

Survivors and Their Animals

During the past few years, the subject of service animals and emotional support animals coming to domestic violence shelters has been a hot topic and it is not surprising that both Domestic Violence (DV) Advocates and Program Directors often become frustrated with trying to interpret the laws and ethical obligations surrounding this complex issue.

In an effort to support Advocates in making better informed decisions regarding service animals and emotional support animals The NMCADV and its partners have published a model guidelines document, **“Service Animals and Emotional Support Animals in Domestic Violence Programs and Shelters”**, which provides an informed framework for addressing conflicts and embracing complications as an integral part of advocacy services. This brochure is a supplement to this document and briefly defines the types of animals DV programs may encounter and can be used as a guide to help establish best practices to assisting individuals with animals that are seeking domestic violence shelter services. Please visit www.nmcadv.org to access the full document.

The four types of animals that will be defined:

- 1) Service Animals
- 2) Emotional Support Animals
- 3) Therapy Animals
- 4) Pet and Companion Animals



Where can I find more information about service animals?

- New Mexico Governor's Commission on Disability: gcd.state.nm.us/service-animals
- ADA National Network: adata.org/publication/service-animals-booklet
- US DOJ website: ada.gov
- Assistance Dogs International: assistancedogsinternational.org
- National Federation of the Blind: nfb.org
- Assistance Dogs of the West: assistancedogsofthewest.org
- Southwest ADA Training Center: southwestada.org
- Guide Horse Foundation: guidehorse.com
- ADA Questions and Answers: U.S. Dept. of Justice Human Rights Division: ada.gov/regs2010/service_animal_qa.html
- ADA Small Business [and Non-profit Service Provider] Guide: U.S. Dept. of Justice Human Rights Division: ada.gov/smbusgd.pdf

speaking out

NMCADV

The New Mexico Coalition
Against Domestic Violence

1000 Cordova Place, #52
Santa Fe, NM 87505
(505) 246-9240

www.nmcadv.org

 www.facebook.com/NMCADV

 [@NMCADV](https://twitter.com/NMCADV)

This project was funded by:

 State of New Mexico
Governor's Commission on Disability
www.gcd.state.nm.us

MODEL GUIDELINES:

Service Animals and Emotional Support Animals in Domestic Violence Shelters



This brochure is a supplement to the document prepared by the New Mexico Coalition Against Domestic Violence with Assistance Dogs of the West, Ms. Marcie Davis, and Ms. Nat Dean. January 2018


NMCADV
The New Mexico Coalition
Against Domestic Violence


**ASSISTANCE
DOGS OF THE WEST**

Working Like DOGS™

To download the full document go to www.nmcadv.org

What is a service animal?

Under the ADA and the New Mexico Service Animal Act, a service animal is defined as a dog or a miniature horse (under 100 pounds) that has been individually trained to do work or perform tasks for an individual with a disability.

What kind of certification do service animals have?

Service animals do not require any kind of certification. They must be individually trained to provide assistance.

How do I know the animal is really a service animal?

If a person says their animal is a service animal, it is good advocacy practice to take them at their word — start by believing. The service animal's behavior is what provides assurance that the animal really is a service animal.

According to the laws listed below, an Advocate cannot ask any other questions about the person's disability, and cannot ask to see the dog demonstrate a task.

What are the laws that apply to domestic violence shelters and service animals?

There are four laws that directly apply to service animals and domestic violence shelters.

- New Mexico Service Animal Act of 2013
- Title III of the Americans with Disabilities Act
- Section 504 of the Rehabilitation Act
- Fair Housing Amendments Act

An Advocate can ask only two questions to a handler presenting with a service animal:

- 1) "Is that a service animal required for disability?"
- 2) "What work or tasks does it perform for you?"



What is an emotional support animal?

An emotional support animal (ESA) can be any animal that provides a benefit to a person with a documented disability. An emotional support animal is not considered a service animal. An ESA has privileges under the Fair Housing Act, but not under the ADA.

How do I find out if an animal is really an ESA?

Service animals do not have documentation, but an ESA does. When a survivor is applying for housing in your shelter or transitional housing, the Fair Housing Act applies. Under the Fair Housing Act and Section 504, a housing provider may ask for a written statement from a health care or mental health professional. The statement should say that the individual is a person with a disability and will be assisted by an emotional support animal. Your shelter staff may not ask for details or the nature of an individual's disability. Such documentation is sufficient if it establishes that an individual has a disability and that the animal in question will provide some type of disability-related assistance or emotional support to that individual.

What is a companion animal/pet?

A companion animal is another word for a pet, and is not trained to perform a task that mitigates a disability. It is a domesticated animal kept for pleasure, not utility (Merriam-Webster Dictionary). A pet does not have any privileges or public access rights, even if their owner has a disability.

What are the laws that apply to domestic violence shelters, programs, and pets?

There are no laws that require domestic violence shelters and programs to allow pets. Some shelters in New Mexico have created policies to allow pets on the premise or even in the shelter. Advocates should be aware of their organization's policies and also of shelters who do accept pets. Advocates may work with survivors in accessing safe shelter options that meet their needs, including the CARE program, below.

Companion Animal Rescue Effort (CARE) - Animal Protection of New Mexico

The CARE program is a network of safe havens for the animals of domestic violence victims who are entering shelter. CARE provides temporary housing for companion animals, livestock and exotic animals. Temporary homes are provided through a network of government agencies and private agencies, veterinary clinics, groomers, boarding kennels and private individuals.

For more information about the CARE program, contact the CARE hotline at 844-323-CARE(2273), or to view a list of pet friendly housing and rentals go to www.apnm.org/programs/care/.

What is a Therapy Animal?

Therapy animals are animals, oftentimes dogs, cats, rabbits, and llamas, that have been granted visitation privileges at hospitals, schools, nursing homes, and other locations. Institutions may invite, limit, or prohibit access by therapy animals. Therapy animals provide people with therapeutic contact, to improve their physical, social, emotional, and/or cognitive functioning.

What are the laws that apply to domestic violence shelters, programs, and therapy animals?

There are no laws that require domestic violence shelters or programs to grant access to therapy dogs. Therapy animals are regarded as pets, unless they are also an ESA or service animal.

