

# **MODEL PROTOCOL**

## on Service Animals in Domestic Violence Shelters

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Washington State Coalition Against Domestic Violence

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WASHINGTON STATE COALITION  
**WSCADV**  
AGAINST DOMESTIC VIOLENCE

## **Acknowledgements**

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## Introduction

During the past few years, the subject of service animals coming to domestic violence shelters has been a hot topic whenever shelter managers, staff and volunteers get together. There are always interesting stories to be heard at these gatherings – some of them funny, some of them horrifying, and some just plain strange.

Communal living situations are always hard, and introducing service animals into the mix can create more complications, conflicts and confusion. This document is divided into three sections with the goal of minimizing confusion, providing a framework for addressing conflicts, and embracing complications as an integral part of advocacy.

The three sections of this document are:

- Basic information about service animals and the people who use them (page 2);
- Basic information about the laws that apply to shelters and service animals (page 6); and
- Suggested policies and procedures for service animals in shelters (page 14).

In various places throughout this document we have used personal pronouns to identify survivors. These individuals could be of any gender. For expedience, we have chosen to use the pronouns “she” and “her” because the majority of survivors are female. Similarly, when referring to abusers we have used the pronouns “he” and “him” because more abusers are male.

### Disclaimer

This document contains references to several laws relating to service animals and domestic violence shelters. It is not meant to be a complete review of all laws applicable to the subject. It is written for non-lawyers and is not intended to provide specific legal advice. Laws change over time, so if you want legal information for a specific situation, consult the internet resources listed in this document and/or contact an attorney.

# Service Animals

## ***Basic information about service animals***

### **What is a service animal?**

A service animal is any animal that has been individually trained to provide assistance or perform tasks for the benefit of a person with a physical, sensory or mental disability.

### **What kind of animal can be a service animal?**

Any kind of animal can be a service animal. Dogs, cats, monkeys, miniature horses, birds, snakes (yes, snakes!) have all been service animals. Most often, service animals are dogs.<sup>1</sup>

### **What kind of certification do service animals have?**

Service animals do not require any kind of certification. They need to be individually trained to provide assistance, but training varies widely based on the tasks the animal performs. The training can be done by professional trainers or individually by the person with the disability. Some service animals have harnesses, collars, or other documentation, but many do not.

### **What is a companion animal? What is an emotional support animal? What is a prescription animal?**

These terms all describe a type of service animal. Increasing numbers of people with emotional or psychological disorders are finding that an animal helps alleviate their symptoms. The most common terms are "emotional support animal" or "companion animal." The term "prescription animal" is sometimes used when a medical provider documents the need for such an animal.

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<sup>1</sup> In some cases, a particular animal may not be appropriate, and the laws about service animals recognize this. For example, poisonous snakes would not be appropriate in public places, nor would rats be appropriate in restaurants.

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Because this is a relatively new practice the terminology is not settled. Regardless of how they are labeled, emotional support animals are service animals. They help alleviate anxiety or other symptoms of an emotional or psychological disorder. For more information, see the discussion of the Americans with Disabilities Act in **Section 2**.

### **If there is no certification, how do I know the animal is really a service animal?**

If a person says their animal is a service animal, it is good advocacy practice to take them at their word.

For more information on this subject, see **Section 3**.

For information on the laws relating to housing providers requesting documentation for service animals, see **Section 2**.

### **What is the difference between a service animal and a pet?**

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, crutches or wheelchair. "No pet" or "no animal" policies do not apply to service animals.

### **Who uses service animals?**

Some people with disabilities use an animal to provide support, perform tasks related to their disabilities, provide warnings, or help keep them safe. The assistance the animals provide can lessen symptoms, help remove day-to-day barriers, or help keep them healthy. People with many different types of disabilities use service animals.

### **How do I know the person has a disability?**

If they are using a service animal, then they have a disability. Usually, that is all you need to know. There are laws and rules that limit what you can ask a person who wants to use your services. For example, you may not ask a person to tell you what type of disability she has (see **Section 2**).

