



Access to Justice Checklist for Parents with Known or Suspected Disabilities

Provided by the Sooner SUCCESS program

<https://soonersuccess.ouhsc.edu/>

1. Has disability been established through a formal diagnosis process?

- a. Screening questions that can help establish disability:
 - i. Have you ever received SSI or SSDI?
 - ii. Did you receive extra assistance in school?
 - iii. Do you have difficulty reading or doing math?
 - iv. Do you have trouble remembering things?
 - v. Have you ever seen a therapist or taken medication for depression or anxiety?
 - vi. Do you have problems walking or lifting heavy things?

2. If no formal diagnosis exists but a disability is suspected, has an evaluation been scheduled with the relevant professional?

3. Has parental capacity been assessed within the following parameters?

- a. In the natural home environment,
- b. Taking into account both formal and informal supports the parent already has in place or could put into place,
- c. And by (or with the assistance of) individuals who possess experience, training, and expertise related to the parent's specific disability and adaptive equipment, techniques, and services being utilized.

Parental supports: Assistive technology or personal supports that enhance family functioning in families headed by a parent or guardian with a disability.

Technology Examples: adaptive cribs or child care equipment, cooking/feeding equipment, or a smart phone or personal digital assistant that presents step-by-step guidelines for parenting activities.

Personal Support Examples: day care services, respite care, a co-parent or parent mentor, in-home parenting training, money management assistance, homework tutoring, housekeeping, safety planning, or even long-term family foster care.

Supports help parents with disabilities fill the gaps between their own parenting competencies and environmental demands related to parenting

4. Has the court and the Department of Human Services provided appropriate accommodations under Title II of the Americans with Disability Act?

- a. ***Individualized treatment.*** Individuals with disabilities must be treated on a case-by-case basis consistent with facts and objective evidence and not on the basis of generalizations or stereotypes.
- b. ***Full and equal opportunity.*** Individuals with disabilities must be provided opportunities to benefit from or participate in child welfare programs, services, and activities that are equal to those extended to individuals without disabilities. This principle can require the provision of aids, benefits, and services different from those provided to other parents and prospective parents where necessary to ensure an equal opportunity to obtain the same result or gain the same benefit, such as family reunification.

5. Has the attorney or court requested a Communication Support Specialists (CSS) for the parent?

- a. CSSs have training and experience in communicating with persons with cognitive disabilities, learning disabilities, developmental disabilities, intellectual disabilities, traumatic brain injuries, autism spectrum disorders, and some mental illnesses.
- b. A CSS does not provide legal advice or act as an advocate.**
- c. **A CSS will help the individual understand what is said to them; communicate what they want to say;** and help the individual manage emotions/behaviors that interfere with effective communication.
- d. Examples of accommodations are: requesting that questions and terminology be simplified, checking in with the person with the disability about their level of understanding, obtaining breaks when necessary, and using alternative means of communication such as charts, diagrams and colored calendars when necessary to allow the individual to understand and communicate.
- e. An individual, family member, case worker, attorney, or judge may request a Communication Support Specialists. This is an ADA accommodation and the requesting agency will be responsible for the cost of the service. Eligibility determination takes approximately 7-10 days. The individual must access the service voluntarily and qualify as an individual with a disability under the Americans with Disability Act. **To initiate a request, contact the project coordinator at sooner-successpwd@ouhsc.edu**

General Considerations

Court officials should consider the following tips when interacting with people with disabilities:

- Don't make assumptions about the person or the disability.
- Always speak directly to the person with a disability.
- Speak in your normal tone and do not raise your voice unless requested.
- If the person doesn't understand you, try again.
- Do not assume that a person with a disability needs help. Offer assistance with sensitivity. If your offer to assist is accepted, ask for instructions before you act. Do not let it bother you if someone refuses your offer of assistance.
- Familiarize yourself with the court's accessibility features. When people with disabilities ask for accommodations, they are asking for what they believe necessary to fully and equally participate in your courtroom.
- Respond courteously to all accommodation requests.
- Not all disabilities are visible. Some people may be reluctant to disclose a disability or ask for an accommodation. If someone looks as though he or she may not understand you, ask in a respectful way if there is another method for communicating that will work better for him or her.

