



BEFORE THE 2019 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC19-016

**RELATIVE TO THE APPROVAL OF THE JUDICIARY OF GUAM
SERVICE ANIMAL POLICY AND PROCEDURES**

WHEREAS, as part of its duties to administer operations for the Judiciary of Guam, the Administrative Offices of the Courts, through the Administrator of the Courts, formed a team of Judiciary employees to develop policies to ensure compliance with the Americans with Disabilities Act, the Americans with Disabilities Amendments Act, and other applicable local and federal laws; and

WHEREAS, this Judicial Council adopted a Disability Accommodation Policy and Temporary Modified Assignment Policy at its duly scheduled meeting on July 19, 2018; and

WHEREAS, in further support of the Judiciary of Guam's efforts to comply with local law, specifically 10 GCA §§34401, 34403 and 34404 and federal laws; and accommodate individuals with disabilities to ensure their ability to appropriately access the Judiciary of Guam's programs and services, the team developed the attached Service Animal Policy and Procedures for this Judicial Council's review and consideration; and

WHEREAS, at the December 20, 2018 monthly meeting of the Judicial Council, the Service Animal Policy and Procedures was circulated to all Judicial Council members. Comments were taken up for discussion and recommendations were made to further research certain matters; and

WHEREAS, at the April 25, 2019 monthly meeting of the Judicial Council, the proposed Service Animal Policy and Procedures, appended hereto as Exhibit "A," was found to be acceptable and was adopted.

NOW, THEREFORE, BE IT RESOLVED, that the Judicial Council hereby APPROVES the Judiciary of Guam Service Animal Policy and Procedures, attached hereto.

DULY ADOPTED this 25th day of April 2019 at a duly noticed meeting of the Judicial Council of Guam.

A handwritten signature in blue ink, reading "Katherine A. Maraman".

KATHERINE A. MARAMAN, Chairwoman

Date: April 25, 2019


ATTEST:

A handwritten signature in blue ink, reading "Shelterihna T. Alokoa".

Shelterihna T. Alokoa, Secretary

Date: April 25, 2019

Exhibit “A”
JUDICIARY OF GUAM
POLICY AND PROCEDURES

 <p>Judiciary of Guam</p>	Department: ADMINISTRATIVE OFFICE OF THE COURTS
TITLE: SERVICE ANIMAL POLICY	EFFECTIVE DATE:
REVISED DATE:	APPROVED BY:

POLICY STATEMENT: The Judiciary of Guam (hereinafter “Judiciary”) is committed to ensuring equal access to court programs and services, including the use of service animals in accordance with local and federal laws.

I. DEFINITIONS

A. Service Animal¹

A service animal is defined as an animal that is trained to do work or perform tasks for an individual with a disability, including physical, sensory, mental, psychological, intellectual, or other mental disabilities.

Some examples include, but are not limited to, the following:

- guiding people who are blind,
- alerting people who are deaf,
- pulling a wheelchair,
- alerting and protecting a person who is having a seizure,
- reminding a person with a mental illness to take their medication, or
- calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack.

Note: The work or task a service animal has been trained to provide must be directly related to the person’s disability.

¹ Definition, note, and examples provided by the Americans with Disabilities Act website www.ada.gov

B. Therapy Animal

A therapy animal is an animal that provides emotional support or passive comfort that alleviates one or more of the identified symptoms or effects of a disability. A therapy animal (also known as an emotional support animal or comfort animal) is not a service animal under this policy. Access for therapy animals is evaluated similar to any other request for accommodation and should be directed to the Judiciary's designated disability services office or ADA Coordinator.

C. Owner

Owner means any person having an interest in or right of possession to a service animal, or any person having control, custody, or possession of a service animal.

II. ASSESSING SERVICE ANIMAL STATUS

A. PERMISSIBLE QUESTIONS²

Judiciary personnel must permit service animal access with its owner when it is readily apparent that the animal is trained to do work or perform tasks for its owner. Examples include a dog guiding an individual who is blind or has low vision, pulling an individual's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability.

