

# A PETS ADVISER SPECIAL REPORT



## Fake Service Dogs, Real Problem

### **PART 1**

How everyday pets are being illegally posed as service dogs for the “disabled.”

**Page 2**

### **PART 2**

Confession: My “service dog” is a total fraud.

**Page 5**

### **PART 3**

A veterinarian’s take on being asked to aid in false certification.

**Page 7**

### **PART 4**

My REAL service dog, Lynal, is much more than a companion.

**Page 10**

### **PART 5**

Seven questions for a guide dog trainer.

**Page 12**

### **PART 6**

Questions and answers about service animals and the law.

**Page 14**

# Fake Service Dogs, Real Problem

How everyday pets are being illegally posed as service dogs for the “disabled.”

by C.D. Watson

Imagine your world is complete darkness or silence. Imagine you are the worried parent of an autistic child who knows that child may wander off in the blink of an eye. How would you navigate beyond your four walls without fear?

Now think about a source of assistance and comfort, protection and affection. Four paws and a wagging tail. Enter a highly trained, skilled, disciplined service dog.

## PART ONE

The relationship between a service dog and his companion—his partner—is one of mutual respect, trust, honor, faith and complete love. Service dogs can become the eyes, ears, arms or legs to a person in need. They lead, guide and protect. They improve the quality of life for so many individuals with differing physical and mental challenges. One partner of a service dog says, “I entrust my life to my dog—he has never failed me!”

A service dog can be any size or breed. It does not need to carry special identification, register with any agency or even wear a vest. The rules are very clear for public businesses—**and they leave the field wide open for dishonest, unethical criminals to take advantage of the law.**

## Specially Trained

Dogs are used as service companions around the world. They are specially trained to assist humans in many capacities:

- Sight
- Hearing
- Psychological disorders (depression, anxiety, phobias, PTSD)
- Autism
- Epilepsy
- Diabetes
- Allergies
- Narcolepsy



Service dog? Or faux service dog?

Service dogs may carry medications or oxygen tanks, or pull wheelchairs. In many countries, including the United States, service dogs are protected by law and must be provided access to public places. It is not unusual to find a service dog with her human partner in malls, restaurants, theaters, hotels or amusement parks, or on trains, buses or planes. Anywhere people go, their service dogs may follow.

The 1990 Americans with Disabilities Act (ADA) established the law that provides access to public places for service dogs, areas that are typically prohibited to pets. The Department of Justice allows businesses to ask only two questions of individuals with service dogs:

1. Is the dog needed because of a disability?
2. What task is the dog trained to perform to mitigate the disability?

## Service Dog Cheats

Business owners are complaining of a recent increase in the number of people “faking” the status

of their pets as service dogs to gain access to areas otherwise off limits. Hotels, restaurants, trains and airplanes are all targets. For example, it is a widely accepted routine for top show dogs to fly from competition to competition in the passenger cabin of planes as “service dogs.”

I listened to a woman bragging at a recent dinner party about how she takes her Jack Russell terrier everywhere because she printed a “service animal” certificate from the Internet. She can stay at hotels without paying the pet fee. She boasted that she doesn’t worry about leaving the dog in a parked car because he goes where she goes. “No one dares ask about him,” she said with a laugh.

It is virtually impossible to spot a fake service dog by appearance. One woman blogs that she sees her dog as doing a community service by posing. He is an obedient, beautiful, well-groomed, intelligent border collie who goes everywhere with her. She contends that his appearance and nice behavior create a better public perception of service dogs. She is breaking the law.

Service dogs are not show pieces. They do not work to look good or entertain the public. They are not walking canine advertisements. Service dogs are working

animals. Dogs whose sole function is to provide comfort or emotional support (therapy dogs) do not qualify as service animals under the ADA. To falsify the qualifications of a service dog is a criminal offense.

What is the harm in posing pets as service dogs? The biggest backlash is creating public resentment of real service dogs. One act of disobedience, one minute of misbehavior, one unfortunate attack from a faker can create a lifetime of public suspicion, mistrust and tension. Handicapped individuals who depend on their service dogs, and the animals themselves, do not deserve the added stigma.

### What Can Be Done?

How can the abuse of the ADA regulations be enforced and the fakers stopped?

While an identification protocol is controversial, it may be the only system that businesses at risk and individuals deserving ADA protection can be mutually safe-guarded. The liability to a business challenging the identity of a dog is huge. Falsely accusing a valid service dog can result in lawsuits. On the other hand, allowing access to a dog that isn’t a trained service dog is a danger if that animal later causes damages to



Specially trained service dogs from Hawaii Fi-Do

property or to a person.

Some service dog owners, handlers and trainers view the option of legal identification as an essential benefit. A certification program ensures the animal and the handler are trained and qualified for assistance. Most service dogs and their partners pass a stringent training protocol. Application through an agency for certification could certainly become a part of that process. A government-issued badge, vest or tag would identify the dog to anyone observing that the animal is indeed in service.

Not all service dogs are professionally trained. Many agencies charge fees of \$20,000 or more for professionally trained dogs. The waiting lists for grants, scholarships and even the dogs trained for specific disabilities extend for months or years. For this reason, some disabled people are forced to look to dogs trained through amateur efforts. The current law does not require a service dog be professionally trained. There is a concern that a legally mandated certification process could impair the rights of such people.

### It's Not Going Away Soon

The difficulty in determining a fake service dog—and the liability of questioning—makes the problem hard to solve. Frauds are occasionally discovered, and some states prosecute the crime. In California, conviction of faking a service animal is punishable by \$1,000 fine and six months' jail time.

Proponents of a tougher legal position advocate harder penalties, including sanctions against owning a dog,

extended community service, stiff fines and jail sentences.

Nearly all dog lovers would appreciate taking their pet everywhere they go. But service dog “fakers” fail to consider the circumstances of those who depend on the value of the animals for their well-being. As more abuse occurs, it will provoke further restrictions on valid service animals.

In the United States, there is no law requiring registration of an animal used for human service. There is a free, voluntary service provided by the United States Service Dog Registry (no, it is not connected to the government) that encourages self-registration and offers information for handlers.

