

DOCKET NO: HHD-CV- 246188464S : SUPERIOR COURT

**NORTHEASTERN CONNECTICUT
COUNCIL OF GOVERNMENTS
ANIMAL SERVICES EX REL
JENNIFER HUTCHINS
DIRECTOR AND ANIMAL
CONTROL OFFICER**

: J.D. OF HARTFORD

V.

DONOVAN, TRACY, ET AL. : JANUARY 24, 2025

**MEMORANDUM OF DECISION:
MOTION FOR PERMANENT OWNERSHIP (AMENDED) #154**

This matter came before the court for the show cause hearing ordered on the petitioner's Motion for Order of Permanent Ownership (#121, amended to address the number of animals at issue by #154) for the defendant to show cause why the plaintiff's petition for order of permanent custody should not be granted.

The hearing was ultimately held before the court on January 7, 2025. At issue is the ownership fate of the remaining 81 (eighty-one) animals for which temporary custody vested with the petitioner per the prior order of the court, Chadwick issued after a full hearing.¹

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HARTFORD, CT



¹ The finding of the trial court at the time of the prior show cause hearing related to the temporary custody of the subject animals established that 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. See Court order, docket entry #112. This leaves, of the original 103 animals seized, 81 remaining. The number of animals at issue in this current proceeding is undisputed.

1000 (signature)

By way of relevant procedural history and factual background, the plaintiff, Northeastern Connecticut Council of Governments Animal Services Ex Rel. Jennifer Hutchins, Director and Animal Control Officer ("NECCOG" or the petitioner), commenced 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 General Statutes § 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, Chadwick, J., granted the plaintiff's application for an order to the defendant to show cause 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. Both parties were present and represented by counsel. Both parties presented witnesses and documentary evidence at the hearing in support of their positions. The issue of the defendant having been the owner of the subject animals and the property are not in question. Those findings were, however, made at the prior hearing. The additional relevant factual basis is set forth in the court's



August 14, 2024 decision, incorporated by reference herein.

Based on the credible evidence presented at the August hearing, the court, Chadwick, J., granted the petitioner's motion. See order #112 (prior court order). In its memorandum of decision granting the petitioner's motion, issued after said hearing, the court, Chadwick, J., found "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."

Id.

The court ordered temporary custody of the animals at issue to be vested with the plaintiff and further ordered:

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.”

Id.

Thereafter, the petitioner filed a motion for order of permanent ownership. See docket entry #121, amended #154. On January 7, 2025, the show cause hearing was held to address why the court should not order the relief sought by the petitioner for permanent ownership. Again, both parties appeared with counsel. Judicial notice was taken, upon motion of the petitioner, of the evidence and findings from the initial show cause hearing held by the court in August 2024 which resulted in the order vesting temporary custody with the petitioner.² The parties further agreed to the admissibility of the affidavit of petitioner's witness, Animal Control Officer Jennifer Hutchins, in lieu of testimony as well as the petitioner's additional exhibits, exhibit #20 and #21, as full exhibits. The defendant also, after advisement of her rights, chose to testify at this proceeding as she had at the prior hearing.

In reaching its conclusions, the court has carefully and fully considered and weighed all of the evidence received, evaluated the credibility of the witness; assessed the weight, if any, to be given specific evidence and measured the

² The court had granted the petitioner's motion to take judicial notice of the evidence and proceedings from the hearings before Judge Chadwick. See Court order on Motion for order, docket entry #133.86. Although the defendant renewed objection to that motion at the time of the January 7, 2025 hearing, the objection, which was overruled, was limited to objection to testimony only. The exhibits entered as full exhibits at the first hearing were accepted by the court as full exhibits at the January 7, 2025 hearing addressing permanent ownership without objection. These exhibits included the affidavit of Jennifer Hutchins, the Animal Control Officer for NECCOG, relating to her response to animal care complaints received against the defendant and her investigation and findings, extensive veterinarian records including examinations of the animals and photographs of the dogs and other animals.



probative force of conflicting evidence; reviewed all exhibits and relevant law; and has drawn such inferences from the evidence, or facts established by the evidence, that it deems reasonable and logical.

As reflected above; footnote 1, supra; it is further undisputed that the defendant prior to the court's August 14, 2024 order "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." See docket entry #112.

