

## Stanislaus County Superior Court

### 1.13 Comfort and Services Animals

A. The Americans with Disabilities Act (hereafter “ADA”) and the Unruh Act prohibit the exclusion of service animals from public accommodations, including courthouses. It is the Court’s policy to comply with all applicable federal and State law concerning service animals and to ensure that Court staff and security personnel are advised of the Court’s obligations concerning “service animals.”

1. A “service animal” is any dog 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.
2. Miniature horses that have been individually trained to do work or perform tasks for people with disabilities may also be considered “service animals”.
3. Emotional support, therapy, comfort, or companion animals (“comfort animals”) are not considered “service animals”.
4. No person may bring a “comfort animal” into a court building without first obtaining permission to do so as set forth in this rule.

B. A party may request the presence of a comfort animal to support a witness at a trial or other court proceeding by filing a written motion.

1. The motion shall be supported by a declaration(s) setting forth:
  - a) Facts sufficient to establish the presence of a comfort animal would assist or enable the witness to testify without undue harassment or embarrassment and provide complete and truthful testimony;
  - b) A description of the comfort animal, i.e., species, breed, size, etc.;
  - c) A description of the training the comfort animal received, including information regarding the ability of the comfort animal to remain quiet and in one position during extended court proceedings.
2. When ruling on a motion to allow the presence of a comfort animal, the Court will exercise its discretionary authority to control the mode and manner in which evidence is presented (Evid. Code § 765) and consider, among other

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things, the potential for prejudice to the opposing party(ies), if the motion were granted.

3. The court may issue an order granting a motion to allow the presence of a comfort animal on any conditions it deems appropriate.
- C. If the motion to allow the presence of a comfort animal is granted, the moving party shall:
1. Designate a qualified handler for the comfort animal. The handler shall maintain control of the comfort animal at all times it is in a court building or on court property and shall immediately clean up after the comfort animal.
  2. Provide the handler with a court-endorsed "Filed" copy of the order granting the motion. The handler shall present the order to Court Security Personnel upon entering a court building and at other times upon request.
  3. Reimburse the court for any damages caused by the comfort animal to court property.
  4. Indemnify, defend and hold harmless the court, its judicial officers and its employees from any claims for damages arising from the use or presence of a comfort animal in a court building or on court property.
  5. Name the "Superior Court of California, County of Stanislaus" as an additional insured on any policy of comprehensive general liability insurance issued to the moving party. However, this provision only applies if such insurance is available to the moving party.
- D. Nothing in this rule shall be construed to limit the access of any person in violation of the Americans with Disabilities Act or the Unruh Civil Rights Act (Civil Code § 51 et seq.).
- E. The court may revoke an order granting a motion to allow the presence of a comfort animal. Grounds for revocation include, but are not limited to, the comfort animal and/or handler disrupting court proceedings, or undue prejudice to the opposing party(ies), if the comfort animal were allowed to remain in the court building.

(Rule 1.13 [7/1/19] amended January 1, 2024)

### 1.14 Mandatory Electronic Filing