



COURT CAN BE *RUFF*

A GUIDE FOR FACILITY
AND THERAPY DOGS

2025



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Attending court in any capacity can be frightening and stressful. Courts across the country have responded to participants' needs by allowing specially trained dogs to play a beneficial role in the courtroom and courthouse settings. For Illinois courts interested in starting a facility or therapy dog program, the Illinois Judicial Conference's Public Education and Engagement Task Force has put together this Guide containing tips to help.

LEGAL AUTHORITY

A dog's presence may provide emotional support and help alleviate anxiety to ease the judicial process. Dogs are especially beneficial for vulnerable witnesses, such as children or trauma survivors, who experience heightened levels of fear, intimidation, and apprehension. A dog's presence can also provide calming support for court staff dealing with vicarious trauma, or those simply having a stressful day.

Several states, including Illinois, have enacted laws that outline permission for dogs to assist victims and vulnerable witnesses under certain conditions. Existing Illinois law allows victims who are children or persons with intellectual or developmental disabilities to testify with the assistance of a specially trained canine in some criminal cases under conditions the court finds just and appropriate. 725 ILCS 5/106B-10 states:

Conditions for testimony by a victim who is a child or a moderately, severely, or profoundly intellectually disabled person or a person affected by a developmental disability. In a prosecution of criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, or any violent crime as defined in subsection (c) of Section 3 of the Rights of Crime Victims and Witnesses Act, the court may set any conditions it finds just and appropriate on the taking of testimony of a victim who is a child under the age of 18 years or a moderately, severely, or profoundly intellectually disabled person or a person affected by a developmental disability, involving the use of a facility dog in any proceeding involving that offense. When deciding whether to permit the child or person to testify with the assistance of a facility dog, the court shall take into consideration the age of the child or person, the rights of the parties to the litigation, and any other relevant factor that would facilitate the testimony by the child or the person. As used in this Section, "facility dog" means a dog that is a graduate of an assistance dog organization that is a member of Assistance Dogs International.

(Source: P.A. 102-22, eff. 6-25-21.)

Independent of 725 ILCS 5/106B-10, judges in Illinois and across the nation have permitted the use of dogs in courtrooms under the court's inherent authority to direct courtroom protocol and decorum. As such, the use of facility dogs and therapy dogs in the courthouse is not limited to the circumstances proscribed above.

This Guide is designed to help judges and court administrators with insight on the equitable and beneficial use of dogs in the courtroom as well as information about courthouse dog programs. This Guide draws heavily upon the resources of the American Bar Association's Public Lawyer Winter 2022 feature article, "Courtroom Dogs Help Ensure Victims' Voices are Heard." Let this paragraph serve as a general attribution and credit to the guidance offered by the article.

TYPES OF DOGS

Throughout the Guide, we use the word "dog" as a generic term to encompass courthouse facility dogs, therapy dogs, and other emotional support animals. However, words do matter, and not all dogs have the same training and requirements.

A facility dog is a canine specially trained to provide services at a specific facility. A therapy dog is a specially trained canine under the control of a trained handler and may provide services at multiple facilities. Facility dogs and therapy dogs used for courtroom purposes should be accredited by an assistance dog program that is a member of Assistance Dogs International. In addition, therapy dog teams should be accredited by a national therapy dog program. See Appendix A for further distinctions between facility dog programs and therapy dog programs.

A service dog is something altogether different. A service dog's function is to assist a person with a disability. This Guide does not cover service dogs or provide any assistance in relation to service dogs as defined under the Americans with Disabilities Act (ADA) or comparable legislative provisions. (See [federal ADA definition of service animals](#).) Court leadership should follow existing policies for access to the courts for people with disabilities, which allows people with disabilities to make requests for reasonable accommodations and accessibility of service dogs. (See [Illinois Supreme Court Policy on Access for People with Disabilities](#).)



CHALLENGES TO CONSIDER

While the use of dogs has been considered very helpful in serving to assist court participants and staff, the implementation of a facility or therapy dog program comes with challenges. The following competing interests must be considered before getting started:



Health Risks: A dog's presence in the courtroom can pose a health risk for individuals with allergies. Even if a dog is clean and well-groomed, it can still shed hair and dander, which are common allergens.



Fear of Dogs: Court staff or court participants involved in the case may have phobias or traumatic experiences related to dogs. Cynophobia is the fear of dogs. It is a recognized anxiety disorder that can provoke intense fear, panic attacks, and avoidance behaviors in affected individuals.



