

TESTIMONY ON H.578 — Forfeiture, Mandatory Timelines, and Systemic Barriers Facing Vermont's Rescues

Submitted by Genie Bent, Representing VAACA and Potter's Angels Rescue

My name is Genie Bent, and I am here on behalf of Vermonters Against Animal Cruelty and Abandonment (VAACA) and Potter's Angels Rescue. We work directly with game wardens, law enforcement agencies, shelters, rescues, veterinarians, and community members across Vermont on some of the most complex cruelty and neglect cases in the state.

My testimony focuses on the forfeiture provisions in H.578 and the gaps in current law that prevent timely, consistent action. These gaps directly affect whether forfeiture is filed and whether animals remain stuck in legal limbo for months or years.

Rescues across Vermont are willing to help and always have been. But they cannot continue to be the State's only safety net when Vermont lacks a reliable, timely, and enforceable forfeiture process.

1. Shelters and Rescues Are Refusing Seized Animals Because the State Lacks a Functional Forfeiture Process

The State has not consistently utilized the existing voluntary civil forfeiture statute. As a result, rescues and shelters repeatedly carry the full financial and operational burden when cases stall for months without movement.

- Animals routinely remain in custody for 6–18 months. During this time:
- Rescues pay 100% of medical, behavioral, and daily care costs.
- Animals cannot be adopted or placed in foster homes.
- Shelters lose critical space needed for future cruelty cases.

This is why rescues now ask law enforcement a single question before accepting seized animals:

“Has the owner surrendered?”

If the answer is no or uncertain, rescues often decline placement — not out of unwillingness, but because the system has failed too many times. A forfeiture process that cannot move animals out of legal limbo does not protect animals.

Without a functional forfeiture process, Vermont's cruelty laws cannot be consistently enforced, regardless of how strong the statutes appear on paper.

2. Mandatory Deadlines Must Be Explicit — The Bill Cannot Function Without Them

A functional forfeiture system cannot rely on discretionary action. Vermont must adopt the same statutory deadlines many other states already use.

To be effective, these elements must be statutory, non-discretionary, and uniformly applied statewide.

Required Timelines

These timelines must be written directly into statute:

- Petition for civil forfeiture must be filed within 10 days of seizure.
 - This ensures immediate action and prevents months-long delays.
- Forfeiture hearing must occur within 21 days of seizure.
 - By Day 21, the court must determine whether the owner will pay the bond or whether the animals will be forfeited.
- Shelters and rescues repeatedly report that unless the State can guarantee a clear, three-week timeline, they cannot take in seized animals.
- Mandatory bond renewals every 30 days, with automatic forfeiture if not paid.
 - Once the first month's bond is posted, owners must renew it every 30 days. If the bond is not paid on or before the deadline, forfeiture must occur automatically.

These procedures match those used successfully in many other states and are the only way to prevent prolonged warehousing of animals and the financial collapse of Vermont's rescue infrastructure.

Without strict timelines, this bill will fail to correct the systemic problems it aims to address.

Financial Reality of the Current System

The financial reality of caring for seized animals cannot be overstated. The costs associated with food, veterinary treatment, medical care, appropriate housing, and ongoing behavioral support accumulate rapidly. If the State cannot consistently provide funding to cover these expenses, the financial responsibility must rest with the animal's owner — not with nonprofit organizations that operate entirely on donations and volunteer labor. Vermont cannot continue relying on rescues and municipalities as an unfunded extension of law enforcement.

The consequences of this broken structure are already evident. Franklin County Animal Rescue was forced to close after being financially overwhelmed by a single prolonged cruelty case. Other shelters across the state have experienced similar strain, facing significant financial losses, volunteer burnout, and disruptions to their operational capacity. As a direct result of these repeated failures, many rescues now feel unable to accept seized animals simply to protect their own stability.

When the system fails to act promptly, the burden shifts entirely onto the animals. And when justice is delayed, it is the animals who ultimately suffer.

3. “Reasonable Costs of Care” Must Be Defined in Statute

H.578 uses the term “reasonable costs of care” but does not define it. Without a definition, judges across Vermont will interpret it differently, and defense attorneys will challenge every expense presented.