However, in **Part 2** of our “Fake Service Dogs, Real Problem” special report (next page), you'll see how that very same U.S. Service Dog Registry also offers very official-looking service dog documents to ANYONE willing to fork over 50 bucks. ■



### About the Writer



C.D. Watson is a freelance writer and corporate refugee. She lives on a farm in the beautiful Great Smoky Mountains of East Tennessee with her husband, three dogs, a variety of rescued cats, a pair of Gouldian finches and an assortment of resident critters. “Cat” is an active community volunteer who works with the library system, the Humane Society and Pets Without Parents (a no-kill shelter), and she is a recording talent for Learning Ally.

### About This Free Report

This report, “Fake Service Dogs, Real Problem,” comprises a six-part series of articles that appeared on the Pets Adviser website (<http://petsadviser.com>) during National Service Dog Month, in late September 2012.

#### Editor

Dave Baker

#### Managing Editor

Kristine Lacoste

#### Contributors

Sarah Blakemore

Clarissa Fallis

Stacy Fromgolds

Dr. Debora Lichtenberg, VMD

C.D. Watson

#### ©2012 by Pets Adviser®

You may not sell or republish this report in any form, but you can email it to others or share it on your site, free of charge, exactly as it is.

# Confession: My “Service Dog” Is a Total Fraud



ORIGINAL ILLUSTRATION BY VICKY BOWES FOR PETS ADVISER. ALL RIGHTS RESERVED.

by Stacy Fromgolds

**N**ew Yorkers, there's a good chance you've seen me walking the streets in Manhattan. Maybe you've seen me in the grocery store with my service dog, or running into the coffee shop to pick up a latte with him.

I don't stay for too long. Most of the time, I get "carded," so I flash his credentials, which are kept in my wallet and on his safety vest. Then on rare occasions, they'll examine his tags—which all note that he's a registered service dog.

No questions asked. Why would there be? I have a big dog, and they probably figure, Why would she lie? For a business it's against the law, not to mention just plain rude, to ask someone why she needs a service dog.

## PART TWO

Here's the thing. I am lying. My pet is not a real service dog. I don't have any disabilities that would cause me to need one (unless you count having some mental issues from time to time, but who doesn't?).

### So Why Do I Do It?

Before we get to the "why," let's first talk about the "how." I simply paid \$50 on the United States Service Dog Registry website to get a kit that provided me with incredibly official-looking credentials. (We're talking digital watermark, security foil hologram, color-shifting printing, the whole works.)

Even though the US Service Dog Registry looks and sounds official, it states in fine print at the bottom of the site, "Not affiliated with any government agency." And anyone can go on the site. You can register your dog for free, and they'll give you a confirmation number that any official could easily type into the site to "verify" your dog—that is, if they really wanted to make the time and take the hassle to make sure you're not full of crap. There are other websites like this too.

I know, I know. You want to know why someone like me would go to the trouble of lying about something like having a service dog.

Frankly, I just really like having my dog with me. Is that so bad?

Think of it this way. You're at a restaurant, and there's a screaming child running around disrupting your meal. Then there's a service dog, calmly chilling on the floor. Would you rather sit by that noisy kid? Or would you rather sit next to the dog quietly chilling on the floor next to his owner?

Let's assume that I can't have children and that my dog is all I have. Would you see my point in why I'd want to bring him along almost everywhere? Who's it really bothering if I make sure he's in line and I'm going about it the right way? Who really has to know? Whose business is it, really?

### Go Ahead, Think I'm a Horrible Person

Go ahead and despise me. It's really none of my busi-

ness or concern what you say about me behind my back. I'm admitting that I do this, so I can't be all that bad.

I'm actually going about this the right way so I won't mess things up for others. I'm not running around bragging about it and throwing it in people's faces about how easy it is to do. It is easy. Very easy.

I had a friend who flew with her dog on an international flight to Turkey using the identical documents I had bought on the internet. If you do this, check the animal policies of the country you're traveling to.

Service dog miniature poodle Department of Transportation rules require U.S. airlines to accommodate passengers with service animals and allow human and canine alike to sit in the cabin together on flights. However, don't be an idiot about it. Even though any breed or type of dog can legitimately be a service dog, according to certain regulations, few will believe that a teacup poodle is a service dog.

Note: Many airlines and establishments don't take "therapy dogs" seriously or waive the fees for them. You've gotta have "service animal" credentials to make that happen.

You can get mad about my little white lie all you want. But why? People are selling drugs, evading taxes, and I'm simply trying to take my dog to get a cup of coffee. Is this something to get that worked up about? I don't think so.

Then again, some people have a little too much free time on their hands and love to complain about just about anything. Not all fake service dogs are bad dogs; maybe you've met mine, and everyone usually loves him. As for the owners, we're just people trying to beat the system and be able to take our furry companions with us. For all you know, they may be the only ones we have. ■

### Pets Adviser Responds

Stacy Fromgolds is actually a pen name for a writer who lives in New York City. She asked us to keep her identity anonymous—probably because she knows that her "little white lie" is, in fact, a crime. Despite her claims that there's nothing wrong with what she's doing, we can't help speculating that she really does know, deep down, that pretending to be disabled (!) is just plain wrong. After all, some people depend on their (legitimate) service dogs to literally get out the door every morning.

# This Veterinarian Says: Don't Ask Me to Lie for You

by Dr. Debora Lichtenberg, VMD

**C**lients ask veterinarians to do pretty outlandish things:  
They ask me to call their male cat female, because their little girl wanted a girl cat, but they came home with a male kitten by mistake.

They ask me if CVS will fill their dog's prescription under their human insurance.

They ask me to lie about a pet's pre-existing condition so they can now go out and buy pet insurance (after the fact).

**PART THREE** And they ask me to give them medicine for their aunt's dog, whom I've never seen.

Now some of these things are simply silly. Let them call the kitty "Minette" instead of "Minouche," but my medical records have to state the correct gender. As far as falsifying prescriptions, my prescription pad says I'm a veterinarian, not a physician, so good luck trying to scam the pharmacist. And even if I wish a client had pet health insurance to defray costs, I can't lie on medical records. Asking for medicine for a pet I've never seen? This is against the law.

