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State of Indiana

Indiana Family and Social Services Administration
Office of General Counsel

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Indiana Family and Social Services Administration's Visitor Service Animal Policy

Purpose

This policy outlines Indiana Family and Social Services Administration's (FSSA's) commitment to enabling visitors with service animals in accessing services, benefits, and programs in accordance with the Americans with Disabilities Act (ADA), the Rehabilitation Act of 1973, and all other relevant federal and state laws. See 42 U.S.C. § 12101; 29 U.S.C. § 794; 29 CFR Part 1630; 29 CFR Part 1614; I.C. 16-32-3-1.5; I.C. 35-46-3-11.5; I.C. 16-32-3-2.

Scope

This policy applies to all employees and contractors of FSSA and visitors accessing benefits, services, and programs.

Definitions

Disability: The ADA defines a disability as a mental or physical impairment that substantially limits one or more life activities. This definition covers those who have a record or history of a disability, and/or are perceived as having a disability.

- **Emotional support animal:** Any species of animal that is prescribed as a type of treatment to offer support for a disability. These animals are not task trained and are solely present for comfort and companionship.
- **INSPD:** Refers to any employee who is employed as a representative for FSSA as human resources or staff who are employed by the Indiana State Personnel Department.
- **FSSA property:** The term property in this document refers to any physical buildings leased or owned by FSSA, and equipment or fixtures purchased or rented by FSSA.



- House broken: An animal trained to behave and relieve themselves outside the house or other buildings on a consistent and regular basis as to comply with the requirements set forth in the Americans with Disabilities Act (ADA) and other relevant laws.
- Service animal: A dog or miniature horse that has been task trained to mitigate an individual's disability or disabilities.
- Supervisor: Refers to business unit directors, managers, and all other staff who supervise, lead, or oversee other staff.
- Therapy animal: An animal that has undergone behavioral training to obtain the certification to enter specific locations such as schools, medical facilities, and courtrooms to provide comfort to others. These animals do not perform tasks for the handler related to a disability.
- Visitor: An individual present on FSSA property who is not an employee or contractor.

Introduction

All questions or concerns around service animals should be directed to the ADA Director. The ADA Director will discuss relevant information with the visitor and specific FSSA business units or divisions.

Service Animal Further Explained

The work or task that the service animal is trained to perform must be directly related to the individual's disability. A business is required to modify existing practices, policies, and procedures where reasonable for the benefit of an individual with a disability. Miniature horses can be permitted entrance if the business in question can accommodate the miniature horse's size, type, and weight, and the miniature horse's presence will not compromise legitimate safety requirements for the function of the business.

Emotional Support and Therapy Animals

Emotional support animals may be any species of animal, unlike a service animal. The purpose of an emotional support animal is to provide comfort or companionship to the individual. A therapy animal is an animal with specific certifications and trainings giving it the appropriate behavior to visit venues. It is not an animal trained to mitigate a disability. Therefore, therapy and emotional support animals are not protected under the ADA and relevant laws.

Because emotional and therapy animals lack the training and protection of service animals, visitors' emotional and therapy animals are not permitted on FSSA properties.

The ADA Director is available to answer any questions about service, emotional support, and therapy animals.

Service Animal and Handler Expectations

FSSA understands that the purpose of service animals is to assist with specific trained tasks to mitigate an individual's disabilities. The visitor using a service animal is responsible for the care and behavior of the service animal. FSSA employees and contractors are not responsible or liable for the service animal's care, behavior, or safety.

Visitors must agree to the following when bringing a service animal on FSSA property:

- The service animal must be healthy and reasonably groomed (e.g., no fleas, ticks, open wounds, or other contagious diseases that can be transferred to humans or other service animals).
- The service animal must be well behaved (e.g., no uncontrolled barking, growling, lunging, jumping/pawing that is not directly related to a tasking behavior for the mitigation of a disability, or other threatening behaviors).
- The service animal must be appropriately house broken.
- The service animal must be under the control of the visitor via leash, tether, harness, or other effect. Local ordinances for leash laws are to be followed unless a leash otherwise interferes with a service animal's tasks such as retrieving objects for an individual with a disability. In a situation where a leash inhibits the service animal's tasks, the visitor must use another way to always maintain the control of the service animal.
- In any situation where the service animal cannot be controlled, the visitor will be asked to leave the property with the service animal. The visitor will be given the opportunity to return to complete business or participate in services without the service animal.
- Local vaccination and reporting laws will be applicable in cases where a service animal scratches, bites, or otherwise harms FSSA employees, contractors, fellow visitors, or fellow service animals on FSSA property.
- The visitor may be required to pay for any damages to FSSA property caused by a service animal. Examples of damages include but are not limited to torn and chewed carpets and furniture.
- All animals are to be relieved outside. Visitors are responsible for cleaning up any excrement from the service animal. The visitor should alert FSSA employees or

contractors if their service animal has an accident so the visitor can clean the affected area and FSSA employees or contractors can sanitize the area.

Interactions with FSSA Staff and Contractors

All FSSA staff and contractors are educated about service animals. A visitor may only be asked the following two questions when entering an FSSA property if their disability is not readily apparent:

1. Is that a service animal?
2. What tasks has it been trained to perform to mitigate your disability?

Complaints or Concerns

All complaints or concerns surrounding a service animal on FSSA property should be directed to the ADA Director at <mailto:ada@fssa.in.gov>