

## **Courthouse Certified Therapy Dog Program**

**Purpose:**

This proposal is to enact legislation in Nevada to authorize Courthouse Certified Therapy Dogs in judicial proceedings. Courthouse Critters is the non-profit entity that will introduce certified therapy dogs into the 8th Regional Justice Center, judicial proceedings within courtrooms. All handlers and therapy dogs will be professionally certified and carry the appropriate documentation, identification and insurance while on premises.

**S.1029: Courthouse Dogs Act 1**

The U.S. Senate passed Texas Senator John Cornyn's Courthouse Dogs Act, allowing comfort dogs into the courtroom to help upset witnesses testify. The act clarifies the authority for judges to allow trained and certified emotional assistance animals into courtrooms.

A support animal is a certified, trained animal that be allowed within a courtroom to give comfort to a witness testifying in a case. To act as a support animal during federal criminal case, animals must pass certification from an assistance dog organization that is internationally certified, with a record of excellence in placement and certification of their animals.

**Support:**

- When vulnerable witnesses testify, they often experience emotional trauma that impairs their ability to participate, think, or answer questions.
- At least eight states allow dogs in courtrooms, to ease witnesses while on the stand, particularly during the recounting of traumatic testimony such as child abuse or sexual abuse.
- The Courthouse Certified Therapy Dog Program would clarify that state courts can allow licensed certified therapy dogs or "certified facility dogs" on the premises.
- The scientific evidence for the physical and mental calming effects of appropriately bred and trained dogs is overwhelming.

The use of certified courthouse dogs in the courtroom has expanded rapidly in the United States as a mechanism for calming and supporting individuals involved in courtroom proceedings.

**Proposed legislative action:**

- 1.To pass similar legislation based upon and similar to S. 1029 Courthouse Dogs Act.
- 2.This bill will provide witnesses with a support animal during testimony.
- 3.See attached Bill Draft Proposal to be added to NRS 178.571 - Applicability to certain cases; persons permitted to be attendant; permissible conduct by attendant; exclusion for good cause.



1 - S.1029: Courthouse Dogs Act - 116th Session Congress 1st Session - Sen. Cornyn, John [R-TX] (Introduced 04/04/2019)

PROPOSED REVISIONS TO NRS CHAPTER 178.571  
TO ALLOW A CERTIFIED THERAPY DOG TO PROVIDE  
COMFORT AND SUPPORT DURING WITNESS TESTIMONY

NRS 178.571 Applicability to certain cases; persons permitted to be attendant; permissible conduct by attendant; exclusion for good cause.

1.Except as otherwise provided in subsection 2, in a case involving any act of domestic violence pursuant to *NRS 33.018*, a violation of *NRS 200.366*, *200.368* or *200.373*, a battery with intent to commit a sexual assault pursuant to *NRS 200.400*, a violation of any provision of *NRS 200.5091* to *200.5099*, inclusive, a violation of *NRS 201.180*, *201.210*, *201.220* or *201.230* or an attempt or a conspiracy to commit any of these offenses, a witness may designate an attendant who must be allowed to attend the preliminary hearing and the trial during the witness's testimony to provide support.

2.In a case involving an offense in which a minor is a witness, the witness who is a minor may designate an attendant *or use certified therapy dog* to be allowed to attend the preliminary hearing and the trial during the witness's testimony to provide support.

(a) *"Certified Therapy Dog" means a dog that is a graduate of an assistance dog organization that is accredited by an internationally recognized organization whose main purpose is to grant accreditation to assistance dog organizations based on standards of excellence in all areas of assistance dog training, placement and utilization of assistance dogs, staff and volunteer education and to establish and promote standards of excellence in all areas of assistance dog acquisition, training and partnership.*

(b) *A "Certified Therapy Dog" is specially trained to provide support to witness testifying in judicial proceedings without causing a distraction.*

(c) *Courts are authorized to permit a certified therapy dog for use by witnesses in any judicial proceeding.*

(d) *Courts with an available certified therapy dog must allow a witness under eighteen years of age, or who has a developmental disability, to use a courthouse facility dog to accompany them while testifying in court.*

(e) *Courts may allow any witness who does not meet the criteria in subsection (d) of this section to use a certified therapy dog, if available, to accompany them while testifying in court.*

(f) *Before the introduction of a certified therapy dog into the courtroom and outside the presence of the jury, the party desiring to use the assistance of a certified therapy dog must file a motion setting out:*

*(a) The credentials of the certified therapy dog;*

*(b) that the certified therapy dog is adequately insured;*

*(c) that a relationship has been established between the witness and the certified therapy dog in anticipation of testimony; and (d) reasons why the certified therapy dog is necessary to facilitate the witness's testimony.*