In all these circumstances, the client is asking their veterinarian to lie. Why can't I lie? Besides the fact that it's wrong and unethical, medical records are legal documents. I am the keeper of the medical records. Lying, changing or falsifying medical records puts my veterinary license in jeopardy.

So when a client asks me to lie, they're actually saying, "Go ahead. Do me this little favor. You're just putting your entire livelihood and professional ethics on the line for me. And you're breaking the law. But there's a good chance no one will find out. So go ahead. Make my day."

## Service-Pooch-Gate

Thanks to the internet, we have a new way people are trying to corrupt the system. People with no disabilities or serious psychiatric disorders are buying false



ILLUSTRATION BY VICKY BOWES

service dog tags and vests online so they can bring their pet on airplanes, in stores, on dog-restricted beaches, etc. Some people try to get a letter from their mental health professional stating that they need their pet for anxiety disorders. Others simply order service dog materials online, hoping that airlines and stores will not give them any trouble.

If you live in America in the 21st century, it's highly probably that you suffer from some kind of stress or anxiety. Wait. Let me amend that. If you're a human being, you suffer stress. But that doesn't mean most of us can't get on an airplane or walk into the grocery store without a service dog, pony or turtle in tow.

(Yes, a colleague of mine writes a health certificate every year to certify that a client's turtle is a happy, healthy, therapy turtle.) Personally, I'd rather take the red eye cross-country sitting next to a turtle than a yap-yap-nut-pup. Nothing like snuggling up to a cold shell to alleviate my fear of flying.



Screenshot of the \$50 package from the US Service Dog Registry

So what is the role of a veterinarian in Service-Pooch-Gate? Unfortunately, we can do very little to stop this practice. If a person is going to try to fake a service dog, they can try it without a mental health professional or a veterinarian. It's ultimately up to the airline or the store or restaurant to confront the owner (within the boundaries of the law).

For legitimate service animals, they get excellent veterinary care through their organizations. The real, reputable groups keep meticulous records, and I fill out a physical examination form. The trained service dogs or dogs in training come to me with THEIR paperwork, not the other way around.

### Service Dog Letter?

What do I do if I have a sketchy critter in front of me? This could be the pet, the owner or both. Say the owner wants a health certificate, telling me her pet is a service animal, and I have before me a chihuahua. Although healthy, Juanita has just tried to make me a nine-fingered veterinarian.

*"Does Juanita usually bite?"*

*"No."*

*"Has she been trained?"*

*"Yes."*

*"Where?"*

*"She is trained."*

*"Who is her trainer?"*

*"Me."*

*"Are you a service dog trainer?"*

*"No... Yes."*

You get the idea. So I have a nasty little dog before me, with no reliable paperwork from a service dog organization, owned by a woman who claims the biting chihuahua is trained to be a service dog. I can certify the dog's health status, but not temperament. And I have proof that she is not properly trained.

By law, I am allowed to ask the owner only certain questions:

1. "Is this a service dog required because of a disability?"
2. "What is the dog trained to do to mitigate the disability?"

If I feel this dog is not properly trained, and could act aggressively in public, what is my recourse? The only thing I can do, if given paperwork that looks false, is check out the organization and refuse to sign. I can issue a health certificate if the dog is in good health. That's it.

But it is my place to convince Ms. Chihuahua-head that it is unethical to pass off the snarling Juanita as a service dog, just so she can walk her on the beach or carry her on a plane. Juanita could put a disabled person in jeopardy if the little dog snarls at a legitimate service dog that is working on that beach.

If Juanita bites the person in the adjoining airplane seat because Juanita has not been properly trained as a service dog, she gives all service dogs a bad name. Juanita is a weapon in a lap, not a service dog.

### The Disreputable Web

As I was researching this article, Google pop-up ads were all over my computer from these disreputable



companies, Free My Paws being the biggest offender.

If you go on these websites, the companies do a good job of convincing people they deserve to have a service dog, and that they are completely within the law to do so. It's my job to discuss the ethical ramifications of this selfish behavior.

A veterinarian recently reported a client came to her with two 9-week-old puppies, asking her to be complicit in writing on their records that they were service dogs. This is absolutely ridiculous, and shows how ignorant people are about real service dogs.

No puppies are service dogs. They may be in the hands of a specialized trainer. They may be beginning the long, hard journey of training to be service dogs. But it will only be after 18 to 24 months of special handling to see if they have the right temperament and abilities to be placed with a person in need.

Thousands of dollars will have gone into their care and training, and they will be worth thousands of dollars. They will be able to save lives, a service that has no price tag.

### Caring for Service Dogs Is an Honor

September is National Service Dog Month, but all year round I feel that providing veterinary care for service dogs is an honor. I cherish the photographs I have of my service dog patients who achieve the highest honor: being placed with a person in need and completing a team.

Many years ago, one of my favorite guiding eyes dog, Venus, suffered a gastric torsion. Luckily, we saved her life. She returned to do service for four more years, and then enjoyed retirement.

Her professional portrait, given to me by her owner, is on my clinic wall, along with the letter I received from the president of Guiding Eyes for the Blind, thanking me for saving Venus.

If the fake service dog scam continues to escalate, real service dogs, and the privileges and respect they are entitled to, will be in jeopardy. Please don't participate in Service-Pooch-Gate. Lives are at stake, literally. ■



This portrait of Venus hangs in Dr. Deb's clinic.

#### About the Writer



Dr. Debora Lichtenberg is a Small Animal and Exotics Veterinarian who splits her time between her busy veterinary practice in Pelham, Mass., and her minuscule studio in the West Village, NYC. She shares her busy life with her husband, Andy, who manages the Animal Hospital; two rescue cocker wannabes; and a constantly changing number of felines.

# My *Real* Service Dog, Lynal, Is Much More than a Companion

by Clarissa Fallis

**W**hen I decided to adopt a dog, I originally I wanted to train one for tracking and get certified with a canine partner for search and rescue.

