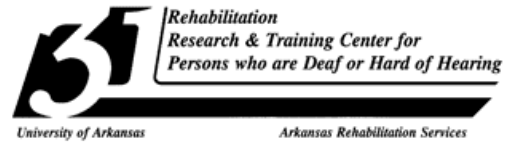




Selected Proceedings of ALDAcon 2005



Service Animals

Presenter: CAROL CHRISTOPHERSON

CAROL CHRISTOPHERSON: Thank you for having me here. We are going to talk about what a service animal is. How can you tell a service animal from a pet? People ask us that all the time. Does a therapy animal have any legal rights? Where can they go, meaning are there legal reasons to evict or deny service animals in certain places? This is what we will talk about in the presentation, and what not to do in their presence.

Can anybody tell me what a service animal is?

AUDIENCE MEMBER: To assist with a disability.

CAROL CHRISTOPHERSON: That's partially correct. We are going to talk about laws here, specific federal laws and state laws, and your rights as a service animal user. One thing that is so important to understand is that there are different dogs from different programs. There are CCI, International Hearing Dogs for the Deaf, and Florida Service Dogs. Every program has different requirements. We are not here to teach you the program requirements, such as who has what, and how they train their animals or how they certify their animals. We are here to teach you what federal and state laws talk about. We are here to teach what you the law says, not what the programs do.

What we are teaching is what the law says across the board. It says a service animal is any animal individually trained to provide assistance for an individual with a disability. It does not include those animals in training. Under the federal law, the animal must be individually trained. Service animals do not need to be licensed or certified by any state, local, federal, or any organization whatsoever under the ADA, Americans with Disabilities Act.

Training or the disability documentation cannot be required prior to access. That's one of the things that most people don't understand. Nothing can be required before they allow you entrance under the federal ADA. How can a person tell whether it's a service

animal or not? How do you know that Zoey, my service dog who is here, is a service animal?

AUDIENCE MEMBER: The orange vests.

CAROL CHRISTOPHERSON: Yes but, do you know where your local embroidery shop is? Do you know where Wal-Mart is? Do you know someone with a sewing machine?

AUDIENCE MEMBER: I know you have a service animal because I ask you and you tell me.

CAROL CHRISTOPHERSON: That's pretty much it, look and ask questions. Some service animals wear vests, some wear special items and some do not. How many of you have seen a dog with a vest on that says it's a guide dog? It doesn't say guide dog. It may have a sign that says, "Don't pet me, I'm working." It doesn't tell you that it is specifically trained to be a guide dog. How about the police officer that has a K9 dog? How do you know that that dog is a working dog? Does it have a vest that says it's a canine officer? A lot of them don't. You believe that it's a working dog because the guy has a gun on the other end of the leash, right? You don't want to mess with that animal, right? Some people carry papers from a program. You have papers from your program?

AUDIENCE MEMBER: In the vest? No.

CAROL CHRISTOPHERSON: When you go out to dinner, you take them with you? Do you have your papers on your animal?

AUDIENCE MEMBER: I washed my dog's vest one day and I'm lucky I remembered to put the id-card in it because I traveled to New Jersey and the New Jersey bus driver refused to let me on the bus until I showed him the card. I have a complaint in with that.

CAROL CHRISTOPHERSON: That is incorrect, that is wrong. We deal with that all the time. I created Florida service dogs because of my own battles going back to 1993. I have dealt with Fair Housing cases and with federal cases under the Rehabilitation Act also which is another law. I have sued and been sued over the years, which is not something any of us want to do, right? You just want to eat out, ride the bus, and do everything everybody else does, without being harassed or hassled. "Where are the dog's papers? Prove it," that kind of thing. We don't want to go through that and legally we don't have to go through that. Some owners don't carry papers. If you train yourself, you don't have papers. Who made your ID card?

AUDIENCE MEMBER: The International Hearing Dog Inc. They trained Baron and they made the card for me.

CAROL CHRISTOPHERSON: Who trained them? Who trained your program to train working animals?

AUDIENCE MEMBER: Oh! Themselves.

CAROL CHRISTOPHERSON: Who trained yours?

AUDIENCE MEMBER: They developed the program themselves.

AUDIENCE MEMBER: I have no clue about who trained them, but I do know my program follows the assistance dog, ADI standards.

CAROL CHRISTOPHERSON: Assistance Dogs International is one program that teaches one way. There are many, many ways to train. They are not the only way. ADI is a large organization.

