

ADMINISTRATIVE ORDER IN THE DISTRICT COURT OF THE
THIRD JUDICIAL DISTRICT, IN AND FOR SHAWNEE COUNTY, KANSAS

2018 - 105

ADMINISTRATIVE ORDER ESTABLISHING A CERTIFIED THERAPY
DOG PROGRAM (Courthouse K9s), SHAWNEE COUNTY, KANSAS

WHEREAS, pursuant to Article 3, Section 1 of the Kansas Constitution, the Kansas Supreme Court is vested with general administrative authority over all district courts in this state and, whereas, pursuant to Kansas Supreme Court Rule 107(b), the chief judge of each judicial district is charged with supervisory authority over the administrative functions of that judicial district; and

WHEREAS, pursuant to the chief judge's responsibility for administrative supervision of the courts within the judicial district 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; and

WHEREAS, the use of therapy dogs to assist the victim witness may be appropriate in traumatic 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 Third Judicial District;

FILED BY CLERK
KS DISTRICT COURT
THIRD JUDICIAL DIST.
TOPEKA, KS

2018 MAY - 8 P 2:26

NOW, THEREFORE, I, Evelyn Z. Wilson, pursuant to the authority vested in me as Chief Judge of the Third Judicial District of Kansas, do hereby order that the following standards, requirements and procedures shall be established for the Therapy Dog Program, hereinafter referred to as the "Courthouse K9 Program," **effective immediately** and to continue until further order:

1. If the Office of the District Attorney, the Office of the Public Defender, the Department of Children and Families, the Guardian Ad Litem, or privately retained counsel determine that the presence and use of a therapy dog may aid in the testimony of an adult or child victim/witness at hearing, trial or deposition, that agency or individual may submit a request to the Court Administrator's Office until the K-9 Request link is activated on www.ShawneeCourt.org.
2. Prior to the trial, hearing date or other proceeding, a notice will be submitted to the presiding judge requesting approval for the use of an animal therapy team. The Division will contact both parties to determine if there are any objections. The presiding judge will make the final decision in each case.
3. Once approved, Court Administration will contact and schedule an approved K-9 team and notify all parties.
4. 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. The moving party is also responsible for updating the Court Administrator of all new proceeding dates & times that the therapy dog team will participate in.
5. The moving party shall have the adult client complete a liability waiver. In the event that the client is a juvenile or in the care of an adult guardian, said adult shall sign the waiver as their legal representative
6. The therapy dog team is permitted on the premises of and inside the Shawnee 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 child/victim/witness in a Courthouse Facility.

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.

As used in this Administrative Order, a “third party” cannot be 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 and handler in any capacity because the Courthouse K9 Program is a support mechanism for victims/witnesses.

7. If the Presiding Judge grants the therapy dog use request, the judge may enter any orders deemed appropriate for proper procedures, conduct and use of the dog in their courtroom.

8. 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 Kansas 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 Kansas.
- 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 Shawnee County Courthouse Facility and naming Shawnee County as an insured party.
- f. Provide a copy of the insurance liability insurance rider page to the Shawnee County Solicitor’s 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.

I. 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 in the Court Administrator's Office.

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 Third Judicial District.

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 in the Court Administrator's Office.

p. Ensure that all handlers have received, acknowledged and endorsed an Acknowledgement of Terms and Conditions Sheet available in the Court Administrator's Office.

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.

9. All approved therapy dog providers and their contact information shall be listed on the Third Judicial District's website at www.Shawneecourt.org. Any individual or organization seeking approval to be added as an approved provider must submit the following information to Court Administration:

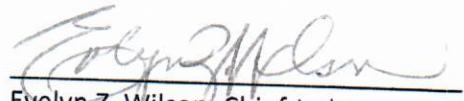
a. A written request for approval;

b. Information including years established, present services provided, number of dogs available, present certification as set forth in Paragraph 8(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 8(e) of this Order.

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

DONE AND ORDERED at Topeka, Kansas, this 8 day of May, 2018.



Evelyn Z. Wilson, Chief Judge

Copies provided to:

District Court Judges
Board of County Commissioners
Mike Kagay, Shawnee Co. District Attorney
Herman Jones, Shawnee County Sheriff
Jim Crowl, Shawnee County Solicitor
Bill Kroll, SNCO Facilities Director
Dusty Nichols, SNCO Emergency Management Director