Under the direction of my professor, we began temperament testing a number of dogs that possessed qualities of a working dog. What I didn't know was that I was testing for a dog that would become my service animal.

## My Path to a Service Dog

Throughout my life I have battled depression, anxiety and panic attacks. I was able to keep it under control with typical medication and therapy until I was 18. My psychological state

got harder to manage when a very close friend tragically passed away.

### **PART FOUR**

Soon after, I left for college and starting learning about canine training and manage-

ment. The introduction of this topic in my life gave me an outlet to focus. An influential professor suggested that I adopt a dog and train him for search and rescue. I adopted a year-and-a-half-old beagle mix from Good Shepherd K9 Rescue in Schenectady, N.Y., named Lynal.

Lynal's qualities were perfect for being a search and rescue dog as well as a service dog—plus he had been a rescue from a high-kill shelter in North Carolina. Immediately, Lynal grew very in tune with my emotional state and started following me around the house.

"At this time, I started getting serious about my potential as a canine trainer and behaviorist, so I moved to Northern California and attended Bergin University of Canine Studies. While attending the college, I learned about assistance animals and how they help so many people. I trained two dogs that will most likely be placed as psychiatric service dogs with veterans.



While working with those dogs, I practiced some of the assistance dog training techniques on Lynal. He learned these service tasks much faster and was much more interested in the work than even those dogs bred at the college.

Not only did he perform the tasks faster and more efficiently, but he was alerting to my panic attacks and calmed me during them.

## Psychiatric Service Dogs—Yes, They're "Real"

It wasn't long before I was looking up how to certify a

psychiatric service dog and found the Psychiatric Service Dog Society. On this website I learned how to certify my dog and tasks that psychiatric service dogs perform for their handler.

I bought a vest and took the necessary steps to ensure he was a "real" service dog. He quickly learned that when the vest is on, he must be on his best behavior while doing his job.

Lynal and I went back to New York at the end of my second semester. Today I attend a SUNY Cobleskill, and Lynal joins me in all my classes. My confidence has skyrocketed since he started working as my service dog, and my depression is at an all-time low.

## "Service Dog" Swindle

Unfortunately, growing number of people are strapping a service vest on their dog and calling it a service dog when it's not. In case I am ever approached by a police officer and to calm the locals, I make sure to have a photo service dog ID as well as a written letter from a medical professional explaining that Lynal is medically

necessary. Most people don't ask about him since he is well behaved and has been properly trained.

I know for a fact that some people think I am a faker because I can walk and am not blind. When I am out in public, especially in a town where there are no service dog organizations, I sometimes get ridiculous reactions from people passing me.

Usually when those people see him, they act like they have never seen a dog before and Lynam is the most adorable, rarest animal they have ever laid their eyes on. I try to ignore them and continue on my way. Every once and a while, I will have someone try to distract him and call him by whistling or making a clicking sound with their mouth. I don't know who is less amused by this: Lynam or me.

On rare occasion someone will come up to me and ask to pet him. I allow this if the setting is conducive for a proper greeting. For example, if the lunch lady wants to pet him or someone in a huge crowd needs his attention, I say, "He is working; sorry but you can't." Lynam is a special dog in that he really could care less about random people's attention. He tolerates this attention and doesn't welcome it. The only people he really cares about are the people he knows and loves—and when he sees them, his whole body comes alive and he starts wiggling. I bet his reaction toward strangers has something to do with his previous life in shelters.

### Psychiatric Dogs vs. Emotional Support Dogs

The Americans with Disabilities Act (ADA) states, "Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA." Those dogs are commonly known as emotional support dogs (ESAs), and as the federal legislation states, emotional support dogs are not service dogs.

Psychiatric service dogs (PSAs), by comparison, work for a handler who has a documented psychological disability that is being treated by a medical professional. These dogs have been trained in very specific tasks to offer benefit to people with disabilities.

Here is a quote from John Wodatch of the Disability Rights Section of the Office of Civil Rights, Justice Department: "The way we look at it is what the regulation says



**"I know for a fact that some people think I am a faker because I can walk and am not blind."**

is that a service animal is an animal that's trained to provide services for a person. So something that is just a pet is not."

People who cunningly try to pass their dogs off as service dogs because they don't want to leave them at home, or because this makes them "feel better," are breaking the law, plain and simple.

The vast majority of dogs make their owners feel loved and "better," but we can't allow everyone who loves his or her dog into restaurants and grocery stores. The truth is, most dogs cannot handle being in a restaurant. Sitting quietly under a table or going on an escalator is a tough thing for them to learn and tolerate. So this would ruin the idea that service dogs are well behaved and trained—which would cause a backlash that could lead to new laws that eradicate service animals.

### A Rewarding Experience

Today, Lynam and I are working toward search and rescue certification, competitive obedience titles, and canine good citizen certification. He not only helps me in public but gives me focus when I am having a difficult day with my disability.

If you have a disability, mental or otherwise, I highly suggest obtaining a service dog or training one yourself. Training a rescue dog that was once on death row to be a working animal is extremely rewarding.

I would do anything for Lynam; some people joke that I love him too much. I think that most people who have service animals are accused of this. Service dogs are more than just companions; they are helpers and often lifesavers. ■

### About the Writer

Clarissa Fallis is a professional canine behaviorist and trainer from Upstate New York. She has attended Bergin University of Canine Studies, State University of New York at Cobleskill, and Animal Behavior College. She is competent in training all breeds and ages of dogs, though she prefers hounds because of the challenge they present. Clarissa is continuing her education in training psychiatric service dogs as well as search and rescue dogs.

# Interview: Seven Questions for a Guide Dog Trainer

by Sarah Blakemore

**D**ogs were domesticated around 15,000 years ago. Humans have a long history of working closely with animals. These animals provide transportation, strength for difficult tasks and protection. Without them we would not have been able to survive harsh climates, keep our families safe or get where we wanted to go.