Liability: The presence of a dog in a courtroom creates the risk of potential liability if a dog were to bite, scratch, or otherwise injure someone in the courtroom.



Disruption: If a dog were to cause a significant disturbance during proceedings, such as barking, having an accident, getting sick, or behaving unpredictably, this could cause distraction and disruption to the judicial process. Parties may argue that their case was prejudiced, resulting in motions or appeals.



Fundamental Fairness: Opponents may contend the presence of a dog in the courtroom affects the fundamental fairness of the proceedings by introducing elements that could influence the jury or other court participants. For example, a dog accompanying a witness might evoke sympathy, potentially swaying perception and leading to a more empathetic response to witness testimony.

Balancing these concerns with the benefits provided by the presence of a dog requires careful consideration and the implementation of measures to mitigate potential adverse effects.

HOW TO GET A DOG IN THE COURTROOM

Advance Request

Allowing a dog in the courtroom should not be a surprise. There should be an advance request made to the court explaining the specific circumstances of the case, the needs of the individuals involved, and any potential impact on courtroom proceedings. The judge maintains the discretion in allowing the dog and must balance the benefits of emotional support with considerations of courtroom decorum, the safety and comfort of all participants, and the integrity of the judicial process.

Information that enables the court to make a well-informed, discretionary decision includes, but is not limited to:



Beneficiary: Name, age, and any relevant factors that would lead to a dog improving their courtroom experience.



Purpose: Information detailing how the dog's presence will reduce the anxiety of the witness or party and help facilitate testimony or greater participation in the court proceedings.



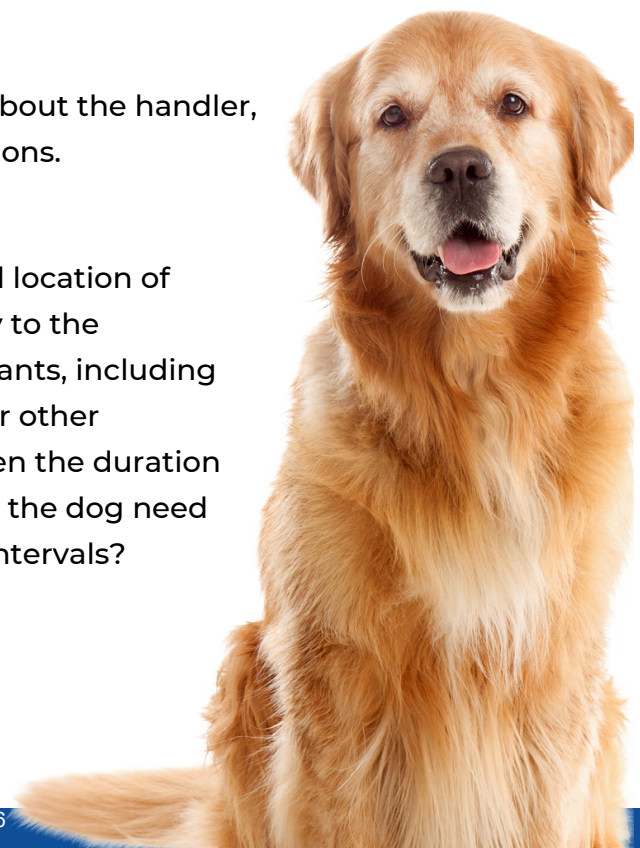
Dog Information: Name, breed, age, certification, insurance coverage, and any breed-specific considerations to mitigate potential allergic reactions or other concerns for individuals in the courtroom.



Handler Information: Information about the handler, including their name and qualifications.



Integration Plan: Proposed physical location of the dog in the courtroom; proximity to the beneficiary and other court participants, including jurors; identification of any breaks or other alterations that may be needed given the duration of the court event. For example, will the dog need a break at certain pre-determined intervals?



HEARING AND BURDEN OF PROOF

The moving party seeking the admission of a dog in the courtroom has the burden of proof. Research on the national level shows the judge maintains discretion in allowing the dog, but the judge should allow it only after making a finding that the dog will be helpful in reducing stress or aiding with the testimony of a court participant. (See Appendix B for state case law and statute summaries.) The court's decision is reviewed under an abuse of discretion standard. With respect to motions filed under 725 ILCS 5/106B-10, "the court shall take into consideration the age of the child or person, the rights of the parties to the litigation, and any other relevant factor that would facilitate the testimony by the child or the person."

