



Service Animal Accommodation Information for Domestic Violence Service Providers



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Introduction

This document is adapted from the “Model Protocol on Service Animals in Domestic Violence Shelters” published in 2009 by Phil Jordan and Summer Carrick for the Washington State Coalition Against Domestic Violence.

This document is organized into sections that provide information and guidance on the roles that domestic violence advocates, shelters, and agencies can have when serving people with disabilities who have service animals, the requirements by law, and the best practices within the field.

The sections of this document are:

- Basic information about service animals and the people who use them (page 4);
- Basic information about the laws that apply to non-residential and shelter services and service animals (page 7);
- Best practices for domestic violence shelters (page 11);
- Best practices for domestic violence agencies’ non-residential programs (page 20); and
- Ideas for Partnerships, Collaborations, and Resources (page 26).

Disclaimer

This document **does not** provide a complete review of all laws applicable to the subject of service animal access at domestic violence programs nor does it provide legal counsel. Written for non-lawyers, the laws discussed in this document are provided as information-sharing and as legal considerations in expanding a domestic violence program’s awareness only. As the law changes from time to time, consult the resources listed on page 26 of this document and an attorney.

Section 1

Basic Information About Service Animals

The Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA) mutually recognize that animals may be partnered productively with people who have disabilities. These federal laws recognize a **broad range of animals as service animals**. Under both laws, an animal must individually perform a specific task for a person with a disability (for that specific disability) in order to be considered a service animal.

Some people with disabilities use an animal to provide support, perform tasks related to their disabilities, provide warnings, or help keep them emotionally well. The animal's assistance can lessen symptoms, help remove day-to-day barriers, or improve their overall health. People with many different types of disabilities use service animals.

The following animals constitute kinds of service animals under the ADA, FHA, and under particular Maryland laws, detailed below:

- Guide dogs
- Mobility assist dogs
- Hearing assist dogs
- Psychiatric assist dogs*
- Emotional support dogs**
- Seizure alert dogs
- Diabetic alert dogs
- Social signal animals

Under Title II and III of the ADA, service animals are limited to dogs trained in specific tasks. However, programs must make "reasonable modifications" to allow individuals with disabilities to use miniature horses if the horse has been individually trained to "do work or perform tasks for individuals with disabilities." Under the ADA, no exotic animal, such as a snake or a monkey, may be a service animal. However, under the FHA as well as Maryland law, the types of animals comprising service animals are broader. For instance, "emotional support" or "therapy animals" are recognized.

Service animals are NOT pets. A person with a disability uses a service animal as an auxiliary aid, similar to the use of a cane, a wheelchair, or crutches. "No pet" or "no animal" policies do not apply to service animals.

Service animals do NOT require any kind of certification. A certification process has been unsuccessfully proposed legislatively in Maryland in the past. To be a service animal, the animal needs to be individually trained to provide assistance to a person with a disability. Training varies widely based on the tasks the animal performs. The training may be provided by

professional trainers or individually by the person with the disability. Some survivors with disabilities may have certification or training documentation, but providing this information **must be voluntary** as not all survivors with service animals will have this.

These laws support the trauma-informed best practice and empowerment model within the domestic violence field which focuses on believing survivors' statements. If a person says their animal is a service animal, it is good advocacy practice to take them at their word. If it is uncertain, the program may ask the person if an animal assists them due to a disability. Programs **cannot** insist on proof of state certification before permitting the service animal to accompany the person with a disability (U.S. Department of Justice, Civil Rights Division, Disability Rights Section "Commonly Asked Questions About Service Animals in Places of Business").

For information on the laws relating to shelter programs requesting documentation for service animals, see Section 2.

Knowing about a survivor's disability may not always be helpful or necessary to serve the individual. **A program will need to know about the survivor's abilities** rather than focusing on the cause of the *disability*. The same disease, disorder, or condition might affect two people in completely different ways. Therefore, knowing about a survivor's disability may be helpful on a case-by-case basis to determine reasonable accommodations. Therefore, inquiries about disabilities should be made on a case-by-case basis with the limited amount of questions asked. If this conversation is not had with care and caution, the survivor may think the program is asking only about things they *cannot* do, rather than helping them develop an advocacy plan based on their strengths and survival strategies. An empowering approach is to discuss with every survivor how the program operates so they are able to determine what works best for them. Programs must proceed with caution to ensure not to discriminate against survivors with service animals. For further assistance, see pages 12 and 20.

***Psychiatric assist dogs** were added as part of the 2010 update of the Americans with Disabilities Act (Parts 35 and 36 of the Code of Federal Regulations to the ADA). These service dogs are used by people with disabilities for support and tasks related to their disabilities.

****Emotional support dogs** may be partnered with people with disabilities as part of a medical therapy plan. The Fair Housing Act and Maryland law define these to be service animals. These animals provide individuals with therapeutic contact within a clinical setting to "improve their physical, social, emotional, and/or cognitive functioning." These animals may "provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not generally have specialized training to perform tasks that assist people with disabilities."

A Note About Program-Provided Therapy Animals

A number of programs in the United States utilize on-site therapy or emotional support animals to provide assistance for survivors of trauma and crises who may or may not have a disability. Programs interested in having a therapy or emotional support animal on-site should consider training through or requesting a trained animal from an American Kennel Club-approved training program. Some of these training programs include:

- Pets on Wheels (Maryland) www.petsonwheels.org/
- National Capital Therapy Dogs (Maryland) www.nctdinc.org/about.php
- Love on a Leash (California) www.loveonaleash.org/
- Pet Partners (Washington) petpartners.org/
- Therapy Dogs International www.tdi-dog.org/

A Note About Facility Dogs

Facility dogs generally provide emotional support to witnesses who are scared or uneasy about testifying in court. Facility dogs do not fall under the definition of a service animal. Judges have discretion when determining whether a survivor may be allowed to work with a facility dog during the trial. At this time, there are no national standards to guide the behavior or training requirements of facility dogs, but these animals have been used in courtrooms within the United States with both adult and children witnesses. (For more information about facility dogs, see Roby's article "A Friend Indeed: Adult Witnesses and Facility Dogs in the Courtroom" from the *Mid-Atlantic Journal on Law and Public Policy* Summer 2015 Volume 3, Number 1.)