The order of the court, Chadwick, J., on August 14, 2024, clearly and unambiguously requires, inter alia, that "[o]n 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." Docket entry #112, supra, #2. It is undisputed that the defendant posted bond, in accordance with the court's August 14, 2024, court order, for only 44 (forty-four) of the animals. The defendant failed to post a bond or to relinquish control of the remaining animals by the court-imposed deadline as it relates to the remainder of the animals at issue. Therefore, the permanent ownership of those animals for which bond has not been posted vests with the petitioner. The only



issue as it relates to the vesting of permanent ownership relates to the 44 animals for which bond has been posted.

The January 7, 2025 hearing before this court provided an opportunity for the defendant to show cause why, following the order of temporary custody, an order of permanent custody should not be granted. This the defendant has failed to do. As to all the animals, the overwhelming evidence, which includes the numerous exhibits, supports the findings made by the court, Chadwick, J., after the prior hearing held in August 2024 vesting temporary custody with the petitioner. These substantiated findings included 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 defendant testified again at the subject hearing on the motion for permanent ownership. This court found the defendant to not be credible. The defendant, in her testimony sought to downplay the notably poor condition of the animals as chronicled and depicted in the many exhibits, including the veterinary records and the multiple photographs. The defendant acknowledged that she was hiding dogs in her residence, that her animals had unplanned litters, that there was significant overcrowding with crates piled upon crates with clearly visible squalid conditions and observable poor conditions of the animals but testified that the animals were healthy and in good condition. She testified, contrary to the clear depiction in the exhibits, that the animals were well cared for and the animals and



their accommodations within her home were not in poor condition. This testimony is not supported by the weight of the evidence which paints a far more dire picture. The condition of the animals and their environment at the defendant's home prior to seizure are disturbing. The defendant's claim that the animals were healthy and properly cared for is just not supported by the evidence and is simply not credible. Nor was the limited and vague testimony regarding her ability to care for them if ownership were ordered returned to her.

On a petition for order of permanent ownership pursuant to § 22-329a, the plaintiff bears the burden of proving neglect or cruelty by a preponderance of the evidence. See *State ex rel. Gregan v. Koczur*, 287 Conn. 145, 155, 947 A.2d 282 (2008); See also *Lombardi v. Hernandez*, Superior Court, judicial district of New London, Docket No. CV-17-6030998-S (October 30, 2017, *Calmar, J.*); *North Canaan ex rel. Foley v. Darling*, Superior Court, judicial district of Litchfield at Torrington, Docket No. CV-18-5010283-S (March 21, 2018, *Bentivenga, J.*); *East Haven v. One Dog*, Superior Court, judicial district of New Haven, Docket No. CV-24-6143991-S (June 21, 2024, *Wax-Krell, J.*); *Greenwich v. Jackson*, Superior Court, judicial district of Stamford-Norwalk, Docket No. CV-24-6067771-S (October 23, 2024, *Menon, J.*); *East Haven v. Dancer*, Superior Court, judicial district of New Haven, Docket No. CV-23-6135870-S (September 29, 2023, *Jongbloed, J.*); *Waterford v. Two Dogs*, Superior Court, judicial district of New London, Docket No. 16-6027068-S (August 5, 2016, *Vacchelli, J.*) (62 Conn. L. Rptr. 793); *State ex rel. Connors v. Two Horses*, Superior Court, judicial district of Hartford, Docket No.



CV-14-6052426-S (November 24, 2014, *Vacchelli, J.*).

Upon review of this matter, and careful consideration of the evidence presented, this court finds that the petitioner has met its burden of proof by a fair preponderance of the evidence and that the defendant has failed to show cause why permanent ownership should not vest with the petitioner. This court concludes that the findings set forth in the August 14, 2024 prior court order relating to the order of temporary custody are all supported by the evidence presented, and they are adopted herein.³ Those findings form the basis upon which the court concluded "that while in the defendant's care, [all the animals] were in imminent harm, and were neglected and cruelly treated by the defendant." *Id.* With this conclusion, this court concurs. *Cf. State ex rel. Gregan v. Koczur, supra, 287 Conn. At 155* (holding that the trial court properly found the defendant to have neglected her cats under § 22-329a by the preponderance of the evidence upon

