



Service Animal Information

Definition:

The Americans with Disabilities Act (ADA) defines a service animal as:

Any dog (or in rare instances, a miniature horse) that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

Is this a Service Animal?

In accordance with the ADA, Court employees may only ask a person two questions in order to determine the qualification of the service animal:

- 1) Is this animal required because of a disability?
- 2) What work or task has this animal been trained to perform?

Court Employees May Not Ask:

- 1) The nature or extent of an individual's disability;
- 2) Proof of training, certification, or for the service animal to wear an identifying vest;
- 3) The service animal to perform the task it is trained to perform.

Service Animal Behavior in the Courts:

A service animal must be:

- 1) Under the control of its handler at all times;
 - 2) Housebroken, harnessed, leashed, or tethered (unless the individual's disability prevents using these devices or they interfere with the service animal's performance of tasks. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls);
 - 3) Generally quiet, and not bark repeatedly. However, if a dog barks once, or barks because someone has provoked it, this would not mean the dog is out of control.
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FAQ's

Q: Are emotional support, therapy, comfort, or companion animals considered service animals under the ADA?

A: No. These terms are used to describe animals that provide comfort just by being with a person. Because they have not been trained to perform a specific job or task, they do not qualify as service animals under the ADA.

Q: Can service animals be any breed of dog?

A: Yes. The ADA does not restrict the type of dog breeds or size that can be service animals.

Q: Do service animals have to wear a vest, patch or special harness identifying them as a service animal? Do they need to be licensed or certified as a service animal?

A: No. The ADA does not require service animals to wear a vest, ID tag, or specific harness, or possess a special license or certification.

Q: What can we do when a service animal is being disruptive?

A: If a service animal is out of control and the handler does not take effective action to control it, staff may request that the animal be removed from the premises. Court services must still be provided to the individual without the service animal.

New Mexico Service Animal Act (28-11 NMSA 1978)

Follows the ADA, including the definition of a service animal, but includes additional regulations:

- Service animals in training are allowed
- Unlawful for unrestrained animals to interfere with the work of a service animal, or attack a service animal
- Unlawful for a person to misrepresent a pet or emotional support animal as a service animal
- Any person who violates the provisions of the NM Service Animal Act is guilty of a misdemeanor, with fines up to \$1,000 or 365 days in jail, or both

**For additional information, contact
ADA@nmcourts.gov or your local district ADA
Coordinator:**