Reasonable Accommodations that may be requested:



Use of Service Animals

- Individuals cannot be required to provide certification, identification cards, licenses, special equipment such as vests, or proof of professional training.
- A service animal should have a harness, leash, or other tether (unless the handler's disability or the nature of the task performed by the animal would prevent using one, in which case the animal must be under the handler's control through voice control or other means).
- You may ask an individual only whether an animal is required because of a disability, and what work or tasks the animal is trained to perform.
- If an animal has been trained to provide assistance to a person with a disability, that person should be able to access all services and facilities while accompanied by the service animal.
- Animals that provide emotional support, comfort, or companionship are not classified as service animals but can be helpful to people in high-pressure court situations, and courts are free to allow them.



By Individuals with Cognitive Disabilities

- If someone is struggling to understand you, try "This is very complicated. May I explain this in a different way that may make it easier to understand?"
- A communication support specialist may be helpful to act as a "cognitive interpreter".

- Physically guide an individual with a cognitive disability to move to a different part of the courthouse rather than giving them verbal directions may work better.
- Move out of noisy, distracting areas to quieter or more private locations if possible.
- When a description is necessary, the terms "intellectual disability," "cognitive disability," "learning disability," or "developmental disability" can be used.

The **accommodations** necessary for individuals with cognitive disabilities will depend on the needs of the individual and the situation. Such accommodations may include:

- speaking slowly
 - taking breaks
 - repeating information
 - using pictures and visual tools rather than written statements,
 - providing another individual or allowing a trusted individual to assist,
- Make sure that a person with a cognitive disability understands a question and is correctly answering the question. Some individuals may answer yes when the person really didn't understand the question. To ensure comprehension, ask the person to tell you in his or her own words what you said to him.



By Individuals who are deaf or have hearing impairments

- If you do not know the individual's preferred communication method, ask.
- Before speaking to a person who is deaf or hard of hearing, get the person's attention by lightly touch the person's arm or shoulder.
- Make direct eye contact and speak clearly in a normal tone of voice. While speaking, try to keep your face and mouth visible. Good lighting is important to facilitate clear communication. Shouting does not help communication.
- If you are asked to repeat yourself several times, try rephrasing your sentence.
- Writing information down may facilitate communication.

Examples of **auxiliary aids and services** include:

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|---|---------------------------|
| • Assistive listening devices and systems | Amplification |
| • Qualified oral interpreters | Note-takers |
| • Exchange of handwritten notes | Transcription |
| • Qualified sign language interpreters | Open or closed captioning |
| • Telecommunications relay services | |
| • Communication Access Real-time Translation (CART) | |



By Individuals with physical disabilities

- Use of wheelchairs and other manual mobility aids, including walkers, crutches, canes, or braces, must be permitted in any areas open to pedestrians.
- Provide directions to an accessible restroom
- Avoid touching or leaning on a person's wheelchair, scooter or walking aid without permission.
- Be aware of an individual's reach limits. When providing materials to the public, whenever possible, place as many items as possible within the grasp of a wheelchair user. If a service counter is too high for a wheelchair user to see over, step around it to provide service. Also, have a clipboard available if filling in forms or providing signatures is expected.

- Sit down and/or position yourself at the same eye contact level when speaking with a wheelchair user for more than a few moments.
- Do not assume a person in a wheelchair wants to be pushed – ask first. If a person with a mobility impairment is having trouble with a door or other obstacle, offer assistance.
- Provide a chair for someone who has difficulty standing for an extended time.
- People with mobility impairments that may not be obvious may have medical needs that impact their ability to get around the courthouse. For example, a person with a heart condition may have trouble walking quickly or long distances and may need chairs or benches for sitting and resting.



