

“Can You Write Me a Letter for an Assistance Animal?” Why Therapists Should Proceed with Caution

Julie A. Jacobs, Psy.D., J.D.

Mental health providers are often asked by their clients to write letters in support of emotional support or assistance animals as a reasonable accommodation in housing. While this may appear to be a straightforward request, there are several reasons that a provider should exercise caution when responding to such a request from a therapy client.

As an initial matter, providers should be aware of the potential for a dual relationship to occur if this request is granted. In a typical scenario, a client will ask their individual therapist to write a letter in support of an assistance animal. While you may indeed support the idea of an assistance animal, you should proceed with a great deal of caution. This type of letter is really a request for an evaluation of whether the client has a disability and whether the need for the animal is related to the disability. This is an evaluative, not a therapeutic, role, and individual therapy providers must be cautious not to inadvertently cross from one role into the other.

A recently enacted Colorado statute provides specific guidance about the duties of mental health licensees related to assistance animals. The statute, CRS §12-43-226.5, imposes a duty on any mental health licensee who is approached by a client who is seeking an assistance animal as a reasonable accommodation in housing. The provider has a duty to make a written finding regarding the request, which may indicate one of two things:

- That the client has a disability (and, if a disability is found, a separate written finding regarding whether the need for the animal is related to the disability); or
- That there is not sufficient information available to determine whether the client has a disability or the disability-related need for the animal.

Further, licensees are prohibited from making a determination about a client/patient’s disability or related need for an animal unless they meet certain requirements. The licensee must have met with the patient in person and must be “sufficiently familiar” with the patient and the disability. Note that this is a subjective standard that will be based on the specific circumstances of the situation. In addition, the licensee must be “legally and professionally qualified” to make the determination, meaning that the licensee must have specific training and education in evaluating clients for disabilities and evaluating the need for an assistance animal related to the disability.

Because of this statute, it is no longer adequate to simply refuse a client’s request for a letter in support of an assistance animal. Instead, if such a request is made by a therapy client and you do not believe it is appropriate for you to make such a determination, you still have a duty to provide a written document to the client. The document should indicate that because your role is that of a treating therapist, not an evaluator, you do not have sufficient information available to make the requested determination. You should also explain to your client your reasons for not making the recommendation. First, that you are their therapist, not evaluator, and you are prohibited from acting in both roles in order to preserve the therapy relationship. Second, unless

you have specific competence in the area of disability evaluations and the need for assistance animals, such a determination is beyond your scope of practice.

It is important to be aware of the potential risks of writing a letter in support of an assistance animal and to understand your duties as a mental health licensee if such a request is made. While we always want to advocate for our clients to get the support they need, in this case such support should take the form of a referral to a disability evaluator who can provide the type of service that is really needed in order to fulfill a request for such a letter.