The judge's discretion remains essential for balancing the benefits of emotional support provided by dogs with considerations such as courtroom decorum, the safety and comfort of all participants, and the integrity of the judicial process. Accordingly, before making its decision, the judge must consider the potential benefits, as well as any concerns or objections raised. If other parties to the litigation oppose the request, the judge should allow for the submission of responses to ensure a comprehensive evaluation of all viewpoints.

Additionally, it is important for the judge to gather input and feedback from the assigned courtroom staff. Concerns raised by assigned courtroom staff may be mitigated by temporarily reassigning staff or making other scheduling modifications. This thorough and inclusive approach will help ensure that the final decision serves the best interests of justice and courtroom functionality.

When presented with a motion to allow a dog in the courtroom, the judge may find it advantageous to use a bifurcated hearing process. The initial stage would address the rationale behind the request and focus on the purpose and intended benefit of a dog's presence. If the judge is satisfied that the request is well-founded, a subsequent hearing could be scheduled to evaluate the dog's qualifications, the handler's credentials, and the integration plan. Although not required, a firsthand observation of the dog will allow the judge to evaluate and balance competing interests.

Finally, judges are well served to make a full record of the factors that went into their decision in allowing or disallowing a dog in the courtroom, including photos of the dog. If the court grants approval for a dog's attendance, the judge should issue an order with specific conditions to mitigate potential adverse effects, taking into account any unique considerations for the particular case.

APPROVAL AND UNIQUE CONSIDERATIONS

In allowing a dog to be present in a courtroom, the court may set any conditions that are just and appropriate. Here are a few things to address and consider when allowing a dog in the courtroom:

Dog Certification

There are several accredited assistance dog organizations, each with its own training and certification standards. Ideally, information about specific organizations and graduation requirements for both the dog and handler should be collected through testimony or an affidavit from the dog handler.

With respect to motions filed under 725 ILCS 5/106B-10, the dog must be certified by Assistance Dogs International.

Facilities

There should be a court order or written authorization for the dog to enter the courthouse and courtroom. Court security officers and other court staff should be given advance notice of the dog. A sign should be placed near the main entrance of the courthouse and outside the courtroom informing people that a dog is onsite. There should be a designated space outside the courthouse for dogs to relieve themselves. If such area outside does not exist, an area must be designated within the court facilities (such as a restroom) and equipped with a “puddle pad.”



Liability

Many accredited assistance dog organizations provide insurance coverage for their dogs. A review with court and/or county administrative staff may be necessary to determine whether the coverage terms are satisfactory. In cases where self-insurance is not provided, it is advisable to consult with court and/or county administrative staff regarding liability coverage within court facilities. Dogs that have graduated from accredited assistance programs are often predisposed to calm

demeanors and are specially trained to avoid aggression, thereby reducing potential liability concerns. Nonetheless, an informed consent and liability waiver could be considered.

Fear of Dogs

Cynophobia, or the fear of dogs, could be raised as an issue by a party, lawyer, juror, observer, or court staff. To alleviate concerns, affected courtroom staff could be temporarily reassigned to other courtrooms or assigned duties. With respect to jurors, *voir dire* may be used to solicit and address any concerns raised by a juror. If justified, the juror may be excused from service if there is the risk the juror will be exposed to the dog. If a party to the case objects to the presence of a dog in the courtroom, the court must carefully balance the interests of the requesting party and the objecting party, taking into account the potential benefits and possible prejudices from the court's decision.

Allergies

Allergens are prevalent in public spaces and commonly found in the air, on surfaces, and on individuals' clothing. In the United States, there are approximately 77.5 million dog owners, and pet dander is frequently present in public settings. Mild to moderate allergies can be managed through a combination of exposure reduction strategies and symptom relief. Potential exposure reduction measures to consider include the addition of air filtration units, the use of face masks, and controlled distancing within the courtroom.

For symptom relief, individuals aware of the presence of a dog in a courtroom can take preventative measures or prepare to mitigate discomfort by using commonly available over-the-counter treatments. In cases of severe dander allergies, the judge should avoid putting any court participant in harm's way and may consider excusing a juror whose wellbeing would be at risk.