In modern times, as humans have moved away from an agrarian existence, the role of animals has changed. They are most often kept for companionship, although some are used for sport, and the sheer joy that animals bring to our lives.

After World War I the first guide dog training school was established in Germany. The trainers there worked with canines to assist soldiers blinded in combat. This was a radical idea at the time, and people were slow to accept the idea of animals in public spaces. But as time went by, public sentiment turned in favor of these hard-working animals.

In the United States, special laws have been enacted to protect the rights of people with disabilities who wish to use a service dog to go to restaurants, take public transportation and enter shops. These laws also protect the restaurant owners and other people who are bound by public health laws.

## Q&A With a Guide Dog Trainer

Carrie Treggett-Skym is a trainer for Guide Dogs for the Blind. She is the Pacific Northwest field manager and has reached the Master Instructor level after many years of training service dogs. I interviewed her to help



PHOTO BY NIAL KENNEDY/Flickr CREATIVE COMMONS

clarify some of the problems that arise when people use untrained service animals in order to get their pets into restaurants or onto public transportation. People often go as far as to use fraudulent service documents, easily obtained now online for a fee.

### **Carrie, how long have you been a guide dog trainer?**

"I began my career at Guide Dogs for the Blind (GDB) in 1996 in the training department with basic dog training skills. After a year of working in the kennels as an instructor assistant, I worked my way through a three-year apprenticeship where GDB taught me how to train guides, work with the visually impaired, basic O&M skills and health-related issues surrounding our client base.

At the end of my apprenticeship in 2000 I had to take the California State Board exam for dog guide instructors and received my license. I am required by the

state to maintain the license and attend at least eight hours of continuing education each year.

After being licensed for five years I became a Master Instructor and eventually made a lateral departmental move to be the Pacific Northwest graduate field manager. In this position my focus shifted from dog training to assisting our clients support.

### **Do you train guide dogs for people other than those who are visually impaired? Dogs for the deaf, etc.**

No, GDB was originally founded to assist WWII veterans, and our services are offered free and we receive no government funding.

### **What are your thoughts about service animals that are not dogs?**

I think there is a place for non-dog service animals. The problem is that this field is not regulated and many animals are not well behaved, and some individuals without need take advantage of the system. This in turn has a trickle-down effect that impacts the clients I work with, who have to educate and in some cases fight for their right to be allowed into places.

Having non-dog service animals makes it difficult for business owners to determine who has a legitimate need since they should not ask what is the person's disability but they can ask what [the animal is] trained to do.

### **Do you see emotional support animals as being legitimate service animals, e.g., emotional support dogs/animals for war veterans returning from Iraq with PTSD?**

I do approve of emotional support dogs, but feel they should be trained for a specific task. In my opinion, public education and a governing agency would be the best way to protect consumers and business owners. Currently a person can buy a vest for their dog online that says they are a service animal, and the individual does not need to show proof. These businesses [that sell the therapy dog vests] are not breaking any laws, but they are hurting the individuals and integrity of legitimate organizations and persons with disabilities.

### **What is the biggest problem for people with service dogs?**

Lack of public education and being denied access because of it. At Guide Dogs for the Blind we try to educate and assist our client so they can do the same in their community.

### **Do you think there should be a centralized certification process for service dogs?**

My personal stance is yes. GDB is governed by the State of California as well as the International Guide Dog Federation, which has strict standards for training of dogs, clients and facilities.

### **What do you think of people who fake service dog certification? How does this cause problems for you?**

I think people who fake service dog certification don't truly understand the value, importance and necessity service dogs play in [disabled people's] lives. People who are faking are usually just trying to do it to take their dogs with

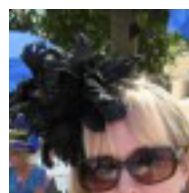
them or avoid paying an additional charge.

Being a responsible pet owner to me means having integrity for service animals and not taking advantage of loopholes in the system.

*This interview was originally published by Pets Adviser in fall 2011. Carrie Treggett-Skym has changed focus since then, and is now working with diabetes dogs. ■*



#### **About the Writer**



Sarah Blakemore is a writer currently dividing her time between New York City and Cairo, Egypt. She has written and directed two original works: *The Starry Night Variety Show*, which played in Brooklyn, New York, and *VaVoom! The Story of a Showgirl*, which played in London and Brighton, U.K. Sarah is managing editor of the website Cairo Pets. She freelances, writes for theater and has worked as an editor. She is the owner of one adorable dog, Lulu, who loves her more than milkbones.

# Questions and Answers About Service Animals and the Law

by Kristine Lacoste

**S**ervice dogs can be the difference between life and death for someone with a disability. Pretending your pet is a service dog to avoid fees or keep your pet with you has the potential to damage the public perception of service dogs if they cause problems.

Service dogs are not pets. They are trained to be alert and on the job 24/7 unless told otherwise,

**PART SIX** and they take their jobs seriously. One bite from your faux service dog can make people skeptical or, worse, fearful of service dogs in general.

So where does the law come in? What are the boundaries or allowances when it comes to the Americans with Disabilities Act (ADA)? We'll cover these questions and more in our look at service animals and the law in the United States.

According to the ADA, there are some (but few) regulations specifying what defines a service dog and what public entities can ask about the dog and the person.

## ADA Regulations

### What animals are eligible to be service animals?

As of the last revision on March 15, 2011, the law specifies that only dogs are currently recognized as service animals under titles II and III. There is a provision listed for miniature horses that are 24 to 34 inches in height and 70 to 100 pounds in weight. The miniature



PHOTO BY PORTLAND AFOOT/Flickr CREATIVE COMMONS

horse provision does list requirements for the horses. Miniature horses used as service animals must:

- Be housebroken
- Be under the owner's control
- Not compromise the facility's operations

- Be able to be accommodated by the facility based on type, size and weight

Entities that serve the public are required to accommodate miniature horses as service animals based on the above provisions.

### **What makes a dog a service animal?**

A dog is considered a service animal when it has been trained to perform work or a task that is directly related to a person's disability. Dogs that provide comfort or emotional support do not qualify as service animals under the ADA. Service dogs are not pets, and this is reiterated many times throughout the ADA's directives.

