

**Note:** This page of information is included for **attorneys** who are interested in having their attendance reported to the NC State Bar for CLE credit. Recipients with no need for CLE credit should feel free to disregard it

Continuing Legal Education (CLE) Instructions

## **Service Animals, On-Demand 2021**

Ninety (90) minutes of general credit is approved for attorneys who complete this course during calendar year 2021.

**Follow these instructions to self-report your attendance within 30 days of completion:**

- 1. READ this materials packet from LearningCenter.**
- 2. VIEW the entire 1.5 hour webinar in LearningCenter.**
- 3. PRINT a Certificate of Completion from your completed transcript in the LearningCenter.**
  - Go to **View Your Transcript**
  - Click the **Active** dropdown box
  - Choose **Completed**
  - Select course title: **Service Animals, On-Demand 2021**
  - Click the words **Print Certificate** to display certificate for printing
- 4. WRITE on your certificate:**
  - Clearly print your bar number beside your name
  - Write CLE course #200 under the course title.
- 5. MAIL the certificate to NC State Bar Board of CLE at PO Box 26148, Raleigh, NC 27611**

**Be Advised:** This approved activity is offered without charge to attendees. You are responsible for paying any requisite credit hour fees directly to the Board of CLE.

Contact [Lori.C.Cole@nccourts.org](mailto:Lori.C.Cole@nccourts.org) with questions.

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# SERVICE ANIMALS

JULIA SAIN & MARTY MUSSER, DISABILITY RIGHTS & RESOURCES



## TYPES OF ASSISTANCE ANIMALS

- Service Animals
- Emotional Support Animals
- Therapy Animals

## RELEVANT LAWS

- Americans with Disabilities Act (ADA)
- Fair Housing Act (FHA)
- Air Carriers Access Act (ACAA)

## WHAT IS A SERVICE ANIMAL?

- Dog (or miniature horse)
- Individually trained for the benefit of a person with a disability
  - Can be trained by the person, DOES NOT have to be professionally trained
- The work or tasks performed must be directly related to the individual's disability
- DOES NOT have to wear a vest or other identifying feature

# MINIATURE HORSES



## TASKS THE ANIMAL MAY PERFORM

- Guiding a person who is blind or has low vision
- Alerting a person with hearing loss to certain sounds
- Picking up or retrieving objects
- Assisting an individual having a seizure
- Providing mobility support – assistance with balance
- Assisting someone with mental health issues by interrupting impulsive behaviors
- Medical alerts

## WHAT YOU CAN AND CANNOT ASK

- Is this a service animal trained to assist with your disability?
- What task has the animal been trained to perform?
- **CANNOT** ask about the nature of the person's disability
- **CANNOT** request that a demonstration be performed
- **CANNOT** ask for documentation



## REAL LIFE SITUATION

- Tell me about your dog.
- Has this animal been trained to perform a service for you that you cannot perform for yourself because of your disability?
- What task has this animal been trained to perform for you?
- As long as it behaves like a service animal and you treat it like a service animal, we'll be fine. If either of those stops happening, the dog will need to be dismissed from the building.

# WHEN AND HOW AN ANIMAL MAY BE DENIED

- Dog Behavior
  - Aggressive behavior – growling or lunging at others
  - Disruptive behavior – whimpering, barking, wandering around
  - MUST be housebroken
- Person Behavior
  - Allowing others to pet the dog
  - Feeding and attending the dog
  - Placement of the dog
  - Shifting responsibility for care of the dog

## SERVICE ANIMALS IN TRAINING

- Not protected under the ADA, but...
- § 168-4.2(b) – “An animal in training to become a service animal may be taken into any of the places listed in G.S. 168-3 for the purpose of training when the animal is accompanied by a person who is training the service animal and the animal wears a collar and leash, harness, or cape that identifies the animal as a service animal in training. The trainer shall be liable for any damage caused by the animal while using a public conveyance or on the premises of a public facility or NC General Statutes - Chapter 168 2 other place listed in G.S. 168-3.”



## PENALTY FOR MISREPRESENTING A SERVICE ANIMAL

- § 168-4.5. It is unlawful to disguise an animal as a service animal or service animal in training. It is unlawful to deprive a person with a disability or a person training a service animal of any rights granted the person pursuant to G.S. 168-4.2 through G.S. 168-4.4, or of any rights or privileges granted the general public with respect to being accompanied by animals or to charge any fee for the use of the service animal. Violation of this section shall be a Class 3 misdemeanor.

# PEACOCKS ON AIRPLANES

- US DOT Final Rule Change to service animal provisions under the ACAA, December 2020



## QUESTIONS

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