Domestic Violence Programs & Service Animals

Presented by:
Empire Justice Center
NYS Coalition Against Domestic Violence
New York Legal Assistance Group
NYS Office of Children and Family Services

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Today’s Presenters & Moderators

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- Christina Brandt-Young, New York Legal Assistance Group
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Goals for Today

- Learn more about different types of assistance animals and how they may support survivors with disabilities
- Better understand your obligations as service providers
- Gain some tips on handling situations and other best practices involving these animals
Domestic Violence & Survivors with Disabilities

- Animals may be partnered productively with many different types of people with disabilities
- Use an animal to: remove or reduce barriers, provide support, perform tasks related to their disabilities, provide warnings, help keep them emotionally well, lessen symptoms, or improve overall health.
- Animal abuse is a tool abusers use rampant in situations involving domestic violence.
- Abusers may use survivor’s access to service animal as tool of power and control.
- Sheltering the handler also means safety for the service animal.
NYSCADV

ABOUT US

• NYSCADV works to create and support the social change necessary to prevent and confront all forms of domestic violence.

• We achieve our mission through activism, training, prevention, technical assistance, leadership development, legislative development and advocacy.

• We promote best practices and broad-based collaboration, integrating anti-oppression principles in all our work.
NYSCADV’s Access & Inclusivity Project
Animals at DV Shelters

Presented by Christina Brandt-Young, Esq.
Definitions

1) Service animals (U.S. Americans with Disabilities Act)

2) Assistance animals (U.S. Fair Housing Act)

3) Therapy dogs (NYS Social Services Law section 459-b)

4) Companion animals (NYS Family Court Act section 841)
Service Animals
Americans with Disabilities Act (U.S.)

Applies to: Anyone whose organization is run by or contracts with a state or local government, or is a public accommodation, including social service center establishments

Species: Dog or Miniature horse

Whom does the animal help? Person with diagnosed disability

How does the animal help? Trained to do work or perform tasks directly related to disability

Where can the animal go? Anywhere that doesn’t require a medically sterile environment (see also zoo exception)
Assistance Animals
Fair Housing Act (U.S.)

**Applies to:** Virtually all types of housing, including DV shelters* (unless transient shelter)

**Species:** Any

**Whom does the animal help?** Person with diagnosed disability

**How does the animal help?** Performs services or tasks OR provides emotional support that alleviates a symptom or effect of disability

**Where can the animal go?** Housing, including DV shelters*
Therapy Dogs
NYS Social Services Law section 459-b

Applies to: NY domestic violence shelters
Species: Dog
Whom does the animal help? Residents/patients/clients of facilities; not necessarily with disabilities
How does the animal help? "Aids" their physical and emotional health but does not qualify as a service dog under state or federal law
Where can the animal go? NY domestic violence shelter with its handler, unless undue burden
Companion Animals
NYS Family Court Act sec. 841

- **Applies to:** Everyone
- **Species:** Any dog, cat, usually domesticated species found in a home
- **Whom does the animal help?** Owner, Instagram (disability irrelevant)
- **How does the animal help?** Fetching, playing with string, cuddling
- **Where can the animal go?** Anywhere the owner can politely convince people
- **ELIGIBLE FOR ORDER OF PROTECTION**
(1) Evaluate for ADA service animal

(a) Is it OBVIOUSLY a service animal? It’s a service animal. Don’t ask.

(b) If the animal is not obviously a service animal but IS a dog or miniature horse, ask:

- Is it a service animal required because of a disability?
- What work/task has the dog/miniature horse been trained to perform?

