

IN THE COURT OF COMMON PLEAS OF _____ COUNTY
 _____ JUDICIAL DISTRICT OF PENNSYLVANIA
 CIVIL TRIAL DIVISION

_____ SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS,	:	
	:	_____ TERM, 201__
Petitioner	:	
	:	
vs.	:	
	:	
<u>[Criminal Defendant]</u> and <u>[Owner, if different]</u>	:	
	:	
Respondents	:	
	:	

RULE TO SHOW CAUSE ORDER

AND NOW, this _____ day of _____, 201__ upon consideration of the
 Petition of _____ Society for the Prevention of Cruelty to Animals
 (“__SPCA”) for an Order Granting it the Reasonable Costs of Care of Certain Seized Animals
 (the “Petition”), it is hereby ORDERED and DECREED that:

1. Respondents shall file and serve on Petitioner an answer to the Petition no later than 48 hours before the return date specified in paragraph 3 below.
2. A Rule is issued upon the Respondents to show cause why the relief requested in the Petition should not be granted.
3. RULE RETURNABLE _____, 201__ at __.__.m. in Court Room _____, **[Courthouse address]**. (The Costs of Care of Seized Animals Act, 18 P.S. §30.5(b)(2013) requires that a hearing be scheduled not less than 14 but not more than 21 days from the service of the Petition, which was served on _____, 201__).

4. Petitioner shall serve a copy of this Order and the Petition on the Respondents or counsel by personal service or registered mail, pursuant to Section 4 of the Costs of Care of Seized Animals Act, 18 P.S. §30.4.

BY THE COURT:

[Attorney Name], Esquire
Attorney I.D. Number _____
[Law Firm Name]
[Address]
[City, State, Zip Code]
[Telephone Number]

Attorney for Petitioner

**COURT OF COMMON PLEAS
_____ COUNTY, PENNSYLVANIA
_____ JUDICIAL DISTRICT**

_____ SOCIETY FOR THE	:	
PREVENTION OF CRUELTY TO ANIMALS	:	
[Address]	:	
[City, State and Zip Code]	:	CIVIL ACTION
	:	
Petitioner	:	
	:	
vs.	:	
	:	
[Criminal Defendant]	:	
[Address]	:	
[City, State and Zip Code]	:	
	:	
[Owner, if different]	:	
[Address]	:	
[City, State and Zip Code]	:	
	:	
Respondents	:	

**PETITION OF _____ SOCIETY FOR THE PREVENTION
OF CRUELTY TO ANIMALS (“_SPCA”) FOR AN ORDER GRANTING IT THE
REASONABLE COSTS OF CARE OF CERTAIN SEIZED ANIMALS**

The Petitioner herein, _____ Society for the Prevention of Cruelty to
Animals (“_SPCA”), by and through its attorney, [Name of attorney], Esquire, hereby files
the within Petition of _____ Society for the Prevention of Cruelty to Animals

(“__SPCA”) for an Order Granting it the Reasonable Costs of Care of Certain Seized Animals. This Petition is filed pursuant to the Costs of Care of Seized Animals Act, Act of 2013, July 9, P.L. 263, No. 50, 18 P.S. §30.1 et seq. (the “Costs of Care Act”). PETITIONER REQUESTS A HEARING ON A RULE TO SHOW CAUSE AND, FOR THAT PURPOSE, A FORM OF SHOW CAUSE ORDER IS ATTACHED. In support thereof, Petitioner alleges that:

1. Petitioner, _____ Society for the Prevention of Cruelty to Animals (“__SPCA”), is a Pennsylvania non-profit society incorporated for the prevention of cruelty to animals, whose headquarters are located at [Address, City, State and Zip Code].

2. The __SPCA is organized, in part, to receive and investigate criminal complaints of animal cruelty, abuse, neglect or abandonment, and to prosecute suspects under the Animal Cruelty Law, 18 Pa. C.S.A. §5511.