By individuals with visual impairments

- Someone to escort them from the courthouse door to the correct courtroom for their proceeding may be helpful. Ask, "Would you like me to guide you?" Do not attempt to lead the individual without first asking. If your offer is accepted, let the person take your arm just above the elbow and allow the person to hold your arm and control her or his own movements. Be descriptive when giving directions; orally give the person information that is visually obvious to individuals who can see. For example, if you are approaching steps, mention how many steps.
- Identify yourself and address the individual by name so the person will know you are speaking to him or her. Speak in a normal tone of voice.
- If the individual has a guide dog, walk on the side opposite the dog. Never touch or distract a service dog without first asking the owner.
- A person's cane is part of the individual's personal space, so avoid touching it. If the person puts the cane down, don't move it. Let the person know if it is in the way.
- Offer to read written information.

Examples of **auxiliary aids** for people with vision impairments include:

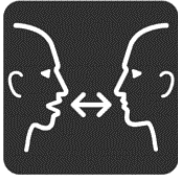
- | | |
|---|------------------------|
| • Electronic documents in alternate formats | Large print text |
| • Braille materials | Qualified readers |
| • Taped texts | Screen reader software |
| • Magnification | Optical readers |
| • Audio description of videos | Accessible websites |
| • Audio output mechanisms (audio description, audio recordings, etc.) | |
| • Other accessible electronic and information technology | |



By individuals with mental health conditions

- Most people with mental illnesses are capable of fulfilling their role and a court must not exclude them on the basis of generalizations, assumptions, or stereotypes.
- In rare cases, a person with a mental health disability may pose a "direct threat" to the health or safety of others in the court. The ADA requires courts to make a knowing, individualized determination – not based on myth, fear or stereotype – of whether an individual poses a threat, and to consider any possible available modifications to reduce or eliminate the threat.
- Provide clear information to the individual in a tone that is calm and respectful.

- If an individual becomes confused or agitated, try to break down the information being provided and, if possible, offer simple step-by-step directions. Do not assume a person who is upset or agitated will become violent. Try to direct him or her to a quiet location away from any confusion.
- Let the individual know you are listening to him or her and care about what is said.
- A communication support specialist may be helpful to identify specific calming strategies.



By individuals with speech impairments

Examples of **auxiliary aids and services** for people with speech disabilities may include:

- Provision of pens, pencils, and note paper to write notes
- Keyboard devices such as a UbiDuo® or a computer available to type back and forth
- Flashcards Alphabet boards
- Communication boards Other communication aids
- Give the person your full attention. Don't interrupt or finish the person's sentences. Listen patiently and carefully. Provide a quiet environment to make communication easier.
- Do not assume that a person with a speech impairment doesn't understand you.
- If you have trouble understanding the individual, ask the person to repeat the statement. If, after trying, you still cannot understand, ask the person if writing it down would be easier or suggest another way of communication. Don't pretend to understand the person.
- If you're not sure, repeat your understanding of the message in order to clarify or confirm what the person said.



By individuals with learning disabilities

- There are a range of learning disabilities that may impact a person's ability to read, calculate, concentrate, write, and remember. Learning disabilities are different than intellectual and developmental disabilities, although an individual could have more than one such disability. Accommodations for learning disabilities will depend on the type of learning disability.
- Accommodations for dyslexia and dysgraphia may include allowing an individual to use a tablet, laptop, or other assistive communication device. Accommodations may also include allowing the person to have someone read documents to them or assist with mathematical equations
- **Accommodations** for individuals with ADHD may include minimizing distractions, organizing materials using color coding or graphs, breaking long or complicated information into chunks, and providing directions or instructions in multiple formats, such as orally, in writing, and using pictures or graphs.

**Special appreciation
to our funding partners:
Oklahoma Advisory Task Force on
Child Abuse and Neglect**