Our work embraces the value of believing survivors when they seek our services or support. If a survivor identifies as having a disability, it is

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recommended that you accept her word and assume she is protected by disability rights laws.

### **Don't I need to know about the survivor's disability so I can provide services?**

You will need to know about the survivor's *abilities*. Knowing the name of a survivor's disability or diagnosis may lead you to make incorrect assumptions. The same disease, disorder or condition might affect two people in completely different ways.

When you ask someone about their disability, you may not get information that is helpful. The survivor may think you are asking only about things she cannot do, rather than helping her develop an advocacy plan based on her strengths and survival strategies. A better approach is to discuss with every survivor how things work throughout your program so she can tell you what works best for her. It is always helpful to know what tasks a survivor needs support with.

For example:

- What is the physical layout of your shelter? Does your building have stairs and no elevator? What would be the best way to solve any problems created by your building's layout?
- Will the survivor need to schedule and maintain appointments? What kind of reminder for appointments works for her?
- Will she need to review written documents? How does that work best for her? Read them together aloud? Have documents available in large print or on a cassette tape?

### **What do service animals do?**

Below is a list of *some* of the various types of service animals.

- *Hearing animals* alert a person who is Deaf or hard of hearing when a sound occurs, such as a doorbell or fire alarm.
- *Seeing eye* or *guide animals* assist people who are blind or have low vision.
- *SSIG (social signal) animals* assist a person with autism. These animals are trained to alert their owner to certain behaviors or

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repetitive movements, like hand flapping. This can help the person better communicate and process sensory input.

- *Emotional support, or companion animals* can help a person manage symptoms of a psychiatric disability or mental illness. Sometimes the term *therapy animal* is used to describe animals that are trained to visit hospitals, schools, nursing homes and other facilities.
- A *diabetes animal* may be trained to help a person with diabetes by carrying medication and going for help in an emergency. These animals may even learn to predict and warn of low blood sugar.
- A *seizure animal* may help someone who has epilepsy or a seizure disorder by carrying medicine or going for help. Some even learn to predict and warn the person of an impending seizure.

### **Where can I find more information about service animals?**

- The Delta Society  
[www.deltasociety.org](http://www.deltasociety.org)
- The Invisible Disabilities Advocate  
[www.myida.org/serviceanimals.htm](http://www.myida.org/serviceanimals.htm)
- Assistance Dogs International  
[www.assistedogsinternational.org](http://www.assistedogsinternational.org)
- Guide Horse Foundation  
[www.guidehorse.org](http://www.guidehorse.org)
- Helping Hands: Monkey Helpers  
[www.monkeyhelpers.org](http://www.monkeyhelpers.org)

# Laws about Service Animals

## ***Basic information about the laws that apply to domestic violence shelters and service animals***

### **What are the laws that apply to domestic violence shelters and service animals?**

There are four laws that directly apply to service animals and domestic violence shelters. Three of them are federal laws and one is a Washington state law.

- Washington Law Against Discrimination
- Title III of the Americans with Disabilities Act
- Section 504 of the Rehabilitation Act
- Fair Housing Amendments Act

### **Why are there four different laws?**

Each law has a slightly different focus, but all four laws embrace the same principle - making sure that people with disabilities have equal access to services. All four laws apply to domestic violence shelters.

- *Washington Law Against Discrimination (WLAD)* is a state law that is broader in scope than any of the federal laws listed below. The WLAD applies to all businesses and non-profit service providers, including domestic violence programs and shelters. The WLAD specifically prohibits discrimination against people who use service animals.
- *Title III of the Americans with Disabilities Act (ADA)* is a federal law that applies to all businesses and non-profit service providers. The ADA calls these “places of public accommodation.” Any program operated by a domestic violence or sexual assault agency is a place of public accommodation, and thus subject to Title III of the ADA.<sup>2</sup>

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<sup>2</sup> As of January 2009, the ADA is undergoing rule changes that may limit the types of animals that can be designated service animals and may provide fewer protections for people using emotional support animals. These potential changes will have little or no effect on shelters in Washington state because the broader WLAD is still in effect.