3. The Humane Society Police Officers (“HSPOs”) maintained by the __SPCA are empowered to enforce the Animal Cruelty Law, 18 Pa. C.S.A. §5511, by virtue of statutory authority conferred upon said Society’s officers upon the satisfaction of various criteria, 22 Pa. C.S. §§ 3704, 3705 and 18 Pa. C.S.A. §5511(i):

POWER TO INITIATE CRIMINAL PROCEEDINGS. An agent of any society or association for the prevention of cruelty to animals, incorporated under the laws of the Commonwealth, shall have the same powers to initiate criminal proceedings provided for police officers by the Pennsylvania Rules of Criminal Procedure.

The HSPOs are also authorized by the Dog Law, 3 P.S. §459-102, to perform “Dog Control,” which includes “apprehending, holding and disposing of stray or unwanted dogs.” [Number] of the animals that are the subject of this Petition are dogs.

4. The HSPO involved in the investigation that is described in this Petition was authorized and commissioned within [County] and was sworn in by the Court of Common Pleas of _____ County.

5. The primary mission of the __SPCA with respect to animals in their control is (i) to safely house, feed, care for, treat and provide veterinary care, and (ii) to adopt out to loving families such animals. It is expensive for the __SPCA to provide food, water, shelter and medical care to the animals. This petition requests payment from the abusive defendant and owner of the reasonable costs of care for the animals.

6. Respondent [Criminal Defendant] is an individual whose last known address is [Street, City, State and Zip Code].

7. Respondent [Owner, if different] is an individual whose last known address is [Street, City, State and Zip Code].

8. During the past year, the __SPCA's Humane Society Police Officers investigated complaints of animal cruelty and neglect that were alleged by third parties against Respondent [Criminal Defendant].

9. [Number of animals] were recovered by the HSPO from premises inhabited by Respondent [Criminal Defendant] pursuant to authority contained in §5511(l), which authorizes a Humane Society Police Officer to obtain a search warrant and to seize an animal that is subject to animal cruelty, and to take it to the __SPCA for care and treatment. In this case, a search warrant was obtained before the animals were taken. A copy of this search warrant is attached hereto as Exhibit A.

10. As set forth in the affidavit of Humane Society Police Officer [Name of HSPO] that is attached hereto as Exhibit B, both of the animals that are the subject of this Petition were subjected to animal cruelty in violation of Pennsylvania law. 18 Pa. C.S.A. §5511(c). Accordingly, criminal charges were filed and served on Respondent [Criminal Defendant], as defendant; and such charges have not yet been resolved by final judgment.

[HEADING][NUMBER AND TYPE OF DOG OR OTHER ANIMAL] TYPE DOGS SEIZED FROM [ADDRESS]
[FOR EXAMPLE: TWO BLACK AND WHITE PIT BULL TYPE DOGS SEIZED FROM 123 MAIN STREET, PHILADELPHIA, PA 19103]

INSERT: DESCRIPTION OF COMPLAINT, INVESTIGATION, FACTS THAT WARRANTED SEIZURE, ISSUANCE AND EXECUTION OF SEARCH WARRANT, AND REMOVAL OF ANIMALS TO __SPCA.]

11. On _____, 201 __, Officer [Name of HSPO] filed and served criminal charges on [Criminal Defendant] for animal cruelty in violation of 18 Pa. C.S. §5511 with respect to the animals.

12. The __SPCA seeks here to recover the reasonable costs of care for the animals it seized.

13. The affidavit of Officer [Name of HSPO] in support of the foregoing is attached hereto as Exhibit B.

14. When the dogs entered the __SPCA on _____, 201 __, a licensed veterinarian examined them and found they were in need of [number] different vaccines, which were promptly administered. The veterinarian also determined that the dogs were in need of [List of medications, exams, cleanings, antibiotics, etc.]. On the basis of the recommendation of Dr. [Name of Veterinarian], V.M.D. that these items needed to be given in order to maintain and improve the health of the seized dogs, __SPCA personnel responded and gave the same medication and treatments, at __SPCA's cost. The total cost of such treatment was \$ ___ per animal. An invoice for such treatment is attached hereto as Exhibit C. An affidavit of Dr. [Name of Veterinarian], V.M.D. attesting that such medical treatment was reasonable and necessary is attached hereto as Exhibit D.