Jury Trials

The presence of dogs at jury trials introduces a range of considerations that must be thoughtfully addressed. While dogs can provide comfort to witnesses or parties, their presence also poses challenges to the integrity of the trial proceedings. Without established clear guidelines, a dog could cause disruption, engender sympathy, or otherwise violate procedural rights. However, the limited research conducted thus far suggests that the presence of a canine does not impact jurors.¹ At least one court in Colorado held that "easing a testifying witness's discomfort [with use of a comfort animal] doesn't violate a defendant's confrontation rights."²

[1] Dave Collins, *Comfort Dogs in Court Do Opposite for Some Defenders, Judges*, Chi. Trib. (Apr. 5, 2018), <https://www.chicagotribune.com/nation-world/ct-comfort-dogs-in-court-20180404-story.html>; Kayla A. Burd & Dawn E. McQuiston, *Facility Dogs in the Courtroom: Comfort Without Prejudice?*, 44 Crim. Just. Rev. 515 (2019).

[2] *People v. Collins*, 491 P. 3d 438 (2021).

Terminology

In the context of a jury trial, the court should use neutral terminology in referring to the dog simply as a dog or the courthouse dog. Using the term therapy dog could suggest to a jury that a testifying witness or party has been traumatized by, or is fearful of, the defendant.

Visibility

Best practice is for the dog to enter and leave the courtroom outside the presence of the jury and not be visible to the jury during the witness's testimony. To achieve this, the dog should be brought to the witness stand before the jury enters and removed after the jury has left the courtroom. If the witness is not seated in an enclosed witness box that conceals the dog from view, consider making courtroom modifications, such as installing a curtain around the witness area. Witnesses should be instructed, outside the presence of the jury, not to pet or draw attention to the dog while testifying.

Jury Instructions and *Voir Dire*

The court may wish to give prospective jurors specific instructions about the use of a dog during *voir dire*. The court should also consider giving instructions to empaneled jurors either at the beginning of trial, the end, or when the witness utilizing a dog is about to testify. An instruction is particularly necessary if the dog is seen by the jurors.

With respect to prospective jurors, the court may inquire whether a dog accompanying a witness would create any undue sympathy for the witness or cause prejudice to one or more of the parties. With respect to empaneled jurors, they should be admonished not to make or draw any conclusions from the dog's presence during a witness's testimony. Here is a sample jury instruction, which is patterned off a jury instruction used by an Illinois court³ in relation to a service animal:

Members of the Jury, I want to inform you that the incoming witness will have a dog with them while they testify.

You are not to draw any inference in favor or against either side because of the dog's presence. You are not to consider the witness's testimony to be any more or less credible because of the dog presence. The focus of your attention should be on the testimony of the witness, not the dog.

The presence of the dog in the courtroom shall not be considered in any way in your jury deliberations or the verdict you will reach.

[3] *People v. Tapley*, 2020 IL App (2d) 190137.

DOGS IN THE COURTHOUSE: A NATURAL OXYTOCIN FOR STAFF

Facility and therapy dogs provide comfort not only to vulnerable witnesses and victims, but court staff can benefit from their presence too. Many studies have shown dogs put smiles on people's faces, make them calm and happier, and stimulate the release of oxytocin, which is a hormone released in response to positive physical interactions.

The mental health and well-being of courthouse staff is important, and Illinois courts must do what we can to prevent burnout and help people cope with vicarious trauma. Courthouses that are interested in providing this supportive service for staff should consider securing a facility dog or partnering with an outside volunteer dog program to provide services within their jurisdiction.

There are several programs currently operating under the direction of State's Attorney's Offices, Public Defender's Offices, and Children's Advocacy Centers. The following are highlighted examples of facility dog and therapy dog programs operated by the Illinois Courts. The provided contact information may be used to learn more about how these facility dog and therapy dog programs were established.