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- *Section 504 of the Rehabilitation Act* is a federal law that covers any program operated by agencies receiving federal financial assistance. All state-funded shelters are covered under this law because they receive federal funds that pass through the state (if your organization receives VOCA, FVPSA, VAWA or RPE funds, even if they pass through DSHS or OCVA, you are receiving federal dollars).
- *Fair Housing Amendments Act* is a federal law that applies to most housing providers, including shelter and transitional living programs.

### **Do these laws require that shelters allow service animals?**

Yes. All four laws require shelters to allow service animals. Your program is required to modify any “no animal” policy if it’s necessary to allow equal access for a person with a disability using a service animal.

### **What is my shelter required to do under these four laws?**

The *Washington Law Against Discrimination* (WLAD) is very specific on the subject of service animals. Places of public accommodation must not only allow service animals, but may not “treat a person with a disability as not welcome, accepted, desired, or solicited because of their use of a service animal.”<sup>3</sup> Under the WLAD, any policy or practice that discourages a person with a service animal from using your services violates the law.

Under *Title III of the ADA*, your program is required to make reasonable modifications (sometimes called reasonable accommodations) to your policies and practices so that a person with a disability can have access to your services. Generally speaking, your program is responsible for the cost associated with these reasonable accommodations (see [www.ada.gov](http://www.ada.gov) for information about what is considered “reasonable”).

Like the ADA, *Section 504 of the Rehabilitation Act* requires “reasonable modifications” to policy and practice be made for people with disabilities. This includes allowing service animals if it’s necessary for the person with the disability to participate in the program. The law states that “*no . . . individual in the United States shall, solely by reason of [her disability],*

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<sup>3</sup> From the *Washington State Human Rights Commission*, the entity that enforces the WLAD.

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*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 *Fair Housing Act* also requires reasonable modifications and reasonable accommodations for people with disabilities. The Department of Housing and Urban Development (the agency that enforces the Fair Housing Act) has made it clear that service animals must be allowed. The language in this law can be a little confusing because they define reasonable modifications differently than the other federal laws. When the Fair Housing Act talks about reasonable modifications, they are talking about changes to the actual housing unit such as adding ramps or grab bars, changing door knobs to levers, or widening doorways. Reasonable accommodations under the Fair Housing Act are changes to policy and practice, such as allowing service animals despite a no animal policy, or providing assistance in filling out application forms.

### **How do I find out if an animal is really a service animal?**

*The easy answer:* It is good advocacy practice to believe survivors when they tell you the animal is a service animal. You do not need documentation. This is not only good practice, but conforms with all four laws. For more information, see **Section 3**.

*The complicated answer:* There are two parts to this answer.

1. When a survivor comes to you for advocacy services (other than shelter), you cannot ask for documentation or certification for her service animal. This is prohibited by the ADA, the Rehabilitation Act and the WLAD.

When someone contacts your program for services, the law is very clear. You cannot ask about the survivor's disability (either directly or indirectly), and you 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 they have a disability by carrying documentation.

If you feel you must ask someone about their animal, be aware that you must be very careful about what you ask. The Washington State Human Rights Commission, which enforces the WLAD, says that you may ask if the animal "is a service animal required

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because of a disability.” However, they go on to say that you “cannot require any proof of a person’s disability, or identification or certification of the service animal’s status.” The U.S. Department of Justice suggests that under the ADA, you may only ask two questions: “Is this a service animal?” and “What tasks does the animal perform for the person?” Other inquiries could leave you liable to a discrimination complaint.