³ Those findings are that: "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." *Id.*



finding that the defendant deprived the cats of proper care, food, and medical attention and allowed them to live in condition injurious to their well-being); *Middletown v. Wagner*, 228 Conn. App. 265, 288-89, 325 A.3d 253 (2024) (holding that § 22-329a did not “require the plaintiff to prove that the confined animals suffered actual physical injuries or adverse effects” for the court to find neglect; *Id.*, 289; and the trial court properly determined that the defendant’s dogs, were neglected because they were found in a barn unattended in hot and humid conditions without ventilation for at least 36 hours, some of the dogs were without access to food or water, and the barn was covered in urine and feces); *North Canaan ex rel. Foley v. Darling*, supra, Superior Court, Docket No. CV-18-5010283-S (finding, similar to the conditions present in this matter, dogs neglected by a preponderance of the evidence and vesting permanent ownership of dogs with the plaintiff because the dogs had untreated sores, matted fur, ear infections, fleas and ticks, no access to water or shelter, were covered in feces, and were not licensed or vaccinated); *Waterford v. Two Dogs*, supra, 62 Conn. L. Rptr. 793 (similarly finding dogs were neglected and/or cruelly treated under § 22-329a by a preponderance of the evidence and vesting permanent ownership because the dogs’ crates were covered in urine and feces and the dogs were malnourished, underweight, and infected with parasites). See also *Bethlehem v. Acker*, 153 Conn. App. 449, 462, 102 A.3d 107, cert. denied, *Bethlehem v. Acker*, 315 Conn. 908, 105 A.3d 235 (2014). The evidence presented demonstrates that the conditions were pervasive and support these findings as to all the animals at



issue.⁴

For the foregoing reasons, the petitioner's motion for order of permanent ownership of the remaining animals is GRANTED. Permanent ownership of all of the animals is vested in the petitioner, NECCOG.

The court next turns to the issue of the award of costs as sought by the petitioner in accordance with the prior order of the court granting temporary custody. Specifically, in addition to the order relating to the posting of a bond or relinquishment of the ownership of the animals, the court ordered, in accordance with the statute §22-329a:

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.

Id.⁵

⁴ However, when interpreting the standard for showing neglect and/or cruelty under § 22-329a, "[t]here is no language in the statute requiring that the plain statement of facts of neglect and cruel treatment single out 'each' individual animal seized" *State ex rel. Dunn v. Burton*, 229 Conn. App. 267, 282, ___A.3d___ (2024). Thus, when large numbers of animals are involved, an individualized showing of neglect and/or cruelty is not required or necessary. See also *New Canaan v. Palmer*, Superior Court, judicial district of Stamford-Norwalk, Docket No., CV-20-6049313-S (December 7, 2020, *Povodator, JTR.*) (reasoning that "[i]n *State ex rel. Gregan v. Koczur* . . . there were 46 cats that had been seized and while there were recitations of conditions affecting various members of that population, there did not appear to be any attempt or requirement to demonstrate specific adverse effects on each animal").

⁵ The statute has been amended, effective October 1, 2024, to increase the per diem cost to \$20. The plaintiff did not argue for any modification to the higher amount for any time after the effective date of the statutory change.



The calculation provided by the petitioner takes into account the abbreviated stay of some of the animals that were within its temporary custody for a shorter duration due to euthanasia and otherwise, as well as those that still remain in the custody of the petitioner at the time of the January 7, 2025 hearing. Based on that calculation, the total through the date of the show cause hearing is \$228,120.00. While the petitioner submitted uncontested evidence of veterinarian costs in the amount of \$36,356.62, the petitioner does not seek reimbursement for these additional costs, although permitted by statute and the court's prior order. Considering the bond that was posted by the plaintiff, which is hereby forfeited to the petitioner, the petitioner seeks a net amount of \$206,120.00 through the date of the hearing. That amount, carried through the date of this order would increase the total by a rate of \$1,215 per day (\$15 for 81 animals).