LAKE COUNTY COURTHOUSE FACILITY DOG - DESI

Program Contact:
Office of the Chief Judge
847-377-3600
courts@lakecountyil.gov

MCHENRY COUNTY COURTHOUSE FACILITY DOG - HONEY

Program Contact:
Office of the Chief Judge
815-334-4385
courtadmin@22ndcircuit.illinoiscourts.gov



KANE COUNTY COURTHOUSE FACILITY DOG – FORREST (IN MEMORIUM)

Program Contact:
Pam Ely, Mental Health Coordinator/
Program Manager
630-762-2169
ElyPam@16thcircuit.illinoiscourts.gov



17TH CIRCUIT THERAPY DOG PROGRAM

Program Contact:
Kathy Fink, Administrative Assistant to the
Chief Judge
815-319-4800
kfink@17thcircuit.illinoiscourts.gov
[Website](#)



1ST CIRCUIT THERAPY DOG PROGRAM

Program Contact:
Cynthia York, Senior Administrative
Assistant to the Chief Judge
618-997-1234
cyorkfjc@gmail.com
[Website](#)



APPENDIX A

The chart below provides context on the distinction between facility dogs and therapy dogs:

	Leash	Cost	Staffing	Accreditation	Other Considerations
Facility Dogs	Does not need to be leashed or in proximity of handler	Cost borne by facility	Facility Dog handler and/or any coordinator role	Exclusively by Assistance Dogs International	Dog works in one specific facility fulltime or parttime, which makes coordination easier
Therapy Dogs	Must be leashed and within 3' of handler	Cost borne by owner	Volunteers, coordinator role, or scheduler	Multiple accreditation possibilities	Many dog teams may be accepted, which offers more options for those requesting a dog; this takes more time to coordinate

APPENDIX B

CASE LAW SUMMARIES

ARIZONA

State v. Millis, 391 P.3d 1225 (2017), post-conviction relief granted on other grounds, *Millis v. Fell*, 242 Ariz. 33 (2023)

Procedure: The dog and its handler sat next to the witness in hearings. After the dog accompanied the witness at several pretrial hearings, the defendant filed a motion in limine to disallow the dog to accompany the witness at trial. The court found the dog's presence would not unfairly prejudice the defendant, so there was no legal basis to exclude the dog. The dog did not accompany the witness when the witness was on the jury stand, only when the witness was in the gallery.

Jury Instruction: No mention of a jury instruction.

Appellate Decision: The trial court did not abuse its discretion by allowing a facility dog to accompany a witness in the gallery. The trial court considered the benefits and potential prejudice the presence of the dog would introduce, and that the dog would be "less visible and prominent to the jury" from the gallery instead of the witness stand. Although the witness was "an adult with no apparent disability," the court was satisfied that the dog would help prevent undue stress for the witness during a difficult trial about the death of her infant son.

CALIFORNIA

People v. Picazo, 84 Cal. App. 5th 778 (2022)

Procedure: The State asked the court to allow a support dog to be present during the trial testimony of adult witnesses who would testify their uncle sexually abused them when they were minors.

Jury Instruction: "[Witness's name] (will have/has/had) a (person/dog) present during (his/her) testimony. Do not consider the presence of the (person/dog [and dog handler]) who (is/was) with the witness for any purpose or allow it to distract you." The instruction did not specifically direct the jurors not to allow the presence of the support dog to affect their assessment of the witness's credibility, or sympathy for any party, but other instructions told the jurors not to allow "bias, sympathy, or prejudice" to influence their assessment of the evidence, what factors to consider in assessing a witness's credibility, and to "decide what happened based only on the evidence that has been presented to you in this trial" (defined as "the sworn testimony of witnesses, the exhibits admitted into evidence, and anything else [the court] told you to consider as evidence").

Appellate Decision: The trial court did not abuse its discretion in permitting the victims to testify with a support dog where there was no evidence that the support dog's presence caused any disruption in the proceedings and the trial court adequately instructed jury not to allow the support dog to affect their assessment of the evidence. Court discusses Cal. Penal Code § 868.4.

People v. Chenault, 227 Cal. App. 4th 1503 (2014)

Procedure: The State asked the court to allow two minor witnesses to testify with a facility dog. The court allowed the presence of the dog, citing a California evidence rule requiring the court to take special care to protect minor witnesses under the age of 14 from undue harassment or embarrassment. The dog and the child witnesses were made to enter and leave the courtroom during jury recesses. The dog was made to sit in a chair near the back door.

Jury Instruction: "[F.] and her sister [C.] in turn, will be accompanied by a service animal, companion dog, whose name happens to be Asta. The law permits the Court to make reasonable accommodations for child witnesses, and accordingly, I've granted the request for Asta to be present during the testimony of [F.] and [C.] And Asta will otherwise be a nonparticipant."