2. However, when a survivor applies for space in your shelter or for transitional housing, things get a little more complicated. When a survivor is applying for housing, the Fair Housing Act applies, and it is a little different than the other laws. Under the Fair Housing Act and the WLAD, a housing provider *may* ask for a statement from a health care or mental health professional (the provider does not need to be an M.D., but should be qualified to provide the diagnosis or prescription). The statement should say that the individual is a person with a disability and will be assisted by a service animal. Your shelter staff may *not* ask for details or the nature of an individual’s disability.

Neither law requires that you ask for this documentation, and many shelters do not require it. However, if you choose to ask for it, you should proceed carefully. If you ask for documentation from one survivor, you should ask all survivors with service animals for documentation. If you assist one survivor in obtaining the needed documentation, you should assist all survivors with service animals. Your policy and practice should be consistent.

### **Can I keep the service animal out of the common areas?**

No. When service animals are working, they accompany their owner. By limiting where a service animal can go in your shelter, you are limiting where the survivor can go. 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 could lead to a discrimination complaint.

This does not mean that the animal has free run inside your shelter. When the animal is working, it must always be under direction and control of the owner. This could be on a leash or harness, or it could be simply that the animal obeys the voice commands of the owner. When the animal is not working, you may ask the owner to keep the animal in

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her room, in a kennel or crate, or make arrangements that are satisfactory to everybody.

### **What if the animal is growling or threatening other residents or the staff?**

If the animal is directly threatening a resident or staff member, ask the owner of the animal to get it under control.

However, sometimes a resident or staff member might misinterpret an animal's actions. If you receive a complaint that an animal is exhibiting aggressive behavior, take the time to ask the owner what is going on. There are a variety of reasons a person could misinterpret an animal's behavior. For example, the animal could be being teased by children, which interferes with its work. The animal may have had its tail accidentally stepped on. Some service animals inform their owners of impending seizures by making noises that could be misinterpreted. Other service animals place themselves between their owner and someone talking to them because of social anxiety issues - this behavior can seem to be threatening when, in fact, it is what the animal has been trained to do.

### **What if the animal is actually threatening staff or residents?**

There are three reasons that can lead to the removal of a service animal from your shelter. You can ask a person to remove their service animal if:

1. The service animal is a direct threat to the safety of others. It is extremely rare for service animals to be truly dangerous. To have an animal removed for this reason, there must be actual evidence of danger. You cannot, for example, ask to have a dog removed simply because someone is afraid of it. Nor could you ban all pit bulls because you believe they are dangerous.
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 participant, telling her 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

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programming, the participant may be asked to remove the animal and told the animal may not return.

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. Although the law may not require this type of assistance, it likely falls within your program's mission and values to help with these tasks. Moreover, supporting the survivor in this way allows her to have a wider array of choices for safe housing and ending the cycle of violence in her life.

*Important note:* In any case where you ask a survivor to remove her service animal, you should make it clear that she is welcome to continue participating in shelter activities without the animal, and you must make efforts to provide reasonable accommodations so she can do so.

### **Do I have to pay for the animal's food? Do I have to clean up after the animal? What are the survivor's responsibilities?**

Generally, the owner of the service animal has the responsibility to look after and supervise the animal, including costs associated with food and care. If the survivor is unable to pay for the animal's care, consider a small investment in food and grooming supplies. This assistance may enable the survivor to stay in your shelter and remain safe.

If the survivor's disability prevents her from being able to perform any of the functions needed to care for the animal, she may request that shelter staff assist her. Many programs have provided this sort of assistance as a reasonable accommodation.

The owner of the service animal is responsible for maintaining control of the animal at all times. This generally means that while the animal is in common areas, it is on a leash, in a carrier, or otherwise in the direct control of the animal owner or an assistant. When in the presence of others, the animal is expected to be well-behaved (not jumping on or barking at people).

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**What if the animal doesn't have the shots that it needs, or doesn't have an animal license from the county?**

Check the laws in your county about licensing animals. Most counties require licenses and proof of certain vaccinations. Service animals generally must comply with these laws. If the survivor left her home quickly, she may not have the documentation she needs. Although not required by law, many shelters have assisted survivors in obtaining vaccinations and/or a license for their animal.