15. The cost of food, water and shelter for each animal exceeds \$15 per day¹, as calculated and explained in the affidavit of _____, Shelter Manager of the __SCPA. Such a per diem charge is reasonable. Petitioner requests herein payment of \$____ [actual cost up to maximum of \$15 per day] per day for food, water and shelter for each animal for the first 60 days of their control by the __SPCA, assuming a time period of 30 days will elapse from seizure to hearing, and 30 days thereafter should be awarded pursuant to Costs of Care Act, 18 P.S. §30.2, or a total payment of \$900 [assuming maximum \$15 per diem is the actual cost] at this time for food, water and shelter for each animal. The affidavit of the Shelter Manager is attached hereto as Exhibit E.

ARGUMENT

16. As indicated in the HSPO’s affidavit, the animals that he seized had been subjected to animal cruelty at the hands of Respondent, in violation of 18 Pa. C.S.A. 5511(c). Therefore, the seizure of the animals was warranted, and criminal charges have been filed against **[Criminal Defendant]**. As indicated in the affidavits of the veterinarian and the shelter manager, the __SPCA has reasonably incurred veterinary charges of \$____ and \$15 [actual cost may be less] per diem for shelter, food and water for each animal.

17. At this time, the __SPCA is entitled to payment of the reasonable costs of care of the seized animals pursuant to the Costs of Care Act, as follows:

a.	Food, water, and shelter (\$15 x 60 days = \$900)	\$ 900
b.	Medical care:	\$
	<u>Subtotal for each animal</u>	<u>\$</u>
	<u>Subtotal for both animals</u>	<u><u>\$</u></u>

¹ Throughout this draft pleading, \$15 per day has been used only as an example. The law requires that you limit your request to your actual costs per diem up to a maximum of \$15 per day.

c. Court filing fees \$ _____

Total for both animals \$ _____

18. Further, the __ SPCA is entitled to payment of future costs of \$15 [actual cost may be less] per diem for each animal plus medical care in future months.

THE COSTS OF CARE ACT REQUIRES A CRIMINAL DEFENDANT IN AN ANIMAL CRUELTY CASE TO PAY REASONABLE COSTS OF CARE TO THE SEIZING AUTHORITY.

19. On July 9, 2013, Pennsylvania Governor Corbett signed the Costs of Care of Seized Animals Act, and sixty (60) days later, on September 7, 2013, it became effective. Act of 2013, July 9, P.L. 263 No. 50, 18 P.S. §30.1 et seq. (herein the “Costs of Care Act” or the “COC Act”).

20. In the introduction which appears at the beginning of the Costs of Care Act, the purpose of the Act is described, in pertinent part, as follows:

AN ACT

Providing for actions for costs of care of seized animals.

The General Assembly finds and declares that:

- (1) Owners of animals have a duty of care.
- (2) Because of this duty of care, owners of animals are responsible for the costs of caring for those animals and that responsibility continues if those animals are duly seized.
- (3) The General Assembly has enacted 18 Pa. C.S. §5511 (relating to cruelty to animals) relating to cruelty to animals which can lead to seizure of animals.

21. Specifically, the Costs of Care Act allows for a petition to be filed with the Court of Common Pleas for the reasonable costs of care for animals seized under 18 Pa. C.S.

§5511 (relating to cruelty to animals) where related criminal charges have been filed, by any of the following:

- A county or municipal official; or
- A society or association or other incorporated non-profit organization providing care for the animals. 18 P.S. §30.3.

22. The _____ SPCA qualifies as such a non-profit society or association within the meaning of the Costs of Care Act.

23. “Reasonable Costs of Care” are limited to \$15 per day, per animal, in addition to necessary medical care as determined by a licensed veterinarian and documented by invoices, plus court filing fees. 18 P.S. §30.2 and 30.5(e)(1).

24. This legislation details the process and procedure for filing and serving the above-mentioned petitions and provides for a court hearing to be held not less than fourteen (14) days but not more than twenty-one (21) days from the service of the petition to determine the responsibility of a defendant for reasonable costs of care, the dollar amount and a schedule of monthly payments. 18 P.S. §30.5(b). A Costs Order shall be issued by the Court no later than five (5) days after the commencement of the hearing. 18 P.S. §30.5(e). Payments shall begin no later than seven (7) days after service of the Costs Order. 18 P.S. §30.6(a).

