

Service Dogs in Church - (Best Practices)

*The LCMS does not have a stated policy regarding the use of service dogs at worship. Each congregation may want to address this need and resolve it to the best of their ability to ensure that all of God's people can be fully included into the Body of Christ. This paper includes selected passages from God's Word and some pertinent information from the Americans with Disabilities Act (ADA) that congregations may find helpful in the development of their policy regarding service dogs. A **service animal** means 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. Emotional support animals, comfort animals, and therapy dogs are not service animals under Title II and Title III of the ADA (Americans with Disabilities Act). (**Appendix B** attached at the end of this paper has more information.)*

Section 1: God's Word and Task Force Commentary

The *Parable of the Great Banquet* tells the Church to go outside the church walls and bring people who are marginalized into the Body of Christ. Being part of the Body of Christ includes utilizing each person's gifts and talents and welcoming them to Christ's table. Participation in Holy Communion, at the communion rail, is a part of full inclusion. Participation in Holy Communion at the communion rail, after proper instruction, is a part of bringing people with disabilities into the Church, including people who use a service dog.

Luke 14: 15-23 NIV

When one of those at the table with him heard this, he said to Jesus, "Blessed is the one who will eat at the feast in the kingdom of God." Jesus replied, "A certain man was preparing a great banquet and invited many guests. At the time of the banquet he sent his servant to tell those who had been invited, 'Come, for everything is now ready.' "But they all alike began to make excuses. The first said, 'I have just bought a field, and I must go and see it. Please excuse me.' "Another said, 'I have just bought five yoke of oxen, and I'm on my way to try them out. Please excuse me.' "Still another said, 'I just got married, so I can't come.' "The servant came back and reported this to his master. Then the owner of the house became angry and ordered his servant, 'Go out quickly into the streets and alleys of the town and bring in the poor, the crippled, the blind and the lame.' "'Sir,' the servant said, 'what you ordered has been done, but there is still room.' "Then the master told his servant, 'Go out to the roads and country lanes and compel them to come in, so that my house will be full. I tell you, not one of those who were invited will get a taste of my banquet.'"

People with disabilities were made by God in His image. For people who need and use service dogs, the congregation may consider accommodations to the extent that makes

it possible for them to participate in worship, the sacraments, and other congregational programs.

Leviticus 19:14 NIV

"Do not curse the deaf or put a stumbling block in front of the blind, but fear your God. I am the LORD.

All people of all abilities are created by God, and He loves us. God's work is wonderful; He does not make mistakes. This includes people who use service dogs.

Psalms 139:13-16 NIV

"For you created my inmost being; you knit me together in my mother's womb. I praise you because I am fearfully and wonderfully made; your works are wonderful, I know that full well."

Christ came to earth for all, died for all and rose for all; He is our Savior. He welcomes us all into His family as the body of Christ. Let us not put up barriers that hinder Christians from word and sacrament ministry of the congregation.

Section 2: Americans with Disabilities Act – Service Dogs

Although churches are technically exempt from following the Americans with Disabilities Act (ADA), it is recommended that churches not use this as an excuse to reject supporting people with disabilities.

The following is a link to the ADA site regarding service dogs:

https://www.ada.gov/service_animals_2010.htm (See Appendix B)

Included in this document:

"Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

Also included in this document:

"Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a

person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.”

Under the ADA, allergies do not qualify for denying a person with a service animal access to any areas of a facility that are open to the public. Each church's leadership team needs to determine the policy for their church.

If allergies are an issue in your church, consider setting aside one area for those with allergies and another separate area for those with service animals, making both areas equally desirable. Involve both parties who are affected by the decision to participate in the decision making.

Also included in this document, only two questions may be asked of an employee:

“When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person’s disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.”

Using the dog as the focus of the questions, and not the disability, the church may consider using the same respectful inquiries or questions used by communities and organizations outside of the church.