Section 2

Laws about Service Animals

The following basic information provides a sense of the laws that apply to domestic violence programs, including shelters, from a disability and service animal context. This section provides a review about reasonable accommodations and accessibility for people with disabilities who have service animals.

Four laws directly apply to service animals and domestic violence shelters:

- *Title III of the Americans with Disabilities Act*
 - *Section 504 of the Rehabilitation Act*
 - *Fair Housing Amendments Act*
 - *Maryland's Human Services Article*
 - *Maryland Public Accommodations Law*
- **Title III of the Americans with Disabilities Act (ADA)** comprises the section of federal law that covers public accommodations, commercial facilities, and private entities that offer examinations and courses related to educational and occupational certification.
 - **Section 504 of the Rehabilitation Act** comprises a set of protections that prohibit discrimination on the basis of disability in any program operated by agencies receiving federal financial assistance. All shelters funded through the Governor's Office of Crime Control and Prevention (GOCCP) are covered under this law because they receive federal funds that pass through the state (such as VOCA, FVPSA, and VAWA STOP). This law preceded the Americans with Disabilities Act and these laws are often used complementarily.
 - **Fair Housing Amendments Act (FHA)** comprises a set of protections that applies to most housing providers, including shelter and transitional living programs.
 - Maryland has state-based legal protections that protect people with disabilities and service animals. **Maryland's Human Services Title** covers people with disabilities with service animals providing broader protections than the Americans with Disabilities Act. **Maryland Public Accommodations Law** applies to shelter and transitional living programs and addresses the rights of reasonable accommodations.

All four of the above areas of law require non-residential and shelter programs to allow service animals. Domestic violence programs are required to modify any animal prohibition policy to allow equal access for a person with a disability using a service animal.

Requirements for Shelter Under the Laws:

Under **Title III of the ADA**, a program is required to make reasonable accommodations (i.e. modifications) to policies and practices so that a person with a disability can access services. The domestic violence program may be responsible for the cost associated with these reasonable accommodations (see www.ada.gov for information about what is considered “reasonable”) as long as it would not be an “undue burden” or “fundamental alteration” of the existing structure.

Similarly, **Section 504 of the Rehabilitation Act** requires that “reasonable modifications” to policy and practice be made for people with disabilities. The law states that “no . . . individual in the United States shall, solely by reason of [disability], be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance” [29 U.S.C. §794(a)].

The **FHA** also requires making reasonable modifications for people with disabilities, specifically including physical changes to the housing units (e.g. adding ramps or grab bars, changing door knobs to levers, or widening doorways). The U.S. Department of Housing and Urban Development (the agency that enforces the Fair Housing Act) has made it clear that service animals must be allowed (see Notice FHEO-2013-01). The Fair Housing Act also requires that reasonable accommodations pertaining to policy and practice are provided, which includes allowing service animals despite an animal prohibition policy.

Domestic violence programs **cannot ask about the survivor’s disability** unless it is necessary to provide a reasonable accommodation. The program cannot ask about the survivor’s disability (either directly or indirectly) if there is not a reasonable accommodation concern, and cannot require documentation that an animal is a service animal. The laws were written this way so that people with disabilities would not have to prove that they have a disability by carrying documentation. It may also be difficult for survivors with disabilities to access services when they are fleeing a domestic violence situation if they are required to provide this documentation.

When a survivor with a service animal is interested in shelter services, the **Fair Housing Act** applies. Under the Fair Housing Act, a housing provider (i.e. shelter program) may ask for a statement from a health care or mental health professional (the provider

The U.S. Department of Justice suggests that, under the ADA, programs ask only two questions:

- **“Is this a service animal?”**
- **“What tasks does the animal perform for you?”**

Asking other questions can leave programs liable to a discrimination complaint.

does not need to be an M.D., but should be qualified to provide the diagnosis). The statement should say that the individual is a person with a disability and will be assisted by a service animal. Shelter program staff may not ask for additional details or the nature of the individual's disability.

No law requires that programs ask for this documentation, and many shelters do not require it. Programs that do request documentation for the service animal should have consistent policy and practice. These programs should ask **all** survivors with service animals for documentation and assist **all** survivors in obtaining the needed documentation.

Working and Non-working Times

While service animals have a specific function or task to perform, they are not always actively in a role of providing this service. Service animals are not necessarily “working”/“on-duty” or assisting the person with a disability at all times. Animals who provide help to people with disabilities often are allotted “down time” when they are not working. They are often ready to assist the person with a disability upon request, during certain times of the day, during certain activities, etc. It is important to communicate with the survivor and ask clarifying questions about the times when a service animal is working or not, keeping in mind that some service animals are considered “on-duty” at all times. Staff should not presume to know when a service animal is working. It is imperative that **staff and other residents ask permission from the handler before interacting with or touching the animal.**

The person with the disability and a **working service animal** must be allowed to go wherever any other survivor is allowed to go, including kitchens, restrooms, and sleeping areas. Limiting access to common areas can expose the program to liability due to anti-discrimination laws. Limiting where the service animal can go limits where the survivor can go. Working service animals must always be under the direction and control of the owner, though may not be on a leash or harness and instead obey the owner's commands.

When a service animal is not working, programs can request that the service animal is kept in a specific place (room, kennel, crate, etc.) or that arrangements are agreed upon by both program and owner. Animals must be housed in appropriate and humane environments in compliance with state laws when not with their owner.

Further, as stated by the U.S. Department of Justice, Civil Rights Division, Disability Rights Section, a survivor with a service animal in a program may not be segregated from other program participants simply because they have a disability and a service animal (Also see “Commonly Asked Questions About Service Animals in Places of Business”).

