

Research highlights the legal issues of certifying emotional support animals

July 12 2016



Cassie Boness and her research team recommend that psychologists refrain from issuing certifications to avoid the ethical and legal risks associated with certifying ESAs. Credit: University of Missouri-Columbia

A service animal can help owners with disabilities navigate daily tasks.

Service animals are recognized by the Americans with Disabilities Act (ADA) as those with months or years of training that serve a specific disability-related function, such as seeing-eye dogs. However, people not necessarily exhibiting a mental or physical disability are eluding the system by asking their mental health professionals to certify "emotional support animals" (ESAs). These animals are not recognized by the ADA, have little to no specific training and often can be certified through the internet. Now, researchers at the University of Missouri are exploring the effects these requests are having on the mental health profession as well as outlining the potential legal ramifications psychologists could face by certifying ESAs. Researchers recommend that psychologists refrain from issuing certifications to avoid the ethical and legal risks associated with certifying ESAs.

"Although [emotional support](#) animals can be pets, they are not considered pets under the law," said Cassie Boness, a graduate student in clinical psychology in MU College of Arts and Science. "Often, special accommodations must be afforded to individuals who need ESAs, to assist them psychologically. For example, housing that prohibits pets must allow ESAs and landlords have to waive any fees or pet deposits. Airlines are required to allow emotional support animals to accompany their handlers in the main cabin of an aircraft. As a result, it can be implied that some patients who claim they need ESAs are doing so to avoid higher rent and fees."

Boness, working with Jeffrey Younggren, a forensic psychologist and clinical professor at MU, and their team reviewed several studies as well as delineated the legal differences between ESAs and service animals. They suggest that [mental health](#) professionals who certify ESAs could potentially face legal ramifications. The lack of scientific guidelines regarding ESAs would make it difficult for psychologists to defend their actions in court, Younggren said.

"The psychotherapist is stating that the person needing the emotional support animal has a disability and that the presence of the animal addresses it," Boness said. "However, if a pet owner asks a psychologist to certify a dog as an ESA allowing the pet in the owner's apartment—and then that pet bites a child—the psychologist might have to go to court to defend her decision if the landlord challenges it. Legally, they'd be implicated."

For now, Boness and Younggren recommend that therapeutic psychologists—those who treat patients—should refrain from issuing certifications to their patients for emotional support animals. Instead, they should refer those services to a [forensic psychologist](#), who serve more of an administrative function such as being an expert witness in court.

The team now is working on their next research study that will survey mental [health professionals](#) to help guide the development of guidelines for [mental health professionals](#) who want to certify ESAs.

The study, "Examining Emotional Support Animals and Role Conflicts in Professional Psychology" recently was published in the journal *Professional Psychology: Research and Practice* by the American Psychological Association. Jennifer Boisvert, a private practitioner in Beverly Hills, California, contributed to the study.

More information: Jeffrey N. Younggren et al. Examining Emotional Support Animals and Role Conflicts in Professional Psychology., *Professional Psychology: Research and Practice* (2016). [DOI: 10.1037/pro0000083](#)

Provided by University of Missouri-Columbia

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