Section 3: Conflict Resolution, Reconciliation and Helpful Resources

The Disability Ministry Task Force (DMTF) encourages congregations to use Conflict Resolution and Reconciliation to deal with any conflict over the use of service dogs in the church. Circuit Visitors and District Reconcilers are good resources for conflict resolution. Conflict may arise over the issue of service dogs in the sanctuary during worship. Remember that with any conflict, this is an opportunity to glorify God and learn how to serve one another.

If Bible verses are needed to support this process, we suggest: 2 Timothy 2:24-25, Matthew 5:23-24, Matthew 18:15-20 and 2 Corinthians 5:19-21.

An article/web site with good resources:

<https://www.churchlawandtax.com/blog/2016/july/churches-and-americans-with-disabilities-act.html> (See Appendix A) Included on this site is the following paragraph:

“One out of every five Americans has a disability, and most disabilities—most people with disabilities—you can’t see their disability,” Mizrahi explains. “It is a massive loss for churches if they don’t have people with disabilities in their congregation.”

Disability awareness, resources and training can be provided by the DMTF or a Ministry Consultant from Bethesda Lutheran Communities. Bethesda has a ministry team with local consultants who provide free consulting for congregations who wish to support people with disabilities. www.BethesdaLC.org

Best Practices Regarding Service Dogs at the Communion Rail

People go to Holy Communion to receive the body and blood of Jesus Christ for the forgiveness of their sins, for the strengthening of their faith, while rejoicing in the unity God has given us with one another. Welcoming a believer with a service dog at the communion rail would send the message that they are fully included in the celebration of the Lord's Supper.

Recommendation to CNH District from the DMTF

Based on biblical references and the guidance of the Americans with Disabilities Act, it is the recommendation of the CNH District Disability Ministry Task Force that people with certified service dogs and their service dog be invited and welcomed into the church sanctuary and to the communion rail as they receive Holy Communion.

APPENDIX A

Churches and the Americans with Disabilities Act

Author: Elizabeth Jackson

Selected Excerpts

<https://www.churchlawandtax.com/blog/2016/july/churches-and-americans-with-disabilities-act.html>

How compliance helps churches welcome all people—including individuals with disabilities.



The biblical principle of loving your neighbor is threaded into the life of churches. Often, however, churches are failing to love well those in their midst when they inadequately provide accommodation for and inclusion of individuals with disabilities.

The Americans with Disabilities Act (ADA) provides guidelines for what is necessary for organizations to provide accommodation to individuals with disabilities. While churches must comply with portions of the ADA, *churches are exempt* from the ADA as it relates to public accommodation.

“It’s Title III, Section 36.102 (e) that provides that the provisions of this title shall not apply to religious organizations,” Attorney John Anthony explains. “The statute basically has a blanket exemption for public accommodation for religious organizations or entities controlled by religious organizations.”

While churches are exempt from complying with the public accommodation provision of the ADA, many individuals close to the disabled community encourage compliance anyway.

There are practical reasons for churches complying with the ADA, too. By doing so, churches have the opportunity to provide an inclusive environment for a large group of people.

“One out of every five Americans has a disability, and most disabilities—most people with disabilities—you can’t see their disability,” explains Jennifer Laszlo Mizrahi, President and CEO of Respect Ability, a nonprofit dedicated to improving the lives of people living with disabilities.” It is a massive loss for churches if they don’t have people with disabilities in their congregation.”

It’s not just these one-in-five Americans who are affected when churches do not comply with ADA guidelines. Churches may also want to consider that failing to provide accommodation to individuals with disabilities also affects the families of those individuals.

According to Mizrahi, more than half (52%) of Americans have a loved one with a disability.

For families with a loved one with a disability, a church’s lack of inclusion of individuals with disabilities could be a deterrent, Mizrahi says.

“Nobody wants to be a part of a congregation that doesn’t welcome one of their family members,” Mizrahi states. “It definitely hurts church attendance quite significantly if they don’t make an effort on inclusion of people with disabilities.”

Churches can look to the ADA to understand how they would need to provide adequate accommodations for individuals with disabilities if they wanted to comply with the ADA standards despite doing so being optional for churches.