**Our program doesn't have very much money. What do we do if we can't afford the "reasonable modification" or "reasonable accommodation" needed by the survivor?**

People with disabilities often know what they need, and are accustomed to finding creative solutions to accommodation problems. In many cases, low-cost (or no-cost) solutions can be found when advocates discuss with the survivor what might solve the access problem.

In cases where the solution to the problem involves considerable expense or effort, you may or may not be responsible for the cost. Generally speaking, if the accommodation is reasonable, readily achievable, and does not require you to make changes that would fundamentally alter the nature of the services you provide, you are responsible for the cost of the accommodation. The law does *not* require you to provide an accommodation that would result in an undue burden on your program.

For more complete information on the definitions of the legal terms in the paragraph above ("reasonable," "readily achievable," "fundamentally alter the nature of the services," and "undue burden") you should look on the ADA website at <http://www.ada.gov>, or the other web resources listed on the next page.

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### **Where can I get more information about the laws that apply to service animals?**

- Service Animal Questions  
*Washington State Human Rights Commission*  
[www.hum.wa.gov/generalInfo/faq\\_serv\\_animal.htm](http://www.hum.wa.gov/generalInfo/faq_serv_animal.htm)
- ADA Questions and Answers  
U.S. Dept. of Justice Human Rights Division  
[www.ada.gov/q%26aeng02.htm#Public](http://www.ada.gov/q%26aeng02.htm#Public)
- ADA Small Business [and Non-profit Service Provider] Guide  
U.S. Dept. of Justice Human Rights Division  
<http://www.ada.gov/smbusgd.pdf>
- Right to Emotional Support Animals in “No Pet” Housing  
Bazelon Center for Mental Health Law  
[www.bazelon.org/issues/housing/infosheets/fhinfosheet6.html](http://www.bazelon.org/issues/housing/infosheets/fhinfosheet6.html)
- Reasonable Modifications Under the Fair Housing Act  
U.S. Dept. of Justice & U.S. Dept. of Housing & Urban Development  
[www.usdoj.gov/crt/housing/fairhousing/reasonable\\_modifications\\_mar08.pdf](http://www.usdoj.gov/crt/housing/fairhousing/reasonable_modifications_mar08.pdf)
- Brief Overview of Housing and Companion Animals  
Kate Brewer, Michigan State University College of Law  
[www.animallaw.info/articles/qvuspetsandhousinglaws.htm](http://www.animallaw.info/articles/qvuspetsandhousinglaws.htm)
- Summary of Emotional Support Animals and Housing Laws  
Kate Brewer, Michigan State University College of Law  
[www.animallaw.info/articles/ovuspetsandhousinglaws.htm](http://www.animallaw.info/articles/ovuspetsandhousinglaws.htm)

# Service Animals in Domestic Violence Shelters

## *Suggested policies and procedures*

The first section in this document provided basic information about service animals and the people who use them. The second section was about the laws that relate to service animals and your shelter. This third section will provide information and suggestions about developing policies and practices in your program related to service animals.

### **Screening and intake practices at your program**

The first step in developing your new service animal policy is to examine your program's screening and intake practices.

No domestic violence advocate would tell a survivor that their program does not serve people with disabilities, but some common questions asked during screening or intake can inadvertently make survivors with disabilities feel unwelcome.

Historically, many service providers have found it expedient to screen people with disabilities out of services. This may have happened because they believed that people with disabilities were hard to serve. Thus, screening them out saved time and resources for the staff. When providers do this – whether they are domestic violence advocates or any other service agency – they are establishing a de facto policy that people with disabilities are not welcome.

Because of this dynamic, many people with disabilities are accustomed to being screened out when they seek services and may be suspicious of your intent. Look at your program's screening and intake questions and answer them as though you were a survivor with a disability. Look for questions that might inadvertently send a message that you would be unwelcome. Think of ways you can collect the information in a supportive manner.

