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Marshall County mother furious after dog attacks her son Marshall County officials' handling of case faulted.

By ALICIA GALLEGOS *Tribune Staff Writer*

ARGOS -- Even from several farm fields away, Jennifer Smith heard the sound of piercing screams and knew instantly it was her son.

The mother raced frantically across her yard and down the nearby dirt road, she said, as her husband sped in his truck to where their son had been playing.

At the base of a clearing, she found 8-year-old Bobby on the ground, bleeding from bites to his face and hip, his chin torn open by a neighbor's dog.

The dog attack on Monday night resulted in a total of 19 stitches for the boy, his mom said, along with puncture wounds to his hand and scrapes.

Accounts differ on what led to the attack. Bobby says that he was petting the dog when it suddenly became angry and mauled him, others say the child may have become too rough with the animal.

Although Bobby is now home and recovering from his injuries, the dog mauling has also led to a dispute about how the case was handled.

Smith is furious that the dog was not removed from their neighbor's home after the mauling, even after officials learned it was not current on its rabies shots.

"My son wasn't bit; he was attacked," Smith said. "Apparently dog bites are nobody's responsibility."

Marshall County Humane Society officials meanwhile, defend their actions, saying they responded to the incident as quickly as possible. However, their policy is not to remove owned dogs that bite, only stray ones, says director Nancy Cox.

The Marshall County shelter does monitor the situation, Cox adds, and ensures the proper quarantine time takes place.

"It is not our policy to house people's dogs if they bite," she said. "Why should the county have that burden? We're here for strays."

Who's responsible?

Shortly after Bobby was rushed to the emergency room Monday night, Smith said she called the Marshall County Sheriff's Department to report the incident.

Patrolman Ryan Hollowpeter responded to the call and subsequently visited the dog owner's property.

When reached by phone Thursday, Hollowpeter explained that police officers generally make a case report for dog bites and issue a citation for an unrestrained dog, if necessary. In the Smith case, both were completed, he said.

Hollowpeter also checked on the dog's vaccination status, which he learned from its vet was outdated. The officer told the family about the status, but did not contact the Humane Society, he said.

"It is the Humane Society's responsibility to make sure the animal is quarantined," he said. "The Sheriff's Department doesn't have much hand in that."

After a dog bite, hospitals are required to fill out a bite form which is then sent to the Marshall County Health Department, explains Cox. It is usually the health department that informs the shelter about a dog bite, and this can take a few days, Cox said.

In Bobby's case, it was Smith who called the animal shelter about the incident.

The shelter then immediately issued a letter to the owner, Cox said, asking for him to contact them about the bite.

Smith, who recently moved to Argos from Elkhart County, questioned why the dog attack justified merely a letter, and not an immediate visit by the Humane Society.

As the days passed, the mother said she spotted the same dog on the loose near her neighbor's property.

Cox explained that Indiana counties differ on how they handle dog bite cases.

According to the Indiana Board of Animal Health, the only state laws required in bite cases are that a proof of vaccination is determined and that a quarantine takes place.

"The 10-day quarantine is a state requirement," says Denise Derrer, spokeswoman for the IBAH.

That quarantine however, can either be at an animal shelter or at the owner's home if approved by local officials, she said. It all depends on the county.

Marshall rules

In Marshall County, no dangerous dog ordinance has been written and Cox says the shelter rarely deals with aggressive dogs from owners.

Even with the handful they receive each year, Cox said it is not the shelter's responsibility to care for vicious pets.

Per shelter policy, animal officers do call an owner when they receive a bite report and explain that their animal must be quarantined, but the process must be done at their home or a veterinarian.

The Marshall County shelter has only 14 "runs," or caged dog units, Cox said, and just one "dangerous dog run." The facility's space is extremely limited as it is, she added, let alone if they had to house multiple dogs for an entire quarantine time.

Animal officials did eventually visit the owner, after a complaint by Smith, but they found the dog tied up in an enclosed area, Cox said. The owner was cooperative, she said, and he agreed to quarantine the dog on his property for 14 days.

During a Tribune visit to the Argos home on Thursday, dog owners Jetsel Rodriguez and his mother

Isabella, said they were abiding by the quarantine rules. They also planned to have the dog euthanized after the quarantine time was over.

They felt remorse for what happened to their neighbor, Jetsel said, although he insisted the dog had never bitten anyone before.

The promise to put the dog down however, does not put Smith at ease.

On top of Bobby's already physical and emotional trauma, the mother must now decide if he should undergo a series of rabies shots.

Smith is also concerned that the dog might become loose and bite again.

"I'm just afraid for the next kid," she said.

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