

**717.3 Livestock in immediate need of sustenance — court order.**

1. This section applies only to livestock which are cattle, sheep, swine, or poultry.
2. For purposes of this section, “*interested person*” means all of the following:
  - a. An owner of the livestock.
  - b. A person caring for the livestock, if different from the owner of the livestock.
  - c. A person holding a perfected agricultural lien or security interest in the livestock under chapter 554.
3. The department may determine that some or all of the livestock kept by a person are in immediate need of sustenance. Upon making the determination the department may file a petition with a district court in a county where some or all of the livestock are kept requesting the court to issue an order to provide sustenance of the livestock. The petition may be made separately or with a petition filed pursuant to section 717.5. The petition must at least include all of the following:
  - a. A statement signed by a veterinarian licensed pursuant to chapter 169 stating that the livestock are in immediate need of sustenance.
  - b. The address of each location where the livestock are kept.
  - c. A brief description of the livestock.
  - d. The name and address of each interested person, if known.
  - e. The name and address of each qualified person appointed by the department to provide sustenance to the livestock.
4. Upon receiving the petition, the court may do any of the following:
  - a. Notify any interested person that the petition has been filed with the court. The notification must be made in writing and may be delivered by ordinary, certified, or restricted certified mail by United States postal service; delivered by a common carrier; or transmitted by electronic mail.
  - b. Hold a hearing to determine whether the livestock are in immediate need of sustenance.
5. If the court determines that the livestock are in immediate need of sustenance, the court shall issue an order which at least declares all of the following:
  - a. That the livestock are in immediate need of sustenance.
  - b. That the department shall assume supervision of and provide for the sustenance of the livestock as provided in section 717.4.
  - c. That a lien is created attaching to the livestock and associated proceeds and products as provided in section 717.4.
6. The department shall assume supervision of the livestock as provided in the court order. The department may directly provide for the sustenance of the livestock or appoint a qualified person to provide for such sustenance.

2011 Acts, ch 81, §6; 2011 Acts, ch 131, §74, 158

[T] NEW section