AUDIENCE MEMBER: I met a client who is hard of hearing. She shows horses in shows and she always has a little dog in front of her. She has trained her dog to be her eyes, watch for any danger. She trained her dog. Can't that dog be a service dog?

CAROLCHRISTOPHERSON: You tell me. Backing up to the definition of disabled under the federal ADA, a person is disabled if the person has a severe impairment of one or more of life's major functions. The animal must be individually trained to mitigate the disability, to assist your disability. The federal definition does not include who may or may not train the animals. Unfortunately, the way the federal laws are written right now, there's no such thing as a trainer or who is, or is not, a trainer. The training world has developed its own organizations and standards. But federal law has no standards. Individually trained, that's all.

People can't always tell that a person is disabled. How many of you knew I was deaf? I speak, pretty well most of the time. Enough to get me into trouble, right? I don't look blind unless I have my sunglasses on.

With my sunglasses on, they hand me a Braille menu, right? Or they stop me from getting into my car on the driver's side, right? People think I'm blind with my dog and sunglasses on. When you have sunglasses on and you're with your dog, how many of you have had people want to help you? They take your card and swipe it for you. Hand your change back. They think you're blind, right? Take your sunglasses off, put your regular glasses on. Now you have a dog without a harness. They don't have a clue what your disability is until you start talking.

If you talk like I do, most people don't have a clue because I speak well. Most people have invisible disabilities, heart attack, stroke, seizures, diabetes, etc. You can't tell. Hearing loss, you can't always tell either, right?

There are three questions that you can be asked legally under the federal ADA.

Are you disabled? Not what is your disability? That's none of their business. Is the animal trained for your medical needs or is the animal a pet? We also teach businesses this so we teach the flip side. If you get asked, is that a service animal, you're going to say, "Sure." If you're disabled, you know what a service or working animal is. It's your animal. It's not a pet. They can't ask you to prove it. That's illegal under the federal law.

What does the animal do for you? They can ask that question. Again, not prove it. Not show me. Not show me what the animal does. I love to show what Zoey does. I love to teach people my animal's importance to me. When I'm in a hurry and going to the bathroom, I don't want to stop and give them a ten-minute demo. They can't ask for proof of your disability and they can't ask for proof of the animal's training.

You may have trained your animal. We do not advocate training for your self. A lot of problems exist when you train your own animal. Don't leave thinking we advocate that. We teach the law. The law says you can train your animal yourself. The bottom line is always to ask before assuming. There are no standards required for service animal training.

Every hearing dog program probably has a different standard for what a hearing dog is or does. Any dog picks up things that I drop automatically. Does yours? Does your animal pick things up for you that you drop? If you are walking, deaf, you can't hear it fall. Does your animal pick it up?

AUDIENCE MEMBER: Mine does it on command.

CAROL CHRISTOPHERSON: It's an automatic target retrieve. That's a difference, a different program. Mine does it automatically. Automatic retrieve. See the differences?

Keep in mind the animal and owner, called the team, may be new or in training. They may not understand all of the legal terms to use. If you have been using a dog for a long time, you know what to say to people. We are very confident about, "This is a service animal. I have a right to be here. Call the cops, manager, whomever you want. I'm going shopping." A new team may not be able to do that. If you step out tomorrow with a new dog, people say you didn't have a dog yesterday. Why do you need one now? Well, we didn't have faxes once either, right? Now we do.

Talking about federal laws and state laws. Every state has a different language. There are probably not two state statutes that are the same. We are very fortunate. As of July 1, 2005, we have brand new language in our law. It's probably one of the best around.

The ADA covers private entities that serve the public. The store tells you no, they're a private store, private business, owned by a private person. Are the local Seven-Eleven, the car wash, the local bar, the stores covered under the protections of ADA? They are

all covered under the federal ADA, Americans with Disabilities Act. The ADA gives you right to public access, including hotels and public transportation.

Three areas of the ADA relate to service animals. Title I covers places of employment. Title I allows service animals at work with disabled. That provides a reasonable accommodation. You only have reasonable accommodation when you are at work. You don't have reasonable accommodation out in public.

The ADA is a federal law created by the federal government in place for the private sector that serves the public. Title II deals with state and local Government such as police departments, city government, local government, the town halls, city halls, courthouses, the state capital areas. If you are denied access, you have coverage under Title II of the ADA, state and local. Not federal government. Enforcement of rights is when you call the police and file a complaint. You can only file a complaint under state statute if your state statute covers it and gives you the right to do that.

