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**2017 Edition**

# Dog Law in Connecticut

A Guide to Resources in the Law Library

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# Introduction

## A Guide to Resources in the Law Library

- **“Because this court has not considered the appropriate standards and procedures that apply in this precise context, we turn to other jurisdictions for guidance. In the five cases in which courts have considered challenges to a trial court’s decision to permit a dog to sit with a testifying witness to provide comfort and support, all have concluded that the trial court may exercise its discretion to permit such an accommodation.”**  
[State of Connecticut v. Devon D.](#), 321 Conn. 656, 683, 138 A.3d 849 (2016).
- **“The Frys’ complaint alleges only disability-based discrimination, without making reference to the adequacy of the special education services E.F.’s school provided. The school districts’ ‘refusal to allow Wonder to act as a service dog,’ the complaint states, ‘discriminated against [E.F.] as a person with disabilities...by denying her equal access’ to public facilities.**  
[Fry v. Napoleon Community Schools](#), 137 S. Ct. 743, 758 (2017).
- **“Any person who maliciously and intentionally maims, mutilates, tortures, wounds or kills an animal shall, (1) for a first offense, be guilty of a Class D felony, and (2) for any subsequent offense, be guilty of a Class C felony...”**  
Conn. Gen. Stat. [§ 53-247](#)(b) (2017).
- **“Appointment of advocate in proceeding re the welfare or custody of a cat or dog. Advocate’s duties. Department of Agriculture to maintain list of eligible advocates.** (a) In any prosecution under section 53-247, or in any court proceeding pursuant to section 22-329a or in the criminal session of the Superior Court regarding the welfare or custody of a cat or dog, the court may order, upon its own initiative or upon request of a party or counsel for a party, that a separate advocate be appointed to represent the interests of justice. If a court orders that an advocate be appointed to represent the interests of justice, the court shall appoint such advocate from a list provided to the court by the Commissioner of Agriculture pursuant to subsection (c) of this section. A decision by the court denying a request to appoint a separate advocate to represent the interests of justice shall not be subject to appeal.  
  
(b) The advocate may: (1) Monitor the case; (2) consult any individual with information that could aid the judge or fact finder and review records relating to the condition of the cat or dog and the defendant’s actions, including, but not limited to, records from animal control officers, veterinarians and police officers; (3) attend hearings; and (4) present information or recommendations to the court pertinent to determinations that relate to the interests of justice, provided such information and recommendations shall be based solely upon the duties undertaken pursuant to this subsection.  
  
(c) The Department of Agriculture shall maintain a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students, or anticipate having students, with an interest in animal issues and the legal system. Such attorneys and law students shall be eligible to serve on a voluntary basis as advocates under this section. The provisions of sections 3-14 to 3-21, inclusive, of the Connecticut Practice Book shall govern

a law student's participation as an advocate under this section.”  
Conn. Gen. Stat. [§ 54-86n](#) (2017).

- “Any person who has knowledge of causing, by the operation of a motor vehicle, injury or death to a dog shall at once stop and render such assistance as may be possible, shall immediately report such injury or death to such **dog’s owner or such owner’s representative and shall give his name, address and operator’s license and registration numbers to such owner or representative or any witness or peace officer.** If unable to ascertain and locate such owner or representative, such operator shall, at once, report the injury or death to a police officer, constable, state police officer or inspector of motor vehicles, to whom he shall give the location of such accident and a description of the dog. Violation of any provision of this section shall be an infraction.” Conn. Gen. Stat. [§ 14-226](#) (2017).
- “All dogs are deemed to be personal property.” Conn. Gen. Stat. [§ 22-350](#) (2017).

# Section 1: Control of Dogs in Connecticut

A Guide to Resources in the Law Library

**SCOPE:** Bibliographic resources relating to breeding, selling, purchasing, registering, and training of dogs in Connecticut.

**SEE ALSO:**

- [§ 2. Cruelty to Dogs](#)
- [§ 3. Dog Injuries](#)
- [§ 4. Dogs as Service Animals](#)
- [§ 5. Dogs as Pets](#)
- [§ 6. Comfort and Support Dogs for Witnesses](#)
- [Municipal Ordinances by Town](#)

**DEFINITIONS:** Conn. Gen. Stat. [§ 22-327](#) (2017).

- **Animal** means any brute creature, including, but not limited to, dogs, cats, monkeys, guinea pigs, hamsters, rabbits, birds and reptiles;
- **Commercial kennel** means a kennel maintained for boarding or grooming dogs or cats, and includes, but is not limited to, any veterinary hospital which boards or grooms dogs or cats for nonmedical purposes;
- **Grooming facility** means any place, other than a commercial kennel, which is maintained as a business where dogs are groomed;
- **Keeper** means any person, other than the owner, harboring or having in his possession any dog;
- **Kennel** means one pack or collection of dogs which are kept under one ownership at a single location and are bred for show, sport or sale;
- **Municipal Animal Control Officer** means any such officer appointed under the provisions of 22-331;
- **Pet Shop** means any place at which animals not born and raised on the premises are kept for the purpose of sale to the public;
- **Regional animal control officer** and assistant regional animal control officer means a regional Connecticut animal control officer and an assistant regional Connecticut animal control officer appointed under the provisions of section 22-331a;
- **Training Facility** means any place, other than a commercial kennel or grooming facility, which is maintained as a business where dogs are trained.

Conn. Gen. Stat. [§ 22-380e](#) (2017).

- **Pound** means any state or municipal facility where impounded, quarantined or stray dogs and cats are kept or any veterinary hospital or commercial kennel where such dogs or cats are kept by order of a municipality.

## **STATUTES:**

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

Conn. Gen. Stats. (2017).

- [Chapter 248](#). Vehicle highway use.  
[§ 14-226](#). Operator to report injury to dog.  
[§ 14-272b](#). Transport of dogs in pick-up trucks. Restrictions.
- [Chapter 384](#). Veterinary Medicine.  
[§ 20- 205b](#). Euthanization of cat or dog by licensed veterinarian. Exceptions. Penalty. Defense.
- [Chapter 435](#). Dogs and other companion animals.  
[§ 22-331](#). Municipal animal control officers. Assistants.  
[§ 22-331a](#). Regional animal control officers. Pounds.  
[§ 22-332](#). Impoundment and disposition of roaming, injured or mistreated animals. Authority to spay or neuter unclaimed dog. Liability for provision of veterinary care to injured, sick or diseased impounded animal.  
[§ 22-333](#). Redemption of impounded dog, cat or other animal.  
[§ 22-335](#). Removal of municipal animal control officer. Complaint against municipal animal control officer.  
[§ 22-336](#). Towns to provide pounds or other suitable facilities. Regulations. Enforcement.  
[§ 22-338](#). Licensing of dogs. Fees. Penalties. Rabies certificate.  
[§ 22-339](#). Licensing of dogs which are six months of age or older by new owners. Fees.  
[§ 22-339a](#). Town clerks may deputize agents for the issuance of licenses. Licensing of dogs acquired from dog pounds. Fees.  
[§ 22-339b](#). Rabies vaccination required for dogs and cats.  
[§ 22-339c](#). Certificate of rabies vaccination.  
[§ 22-340](#). Town clerk to provide licenses and tags.  
[§ 22-341](#). Tag or plate to be attached to dog collar or harness.  
[§ 22-342](#). Kennel licenses. Certain breeders to be licensed. Inspection of kennel facilities.  
[§ 22-343](#). Temporary placing of dog.  
[§ 22-344](#). Licensing of commercial kennel, pet shop, training facility or grooming facility. Fees. Inspection.  
[§ 22-344a](#). Euthanasia of animals by pet shops.  
[§ 22-344b](#). Pet shop required to have dogs and cats examined by veterinarian. Replacement or refund.  
[§ 22-344c](#). Licensure of breeding facilities by towns.  
[§ 22-344d](#). Signs required in pet shops selling dogs.  
[§ 22-344e](#). License required for procurement of dog or cat for resale. Exception. Penalty.  
[§ 22-344f](#). Veterinarian examination of cat or dog imported into state by animal importer. Records of veterinary services rendered to imported cat or dog. Fines.  
[§ 22-345](#). License and tag for guide dogs for blind, deaf or mobility impaired persons.