If yes to both of the above, one may NOT ask:

- What is your disability?
- For documentation of the disability OR of the animal’s training
- For demonstration of the animal’s work/tasks
- For the animal to wear a vest/tag/harness
(2) Evaluate for FHA assistance animal

If the animal is not an ADA service animal but housing is at issue (FHA), you may ask:

*Is the animal required for your disability?*

*How?*

*If the animal performs services or tasks OR provides emotional support that alleviates a symptom or effect of disability, providers may ask for reasonable (not extensive) documentation of the disability/or and the medical need for the animal.*
(3) Evaluate for therapy dog

If the animal is not an ADA or FHA service or assistance animal, but IS a dog, you may ask:

*Is this a therapy dog (or in training to be)?*

*Are you its handler?*

*Reasonable inquiry*
(4) Evaluate for companion animal

If the animal is not an ADA or FHA service or assistance animal or a therapy dog, you may ask:

Who’s a good boy?
Discussion
Some further resources

- **US DOJ Frequently Asked Questions about Service Animals and the ADA (2015)**
- **US HUD Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs (2013)**
Animals in Shelter – Practical Considerations
Bond between people and animals

- Pet ownership in the United States – 68% of US households, or about 85 million families, own a pet according to the 2017-2018 National Pet Owners Survey conducted by the American Pet Products Association.
- Lessons learned from natural disasters, several people will not evacuate despite a looming natural disaster if they are unable to take their pet with them.
- According to the American Humane Society, 71% of domestic violence victims report their abuser threatened or harmed a family pet (Ascione, 1998).
The question is not:

“Do we have to take the animal into our shelter?”

Rather:

• “What is this animal to the resident?”
• “Has this animal been abused and/or used as coercive control tactic by the abuser?”
• “Does the animal serve to meet a need for a person with a disability?”
• “How can we help?”
Social Services Law

Social Services Law § 459-b was amended in December 2016 to read in part as follows,

“...If the victim of domestic violence has a service animal or therapy dog as such terms are defined in section 123-b and section 108 of the agriculture and markets law, respectively, such service animal or therapy dog shall be allowed to accompany the victim at the residential program authorized pursuant to this section.”
Resident Rights

- Persons with a disability have the right to be accompanied by a service animal. A person with a service animal is not required to provide proof of their disability or any other proof that the animal is a service animal.
- Persons that are a handler of a therapy dog have the right to be accompanied by their therapy dog.
- Emotional support or comfort animals that provide a sense for safety, companionship or comfort may accompany persons with disability.
Resident Responsibilities

- Care, control and supervision of the animal is the responsibility of the resident including toileting, feeding, grooming and veterinary care.
- Notify the program if assistance is needed with regard to the care of their animal.
Program Responsibility

- Be familiar with the rights of persons of disability under ADA and FHA.
- Recognize the linkage between animal abuse and domestic violence.
- Have an established linkage with local animal welfare organization.
- Have established policies and protocols related to animals in shelter. Including arrangements for animals that cannot be housed inside or at the shelter.
Program Responsibility

• Include service animals, therapy dogs, emotional support/comfort animals and/or pets in safety planning.

• Incorporate cross training opportunities with collaborative partners such as law enforcement, animal control, American Humane Society, veterinarians, etc.
Program Responsibility

• Keep in mind that animals may be aggressive due to health issues, stress and/or abuse. Partnering with local veterinarians and/or animal welfare organization can help determine cause of the behavior and help develop a plan to assist the animal.

• If a determination is made that the animal poses a direct threat to the health and safety of others, has a history of aggressive behavior, or is not under the control of the resident, the program must make reasonable efforts to facilitate placement at an off-site animal care facility or find another suitable placement for the resident and their animal.
Program Responsibility

- Allergies or a fear of animals do not constitute a direct threat to the health and safety of others. That being said, the program can inquire if a resident has any concerns related to animals, and what would help those that have a pet allergy and/or fear.
Sheltering Animals Practical Considerations

• Have one person in charge (with delegation of authority) of overseeing the program’s policies related to animals. This includes:
  • Maintaining linkage(s) with local veterinarians, kennels, animal welfare organizations
  • Being familiar with resources available for care of pets
  • Maintaining a list of resident’s pets that are being housed either on or off-site
  • Maintaining emergency supplies for a variety of animals. Remember many victims leave with out their own basic necessities let alone supplies for their pets.

• Develop three key policies:
  • Partnership with local animal protection/welfare organization
  • Have establish linkage for veterinarian services
  • Only allow the family and designated staff to interact with each animal
Sheltering Animals Practical Considerations

• **What type of animals can or will the shelter accommodate?** This will help formulate policies related to how and where animals will be housed. Is there a size/weight limit? (e.g. Only pets under 20 lbs. may be housed within the shelter). What about large or exotic pets? Is there a limit to the number of animals?