*(g) Upon a finding that the presence of a certified therapy dog is necessary to facilitate a witness's testimony, the witness must be afforded the opportunity to have a certified therapy dog accompany the witness while testifying, if a certified therapy dog and certified handler are available within the jurisdiction of the court in which the proceeding is held.*

*(h) If the court grants the motion filed under subsection (f) of this section, the certified handler must be present in the courtroom to advocate for the certified therapy dog as necessary. The certified therapy dog performing this service should be trained to accompany the witness to the stand without being attached to the certified handler by a leash and lie on the floor out of view of the jury while the witness testifies.*

*(i) In a jury trial, the following provisions apply:*

*a. In the course of jury selection, either party may, with the court's approval, voir dire prospective jury members on whether the presence of a certified therapy dog to assist*

*a witness would create undue sympathy for the witness or cause prejudice to a party in any other way.*

*b. To the extent possible, the court shall ensure that the jury will be unable to observe the certified therapy dog prior to, during, and subsequent to the witness's testimony.*

*c. On request of either party, the court shall present appropriate jury instructions that are designed to prevent any prejudice that might result from the presence of the courthouse facility dog before the witness testifies and at the conclusion of the trial.*

*(j) Courts may adopt rules for the use of a certified therapy dog authorized under this section.*

*(k) For purposes of this section:*

*a. "Certified handler" means a person who (i) was trained to handle the courthouse facility dog by the assistance dog organization that placed the dog and (ii) is a professional working in the legal system who is knowledgeable about its practices.*

*b. "Certified therapy dog" means a dog that: (i) Has graduated from a program of an assistance dog organization that is accredited by a recognized organization whose main purpose is to grant accreditation to assistance dog organizations based on standards of excellence in all areas of assistance dog acquisition, training of the dogs and their handlers, and placement; and (ii) was specially selected to provide services in the legal system to provide quiet companionship to witnesses during stressful legal proceedings thereby enabling them to better engage with the process.*

3. The attendant may be designated by a party as a witness and, except as otherwise provided in this section, must not be excluded from the proceedings. If a party designates the attendant as a witness, the attendant must be examined and cross-examined before any other witness testifies.

4. Except as otherwise provided in this subsection and subsection 5, the attendant must not be a reporter or editorial employee of any newspaper, periodical or press association or an employee of any radio or television station. The provisions of this subsection do not apply to an attendant to a witness in a case involving a violation of any provision of [NRS 200.5091](#) to [200.50995](#), inclusive.

5. The parent, child, brother or sister of the witness may serve as the attendant of the witness whether or not the attendant is a reporter or an editorial employee of any newspaper, periodical or press association or an employee of any radio or television station, but the attendant shall not make notes during the hearing or trial.

6. The court:

(a) Shall, if the witness requests, allow the attendant or *certified facility dog* to sit next to the witness while the witness is testifying; or

(b) May, if the witness requests that the attendant or *certified facility dog* be in another location in the courtroom while the witness is testifying, allow the attendant to be in that location while the witness is testifying.

7. Except as otherwise provided in this subsection, the court shall allow the attendant or *certified facility dog* to have physical contact with the witness while the witness is testifying, if the court determines that such contact is reasonably appropriate or necessary to provide support to the witness. If the attendant attempts to influence or affect in any manner the testimony of the witness during the giving of testimony or at any other time, the court shall exclude that attendant and allow the witness to designate another attendant. 8. A party may move to exclude a particular attendant or *certified facility dog* for good cause, and the court shall hear the motion out of the presence of the jury, if any. If the court grants the motion, the witness may designate another attendant.

(Added to NRS by [1983, 891](#); A [1995, 893, 2255](#); [1997, 73](#); [2003, 542](#))

PROPOSAL TO AUTHORIZE CERTIFIED THERAPY DOGS  
IN JUDICIAL PROCEEDINGS IN NEVADA.

This proposal is to enact legislation in Nevada to authorize Certified Therapy Dogs in judicial proceedings. A relationship has been built with the Courthouse Dogs Foundation, to collaborate and get guidance on bringing this positive program to Nevada's judicial process.

S. 1029: Courthouse Dogs Act

The U.S. Senate passed Texas Senator John Cornyn's Courthouse Dogs Act, allowing comfort dogs into the courtroom to help upset witnesses testify. The act clarifies the authority for judges to allow trained and certified emotional assistance animals into courtrooms. A support animal is a certified, trained animal that be allowed within a courtroom to give comfort to a witness testifying in a case. To act as a support animal during federal criminal case, animals must pass certification from an assistance dog organization that is internationally certified, with a record of excellence in placement and certification of their animals.