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For WSCADV's model protocol on screening practices, go to the WSCADV website at [www.wscadv.org](http://www.wscadv.org), browse the "Resources" by title, and select "Screening Practices for Domestic Violence Victims with Disabilities."

### **Issues & problem solving**

The first time a service animal comes into your shelter, you are likely to have concerns. There are many things to think about and if you have never had animals in your shelter, these issues will be new to you. This section will help identify concerns or issues surrounding service animals in shelters, suggest some possible solutions, and explore approaches to problem-solving that empower survivors.

The issues that are addressed in this section are:

- Sanitation
- Liability
- Allergies/Fear of animals/Aversion to animals
- Licensing and required shots for the animal
- Talking with the survivor about the animal
- Talking with other participants about the animal
- Disruption of programming
- Dangerous animals

### **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 gives him 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 or impossible to take care of the animal.

Giving the survivor some support in learning how to care for the animal or some assistance with difficult tasks could not only be considered a reasonable accommodation, but would increase her autonomy. If the shelter staff or volunteers are unable to assist in this way, you may be able to find someone at your local animal shelter, humane society, or animal rescue organization who would be happy to work with your shelter.

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#### *P.O.O.P.*<sup>4</sup>

Service animals should be housebroken and the owner should clean up after the animal. Plastic bags can be used to pick up feces, and they can be tied off and thrown in the garbage can. The produce section at your grocery store has bags that work well for this. If the survivor is unable to perform this task, you may be able to recruit an animal lover from the staff or other survivors to assist. Some advocates have said they would rather clean up after an animal than do dishes!

#### *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 and should be well-behaved.

#### *Fleas*

Dogs (or other animals) that have fleas can create an ongoing problem for shelters. Several shelter advocates said they have been successful treating animals by using one of the commercial products that are available. These products do not expose people to airborne insecticides and are easily applied on the back of the animal. They generally rid the animal of fleas within 18 hours. If possible, an animal that is infested with fleas should be treated before coming inside the shelter.

If your shelter becomes infested with fleas, there are many commercial options that can deal with the problem. Follow all product instructions and pay careful attention to any cautions or warnings.

#### **Liability**

Domestic violence and sexual assault programs are understandably concerned about potential liability when an animal is present in the shelter. This concern may have led your program to adopt a “no pet” or “no animal” policy at your program.

You should also realize that your program is exposed to liability for denying or discouraging access to a person with a disability who uses a service animal. **Section 2** of this document describes your obligation to allow service animals. When considering liability issues, it is worth repeating that the Washington State Human Rights Commission states that places of public accommodation must not only allow service animals, but may not “treat a

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<sup>4</sup> Primary Offal Obliteration Protocol

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person with a disability as not welcome, accepted, desired, or solicited because of their use of a service animal.”

When you increase access to your services, you may actually decrease your risk of liability.

#### **Allergies/Fear of animals/Aversion to animals**

Your program is dedicated to serving all survivors. Because shelters are community living environments, sometimes the wishes or needs of survivors can conflict. If a staff person or another shelter resident is allergic or afraid of the service animal, you have an issue that must be addressed. 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. 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.

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

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There are a couple of issues to consider when attempting to resolve conflicts between residents related to a survivor's service animal. Before discussing the situation with other residents, be sure to ask the survivor for permission to talk with other residents about her service animal.

Do not assume that the survivor with the service animal is responsible for resolving the situation. The conflict is not her fault or solely her responsibility. Talk with all people involved and do not assume the person with the service animal is the one who should leave or go to a hotel.

You may encounter staff or residents who object to animals living indoors for personal reasons. This can be a challenge, but many shelter advocates have found that open discussions between staff and residents (with permission from everyone involved) have often led to solutions that are acceptable to everyone *and* preserved the right of the survivor with the service animal to use your services.