• **How will animals be housed?** Inside the resident’s room? Indoor kennel? Outdoor kennel?

• **If the program cannot accommodate the animal(s) at the shelter, what alternative arrangements exist?** With local vet, kennel, animal welfare organization, animal foster home?
Sheltering Animals Practical Considerations

• What services/care can be provided to animals that have been abused, are aggressive or stressed?

When taking in animals, ask the resident to provide detailed information regarding all of their animals including behavior, temperament and how the animal may react to being in a communal living environment. This will help determine the needs of the animal and the most appropriate placement for housing the animal.
Sheltering Animals Practical Considerations

• **Have a plan for allergies/odors.** Ask at intake if an individual has any allergies to pets. Consider designating rooms as either “pet friendly” or “no pet.”

Other strategies include:

• Having separate heating/cooling/ventilation systems for “pet-friendly” areas and “no pet” areas.
• Hardwood, tile or vinyl floors for “pet friendly rooms” to help contain pet allergens and allow for easy clean-up.
• Using air purifiers.
Sheltering Animals Practical Considerations

- At intake, be upfront. Mention that animals may be present in the facility.
  - Persons with disabilities have a right to have their service animal accompany them.
  - Communicate the shelter’s policies related to animals in shelter.
  - Simply ask if there are any questions or concerns related to animals in shelter?
- Have a plan for access to emergency pet supplies. Similar to supplies a program may have on hand for victims, consider having some emergency supplies handy for pets: bedding, litter box, food, leash, cages, etc. Partnering with a local animal shelter may provide assistance as these are common donations.
Sheltering Animals Practical Considerations

• Funding
  • Keep an eye out for private grants. There are several specific to pets and shelters. Some ongoing private grants:
    • Amie’s Place Foundation - Domestic Violence & Pets Grant
      Amie’s Place Foundation welcomes proposals for the funding of pet-care assistance programs for members of the community who are at risk of losing their pets during times of crisis only because no one is there to help them. The Foundation provides grants and/or matching funds with the possibility of renewal based upon the Board's review of semi-annual and year-end reports.
      Deadline: Ongoing
      For more information: http://www.amiesplacefoundation.org/html/apply.html
    • RedRover Safe Escape Grants
      RedRover provides financial assistance to victims and their pets through the Safe Escape Grant. The goal of the program is to enable victims to leave their batterers without having to leave their pets behind. Awards of up to $500 may be provided for temporary boarding and veterinary care.
      Deadline: Ongoing
      For more information: http://www.redrover.org/domestic-violence-safe-escape-grants
Sheltering Animals Practical Considerations

- Funding
  - American Humane Society has tips and information on resources related to how an individual can get financial assistance for veterinary care. [https://www.humanesociety.org/resources/having-trouble-affording-veterinary-care](https://www.humanesociety.org/resources/having-trouble-affording-veterinary-care)
  - Some veterinary care may be free such as spay/neuter clinics or vaccination clinics
  - Funding for working dogs needing cancer treatment - [http://grants.landofpuregold.com/](http://grants.landofpuregold.com/)

- Fundraising
  - Get involved in your community. Let them know you have a shelter that helps victims of domestic violence and their pets. Develop a wish list of items needed.
Resources

- Allie Phillips Sheltering Animals & Families Together (SAF-T)  
  http://alliephillips.com/saf-tprogram/
  - The manual has tips on 3 different types of housing models (housing inside resident’s room, housing indoor kennel, and housing outdoor kennel). It provides real examples of shelters with each option from across the country
  - Provides concrete things to consider such as:
    - Considering applicable zoning codes, laws, regulations pertaining to kennels, on-site kitchens
    - Fiscal planning
    - Fundraising
    - Supplies needed for animals
Proposed Regulations Related to Service Animals Released 12/19/18!!

- OCFS released proposed amendments to the DV residential and non-residential regulations governing licensed and approved services.
- Now open for viewing and public comment. Comments due in 60 days!
- Read proposal at: https://ocfs.ny.gov/main/legal/Regulatory/pc/