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

[§ 22-347](#). Use of license fees.  
[§ 22-348](#). Allocation of license fees to The University of Connecticut. Balance to towns.  
[§ 22-349](#). Unlicensed dogs. Regulations. Impoundment.  
[§ 22-350](#). Dogs as personal property. Tax exemption. Theft.  
[§ 22-352](#). Change of residence of owner.  
[§ 22-354](#). Imported dogs and cats. Certificates of health. Importation from rabies quarantine area. Sale of young puppies and kittens. Sale of dogs by pet shop licensees. Certificate of origin required.  
[§ 22-359](#). Control of rabies. Regulations.  
[§ 22-359a](#). Clinic for vaccination against rabies.  
[§ 22-359b](#). Rabies vaccine.  
[§ 22-359e](#). Tags and certificates indicating  
[§ 22-364](#). Dogs roaming at large. Intentional or reckless subsequent violation.  
[§ 22-365](#). Obstruction of commissioner or any animal control officer.  
[§ 22-367](#). General penalty. Enforcement.  
[§ 22-367a](#). Regulations.

- [Chapter 436a](#). Animal population control.  
[§ 22-280f](#). Payment for adoption of unsprayed or unneutered dog or cat. Connecticut Humane Society exemption. Report. Termination of exemption.  
[§ 22-380g](#). Animal population control account. Distribution of forms. Programs for vaccination and sterilization of cats and dogs. Funds. Suspension of programs.  
[§ 22-380h](#). Participation veterinarians. Requirements.  
[§ 22-380i](#). Payments to participating veterinarians for sterilizations and vaccinations performed.  
[§ 22-380j](#). Procedure for abandonment of dogs or cats in program.  
[§ 22-380k](#). Report re operation of program.  
[§ 22-380l](#). Surcharge on licensure of unsprayed or unneutered dogs.  
[§ 22-380m](#). Regulations.
- [Chapter 490](#). Fisheries and game.  
[§ 26-49](#). Training of hunting dogs. Permits for liberation of artificially propagated birds.  
[§ 26-51](#). Permits for field dog trials. Fees.  
[§ 26-52](#). Permits for shooting birds liberated at field dog trials. Fees.  
[§ 26-79](#). Hunting in Putnam Memorial Camp grounds.

### **REGULATIONS:**

Regulations of Connecticut State Agencies

- Title 22 Agriculture, Domestic Animals  
[§22-332b-1-§22-332b-11](#). Use of living dogs for medical or biological teaching, research or study.  
[§22-336-13-§22-336-30](#). Standards for the construction and improvement of dog pounds

You can visit your local law library or browse the [Connecticut eRegulations System](#) on the Secretary of the State website to check if a regulation has been updated.

[§22-344-1-§22-344-15](#). Operation and maintenance of commercial kennels  
[§22-344-15a-§22-344-15f](#). Dog training facilities.  
[§22-344-16a-§22-344-25c](#). Pet shops.  
[§22-344-26-§22-344-31](#). Grooming establishments.  
[§22-349-1-§22-349-5](#). Surveys for unlicensed dogs.  
[§22-359-1-§22-359-5](#). Control of rabies in public settings.  
[§22-380m-1-§22-380m-5](#). Animal population control program.

## **LEGISLATIVE:**

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each **report's** publication. Current law may be different from what is discussed in the reports.

- Janet Kaminski Leduc, Municipal Enforcement Action Against a Pet Shop, Connecticut General Assembly, Office of Legislative Research, OLR Report [2016-R-0280](#) (November 3, 2016).
- Janet Kaminski Leduc, Animal Control Officers, Connecticut General Assembly, Office of Legislative Research, OLR Report [2016-R-0111](#) (June 8, 2016).
- James Orlando, Process for Investigation Complaints Against Veterinarians, Office of Legislative Research, OLR Report [2016-R-0088](#) (May 16, 2016).
- Kristen L. Miller, Acts Concerning Animal Welfare (2010-2014), Connecticut General Assembly, Office of Legislative Research, OLR Report [2014-R-0174](#) (June 16, 2014).
- Julia Singer Bansal, Dog Policies at State Parks and Municipal Beaches, Connecticut General Assembly, Office of Legislative Research, OLR Report [2014-R-0133](#) (May 6, 2014).
- Janet L. Kaminski Leduc, Standards of Care for Dog and Cat Breeders, Connecticut General Assembly, Office of Legislative Research, OLR Report [2013-R-0309](#) (September 6, 2013).
- Janet L. Kaminski Leduc, Pet Shops and Imported Animals, Connecticut General Assembly, Office of Legislative Research, OLR Report [2013-R-0275](#) (July 17, 2013).
- Janet L. Kaminski Leduc, Pet Friendly Shelters, Connecticut General Assembly, Office of Legislative Research, OLR Report [2013-R-0275](#) (October 31, 2011).
- [Public Act 15-103](#) (Reg. Sess.), Secs. 1-2, 4. An Act Concerning the Duties of Animal Control Officers. (**effective October 1, 2015**)
- [Public Act 14-77](#) (Reg. Sess.), An Act Concerning Certain Recommendations of the Task Force on the Sale of Cats and

## **PUBLIC ACTS:**

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

Dogs from Inhumane Origins at Connecticut Pet Shops.  
(effective October 1, 2014)

**CASES:**

Once you have identified useful cases, it is important to update them to ensure they are still good law. You can [contact your local law librarian](#) to learn about updating cases.

- [Lamoureux v. Town of Thompson](#), Superior Court, Judicial District of Windham, No. CV14-6008611-S (July 13, 2016) (2016 WL 4253474). **"The defendant, Morning Star, is...the owner of the premises...where it operates a dog boarding and grooming business. The predecessor of Morning Star received a variance dated March 11, 2002 and recorded in in the Thompson Land Records...Morning Star's property is located in a R40 district and, but for the variance, would not be allowed to operate a dog kennel. The plaintiffs are the owners of premises...which abut the subject property. On October 17, 2013... [the] director of planning and development for the Town, issued a notice to Morning Star indicating that in the opinion of the staff, the operation exceeded the scope of the variance approved in 2002. The notice advised Morning Star that if they disagreed with the decision, they had a right to appeal to the Zoning Board of Appeals. Morning Star appealed."** (p.1)

**"...Nothing on the face of the variance, by Morning Star's account, indicates that there were any conditions imposed when it was granted. In the alternative, Morning Star argues that even if the public records could be consulted, there is nothing on the record suggesting that the variance was granted with the conditions that the plaintiff's claim were imposed."** (p. 5)

- [Lowney v. Zoning Board Of Appeals of The Black Point Beach Club Association](#), 144 Conn. App. 224, 227 (2013). **"The court concluded that the proposed dog grooming business properly could be considered a home occupation under the regulations, but that because an attached garage was not part of a dwelling under the regulations, and home occupations must be conducted in a dwelling, the board properly upheld the zoning enforcement officer's denial of the plaintiff's application."**
- [Mattison v. East Lyme Zoning Commission](#), Superior Court, Judicial District of New London, No. CV08-4008852 (March 24, 2011) (2011 WL 1410104). **"There is substantial evidence in the record that the proposed kennel would impair the value of adjacent land and that it would not be in keeping with the orderly development of the district. (p. 11)**
- [Graff v. Zoning Board of Appeals of Town of Killingworth](#), 277 Conn. 645, 650-651, 894 A.2 285 (2006). **"The commission also received an opinion from the town counsel endorsing Jefferson's methodology, and concluding that fourteen dogs on a residential lot was not customary and was a violation of the assessor's use provision of the town regulations. Following discussion and review of Jefferson's**

data, as well as the opinion of the town counsel, the commission voted in favor of a resolution that the keeping four dogs or less in any household constituted a permissible accessory use of residential property. Conversely, the commission determined that any homeowner keeping more than four dogs would be in violation of the town regulations.”

**WEST KEY NUMBERS:**

- Animals
  - #1.5. Animals as property; status
    - (4) Dogs
  - #2.5. Licensing
  - #3.5. Regulation in general
  - #47. Running at large
  - #49. – Statutory regulations in general
  - #51. Impounding animals at large

**DIGESTS:**

- [West’s Connecticut Digest](#) (2015).