If the need for the service animal is not apparent, Judiciary personnel may only ask the following of service animal owners:

1. Is the service animal required because of a disability?
2. What work or task has the animal been trained to do to assist the individual?

If the owner states that the animal is required because of a disability and that the animal has been trained to do work or a task for the owner, then the service animal must be admitted. If there is any doubt that an animal is a service animal, Judiciary personnel should admit the animal and then consult with the Judiciary's ADA Coordinator regarding future access.

B. EXCLUDED QUESTIONS

Judiciary personnel must not ask service animal owners about the nature of their disability or for medical documentation of it. Owners may not be asked for a special registration, identification card, license, or other documentation that the animal is a service animal, or to demonstrate the animal's ability to perform work or tasks.

C. ALLERGIES OR FEAR OF THE SERVICE ANIMAL

² Questions and notes provided by the Americans with Disabilities Act website and the www.ada.gov National Center for State Courts www.ncsc.org

Allergies and fear of a service animal is not a valid reason 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, a courtroom, they both should be accommodated by assigning them, if possible, to different locations within the courtroom or different locations in the facility.

III. WHERE SERVICE ANIMALS ARE ALLOWED

Generally, owners of service animals are permitted to be accompanied by their service animal in all areas of the Judiciary's facilities and programs where the owner is allowed to go. Such area includes public areas and courtrooms. People with disabilities who use service animals cannot be isolated from other Judiciary patrons or treated less favorably than other Judiciary patrons. Judiciary personnel are not required to provide care or food for a service animal.

IV. SERVICE ANIMAL OWNERS' RESPONSIBILITIES

Service animal owners are responsible for keeping the service animal under their direct control at all times, such as by a harness, leash, or other tether; however, if the use of a harness, leash, or other tether interferes with the service animal's safe, effective performance of work or tasks, or if the owner's disability prevents the use of such devices, then the service animal must be under the owner's control through voice control, signals, or other effective means.

The service animal owner is responsible for immediately cleaning up after the service animal and properly disposing of the service animal's waste or other debris.

The service animal owner is responsible for ensuring that the service animal does not disturb or disrupt normal Judiciary functions.

The service animal owner is responsible for damage or injury caused by the service animal.

V. REMOVAL OF SERVICE ANIMALS FROM JUDICIARY FACILITIES

Judiciary personnel may only ask service animal owners to remove their service animal from Judiciary premises or from the immediate area as follows:

1. If the service animal is not under the owner's direct control or the service animal is disturbing or disrupting the normal administrative, judicial, or programmatic routine or the service animal is not housebroken, then the owner must first be given an opportunity to get the animal under control. If the disruption or disturbance continues, then the owner may be asked to remove the animal; or
2. If the presence, behavior, or actions of the service animal constitute an immediate risk or danger to people or property, the owner can be asked to immediately remove the animal and the Judiciary Marshals may be contacted.

3. If asked to remove the service animal, the owner must be offered the opportunity to return to the Judiciary premises or the immediate area without the service animal and be provided with reasonable assistance, at that time, to access the Judiciary's premises.

Owners with concerns about the removal of their service animal should contact the Judiciary's ADA Coordinator.

Depending on the seriousness of the animal's conduct or repeated conduct, service animals may be excluded from the Judiciary's premises temporarily or permanently. The Judiciary's ADA Coordinator is responsible for conducting the necessary assessments regarding ongoing or permanent removal of a service animal.

VI. RESOURCES

For more information, contact the Judiciary of Guam's ADA Coordinator at telephone number 300-7993 or access the following resources:

Service Animals and the Courts

Deborah Smith, National Center for State Courts

www.ncsc.org

Animals in Court

Trends: Close Up (December 2016), National Center for State Courts

www.ncsc.org

Service Animals and Emotional Support Animals

ADA National Network

www.adata.org

Service Animals

U.S. Department of Justice, Civil Rights Division, Disability Rights Section

www.ada.gov

Frequently Asked Questions about Service Animals and the ADA

U.S. Department of Justice, Civil Rights Division, Disability Rights Section

www.ada.gov

Animal Assisted Interventions

10 GCA §34401 and §34404.