- A proper statutory definition must explicitly include:
- Routine veterinary care
- Emergency or advanced medical treatment
- Diagnostic testing and laboratory work
- Spay/neuter when medically appropriate
- Vaccinations and parasite prevention/treatment
- Quarantine or isolation housing
- Behavioral assessment and rehabilitation when needed
- Boarding, medical housing, and daily care
- Species-appropriate enrichment and welfare needs

A consistent definition ensures fairness, statewide uniformity, and prevents inconsistent judicial interpretations that further delay case resolution.

4. Real Vermont Cases Demonstrating Why Mandatory Forfeiture Procedures Are Urgently Needed

These examples are drawn from actual cases in Vermont. Several were handled by VAACA or Potter's Angels, while others come from within Vermont's wider shelter and rescue system and demonstrate the systemic problems this bill must address.

Case 1 — Seven-Month Delay Because Civil Forfeiture Was Not Filed

Potter's Angels took in two seized dogs from Brandon, VT specifically to test the civil forfeiture process. Both law enforcement and the rescue requested that the State's Attorney file forfeiture immediately.

Despite repeated contact and requests, no forfeiture petition was filed for seven months. Only when the defendant accepted a plea deal did the dogs finally become legally releasable.

This delay caused:

- Significant financial strain
- Volunteer burnout
- Inability to adopt the dogs for seven months
- Demonstration that SA offices are not utilizing the statute

This case illustrates a statewide pattern: without mandatory deadlines, civil forfeiture is inconsistently used and often avoided entirely.

Case 2 — State Considered Returning Abused Dogs to Their Owner Due to Lack of Placement

In another case, despite video evidence of physical abuse, the State informed our network that the dogs — already housed for four months — might be returned to the abuser because there were no available rescues willing to take them.

The boarding facility owner chose to undergo surgery while keeping the dogs rather than allow them to be returned. This situation arose only because forfeiture had not been filed in a timely manner.

Case 3 — More Than 36 Animals, No Legal Seizure Paperwork, and No Pathway to Forfeiture

Over 36 animals were removed in severe condition, but no seizure documentation or surrender forms were executed, meaning the animals were never legally “seized.”

Because of this procedural error:

- Civil forfeiture could not be filed
- Four rehabilitated dogs were returned to the owner
- The same dogs had to be taken again days later
- The owner acquired another neglected dog during this period
- That dog could not be seized; only a court order allowed removal
- The animals have now been held for more than a year and a half
- They still cannot be adopted due to lack of legal authority

H.578 must prevent this by requiring that:

1. All removals due to cruelty must be legally classified as seizure or owner surrender
2. Court-ordered removals must authorize civil forfeiture
3. A statutory remedy must exist to correct missing or incomplete seizure paperwork

Case 4 — Franklin County Animal Rescue Closure After \$55,000 in Cruelty-Case Costs

Franklin County Animal Rescue permanently closed after absorbing more than \$55,000 in unreimbursed costs for eight cruelly treated dogs in 2015. Because civil forfeiture was never filed, the case dragged on and the dogs could not be adopted.

The consequences were significant:

- The shelter closed
- Local ACOs warned of rising abandonment
- The community lost its primary humane shelter

VAACA has also acknowledged that Franklin County has become one of the highest-need regions in the state. Animal abandonment occurs regularly, local ACOs face extremely limited placement options, and VAACA now works to secure rescue and shelter placements outside the county for animals who are surrendered or require immediate intervention.

This is what happens when forfeiture is not used.

Conclusion

Without mandatory timelines, clear forfeiture triggers, defined costs of care, and required seizure documentation, the systemic failures we see today will continue unchanged.

To create a functional system, H.578 must include:

- Petition for forfeiture within 10 days
- Hearing within 21 days
- Mandatory decision by Day 21
- Monthly bond renewals with automatic forfeiture
- Defined “reasonable costs of care”
- Mandatory seizure documentation
- A clear, statewide, uniform process

Vermont’s animals — and the rescuers who protect them — deserve a system that works, and the Legislature has the opportunity this session to ensure that it finally does.

Respectfully submitted,

Genie Bent

On behalf of Vermonters Against Animal Cruelty and Abandonment (VAACA)
and Potter's Angels Rescue