### **My dog is trained to kiss me on command. Isn't that enough to be a service animal, if she helps lift my mood when I'm feeling down?**

Probably not. What you are describing fits the definition of an emotional support dog, and those are not protected under the federal law. To have a service animal under federal law, a person must be impaired by a disability. Service animals are trained to do something very specific that mitigates that disability.

### **My dog and I volunteer at the local nursing home. That makes her a service dog, right?**

No. She is a therapy dog, not a service dog. So your pet is not entitled to any of the protections under the ADA law.

### **Where can service animals go, according to U.S. law?**

Service animals must be allowed any place or area that the public is allowed. Areas that must remain sterile, such as operating rooms or restaurant kitchens, can exclude service animals since they are areas the public is not normally allowed to enter. This applies to state and local governments, businesses and nonprofit organizations that serve the public.

### **Does the service animal have to wear a vest or tag?**

The animal is not required to have a vest or tag, but it must be leashed, harnessed or tethered unless such an item would interfere with the dog's ability to perform the task or work to assist the disabled person. Even without these items, the dog must remain in the control of its owner by voice, signal or other effective commands.

### **Can I have more than one service animal?**

There are no apparent restrictions on the number of service animals a person can have under the ADA or other resources. However, each service animal must be trained to perform work or a task directly related to the person's disability.

### **Do I have to have "papers" for my service animal or myself?**

Documentation certifying your service animal or your disability is not required to be carried or presented, and you cannot be asked for either as proof under the current law.

### **Can my service animal be placed in a bag or carrier?**

The only law specifying the transportation of a service animal lists leashes, harnesses or a tether to control the animal. Airlines typically expect the animal to lie on the floor during a flight, but a carrier or bag filling the same space may be allowed. In public places this may be an issue; if your dog is supposed to guide you or retrieve items for you, she won't be able to do that when inside of a carrier. This may lead to the animal being denied entry since it clearly cannot perform work or tasks for you.

### **Do I have to reveal my disability if asked?**

No, and the law prohibits anyone from asking you this question.

### **Can I train my own service dog?**

Yes, you can train your own service dog. This can be a very challenging and long process to ensure the dog is trained correctly, and you may have to go through certification processes to confirm the dog is able to perform the work or tasks to assist you.

## **Public Entity Responsibilities**

Entities that serve the public have requirements and restrictions when it comes to service animals and disabled persons. Some questions are acceptable, while others may land you in legal trouble.

### **My business serves the public. When the job of the service animal is not obvious, what can I ask?**

You can ask only two questions according to the law:

- Is the dog a service animal required because of a

disability?

- What has the dog been trained to do?

You can't ask for proof of the service animal's certification or ask for medical documentation from the person. In fact, there are many questions you can't ask:

- What is your disability?
- Do you have medical documentation for your disability?
- Can I see the dog's identification card?
- Do you have proof the dog was trained or certified?
- Can you have the dog demonstrate his work or task?

### **Someone in my business is allergic or scared of dogs. Can I remove the person and his animal, or move them to an area without customers?**

Isolating the person with a service animal is against the law. He or she cannot be asked to leave because of another patron's allergy or fear. If there are multiple public areas for use by customers, it might be feasible to move the patrons to different areas from each other. You are not allowed to treat the service animal's owner any less favorably or charge higher fees than those charged to other customers.

### **I have always had a "no pets" policy. Do I have to allow service animals?**

If your entity serves the public, you are required to allow service animals by law. You cannot refuse entry to a person with a service animal. Refusing entry or isolating a person with a service dog can not only result in legal issues, but also may result in you being arrested.

### **My local government lists only guide dogs as service animals that can be permitted in my business. Can I refuse entry to those who are not blind?**

No, you cannot refuse entry to any person with a service animal regardless of what the state or local government lists. The ADA overrides state and local statutes.

### **I charge pet deposits or fees for anyone with an animal. Can I charge for a service animal?**

Absolutely not. Service animals are exempt from customary fees that apply to other animals.

### **Can I charge for repairs if the service animal creates damages on my property?**

If you normally charge customers for damages by their pets, you can charge a customer for the damages incurred by his or her service animal.

### **Do I have to allow service animals in my transportation service?**

Yes. You cannot deny transportation to anyone with a service animal or charge higher fees because of the animal.

### **Do I have to provide food, water or restroom facilities for the service animal?**

No. You are not required to provide anything for the animal. This is the responsibility of the owner/handler. If he or she does ask for assistance you should do what you can to help.

If the animal needs to relieve itself and the only area available is not accessible by the owner because of a disability, you may be asked to provide assistance to the dog.

### **What can I do if the dog exhibits aggressive or disruptive behavior?**

Service dogs must work without threatening violence. Any service animal that poses a threat to the health and safety of others may be removed upon exhibiting such behavior. However, excluding breeds on the belief or previous experience that they are aggressive is not allowed.

If you do ask to have a service animal removed for this reason, you must also offer the owner/handler the option of remaining in the facility without the dog.

### **What can I do about a disruptive dog that isn't aggressive?**

Disturbing a normal business function can be grounds for removing a service animal, such as a dog continuously barking during a movie. The same applies for service animals that are not housebroken and relieve themselves in the premises.

### **How do I know if the dog is truly a service animal?**

Since you can't ask for documentation as proof, you can observe the animal's behavior. If the animal appears to be wandering around, playing, jumping, barking or relieving itself, it's possible this is not a service dog. Keep in mind that you can't request removal of the animal unless it is disruptive to your business operations or poses a threat to the health and safety of others.



Be observant and understanding. The method of verifying the legitimacy of a service dog is severely lacking, but you also wouldn't want to face legal issues in the event that you denied access to a trained service animal. Unfortunately, service animals are easy to fake, handlers can't be asked for proof, and many certifications are purchased off the internet with no verification. Until new guidelines or requirements are added to the ADA that provide a way to confirm certifications, being accommodating is the best approach.

