.

All are available online and can be downloaded free of charge.

- [The American Association of Equine Practitioners Rescue and Retirement Guide](#)
- [The UC Davis Center for Equine Health Equine Sanctuary and Rescue Guidelines](#)
- [The Global Federation of Animal Sanctuaries Equine Care Guide](#)
- [The Animal Welfare Institute Horse Care Guide](#)
- [The Unwanted Horse Coalition Best Practices Booklet](#)

--Pat Raia

The incorporation process involves choosing a name and filing the appropriate documents--or articles of incorporation-- with the office of the Secretary of State, usually in the state where the rescue will operate. Articles of incorporation generally include the organization's name and physical location, the names of the corporation's officers, the nature of its business, and its status as a commercial or nonprofit entity.

Deibel also recommends rescue operators obtain business licenses and other permits required by local and state governments where the rescues are located, and they need to understand the rescues' responsibilities under state and local laws.

"For example, we have to file paperwork for state sales tax because in Pennsylvania we are required to pay sales tax on all our adoption fees," says Deibel.

### **Nonprofit Status**

Rescue operators should also obtain so-called federal 501(c)(3) nonprofit status for their organizations, Toby advises. The Internal Revenue Service grants 501(c)(3) status to animal welfare and other charitable organizations. The designation indicates the IRS recognizes the organization as nonprofit and allows financial contributors to deduct donations to the rescue from their personal income taxes.

Nonprofit IRS status is crucial because it inspires individual contributor confidence and positions rescues to compete equally for support grants.

"Some philanthropic organizations won't even contribute to an organization unless it has 501(c)(3) status," Toby notes.

Once a rescue's corporate status and assets are in place, Deibel advises operators to obtain liability insurance.

"Liability insurance covers you in case an employee, volunteer, or visitor gets hurt," she says.

### **Legal Contracts**

Contracts are also critical, says Toby. He advises rescue operators to create detailed contracts for nearly every aspect of the organization's business. Contracts should exist that explain in detail what volunteers are authorized to do, as well as the rescue's responsibilities to its volunteers.

Rescue operators should also create detailed contracts covering transfers and adoptions. Adoption contracts should contain clauses that give the rescue first option to reclaim the horse if the new owner can no longer keep it. Transfer contracts should make it clear that the former owner is transferring ownership of the horse, including all registry and other pertinent documents, to the rescue.

"That way the former owner can't come back to you saying you stole the horse," says Toby, who also serves as chairman of the American Society of Journalists and Authors contracts committee.

### **Obey the Law**

It takes more than a contract to ensure no attempt to help horses goes awry, states attorney Laura Allen, executive director of the Animal Law Coalition. "The first thing a rescue operator has to do is know the law," she says.

That means understanding laws pertaining to trespassing, search and seizure, and animal ownership at the time of a rescue.

"When rescuers become aware of horses that are allegedly malnourished, neglected, or at risk, they should not approach the owner alone," advises Allen. "Work with the authorities."

If a removal does take place, Allen advises rescuers, with a veterinarian's help, to document condition and injuries through photographs and/or video. Photographs of each animal's condition might help authorities determine whether to press charges against the owner.

Rescuers must also know their legal rights when authorities do bring charges against allegedly neglectful owners. For example, the rescued animals often remain the property of the owners until a criminal case has been brought before and decided by a judge, Allen says.

If animals are in a rescue's care while a court case is pending, the rescue operator cannot make those animals available for adoption until the case has been decided. That judgment often includes provisions that the owner forfeit the animals.

However, "a criminal case is a whole other issue of forfeiture," says Allen. "Generally the state can get custody of the animals and request that the rescue be given legal custody of the animals, even while the case is pending."

Allen also advises rescues not to try to handle a cruelty case on their own. "You need the backup of law enforcement," she stresses. "Instead (of going in alone), contact local authorities, meet with the local sheriff, and talk about what's going on. Once they know you're out there, they'll help you help the animals."

Longtime rescue operator Morgan Silver agrees. Immediately after establishing The Horse Protection Association of Florida in 1990, Silver began to cultivate relationships with state and local law enforcement authorities, including police and prosecutors.

"First I wrote them all letters explaining who we were, what we did, and what we could do for them. Then I met with them personally," she recalls. "If you have a relationship, who are they going to call when they need help with horses?"

Connections between law enforcement and rescuers work two ways, Silver says. In many jurisdictions, and especially in rural ones, law enforcement agencies get scant funding to enforce animal cruelty

codes. As a result, they welcome assistance from professional, knowledgeable rescue operators willing to help with investigative legwork, such as identifying potentially errant owners and documenting the conditions of neglected or at-risk animals. In addition, when seizures do take place authorities are more likely to place horses with rescuers they know, Silver says.

"There are small animal shelters in most cities and towns, but in some there are not places to house seized horses. Who else are they going to call?" she says.

Over the years Silver's partnership with Florida authorities has grown to include training seminars to teach officers how to identify signs of equine abuse and neglect. She encourages other rescues to be prepared to lead the way when it comes to helping authorities enforce cruelty laws.

"Rescues should be positioned to provide a service to law enforcement any way they can," she says.

But she warns against new rescues overreaching their financial ability to support the horses they rescue.

Because many local governments have little money to pay rescuers for their services, and since cruelty cases can take months or years to be resolved, rescue operators must bear horse care costs until a judge has ruled on the case. Even when judges order former owners to pay restitution for the animals' care, rescuers might have to wait years to be reimbursed.

That's when a rescue operator's business and financial plan pays off, says Silver.

"We have to pay for our gas and equipment, as well as for the care of the horses. You have to have a good business plan in place or you won't survive," she says.

### **Take-Home Message**

Rescue operators must adopt good business practices and partner with law enforcement authorities to achieve long-term success. Many who might have an early interest in starting their own equine rescue would serve horses better by partnering with an existing group.