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Dog Bites and Animal Attack Overview

Every year, thousands of Americans are bitten by animals -- most often dogs. In many cases, a person bitten by an animal may have a legal right to recover damages from the animal's owner or another responsible party.

If An Animal Bites You

The first thing you should do if you are bitten by an animal is to seek medical attention immediately. If you are not treated, an animal bite can cause serious injury, infection, and even death if the animal was diseased. Once you have been medically evaluated, you should also consider consulting a lawyer with experience in animal bite cases. An attorney will be able to tell you whether you have a legal claim, and what damages you may be able to recover.

An attorney will ask you for detailed information about the circumstances surrounding your animal bite. At a minimum, you should provide the name and phone number of the animal's owner. If you don't have this information, a neighbor or a witness might be able to provide it to you. Also, if there were witnesses, you should get their names and contact information as well.

Owner Liability for Dog/Animal Bites

In deciding who is responsible for an animal bite, the first thing to determine is: who is the owner of the animal? Some states impose what is known as "strict liability" upon animal owners whose animals bite or attack others. Under the theory of strict liability, an owner is legally responsible ("liable") for an animal bite, regardless of whether the owner did anything wrong with respect to protecting others from attack. Under this theory, even if the owner had no reason to know that his or her animal was dangerous, if the animal bit someone, the owner would still be liable. In other states, the owner of an animal can be held liable for the injuries it inflicts, provided that the owner knew (or had reason to know) that the animal had "dangerous propensities." In other words, if an animal owner knows that his or her animal is dangerous and could cause injury to a person, the animal owner can be held liable for the animal's harmful actions.

Determining whether an owner knew of an animal's "dangerous propensities" can be difficult. The first question that often arises in making this determination is whether the owner needs to know of the particular animal's potential for harm, or whether the owner only needs to know that *type* of animal is potentially harmful. For example, when a person has a pit bull as a pet, does that mean the owner knows or should know the pet will be harmful, just because, in general, pit bulls can be harmful?

(Go [here](#) for more on proving owner knowledge of a dog's vicious tendencies)

Potential Defenses in Dog/Animal Bite Cases

There are instances in which an owner of a vicious animal might not be held liable for an attack by the animal. For example, if the animal owner adequately warned other people that the animal was dangerous, and took measures to keep the animal away from people, a person who ignored the owner's warnings and was injured by the animal might not successfully sue the owner. In legal terms, the injured person's behavior in such a situation is known as "contributory negligence" or "assumption of the risk." An injured person is contributorily negligent when he or she fails to exercise the degree of care for his or her safety that a reasonable person would exercise under similar circumstances.

For example, if a person climbs over a fence and is bitten by a dog on the other side, a jury could decide not to hold the dog owner liable if they believed that a normal reasonable person would not have climbed over the wall in the first place. To use another example, if the owner puts up a "Beware of Dog" sign, and a person ignores this sign and gets bitten by the dog, the owner might not be responsible for that person's injury. If the animal owner is claiming either "assumption of risk" or "contributory negligence," however, the owner has the burden of convincing the jury of these arguments.

An animal owner can also argue that the injured person provoked the animal, and this may be a way for the owner to avoid liability. For example, if a person makes a threatening gesture toward an animal, and the animal attacks, this could negate the owner's liability.

Other Potential Responsible Parties

Animal owners are not the only people who can be held responsible for animal bites. Here are a few common scenarios where someone other than the animal's owner could be held liable for an animal bite:

- **Animal Keepers:** Anyone who is responsible for the care or custody of an animal may be considered an owner or keeper and can be held responsible for an animal bite. Examples include kennels, a pound, or an animal sitter.
- **Parents of Minors:** Even if a person under 18 years of age owns the animal at issue, in many states an injured person can bring a legal claim against the minor's parents, even if the parents had no direct involvement with the animal.
- **Property Owners:** A property owner can be liable for injuries caused by an animal that the property owner allowed onto his or her property.
- **Landlords:** If an apartment landlord knew (or should have known) that a tenant owned a dangerous animal, the landlord may also be liable for animal bite injuries.

What Damages Can You Recover?

Depending on the seriousness of injuries resulting from an animal attack, you may be entitled to recover for:

- Medical expenses
- Lost wages
- Pain and suffering
- Property damage.

In some instances, you may also be entitled to punitive damages, which are awarded to punish someone for his or her behavior. To justify an award of punitive damages, the wrongdoer's conduct usually must be more than negligent, such as reckless or intentional conduct. For example, if a dog owner knew his dog was very dangerous, yet repeatedly allowed the dog to run free near a school, and the dog eventually attacked a child, a jury could conclude that punitive damages were appropriate.

Getting Help

If an animal has bitten you or a loved one, you may be entitled to recover damages for any injuries that resulted. Determining your legal rights can be complicated, and it may be unclear who to bring a claim against, and to what sort of damages you are entitled. To ensure that you receive just compensation, you should consider contacting an [attorney](#) with experience handling dog/animal bite cases.

See also:

- [Animal Bites: Who Pays Damages?](#)
- [Proving Owner Knowledge of a Dog's Viciousness](#)
- [Does the Type of Animal Affect a Bite Injury Case?](#)
- [Dog/Animal Bites - FAQ](#)
- [Dog/Animal Bites - Resources](#)

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