Appellate Decision: The presence of the dog did not violate the defendant's constitutional right to a fair trial or to confront witnesses. A support dog is no more prejudicial than a support person. This case was decided before the enactment of Cal. Penal Code § 868.4.

COLORADO

People v. Collins, 491 P.3d 438 (2021)

Procedure: Prior to the enactment of the Colorado statute governing the use of dogs, the prosecution requested that the witness be able to testify in the presence of a facility dog. Defendant objected, arguing that allowing the dog to be present would violate his right to confrontation.

Jury Instruction: The jury is not to make any inferences for or against either side due to the dog's presence.

Appellate Decision: Permitting a witness to testify in the presence of a comfort animal does not violate a defendant's right to confrontation. "While satisfying a defendant's right to confront his or her accuser may impose an unavoidable level of discomfort for the accusing witness, the right doesn't carry with it a prohibition on mitigating discomfort nor a right to impose discomfort. Put simply, easing a testifying witness's discomfort doesn't violate a defendant's confrontation rights." Notably, the trial court had the dog leashed, arrive early, and placed as much as possible outside the jury's view.

IDAHO

State v. Nuss, 165 Idaho 400 (2019)

Procedure: The trial court allowed a facility dog to accompany the minor witness pursuant to Idaho Code § 19-3023. The defendant objected, arguing that the dog would be prejudicial. The trial court overruled the objection, saying the dog's presence would be "as low key as possible." During a recess before the witness's testimony, the dog came in with the handler. The dog was placed under the witness's seat, and the handler sat behind the witness stand. When the witness was done testifying, the court allowed the handler and the dog to leave in the presence of the jury, noting that the court did not want the disruption of another recess. The defendant did not object.

Jury Instruction: "I will allow the presence of a facility dog in the courtroom during the testimony of one o[r] more of the witnesses in the case. You may or may not see the dog. You are to disregard the presence of the facility dog. You are to draw no inference for or against any witness using a facility dog. You are to attach no significance whatsoever to the presence of the dog. The dog being with the witness is merely a tool that I have decided to use to promote a more calming supportive setting for the witness."

Appellate Decision: The trial court gave an appropriate jury instruction and properly allowed the presence of a facility dog for a child witness in the absence of undue prejudice.

MICHIGAN

People v. Shorter, 324 Mich. App. 529 (2018)

Procedure: Dog was present during the adult witness testimony. There was nothing in the record to suggest that the witness was developmentally disabled, mentally ill, physically disabled, or unable to live independently.

Jury Instruction: The jury was instructed to "not allow the use of a support animal to influence your decision in any way," and "you should not consider the witness's testimony to be any more or less credible because of the animal's presence."

Appellate Decision: The trial court erred in allowing the complaining witness to testify while accompanied by a support dog and its handler. The court rejected the argument that the court's inherent authority over the courtroom was enough to justify allowing a fully abled adult witness (rather than a child) to have a support animal or person present. This is one of the few cases reversing a trial court's decision to allow the dog.

OHIO

State v. Jacobs, 2015 WL 6180908

Procedure: The dog sat at the victim's feet while she testified. No information as to if the jury could see the dog.

Jury Instruction: No mention of a jury instruction.

Appellate Decision: Court affirmed decision allowing facility dog to accompany 12-year-old witness in a criminal sexual abuse trial. The court specifically found the facility dog's presence would likely provide the witness with "some calmness and some security" during testimony and "make the process more palatable" for the witness.

PENNSYLVANIA

Commonwealth v. Purnell, 259 A.3d 974 (2021)

Procedure: The comfort dog entered the courtroom prior to the jury's entrance and remained in the courtroom until all the jurors left the courtroom. The comfort dog would remain in the witness stand outside the presence of the jury.

Jury Instruction: Jurors were told the 15-year-old was accompanied on the witness stand by a "service" dog and that the jury should not be more sympathetic to the witness because of the dog.

Supreme Court Decision: The trial court properly allowed the autistic witness to testify with a comfort dog present where the witness feared for her safety and felt sufficiently safe to proceed with her testimony in the presence of the dog. The court observed there is a balancing test of "the degree to which the accommodation will assist the witness in testifying in a truthful manner against any possible prejudice to the defendant's right to a fair trial."

TENNESSEE

State v. Reyes, 505 S.W.3d 890 (Tenn. Crim. App. 2016)

Procedure: The child was seated in the witness stand with the dog at his feet before the jury was brought in. The position of the dog made it difficult or impossible for the jury to see the dog.

