

**PROCEDURES FOR THERAPY AND FACILITY DOGS
IN CRIMINAL OR CIVIL CASES INVOLVING CHILD WITNESSES AND VETERANS**

The Court Dog Program is operational in two circuit courts – the Circuit Court for Anne Arundel County and the Circuit Court for Harford County. This is a program to allow facility and therapy dogs in the courts for child witnesses who are testifying or appearing in court. Chapter 182 from the 2021 Session also extends this program to include a veteran participating in a veterans’ treatment court proceeding or other related process or meeting. Specific eligible witnesses and veterans will be identified by counsel involved in the case and not the court. Except when otherwise required by law, dogs are not permitted in any courtroom unless prior approval is obtained from the administrative judge. The below protocols only serve as a resource for courts interested in establishing a program. Jurisdictions should adopt their own local procedures and protocols if implementing a program.

I. DEFINITIONS

Child Witness – A witness who is a minor when the witness testifies in a criminal or civil court proceeding.

Facility Dogs – A dog that has graduated from a program of an assistance dog organization that is a member of a nationally recognized assistance dog association and been teamed with a facility dog handler.

Facility Dog Handlers – A person who has received training on offering the person’s animal for assistance purposes from an organization accredited by Assistance Dogs International (ADI) or an equivalent organization and 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.

Therapy Dogs – A dog that has received training to provide affection and comfort to individuals who need emotional support, been teamed with a therapy dog handler, and graduated from a program operated by an organization that registers or certifies therapy dogs and their handlers to meet or exceed the standards of practice in animal-assisted interventions or been specially trained to provide emotional support to witnesses testifying in judicial proceedings without causing a distraction.

Therapy Dog Handlers – A person who has received training on offering the person’s animal for assistance purposes from an organization that insures, registers, or certifies therapy dogs and their handlers and 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.

Veteran – A person who has served on active duty in the Uniformed Services of the United States, other than for training, and was discharged or released under conditions other than dishonorable.

Veterans Treatment Court – a court-supervised, comprehensive, and voluntary treatment-based program for veterans.

Confidentiality – Therapy and facility dog handlers will agree to maintain the confidentiality of all information including, but not limited to, information pertaining to child witnesses, veterans and their

families received through the scope of interaction with the child witness, veteran, and the case, both written and verbal.

II. QUALIFICATIONS

Qualifications of a *facility dog* can include but are not limited to:

1. Achieved certification by an assistance dog organization that trains dogs for the purpose of reducing stress in a child witness or veteran;
2. received two (2) years of training;
3. passed the same public access test as a service dog; and
4. has been teamed with a qualified facility dog handler.

Qualifications of a *therapy dog* can include but are not limited to:

1. Received training to provide affection and comfort to children or veterans who need emotional support;
2. certified/registered by a recognized therapy dog organization, and
3. has been teamed with a qualified therapy dog handler.

Any party that requests the use of a facility or therapy dog must be able to demonstrate and produce documentation that the facility or therapy dog they intend to use meets the qualifications established by the local program. ***Without proof that the facility or therapy dog has met the qualifications outlined in the local program, the dog will be prohibited from entering the courthouse.***

A *facility/therapy dog handler* should have received training in offering the person's animal's assistance from an organization accredited by ADI or an equivalent organization. All facility/therapy dog handlers should also have training on court's protocols 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. Facility/therapy dog handlers may meet these qualifications by submitting: (1) certificates of completion, (2) the acknowledgement of the local court's protocols and policies, and (3) an oath of confidentiality.

III. PRIOR WRITTEN APPROVAL OF ADMINISTRATIVE JUDGE REQUIRED

A request for use of a facility or therapy dog should be made in writing to the administrative judge. The request format may vary by jurisdiction, so individuals are encouraged to visit their local circuit court or District Court website or contact the court administrator's office. The request should be given with enough advance notice as to allow the court and assignment offices to coordinate the request. There should be prior written approval by the administrative judge for use of a facility or therapy dog for child witnesses or veterans in court cases in the courthouse.

An example of a request form for cases involving a child witness is available here: <https://mdcourts.gov/sites/default/files/import/reference/pdfs/courtdogrequestform.pdf>

The court requires advance notice in order to accommodate the special needs of facility or therapy dogs. Contact your local court to determine how much advance notice is required in that location.

The Administrative Office of the Courts strongly urges a proactive approach to courthouse preparation and coordination. A calm atmosphere is important to the therapeutic effectiveness of a facility or therapy dog, which can be easily disrupted by last-minute preparations or changes in plans.

IV. REQUESTS FOR A FACILITY/THERAPY DOG

Please contact the court administrator or clerk for information on requesting a facility or therapy dog and dog handler. See this [link](#) for contact information for the local jurisdictions. The request will vary by jurisdiction but may include:

1. The case name, number, and the party requesting the facility or therapy dog.
2. The name, age, and gender of the victim-witness or the name of the veteran.
3. The date and time the victim-witness or veteran is expected to testify.
4. An estimated length of time the facility or therapy dog will be needed.
5. A brief description of the need for a facility or therapy dog.
6. The name and contact information of the handler and dog.
7. The length of time that the handler and dog have served together as an animal-handler team.
8. Proof of the certification or graduation from a program for both the handler and dog by a recognized facility/therapy pet training program.
9. Proof of liability insurance for the dog.
10. A signed oath of confidentiality by the handler.
11. A statement that a relationship between the child victim-witness and facility or therapy dog has been established in anticipation of testimony. If not, the anticipated meeting date to establish this relationship. Establishing this bond is critical to the therapeutic effectiveness of the facility or therapy dog.
12. Any additional information that may be useful in selecting the most appropriate animal-handler team or scheduling their use.

