

**IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA**

IN RE: TWENTIETH JUDICIAL CIRCUIT  
THERAPY/FACILITY DOG PROGRAM

ADMINISTRATIVE ORDER  
NO. 2.38  
(supersedes AO 12.7)

**WHEREAS**, section 92.55(5), Florida Statutes, authorizes the Court to establish conditions it finds just and appropriate when taking the testimony of a victim or witness under the age of eighteen (18), a person who has an intellectual disability, or a sexual offense victim or witness, including the use of a therapy animal or facility dog in any proceeding involving a sexual offense or child abuse, abandonment, or neglect; and

**WHEREAS**, a “therapy animal” has been defined by statute to mean “an animal that has been trained, evaluated, and certified as a therapy animal pursuant to industry standards by an organization that certifies animals as appropriate to provide animal therapy,” and

**WHEREAS**, a “facility dog” has been defined by statute to mean “a dog that has been trained, evaluated, and certified as a facility dog pursuant to industry standards and provides unobtrusive emotional support to children and adults in facility settings,” and

**WHEREAS**, for the safety and protection of the public and court staff, as well as for the purpose of ensuring order and decorum within the courthouses of the Twentieth Judicial Circuit, it is necessary to provide specific guidelines for the presence and conduct of therapy/facility dog teams within the courthouses of the Twentieth Judicial Circuit;

**NOW, THEREFORE**, in accordance with the authority vested in the Chief Judge pursuant to Fla. R. Jud. Admin. 2.215, it is ordered as follows:

1. The use of qualified therapy/facility dog teams consisting of a certified/registered therapy/facility dog and a human handler over the age of eighteen (18), and associated with a court-approved therapy/facility dog provider, is authorized within the Courts of the Twentieth Judicial Circuit for the benefit of victims or witnesses under the age of eighteen (18), persons

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with an intellectual disability, or sexual offense victims or witnesses, in any proceeding involving a sexual offense or child abuse, abandonment, or neglect, though not mandated. The use of qualified therapy/facility dog teams inside of any courtroom during such proceedings is at the sole discretion and preference of the presiding judge or magistrate, and must be addressed, approved, and/or ordered by the presiding judge or magistrate in advance. The use of qualified therapy/facility dog teams within the courthouse, but outside of the courtroom, prior to such proceedings is permitted without prior approval of the presiding judge or magistrate, but must be in full compliance with any policies and procedures established by the Administrative Office of the Courts, whether written or verbally expressed. Any use of qualified therapy/facility dog teams must be in a manner which does not have any negative impact on any party's right to due process or right to a fair hearing or trial.

2. If the State Attorney's Office, Public Defender's Office, Regional Counsel's Office, Florida Department of Children and Families, Guardian Ad Litem, counsel, or unrepresented party determine that the presence and use of a qualified therapy/facility dog inside of the courtroom (if approved) or outside of the courtroom may aid in the court testimony of a victim or witness under the age of eighteen (18), person with an intellectual disability, or sexual offense victim or witness, in any proceeding involving a sexual offense or child abuse, abandonment, or neglect, that agency or counsel or party may contact a court-approved therapy/facility dog provider to determine the availability of a qualified therapy/facility dog team. Court-approved therapy/facility dog providers shall be posted on the website of the Administrative Office of the Courts of the Twentieth Judicial Circuit ("AOC") at [www.ca.cjis20.org](http://www.ca.cjis20.org).

3. As stated above, the use inside of the courtroom of a qualified therapy/facility dog team associated with a court-approved therapy dog provider is only permitted upon prior approval of the presiding trial judge or magistrate. The presiding judge or magistrate may

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establish procedures for requesting and utilizing therapy dog teams as may be appropriate and applicable.

4. The agency or counsel or unrepresented party seeking the use of the qualified therapy/facility dog team is responsible for facilitating all communication with the therapy dog provider and handler regarding dates and times and locations of court events, including informing the court-approved therapy/facility dog provider and handler of any changes in dates or times or locations of scheduled court events.

5. Qualified therapy/facility dog teams provided by a court-approved therapy/facility dog provider are permitted on the grounds and inside the courthouses of the Twentieth Judicial Circuit only if present for a court event. However, under no circumstances shall a qualified therapy/facility dog team, which includes the therapy/facility dog and the handler, be alone in the presence of a victim or witness under the age of eighteen (18), person with an intellectual disability, or sexual offense victim or witness. The qualified therapy/facility dog team shall only be in the presence of the victim or witness under the age of eighteen (18), person with an intellectual disability, or sexual offense victim or witness, if the presiding judge or magistrate is present, or, if in a criminal case, counsel or a non-represented party presenting the victim or witness is present, or, if in a dependency or family law case, if a neutral representative is present such as a Guardian ad Litem or counsel for the Guardian ad Litem program. Due to the role of the Court and the role of the qualified therapy/facility dog team as a support mechanism for victims or witnesses under the age of eighteen (18), persons with an intellectual disability, or sexual offense victims or witnesses, the presiding judge, magistrate, and court staff, cannot actively interact with the therapy/facility dog beyond that which may be necessary.

6. Court-approved therapy/facility dog providers shall:

- a. Ensure that all therapy/facility dog teams have completed any and all therapy training and have passed a nationally recognized skills and aptitude test and

evaluation by an organization that certifies the team as qualified to provide animal assisted therapy.

