



Violence in the lives of the Deaf: Unique Challenges

Webinar Questions and Answers

Listed below and organized by theme are the questions submitted by webinar participants to the presenters, Gretchen Waech and Heidi Notario-Smull, on both days of the training held on December 17 and 18, 2009. The presenters' answers appear below each question.

Deaf culture

1. Is there a universal sign language that is used by the D/deaf?

There is no universal sign language. There was, at one time, a push to develop one (Gestuno), but much like the spoken "universal" language (Esperanto, which also never gained traction) it is an artificial language rather than a natural one. Each country has its own sign system; some may have more than one, or may have "dialects" that vary. Even within the US, from one area to another, there are regional variations in specific signs within American Sign Language. However, what is interesting is that Deaf people around the world are able to find ways to communicate, even though their actual signing systems will be different. This has been attributed to the highly visual nature of signed languages, as well as the ability of Deaf people to make themselves understood via gesture.

Culturally-specific services

1. Are there programs available for batterers or perpetrators of violence that are accessible to the D/deaf or hard of hearing (HoH)?

Yes, one of the first set up in this country specifically for Deaf batterers is at the St. John's Health Center in Santa Monica, CA (<http://www.stjohns.org/body.cfm?id=187>). Amanda Somdal founded this program; she is a much better resource for this question than I. She can be reached at deaflicsw@socal.rr.com

Funding

1. Does DOJ provide funding for interpreters when issuing grants and do any insurance providers provide funding for interpretation?

If your agency or organization receives federal funding of any sort, the agency/organization is required to provide equal access. Therefore, when applying for the Department of Justice funding, it is always appropriate to include a line item for the costs of interpreting services; this is typically viewed favorably. As a matter of fact, it is always appropriate to include a line item for interpreters

in ANY budget you submit in any grant application; making the case for equal access (which is your responsibility both ethically and under federal law) will typically be seen as a positive addition to any grant application.

Also, as far as insurance companies, this question was raised before. Insurance companies in general are not where you would go to for funding for interpreters. Each service provider is legally responsible for provision of interpreting services while a d/Deaf person is accessing their services; for example, if you have a survivor that is going to the doctor, then the doctor is required to provide an interpreter. If that survivor goes to court, the court is responsible to provide interpreting services, and so on. However, there have been instances in which insurance companies have paid for interpreters as a matter of best business practices. See additional comments below from Marc Dubin.

2. What about insurance companies paying for counseling services? If they were paying for the counseling services, would they also pay for the interpreter?

If a D/deaf person is going to counseling, the counselor is required to provide an interpreter. The counselor may negotiate with the insurance company to bill the insurance company for interpreting services; dealing with this is ***not the Deaf person's responsibility***. Medicaid (or Title 19), for example, may allow a counselor to bill Medicaid for the interpreting services. However, this is something you must look into in your own area, as regulations can and do vary.

**Additional points related to funding and obligations under the ADA
(contributed by Marc Dubin, Esq):**

Having to be federally funded to be held responsible for the payment of interpreters is only correct with respect to the Rehabilitation Act. Then, the remedy is that the federal funding agency can cut off the federal funding or suspend it. The Americans with Disabilities Act (ADA) does not require the receipt of federal financial assistance to be covered. You are held responsible if you provide federal, state or local service. The second point is that some insurance companies, as a matter of business, have chosen to pay for sign language interpreter services. There was a situation where a doctor absolutely refused to provide a sign language interpreter for a deaf patient. The doctor was in violation of title 3 of the ADA. But we contacted the health insurance provider of the patient and they, as a matter of course, have sign language interpreters paid for by his insurance company and they had the insurance company hire an interpreter who met him at the doctor's office.

The other thing, when a court orders somebody into counseling, such as alcoholics anonymous, narcotics anonymous, or batterers treatment program, the program is legally responsible under the ADA to provide the sign language interpreter not the court. When the person is in court, under title 2 of the ADA, the

court pays for the sign language interpreter. But being ordered into a program, the program as part of the obligation under the ADA is required to pay for the sign language interpreter services.

3. Do you know of any agency, program, or organization where you can apply for grants to help pay for interpreter services?

In terms of specific grants for interpreter services, there may be resources in your state or in your area that address that specific need; there is not one comprehensive answer. Many states have a state-government-level office devoted to Deaf and/or Hard of Hearing needs; this is a good place to start in looking for resources for your area. I do want to make the point that not having money in the budget to pay for interpreters does not take away the legal responsibility of the agency/organization (as a service provider) to provide this accommodation when necessary.

Best practices

1. Is there any other accommodation that you think programs would need to provide when working with a D/deaf survivor?

It depends on the population that you are working with. If you are providing one-on-one advocacy with a D/deaf survivor, you will want to at least educate your staff on responding to relay calls (there is relay information at the end of the PPT presentation). Being aware of and capable of responding appropriately to relay calls is the best initial concrete step you can take. Some organizations have chosen to install video phones in their offices; however, this is not really an effective accommodation unless someone on the staff is fluent in ASL. Aside from that, I strongly recommend that service providers learn as much about Deaf culture as possible; attitudinal barriers are by far the most common, and they are most easily changed through education. I am more than willing to either travel to provide training or help organizations find local resources for such training.

2. Can you talk about accessible mental health services for deaf people?

What I have seen in working with survivors is that they have a very tough time finding therapists who are willing to work with them with an interpreter or who are fluent in ASL. When you add the necessity of culturally affirmative understanding, it's damn near impossible for your average survivor in most areas to find mental health services that fit their needs. It's important to understand that, in order for counseling to be effective with an interpreter, you must have not only the right therapist but the right interpreter, both in terms of matching the Deaf person's signing style and in terms of comprehension of therapeutic issues. It's not a simple thing and the process shouldn't be trivialized.

3. If we are contracting with an interpreter for an event, how do we address the concerns of lining that up and making sure that we have the right person?

The best way to do it is to, if you have D/deaf participants that you know of, talk to them and see if they have suggestions. If you don't know if you have D/deaf participants but you are just providing interpreters as an overall accessible event, then you would want to make sure that you have an interpreter that is appropriate for the subject matter. So you definitely need some outside information. If you are contracting with an interpreter to provide direct services to a survivor, that is a much stickier issue and that is something you need to be proactive about. You need to find an interpreter or interpreting agency that you can form a partnership with before you need an interpreter. Work on this partnership/relationship so that you have those options readily available for the survivors coming in.

4. Asking children to interpret for a deaf survivor if there is not interpreter available. Is that ever appropriate?

No. Having children interpret is never appropriate.

5. When you live in a small community how much of a problem is it to get an interpreter that is not known to the survivor or the family or friends of the abuser? Is getting someone outside of the circle as critical as I would think it is and how do you overcome this obstacle?

It is very critical and depending on the community it can be very hard. Your best bet is to talk to the survivor. Ask the survivor who she or he is most comfortable with in terms of an interpreter. . If you can't talk to the survivor, you just do the best you can. This is where proactive solutions come in; if you can work with local Deaf service organizations, or get some recommendations from someone within the community that you already have a working relationship with, then you won't be caught off guard. Just make sure the survivor feels comfortable. She/he won't keep coming back if she/he isn't.