“The core thing about people with disabilities is the concept of equality, inclusion, and respect, so the law is really about access that is more physical in many ways,” Mizrahi says.

One step that churches can take is to address with the individual their needs relating to their disability and ask how the church can provide a more inclusive environment for that individual, Mizrahi offers.

For some churches, compliance with the ADA will happen if the church allows an outside entity to utilize the church’s facility. “If the property is used or rented by a nonreligious organization,” Anthony explains, then that organization will “have to meet the ADA requirements.”

If, for example, a charter school were to use the church facility and make changes to it in order for the school to become ADA compliant, the church’s compliance status would be affected.

“It is a way for the church to become ADA compliant,” Anthony explains.

Even though they are not required to comply with the ADA’s regulations relating to public accommodation, churches may want to consider voluntarily complying when they have the opportunity. One-way churches can do that is by keeping the ADA guidelines in mind when making changes to their facility.

Anthony offers the following advice for churches that want to comply:

If you’re building something or remodeling, it’s really important to be in communication with your contractor, letting them know that you want to be ADA compliant and letting them help you figure out what are the local regulations and state regulations that they need to comply with to make it that way.

The concern that providing accommodation to individuals with disabilities will pose a large financial cost to the church should not deter churches from providing accommodation. As Mizrahi points out, providing accommodation does not always pose a large financial expense.

For churches, voluntary compliance with the ADA should not be seen as a burden but viewed as an opportunity to reach out to individuals with disabilities and enrich their experiences within their faith communities.

Churches can learn more about the ADA and (non-mandated) compliance by visiting the government website ADA.gov. RespectAbility has a webpage dedicated to helping faith communities be inclusive of people with disabilities.

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This content is designed to provide accurate and authoritative information in regard to the subject matter covered. It is published with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional service. If legal advice or other expert assistance is required, the services of a competent professional person should be sought. "From a Declaration of Principles jointly adopted by a Committee of the American Bar Association and a Committee of Publishers and Associations."

Due to the nature of the U.S. legal system, laws and regulations constantly change. The editors encourage readers to carefully search the site for all content related to the topic of interest and consult qualified local counsel to verify the status of specific statutes, laws, regulations, and precedential court holdings.

APPENDIX B

U.S. Department of Justice
Civil Rights Division
Disability Rights Section



Service Animals

The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II (state and local government services) and title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards).

Overview

This publication provides guidance on the term “service animal” and the service animal provisions in the Department’s new regulations.

- Beginning on March 15, 2011, only dogs are recognized as service animals under titles II and III of the ADA.
- A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability.
- Generally, title II and title III entities must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.

How “Service Animal” Is Defined

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with

mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

This definition does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act or the broader definition of "service animal" under the Air Carrier Access Act.

Some State and local laws also define service animal more broadly than the ADA does. Information about such laws can be obtained from the State attorney general's office.

Where Service Animals Are Allowed

Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go. For example, in a hospital it would be inappropriate to exclude a service animal from areas such as patient rooms, clinics, cafeterias, or examination rooms. However, it may be appropriate to exclude a service animal from operating rooms or burn units where the animal's presence may compromise a sterile environment.

Service Animals Must Be Under Control

Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Inquiries, Exclusions, Charges, and Other Specific Rules Related to Service Animals

- When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.
- Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they

both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

- A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
- Establishments that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals on the premises.
- People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons or charged fees that are not charged to other patrons without animals. In addition, if a business requires a deposit or fee to be paid by patrons with pets, it must waive the charge for service animals.
- If a business such as a hotel normally charges guests for damage that they cause, a customer with a disability may also be charged for damage caused by himself or his service animal.
- Staff are not required to provide care or food for a service animal.

Miniature Horses

In addition to the provisions about service dogs, the Department's revised ADA regulations have a new, separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. (Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.) Entities covered by the ADA must modify their policies to permit miniature horses where reasonable. The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility. The assessment factors are (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner's control; (3) whether the facility can accommodate the miniature horse's type, size, and weight; and (4) whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

For more information about the ADA, please visit our website or call our toll-free number.

ADA Website

www.ADA.gov