## Interacting With a Person and His or Her Service Dog

It's never a good idea to approach someone's dog without their consent, and service animals are no exception. You shouldn't approach or touch the animal without asking the owner first. Service animals are not guard dogs; they are working dogs that are on the job 24/7. Distractions or offerings of food or treats may not be welcomed.

Talk with the person, but don't ask about his or her disability. While some people may freely discuss their disability, others may see it as an invasion of privacy (or just plain rude).

Another important point to remember: Just because someone looks okay on the outside doesn't mean he or she has no disability. Many people with medical conditions and psychological disorders can appear just like you and me. We don't notice them normally because we can't see anything wrong with them.

Having a service animal puts a spotlight on people with disabilities; they are now publicly visible as being "disabled" in some way. While their dog may be a cherished form of support, they may be scared, insecure or shy about being in public or interacting with you. Treat them as you would anyone else, and feel free to strike up a conversation.

## Traveling With a Service Dog

U.S. airlines can't prevent your service animal from accompanying you on a flight. They may not be able to accommodate multiple service animals on one flight due to capacity and may move you to another flight, and it's always a good idea to contact them before your flight to review their policies on service animals.

According to the Federal Aviation Administration

(FAA), airlines in the United States cannot refuse entry to someone with a service animal:

The Department of Transportation (DOT) has rules (14 CFR part 382) (PDF) that require airlines to allow passengers to fly with their service animals in the cabin on all U.S. airlines. Service animals are not pets. They are working animals that assist persons with disabilities. There is no limit to the number of service animals that can be on any flight. Service animals do not need any health certificates to travel and they do not need to be confined in a container or cage.

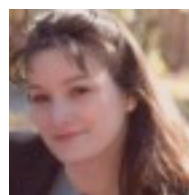
Airlines recommend providing identification cards or written documents that certify the service animal, but they may also allow access based on observations. As long as the dog doesn't cause a disruption or pose a threat to others, it is unlikely to be rejected for boarding. Vests or tags on the animal are helpful but not required.

If the animal is too large to fit under your feet or in a carrier, the airline may require the animal to fly in the cargo hold (weather permitting). Some airlines will allow emotional support animals to fly in the cabin, and you should review the airline's policy before flying to see if it applies to your animal.

If you're flying to another country, there may be additional restrictions required by foreign governments and airports. Check with the airline and the destination's government to know exactly what you need to prepare so your service dog is not rejected upon boarding.

Hotels can't turn you away for having a service animal; nor can they charge you pet deposits. You will, however, be responsible for any damage caused by your service animal. If you require a low or bottom-level room, notify the hotel in advance. The law applies not just to hotels and airlines, but any establishment that is open to the public. ■

### About the Writer



Kristine Lacoste, managing editor of *Pets Adviser*, is an author, poet and pet lover from Louisiana. When she is not traveling or writing, she showers her attention and affection on Sissy, a brown Labrador. Kristine's love of animals started at a young age with cats, dogs and many frogs.

# References

## Here are the sources we used for this series of articles.

Americans With Disabilities Act (ADA) of 1990, as amended. Department of Justice. <http://www.ada.gov/pubs/adastatute08.htm>

“Minimum Standards for Training Service Dogs.” Assistance Dogs International Inc. <http://www.assistedogsinternational.org/Standards/ServiceDogStandards.php>

“Fakers—Pets in Public.” Service Dogs of Florida Inc. <http://2012.servicedogsfl.org/?p=28>

“Service Dog Certification: Spotting Fake Certification/Registration/ID.” Service Dog Central. <http://servicedogcentral.org/content/fake-service-dog-credentials>

“Abuse of the Service Dog Title.” Russell Hartstein, CPDT. <http://www.funpawcare.com/2012/06/23/abuse-of-the-service-dog-title/>

Food and Agricultural Code of California. Division 14, Chapter 3.5, Section 30850. [http://animallaw.info/statutes/stusca\\_civil\\_54\\_55\\_2.htm#s542](http://animallaw.info/statutes/stusca_civil_54_55_2.htm#s542)

The United States Service Dog Registry. <http://www.usservicedogregistry.org/shop.php#>

“Nondiscrimination on the Basis of Disability in Air Travel.” 14 CFR Part 382. U.S. Department of Transportation. <http://airconsumer.ost.dot.gov/rules/382short.pdf>

“Revised ADA Requirements: Service Animals.” U.S. Department of Justice, Civil Rights Division, Disability Rights Section. [http://www.ada.gov/service\\_animals\\_2010.htm](http://www.ada.gov/service_animals_2010.htm)

“Disability Self-Assessment Test.” Free My Paws. <http://www.freemypaws.com/>

Guiding Eyes for the Blind. <http://www.guidingeyes.org/>

Psychiatric Service Dog Society (PSDS). <http://www.psychdog.org/faq.html>

“What is the difference between a psychiatric service dog and an emotional support animal?” Service Dog Central. <http://www.servicedogcentral.org/content/node/76>

“Service Dog Tasks for Psychiatric Disabilities.” Joan Froling, trainer consultant, International Association of Assistance Dog Partners (IAADP). [http://www.iaadp.org/psd\\_tasks.html](http://www.iaadp.org/psd_tasks.html)

“More Than Man’s Best Friend.” Jarrett A. Lobell and Eric Powell. Archaeology Magazine. October 2010. <http://www.archaeology.org/1009/dogs/>

“Assistance Dogs: Learning New Tricks for Centuries.” Jennie Cohen. History.com. <http://www.history.com/news/assistance-dogs-learning-new-tricks-for-centuries>

“Guide Dogs for the Blind’s History.” Guide Dogs for the Blind. [http://www.guidedogs.com/site/PageServer?pagename=about\\_overview\\_history](http://www.guidedogs.com/site/PageServer?pagename=about_overview_history)

International Guide Dog Federation. <http://www.igdf.org.uk/>

“Understand new ADA service animal regulations.” Michael R. Masinter. Disability Compliance for Higher Education. October 2010. <http://www.disabilitycomplianceforhighereducation.com/sample-articles/service-animal-regulations.aspx>