The defendant argued that, if forfeiture is ordered, no costs should be imposed based upon the defendant's financial circumstances.⁶ This argument was not supported by the evidence presented at the hearing. Again, to the extent the defendant's testimony touched about her financial stability, both as it related to her claim of how she would take care of the animals if returned to her and to her testimony addressing how she would pay any costs assessed, her testimony was



⁶ During his closing argument, in making the request for the award for no costs, the defendant argued that an award of costs in this matter, is akin to an Eighth Amendment violation for cruel and unusual punishment. Counsel provided no argument in support of this claim. The award at issue is one that is provided for within the express terms of the statute upon which the court in rendering its decision following the August 14, 2024 hearing relied.

vague at best and contradictory, providing no clear basis for either claim.⁷ While the total assessed at the modest \$15 per diem rate may be high, this is due to the large number of animals at issue. The costs are properly assessed pursuant to the controlling statute and the express order of the court, and they are warranted.

Accordingly, in addition to the order granting the petition for permanent ownership, pursuant to General Statutes §22-329a (h), the sum of \$226,775.00 (representing the \$15.00 per diem cost for each of the animals from the July 10th seizure through the duration of their respective care as of the date of this order) shall be paid by the defendant to the petitioner.⁸

This order may be enforced after the expiration of 20 days from the date of notice of this order, the requisite appeal period.

BY THE COURT



CLAUDIA A. BAIO, JUDGE



⁷ Indeed, the defendant testified that she is working the equivalent of fulltime hours, and also claimed she could care for her animals if they were returned to her. Again, the arguments that seek to convey the ability to pay funds to care for the animals if returned to the defendant and the claim of inability to pay the statutory care costs assessed if they are not, are difficult to reconcile and not supported by the evidence.

⁸ This amount does not take into account any additional time associated with an appeal period and runs only through the date of this order.

Checklist for Clerk

Docket Number: HHD-CV24-6188464-S

Case Name: Northeastern Connecticut Council of Governments Animal Services Ex Rel Jennifer Hutchins Director and Animal Control Officer v. Tracy Donovan, Et Al.

Memorandum of Decision dated: 1/24/25

File Sealed: Yes No X

Memo Sealed: Yes No X

This Memorandum of Decision may be released to the Reporter of Judicial Decisions for Publication XXXX

This Memorandum of Decision may NOT be released to the Reporter of Judicial Decisions for Publication

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State of Connecticut Judicial Branch
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Superior Court Case Look-up
 Civil/Family
 Housing
 Small Claims

e HHD-CV24-6188464-S

NORTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS AN v. DONOVAN, TRACY Et Al

Prefix: HD4

Case Type: T61

File Date: 07/23/2024

Return Date: 08/20/2024

[Case Detail](#) | [Notices](#) | [History](#) | [Scheduled Court Dates](#) | [E-Services Login](#) | [Screen Section Help](#) | [Exhibits](#)

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Information Updated as of: 01/24/2025

Case Information

Case Type: T61 - Torts - Animals - Dog
Court Location: HARTFORD JD
List Type: No List Type
Trial List Claim:
Last Action Date: 01/07/2025 (The "last action date" is the date the information was entered in the system)

Disposition Information

Disposition Date: 08/14/2024
Disposition: JUDGMENT WITHOUT TRIAL-GENERAL
Judge or Magistrate: HON SCOTT CHADWICK

Party & Appearance Information

Party	No Fee Party	Category
P-01 NORTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS ANIMAL SERVICES EX REL JENNIFER HUTCHINS DIRECTOR AND ANIMAL CONTROL OFFICER Attorney: e HALLORAN & SAGE LLP (026105) File Date: 07/23/2024 ONE GOODWIN SQUARE 225 ASYLUM STREET HARTFORD , CT 06103		Plaintiff
D-01 TRACY DONOVAN Self-Rep: PO BOX 1345 File Date: 07/31/2024 DUDLEY, MA 01571 Attorney: e PATTIS & PAZ LLC (423934) File Date: 12/02/2024 383 ORANGE STREET 1ST FLOOR NEW HAVEN , CT 06511		Defendant
D-02 NINETY-SIX DOGS Non-Appearing		Defendant
D-03 TWO GOATS Non-Appearing		Defendant
D-04 TWO EXOTIC BIRDS, TWO CATS, ONE RABBIT Non-Appearing		Defendant

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