**ENCYCLOPEDIAS:**

- 4 [Am. Jur. 2d](#) Animals (2007)
  - II. Property rights in animals
    - § 4. Domestic pets; dogs and cats
    - § 5. Indicia of ownership
    - § 9. Action for conversion
  - III. Governmental regulation and control
    - § 19. Regulation of dogs
    - § 20. Regulation of dogs—Pit bull terriers
    - § 21. Regulation of dogs—Registration and licensing
    - § 22. Regulation of dogs—Summary destruction
  - IV. Animals running at large or trespassing
    - §§ 40—45. In general; animals running at large
    - §§ 46—50. Lost or abandoned animals; Estrays
  - V. Nuisances
    - § 53 Particular kinds of animals and places—Dogs and cats
- 3B [C.J.S.](#) Animals (2013)
  - II. Property in animals
    - § 5. Rights in dogs
  - III. Licensing and regulation
    - §§ 12-16. Dogs in general
    - §§ 17-21. Pit bull terriers
  - XIII. Estrays
    - §§ 248-251. In general
    - §§ 252-254. Notice of taking up
    - §§ 255-262. Rights and liabilities of taker up
    - §§ 263-265. Rights and liabilities of owner
  - XIV. Animals running at large
    - § 269. In general--Special rules relating to dogs
  - XVIII. Pounds and poundkeepers
    - §§ 532-536. Pounds
    - §§ 537-545. Poundkeepers
    - §§ 546-550. Rescue and pound breach
  - XIX. Miscellaneous regulations

§§ 551-554. Registration of pedigreed animals

**TEXTS AND TREATISES:**

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

**LAW REVIEWS & ARTICLES:**

Public access to law review databases is available on-site at each of our [law libraries](#).

- Joan Schaffner and Julie Fershtman, eds., [Litigating Animal Law Disputes: A Complete Guide for Lawyers](#) (2009).  
Chapter 4. Veterinary malpractice  
Chapter 5. Animal-related contract and sales disputes  
Chapter 8. Legal issues involving animal associations and individuals helping animals
- M. Randolph, J.D., [Every Dog's Legal Guide](#) (7th ed. 2012).  
Chapter 3. Buying and selling dogs  
Chapter 5. Veterinarians
- Larry Cunningham, "The Case Against Dog Breed Discrimination by Homeowners' Insurance Companies", 11 Conn. Ins. L.J. 1 (2004-2005). [*Available from the Law Libraries' HeinOnline electronic database.*]

# Section 2: Cruelty to Dogs in Connecticut

A Guide to Resources in the Law Library

**SCOPE:** Bibliographic resources relating to neglect of and cruelty to dogs in Connecticut.

- SEE ALSO:**
- [§ 1. Control of Dogs](#)
  - [§ 3. Dog Injuries](#)
  - [§ 4. Dogs as Service Animals](#)
  - [§ 5. Dogs as Pets](#)
  - [§ 6. Comfort and Support Dogs for Witnesses](#)
  - [Municipal Ordinances by Town](#)

**DEFINITIONS:** Conn. Gen. Stat. [§ 22-351a](#) (2017).

- **Companion animal** means a domesticated dog or cat that is normally kept in or near the household of its owner or keeper and is dependent on a person for food, shelter and veterinary care, but does not include a dog or cat kept for farming or biomedical research practices.

**STATUTES:**

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stats. (2017).
- [Chapter 435](#). Dogs and other companion animals.
  - [§ 22-328](#). Enforcement. Animal control officers.
  - [§ 22-329](#). Prevention of cruelty to dogs and other animals.
  - [§ 22-329a](#). Seizure and custody of neglected or cruelly treated animals.
  - [§ 22-329b](#). Reporting of neglected or cruelly treated animals.
  - [§ 22-330](#). Authority of officers issuing summons.
  - [§ 22-332](#). Impoundment and disposition of roaming, injured or mistreated animals. Authority to spay or neuter unclaimed dog. Liability for provision of veterinary care to injured, sick or diseased impounded animal.
  - [§ 22-332e](#). Regional or municipal dog pound contract with animal rescue organization for veterinary treatment of injured, sick, or diseased animal.
  - [§ 22-332a](#). Use of dogs for medical research restricted.
  - [§ 22-333](#). Redemption of impounded dog, cat, or other animal.
  - [§ 22-335](#). Removal of municipal animal control officer. Complaint against municipal animal control officer.
  - [§ 22-350a](#). Tethering and confining dog for unreasonable period of time.
  - [§ 22-351](#). Theft, killing or injuring of companion animal. Penalty. Liability.
  - [§ 22-351a](#). Liability for intentionally killing or injuring companion animal.
  - [§ 22-366](#). **Cropping of dog's ears.**
  - [§ 22-367](#). General penalty. Enforcement.

[§ 22-367a](#). Regulations.

- [Chapter 945](#). (Offenses against humanity and morality) Cruelty to animals.  
[§ 53-247](#). Cruelty to animals. Animals engaged in exhibition fighting. Intentional injury or killing of police animals or dogs in volunteer canine search and rescue teams.

### **PUBLIC ACTS:**

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- [Public Act 16-30](#) (February Reg. Sess.), Sec.1. An act concerning support for cats and dogs that are neglected or treated cruelly. (*effective October 1, 2016*)
- [Public Act 16-96](#) (February Reg. Sess.), Sec.1. An act increasing the maximum penalty for persons convicted of subsequent offenses of malicious and intentional animal cruelty. (*effective October 1, 2016*)
- [Public Act 15-103](#) (Reg. Sess.), Sec.2-3. An act concerning the duties of animal control officers. (*effective October 1, 2015*)

### **LEGISLATIVE:**

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- Michelle Kirby, Court Procedures for Animal Cruelty Cases, Connecticut General Assembly, Office of Legislative Research, OLR Report [2016-R-0226](#) (October 6, 2016).
- Janet Kaminski Leduc, Animal Abuser Registry Laws, Office of Legislative Research, OLR Report [2014-R-0255](#) (October 31, 2014).

### **COURT RULES:**

Amendments to the Practice Book (Court Rules) are published in the Connecticut Law Journal and posted [online](#).

- Connecticut Practice Book (2017).  
[Chapter 3. Appearances](#) (As referenced in [Public Act 16-30](#))  
§ 3-14. Legal interns  
§ 3-15. Supervision of legal interns  
§ 3-16. Requirements and limitations  
§ 3-17. Activities of legal interns  
§ 3-18. Certification of intern  
§ 3-19. Legal internship committee  
§ 3-20. Unauthorized practice  
§ 3-21. Out-of-state interns

### **CASES:**

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Town of Waterford v. Two Dogs et al.](#), Superior Court, Judicial District of New London, No. CV16-6027068-S (August 5, 2016) (62 Conn. L. Rptr. 793) (2016 WL 4543187).  
"General Statutes § 22-329a(a) provides '(a) The Chief Animal Control Officer ,...may take physical custody of any animal when such animal control officer has reasonable cause to believe that such animal is in imminent harm and is neglected or is cruelly treated...!...'"

"The statute does not define 'neglected' or 'cruelly treated,' but our Supreme Court has interpreted the statute in light of the language contained in the criminal statutes respecting cruelty to animals, General Statutes § 53-247. See [State ex rel. Gregan v Koczur](#), 287 Conn. 145, 947 A.2d 282 (2008)." (pp. 793-794)

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"Defendants argue that the dogs should be returned to them because the Town did not release the dogs when they sought to post bond."

"The Town now argues that the statute [General Statutes § 22-329a(f)] does not contemplate the release of an animal on bond; but, rather, it provides only that bonds be posted to cover the cost of care for the animals pending the final proceeding in the event that the owners do not relinquish ownership. Now that the court is aware of the disagreement of the parties on the point, it has reconsidered the subject and concludes that the plaintiff's interpretation of the statute is correct." (p. 795)

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"The final issue concerns the assessment of expenses. An assessment of expenses incurred in caring for animals taken into custody under General Statutes § 22-329a may be made against the owner or person having responsibility for the care of the animals pursuant to § 22-329a(h)."