Jury Instruction: The jury was told the witness was accompanied by a courthouse facility dog, not a pet. The jury was instructed to "not draw any inference regarding the dog's presence."

Appellate Decision: Court did not abuse its discretion in permitting a dog to be used for child victim's testimony when court instructed jury that no inferences or sympathy should result from the dog's presence.

WASHINGTON

State v. Dye, 178 Wash. 2d 541 (2013)

Procedure: The testifying victim, who had significant developmental disabilities, was allowed to have a facility dog present during his testimony. The dog sat with the victim during the testimony, and the victim fed the dog treats.

Jury Instruction: "One of the witnesses in this trial may be accompanied by a service dog. Do not make any assumptions or draw any conclusions based on the presence of this service dog."

Supreme Court Decision: The Washington State Supreme Court held that the dog's presence did not violate defendant's fair trial rights, and the court did not abuse its discretion in allowing the dog to be present. Any prejudice that resulted from the dog's presence was minor and largely mitigated by the limiting instruction that the trial court gave. Moreover, the court found the dog's presence would be helpful in reducing the witness's anxiety and eliciting his testimony.

STATE STATUTES

Arizona

A.R.S. § 8-422 provides:

A. The court shall allow a victim who is under eighteen years of age to have a facility dog, if available, accompany the victim while testifying in court. A party seeking the use of a facility dog must file a notice with the court that includes the certification of the facility dog, the name of the person or entity who certified the dog and evidence that the facility dog is insured.

B. The court may allow a victim who is eighteen years of age or more or a witness to use a facility dog.

C. To ensure that the presence of a facility dog assisting a victim or a witness does not influence the jury or is not a reflection on the truthfulness of any testimony that is offered by the victim or witness, the court shall instruct the jury on the role of the facility dog and that the facility dog is a trained animal.

D. For the purposes of this section, "facility dog" means a dog that is a graduate of an assistance dog organization that is a member of an organization or entity whose main purpose is to improve the areas of training, placement and utilization of assistance dogs, staff and volunteer education and to establish and promote standards of excellence in all areas of assistance dog acquisition, training and partnership.

CALIFORNIA

Cal. Penal Code § 868.4 provides:

(a) If requested by either party in a criminal or juvenile hearing ... the following individuals shall be afforded the opportunity to have a therapy or facility dog accompany him or her while testifying in court, subject to the approval of the court:

(1) A child witness in a court proceeding involving any serious felony, as defined in [subdivision \(c\) of Section 1192.7](#), or any violent felony, as defined in [subdivision \(c\) of Section 667.5](#).

(2) A victim who is entitled to support persons pursuant to [Section 868.5](#), in addition to any support persons selected pursuant to that section.

(b) Before a therapy or facility dog may be used pursuant to subdivision (a), the party seeking to utilize the therapy or facility dog shall file a motion with the court, which shall include the following:

(1) The training or credentials of the therapy or facility dog.

(2) The training of the therapy or facility dog handler.

(3) Facts justifying that the presence of the therapy or facility dog may reduce anxiety or otherwise be helpful to the witness while testifying.

(c) If a party, pursuant to subdivision (b), makes a showing that the therapy or facility dog and handler are suitably qualified and will reasonably assist the testifying witness, the court may grant the motion, unless the court finds the use of a therapy or facility dog would cause undue prejudice to the defendant or would be unduly disruptive to the court proceeding.

(d) The court shall take appropriate measures to make the presence of the therapy or facility dog as unobtrusive and nondisruptive as possible, including requiring the dog to be accompanied by a handler in the courtroom at all times.

(e) If a therapy or facility dog is used during a criminal jury trial, the court shall, upon request, issue an appropriate jury instruction designed to prevent prejudice for or against any party.

COLORADO

C.R.S.A. § 16-10-404 provides:

(2)(a) The court may, upon motion of a party or upon its own motion, order that a witness's testimony be offered while a court facility dog is in the courtroom during the testimony of the witness if:

(I) The testimony is taken during a criminal proceeding; and

(II) The judge determines by a preponderance of the evidence that:

(A) The presence of a court facility dog with the witness during the witness's testimony would reduce the witness's anxiety and enhance the ability of the court to receive full and accurate testimony;

(B) The arrangements for an available court facility dog during the witness's testimony would not interfere with efficient criminal proceedings; and

(C) No prejudice would result to any party due to the presence of a court facility dog with the witness.