They must also be accompanied by a qualified trainer who knows how to manage the dog and also have knowledge of court proceedings. If the dog fulfills these requirements, the judge may enter the order, and the dog insured for liability protection as it aids the testifying witness. Some defense lawyers have protested the use of comfort dogs and support animals in the courtroom. "I think it distracts the jurors from what their job is, which is to determine the truthfulness of the testimony," Christopher Decker, a Denver-based defense lawyer, said to the Chicago Tribune in 2018. "It tends to imply or infer that there has been some victimization. It tends to engender sympathy. It's highly prejudicial." "We consistently find that the presence of a dog makes no difference," disagreed Wofford University psychology professor Dawn McQuiston, a lead researcher who studied the effect of support dogs on juries, to the Tribune. "It seems absolutely intuitive that it will elicit sympathy, that it will make the victim seem more like a victim, that it will make you feel sorry for them. We certainly expected these dogs would have an impact, so we were surprised when they didn't." "Testifying in court can be a stressful experience for many, and especially children who may be asked to recall traumatic memories," said Cornyn during a press conference. "By allowing trained dogs to sit with witnesses, we can ease stress, help witnesses feel safe to share their stories, and ultimately promote justice."

The bill was written after Cornyn visited the South Texas College of Law in Houston and spoke to certified handlers and victim support groups about the beneficial effect of support animals for testifying witnesses.

## Context

At least eight states allow dogs in courtrooms, to ease witnesses while on the stand, particularly during the recounting of traumatic testimony such as child abuse or sexual abuse. But not everyone agrees with the practice. In a first, a New York state lawyer in 2011 appealed his client's rape conviction on the grounds that the alleged victim was accompanied by a comfort dog while giving her testimony, biasing the jury. The court ultimately disagreed, upholding the original decision, but the issue was thrust into the spotlight.

## What the legislation does

The Courthouse Dogs Act would clarify that federal courts can allow licensed therapy dogs or "certified facility dogs" on the premises. The dog must be accompanied by a trained handler, and the request to allow the dog must be made to the court at least 14 days in advance. The legislation also clarifies that federal courts can impose additional restrictions, such as potentially hiding the dog from the jury's view. The Senate version was introduced on April 4, 2019 as bill number S. 1029, by Sen. John Cornyn (R-TX). The House version was introduced seven months later on December 11, 2019 as bill number H.R. 5403, by Rep. Mary Scanlon (D-PA5).

## What supporters say

Supporters argue the legislation helps make the path just a little bit easier, for those forced to relive one of the most painful and horrific experiences of their life. "We are learning about the use of these wonderful trained dogs to help child victims of sexual assault," Sen. Cornyn said in a video put out by his office. "Witnesses who were traumatized were able — by virtue of these trained animals — to feel more safe, comforted, and then provide evidence in the courtroom." "It helps the witnesses tell their story, so the jury and the judge can hear it. But yet [it] does not appeal to the sympathies, perhaps, of the jury by seeing the dog in the courtroom," Sen. Cornyn continued. "And perhaps we can see this spread to more state and local courts as well."

## What opponents say

Opponents counter that the legislation, while well intentioned, produces sympathy with a supposedly impartial jury. After all, who doesn't love dogs? "I think it distracts the jurors from what their job is, which is to determine the truthfulness of the testimony," Denver defense lawyer Christopher Decker told the Associated Press in an article. "It tends to imply or infer that there has been some victimization. It tends to engender sympathy. It's highly prejudicial."

## Background on the Courthouse Dogs Act:

When vulnerable witnesses testify, they often experience emotional trauma that impairs their ability to participate, think, or answer questions. The use of certified courthouse dogs in the courtroom has expanded rapidly in the United States as a mechanism for calming and supporting individuals involved in courtroom proceedings. The scientific evidence for the physical and mental

calming effects of appropriately bred and trained dogs is overwhelming. Currently, eight states have legislation allowing for the use of certified facility dogs to assist witnesses giving testimony, and eight other states' courts have determined that the use of certified facility dogs may be appropriate in certain instances.

The Courthouse Dogs Act allows for any party in a federal criminal proceeding to request an order authorizing an available certified courthouse dog to accompany a witness while testifying in federal court.

In order to be a certified therapy dog, they must meet the following requirements:

- The dog must have graduated from an assistance dog organization that is a member of an internationally recognized assistance dog association whose primary purpose is based on excellence in the areas of dog acquisition, training, and placement.
- The dog must be accompanied by a trainer who is trained to manage the dog and has knowledge about the legal and criminal justice processes.
- Judges may grant the request and enter an order. If the dog is certified, he or she will aid the witness in providing testimony, and the dog is insured for liability protection.
- The Courthouse Dogs Act is supported by the Courthouse Dogs Foundation, the National District Attorneys Association, and the National Center for Missing and Exploited Children.

This bill proposal is to enact such legislation in Nevada. Previous groundwork and relationship has been built with Courthouse Dogs Foundation to provide the framework for the program and Courtroom Critters, a certified therapy dog organization is dedicated to providing therapy dog service to witnesses and those under duress within judicial court proceedings.



*Thank you for your review and consideration.*

For more information, please contact:  
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