



Department of Human Services (DHS) Americans with Disabilities Act (ADA)

Service Animal Policy

Purpose

The purpose of this policy is to provide the Department of Human Services staff with guidance on the use of Service Animals in our facilities or when participating in any DHS programs services or activities.

Service Animals and the Law

- Beginning on March 15, 2011, only dogs are recognized as service animals under the ADA.
- A service animal is a dog that is individually trained to do work or perform tasks for the benefit of a person with a disability, e.g., physical, sensory, psychiatric, intellectual, other mental disabilities, etc.
- Generally, DHS must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.
- Emotional support or comfort animals often used for medical treatment as therapy animals are NOT considered service animals under the ADA.

Service Animal defined

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include:

- Guiding people who are blind
- Alerting people who are deaf
- Pulling wheelchairs for those with limited mobility
- Alerting and protecting a person who is having a seizure
- Reminding a person with mental illness to take prescribed medications
- Calming a person with Post Traumatic Stress Disorder during an anxiety attack
- Performing other special tasks or duties.

Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

Service animals must be under control

Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Service Animal or Pet

When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask only two questions:

- Is the dog a service animal required because of a disability, and
- What work or task has the dog been trained to perform.

Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals.

A person with a disability cannot be asked to remove his service animal from the premises unless:

- The dog is out of control and the handler does not take effective action to control it or
- The dog is not housebroken.

When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.

The person with the service animal may request that others avoid: petting or addressing his/her service animal as it may distract it from the task at hand, feeding the service animal, deliberately startling the service animal, and separating or attempting to separate the person from his/her service animal.

Miniature Horse

Miniature Horse service animals are trained to do work or perform tasks for people with disabilities. Miniature horses range in height from 24 inches to 34 inches measured to the shoulders, and generally weigh between 70 and 100 pounds. The miniature horse must be housebroken and under the owner's control. Other factors to consider:

- The facility must be able to accommodate the horse's type, size and weight
- The horse's presence must not compromise legitimate safety requirements necessary for safe operation of the facility

Maintenance

It is the responsibility of the person to make or arrange any cleaning necessary due to the presence of the Service Animal. Feces must be cleaned immediately and disposed of properly.