In Maryland, a mixture of two sets of civil rights law, contained in the Annotated Code of Maryland, apply to domestic violence service providers. The **Human Services Article** has elements which Maryland domestic violence service providers must be aware of and with which they must comply, including:

- While professional training is not required for service animals, some persons with disabilities have their service animals go through professional training. While training an animal, these trainers have equal access rights as if they were the person with a disability.
- Denying or “interfering” with a service animal is a \$500 penalty, criminal misdemeanor for each offense. Denying or interfering with an animal being trained as a service animal that accompanies a service animal trainer is a \$25 penalty for each offense.
- Parents of a minor child who has a service animal also have the same rights as the handler of a service animal.
- According to the U.S. Department of Justice, county breed bans do not apply to service dogs.

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Section 3

Service Animals in Domestic Violence Shelters: Suggested Policies and Procedures

Screening and Intake

Programs should look at screening and intake questions for questions that might inadvertently send a message that a survivor with a disability would be unwelcome. If this information must be obtained, it is crucial to develop questions that can be asked in a survivor-centered, trauma-informed, supportive manner.

Historically, many service providers have screened people with disabilities out of services. When providers do this – whether they are domestic violence advocates or any other service agency – they are demonstrating that people with disabilities are not welcome.

Therefore, many people with disabilities are accustomed to being screened out when they seek services and may be suspicious of a program’s intent. Some common questions asked during screening or intake can inadvertently make survivors with disabilities feel unwelcome.

Additional information can be found at www.wscadv.org, in Washington State Coalition Against Domestic Violence’s document: “Screening Practices for Domestic Violence Victims with Disabilities.”

Issues and Problem Solving

For shelters that have not had experiences with service animals coming in with residents, there are common concerns and issues. The following section presents these concerns, suggests some possible solutions, and explores approaches to problem-solving that empower survivors with service animals.

The issues that are addressed in this section are:

- *Liability*
- *Sanitation*
- *Allergies/Fear of animals/Aversion to animals*
- *Licensing and required shots for the animal*
- *Talking with the survivor about the animal*
- *Talking with staff and other participants about the animal*
- *Disruption of the program*
- *Removal of service animal from shelter*
- *Traumatized service animals*

Liability

Section 2 of this document describes a program’s obligation to allow service animals. Increasing access to services often decreases risk of liability. Denying or discouraging access to a person with a disability who uses a service animal can expose the program to liability due to anti-discrimination laws. As a reminder, “no pet” and “no animal” policies do not apply to service animals.

Asking Survivors For Documentation

As discussed in Section 2, housing providers – such as domestic violence shelters – may ask for documentation that an animal is a service animal. However, it is strongly recommended that programs do not require this. Survivors with disabilities are unlikely to have this documentation with them when they come to a shelter. If the survivor perceives this as a barrier to service, they may choose to return to an unsafe situation.

If a program does request this documentation, staff must remember to ask for it consistently from all survivors with animals. Review the requirements of the Fair Housing Act, as outlined in Section 2. It is also suggested that the program consider obtaining legal advice before proceeding with requiring documentation.

Sanitation

Caring For the Animal

Service animals should be kept reasonably clean and it is the responsibility of the animal’s owner to maintain its hygiene. One thing to consider is that people with service animals are often dependent on their animal. For this reason, it is likely that the abuser has not allowed the survivor to take care of it. This tactic provides the abuser with greater control over the animal and, by extension, over the survivor. If this is the case, the survivor may not know what it takes to keep the animal clean. It is also possible that the survivor’s disability makes it difficult to take care of the animal.

Giving the survivor support in learning how to care for the animal or some assistance with difficult tasks is not only a reasonable accommodation, but increases their autonomy. If the shelter staff or volunteers are unable to assist in this way, programs may be able to find someone at the local animal shelter, humane society, or animal rescue organization who may be able to offer assistance and work with the shelter.

Staff Training

Staff should be trained on how to interact with service animals, the varied tasks and purposes for service animals, and the program’s specific policies and procedures pertaining to inquiring about documentation prior to encountering a service animal.

Tips for Sanitation

- Develop a cleaning protocol for either the shelter staff and/or resident to clean feeding areas and bathrooms after the animal’s use.
- Install posts and cans around the outside of the shelter for waste removal bags.
- Create a service animal enclosure in order to promote healthy exercise and create a safety barrier for other clients.
- Hire a cleaning service after a service animal leaves the program.

Pet Waste

Service animals should be housebroken and the owner should clean up after the animal. Some service animals may have been taught to defecate and urinate onto pads or other chosen materials indoors if the survivor is unable to take the animal outside due to their disability. If the survivor is unable to perform waste removal tasks, the program should recruit staff or other residents, if they volunteer, to assist.

Animals in Food Preparation Areas

Working service animals **are** allowed to accompany their owner in all common areas, including the kitchen. As always, animals must be under the direction and control of the owner.

Fleas

Animals that have fleas can create an ongoing problem for shelters. If the shelter becomes infested with fleas, there are many commercial options that can reduce or eliminate fleas. Follow all product instructions and pay careful attention to any cautions or warnings. Commercial products generally rid the animal of fleas within 18 hours.

Staff should take caution to use trauma-informed language when discussing a flea problem or infestation to ensure residents are aware of the situation, but do not feel blamed or stigmatized.

Allergies/Fear of Animals/Aversion to Animals

If other residents, children, or staff have any of the above issues, it is important to address the situation while doing so in the most trauma-informed manner possible. The Violence Against Women with Disabilities Project of Wisconsin (2008) offers this advice:

A best practice approach would be to try different options to work out this dilemma without solely burdening the person with the service animal, so that both people can participate. This practice involves dialogue among the staff and the program participant using the service animal and the individual who is scared or has allergies. Think creatively. Are there options that allow both persons to fully participate but maintain some distance from each other (use common space at different times)? Are there options that might reduce exposure for allergies (single bedroom for a person with service animal)?