* * *

(4) To ensure that the presence of a court facility dog does not influence the jury or is not a reflection on the truthfulness of any testimony that is offered by a witness, the court may instruct the jury, if a jury instruction is requested by a party who objected to the presence of the court facility dog or upon agreement of the parties, on the role of the court facility dog and that the court facility dog is a trained animal.

HAWAII

HRS § 621-30 provides:

(b) A court may permit the use of a facility dog in a judicial proceeding involving the testimony of a vulnerable witness if the court determines that there is a compelling necessity for the use of a facility dog to facilitate the testimony of the vulnerable witness.

(c) Before the use of a facility dog in a judicial proceeding, the moving party shall file a motion certifying to the court:

(1) The credentials of the facility dog;

(2) That the facility dog is adequately insured; and

(3) That a relationship has been established between the witness and the facility dog.

(d) To the extent necessary, the court may impose restrictions, or instructions to the jury, regarding the presence of the facility dog during the proceedings.

IDAHO

Code § 19-3023 provides:

(1) When a child is summoned as a witness in any hearing in any criminal matter, including any preliminary hearing, notwithstanding any other statutory provision, parents, a counselor, friend or other person having a supportive relationship with the child, or a facility dog, shall be allowed to remain in the courtroom at the witness stand with the child during the child's testimony unless in written findings made and entered, the court finds that the defendant's constitutional right to a fair trial will be unduly prejudiced.

(2) When a child is summoned as a witness in any hearing in a noncriminal matter that involves the abuse, neglect or abandonment of the child, including any preliminary hearing, notwithstanding any other statutory provision, a facility dog shall be allowed to remain in the courtroom at the witness stand with the child during the child's testimony.

(3) For purposes of this section, "facility dog" means a dog that is a graduate of an assistance dog organization that is a member of assistance dogs international or a similar internationally recognized organization whose main purpose is to grant accreditation to assistance dog organizations based on standards of excellence in all areas of assistance dog acquisition, training and placement.

ILLINOIS

725 ILCS 5/106B-10 provides:

Conditions for testimony by a victim who is a child or a moderately, severely, or profoundly intellectually disabled person or a person affected by a developmental disability. In a prosecution of criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, or any violent crime as defined in subsection (c) of Section 3 of the Rights of Crime Victims and Witnesses Act, the court may set any conditions it finds just and appropriate on the taking of testimony of a victim who is a child under the age of 18 years or a moderately, severely, or profoundly intellectually disabled person or a person affected by a developmental disability, involving the use of a facility dog in any proceeding involving that offense. When deciding whether to permit the child or person to testify with the assistance of a facility dog, the court shall take into consideration the age of the child or person, the rights of the parties to the litigation, and any other relevant factor that would facilitate the testimony by the child or the person. As used in this Section, "facility dog" means a dog that is a graduate of an assistance dog organization that is a member of Assistance Dogs International.

VIRGINIA

§ 18.2-67.9:1 provides:

A. As used in this section, "certified facility dog" means a dog that (i) has completed training and been certified by a program accredited by Assistance Dogs International or by another assistance dog organization that is a member of an organization whose main purpose is to improve training, placement, and utilization of assistance dogs and (ii) is accompanied by a duly trained handler.

B. In any criminal proceeding, including preliminary hearings, the attorney for the Commonwealth or the defendant may apply for an order from the court allowing a certified facility dog to be present with a witness testifying before the court through in-person testimony or testimony televised by two-way closed-circuit television pursuant to § 18.2-67.9.

C. The court may enter an order authorizing a dog to accompany a witness while testifying at a hearing in accordance with subsection B if the court finds by a preponderance of the evidence that:

1. The dog to be used qualifies as a certified facility dog;
2. The use of a certified facility dog will aid the witness in providing his testimony;
3. The presence and use of the certified facility dog will not interfere with or distract from the testimony or proceedings.

D. The party seeking such order shall apply for the order at least 14 days before the preliminary hearing, trial date, or other hearing to which the order is to apply.

E. The court may make such orders as necessary to preserve the fairness of the proceeding, including imposing restrictions on and instructing the jury regarding the presence of the certified facility dog during the proceedings.

F. Nothing contained in this section shall prevent the court from providing any other accommodations to a witness as provided by law.