"At the statutory rate of \$15.00 per day per animal, it would be appropriate for the owner or person having responsibility for the care of the animals to be assessed \$5,040.00. Additionally, the Town has proven veterinary expenses of \$264.56 for a total of \$5,304.56." (p. 796)

- [State of Connecticut v. Frederick Acker](#), 160 Conn. App. 734, 748, 125 A.3d 1057 (2015). "In this case, although the fifteen dogs, whose exposure to extreme cold underlay the defendant's convictions, were of different breeds and sizes, they all shared the common characteristic that, when observed in the place where the defendant had confined them, all were exhibiting the initial signs of hypothermia. Each was severely shaking to supply itself with warmth not otherwise available to it from its bedding or the defendant's electronic heaters, thus, in the opinion of a veterinarian, requiring the animal's immediate removal to a warmer environment. The conduct that caused each of these dogs to be kept in such conditions, despite their visible, weather induced suffering, clearly lies at the unmistakable core of

the conduct which any person of ordinary intelligence would know to be proscribed by the statute. On that basis, we conclude that § 53-247(a) is not vague as applied to the **facts of this case.**"

- [Town of Bethlehem et al. v. Frederick Acker et al.](#), 153 Conn. App. 449, 452-453, 102 A.3d 107 (2014). **"On November 8, 2012, the plaintiffs seized approximately sixty-five dogs from the defendants' facility pursuant to a search and seizure warrant that had been issued on facts showing that the dogs, which were being kept in an uninsulated barn with an average temperature of 30 degrees Fahrenheit, were neglected, in violation of General Statutes § 22-329a."**
- [Town of East Haven v. One \(1\) Dog et al.](#), Superior Court, Judicial District of New Haven, No. CV14-6046621-S (May 7, 2014) (2014 WL 2581026). **" The Town of East Haven commenced this action...seeking temporary and permanent custody of a dog known as Pagan Moon Saunders pursuant to Connecticut General Statutes § 22-329(a).The Town of East Haven asserts that the defendant Herman Martinez is the owner of Pagan. The defendant claims that he is not the owner."**

**"At the commencement of this action, Pagan was in the custody of the plaintiff as a result of a criminal proceeding pending against Herman Martinez related to his treatment of Pagan."** (p. 1)

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**"...Martinez stated that he is not the owner of the dog seized by the East Haven Police Department., but that the dog belongs to his girlfriend, Maura Saunders. Martinez further states that he was taking the dog for a walk when witnesses claim to have observed him mishandle the dog...As Saunders was not provided notice through the service of process provisions on § 22-329(c), and Martinez is neither an owner nor a party responsible for the dog, the animal in question in the present case was not properly brought into the jurisdiction of this court."** (p. 2)

**"Of course, this decision will have no effect regarding the outstanding criminal charge relating to the defendant. Also, due to the lack of jurisdiction, the court is making no orders regarding the expenses claimed by the plaintiff."** (p.2, n.3)

**WEST KEY  
NUMBERS:**

- Animals  
#3.5. Regulation in general  
#3.5 (3). Constitutional provisions, statutes and ordinances  
#3.5 (5). Protective and anti-cruelty regulation in general  
#3.5. (9). Prosecutions and proceedings; review

- #43. Injuring or killing animals in general
- #43.1—In general
- #44.—Civil liability
- #45—Criminal responsibility

**DIGESTS:**

- [West’s Connecticut Digest](#) (2015).

**ENCYCLOPEDIAS:**

- 4 [Am. Jur. 2d](#) Animals (2007)
  - III. Governmental regulation and control.
  - §§ 23—25. Prevention of cruelty to animals; In general
  - §§ 26—29. What constitutes cruelty to animals
  - §§ 30—34. Animal welfare act
- 3B [C.J.S.](#) Animals (2013)
  - IX. Cruelty to animals
  - §§ 198-225. Offenses and responsibility
  - §§ 226-231. Societies for the prevention of cruelty
- Adam P. Karp, J.D., M.S., Cause of Action in Intentional Tort for Loss of or Injury to Animal by Human, 44 [COA 2d](#) 281 (2010).
  - § 34 Sample complaint
  - § 35 Sample answer
- Fern L. Kletter, J.D., Validity, Construction, and Application of Criminal Statutes and Ordinances to Prosecution of Dogfighting, 68 [ALR 6<sup>th</sup>](#) 115 (2011).

**TEXTS & TREATISES:**

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- M. Randolph, J.D., [Every Dog’s Legal Guide](#) (7th ed. 2012).  
Chapter 14. Cruelty
- Joan Schaffner and Julie Fershtman, eds., [Litigating Animal Law Disputes](#) (2009).  
Chapter 10. Criminal law [as relating to animal cruelty cases]

**LAW REVIEWS & ARTICLES**

Public access to law review databases is available on-site at each of our [law libraries](#).

- K. Ali, “Pets and Courts: Attorneys See Rise in Animal Advocacy, Pet Custody Disputes,” 42 [Conn. L. Trib.](#), No. 42, October 17, 2016.
- K. Michelle Welch, “Animal Cruelty Cases”, 24 *GPSolo* 64 (2009). [*Available from the Law Libraries’ HeinOnline electronic database.*]

# Section 3: Dog Injuries in Connecticut

A Guide to Resources in the Law Library

**SCOPE:** Bibliographic resources relating to injuries caused or suffered by dogs.

- SEE ALSO:**
- [§ 1. Control of Dogs](#)
  - [§ 2. Cruelty to Dogs](#)
  - [§ 4. Dogs as Service Animals](#)
  - [§ 5. Dogs as Pets](#)
  - [§ 6. Comfort and Support Dogs for Witnesses](#)
  - [Municipal Ordinances by town](#)

**DEFINITIONS:** Conn. Gen. Stat. [§ 22-327](#) (2017).

- **Animal** means any brute creature, including, but not limited to, dogs, cats, monkeys, guinea pigs, hamsters, rabbits, birds and reptiles;
- **Keeper** means any person, other than the owner, harboring or having in his possession any dog;

Conn. Gen. Stat. [§ 22-357](#) (2017).

- **For the purposes of this section, "property" includes, but is not limited to, a companion animal, as defined in section 22-351a, and "the amount of such damage", with respect to a companion animal, includes expenses of veterinary care, the fair monetary value of the companion animal and burial expenses for the companion animal.**

## STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

Conn. Gen. Stats. (2017).

- [Chapter 435](#). Dogs and other companion animals.
- [§ 22-355](#). Damage by dogs to domestic animals.
- [§ 22-356](#). Damage by two or more dogs.
- [§ 22-357](#). Damage to person or property.
- [§ 22-358](#). Killing of dogs doing damage. Quarantine of biting dogs, cats, or other animals. Notice. Seizure. Complaints by persons sustaining damage by dogs to poultry, ratite, domestic rabbit, companion animal or livestock. Orders. Appeals.
- [§ 22-362](#). Annoyance by dogs on highway.
- [§ 22-363](#). Nuisance.
- [§ 22-364](#). Dogs roaming at large. Intentional or reckless subsequent violation.
- [§ 22-364a](#). Intentional or reckless release of domestic animal which causes damage.
- [§ 22-364b](#). Control of dogs in proximity to guide dogs.
- [§ 22-365](#). Obstruction of commissioner or any animal control officer. Penalty.
- [§ 22-367](#). General penalty. Enforcement.
- [§ 22-367a](#). Regulations.

## **LEGISLATIVE:**

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each **report's** publication. Current law may be different from what is discussed in the reports.

- James Orlando, Liability for Dog Bites, Connecticut General Assembly, Office of Legislative Research, OLR Report [2012-R-0459](#) (October 17, 2012).

## **PUBLIC ACT:**

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- [Public Act No. 15-26](#) (Reg. Sess.), Sec. 1. An Act Concerning Liability for Damage Caused by a Police Dog. (*effective October 1, 2015*)

## **FORMS:**

- 3a Joel M. Kaye & Wayne D. Efron, [Connecticut Civil Practice Forms](#) (4<sup>th</sup> ed. 2004).  
Torts Forms:  
804.13 Injuries caused by dog  
804.13-A **Shooting Plaintiff's** Dog  
S-60 Dog bite  
S-87 Product Liability - Dog  
S-121 Dog bite – Owner to Minor-Another Form
- Thomas B. Merritt, [Connecticut Elements of an Action](#) (2016-2017 ed.).  
Chapter 2 Animal Actions—Dog Bites  
§ 2: 11. Sample complaint  
§ 2: 12. Sample answer containing affirmative defense  
§ 2: 13. **Plaintiff's** proposed jury instructions  
§ 2: 14. **Defendant's** proposed jury instructions

## **CASES:**

- [Francis v. Veterinary Associates of North Branford, LLC](#), Superior Court, Judicial District of New Haven, No. CV13-6037953-S (February 8, 2016) (2016 WL 822904). "...the plaintiff, Edward Francis, entered the waiting room of the defendant, Veterinary Associates of North Branford, LLC ('Associates'), with his son's dog, Lola for an appointment. While Francis and Lola were in the waiting room, a second dog, Rocco, also waiting for an appointment, attacked Francis and Lola, injuring both." (p.1)

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Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

**"At common law, liability in negligence for damage by dogs to persons and property turns on scienter. The owner or keeper of a dog is liable only if he has 'knowledge of the dog's ferocity or mischievous propensity.'** *Mann v. Regan*, 108 Conn.App. 566,577, 948 A.2d 1075 (2008). (Emphasis in original)...Francis concedes that Associates had no such scienter. Under these circumstances, Associates had no common-law obligation to take special precautions such as placing booths or dividers in its waiting room or requiring the leashing of dogs not known to be dangerous." (p.1)