From a legal perspective, keep in mind that while some people might have fear of dogs or other animals, this is not generally a valid reason for excluding a person with a disability using a service animal. For most people with allergies, the presence of an animal causes only minor discomfort, such as sneezing or sniffing. Although it is understandably uncomfortable, this reaction does not constitute a "disability" as defined under the law; therefore, no accommodation is necessary for the allergic person. Rarely, another participant's allergy is so severe that

animal contact may cause acute respiratory distress. In these cases, the allergic participant also may request an accommodation.

To prepare for the allergies of other residents, it is helpful that shelter programs have over-the-counter antihistamines readily available on-site.

Exotic Animals

Exotic animals may be “psychiatric assist animals” who provide help to people with disabilities. However, these animals are not protected under the ADA. These animals perform tasks to help ease symptoms of emotional or mental disorders and/or reduce anxiety. If this is the case, the animal may not need to accompany the survivor at all times. A discussion with the survivor can establish how and when the animal will interact with staff and other residents, if at all.

County Requirements for Licensing and Vaccinations

Most counties require animals to receive certain types of shots and to be licensed in the county. The requirements vary by county, so programs should check with local officials. Service animals are generally not exempt from these laws, although service animals are often exempt from the cost of the license and vaccinations. Staff should include safety planning around service animal appointments, vaccinations, and veterinarian contact. Programs should develop relationships with local veterinarians to discuss the importance of confidentiality of the animals records.

A survivor may have fled abuse without stopping to collect documentation about the animal’s health and immunization history. Staff should use their advocacy skills to replace any missing documents or to obtain licensure and vaccinations. Therefore, it is a suggested practice to begin a relationship with the local animal shelter, humane society, etc. for these and other reasons.

According to the Preamble of the 2010 regulatory update by the U.S. Department of Justice, county breed bans disproportionately subject people with disabilities to discrimination. A shelter *cannot* exclude a service animal based on county breed bans as long as the animal otherwise meets the definition of a service animal.

Talking with the Survivor About the Animal

As communal living may be difficult and re-traumatizing for any survivor, adding a service animal into the environment may cause challenges for the survivor, the animal, and staff. Being transparent with survivors before they arrive about what to expect and having a discussion about how the animal will interact with staff and other survivors and children is an important first step.

When initiating this discussion, keep in mind that people who use service animals often face discrimination when trying to access public places. This sometimes leads to defensiveness about their animal. Start the conversation by assuring the survivor that they and the animal are welcome.

Laws, such as the ADA, limit the questions programs can ask about a person's service animal (see Section 2). One question that programs are allowed to ask is: *What tasks does the animal perform for you?* The answer to this question will help programs understand when the animal will be accompanying the survivor. This can lead into a discussion about how the survivor and their service animal can best coexist with other residents and staff in the shelter.

Talking with Shelter Staff and Other Survivors About the Animal

A service animal is not a pet and should not be distracted from its duties. Be prepared to explain the presence and function of the animal, without breaching the confidentiality of the survivor to other residents. Remember that the survivor's confidentiality includes the nature of their disability. Staff should not presume to know when a service animal is working. Therefore, it is imperative that staff ask permission from the handler before interacting or touching the animal.

In staff's preliminary discussion with the survivor, staff should ask them what they are comfortable sharing about the animal and the animal's function with other residents. Staff and the survivor with a disability should discuss the survivor's options about disclosing information about their disability and/or service animal with other residents. If the survivor wishes for other residents to know information about their disability and/or service animal but asks staff to disclose specific information, staff must obtain their written permission before passing on this information other residents.

Disruption of the Program

In general, service animals do not disrupt programming at the shelter. If a service animal is not well behaved - for example, jumping on people to seek attention or barking – staff may ask the survivor to keep the animal under control or assist the survivor with developing a plan to reduce or eliminate the disruptive behaviors.

If staff and the survivor have tried and failed to end the disruptive behavior, the program may ask the survivor to take the animal out of the shelter. At this point, the program must offer the survivor the opportunity to stay in the shelter without the animal (see page 16), and discuss alternative accommodations that would make that possible. Local animal shelters may be a vital resource for solutions to this problem.

Creating A Welcoming Environment

- Before discussing a conflict with other residents, programs must ask the survivor for permission to talk with other residents about their service animal.
- Before any survivor enters the program, staff should inform potential residents that the facility does accept service animals.
- Staff should inform staff and residents that a service animal's training and purpose may vary.
- Programs should not assume that the survivor with the service animal is responsible for resolving conflict with another resident. The conflict is not their fault or solely their responsibility. Talk with all people involved and do not assume the person with the service animal is the one who should exit the program or be relocated to another location (i.e. hotel).

Removal of a Service Animal from Shelter

There are three reasons that can lead to the **removal of a service animal** from a domestic violence shelter:

1. ***The service animal is a direct threat to the safety of others.*** If a program decides to have a service animal removed for this reason, there must be actual evidence of danger. For example, according to the U.S. Department of Justice, a program cannot ask to have a dog removed simply because someone is afraid or allergic to it, nor can a program place breed restrictions on service animals.
2. ***The service animal is disruptive to the point that it is interfering with the program or the provision of services.*** In general, if a service animal is disruptive (for example, jumping up on people in a friendly but annoying way, barking) staff should talk with the survivor, telling them that the animal is interfering with programming and may need to be removed if the survivor cannot get the animal under control. If the behavior continues to disrupt programming, the survivor may be asked to remove the animal and told that they may return without the animal.
3. ***The service animal is creating an unsanitary condition.*** Note that the survivor may be unable to keep the animal clean, or to clean up the animal's waste because of a disability or trauma history. Although the law may not require this type of assistance, it is trauma-informed for domestic violence programs to support the survivor in this way. Doing so allows the survivor to have a wider array of choices for safe housing and provides best practices within individualized, trauma-informed services.

