

# The cost of caring for abused animals in Maryland should fall on their owners, not shelters | GUEST COMMENTARY

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At long last, 2022 could be a banner year for animals, as the Maryland General Assembly appears poised to pass bills that would ban wildlife trafficking, prohibit declawing and protect pets in extreme weather. But despite the flurry of activity, one critical bill continues to languish: cost of animal care.

Annapolis must take meaningful action this session to hold defendants in animal cruelty cases financially responsible for their pets.

Animals seized in cruelty cases can live for months — and sometimes years — in shelters pending trial. These animals remain the property of the defendant and are also evidence. But unlike guns, drugs and paraphernalia that can be stored in an evidence locker, animals are sentient beings that must be housed, fed and cared for pending their owner's trial. Moreover, these animals often require significant veterinary care as a result of the neglect or abuse they've suffered. Maryland is one of only 12 states that has persistently failed to pass meaningful cost of care legislation that would require defendants to pay reasonable costs of care prior to trial. As a result, open admission shelters such as BARCS are saddled with these expenses, which are rarely reimbursed in full — if at all.

[House Bill 1062](#)/[Senate Bill 877](#) (“Animal Cruelty — Petition for Costs for Care of Seized Animal”) would remedy this inequity by allowing a shelter to petition a court for reasonable costs prior to trial. Maryland's Cost of

Care bill would require courts to hold prompt hearings, and petitioning shelters would be required to prove, by a preponderance of the evidence, that the seizure of an animal was justified, as well as show their expenses. The bill is also replete with due process protections for defendants. If granted, a judge could order a defendant to pay monthly costs to the clerk, limited to \$15/day, plus medical expenses, which would also be capped. Failure to pay these expenses would result in a forfeiture, allowing the shelter to adopt the animal into a loving home.

The American Bar Association, the nation's largest and most respected legal organization, has been urging states to enact cost of care legislation for a decade. In 2011, [ABA resolution 108B](#) recommended states pass legislation that would require defendants to post bonds or other security prior to trial, or alternatively, surrender their animals. This type of legislation is long overdue in Maryland.

Cost of care laws are common sense, equitable legislation that have passed constitutional scrutiny in courts around the country. Moreover, the procedure in these statutes mirrors what Maryland family law courts do every day. In divorce cases, a judge may order a noncustodial parent to pay child support *pendente lite* — prior to trial on the merits — as parents have an obligation to support their children, whether their children reside in their homes or not. Maryland's Cost of Care bill requires nothing more of individuals who *chose* to own animals and provides even greater protections for these owners. Defendants who do not wish to pay these expenses can simply surrender their animal to the shelter. Moreover, if a defendant has paid all expenses and is ultimately acquitted, a shelter must return the animal *as well as* all costs.

The Animal League Defense Fund [ranks Maryland only 32nd nationwide](#) (down from 31st in 2020), in terms of the strength of its animal protections laws, which is based on multiple criteria, including cost of care legislation. Maryland ranks far below all adjacent states: Pennsylvania, 15th;

Virginia, 17th; West Virginia, 20th; and Delaware, 23rd. HB1062/SB877 addresses a significant deficit in our statutes, protects pets and provides due process for their owners, and would provide greater uniformity in animal cruelty cases across Maryland.

While BARCS is a private nonprofit, most open-admission shelters are municipal shelters, whose taxpayers foot the bill for animal services in their jurisdiction. Unlike limited admission shelters, such as the Maryland SPCA, open admission shelters cannot turn animals away, and thus, face significantly greater burdens on their staffs and budgets. While some courts order restitution at the conclusion of an animal cruelty case, these orders are often not paid in full, if at all. It's time we stop saddling our hardest working animal shelters (to say nothing of taxpayers) with these expenses and allocate these expenses where they belong — on abusive pet owners.

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