#### **Licensing and required shots (county requirements)**

Most counties require animals to receive certain types of shots and that they be licensed in the county. The requirements vary by county, so be sure to check with your local officials. Service animals are generally not exempt from these laws.

It is likely that the survivor came to you without stopping to collect documentation about the animal's health and immunization history. Advocates are accustomed to helping survivors with various kinds of documentation, and advocates across the state report that obtaining health records for a service animal has not been difficult.

It is also possible that the animal has not been licensed or received its shots. Assisting the survivor with these tasks will help her gain more autonomy. Advocates from across the state have formed relationships with local animal shelters, Humane Societies, or animal rescue groups. These allies have been helpful in resolving these and many other issues.

#### **Talking with the survivor about how the animal will fit in**

Communal living is always difficult. Bringing a service animal into the shelter can create challenges for the survivor, the animal, and for staff. Shelter advocates emphasize that letting the survivor know what to expect and

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having a discussion about how the animal will interact with staff and other survivors is an important first step.

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 your conversation by assuring the survivor that she and the animal are welcome.

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

Some domestic violence advocates have expressed concern about some of the exotic service animals that a survivor might bring into the shelter. At least one shelter in Washington state has hosted a service snake! Exotic service animals are often "emotional support animals" – that is, the task they perform is 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. Your discussion with the survivor can establish how and when the animal will interact with staff and other residents, if at all.

#### **Talking with staff and other survivors in the shelter about the service animal**

When a service animal comes into your shelter, staff and other residents will be curious. Staff or other residents should not pet or play with the animal when it is working. 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. Remember that the survivor's confidentiality includes the nature of her disability.

In your preliminary discussion with the survivor, ask her what she is comfortable sharing about her animal and its function with other residents. Obtain her permission before passing on this information to staff and other residents.

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### **Disruption of programming**

Service animals should not disrupt programming at your shelter. If a service animal is not well behaved - for example, jumping on people to seek attention, or barking – you may ask the survivor to keep the animal under control. Usually you and the survivor can find a solution to a problem like this.

If you and the survivor have tried and failed to end the disruptive behavior, you may ask the survivor to take the animal out of the shelter. At this point, you must offer the survivor the opportunity to stay in your shelter without the animal, and discuss accommodations that would make that possible.

If you have a relationship with a local animal shelter, they may be a part of the solution to this problem.

### **Dangerous animals**

Service animals should not threaten, growl, bite, or claw other residents or staff. If you receive a complaint about an animal that is threatening others or appears dangerous, act quickly to find out exactly what has happened. If there is not an immediate threat, take the time to ensure that the animal's behavior has not been misinterpreted (see **Section 2**).

You may ask that the service animal be removed from the shelter only if it represents a direct threat. If you ask the survivor to remove the animal, you must offer the survivor the opportunity to stay in your shelter without the animal, and discuss accommodations that would make that possible.

### **Asking survivors for documentation for their service animals**

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

If you do decide to ask for this documentation, remember to ask for it consistently from all survivors with animals. Review the requirements of the Fair Housing Act, as outlined in **Section 2**. You might also want to consider obtaining legal advice before proceeding.

## - Section 3 -

### **Service animals in your shelter - things to remember**

- Make the survivor feel at ease – let her know that her service animal is welcome.
- Talk with the survivor about the animal and communal living. Ask the survivor about the tasks the animal performs for her and how much about the animal you can share with other residents.
- Consider the confidentiality of the survivor – including information about her disability – when discussing the service animal with staff and other residents.
- After obtaining the survivor’s permission, 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.
- Decide whether your shelter will ask for documentation of a service animal. If you opt to require this documentation, develop a policy that details:
  - how equal access for a person with a service animal is assured;
  - how your 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;
  - how staff will be trained regarding what information is required in the documentation and who may provide the documentation.
- Remember that if you ask a survivor to remove her service animal from the shelter, invite her to remain and discuss accommodations that might make that possible.