Offering Services After the Removal of a Service Animal Whenever a program asks a survivor to remove their service animal, the program has a legal obligation to provide reasonable accommodations for the survivor to continue participating in shelter activities or non-residential services without the animal, should the survivor choose to do so.

Dangerous Animals

If the **animal is directly threatening a resident or staff member**, the program should ask the owner of the animal to get the animal under control. However, program staff should inquire with the owner about the situation because misinterpretation by residents or other staff may occur. For example:

- the animal may be teased by children, interfering with its work, or
- the animal may have had its tail accidentally stepped on, or
- the service animals' communication (noises, etc.) may be misinterpreted as threatening, or
- a service animal who places themselves between their owner and someone talking to them because of social anxiety issues may appear to be threatening when the animal is performing its task.

Due to the nature of power and control within domestic violence relationships, it is possible that the service animal was also abused. Staff should inquire with the survivor about any abuse the animal may have endured and safety plan for the service animal's well-being. This may include finding quieter spaces for both survivor and service dog to have time together to re-train and/or continue the bond.

Programs are not required to take responsibility of looking after or supervising the animal or paying for costs associated with food and care. As domestic violence programs anticipate other necessities of daily living, programs can be proactive and acquire or set aside a small amount of funding for food and grooming supplies with the knowledge that this assistance may enable the survivor to save their funds for other necessities, stay in shelter, and remain safe longer.

Should the survivor's disability prevent them from being able to **care for the service animal**, they may request that program staff assist. Multiple programs around the United States have provided that this type of support and assistance as a reasonable accommodation.

The law does not require programs to provide an accommodation that would result in an "undue burden" on the program. However, if the accommodation or modification is reasonable and does not require a program to make changes that would "fundamentally alter the nature of the services" provided, then the program is responsible for the cost. Designating a safe and clean area should be created for service animals to relieve themselves is an example of a reasonable accommodation. To accomplish this, a shelter may design a specific spot, create a specific relieving routine or schedule, or allow the survivor to relieve their dog on the grounds of the shelter. A trash can and baggies should be available and accessible for cleanliness.

If a program cannot afford the "reasonable modification" or "reasonable accommodation" needed by the survivor with a disability, the program should discuss with the survivor possible low- or no-cost solutions. In cases where the solution to the problem involves considerable expense or effort, the program may or may not be responsible for the cost and should seek additional assistance. In these rare cases, safety planning, referrals, other services, etc. should be explored and offered to the survivor. For assistance in understanding the terms above in quotations, please look on the ADA website (<http://www.ada.gov>).

Service animals must comply with **county licensing and vaccination requirements**. Programs should be aware of these requirements and provide assistance to those survivors who need to obtain copies of their records for their service animal.

Traumatized Service Animal

A linkage exists among abuse of pets and abuse of humans (more information available at <http://nationallinkcoalition.org/>). Therefore, it is likely that service animals of domestic violence survivors have been directly or indirectly impacted by the abuser's actions.

It is important to include questions about trauma that the service animal may be experiencing during intake to provide resources for the service animal that will in return assist the survivors with a disability. Programs may consider building relationships with various kinds of animal health professionals, such as Reiki practitioners and dog trainers, to address the behaviors of the service animal.

It is possible that the service animal is so traumatized by the domestic violence that they are no longer able to perform a specific task for the survivor. In such circumstances, the service animal may need to be retrained by the survivor or may need to be returned to the trainer or training organization. Programs should discuss, safety plan, and brainstorm options and resource individually for survivors whose service animal has been traumatized.

Important Things to Remember

- Make the survivor feel at ease – let them know that their service animal is welcome.
- Talk with the survivor about the animal and communal living. Ask the survivor about the tasks the animal performs for them and how much staff can share about the animal with other residents.
- Consider the confidentiality of the survivor – including information about their disability – when discussing the service animal with staff and other residents.
- If the survivor's permission is obtained, staff should talk to other residents and staff about the service animal.
- When problems arise between the survivor and staff or other residents, find creative ways to resolve differences that do not place the burden for solving the problem on the survivor with the service animal.
- Build relationships with local animal shelters, Humane Societies, or animal rescue organizations. These relationships may help solve problems around licensing, immunizations, or animal care. They may also be able to provide donations of necessary items such as carriers, beds, food, etc.
- Set aside easily accessible funding and/or request donations of basic service animal necessities including animal crates, carriers, bedding, flea shampoo, collars, leashes, and food.
- Post trauma-informed guidelines for interacting with service animals as a consistent, positive reminder to residents.
- Decide whether or not the program will ask for documentation of a service animal. If the program opts to require this documentation, develop a policy that details:
 - how equal access for a person with a service animal is assured;
 - how staff will assist survivors in getting the needed documentation;

- how staff will be trained regarding how to ask for the documentation without asking for specific disability-related information; and
- how staff will be trained regarding what information is required in the documentation and who may provide the documentation.
- Organizations such as RedRover and stores such as Petco, as well as local veterinarians and animal shelters, may be able to offer low-cost or free licensing and vaccinations. Programs should develop a relationship with these organizations or professionals before a service animal is brought on site. See additional resources on page 24.
- If staff must ask a survivor to remove their service animal from the shelter, invite them to remain (without the service animal if they are able to do so safely) and discuss accommodations that might make it possible.

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Section 4

Service Animals in Non-Residential Domestic Violence Programs: Suggested Policies and Procedures

Screening and Intake

Programs should look at screening and intake questions or processes that might inadvertently express a message that a survivor with a disability would be unwelcome. If this information must be obtained, it is crucial to develop questions that can be asked in a survivor-centered, trauma-informed, supportive manner.

Many people with disabilities are accustomed to being screened out when they seek services and may be suspicious of a program's intent. Some common questions asked during screening or intake can inadvertently make survivors with disabilities feel unwelcome.

Staff Training

All staff should be trained on how to interact with service animals, the varied tasks and purposes for service animals, and the program's specific policies and procedures pertaining to inquiring about documentation. As front desk or receptionist staff are the first point of in-person contact with a survivor and their service animal, it is imperative that they receive this training.