25. The _____ SPCA has followed all of the procedures required by the Costs of Care Act to merit the entry of a Costs Order, as set forth in the above recitation of the facts and the law which are applicable to this case.

WHEREFORE, the _____ Society for the Prevention of Cruelty to Animals prays for an Order of this Court granting it the reasonable costs of care of the animals

that are the subject of the within Petition by entry of an Order in the form attached hereto.

Respectfully submitted,

[Name of attorney], Esquire

[Law firm]

[Address]

[City, State and Zip Code]

Attorneys for Petitioner

_____ Society for the
Prevention of Cruelty to Animals

for the Prevention of Cruelty to Animals (“__SPCA”) for an Order Granting it the Reasonable Costs of Care of Certain Seized Animals. The Petition was filed pursuant to the Costs of Care of Seized Animals Act, Act of 2013, July 9, P.L. 263, No. 50, 18 P.S. §30.1 et seq. (the “Costs of Care Act”).

STATEMENT OF FACTS

Petitioner, _____ Society for the Prevention of Cruelty to Animals (“__SPCA”), is a Pennsylvania non-profit society incorporated for the prevention of cruelty to animals, whose headquarters are located at [Address, City, State and Zip Code].

The __SPCA is organized, in part, to receive and investigate criminal complaints of animal cruelty, abuse, neglect or abandonment, and to prosecute suspects under the Animal Cruelty Law, 18 Pa. C.S.A. §5511.

The Humane Society Police Officers (“HSPOs”) maintained by the __SPCA are empowered to enforce the Animal Cruelty Law, 18 Pa. C.S.A. §5511, by virtue of statutory authority conferred upon said Society’s officers upon the satisfaction of various criteria, 22 Pa. C.S. §§ 3704, 3705 and 18 Pa. C.S.A. §5511(i):

POWER TO INITIATE CRIMINAL PROCEEDINGS. An agent of any society or association for the prevention of cruelty to animals, incorporated under the laws of the Commonwealth, shall have the same powers to initiate criminal proceedings provided for police officers by the Pennsylvania Rules of Criminal Procedure.

[Number] of the animals that are the subject of this Petition are dogs.

The HSPO involved in the investigation that is described in this Petition was authorized and commissioned within [County] and was sworn in by the Court of Common Pleas of _____ County.

The primary mission of the __SPCA with respect to animals in their control is (i) to safely house, feed, care for, treat and provide veterinary care, and (ii) to adopt out to loving families such animals. It is expensive for the __SPCA to provide food, water, shelter and medical care to the animals. This Petition requests payment from the abusive defendant and owner of the reasonable costs of care for the animals.

During the past year, the __SPCA's Humane Society Police Officers investigated complaints of animal cruelty and neglect that were alleged by third parties against Respondent **[Criminal Defendant]**.

On _____, 201__, **Describe animals]** were recovered by the HSPO from premises inhabited by Respondent **[Criminal Defendant]** pursuant to authority contained in §5511(l), which authorizes a Humane Society Police Officer to obtain a search warrant and to seize an animal that is a victim of animal cruelty, and to take it to the __SPCA for care and treatment. In this case, a search warrant was obtained before the animals were taken.

As set forth in the affidavit of Humane Society Police Officer **[Name of HSPO]** that is attached to the Petition, both of the animals that are the subject of this Petition were subjected to animal cruelty in violation of Pennsylvania law. 18 Pa. C.S.A. §5511(c). Accordingly, criminal charges were filed and served on Respondent **[Criminal Defendant]**, as defendant; and such charges have not yet been resolved by final judgment.

When the animals entered the __SPCA on _____, 201__, a licensed veterinarian examined them and found they were in need of **[Number]** different vaccines, which were promptly administered. The animals were also given, in addition, **[List medications, exams, cleanings, antibiotics, etc.]**. The total cost of such treatment was \$ _____ per animal. An invoice for such treatment is attached as an Exhibit to the Petition. An affidavit

of veterinarian [Name of Veterinarian], V.M.D. attesting that such medical treatment was reasonable and necessary is attached as an Exhibit to the Petition.