“Service animals: Frequently asked questions.” Northwest ADA Center. October 2010. [http://www.dbtacnorthwest.org/\\_public/site/files/Service%20Animal%20Fact%20Sheet%202010-12-2010.pdf](http://www.dbtacnorthwest.org/_public/site/files/Service%20Animal%20Fact%20Sheet%202010-12-2010.pdf)

“Special assistance.” JetBlue. <http://www.jetblue.com/travel/special-needs/>

“Pets in the passenger cabin.” Federal Aviation Administration. October 2009. [http://www.faa.gov/passengers/fly\\_pets/cabin\\_pets/](http://www.faa.gov/passengers/fly_pets/cabin_pets/)

More Coverage



for More Conditions

Get a **FREE** quote | ▶

EMBRACE  
PET INSURANCE

# Pets Adviser Readers Respond

## Selected comments from readers about our six-part special series.

I am a mom to two kids with special needs. Their needs are so severe that we raised funds and flew across the country to acquire a service dog from a leading service dog agency. Our dog spent months in training and was trained specifically for our children. We spent months raising funds, compiling references, videotaping our children and their behaviors, and two weeks of service dog boot camp. The dog is needed every day to ensure our children are safe. She has been specifically task-trained to deal with their disabilities. When people take their pets who are not task-trained (very obviously) and try to pass them off as service animals, it jeopardizes the future of service dogs. In other words, your selfishness may later cause the service dog program to be discontinued or worse yet, convince someone to disobey the law and not allow a service dog in their establishment. How would you feel if that someone happened to be a child who then died from a seizure or an autistic person who bolted into a busy street and was hit by a car.  
—Name withheld

It is definitely wrong to pretend that your dog is a service dog. However, having traveled with my dog (who had to fly cargo because she was 2 pounds over the cabin weight restriction) and seen firsthand just how badly customs officials and airline staff mismanage animal care, I understand why people do this for flights. My dog was left on a loading dock for 36 hours—never even taken to the bathroom. The airlines want me to not lie? Fine. Treat my animal properly. I get that it is not okay to lie, and I don't. My dog travels in cargo as required because I recognize that her discomfort does not outweigh the problem caused by fake service dogs. But really, I honestly understand why someone might lie to the airlines. Maybe we would have fewer cheats if animals were allowed in a few more public places. —Sarah

This is both sad and TRUE. Even this weekend, as our staff traveled to California, there were two fake service dogs in the airport. As service dog trainers ourselves, we find them very easy to spot. Our teams have enough problems getting into public, but

when they follow a fake service dog it takes even more convincing that they will not be a problem. Just as big an issue are poorly run and fraudulent service dog agencies. Because of one of these in Alaska, our dogs in training are not welcome in the mall. They banned ALL service dogs in training after a very bad service dog organization there took what they called service dogs in training into the mall and one lunged, growling at people.

—Karen Shirck, executive director of 4 Paws For Ability

Being a puppy raiser for a service dog organization, I have fostered different breeds of dogs, including a couple of toy breeds. So the only thing I didn't like about this series was the picture of the chihuahua being fake or not and the typical-looking service dogs being legit. This gives people a perception of what a service dog should look like—but they can come in all shapes and sizes. —Elly

I am one of the very fortunate recipients of a guide dog. Dubai has been my guide since July 2010. I lost most of my vision to wet macular degeneration suddenly six years ago. Along with my vision, I lost my 22-year career in the computer industry, my ability to travel, and even my sense of self. Guide dogs restore independence and self-confidence in their handlers, not to mention provide unconditional love. They also save lives. Six months ago Dubai saved mine. We were on our way to college, where I'm studying psychology with the intent to help others who have suffered a disability return to a meaningful productive life, when I heard squealing tires. I stopped to determine where the sound was coming from, a reaction that nearly ended my life had it not been for Dubai. She pulled me to safety without a moment's hesitation. For her, it was all in day's work. For my family, my husband of 22 years, and my 17- and 19-year-old children, she is a hero. Service animals are essential for people who have suffered a disability to return to a meaningful and productive life. They make world a safer, warmer place. —Tammy

To leave your own comment, visit the complete series online: <http://petsadviser.com/service-animal/fake-service-dogs/>



## 5 Ways We Can Help You Become a Better Pet Owner Now

*Join hundreds of savvy pet owners who tell us they absolutely LOVE our free weekly updates. Here are just a few of the FREE benefits you'll get:*

### 1. Practical Advice for Pet Owners

Our articles are written by seasoned veterinarians, vet techs and expert writers, and we offer lots of no-nonsense advice for pet owners just like yourself.



*"I love your site and I read every email—and even share it with my friends!"*

### 2. Contest Announcements

We have given away gift baskets, free products, \$150 gift certificates, and \$500 donations to the animal shelter of the winner's choice. Don't miss out on our important contest announcements! Some of our giveaways are as easy to enter as: send us an email saying "I'm in."

*"I won a \$150 gift card to Amazon.com, and I learned about the contest from your email. Thank you so much."*

### 3. Special Offers and Discounts

Occasionally we come across special offers or discounts on products that we just can't wait to share with our valued subscribers. When you sign up (and again, it's totally free), you won't miss a single one of our limited-time bulletins.

*"Your coupon code for 1-800-PetMeds saved us almost 30% off our order. Thx!"*

### 4. Ideas and Inspiration

Our goal is to not only educate, but also entertain. So we try to have fun with it, and we try to avoid being **Zzzzzz** like other sites. In fact, we suspect you'll find lots of inspiring ways to strengthen the bond you share with your pet.

*"Other sites just give the same old boring advice, but you guys make it personal. Love it!"*

### 5. Instant Access to Our Special Report

You will get instant access to our urgent report on pet food dangers.

*"Pets Adviser's free report on pet food dangers is a must-read for anyone who cares about her pet's health."*



## READY TO SEE WHAT ALL THE FUSS IS ABOUT?

Just go to the following link and fill out the quick form. You can opt out at any time. We respect your privacy, and will never, ever share your email address. (We hate spam too!)

**SIGN UP** >

<http://petsadviser.com/subscribe/>