Issues and Problem Solving

As with shelters, for non-residential programs that have not have many service animals come in with survivors previously, there are common concerns and issues. The following section presents these, suggests some possible solutions, and explores approaches to problem-solving that empower survivors with disabilities.

The issues that are addressed in this section are:

- *Liability*
- *Allergies/Fear of animals/Aversion to animals*
- *Talking with the survivor*
- *Talking with staff and other survivors*
- *Disruption of the program*
- *Traumatized service animal*

Liability

Section 2 of this document describes a program's obligation to allow service animals. Increasing access to services often decreases risk of liability. Denying or discouraging access to a person with a disability who uses a service animal can expose the program to liability, due to anti-

discrimination laws. As a reminder, “no pet” and “no animal” policies do not apply to service animals.

Allergies/Fear of Animals/Aversion to Animals

If other clients, children, or staff have any of the above issues, it is important to address the situation while doing so in the most trauma-informed manner possible. The Violence Against Women with Disabilities Project of Wisconsin offers this advice:

A best practice approach would be to try different options to work out this dilemma without solely burdening the person with the service animal, so that both people can participate. This practice involves dialogue among the staff and the program participant using the service animal and the individual who is scared or has allergies. Think creatively.

From a legal perspective, keep in mind that while some people might have fear of dogs or other animals, this is not generally a valid reason for excluding a person with a disability using a service animal. For most people with allergies, the presence of an animal causes only minor discomfort, such as sneezing or sniffing. Although it is understandably uncomfortable, this reaction does not constitute a “disability” as defined under the law; therefore, no accommodation is necessary for the allergic person. Rarely, another participant’s allergy is so severe that animal contact may cause acute respiratory distress. In these cases, the allergic participant also may request an accommodation.

- Disability Rights Wisconsin, Wisconsin Coalition Against Domestic Violence, Wisconsin Coalition Against Sexual Assault (2008).

Talking with the Survivor

When initiating this discussion, there are a couple of things to keep in mind. First, people who use service animals often face discrimination when trying to access public places. This sometimes leads to defensiveness about their animal. Start the conversation by assuring the survivor that they and the animal are welcome. Only ask questions about the service animal that are necessary to provide services.

Talking with Staff and Other Survivors

A service animal is not a pet and should not be distracted from its duties. Staff should not pet or play with the animal when it is working.

In staff’s preliminary discussion with the survivor, staff should ask them what they are comfortable sharing about the animal and the animal’s function with other staff and/or clients with whom they will interact (for example, in an on-going support group). ☐ Staff and the survivor with a disability should discuss the survivor’s options about disclosing information about their disability and/or service animal with other people in the program. If the survivor wishes for others to know information about their disability and/or service animal but asks staff

to disclose specific information, staff must obtain their written permission before passing on this information others.

Disruption of the Program

Service animals should not disrupt programming at the program. If a service animal is not well behaved - for example, jumping on people to seek attention, or barking – staff may ask the survivor to keep the animal under control or assist the survivor with developing a plan to reduce or eliminate the disruptive behaviors.

If staff and the survivor have tried and failed to end the disruptive behavior, the program may ask the survivor to no longer bring the animal on-site. At this point, the program must offer the survivor the opportunity continue receiving services another way, including possibilities of meeting at another location or over the telephone.

There are three reasons that can lead to the **prohibition of a service animal** on the site of a domestic violence program:

1. ***The service animal is a direct threat to the safety of others***. If a program decides to have a service animal removed for this reason, there must be actual evidence of danger. For example, according to the U.S. Department of Justice, a program cannot ask to have a dog removed simply because someone is afraid or allergic to it, nor can a program place breed restrictions on service animals.
2. ***The service animal is disruptive to the point that it is interfering with programming or the provision of services***. In general, if a service animal is disruptive (for example, jumping up on people in a friendly but annoying way, barking) staff should talk with the survivor, telling them that the animal is interfering with programming and may need to be removed if the survivor cannot get the animal under control. If the behavior continues to disrupt programming, the survivor may be asked to remove the animal and that they may return without the animal.
3. ***The service animal is creating an unsanitary condition***. Note that the survivor may be unable to keep the animal clean, or to clean up the animal's waste because of a disability or trauma history. Although the law may not require this type of assistance, it is trauma-informed for domestic violence programs to support the survivor in this way. Doing so allows the survivor to have a wider array of choices for safe housing and non-residential services and provides best practices within individualized, trauma-informed services.

Important note: Whenever a program asks a survivor to remove their service animal, the program should provide reasonable accommodations for the survivor to continue participating in non-residential services and shelter activities without the animal, should the survivor choose to do so.

Dangerous Animals

If the **animal is directly threatening another survivor or staff member**, the program should ask the owner of the animal to get the animal under control. However, program staff should inquire with the owner about the situation as misinterpretation by other survivors or staff may occur.

For example:

- the animal may be teased by children, interfering with its work, or
- the animal may have had its tail accidentally stepped on, or
- the service animals' communication (noises, etc.) may be misinterpreted as threatening, or
- a service animal who places themselves between their owner and someone talking to them because of social anxiety issues may appear to be threatening when the animal is performing its task.

Due to the nature of power and control within domestic violence relationships, it is possible that the service animal was also abused. Staff should inquire with the survivor about any abuse the animal may have endured as well as safety plan for the service animal's well-being.

The law does not require programs to provide an accommodation that would result in an "undue burden" on the program. However, if the accommodation or modification is reasonable and does not require a program to make changes that would "fundamentally alter the nature of the services" provided, the program is responsible for the cost. One example of reasonable accommodations within a program would be providing therapy in a different room that can accommodate a large service dog. Another example would be allowing the survivor with a disability and their service animal to wait for their appointments in another room besides the waiting room to reduce anxiety or concerns about other clients' fears/allergies, etc.