- *Penney v. Holley*, et al., Superior Court, Judicial District of Litchfield, No. CV14-6010281-S (December 21, 2015) (2015 WL 9809785). **"The plaintiff claims strict liability under General Statutes § 22-357 [Damage by dogs to person or property] and negligence pursuant to General Statutes § 22-364 [Dogs roaming at large].** (p.1)

**"The defendant's dog clearly bit both the plaintiff and her dog; the plaintiff was not trespassing, as she was walking across the street from the defendant's home, and the plaintiff did not tease, torment, or abuse the defendant's dog...the court finds the defendants strictly liable for the injury caused by their dog to the plaintiff. The plaintiff did not meet her burden of proof on her second count of negligence."** (p.1)

- *Thivierge v. Witham*, 150 Conn. App. 769, 776-777 (2014). **"Although General Statutes § 22-331 provides for the appointment of a municipal animal control officer 'to administer and enforce the laws relating to dogs,' it does not provide any directive on how those laws are to be enforced."**
- *Atkinson v. Santore*, 135 Conn. App. 76, 77 (2012). **"This case involves a dispute between a homeowner and her children's babysitter concerning an incident in which the babysitter, while caring for the children, claimed that she was potentially exposed to the rabies virus due to her contact with the homeowner's dogs after she found them in the vicinity of a rabid raccoon in the homeowner's yard."**
- *Giacalone v. Housing Authority of Wallingford*, 306 Conn. 399, 405 (2012). **"Thus, under Connecticut common law, knowledge of a domestic animal's vicious propensity imposes a duty on the owner to restrain that animal, and failure to do so is treated as negligence, triggering liability for damage caused by the animal."**
- *Virginia Auster v. Norwalk United Methodist Church*, 286 Conn. 152,153-154, 943 A.2d 391, 392-393 (2008). **"The plaintiff commenced this action against the defendant seeking damages under the dog bite statute, General**

Statutes § 22-357, pursuant to which an owner or 'keeper' of a dog is strictly liable for any damage caused by the dog to the person or property of another. Specifically, the plaintiff sought to recover damages from the defendant as a 'keeper' of the dog under § 22-357."

- [Vincent v. Delgrego](#), Superior Court, Judicial District of New Haven, at Meriden, No. CV03-0283384-S (May 20, 2005) (2005 WL 1524634). "In support of his motion, the defendant argues that he is entitled to judgment as a matter of law because he was not the 'owner or keeper' of the dog in question. General Statutes § 22-357 imposes strict liability on the owner or keeper of any dog that does damage to the body or property of any person. In order to prevail on a claim of strict liability under this statute, the plaintiff must plead and prove, inter alia, 'that at the time the plaintiff suffered her complained-of injuries, the defendant, if he or she was not a minor, was an owner or keeper of the dog that caused such injuries.'" *Simmons v. Welch*, 48 Conn. Sup. 564,568, 854 A.2d114 (2003).
- [Carrasquillo v. Carlson](#), 90 Conn.App.705, 707, 880 A2d 904, 905-906 (2005). "In this negligence action, an automobile driver sued the owner of a dog for injuries he received when he took evasive action to avoid hitting the dog in a public roadway. The dog owner filed a motion for summary judgment in which she claimed that the driver had failed to raise a material issue of disputed fact linking her conduct to the event that caused his injuries."
- [State of Connecticut v. Frederick Acker](#), 81 Conn. App. 141,142, 838 A.2d 1016, 1017 (2004). "The dispositive issue in this appeal is whether, in a prosecution under General Statutes § 22-363, also known as our 'nuisance dog' statute, the state must prove the identity of the specific dog or dogs causing the nuisance. We hold that it does not and accordingly, reverse the judgments of the trial court."

**WEST KEY  
NUMBERS:**

- Animals
  - # 52. Killing or injuring animals at large
  - # 54. Persons liable for injuries
  - # 57. Criminal prosecutions
  - # 66.5. Dogs
    - # 66.5 (1). Duties and liabilities in general
    - # 66.5 (2), 82. Vicious propensities and knowledge thereof
    - # 66.5 (3). Defenses in general
    - # 66.5 (4). Contributory and comparative negligence
    - # 66.5 (5). Provocation
    - # 66.5 (6). Assumption of risk
    - # 66.5 (7), 83. Person liable for injuries in general
    - # 66.5 (8). Landlords

- # 73. Killing vicious animals
  - # 74. Actions
  - # 77. Injuries to other animals
  - # 79. Statutory regulations
  - # 80. Domestic animals in general
  - # 81. Dogs (Injuries caused by dog)
  - # 96. Injuring or killing trespassing animals
- Automobiles
    - #176(4). Dogs injured by motor vehicles
    - #178. Injuries to motor vehicles or occupants by collision with animals

**DIGESTS:**

- [West's Connecticut Digest](#) (2015).

**ENCYCLOPEDIAS:**

- 4 [Am. Jur. 2d](#) Animals (2007)
  - V. Nuisances
    - § 53. Particular kinds of animals and places –Dogs and cats
  - VIII. Liability for injuries by animals
    - B. Domestic Animals
      - §§ 67-70. Knowledge of dangerous or vicious propensity
      - §§ 71-74. Other bases of liability
      - §§75-79. Particular kinds of animals—Dogs
  - IX. Liability for injuries to animals
    - §§ 103-106. In general
    - §§ 107-109. Condition of premises on which animals trespassing; Protection against trespass
    - §§ 110-113. Justification and defense
    - §§ 114-116. Damages recoverable
    - § 117. Damages recoverable—Injuries to dogs
    - §§ 118-120. Practice and procedure
- 3B [C.J.S.](#) Animals (2013).
  - XV. Injuries by Animals to Persons or Animals
    - B. Domestic animals injuring persons or animals
      - 2. Injuries by dogs
        - a. Nature or extent of liability, in general
          - § 354. Strict or absolute liability
          - § 355. Liability for negligence
          - § 356. Standard or duty by violation of statute or ordinance
          - § 357. Negligent entrustment
          - § 358. Premises liability
          - § 359. Lawfully on premises; trespassers
          - § 360. Social guest, licensee, or invitee
          - § 361. Liability for nuisance
          - § 362. Penalties for violation of regulations; destruction of dog
          - § 363. Criminal responsibility
          - § 364. Dog as dangerous weapon
        - b. Vicious or dangerous propensity of dog
          - Defining and determining propensity
          - § 365. General considerations

§ 366. Biting, attacking, growling, barking, snapping, running, or jumping  
 § 367. Breed, class, or training of dog  
 Knowledge or notice of propensity  
 § 368. General considerations  
 § 369. Biting, attacking, growling, barking, snapping, running, or jumping  
 § 370. Breed, class, or training of dog  
 c. Injuries by dog under particular circumstances  
 § 371. Injuries to person by dog frightening horse  
 § 372. Injuries to person or animal by rabid dog  
 § 373. Injuries to other domestic animals or livestock  
 d. Owner, keeper, or harbinger subject to liability  
 § 374. General considerations  
 § 375. Landlords or lessors  
 e. Defenses, exceptions, and immunities  
 § 376. Comparative negligence  
 § 377. Contributory negligence  
 § 378. Provocation; trespass  
 § 379. Assumption of risk; professionals  
 § 380. Immunities

## XVII. Injuries to or killing of animals

### A. Civil liability

#### 2. Dogs

##### a. In general

§ 462. Generally

§ 463. Trespassing dogs

§ 464. –Trivial offenses

§ 465. Manner of killing or injury

§ 466. Contributory negligence of owner

§ 467. Accidental or inadvertent injury or killing

§ 468. Vicious or mad dogs

§ 469. Licensed or taxed dogs

##### b. Unlicensed or uncollared dogs

§ 470. Generally

§ 471. Police power of State

§ 472. Dogs running at large

§ 473. Dogs on premises of owner

##### c. Killing or injury in defense of person or property

§§ 474-476. In general

§§ 477-480. Protection of property , in general

§§ 481-482. Protection of animals

- Ward Miller, Annotation, Modern Status of Rule of Absolute or Strict Liability for Dog Bite, 51 [ALR 4th](#) 446 (1987).
- Adam P. Karp, J.D., M.S., Cause of Action for Loss of or Injury to Animal by an Animal, 38 [COA 2d](#) 281 (2008).
- Allison E. Butler, J.D., Cause of Action Against Owner, Keeper or Harbinger of Domestic Animal to Recover for

Personal Injuries Caused by Animal, 33 [COA 2d](#) 293 (2007).  
§ 12. Statutory Liability  
§ 35. Sample Complaint  
§ 37. Sample Answer  
§ 47. Connecticut

- Jonathan Matthew Purver, L.L.B., **Plaintiff's Negligence, Provocation, or Assumption of Risk as Defense In Dog Bite Case**, 39 [Am Jur Proof of Facts 3d](#) 133 (1996).

