

DOCKET NO: HHDCV246188464S

SUPERIOR COURT

NORTHEASTERN CONNECTICUT
COUNCIL OF GOVERNMENTS ANJUDICIAL DISTRICT OF HARTFORD
AT HARTFORD

V.

DONOVAN, TRACY Et Al

8/14/2024

ORDER

All Counsel Present. All Parties Present.

The following order is entered in the above matter:

ORDER:

The plaintiff, Northeastern Connecticut Council of Governments Animal Services Ex Rel Jennifer Hutchins, Director and Animal Control Officer (the "plaintiff"), brings this action pursuant to General Statutes § 22-329a, seeking orders of temporary and permanent custody of ninety-six (96) dogs, two (2) goats, two (2) exotic birds, two (2) cats, and one (1) rabbit owned by the defendant, Tracy Donovan, as well as other relief. Pursuant to § 22-329a (d), and upon the issuance of a warrant and finding of probable cause that the aforesaid animals have been neglected or cruelly treated, on July 10, 2024, the plaintiff took possession of the animals from the defendant's property. On July 18, 2024, pursuant to § 22-329a (c), the plaintiff filed an application and verified petition alleging that the animals were neglected and cruelly treated, bringing the animals within the jurisdiction of the court, and seeking relief under the statute. The court granted the plaintiff's application for an order to the defendant to show cause as to why the court should not order the relief sought and set forth in the verified petition, and ordered that a hearing be held on August 5, 2024. On August 5, 2024, and August 13, 2024, the court held an evidentiary hearing on the plaintiff's petition for temporary custody of the animals.

Both parties were present and represented by counsel. Both parties presented witnesses and documentary evidence at the hearing in support of their positions. Based on the credible evidence presented at the hearing, the court finds the following.

The defendant is the owner of the property located at 1143 Route 169, Woodstock, Connecticut (the "property"), and ninety-six (96) dogs, two (2) goats, two (2) exotic birds, two (2) cats, and one (1) rabbit that lived on the property prior to July 10, 2024.

The property is a parcel of land consisting of multiple acres that has a single-family, two-story residence with outbuildings and other shelter type structures. The property was generally in an unsanitary state, with piles of construction material, household garbage, and numerous animal cages, crates, and fencing material. The residence on the property emitted an overwhelming odor of urine and feces, detectable many feet from outside the structure. Since January 2024, the plaintiff has received complaints regarding animals in the care of the defendant. The animal control officers found it unbearable to breath within the interior of the residence, believing the temperature to be in excess of 90 degrees. Feces and shavings were found throughout the residence.

The defendant acknowledged that the number of dogs kept at her residence was excessive, as things got out of hand due to unplanned litters. The defendant was hiding the dogs in her residence as she tried to rehome some.

The defendant eventually surrendered sixteen (16) dogs to the plaintiff. Two (2) of the surrendered dogs were thereafter humanely euthanized. A total of seven (7) dogs were humanely euthanized due to their

poor health condition. The rabbit was found to be a wild animal that the plaintiff had taken into her possession and control. The rabbit was also surrendered to the plaintiff by the defendant.

The court did not find the defendant to be credible.

The defendant neglected the animals and treated them cruelly in a number of ways, including:

1. Of the ninety-six (96) dogs, all were flea-ridden and many displayed long matted and filthy fur (including urine and feces), and some dogs displayed hair loss, dehydration, overgrown nails, and urine scalding.
2. Many of the dogs were kept in crates, in some instances holding as many as two, three, or four dogs, without proper water or food.
3. At the rear of the residence, two (2) small goats could be found in a small shed. The interior of the shed contained approximately three inches of wet goat feces and shavings. The goats were found to be thin and lethargic. Two small water bowls found in the area were dry and caked with dirt.
4. The two (2) exotic birds were found with overgrown beaks and nails. One bird had plucked away some of its feathers and was found to be underweight. No water or food was found in their cages. The noxious conditions found in the residence are particularly harmful to exotic birds such as these.
5. The two (2) cats were covered in fleas, without access to water, food, or a litter box.
6. The rabbit was a wild animal that the defendant improperly took into her possession and control.
7. The defendant allowed the residence to be riddled with animal feces and shavings.
8. The residence was not properly ventilated, resulting in a noxious odor that could be detected many feet from the exterior of the residence.
9. The defendant did not provide the animals with adequate food or water.
10. The defendant did not provide the animals with necessary or proper care, including veterinary care.

The court finds that while in the defendant's care, the ninety-six (96) dogs, two (2) goats, two (2) exotic birds, two (2) cats, and one (1) rabbit were in imminent harm, and were neglected and cruelly treated by the defendant. The court, therefore, determines that the plaintiff has met its burden to establish reasonable cause to find that the animals' condition and circumstances surrounding their care by the defendant require that temporary care and custody continue to be assumed by the plaintiff to safeguard the animals' welfare. Therefore, the court orders that:

1. Temporary care and custody of the ninety-six (96) dogs, two (2) goats, two (2) exotic birds, two (2) cats, and one (1) rabbit seized by the plaintiff shall continue to be vested in the plaintiff;
2. On or before August 23, 2024, the defendant shall relinquish ownership of the aforesaid animals to the plaintiff or post a surety or cash bond with the Connecticut Department of Agriculture in the amount of five hundred dollars (\$500) per each of the remaining animals seized by the plaintiff to pay for the reasonable expenses in caring and providing for such animals;
3. The defendant shall pay the expenses incurred by the plaintiff in providing proper food, shelter, and care to each animal calculated at the rate of fifteen dollars (\$15.00) per animal per day beginning July 10, 2024, and continuing until the animals are returned to the defendant, the defendant relinquishes custody of the animals, or permanent custody of the animals is vested in the plaintiff; and
4. The defendant shall pay all veterinary costs and expenses incurred for the welfare of the animals, which costs and expenses are not covered in the per diem rate, during the period the animals have been

and remain in the plaintiff's temporary care and possession.

SO ORDERED.

Judicial Notice (JDNO) was sent regarding this order.

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Judge: SCOTT R CHADWICK

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.