If a program cannot afford the "reasonable modification" or "reasonable accommodation" needed by the survivor with a disability, the program should discuss with the survivor possible low- or no-cost solutions. In cases where the solution to the problem involves considerable expense or effort, the program may or may not be responsible for the cost and should seek additional assistance. In these rare cases, safety planning, referrals, other services, etc. should be explored and offered to the survivor. For assistance in understanding the terms above in quotations, please look on the ADA website (<http://www.ada.gov>).

Traumatized Service Animal

A linkage exists among abuse of pets and abuse of humans (<http://nationallinkcoalition.org/>). Therefore, it is likely that service animals of domestic violence survivors have been directly or indirectly impacted by the abuser's actions.

It is important to include questions about trauma that the service animal may be experiencing during intake to provide resources for the service animal that will in return assist the survivors

with a disability. Programs may consider building relationships with various kinds of animal health professionals, such as Reiki practitioners and dog trainers, to address the behaviors of the service animal.

It is possible that the service animal is so traumatized by the domestic violence that they are no longer able to perform a specific task for the survivor. In such circumstances, the service animal may need to be retrained by the survivor or may need to be returned to the trainer or training organization.

Important Things to Remember

- Make the survivor feel at ease – let them know that their service animal is welcome.
- Consider the confidentiality of the survivor – including information about their disability – when discussing the service animal with staff and other survivors.
- Staff and the survivor with a disability should discuss the survivor’s options about disclosing information about their disability and/or service animal with other people in the program. If the survivor wishes for others to know information about their disability and/or service animal but asks staff to disclose specific information, staff must obtain their written permission before passing on this information others.
- If the survivor’s written permission is obtained, talk to other survivors whom they may be in contact with on a consistent basis (for example, members of an on-going support group) and staff about the service animal.
- When problems arise between the survivor and staff or other survivors, find creative ways to resolve differences that do not place the burden for solving the problem on the survivor with the service animal.
- Build relationships with local animal shelters, Humane Societies, or animal rescue organizations. These relationships may help solve problems around licensing, immunizations, or animal care. They may also be able to provide donations of necessary items such as carriers, beds, food, etc.
- Set aside easily accessible funding and/or request donations of basic service animal necessities including animal crates, carriers, bedding, flea shampoo, collars, leashes, and food.
- Post trauma-informed guidelines for interacting with service animals as a consistent, positive reminder to survivors and staff.
- Decide whether or not the program will ask for documentation of a service animal. If the program opts to require this documentation, develop a policy that details:
 - how equal access for a person with a service animal is assured;
 - how staff will assist survivors in getting the needed documentation;
 - how staff will be trained regarding how to ask for the documentation without asking for specific disability-related information; and
 - how staff will be trained regarding what information is required in the documentation and who may provide the documentation.

Ideas for Partnerships, Collaborations, and Resources

Programs may want to **add animal essentials to their donation list** and/or seek out donors who could provide items such as food, dishes, leashes, veterinary care, toys, etc. for survivors with disabilities.

Additional places to connect with for resources and donations include:

ASPCA - Animal Behavioral Rehabilitation Center

Website: www.asPCA.org/animal-placement/rehabilitation-center

Launched in March 2013, the ASPCA Behavioral Rehabilitation Center at St. Hubert's Animal Welfare Center in Madison, New Jersey, is the first and only facility dedicated to providing behavioral rehabilitation for fearful, undersocialized dogs, such as those confiscated from puppy mills and hoarding situations. Physically healthy, fearful dogs rescued in cruelty cases conducted by the ASPCA and by other groups are eligible for treatment at the Center.

ASPCA – Maryland Chapter

3300 Falls Road, Baltimore, Maryland 21211

Office: 410-235-8826

Website: www.asPCA.org

Maryland SPCA's mission is to improve the lives of pets and people in the community. The Maryland SPCA is dedicated to making a difference in the lives of animals in Baltimore and the surrounding area. In addition to adoption and lost pet services then offer a multitude of programs and services for the community and for residents who already own a pet.

ASPCA – National Office

600 Pennsylvania Ave. SE #450, Washington, DC 20003

Office: 202-621-6500

Website: www.asPCA.org

The American Society for the Prevention of Cruelty to Animals® (ASPCA®) was the first humane society to be established in North America and is, today, one of the largest in the world. Their organization was founded on the belief that animals are entitled to kind and respectful treatment at the hands of humans and must be protected under the law. As a national animal welfare organization the ASPCA provides national programs that extend their anti-cruelty mission across the country

Equal Rights Center of Washington, DC

11 Dupont Circle, NW, Suite #450, Washington, DC 20036

Toll-free hotline: 866-719-4372

Office: 202-234-3062

Website: www.equalrightscenter.org

The ERC employs a multi-faceted approach to promote civil rights. By utilizing a comprehensive approach, and providing services to community members, the non-profit community, the corporate sector, and government agencies, they create lasting positive change. The ERC takes a multifaceted approach to protecting the civil rights of the disability community on a cross-disability basis, with a goal of assuring that 57 million people with disabilities in the U.S. have the same choices and opportunities that people without disabilities enjoy every day.

Fidos for Freedom in Maryland

1200 Sandy Spring Road, Laurel, Maryland 20707

Office: 410-880-4178 or 301-490-4005

Website: www.fidosforfreedom.org

Their mission is to enhance the quality of life for people in the Washington-Baltimore Metropolitan community by providing specially trained hearing dogs, service dogs, and therapy dogs. Fidos also educates the public about individuals with disabilities and about the benefits of assistance dogs and therapy dogs and the work that these specially trained dogs do for individuals with disabilities, children with reading difficulties, and patients in health care facilities.

Guide Dog Users, Inc.

3603 Morgan Way, Imperial, Missouri 63052

Office: 866-799-8436

Website: www.guidedogusersinc.org

Guide Dog Users Inc., (GDUI), is the leading consumer-driven organization of guide dog handlers in the world. They strive to promote civil rights and enhance the quality of life for working guide dog teams. Drawing on the experiences and varied knowledge of its members, GDUI provides peer support, advocacy and information to guide dog users everywhere. In addition, GDUI works with public entities, private businesses and individuals to ensure that guide dog users enjoy the same rights to travel, employment, housing, and participation in all aspects of life that people without disabilities enjoy.

