



Court Orders Impacting Child Forensic Interviews Subcommittee

May 5, 2020, 2:00 P.M. – 3:00 P.M

Conference Call

Conference Call: 888-585-9008

Participant Code/Conference Room: 280-385-653

Meeting Minutes

Attendance:

Members Present:	Staff Present:
Judge Daniel Dawson - Chair	S. Nicole Jordan
Alan Abramowitz – Co-Chair	Marceller Hines
Candice Brower	
Kelly A. Swartz	
Lorena M. Vollrath-Bueno	
Terrence Watts	
Members Absent:	Guest(s) Present:
	Connie Jantzen – Presenter
	Jay Howell, Esq.
	Angie Griffin
	Theresa E. Simak
	Maureen Honan
	Stephanie Cox
	Jackie Sandefer-Gonsen

Welcome and Introductions

- Chair, Judge Daniel Dawson called the Court Orders Impacting Child Forensic Interviews Subcommittee (CFIAC) conference call meeting to order at approximately 2:00 p.m.
- CFIAC Subcommittee Members, DOH staff and guests introduced themselves
- Chair, Judge Daniel Dawson welcomed everyone to the meeting and stated there would be two main focuses
 - Use of dogs in court and impact of interviewing children presented by Connie Jenson
 - Court orders on child interviewing
- Chair, Judge Daniel Dawson welcomed anyone interested in being part of the subcommittee to join

Presentation – Connie Jantzen, National Crisis Response Canines

- Chair, Judge Daniel Dawson turned the meeting over to Connie, who disclosed that she was not an attorney and could not interpret the law but that she did have experience as a certified crisis responder, Instructor, and CEO
- Presenter, Connie Jantzen, detailed that the structure of working dogs is scalable. There are 4 fundamentals components including: practice, safe, effective, and ethical:
 - Attachments were referenced while discussing what dogs are allowed in the courthouse and what are the federal laws surrounding working dogs. She also discussed how to tell if it's a service dog and what is the liability if dog is not allowed in.
 - A little back story was provided into the laws that surround working dogs including what the ADA (1990) decided and that only working dogs acknowledged under ADA. It has been determined that miniature horses are allowed under a limited purpose.
 - A detailed definition of a service animal, specifically a dog, that is individually trained to do work or tasks for someone with disabilities. She also stated that businesses are required to allow service dogs.
 - Federal laws that do not permit dogs, specifically federal law 504 does in regards for working dogs. It applies to federal agencies and does not apply to a state courthouse. When the general public applies other federal laws, such as the Air Carrier Act (1984) and the Fair Housing Act that touches on assistant animals. Neither, the Air Carrier and the Fair Housing Act apply to courthouses.
 - An explanation of the Florida Statutes that apply to working dogs including 92.55 which covers child forensic interviews. Connie referred to the information included in the PowerPoint. She stated that the law was passed in 2017 which permits for victims or witnesses to testify with the presence of a therapy animal or facility dog. The 2017 statute allows for Llamas, Alpacas, horses, pigs, rabbits, guinea pigs, rats, pigeons, ducks, macaws, owls, cats and dogs. (The law allows for an animal).
- Presenter, Connie Jantzen explained that back in 2014, the use of registered service or therapy animals as a disability advocates was missed. This was an outlier. Service animal were removed from the statute in 2017. There is no requirement to provide a service dog or animal to a witness. Service animal language in the statute has really was inconsistent with ADA.
- Co-Chair, Alan Abramowitz, reported that it was still in the FL statute and there was a conscious decision to remove service animal because it should not be in the law which gave judge's discretion when federal law dictates all issues regarding ADA. When developing the law, the house wanted a definition in the law, and everyone agreed to that.
- Presenter, Connie Jantzen, stated that they focus more on the work rather than the label that it is attached
- Chair, Judge Daniel Dawson, stated that the statute is very confusing in that it is hard to determine if it was intended to be limited to victims of physical or sexual abuse, or is it applied to all victims, including sexual and physical abuse victims, 16 years and under

