

ADMINISTRATIVE ORDER
NO. 2014-26

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

**ADMINISTRATIVE ORDER ESTABLISHING A
CERTIFIED THERAPY DOG PROGRAM (K-9th CIRCUIT PROGRAM),
ORANGE COUNTY**

WHEREAS, pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

WHEREAS, section 92.55(4), Florida Statutes, enables the court to establish conditions it finds just and appropriate when taking the testimony of a child, including the use of a service or therapy animal that has been evaluated and registered according to national standards, in any proceeding involving a sexual offense; and

WHEREAS, the use of therapy dogs to assist the victim witness may be appropriate in other traumatic proceedings including family court or dependency and Termination of Parental Rights proceedings; and

WHEREAS, witnesses, including children and victims, are sometimes required to wait for an extended period of time before testifying in court; and

WHEREAS, it is necessary to provide specific guidelines for the presence and conduct of animal therapy teams within and/or on the premises of a Courthouse Facility of the Ninth Judicial Circuit;

NOW, THEREFORE, I, Frederick J. Lauten, pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, do hereby order that the following standards, requirements and procedures shall be established for the Therapy Dog Program, hereinafter referred to as the “K-9th Circuit Program,” **effective immediately** and to continue until further order:

1. If the Office of the State Attorney, the Office of the Public Defender, the Department of Children and Families, the Guardian Ad Litem, or private retained counsel determine that the presence and use of a therapy dog may aid in the testimony of a child/victim/witness at hearing, trial or deposition, that agency or individual may contact an approved therapy dog provider¹ to determine availability of a therapy team and use of one of their therapy dogs.

2. Prior to the trial or hearing date, a timely motion requesting approval for the use of an animal therapy team must be filed and a hearing scheduled with notice to all interested parties.

3. The moving party is solely and exclusively responsible to facilitate all communication with the dog handler regarding the date and time and location of any and all court events and case related events, including informing the dog handler of any changes in date and/or time of the scheduled trial/hearing. This includes not only events occurring at a Courthouse Facility, but also any off-site interactions with the dog handler.

4. The therapy dog team is permitted on the premises of and inside the Juvenile Courthouse Facility and/or the Orange County Courthouse Facility for all scheduled court events as well as case related events scheduled by another agency. It is the responsibility of the moving party, and an absolute requirement, to ensure that an appropriate third party/representative is present at all times with the therapy dog team while aiding in the testimony of a

¹ A list of approved therapy dog providers shall be listed on the Ninth Circuit’s website located at www.ninthcircuit.org.

child/victim/witness in a Courthouse Facility². An appropriate third party/representative of the moving party is one who has no personal interest in the case; for example, a Guardian Ad Litem volunteer or a State Attorney Victim Advocate may serve as a third party/representative. At no time shall the dog and its handler be permitted to be alone with any child/victim/witness without the presence of the third party/representative of the moving party.

5. If the motion is granted the Presiding Judge may enter any orders deemed appropriate for proper procedures, conduct and use of the dog in their courtroom.

6. The approved provider shall:

a. Ensure that handlers and dogs have completed any and all therapy training and have passed a nationally recognized skills and aptitude test and evaluation by an organization that certifies the team as appropriate to provide animal assisted therapy.

b. Ensure that all handlers/dogs adhere to all policies of their individual certifying organizations and remain current on their certifications.

c. Ensure that the dogs have been examined by a Florida veterinarian to ensure good health within the past year and all immunizations, including rabies vaccination, is current.

d. Ensure that every dog is properly registered/licensed in the State of Florida.

e. Carry a minimum of one million dollars (\$1,000,000) in liability insurance with a rider that includes therapy dogs on the premises of the Juvenile Courthouse Facility and/or the Orange County Courthouse Facility and naming Orange County as a named insurer.

² The “third party” is not a judicial officer or court administration staff. It is inappropriate for the court or court staff to actively participate or interact with the therapy dog in any capacity because the K-9th Circuit Program is a support mechanism for victims/witnesses. *See Florida Code of Judicial Conduct*, Canon 3 C(2); Canon 3 B(5); Cannon 3 B(7); and Cannon 3 B(9).

f. Provide a copy of the insurance liability insurance rider page to Orange County's Risk Management Office.

g. Ensure that all dogs will be leashed at all times with the handler in control of the dog and the leash.

h. Advise handlers to refrain from any and all overt displays of emotion during all court proceedings.

i. Ensure that handlers will adhere to their certifying organization's policies regarding grooming and zoonotic disease/parasite control in attempts to reduce allergens and/or parasites.

j. Ensure that handlers will inquire if there are any known allergies or concerns prior to entering an enclosed space, including elevators.

k. Ensure that handlers are responsible for arriving early enough to exercise the dog to avoid any elimination issues. All dogs must be trained not to eliminate indoors. Outdoor elimination must be cleaned up by the handler using proper disposal methods to control odors, etc.

l. Ensure that any incidents are immediately reported to the Presiding Judge and the Office of the Chief Judge. Reportable incidents include injuries to a person or an animal; situations with a high potential that an injury could have occurred either to a person or an animal, even though no one was hurt at the time; situations with a perception of an accident or injury, and damages to property, including animal elimination in the courthouse facility. The incident report form is available on the Circuit's website at <http://www.ninthcircuit.org/>.

m. Ensure that all handlers have passed a background check to serve as a court volunteer. The information contained therein and specific findings are confidential and

the approved provider will be advised in writing only as to whether the specific individual handler is approved or not approved to provide services to the Ninth Judicial Circuit.

n. Ensure that all handlers will immediately report to Court Administration any incident that may change the status of their background check, including but not limited to any arrest, conviction or other incident involving law enforcement.

o. Ensure that handlers will maintain the confidentiality of all information including, but not limited to, information pertaining to the individuals testifying and their families, whether written or verbal, received through the scope of interaction with the individual testifying. Handlers will sign an oath of confidentiality, available on the Circuit's website at <http://www.ninthcircuit.org/>.

p. Ensure that all handlers have received, acknowledged and endorsed an Acknowledgement of Terms and Conditions Sheet available on the Circuit's website at <http://www.ninthcircuit.org/>.

q. Ensure that every therapy dog handler shall carry with and produce their certifying organization identification card, an identification card bearing their association or employment with the approved provider, and their court-issued volunteer identification card and shall produce same upon request by any court official. Additionally, all therapy dogs shall identify themselves by wearing a dog therapy vest or other identifying garment.

7. All approved therapy dog providers and their contact information shall be listed on the Ninth Judicial Circuit website at www.ninthcircuit.org. Any organization seeking approval to be added as an approved provider must submit the following information to Court Administration:

a. A written request for approval;

- b. Company information including years established, present services provided, number of dogs available, present certification as set forth in Paragraph 6(a) and (b) of this Order, availability of handlers to provide proper services, and any other information which demonstrates the ability to comply with the terms and conditions of this Order; and
- c. Proof of proper insurance as set forth in paragraph 6(e) of this Order.

The Chief Judge shall determine, in his or her sole discretion, whether an organization is an approved provider for the Ninth Judicial Circuit.

DONE AND ORDERED at Orlando, Florida, this 27th day of October, 2014.

_____/s/_____
Frederick J. Lauten
Chief Judge

Copies provided to:

Clerk of Courts, Orange County
Clerk of Courts, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>