Title III is about complete public access. Covered entities, zoos, hotels, restaurants, doctor's offices, dentist offices, car washes, must allow access.

Titles II and III can have modifications of policies and practices. They can still have a no pet policy or a no animal policy. But they have to modify their policies and practices to allow you as a person with a disability in with your service animal.

The Rehabilitation Act covers the federal government. I came to know this quite well in 1999. I sued the post office. I'm a disgruntled postal worker. You can look my chapter up in a book, *Going Postal*, Chapter 13. I sued the post office as a deaf letter carrier with my hearing dog going to work. They wanted me to be a clerk inside so my hearing dog and I wouldn't have to deal with the other dogs on my route. I was facing a lot of the ignorance. Letter carriers and dogs don't mix. We know that. The Postal Service spent a lot of money proving to the 11th Circuit Court of Appeals that dogs bite letter carriers all the time. They could not prove, however, that having a hearing dog or a service animal in general with a carrier would cause more of a problem, a direct threat.

Section 504 of the Rehabilitation Act is about having service dogs in your schools, area schools, or the local post office. If you are in a federal building, public access with service animals is covered under section 504. This law was in place before the ADA became a law in 1990. Although the original act covered people with disabilities, it only existed for federal government buildings. The Rehabilitation Act is the federal law created by the federal government to protect you as a disabled person in federal government. It did not apply to private entities. That's what the ADA does. There's a difference between the two.

Section 501 covers the federal employees. Just like the ADA, Title I, employment at work. Section 501 covers federal employees. That's what I had to sue under.

The Fair Housing act covers you in our own home, apartment and condominium. Inside your home you're covered under the Fair Housing Act. When you come outside your doors to go to the pool, or the elevator, you're covered under the ADA. We just talked about that.

It's a pretty liberal law. The animals do not need to be licensed or trained. The definition of service animals does not exist in the Fair Housing Act. Proof may not be required, but the laws are very divided. Some cases exist where some courts say you must have proof that you are disabled and in need of an accommodation. The nature or severity of a disability cannot be disclosed. It does not have to be disclosed to the apartment manager. We get that all the time. They must modify their policies and practices.

Animals are allowed everywhere a resident is allowed, pool, spa. Whatever you have in your own place, they must provide you access with your service animal.

The Air Carriers Access Act covers only inside the airplane. When Zoey and I flew here, the minute we boarded the plane, our coverage from ADA ended, and the Air Carrier Access Act began. They can't charge you and they cannot require proof of papers. The last line actually says "verbal credible assurance" that your animal is a service animal and you are disabled. Most people don't read that far down the page.

Service animals have a second right, of refusal. You have the right to refuse a seat they offer you for your service animal.

AUDIENCE MEMBER: Often when I fly, they always put me in the bulk head seat. There's less room there than sitting in a normal seat so I prefer in the back. Then Baron has enough room to get under the seat. The airline tells me they are required to put me there.

CAROL CHRISTOPHERSON: That's not the true. You have the right to sit anywhere. We have the right to refuse it. They cannot require that you sit in a place assigned to service animals. In fact, once on Delta they didn't have a bulkhead seat for me and my dog. I like to sit bulkhead. They didn't have any emergency room except in the emergency row. They offered us first class. Of course, we decided to take it.

Airlines by law have to section off those bulkhead seats for disabled persons, but they cannot force you to sit there. You have the choice.

AUDIENCE MEMBER: They do require you to sit in a window seat.

CAROL CHRISTOPHERSON: They cannot require you to sit anywhere by federal law. You have that right. Except, you can't sit in the emergency exit seats

AUDIIENCE MEMBER: They tell me all the time, the Air Carriers Access Act requires window seat so the animal will not block the other people if they need to escape.

CAROL CHRISTOPHERSON: You can sit anywhere. The animal should not be blocking anyway. That's why you sit with the animal underneath the seat like you said or in bulkhead seating, one of the two. But they cannot require you to sit anywhere on that plane. Call the CRO, Conflict Resolution Officer if necessary. Every airline is required to have one available to their staff, either in person or by telephone.

I'm going to move on to animals for emotional support. These are therapy animals, not service animals, and their coverage is a little bit different. Animals for emotional support must have a letter of need. The conflict that we have is as a service animal user, a person with a disability is not required to show proof or documentation or training or disability. But therapy animals are. If you have an emotional support animal and you want to have your animal with you, you still have to be disabled. The animal doesn't have to be trained. It has to be under control, but you have to have documentation that you need that animal.

