

Model Legislation: Therapy Animals in Courtrooms

PURPOSE

This bill relates to providing emotional support to a witness by a therapy animal in certain court proceedings.

DEFINITIONS

- “Therapy animal” means an animal that successfully completes a program operated by an organization that registers or certifies a therapy animal and the animal’s handler as meeting or exceeding the standards of practice in animal-assisted interventions. Therapy animal does not include a service animal or emotional support animal unless that animal has also successfully completed a therapy animal program.
- “Handler” means the individual volunteer or paid professional responsible for the animal during interactions with the public who has received training meeting or exceeding the standards of practice in animal-assisted interventions.
- “Standards of practice in animal-assisted interventions” are the minimum qualifications for therapy animals and handlers based on peer reviewed, empirical evidence. Available publicly at www.therapyanimalstandards.org.

BILL LANGUAGE

Any party to an action filed in a court in this state in which a proceeding related to the action will be held may petition the court for an order authorizing the support of a therapy animal to be present with a witness who is before the court through:

- (1) An in-camera review or other interaction with a judge or magistrate;
- (2) A meeting with an attorney, best interest attorney, privilege attorney, or other specialized attorney;
- (3) A meeting with a custody evaluator;
- (4) A meeting with a probation, pretrial or court case manager;
- (5) In-person testimony; or
- (6) Closed-circuit video teleconferencing testimony.

The court may enter an order authorizing a therapy animal or facility dog to accompany a witness if:

- (1) The presence of the dog or animal will assist the witness in providing testimony; and
- (2) The party petitioning for the order provides proof of liability insurance coverage in effect for the animal.
- (3) The petition to the court is submitted not later than the 14th day before the date of the court proceeding.

A court may:

- (1) Impose restrictions on the presence of the therapy animal during the court proceeding;
- (2) Stipulate what training handlers must receive on court protocol and policies, including the expected role of an animal assistance team and how not to interfere with evidence collection or the effective administration of justice; and
- (3) Issue instructions to the jury, as applicable, regarding the presence of the animal.