I. Background

II. Model discovery

III. Elements of proof

**IV. Proof that Plaintiff provoked Defendant's**

Dog to attack

V. Bibliography

### **TEXTS & TREATISES:**

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- Michael S. Taylor and Daniel J. Krisch, [Encyclopedia of Connecticut Causes of Action](#) (2016)  
Sec. 1D-4. Dog-bite action (Common law)  
Sec. 2D-5. Dog-bite action (Conn. Gen. Stat. § 22-357)  
Sec. 3A-28. Action for damage by dogs to domestic animals (Conn. Gen. Stat. § 22-355)
- Douglass B. Wright et al., [Connecticut Law of Torts](#) (3rd ed. 1991).  
Chapter II. Intentional Torts  
§ 21 Trespassing animals  
§ 24 Trespass of personal property  
Chapter III. Negligence  
§ 31 Nonfeasances – Negligent omissions  
Chapter XIV. Strict Liability  
§ 126 Dogs
- Frederic S. Ury and Neal L. Moskow, [Connecticut Torts: The Law and Practice](#) (2d ed., 2015).  
Chapter 18. Bringing a Strict Liability Action  
§ 18.04. Does a dangerous animal subject its owner to strict liability?  
[1]. Person injured by an animal must generally prove negligence  
[2]. Statutes providing for strict liability for animal causing property damage  
**[3]. The 'dog bite' statute; Conn. Gen. Stat. § 22-357**  
§ 18.07.1. Complaint –Action under Conn. Gen. Stat. § 22-357(" dog-bite" statute)
- Thomas B. Merritt, [Connecticut Elements of an Action](#) (2016-2017 ed.).  
Chapter 2. Animal Actions—Dog Bites  
§ 2:1. Elements of action  
§ 2:2. Authority  
§ 2:3. Remedies--Compensatory damages  
§ 2:4. --Punitive and exemplary damages

§ 2:5. Limitation of actions: Statute of limitations  
 § 2:6. Defenses--Limitations  
 § 2:7. Defendant is not "owner" or "keeper"  
 § 2:8. Victim not lawfully on property  
 § 2:9. Provocation of dog by victim  
 § 2:10. Checklist  
 § 2:15. Jury verdict, bench trial, and settlement summaries  
Forms  
 § 2:11. Sample trial court documents— Sample complaint  
 § 2:12. Sample answer containing affirmative defense  
**§ 2:13. Plaintiff's** proposed jury instructions  
 § 2:14. Defendant's proposed jury instructions

- [Personal Injury Valuation Handbook](#), Jury Verdict Research Series (2016).  
Volume 6. Basic injury values for animal bites
- Joan Schaffner and Julie Fershtman, eds., [Litigating Animal Law Disputes: A Complete Guide for Lawyers](#) (2009).  
Chapter 2. Negligence and Tort Law  
Chapter 9. Remedies in Animal-related Litigation
- M. Randolph, J.D., [Every Dog's Legal Guide](#) (7th ed. 2012).  
Chapter 9. If a dog is injured or killed  
Chapter 11. Dog bites  
Chapter 12. Dangerous dogs

**LAW REVIEWS & ARTICLES:**

Public access to law review databases is available on-site at each of our [law libraries](#).

- Ann L. Schiavone, "Barking Up the Wrong Tree: Regulating Fear, Not Risk", 22 *Animal L.* 9 (2015). [*Available from the Law Libraries' Westlaw electronic database.*]
- Joan Schaffner, " Damages in Dog-Bite and Other Animal-Related Litigation", 2 *Mid-Atlantic J. L. & Pub. Pol'y* 39 (2013). [*Available from the Law Libraries' Westlaw electronic database.*]
- Hilary M. Schwartzberg, "Tort Law in Action and Dog Bite Liability: How the American Legal System Blocks Plaintiffs from Compensation", 40 [Conn. L. Rev.](#) 845 (2007-2008).

# Section 4: Dogs as Service Animals

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A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources related to guide and assistance dogs in Connecticut.

## **SEE ALSO:**

- [§ 1. Control of Dogs](#)
- [§ 2. Cruelty to Dogs](#)
- [§ 3. Dog Injuries](#)
- [§ 5. Dogs as Pets](#)
- [§ 6. Comfort and Support Dogs for Witnesses](#)
  
- [Connecticut Judicial Branch Americans with Disabilities](#)

## **DEFINITIONS:**

- [28 CFR § 35.104](#) (2016).
- [28 CFR § 36.104](#) (2016).  
**Service animal** means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be **directly related to the individual's disability**. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent **effects of an animal's presence and the provision of** emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.
  
- [49 CFR § 37.3](#) (2016).  
**Service animal** means any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

## **STATUTES:**

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

Conn. Gen. Stats. (2017).

- [Chapter 67](#). State personnel act.  
[§ 5-247b](#). Sick leave. Use by blind or disabled employees for assistance dog training.
- [Chapter 435](#). Dogs and other companion animals.  
[§ 22-345](#). License and tag for guide dogs for blind, deaf or mobility impaired persons.  
[§ 22-364b](#). Control of dogs in proximity to guide dogs.
- [Chapter 517](#). Civil preparedness.  
[§ 28-1\(4\)](#). Definitions. **"Civil preparedness"**.  
[§ 28-7](#). Local and joint organizations: Organizations; powers; temporary aid.
- [Chapter 814b](#). Mobility impaired persons.  
[§ 46a-44](#). Access of guide and assistance dogs to modes of public transportation and in places of public accommodation.
- [Chapter 814c](#). Human rights and opportunities.  
[§ 46a-64](#). Discriminatory public accommodations practices prohibited. Penalty.

United States Code (2016).

- [Title 38—Veterans' benefits](#)  
[38 U.S.C. § 1714](#). Fitting and training in the use of prosthetic appliances; guide dogs; service dogs.
- [Title 40—Public buildings, property, and works](#)  
[40 U.S.C. § 3103](#). Admission of guide dogs or other service animals accompanying individuals with disabilities.

## **REGULATIONS:**

You can visit your local law library or browse the [Connecticut eRegulations System](#) on the Secretary of the State website to check if a regulation has been updated.

- [28 CFR Part 35](#) (2016). Nondiscrimination on the basis of disability in state and local government services  
[28 CFR § 35.136](#). Service animals
- [28 CFR Part 36](#) (2016). Nondiscrimination on the basis of disability by public accommodations and in commercial facilities  
[28 CFR § 36.302](#). Modification in policies, practices, or procedures. Service animals  
[28 CFR Pt.36, App.C](#), Section 36.302. Modifications in policies, practices, or procedures
- [49 CFR Part 37](#) (2016). Transportation services for individuals with disabilities  
[49 CFR 37.167](#), (a), (d). Other service requirements
- [49 CFR Part 39](#) (2016). Transportation for individuals with disabilities: passenger vessels  
[49 CFR 39.91](#). Must POVs (passenger vessel owners or operators) permit passengers with a disability to travel with service animals?

## **LEGISLATIVE SUMMARIES:**

- [U.S. Department of Justice, Civil Rights Division, Disability Rights Section –Revised ADA Requirements: Service Animals](#) (July 12, 2011)
- [U.S. Department of Justice, Civil Rights Division, Disability Rights Section—Frequently asked questions about service animals and the ADA](#)

## **LEGISLATIVE REPORTS:**

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- Kevin E. McCarthy, Service Dogs and the Law, Connecticut General Assembly, Office of Legislative Research, OLR Report [2014-R-0025](#) (January 22, 2014).
- Christopher Reinhart, Harassing Service Animals, Connecticut General Assembly, Office of Legislative Research, OLR Report [2010-R-0048](#) (February 4, 2010).
- Kristen L. Miller, State Park and Campground Pet Policies, Connecticut General Assembly, Office of Legislative Research, OLR Report [2010-R-0435](#) (December 21, 2010).
- Megan Reilly, Service Dog Training and Condominium Associations, Connecticut General Assembly, Office of Legislative Research, OLR Report [2009-R-0353](#) (October 9, 2009).