Once a request has been approved, the court should designate a courthouse coordinator through which all preliminary arrangements will be made. These arrangements may include, but are not limited to:

1. Gathering all required paperwork from the requesting party or facility/therapy dog handler and ensuring all forms are completed before trial.
2. Coordinating with chambers staff an advance walk-through of the courtroom where the victim-witness will give their testimony.
3. Setting up a neutral third party, if one is requested, to accompany the therapy/facility dog and handler with the victim-witness.
4. Escorting the facility or therapy dog and handler to and from the entrance of the courthouse to an appropriate waiting area before heading to the courtroom.

V. GENERAL COURTROOM/CHAMBERS PROTOCOL

The requesting party is responsible for coordinating the timing of the dog's entrance and exit from the courthouse with the court through either the Assignment Office, courthouse coordinator and/or judge's chambers. In cases involving a child witness, if practical, the dog and the child witness should be introduced prior to the judicial proceeding so that the witness and dog can get to know each other

and bond. A facility/therapy dog handler must be present with the dog in the courthouse/courtroom at all times.

In cases involving a child witness, the requesting party should plan to introduce both the victim-witness and the dog to the space where the testimony will be given a few days in advance. This will also allow the handler to receive instruction on where they and the facility or therapy dog should be located during testimony. The chambers staff should also advise the handler of the waiting area for before and after the testimony. This advance visit should be scheduled with the courthouse coordinator to minimize disruptions to the court's docket.

In cases involving a child witness, where the facility or therapy dog should be placed during testimony depends on the design of the witness box/courtroom, the age and maturity of the victim-witness, the length and nature of testimony, the relationship between the victim-witness and dog, and the ability of the dog to refrain from distracting behavior. For most situations, having the dog within arm's reach of the victim-witness should be acceptable.

VI. SPECIFIC PROTOCOL FOR FACILITY/THERAPY DOG HANDLERS

Facility/therapy dog handlers must agree to maintain the confidentiality of all information, including, but not limited to, information pertaining to child witnesses and veterans and their families received through the scope of interaction with the child witness or veteran and the case, both written and verbal.

All dog handlers should sign an oath of confidentiality (see example below). The requesting party may submit the signed form for the handler, but it is the handler's responsibility to sign and act according to the oath.

The handler/animal team should be covered by a liability insurance policy with limits not less than \$500,000 from the certifying organization.

In cases involving a child witness, it is never appropriate for the handler to meet with victim-witness after their testimony. In general, the handler will avoid being alone with a victim-witness and the facility or therapy dog. When needed, the handler should request the presence of a neutral third party. This is to protect the victim-witness, the facility or therapy dog, and the handler from liability, as well as to avoid conflict between the handler's role as a court professional and as an animal advocate.

The courthouses are extremely busy public buildings. Dog handlers need to be mindful of other occupants of the building. Handlers are responsible for the cleanliness of the facility and therapy dog while in the courthouse. Handlers must have all items that the facility or therapy dog may need, such as treats or food, toys, water, waste bags, etc. Handlers should also maintain required paperwork to qualify the handler/animal team and needed information such as names and phone numbers of court staff.

VII. THE DAY-OF-TRIAL PROTOCOL

It is critical that the facility or therapy dog and handler arrive **on time**. In cases involving a child witness, great care should be taken to avoid contact between the dog and the jury while in transport or while waiting. The facility or therapy dog should be placed out of the view of the jury in a location that allows the victim-witness easy therapeutic access to the dog without being a distraction.

If at **any time** the dog begins to vocalize or becomes a distraction in the courthouse, the court has wide discretion to address it by any appropriate means, including taking a brief recess while the handler attends to the dog.

In cases involving a child witness, after testimony is complete, the court should take a recess and allow the jury to leave the courtroom before the handler, dog and child leave the courtroom. At that point, the court may address objections or legal arguments with respect to the dog, to the extent necessary. In the courtroom, the trial judge has discretion to make an announcement regarding the presence of a facility/therapy dog. This is to be discussed in advance with the parties and the judge.

ACKNOWLEDGEMENT OF PROTOCOL AND POLICIES

I, _____ (please print name), do hereby affirm/swear that I have read and understood the foregoing policies and procedures for facility/therapy dog handling and will uphold and abide by them to the best of my ability.

Signature

Date

OATH OF CONFIDENTIALITY

I, _____ (please print name), solemnly swear/affirm that I will maintain the confidentiality of all the information including, but not limited to, information pertaining to victims/witnesses (or veteran) and their families, whether written, verbal, or non-verbal, received through the scope of my service as a facility dog handler.

I hereby pledge that I will not disclose to any person or entity any information or records connected with these cases.

Signature

Date