The cost of food, water and shelter for each animal exceeds \$15¹ per day, as calculated and explained in the affidavit of _____, Shelter Manager of the ___SPCA. Such a per diem charge is reasonable. Petitioner requests in the Petition payment of \$_____ [actual cost up to a maximum of \$15 per day] per day for food, water and shelter for each animal for the first 60 days of their control by the ___SPCA, assuming a time period of 30 days will elapse from seizure to hearing, and 30 days thereafter should be awarded pursuant to Costs of Care Act, 18 P.S. §30.2, or a total payment of \$900 [assuming \$15 per day is the actual cost] at this time for each animal. An affidavit of the Shelter Manager is attached as an Exhibit to the Petition.

ARGUMENT

As indicated in the HSPO's affidavit, the animals that he seized had been subjected to animal cruelty at the hands of Respondent, which is a crime under 18 Pa. C.S.A. §5511(c). Therefore, the seizure of the animals was warranted, and criminal charges have been filed against [Criminal Defendant]. As indicated in the affidavits of the veterinarian and the shelter manager, the ___SPCA has reasonably incurred veterinary charges of \$_____ and \$15 [actual cost may be less] per diem for shelter, food and water for each animal.

At this time, the ___SPCA is entitled to payment of the reasonable costs of care of

¹ Throughout this draft pleading, \$15 per day has been used only as an example. The law requires that you limit your request to your actual costs per diem up to a maximum of \$15 per day.

the seized animals pursuant to the Costs of Care Act, as follows:

a.	Food, water, and shelter (\$15 x 60 days = \$900)	\$ 900
b.	Medical care:	\$
	<u>Subtotal for each animal</u>	<u>\$</u>
	<u>Subtotal for both animals</u>	<u><u>\$</u></u>
c.	Court filing fees	\$ _____
	<u>Total for both animals</u>	<u><u>\$</u></u>

Further, the __ SPCA is entitled to payment of future costs of \$15 [actual cost may be less] per diem for each animal plus medical care in future months.

THE COSTS OF CARE ACT REQUIRES A CRIMINAL DEFENDANT IN AN ANIMAL CRUELTY CASE TO PAY REASONABLE COSTS OF CARE TO THE SEIZING AUTHORITY.

On July 9, 2013, Pennsylvania Governor Corbett signed the Costs of Care of Seized Animals Act, and sixty (60) days later, on September 7, 2013, it became effective. Act of 2013, July 9, P.L. 263 No. 50, 18 P.S. §30.1 et seq. (herein the “Costs of Care Act” or the “COC Act”).

In the introduction which appears at the beginning of the Costs of Care Act, the purpose of the Act is described, in pertinent part, as follows:

AN ACT

Providing for actions for costs of care of seized animals.

The General Assembly finds and declares that:

- (1) Owners of animals have a duty of care.
- (2) Because of this duty of care, owners of animals are responsible for the costs of caring for those animals and that responsibility continues if those animals are duly seized.

(3) The General Assembly has enacted 18 Pa. C.S. §5511 (relating to cruelty to animals) relating to cruelty to animals which can lead to seizure of animals.

Specifically, the Costs of Care Act allows for a petition to be filed with the Court of Common Pleas for the reasonable costs of care for animals seized under 18 Pa. C.S. §5511 (relating to cruelty to animals) where related criminal charges have been filed, by any of the following:

- A county or municipal official; or
- A society or association or other incorporated non-profit organization providing care for the animals. Costs of Care Act, 18 P.S. §30.3.

The _____ SPCA qualifies as such a non-profit society or association within the meaning of the Costs of Care Act.

“Reasonable Costs of Care” are limited to \$15 per day, per animal, in addition to necessary medical care as determined by a licensed veterinarian and documented by invoices, plus court filing fees. Costs of Care Act, 18 P.S. §§30.2 and 30.5(e)(1).