I.D.E.A. covers you in school. I went to the University of Florida. Some other people with service dogs go to school. Izzy, as of right now is in Orlando having fun. Izzy is a black lab trained for a good friend of ours, the 2001 Easter Seals poster child. She has no legs and her arms are deformed. Her dog was trained by the same trainer I had for my retired dog. Service dogs can go to school with children.

But, there are a lot of "buts" to that. As long as the child is mature enough to handle and control a service animal, it works. Nowadays we place dogs in a third-party situation, where the animal is trained to work for the disabled child but through another caretaker, the handler at school, or a parent or grandparent.

Actually any of the laws, the Fair Housing Act, ADA, Rehab Act don't specify who has to handle the animal. The laws just say that the animal has to be trained to mitigate the person's need.

Dogs are most common type of animal used. Everybody is used to labs and golden retrievers. Walk down the street with a Chihuahua and heads turn. It doesn't matter what the animal is, miniature horses or birds. We have two miniature horses working in Jacksonville. You can go to www.COJ.net and search for service animals. COJ stands for City of Jacksonville in Jacksonville, Florida. We did two public service announcements last year. We ran it for two months with our service horse, the guide horse. You may have seen Cuddles, on Oprah, and the guy with the miniature guide horses. We have two. Confetti is one and the other is King, who is a brace and mobility horse.

Iguanas, ferrets, autism, strokes, the size, shape, make and model do not matter. We have not trained them. Some of them I have met personally and some I have not. Remember what I said the definition was under federal law? Any animal. We get a lot of grief from the programs because of the animals being used and the certification

process. We don't train them and we don't certify them. We teach you what is out there and what the law says.

The only thing that matters is the reasonableness and those who have been trained to mitigate the disabilities and are under the control of the handler. It doesn't matter what the animal looks like, does it?

Your animal can be trained from a top of the line program and be out of control and get evicted. It doesn't matter because they are still animals. Right? When you take the orange vest off, what do you have? A dog! Wow! Imagine that! You have a wild, crazy party animal. Let me tell you, Zoey is a terrier and yours is a terrier, right? Yours is a lab, right? They play. They are dogs. Trained or not, they are still animals. We have to be in control of them at all times. Size, shape, make and model don't matter.

The type of work that they do is not just for deaf people. They can do anything. If we can train them to do it and they are under control, guess what? What do you have? A service animal. There are different terms around the country. Hearing dog, hearing ear dog, hearing aid dog, whatever you want to call it, it doesn't matter. The type of work that they do is for the person with the disability. If I had a guide dog for a blind person and I was deaf, I would have a problem, wouldn't I? I wouldn't be allowed that service animal because it wasn't individually trained for me. When I hand my hearing dog to my husband and she is trained, is she trained for him? He's diabetic. He has no right to that animal.

For mobility, balance, brace, support, every dog is trainable. People say you can't train my dog. Watch me. I can train him to do something. How many have an animal that you trained to sit, down, talk. You talked a dog to do something in your life. You're all trainers. Are you professional trainers? Probably not.

However, not every dog is suitable for public use. These dogs here are well behaved, well mannered, well socialized. They are socialized better than they are trained. The socialization is actually more important than the training. They may not always perform every single task that we want them to do that they were trained to do. But because they are socialized, it doesn't matter.

Some animals are trained for picking up items. Joe is an older man who has stroke problems. He loves his dog. Boomer is a great pet for him. Took Joe eight months to get Boomer to work for him because Joe didn't want to make the dog work for him. Now he's a good service dog and they work as a team.

Trained versus natural, do you know what I'm talking about when I say trained versus natural? A trained response works for the doorbell, the baby cry, your name or any sound that is repeatable. We can train the dog to alert on that sound. Noises over time in public become ambient noises. The dog may not alert on every single sound and every single time. People say my phone rang, and the dog didn't alert to my phone. It

wasn't trained on my phone. If I went to work at your house and I stayed there for a week, I know I have been too long in your house when my dog alerts on your phone and your microwave. Anything with food, of course, my dog is food driven.

We can actually train a dog that is nose-y anyway. We select them for temperament to do the job. Elevators. How many times have you missed an elevator?

AUDIENCE MEMBER: Not much with this one.

