Animal Assistance Part II

Pets in the Courtroom: The New “Comfort Item”

by Rena Marie Justice

The first part of this article detailed the benefits of animal assistance, such as therapy pet programs, at local child advocacy centers. Part II will explore the use of therapy pets, particularly dogs, in the roles of “support person” or “comfort item” with traumatized child witnesses in a court of law. The benefits of animal assistance, responses to possible objections, and actual approaches to introducing dogs in the courtroom will be examined.

Benefits in the Courtroom

When a child witness is accompanied to court by a dog that he or she has previously bonded with from the local Child Advocacy Center (CAC), the effects are immediate and profound. Prosecutors and judges note that these effects are even stronger when than when a child holds a doll or sits with a support person. The trust, acceptance, and comfort of a friendly dog change the physiology of the nervous child. For example, as discussed in Part I of this article, human heart rate decreases and blood pressure falls in the presence of companion animals. The child may simply feel safer to recall past events, even with an audience of strange adults, and testimony is improved.

Response to Objections

The most common defense objection to the inclusion of a therapy dog in court would be based on undue prejudice before a jury. There are ways to avoid the prejudicial presentation of dogs in courtrooms thus far. Like a teddy bear or a silent support person, a certified therapy dog remains quiet and well-trained. Any allergic reactions should be examined.

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For example, one judge, who had Vachss accompany a child during a preliminary hearing, commented that the dog “opened them up and helped the child testify in a very clear, forthright manner.” In another case, Vachss was allowed to be seated at the foot of the child victim, outside the immediate view of the jury. Here the judge ruled that the dog had no prejudicial effect on the defendant’s rights and that the dog could assist the child in giving testimony. The judge decided this after hearing from the prosecutor that the child had bonded with Vachss through the dog’s presence at her therapy sessions and visits to the local child advocacy center. Currently, Johnson County Child Advocacy Center in Cleburne, Texas, has a whole team of volunteer handlers and certified therapy dogs. In 2004, all local juvenile and district court judges were invited to a special breakfast thanking them for their service. It was at this breakfast that the concept of using the therapy dogs in court was introduced. The judges unanimously agreed it would be a good thing. Later it was decided that if a dog was to accompany a child to court, the dog would be introduced in voir dire, to better avoid defense issues.

To date, the dogs have been to the courthouse many times, waiting with child witnesses. However, most cases have resulted in last minute plea agreements, and the dogs were not needed to enter the courtrooms. Recently, after a guilty plea in a child rape case, a yellow lab named Justin accompanied the 13-year-old victim into the courtroom while she read her victim impact statement at sentencing. The judge was amazed at the effect of the dog on the child and stated that he saw no difference between the therapy dog and allowing other service animals in court, such as seeing-eye dogs. The assistant district attorney on this case commented that, “As prosecutors, we are always looking for any help we can get that will allow us to aid children in summoning all of the courage they have inside them to seek justice. . .” in this case the dog “gave her the confidence she needed before she ever stepped into the courtroom.”

Four Legged Advocates is a Florida non-profit organization that provides therapy dogs for victims and their families during the many phases of the court process. Referrals are taken from law enforcement, prosecutors, and even at the request of victims themselves. Last summer, a Four Legged Advocates therapy dog named Duke was present in a Polk County, Florida, courthouse while a 10-year-old girl attempted to testify and began crying uncontrollably. While the victim advocate and the prosecutor tried to console the girl, the three-year-old collied the adults out of the way to get to the crying child. The traumatized girl reached out and gave Duke a hug. She was able to complete her testimony and the defendant was convicted. The victim advocate, who also founded Four Legged Advocates, stated that the dogs “always go exactly to who needs them.”

Other jurisdictions such as the Queens, New York, District Attorney’s Office and Bexar County Court in Texas have incorporated the help of therapy dogs with child victims. Approaches vary in the way animal assistance is used, but can include having a therapy dog openly accompany a child in court, having a dog sit with a child during closed circuit testimony, or even having a dog enter early and stay seated at the feet of the child behind the witness stand, outside the immediate view of the jury. However and whenever a jurisdiction chooses to include a therapy dog, the benefits will outweigh any concerns. The human-animal bond is strong and evidence of its power is being seen in therapists’ offices, advocacy centers, and hospitals across our country. Perhaps now it is time for the courtrooms.

1 Rena Marie Justice is a Staff Attorney with the National District Attorneys Association’s National Center for Prosecution of Child Abuse in Alexandria, VA. Rena would like to thank all the child advocacy centers mentioned and Allie Phillips, director of Government Affairs for the American Humane Association, for their support and assistance with this research.

2 This quote can be found at http://www.dogpoos.com/.

3 States such as Utah, Rhode Island, New York, and Washington all have additional victims’ rights for children. A comparison of certain statutes such as speedy trial provisions and closed circuit testimony statutes can be found on our Web site at http://www.ndaa-apri.org/aprj/programs/aepca/statutes.html.

18 Tatum Transcript, State of Mississippi vs. Jimmy Tatum, No. 3610 (Cir. Ct. Rankin County Feb. 27, 1992). The portion of this transcript addressed in this article, without page numbers, is available at http://www.vachs.com/dogs/vachss_dog.html [hereinafter Vachs Article].

19 Telephone interview with Judge William Bosworth, Johnson County Texas General District Court (April, 2007).

20 Transcript of Record, State of Mississippi vs. Jimmy Tatum, No. 3610 (Cir. Ct. Rankin County Feb. 27, 1992). The portion of this transcript addressed in this article, without page numbers, is available at http://www.vachs.com/dogs/vachss_transcript.html [hereinafter Tatum Transcript].


24 For more information on FLA Four Legged Advocates, please visit http://www.fla-fla.org/.

25 For more information on the human-animal bond, including training opportunities, please visit the American Humane Association’s Web site at www.americanhumane.org.