

Dog Bite : What is a Dog Bite in California?

Abstract : Dog bite incidences are on a rise in the State of California. Parents need to know what a dog bite means and how is it different from Swiping or Clawing. California child injury lawyer and daycare lawyer Christopher Keane can help you to help your child begin his or recovery, read on.....

California is a strict liability state and Dog owners are liable for injuries caused due to their dog's action. However, this has not prevented the State of California from ranking in the top three as regards the number of cases of dog bites, especially to children, since 2006. If you have a child in the age bracket 4 to 15, you should read this and pay close attention to the points mentioned below.

Before we dwell more on what a Dog Bite is, in terms of a judicial perspective, it is important to realize that not all dogs or dog owners are fully aware of the gravity of a bite. A dog bite not only causes physical injury to the person bitten, but is known to make the person perennially afraid of dogs in future. This is especially so, if the bitten person happens to be in the age group of 5-10 years. The tormenting impressions, that he or she experiences during this incident, tend to remain fresh in the person's mind for a long time and has proven to influence the person's approach to an otherwise friendly pet animal in future.

A number of law related articles, referring to Dog Bite, available in the open domain have referred to the word bite. More often, the word "bite" is used in judicial decisions, statutes and local ordinances. As per law, a "bite" is a necessary element for statutory liability in 9 of the 31 jurisdictions that have dog bite statutes.

To prove the characterization of the dog's action as a bite or a swipe of the teeth or claws is paramount in a dog's bite case that are based upon these dog bite statutes. It can be claimed that the dog bite is a dangerous propensity, or ordinance violations that are based upon biting or bite wounds.

The meaning of "bite," differs from one jurisdiction to the other. Where the word "bite" is not defined by a statute or ordinance where the attack happened, courts throughout the USA hold that the dictionary definition of "bite" is to be used.

A typical definition of the verb "bite" as per the Macmillian dictionary is "a mark or injury where an animal or insect has bitten you."

Alternatively, the Webster's Dictionary states that a bite means "*to seize with the teeth so that they enter, grip or wound*"

A term used concurrently with Dog Bites is Clawing. Clawing is defined as *“to attack someone, or to try to cut or tear something using claws.”* However, in judicial terms, these are very different.

Another term used in cases pertaining to Dog Bite Injuries is Swiping. This is termed as *“to swing your arm and hit or to try to hit someone or something, using your hand or an object.”*

Legally, in order to characterize a dog's action as biting, swiping or clawing is often essential to determining whether a defendant is liable for the resulting losses and damages. When viewed by common law, the manner in which a dog inflicted injury is an essential element for the cause of action. In common law cases where the prior act was a bite, liability in the current claim must be based upon a bite or something very close to a bite. However, swiping at people, with the mouth while playing, may or may not be substantially similar to biting. Clawing might be substantially similar to biting if the manner of attack includes lunging with one or both forelegs raised, in which event clawing might well be considered as part and parcel of a certain dog's dangerous propensity to attack. These artifacts are often available on the internet and can be referred to by the parents of children who have suffered such an unfortunate incident. It is normally advised though to contact a legally qualified lawyer to prefer your claims.

The Keane Law Firm has the experience and resources to handle a variety of childhood injury cases. While Attorney Christopher Keane and The Keane Law Firm specialize in cases from San Francisco and the State of California, they may also accept worthy cases from other states. If your child or the child of somebody you know has been the victim of a serious injury, we can work with you hold the responsible parties accountable for their negligence. No matter where your child's injury occurred, please don't hesitate to contact us for a no-cost evaluation of your case.