## **FORMS:**

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

- Connecticut Judicial Branch, [Request for Accommodation by Persons with Disabilities](#), JD-ES-264, New 1/10
- Connecticut Fair Housing, [Interactive Self-Help Guide for Requesting a Reasonable Accommodation or Reasonable Modification](#)

## **FEDERAL CASE:**

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Fry v. Napoleon Community Schools](#), 137 S.Ct. 743 (2017). "Important as the IDEA [Individuals with Disabilities Education Act] is for children with disabilities, it is not the only federal statute protecting their interests. Of particular relevance to this case are two antidiscrimination laws—Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. § 12131 et seq., and § 504 of the Rehabilitation Act, 29 U.S.C. §794—which covers both adults and children with disabilities, in both public schools and other settings. Title II forbids any 'public entity' from discriminating based on a disability; Section 504 applies the same prohibition to any federally funded 'program or activity.'" (p. 749)

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"Petitioner E.F. is a child with a severe form of cerebral palsy, which 'significantly limits her motor skills and mobility.' App. To Brief in Opposition 6, Complaint ¶19. When E.F. was five years old, her parents Stacy and Brent

Fry—obtained a trained service dog for her, as recommended by her pediatrician. The dog, a goldendoodle named Wonder, ‘help[s E.F.] to live as independently as possible’ by assisting her with various life activities. *Id.* at 2, ¶ 3. In particular, Wonder aids E.F. by ‘retrieving dropped items, helping her balance when she uses her walker, opening and closing doors, turning on and off lights, helping her take off her coat, [and] helping her to transfer to and from the toilet.’ *Id.* at 7, ¶ 27.” (p. 750-751)

**CONNECTICUT CASES:**

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- Ahmed et al. v. State of Connecticut Department of Transportation, Superior Court, Judicial District of Hartford, No. CV13-6045783-S (February 6, 2015) (59 Conn. L. Rptr 732) (2015 WL 897478).”**Mansoor Ahmad was waiting in line** at Bradley International Airport to transport passengers. When it was his turn, Mansoor Ahmad was assigned a passenger with a service dog. Because he has dog phobia, Mansoor refused to take the passenger and was ordered to return to the end of the taxi cab line. Naveed Ahmad, father of Mansoor, who was also employed by Yellow Cab Company, **objected..As a result of this incident**, Yellow Cab Company terminated the employment of **both plaintiffs...**” (p. 732-33)

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”**Although dog phobia qualifies as a mental disability, the plaintiff must also allege facts sufficient to establish that he was able to perform the essential functions of a taxi cab driver with or without reasonable accommodation...The defendant asserts that because taxi drivers may not refuse service to a patron with a service animal pursuant to federal and state law, the plaintiff cannot demonstrate that he can perform the essential functions of a taxi cab driver.**” (p. 733-34)

**WEST KEY NUMBERS:**

- Civil Rights  
#1021. Physical access and mobility, carriers  
#1043. Public accommodations  
#1044. Public accommodations, in general

**ENCYCLOPEDIAS:**

- [Am. Jur. 2d New Topic Service](#) American with Disabilities Act: Analysis and implications (2016:5)  
§ 370. Service animals must be permitted to accompany individuals with disabilities  
§ 690. Accommodation of service animals
- [Americans with Disabilities Practice and Compliance Manual](#) (1992)  
Chapter 2. State and local governments  
§§ 2:107-2:109. Service animals

**TEXTS & TREATISES:**

- Joan Schaffner and Julie Fershtman, eds., [Litigating Animal Law Disputes: A Complete Guide for Lawyers](#) (2009).

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### **LAW REVIEWS:**

Public access to law review databases is available on-site at each of our [law libraries](#).

## Chapter 6. The Disabled, Service Animals, and the Law

- M. Randolph, J.D., [Every Dog's Legal Guide](#) (7th ed. 2012). Chapter 8. Assistance dogs

- Connecticut Judicial Branch, [Compensation for Crime Victims](#), Who Can Receive Victim Compensation (Money)?, A person who is blind or has a disability and owns or keeps a guide or assistance dog that was injured during a crime, [JDP-VS-10](#), Rev. 9/15, p.2.

- Gabriela Sandoval, "Service, Therapy, and Emotional Support Animals", 44-JUL Colo. Law. 69 (2015). [*Available from the Law Libraries' Westlaw electronic database.*]
- Debre Vey Voda-Hamilton et al., "Service and Emotional Support Animals: How to Accommodate Everyone's Needs", 49-AUG Md. B. J. 4 (2016). [*Available from the Law Libraries' Westlaw electronic database.*]
- Rebecca J. Huss, "Why Context Matters; Defining Service Animals under Federal Law", 37 Pepp.L.Rev. 1163 (2010). [*Available from the Law Libraries' Westlaw electronic database.*]
- Tara A. Waterlander, "Some Tenants have Tails: When Housing Providers Must Permit Animals to Reside on No-Pet Properties", 18 Animal L. 321 (2012). [*Available from the Law Libraries' Westlaw electronic database.*]
- Lauren Etter, "When Dogs and Cats and Horses and Pigs Fly", 100 [ABA J.](#) 10 (2014).

# Section 5: Dogs as Pets

A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources related to the keeping of dogs as pets.

## **SEE ALSO:**

- [§ 1. Control of Dogs](#)
- [§ 2. Cruelty to Dogs](#)
- [§ 3. Dog Injuries](#)
- [§ 4. Dogs as Service Animals](#)
- [§ 6. Comfort and Support Dogs for Witnesses](#)
- [Municipal Ordinances by town](#)

## **DEFINITIONS:**

- Conn. Gen. Stat. [§ 22-350](#) (2017)  
**Classification of Dogs:** "All dogs are deemed to be personal property."

## **STATUTES:**

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2017)
- [Chapter 248](#). Vehicle highway use.  
[§ 14-226](#). Operator to report injury to dog.  
[§ 14-272b](#). Transport of dogs in pick-up trucks. Restrictions.
  - [Chapter 435](#). Dogs and other companion animals.  
[§ 22-350](#). Dogs as personal property. Tax exemption. Theft.  
[§ 22-351](#). Theft, killing or injuring of companion animal. Penalty. Liability.
  - [Chapter 802c](#). Trusts.  
[§ 45a-489a](#). Trust to provide for care of animal: Creation. Administration. Jurisdiction. Termination.
  - Susan Price, Pet Custody After Divorce, Connecticut General Assembly, Office of Legislative Research, OLR Report [2011-R-0027](#) (January 25, 2011).

## **LEGISLATIVE:**

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication.

## **FORMS:**

- Ralph H. Folsom, Gayle B. Wilhelm, and Laura W. Beck, [Drafting Trusts in Connecticut, 2d](#) (2016).  
Appendix B. Model Trust Forms  
§ 11a. Pet trust commentary  
§ 11b. Model language for a pet trust

## **CASES:**

- [Hao Xia v. Aili Xiao](#), Superior Court, Judicial District of Hartford, No. FA13-4069386-S (October 28, 2014) (2014 WL 6843662). "One asset of more sentimental than monetary value is the parties' pet dog. Each testified as to his or her

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

deep affection for the dog. The court finds the testimony of the husband on this particular point more credible. The court **also finds credible the husband's testimony that he was the one who purchased the dog and that he had possession of it in China in 2013 when the wife, there on a visit, left China with the dog without the husband's prior knowledge or consent.** The orders herein regarding the pet reflect such findings." (p. 5)

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"The husband shall own the family dog, on the condition that he makes appropriate arrangements at his sole expense to **transport the dog to the husband's home within forty-five (45) days after the judgment....The wife shall cooperate reasonably with the husband or husband's agents in fulfilling the husband's arrangements for transporting the dog.** The wife shall also be responsible If the husband fails to retrieve the dog or otherwise arrange for its transportation to his home within said period of forty-five (45) days, then he shall have no further right or claim to the dog, which shall in that **case become the property of the wife.**" (p. 7)

- [Rocco v. Shaw](#), Superior Court, Judicial District of Stamford-Norwalk, No. FA12-4024301-S (September 5, 2014) (2014 WL 5137982). **"The defendant shall retain the parties' two dogs and one cat at her sole cost and expense and shall indemnify and hold the plaintiff harmless from all expenses relating thereto."** (p. 7)
- [Sousa v. Sousa](#), Superior Court, Judicial District of New London, No. FA12-114116624-S (May 16, 2012) (2012 WL 2044640). **"...the husband has ...and three dogs...In addition, the wife testified that she purchased the dog, Nadia, yet the husband produced a receipt showing that he purchased the dog."** (p. 2)

**"The husband shall retain the dogs and the remainder of the personal property in the marital residence."** (p. 3)

- [Stamford Landing Condominium Association, Inc. v. Lerman et al.](#), 109 Conn. App. 261, 269-70, 951 A.2d 642 (2008). "General Statutes § 47-244(c)(1) provides in relevant part: Unless permitted by declaration or this chapter, an association may adopt rules and regulations that affect the use or occupancy of units that may be used for residential purposes only to: (A) Prevent any use of a unit which violates the declaration; (B) Regulate any occupancy for a unit which violates the declaration or adversely affects the use **and enjoyment of other units...**"

**"...We concur with the court... that § 47-244(c)(1)(B) allows precisely for the rule disputed here, which provides that**

'[n]o tenant may house pets of any kind on the premises.'  
The court concluded that 'rules concerning pets fall squarely within the powers of a condominium association' and specifically noted § 47-244 (c)(1)(B)."