Humane Society of the United States

2100 L Street NW, Washington, D.C. 20037

Toll-free Hotline: 866-720-2676

Office: 202-452-1100

Website: www.humanesociety.org

The Humane Society of the United States is the nation's largest and most effective animal protection organization. They provide hands-on care and services to more than 100,000 animals each year, and we professionalize the field through education and training for local organizations. They provide direct care, rescue, and services for animals in crisis, pass local, state and federal laws to protect animals, and make sure existing laws are properly enforced.

International Association of Assistance Dog Partners

38691 Filly Drive, Sterling Heights, Michigan 48310

Office: 586-826-3938

Website: www.iaadp.org

A non-profit, cross-disability organization representing people partnered with guide, hearing and service dogs.

Mid-Atlantic Lyceum

3022 Temple Gate Road, Baltimore, MD 21209

Website: www.midatlanticlyceum.com

The Mid-Atlantic Lyceum, the Mid-Atlantic Journal of Law and Public Policy, and the MSBA Animal Law Symposium were founded by Joshua L. Friedman, Esq., and Gary C. Norman, Esq. The two have been partners in numerous civil rights ventures including animal and disability rights advocacy for nearly a decade. They have written numerous law journal articles and other advocacy publications.

Maryland Commission on Civil Rights

6 Saint Paul Street, Suite 900, Baltimore, Maryland 21202

Office: 800-637-6247

TTY: 410-333-1737

Website: www.mccr.maryland.gov

It is the mission of the Maryland Commission on Civil Rights to ensure opportunity for all through the enforcement of Maryland's laws against discrimination in employment, housing, public accommodations, and state contracts; to provide educational outreach services related to provisions of this law; and to promote and improve civil rights in Maryland.

Maryland Department of Disabilities

217 E. Redwood Street, Suite 1300, Baltimore, Maryland 21202

Office: 410-767-3660

TTY: 800-637-4113

Website: www.mdod.maryland.gov

The Maryland Commission on Disabilities (MCD) serves as the advisory body for the Maryland Department of Disabilities, which is charged with unifying and improving the delivery of services to people with disabilities. MCD also plays an instrumental role in the development of the State Disabilities Plan, a comprehensive multi-year strategic plan that sets performance goals for all agencies in Maryland which serve people with disabilities. The Commission includes

19 members appointed by the Governor and representatives from the Maryland Senate and House of Delegates.

Maryland State Bar Association – Animal Law Section

State and Local Government Section

Website: www.msba.org/sections/animallaw

The MSBA Animal Law Section provides a forum for the open exchange of ideas about legal issues concerning the treatment of all animals, the protections afforded to animals, and the rights and responsibilities of persons who have an interest in animals, and also facilitates the development of good legal practice in animal-related issues by providing educational programs and resources and by participating in the legislative process.

National Association of Lawyers with Disabilities

Office: 347-455-1521

Website: www.naadattorneys.org

The National Association of Attorneys with Disabilities (NAAD) is the national association of attorneys, judges, law professors, law students, and others representing the interests of others with disabilities in the legal profession so that persons with disabilities of all kinds can achieve success. NAAD provides a strong voice for increased diversity of the federal and state judiciaries so as to include persons with disabilities on the bench, advocate for equal opportunity in the workplace, advocate for accessibility to places of public accommodation, engage in outreach to the disability community, and also promote the professional development of persons with disabilities in the legal profession.

Pro Bono Resource Center of Maryland

520 W. Fayette Street, Baltimore, Maryland 21201

Toll-free: 800-396-1274

Office: 410-837-9379

Website: www.probonomd.org

The Pro Bono Resource Center of Maryland, Inc. (PBRC) is the statewide coordinator of volunteer legal services. Their mission is to promote equal access to justice in Maryland by coordinating and supporting volunteer civil legal services, providing resources and support for legal advocates for the poor and promoting cooperation within the legal community.

Rescue Well

Office: 410-456-1392

www.rescuewell.org

Rescue well has grown from offering post-adoption support to the city shelter, to offering several programs across Maryland, Washington, DC, and Northern Virginia. Their programs focus on improving the lives of both pets and its owners. They proudly serve “without judgment or expectations” and follow the “Rescue Well Engagement Model: engage > educate > empower”.

Service Dogs for Victims of Assault

Office: 503-262-7101

Email: SDVAdogs3@aol.com

Website: www.dogsaver.org/sdva

Service Dogs for Victims of Assault (SDVA) trains dogs as service animals for crime victims. These specially trained dogs are trained to mitigate each survivor’s disability and instill realistic confidence in victims/survivors who are still addressing the traumas of their rapes, assaults, or stalking experiences.

The Seeing Eye

P.O. Box 375, Morristown, New Jersey 07963

Office: 973-539-4425

Email: info@seeingeye.org

The Seeing Eye's mission is to enhance the independence, dignity and self-confidence of people who are blind, through the use of specially trained Seeing Eye® dogs. In pursuit of this mission,

The Seeing Eye breeds and raises puppies to become Seeing Eye dogs, trains Seeing Eye dogs to guide blind people, instructs blind people in the proper use, handling, and care of the dogs and conducts and supports research on canine health and development.

Women with Disabilities and Deaf Woman Project

215 Spadina Avenue, Suite 220, Toronto, Ontario, Canada M5T 2C7

Office: 416-968-3422

Website: www.womanabuseprevention.com

The Women with Disabilities and Deaf Women's Program responds to community-identified needs to address barriers to service for abused women with disabilities and Deaf, deafened and hard of hearing women. This program works to meet the range of diverse needs identified by women with disabilities and Deaf/hard of hearing women themselves; as well as supporting the work of service providers and advocates committed to enhancing and increasing greater access to services for all women.

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