



**Innovations in Counseling: Working with Minority Populations- Part 7**  
**Session 1: Effective Interaction With Military, Minority, and Marginalized Clients Who Have Service Animals**

**Webinar Follow-up Question and Answer Session with K. Lynn Pierce.**

**Question from Daniel Burrell**

In a public school, are teachers required to walk a service dog outside if the student is an elementary student?

**Answer from Presenter**

This gets a bit tricky because of the legalities around K-12 level schooling. In the past, schools have argued service dogs would fall under IDEA and be part of the student's IEP and many schools excluded service dogs. In 2017 a supreme court ruling determined service dogs must have access under the ADA. So it's highly relevant to determine what law your school considers to apply (ie in this case is there an IEP in place with some sort of stipulation regarding care of the animal). If we can say the relevant law is the ADA, handlers are required to provide all care for the animal and employees cannot be required to supervise the animal. See Q9 of the ADA Service Animal FAQ [https://www.ada.gov/regs2010/service\\_animal\\_qa.html](https://www.ada.gov/regs2010/service_animal_qa.html). However, Q27 stipulates in K-12 environments some assistance may need to be provided to a student.

I think your best bet here if it's a current concern is to contact the Department of Justice information line for ADA implementation and speak to an ADA specialist as it's a bit of a special case.

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**Question from Daniel Burrell**

What can you ask handlers regarding an animal in public places?

**Answer from Presenter**

The two questions that can be asked (stipulating that the dog is not obviously a service animal) are 1) Is the dog a service animal and 2) What task does the dog perform. See Q7 of the ADA Service Animal FAQ. No form of documentation, demonstration or proof of disability or training may be requested.

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**Question from Kristen Bock**

Is there a website with the laws on service/ESA/therapy dogs?

**Answer from Presenter**

Service Dog Central is a good website with a lot of links out to quality information. Their definitions page features categories for the three types of working dogs discussed in this presentation.

<http://www.servicedogcentral.org/content/node/280>



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Psychiatric Service Dog Partners also has a FAQ Law section:

<https://www.psychdogpartners.org/resources/frequently-asked-questions/laws>

Beyond this, your best bet for more detailed information is to go straight to the applicable federal and/or state laws.

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### **Question from Dr. Lynn Duffy**

Are you familiar with Pet Partners?

### **Answer from Presenter**

I am not. I see they are a therapy dog program. As stated, animal assisted therapy and therapy dogs are definitely not my area of expertise. I am aware there are a number of different programs both for connecting therapy dog teams with facilities and for certifying therapy dogs. I'd recommend checking out the Animal-Assisted Therapy in Mental Health Interest Network of the ACA.

The ACA Animal Assisted Therapy competencies were developed in collaboration with this interest network and can be found here: [https://www.counseling.org/docs/default-source/competencies/animal-assisted-therapy-competencies-june-2016.pdf?sfvrsn=c469472c\\_14](https://www.counseling.org/docs/default-source/competencies/animal-assisted-therapy-competencies-june-2016.pdf?sfvrsn=c469472c_14)

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### **Question from Allison Gunn**

In the beginning you stated that a service animal supersedes the rights of a person with allergies. What does happen if there is a person with an animal allergy who is in the same space as someone with a service animal?

### **Answer from Presenter**

Both parties are to be accommodated, typically accomplished by providing some distance between them. From the ADA Requirements ([https://www.ada.gov/service\\_animals\\_2010.htm](https://www.ada.gov/service_animals_2010.htm)) "Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility."

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### **Question from Mary Higginbotham**

I'm still confused on the difference between ESA and service dogs.

### **Answer from Presenter**

An ESA is a pet that lives at home with a person with a disability and provides that person comfort by their presence. They are exempt from no pet housing policies under the Fair Housing Act and are permitted on planes under the Aircraft Carrier Access Act.



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A service dog is task trained to assist an individual with a disability through things like alerting to dangerously low blood sugar, protecting the head of an individual with epilepsy during a seizure, guiding a handler who is visually impaired, or assisting with wheelchair transfers and retrieval of items for someone with mobility concerns. They are concerned medical equipment due to the essential tasks they provide and their handlers are permitted to be accompanied by their service dogs in public spaces under the Americans with Disabilities Act.

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### **Question from Courtney Koch**

If you have a client who is a service dog handler and the dog is poorly trained and causing problems in a clinical or educational setting by leaving the handler, how do you recommend addressing that situation while maintaining a therapeutic relationship?

### **Answer from Presenter**

So my first question is whether it is in fact a task trained service animal or an ESA. If it is a service animal, it's important to understand the rights of a business to exclude service animals not under control. From the ADA regulations: "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." And from Q28 of the FAQ "If a service animal is out of control and the handler does not take effective action to control it, staff may request that the animal be removed from the premises." So you have every right as a business at that point to exclude the dog for the safety of others/property.

The question of doing that while maintaining relationship is tough. I'd find a way to partner with the client and present the fact that this is a serious problem/concern and see how the client thinks we could work through that together while maintaining the boundary that the dog must be under control to be permitted in the office. Does the dog go other places with the handler? If so, this is more important to address as more states pass laws that criminalize misrepresentation of a pet as a service animal, because while there are no training standards the ADA stipulates service dogs must be under control.

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### **Question from Ann Martin**

Are dogs the only type of service animals under ADA?

### **Answer from Presenter**

The ADA definition of a service animal limits service animals to dogs, with a separate provision addressing miniature horses.

There used to be some states that included other trainable animals in some capacity in their definition, but current state laws appear to have changed to align with the ADA definition.

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**Question from Allen Vosburg**

Is there a problematic issue of concern that separates service animal and therapy animals? The concern of a therapy dog being like a pet to their handler. Is this considered an issue regarding performance?

**Answer from Presenter**

If the question is regarding dogs who are both therapy animals and service animals, this is considered by most ethical trainers/handlers a very, very bad idea. Not so much because of handler attitude but because therapy dogs have a role of being friendly with and interested in everyone around their handler. Service dogs have to be trained to ignore everyone but their handler, even when being harassed. The roles are fundamental opposites and in general it would be very unfair to expect a dog to be able to understand which role they're supposed to have, so this is not advised.

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