**WEST KEY NUMBERS:**

- Animals  
#1.5. Animals as property; status  
#1.5(4). Dogs

**DIGESTS:**

- [West's Connecticut Digest](#) (2015).

**ENCYCLOPEDIAS:**

- Enforcement of Restrictive Covenant or Lease Provision Limiting the Keeping of Animals or Pets on Residential Property,  
93 [Am Jur Trials](#) 193 (2004).
  - I. Introduction and legal background
  - II. Enforcement of covenants restricting keeping of animals or pets
  - III. Enforcement of lease provision restricting keeping of animals or pets
  - IV. Remedies for breach of pet restrictions
  - V. Case intake and pleadings
  - VI. Discovery
  - VII. Trial

**TEXTS & TREATISES:**

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- Joan Schaffner and Julie Fershtman, eds., [Litigating Animal Law Disputes: A Complete Guide for Lawyers](#) (2009).  
Chapter 3. Ownership, Custody, and Keeping of Animals
- M. Randolph, J.D., [Every Dog's Legal Guide](#) (7th ed. 2012).  
Chapter 6. Traveling with your dog  
Chapter 7. Barking dogs  
Chapter 10. Providing for pets  
Chapter 13. Dogs and divorce
- Ralph H. Folsom, Gayle B. Wilhelm, and Laura W. Beck, [Drafting Trusts in Connecticut, 2d](#) (2016).  
Chapter 3. Basic Dispositive Provisions  
§ 3:19.50. Provisions for pets
- Kate McEvoy, [Connecticut Elder Law](#) (2016-2017).  
Chapter 2. Tools for Managing Finances and Property  
§ 2:17. Pet trusts
- K. Ali, "Pets and Courts: Attorneys See Rise in Animal Advocacy, Pet Custody Disputes," 42 [Conn. L. Trib.](#), No. 42, p.1, (October 17, 2016).
- A. B. Wang, "A Divorcing Couple Asked a Judge to Treat Their Dogs like Children. Here is His Reply.," The Washington Post (online), December 21, 2016.

**LAW REVIEWS & ARTICLES:**

Public access to law review databases is available on-site at each of our [law libraries](#).

- J. DeWitt Gregory, "Pet Custody: Distorting Language and the Law," 44 [Fam. L. Qtrly](#), No. 1, p. 35, (Spring 2010).
- J. Porter, "It Can Be a Regular Dog Fight; Family Pets Involved In A Growing Number of Custody Cases", Hartford Courant, July 10, 2006.

## Section 6: Comfort and Support Dogs for Witnesses

A Guide to Resources in the Law Library

### **SCOPE:**

Bibliographic resources related to the use of dogs for comfort and support to witnesses in court facilities

### **SEE ALSO:**

- The Connecticut Judicial Branch Law Libraries Law by Subject Page on [Connecticut Law about Comfort and Support Dogs for Witnesses](#)
- [§ 1. Control of Dogs](#)  
[§ 2. Cruelty to Dogs](#)  
[§ 3. Dog Injuries](#)  
[§ 4. Dogs as Service Animals](#)  
[§ 5. Dogs as Pets](#)

### **DEFINITIONS:**

- "...[D]ifferentiation between **service dogs, therapy dogs and facility dogs...**

"The preferred term for a dog used in a courthouse setting to provide comfort to a witness is 'facility dog,' [a]lthough cases and the literature on the subject have also called them testimony dogs, courthouse dogs, companion dogs, therapy dogs, service dogs, comfort dogs, therapy assistance dogs, support canines, and therapeutic comfort dogs. Most of these terms imply canine functions in providing comfort or reducing anxiety and should be avoided because the function of the dogs in a courtroom setting is far more specific. Most dogs described in cases [thus] far have been trained in a manner similar to how therapy dogs are trained, but not all dogs were actually trained or certified therapy dogs so this term would also be confusing. A service dog is generally a dog that assists a particular individual with a disability.... Therefore, that term is also best avoided. Companion dogs are generally pets.... Calling a dog a courthouse dog has a clever journalistic ring, but might suggest the dog lives in the courthouse....

"A facility dog can interact with people in courthouse public areas, child advocacy centers, and drug courts; play with office staff; participate in forensic interviews; calm victims and witnesses; and accompany witnesses to the stand in a courtroom. Facility dogs are not the same as therapy dogs. Courtroom work can be stressful for an inadequately trained dog — there may be angry shouts, an upset defendant, weeping witnesses, and crowded benches.

Therapy dog training is not the appropriate training for a dog [that] will be in court accompanying witnesses to the stand. The professional working dog will be less affected by the stress of a courtroom trial activity.” (Internal quotation marks omitted.) [State v. Devon D.](#), 150 Conn. App. 514, 538-539, n.10, 90 A. 3d 383 (2014).

### **PUBLIC ACT:**

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- [Public Act No. 17-185- An Act Concerning the Provision of Information about the Use of Therapy Dogs to Comfort and Support Testifying Witnesses In Certain Criminal Prosecutions](#) (Effective October 1, 2017)
  - [Summary for Public Act 17-185](#)

### **LEGISLATIVE:**

- [Raised House Bill No 6999 Public Hearing Testimony](#) (2017)

### **CONNECTICUT CASE:**

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [State of Connecticut v. Devon D.](#), 321 Conn. 656, 686, 138 A.3d 849 (2016). “We conclude that the trial court may exercise its discretion to permit a dog to provide comfort and support to a testifying witness. Before doing so, the court must balance the extent to which the accommodation will help the witness to testify reliably and completely against any **possible prejudice to the defendant’s right to a fair trial**. The trial court should consider the particular facts and circumstances for the request to have a dog accompany the particular witness, the extent to which the **dog’s presence will obviate the need for more drastic measures to secure the witness’ testimony**. The trial court should balance these factors against the potential prejudice to the defendant and the availability of measures to mitigate any prejudice, such as limiting instructions and **procedures to limit the jury’s view of the dog.**”

### **SUBSEQUENT CASE FROM OTHER JURISDICTION:**

- [State of Arizona v. Millis](#), 242 Ariz. 33, 391 P.3d 1225, 1235 (Ct. App. 2017). “ He [the defendant] notes that other jurisdictions typically allow facility dogs for children or developmentally disabled adult witnesses whose testimony might otherwise be unavailable, and argues that the state made no particularized showing why S.F.—an adult with no apparent disability—needed one. However, the record indicates that the court considered factors relevant to its discretionary balancing of potential benefits and potential prejudices from a dog. For instance, the court was informed that Blake would not accompany S.F. at the witness stand, but would only sit with her in the gallery. This supports the **court’s finding that the use of the dog would not unfairly prejudice Millis, because the animal would have been less visible and prominent to the jury in the gallery than it would have at the witness stand.**”

**WEST KEY  
NUMBERS:**

- [West's Connecticut Digest](#): *Witnesses*  
III. Examination  
(A). Taking testimony in general  
#228 Mode of testifying in general

**DIGESTS:**

- [ALR Digest](#): *Witnesses*

**ENCYCLOPEDIAS:**

- 21 [AmJur2d](#) *Witnesses* (2015).  
§640. Allowance of comfort item or support dog

**LAW REVIEWS:**

Public access to law review databases is available on-site at each of our [law libraries](#).

- Lorie Gerkey, "Legal Beagles, a Silent Minority: Therapeutic Effects of Facility Dogs in the Courtroom", *1 Int'l J. Therapeutic Juris.* 405, 430 (2016). [*Available in the Law Libraries' HeinOnline electronic database.*]