CAROL CHRISTOPHERSON: Was your dog trained to work on elevators?

AUDIENCE MEMBER: No. I just learned to read their expressions.

CAROL CHRISTOPHERSON: There you go. Her head turns and you look. My husband says my head and my dog's head are connected. The longer you have a hearing dog, the more you rely on looking at the dog. How long have you had your dog?

AUDIENCE MEMBER: Oh, almost four years now.

CAROL CHRISTOPHERSON: That's enough time for you to understand the difference between what is trained and what is not. You are probably more aware now of your surroundings than you were when you started because of the dog's natural ability.

Mobility dogs. We all know the typical wheelchair dog, right? Zoey was actually trained for someone in a wheelchair as well as for hearing dog work. She's a dual trained dog.

Seizure dogs. There are two types of seizure dogs, alert and response. Alert is the one that people ask me: "Can you get me one of them there dogs that tells me ahead of time I'm having a seizure?" We don't train those dogs. They either do it or don't do it. Most dogs alert us, like the horse out in the pasture that tells the farmer that the storm is coming? When the tsunami hit, all the animals went away. They sensed it, smelled it. Watch your animal, pay attention to your animal. They can smell the chemical changes. Very few studies have been done on this.

The response is what we train. The response, a medical alert during and after the condition whether it's a seizure, stroke, heart attack, it doesn't matter. Actually the response dogs have phones and buttons.

Medical alert dogs. I told you my dog TJ. He passed away. He was a great medical alert dog for a man with diabetes. Remember, those thinking about getting a service animal, there are a lot of emotions involved in getting a service animal. Is it worth it for me? Yes, it may not be for you.

Medical alert dogs are trained to get on people, to lie on people, and to carry things for them. If you go to www.ablephone.com you will find a canine rescue phone, which has a huge button for the dogs trained to go get the button.

Therapy animals. I'm talking about a psychiatric service animal. People with psychiatric service animals have a mental disability because the ADA covers mental and physical both. The federal law covers psychiatric conditions as well as physical conditions. Most state laws don't cover both conditions, though. Therapy animals, call them social, facility, companion, call them whatever you want, the animal that brings you love and joy is a therapy animal.

The difference between a therapy animals and the service animal is the individual training. The service animal is individually trained to assist the disabled. One person. Was your animal trained for anybody else? Mine wasn't either. Mine is trained for me.

The difference is that's all the therapy animal does; they bring love and joy. They may be trained to behave. They are usually well behaved and well mannered. But they are not service animals.

Even though we love them just the same, they don't have the same protections under federal law. They have to have permission to go into a restaurant or into hospitals. I don't have to have permission to take my dog in the hospital. Therapy animals do.

Access in Florida is covered. I would advise you to go back to your states and find out what your state law says. Even though your state says one thing, when you are allowed access under the federal law, whichever law gives you greater protection is the law that applies. Therapy dogs actually aren't protected under Florida statute. But they have the protection of the federal law. The original language of the 1972 Florida statute said that a service animal must be shown to be from a recognized school or program. I have a business card and I have some embroidery that says Florida service dogs. That means I'm a recognized program, right? Does that mean I'm trainer? In federal law, animal trainers are not regulated.

Here are some of our definitions. Hard of hearing, physically disabled, but mental disability was left out. If you notice what it says, "any person who has a physical impairment that substantially limits one or more life functions..." Well, thinking is one of those life functions, right? The service animal must be trained to perform tasks. Nowhere in most laws does it say that certification is required.

In our state it's a crime to interfere, injure or kill a service animal. The police officers do in fact know how to enforce that state statute, 413.08. If you have a service animal, find out what your state's language says so you can get the police involved. Wherever you are, you not only have a Title II complaint against the city bus for example, but you also have a state statute protection. That may or may not have criminal punishment.

Florida's is a second-degree misdemeanor. The second time they deny you access or interfere with you, it becomes a felony.

Can a service animal be denied access? Yes! You can legally be denied access. There are always exceptions to any law. There are three reasons under federal law where you can be denied access with your service animal. A direct threat has to be real. A roller coaster is a threat, a problem. They can't accommodate you on a roller coaster. If you go to Disney or Epcot, you can go on a lot of rides with the service animal, if the animal is trained, socialized, under control.

Creating an undue burden or hardship is another reason access can be denied. If I'm in a restaurant and my dog starts to growl at another client, then I can be denied access. The restaurant or whoever is denying you access has to prove a financial or administrative hardship.