- Co-Chair, Alan Abramowitz, stated that the ultimate goal of the statute was intended to be for everyone and that it was intended to differentiate between a facilities dog from a therapy animal. The focus of this statute was to expand its use in dependency cases and mental disabilities. The materials detail that a working dog can be considered a pet therapy dog, facility dog, PTSD dog, hope dog, and that ultimately there is no standardized name for a working dog. Most of the time it is organic, and it is difficult to find definitions in the law for them.
- Presenter, Connie Jantzen, stated it is best to put aside the labels and focus on the working environment including the dog and the work. Essentially, the job description is a working canine and of the 8 different job descriptions, the description that closely applies to the child forensic interview canine is a facility dog
- Presenter, Connie Jantzen, further states that she often receives the question what breed of dog they should get? She stated that she often never thinks of a specific breed. She often thinks of an individual including what is their temperament, the training, and their cognition and memory abilities that qualify or disqualify them from a service position. She often focuses on the canine's awareness and does an assessment of the canine's temperament as tasks become specified. This will help determine if it is a great investment. She also needs to consider what kind of exposure to life the dog has had that would form acceptance and engagement. How does the dog handle the training and whether or not it masters the skills and tasks? It is critical to remember that training cannot change a dog's temperament! This is a mistake that is continuously made. Anyone can teach their dog to do things but there are aspects of the work that expose us to liability if the dog does not have a good temperament. It is also important to remember the dog's cognitive ability, how they remember things, how they learn new tasks and how they adapt. This is where they will place an individual canine when assessing and considering them.
- What makes the best child forensic interview canine? It is also important to remember that the working canine teams is a partnership and that the handler should be trained as well. The handler should be trained in suicide intervention and prevention. Usually, interviews and testimony dogs are not present in court when the jury is present. Because of the uncertainty of the law and appeals, we avoid it unless there is a clearer direction. We haven't seen much clarity in other jurisdictions.
- The best practice for the use of a working canine is to ensure that the canine and its handler are properly trained to deal in different circumstances. As well as being able to deal with 99 percent of child's needs. Dogs are needed as a calming factor for a victim or witness, not in cases where the child is out of control. Dogs or trainers should be trained for situations where the child is out of control but the canine is really only there as a comfort. This makes forensic interview canines different from a crisis response canine.
- Subcommittee Members and CFIAC Members, discussed:
 - What needs to be the goals for the forensic interview canine and mentions that we should shoot for as a goal including guidelines for at least two to five years down the road. It was also discussed that while in the meantime, there should be something that can be done that will mold the process and provide consistency for the program specifically focusing on the fact that judges haven't been trained in this matter
 - While forensic interview canines are not used in visitation, therapy or as a therapy dog, there is an opportunity to use some language and develop the language of what a forensic interview canine does. Specifically, focusing on the fact that the term will identify what kind of funding is received
 - Question asked:
 - What the main focus was and whether it was the allowance of a dog in the courthouse, in a forensic interview or both.
 - Presenter, Connie Jantzen, responded and stated it was for the canine to support a victim and to be there during the process before you get to court. That support disappears if the dog cannot go into the courthouse. The forensic Interview canine needs to be present during the whole process. The court has more control of what is going on in the courthouse. The courthouse is able to control and limit the types of animals that are present at an interview, which is different from the child protection team

- At the moment the only real boundaries that are present are that good dogs who behave well are allowed by the judge to be in the courthouse. There are five circuits with administrative orders with working dog programs.
- The court orders also vary regarding how many interviews can be conducted with a child. Some stated that there can only be three interviews of a child of a certain age or with disabilities. It is not determined where some of those orders came from or what the thought process is behind them. Between now and the next meeting, the subcommittee members should look at the 19 orders regarding interviewing and figure out the similarities and differences. (20 not 19.) Then the members will be sending out letters to the chief justices who drafted the orders and inquires as to whether they would be willing to speak to the subcommittee about why there are differences in the orders. The subcommittee members will need to keep in mind that some of the chief judges are not open to conversations right now because they are more concerned with day-to-day issues
- Subcommittee Member, Kelly Swartz stated that she didn't know if the orders were sent out to the committee members and indicated that in Brevard County there is a "one bite at the apple" court order which only allows for one forensic interview with a child. It was clarified that the strictest orders are in Brevard and Seminole County. The order specifies that investigations gets one interview; state agency gets one interview, specifically pre-filing and one additional for re-trial, after trial, they get one final interview; the victim advocate gets one interview, if they have a court order; and any additional interviews allowed with the approval of a court order. There are some restrictions that allow additional interviews without court order if different individuals agreed but there are no other exceptions. Most of the other circuits just have just a limited number of interviews that can be conducted with a child. Some of the things the subcommittee will need to look at when evaluating the different circuit court orders include the consistency between orders, any specific problems, any consistent problems or exceptions. What is most interesting is that the child is not required to say whether they are willing to have an additional interview
- The call dropped and the meeting was not able to adjourn
- Chair, Judge Daniel Dawson and Staff Member, Marceller Hines tried to reconvene the meeting, but the connection was lost

Future Presentations and Action Items for Next Meeting:

- Meeting minutes and next steps, as well as court orders shared by Co-Chair, Alan Abramowitz will be shared prior to next meeting. DOH staff will request a doodle poll for the June 2020 meeting.