This legislation details the process and procedure for filing and serving the above-mentioned petitions and provides for a court hearing to be held not less than fourteen (14) days but not more than twenty-one (21) days from the service of the petition to determine the responsibility of a defendant for reasonable costs of care, the dollar amount and a schedule of monthly payments. Costs of Care Act, 18 P.S. §30.5(b). A Costs Order shall be issued by the Court no later than five (5) days after the commencement of the hearing. Costs of Care Act, 18 P.S. §30.5(e). Payments shall begin no later than seven (7) days after service of the Costs Order. Costs of Care Act, 18 P.S. §30.6(a).

Petitioner has complied with all aspects of the Costs of Care Act, and therefore the reasonable costs of care, detailed above, should be awarded.

CONCLUSION

The above-cited authority demonstrates that the _____ SPCA has followed all of the procedures required by the Costs of Care Act in order to merit the entry of a Costs Order in the amounts and on the terms requested in the Petition.

The _____ Society for the Prevention of Cruelty to Animals respectfully requests an Order of this Court granting it the reasonable costs of care of the animals that are the subject of its Petition by entry of an Order in the form attached to the Petition.

Respectfully submitted,

[Name of attorney], Esquire
[Law firm name]
[Address]
[City, State and Zip Code]

Attorneys for Petitioner

Society for the
Prevention of Cruelty to Animals

1. [Spell out Dollar Amount] (\$ _____), constituting the reasonable costs of care and filing fees for the first sixty day period following seizure of the animals, shall be paid in full in cash, or by money order or certified check, by Respondent [Criminal Defendant] to the _____ SPCA within seven (7) days after the Petitioner serves a copy of this Order (the “Costs Order”) on Respondent [Criminal Defendant] by U.S. registered mail. The payment shall be addressed to:

_____ SPCA
Attention: [Director of XYZ Department or Individual Name]
[Street Address]
[City, State, Zip Code]

Beginning thirty (30) days after the payment date described in paragraph 1 above, the on-going costs of care shall be paid in full in cash, or by money order or by certified check, by Respondent [Criminal Defendant] to the _____ SPCA, addressed as set forth above, on a monthly basis, with each monthly payment to be made on the last Friday of each month. Such payments shall continue until this costs order terminates. Each such monthly payment shall be in the amount of (i) the product of \$15¹ per day, per animal, and the number of calendar days in such month, and (ii) the cost of additional necessary medical care, if any, as determined by a licensed veterinarian and as invoiced to Respondent.

2. The Court hereby authorizes the _____ SPCA to transfer one or both of the seized animals to one or more foster caretakers; and after any such transfer, the seized animals shall nevertheless be deemed under the control of the _____ SPCA for purposes of the Costs of Care Act.

BY THE COURT

¹ Or the actual per diem cost, if less than \$15.

[Attorney Name], Esquire
Attorney I.D. Number _____
[Law Firm Name]
[Address]
[City, State, Zip Code]
[Telephone Number]

Attorney for Petitioner

**COURT OF COMMON PLEAS
_____ COUNTY, PENNSYLVANIA
_____ JUDICIAL DISTRICT**

_____ SOCIETY FOR THE	:	
PREVENTION OF CRUELTY TO ANIMALS	:	
[Address]	:	
[City, State and Zip Code]	:	CIVIL ACTION
	:	
Petitioner	:	
	:	
vs.	:	
	:	
[Criminal Defendant]	:	
[Address]	:	
[City, State and Zip Code]	:	
	:	
[Owner, if different]	:	
[Address]	:	
[City, State and Zip Code]	:	
	:	
Respondents	:	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Petition of _____
Society for the Prevention of Cruelty to Animals (“_SPCA”) for an Order Granting it the
Reasonable Costs of Care of Certain Seized Animals (the “Petition”) has been served by me
upon the following on the day and year below written by U.S. registered mail, return receipt
requested:

[Criminal Defendant]
[Address]
[City, State and Zip Code]

[Owner, if different]
[Address]
[City, State and Zip Code]

_____, 201__

[Attorney Name], Esquire
[Law Firm Name]
[Address]
[City, State and Zip Code]

Attorneys for Petitioner

Society for the
Prevention of Cruelty to Animals