Fundamentally altering the operation is another reason you can be denied access. When we were working on the wording of the Florida statutes, one of the Florida senators asked us, "What is to stop someone from coming in with their service elephant?" Under federal law, the service is individually trained. Any animal individually trained. It can it be an elephant? But can you get away with taking it out in public? Probably not. Service snake? No.

If your dog growls at someone in a restaurant, actually, all they can do is make you remove the dog. At which point, they have to accommodate you and provide accommodations that would equal what you are getting from your dog. They can't just say you and the dog have to leave.

Once you're in, there are legal reasons where they can tell you to get out. Okay, fine, we'll let you in. Now that you're in, sorry, sorry, you have to get out. Under federal law you can be told to leave if the service animal is out of control. Not obeying the handler, sniffing, relieving itself show that's not a trained animal. Barking excessively, out of control.

This is what I tell people first in businesses. Don't just tell us to get out. If our animal is barking, it might be a seizure alert mode. It might be a medical alert dog. Is the animal barking at the customers, trying to get attention? Or is it barking at the person with the disability? Maybe the person is getting ready to pass out and that's the way the dog works. So they cannot assume that it's a problem because of aggressive behavior, okay. They have to assess the issue, case-by-case.

Again it may be a new team. A new team may not have the leadership they need to have. You need to have leadership, control of your dog. You can have a \$50,000 dog and a month later, you could have a nightmare.

We want access, not excuses. We have been given every excuse in the world why we can't have our animal. You already know the valid reasons they can deny you access. Here are some of the reasons that we have been given that are not valid: fears, allergies, tripping over the leash. The post office told me I couldn't have my dog in the post office because somebody might trip over the leash. I reminded them that there were blind people who had dogs and nobody tripped. Attack from other animals is another invalid reason. Possible lawsuit. "We might get sued because your animal is in here." I have been told that, or your animal might get hurt.

Fears and allergies must rise to the level of a disability, the same as your disability does. The other person must also have a disability, a severe impairment. Remember, the disability under federal law is a severe impairment. If you are not severely impaired under one or more life major functions, you may not be covered under the federal law. We don't know what that means anymore because of the courts are defining what a disability means every time somebody goes to court. I know I'm disabled because the courts finally said I was several times, over and over. The good part is by the time I got my federal case against the post office, I didn't have to prove I was disabled anymore. They knew I was disabled by then.

Most people will say that they are allergic. I only know of one person, and it happened to be my lawyer at legal aid when I was fighting my Fair Housing case. The first time around with my German shepherd in my condominium, they sued me over my dog because he was too big. I said I'll see you in court because I have a hearing problem and my dog helps me. He was well behaved and well mannered, trained to help me around the house. They said he was too big. They sued me in 1993. In 1994 when I learned about the Fair Housing Act and my rights and the laws, I went and sued them under the Fair Housing Act.

That's where I started my legal battles and I started getting my knowledge by going to the courts and libraries. Of course my husband is knowledgeable about the law, too. We learned together about what a service animal is and isn't.

In 1993, the ADA was only three years old then. Then it was a little bit more difficult to find people who knew what we were talking about. Our lawyers didn't even know. Legal aid started helping me in 1996, 1997, and in 1998, we finally settled. When we settled, it turned out our legal aid lawyer was deathly allergic to my dog. She was in the emergency room and in the hospital three days because she was so allergic to my dog. That was a person with a disability. She was entitled to accommodation the same as I was.

We all know the benefits of having an animal with us, whether it's trained or not, our pets, the bonding, leadership, the maintenance. Congress allowed us to have our service animals with us 24/7. If you don't use the training, what happens? If you don't use it, you lose it.

The animals are individually trained for the person's medical needs. Some people may have learned to cope with life in a different way such as with a cane, or a walker, or hearing aid. She is my hearing aid. Since I can't have hearing aids, she's my hearing aid.

I want to talk about minimum protection for a service animal, which is also allowed under the ADA. Most people think that my animal is going to protect me from you or some bad person. A service animal is trained to mitigate our disability. In that sense only does it provide protection. The fact that we have an animal lowers the chances that we are going to get hit from behind. Our animal has not been trained to fight for us. We can fight for ourselves hopefully, same as anybody can. Our animals put us on an equal playing level as everybody else. That's what they are there for. It doesn't help us fight our battles because let me tell you, if I pass out, I don't want her attacking the person coming to help me. If I'm having a seizure, I don't want my seizure dog to attack the police officer helping me. I don't want service animals to protect me in that sense. Minimum protection is only the fact that the animal is there.