- b. Ensure that all therapy/facility dog teams adhere to all policies of their individual certifying organizations and remain current on all certifications.
- c. Ensure that all therapy/facility dogs have been examined by a Florida veterinarian who is able to attest to the dog's good health within the past year, and ensure that all immunizations, including rabies vaccinations, are current and remain current.
- d. Ensure that all therapy/facility dogs are properly registered and licensed in the State of Florida and the applicable county.
- e. Carry a minimum of one million dollars (\$1,000,000.00) in liability insurance with coverage for all claims for injury, illness, and property damage resulting from therapeutic services offered by the therapeutic dog provider, and a rider naming the Administrative Office of the Courts and applicable county as an insured for coverage purposes.
- f. Provide a copy of the liability insurance declaration sheet and rider, and proof of annual renewals, to the Administrative Office of the Courts.
- g. Ensure that all handlers are trained and responsible for maintaining dogs on an appropriate leash at all times with the handler in full control of the dog and leash.
- h. Ensure that all handlers are trained and responsible for refraining from any and all overt displays of emotion and from any unsupervised interaction with the children.
- i. Ensure that all handlers adhere to their certifying organization's policies regarding grooming and zoonotic disease/parasite control.
- j. Ensure that all handlers are trained and responsible for inquiring if there are any known allergies or concerns prior to entering an enclosed space, including elevators.
- k. Ensure that all handlers are trained and responsible for arriving early enough to exercise the dog to avoid any elimination issues. All dogs must be trained to not eliminate inside of buildings. All handlers must have available appropriate supplies to clean and sanitize, as may be appropriate, any elimination that may occur in the building or outside on the grounds, using proper disposal and odor control methods.
- l. Ensure that any incidents are immediately verbally reported to the Presiding Judge or magistrate (if applicable) and the AOC, and that an incident report form is promptly submitted to the AOC as soon as possible, but no later than the next business day. Reportable incidents include, but are not limited to: injuries to a person or animal; situations with a high potential that an injury could have

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occurred either to a person or animal, even though no one was hurt at the time; situations with a perception of an accident or injury, and damages to property, including elimination by a dog in the courthouse facility. A copy of the incident report form is available on the AOC's website at [www.ca.cjis20.org](http://www.ca.cjis20.org).

- m. Ensure that all handlers have signed a release for the purpose of allowing the AOC to conduct a background check. The information contained in any FCIC/NCIC report and specific findings are confidential and are to be used in compliance with all state and federal laws and regulations. The decision as to whether to allow a handler access to the courthouse facility for the purpose of providing therapy/facility dog services is within the sole discretion of the AOC.
- n. Ensure that all handlers immediately report to the court-approved therapy/facility dog provider and the AOC any incident that may change the status of their background check, including but not limited to any arrest, conviction or other incident involving law enforcement.
- o. Ensure that all handlers are trained and responsible for maintaining the confidentiality of all information including, but not limited to, information pertaining to the individuals testifying and their families, whether written or verbal, received through the scope of interaction with the individual testifying. All handlers must sign an oath of confidentiality, a copy of which is available on the AOC's website at [www.ca.cjis20.org](http://www.ca.cjis20.org).
- p. Ensure that all handlers are trained and responsible for reporting and avoiding any potential conflict of interest and for immediately disclosing to the presiding judge or magistrate (if applicable) and the AOC any personal knowledge or relationship to the parties, children, or other witnesses, or has any independent interest or personal knowledge of facts related to a case.
- q. Ensure that all handlers have received, acknowledged and endorsed an Acknowledgment of Terms and Conditions Sheet, a copy of which is available on the AOC's website at [www.ca.cjis20.org](http://www.ca.cjis20.org).
- r. Ensure that all handlers carry their certifying organizations identification card or other documentation demonstrating certification/registration, and their identification card or other documentation demonstrating their association with the court-approved therapy/facility dog provider. All handlers shall produce any identification card or other documentation upon request by any court official, including court security officers or bailiffs. In addition, all therapy dogs shall be identified by wearing a dog therapy vest or other identifying garment.

7. All court-approved therapy/facility dog providers and their contact information shall be listed on the AOC's website at [www.ca.cjis20.org](http://www.ca.cjis20.org). Any organization seeking approval to be added to the list of court-approved therapy/facility dog providers may submit to the AOC a


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written request and proposal. The Chief Judge shall determine, in his or her discretion, whether an organization qualifies and is approved as a therapy/facility dog provider for the Twentieth Judicial Circuit and for which county or counties.

8. To the extent that any provision of this Administrative Order may be construed as being in conflict with any law, statute, or rule, the law, statute, or rule shall prevail.

9. This Administrative Order shall supersede and replace Administrative Order 12.7, and shall be effective August 1, 2018.

**DONE AND ORDERED** in chambers in Fort Myers, Lee County, Florida, this 30<sup>th</sup> day of July, 2018.

  
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Michael T. McHugh  
Chief Judge

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History. – Administrative Order 12.7 (June 8, 2016)

**STATE OF FLORIDA, COUNTY OF LEE**  
**FILED FOR RECORD**  
This 21 Day of July Recorded in Circuit  
Book 101 Page 107 and Record Verified.  
LINDA DOGGETT By [Signature]  
Clerk Circuit Court Deputy Clerk

I certify this document to be a true and correct copy of the record on file in my office.  
Linda Doggett, Clerk Circuit/County Court, Lee County, FL  
Dated: 7/31/18  
By [Signature]  
Deputy Clerk