Here are things not to do around service animals. I allow petting. His vest says it's okay to pet. I don't know whether others allow petting or not. We always teach that you have to ask first.

A big dog named Boomer is for brace and balance. If you start petting him, the owner is going to fall to the ground. Boomer is a clown. You pet him and he gets all excited. A guide dog user may be counting steps to get from one place to another. The owner could get adamant. "Don't pet my dog." Don't interfere with the use of a service animal of any kind. Don't talk, control, feed, pet, play with a service animal. If someone in your family gets a working animal, leave it alone. Ask permission. Ask when you can pet.

I tell new teams that 90 percent of the problems with a working team come right from within the family. I didn't grow up hearing, and I didn't grow up deaf. My mother had to learn what a hearing dog was and that I could have my hearing dog anywhere I chose to. She knew I was an animal lover from day one. I'm going to fight for my animal and her attitude initially was that I really didn't need that dog in the restaurant. "What do you need the dog in here for?" I tell people that I'm not only deaf at home. I'm deaf 24 hours, 24/7. I can't turn it on and off.

No one should talk to the dog, make funny sounds, or stare at the dog. Trained or not, they are still animals. We don't encourage a lot of the interaction because praise has to come from the handler. Don't feed my dog, because I feed her. She works for food.

Education beats litigation any day. I have had enough of lawsuits. We all just want to get along. There's no harm in allowing a service animal. What do they have to do to allow us the animal? Open the door. And sometimes our dog can open it for us.

To summarize, a service animal is any animal individually trained, (It doesn't matter what your program says. This is federal law.) to assist a person with a disability. Papers, live demos, proof of training are not required before access. If your state statute says you have to have an id card or orange leash or this or that, you say I don't have it. When they tell you "No, you can't come in," you can have the police assist you. But, the police officer cannot come in and enforce a state statute. If you want to invoke your state statute, you have to follow your state statute. Police can only assist you in explaining your federal rights under the ADA.

Anyone can train a service animal. However, only trained is covered under federal laws. When you are out training your own animal, you don't have federal access. You better check out what your state statute says. That's where you may have the problem. Trainers in my area say that the post office wouldn't let them in with the puppy in training. They don't have to. Not covered because it's a federal building. The V.A. hospitals are all federal buildings, not covered. In training is not covered. It has to be trained already.

An animal has to be fully trained for access. Not all states have that regulation. Ridiculous--how do you get your animal trained if they don't allow training? I was able to get the Florida state statute changed for the most part to what we wanted. You can do it in your State also. Many of the state laws are old and outdated. Start getting your state legislatures involved. Go to them with these problems and get your laws changed.

Service animals are no different from wheelchairs, hearing aids, canes, walkers. They mitigate our disability. We can live without hearing aids. You can live without glasses or hearing aids. You can live without your dog. It just makes us safer, more independent.

The size, shape, make or model doesn't matter and the clothes that they wear doesn't matter either. You can make your own vests, buy your vests online. You can put a T-shirt on them. We do not suggest you do. It's harder for access when you don't have a vest on.

What does the law say about the colors? Nothing. All of my working animals that you saw here have orange. It's my program. I can do what I want. I put an orange vest on my first hearing dog because I was able to go online to www.sitstay.com and buy my own vest for my dog. The colors they wear and the clothes they wear does not matter. If I have this green vest on my dog, is she no longer my hearing dog?

Your program may say that orange is for hearing dogs. A lot of programs don't require an orange vest. It's a choice. Or it's a program requirement.

Carol A. Christopherson was appointed to the Florida Coordinating Council for the Deaf and Hard of Hearing on August 27, 2004 and has been selected to serve on the Hearing Loss Association of Florida's board. She is the founder and is president of a non profit 501c3 approved organization called Florida Service Dogs, Inc. which provides education, advocacy and

trained service animals. Florida Service Dogs, Inc also works with and trains the staff and juvenile justice boys at West Florida Wilderness Institute in Ponce Deleon, FL. Carol has dual pet dog and service dog instructor training certifications as well as having disaster animal response certifications and experience. Carol is a graduate of the University of North Florida with a BFA in Graphics Design, Carol resides in Florida with her husband Richard and her hearing dog Zoey.