

## Providing Access: People with Cognitive and Other Mental Disabilities

**Generally:** Many conditions affect learning and decision-making. These may (or may not) include cognitive limitations. People with these disabilities are often stigmatized, and therefore are sometimes suspicious or shy. At other times, a cognitive or mental disability may be unrecognized and mistaken for inappropriate behavior.

The major barriers to access are complexity of the system and communication.

**Recognizing a disability:** Clues may be subtle. Don't make assumptions, but be alert to signs of confusion or misunderstanding, and offer to help. Respect a "no" answer.

**Communication:** Communicate directly if possible, even if there are support persons present, and use a neutral tone and respectful language at all times. Speak in simple, concrete language, avoid jargon, and ask open-ended questions to make sure you have been understood. "Yes" or "no" answers may not be reliable, especially "yes, I understand." Take your time, and be patient.

**Documents and forms:** Assistance with forms can be extremely important to someone of limited literacy or understanding. Staff should always be ready to supply information ("this form is for...") but must avoid giving advice. A list of referrals for legal assistance should be kept handy wherever documents will be filled out.

**Be tolerant of frustration:** Most people are mystified by courthouses. For people with cognitive disabilities, the mystery is magnified. It is important not to overreact to unusual responses or conduct. Ask calmly, then help if you can.

## General Guidelines

1. Courtesy and patience are the most important things. People with disabilities are people, just like everyone else.
2. Listen. Don't make assumptions — appearances can be deceiving.
3. Terminology is important: certain vocabulary can be demeaning, so some words are never used (e.g., "crippled," "retarded," "deaf and dumb").
4. Simplify the complicated court system by using plain language. Slow down and try again if someone seems confused.
5. Offer assistance, but respect a "no" answer.
6. Know where the nearest accessible restrooms are located.
7. Service animals may accompany persons with disabilities into the courthouse. A service animal may serve as a guide, pull a wheelchair, fetch or carry things, alert its owner to signs of an imminent seizure, or alleviate anxiety. Service animals are not pets and should be treated as working animals. They are not required to be certified or identified in any way. You may ask whether the animal is a service animal, and usually should accept the answer. The owner is responsible for the animal's behavior. If the animal poses a direct threat to health or safety, it may be excluded.
8. Multiple challenges compound. People with disabilities may also face other barriers, such as age, or race, or social class, or ethnicity. These people are the most likely to face discrimination, and sometimes may be the most difficult to help. It's up to us to make sure their challenges do not increase in the courthouse.
9. Know where to get help if you need it. Resources and referral information are listed in the Appendix in the larger Guide.



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■ a desktop reference ■

## Ensuring Equal Access for People with Disabilities

### *A Guide for Washington Courts*



**S**tate and federal laws require that people with disabilities receive equal access to our courts. This means we must be sure our buildings and programs are accessible, which sometimes requires that we change things. This Desktop Reference for court staff is intended to provide quick answers to common questions and situations. Your court has a copy of the larger *Ensuring Equal Access for People with Disabilities: A Guide for Washington Courts* which provides more detail.

- **What is a disability?** A physical or mental "impairment" that affects or limits major life activities.
- **What are courts required to do?** Ensure that courts and court programs are readily accessible to and usable by people with disabilities, by reasonable adjustments and accommodations.
- **Who must have access?** Parties, lawyers, witnesses, jurors, and observers.
- **Who pays for this?** The courts must bear the costs.
- **How do we comply with these laws?**
  - By creating a procedure for people to request assistance and accommodations.
  - By removing barriers to access, and by providing "auxiliary aids and services."
  - By designating an employee to coordinate these efforts.
- **Who will make this happen?** Court staff!

Write your court's central referral number here:

## Providing Access: People with Hearing or Communication Disabilities

**Generally:** Hearing loss varies greatly, and access for those with hearing disabilities therefore requires a variety of solutions. Some people will be able to use assistive devices (see below), while others will require interpreters. The first question is, what accommodation does the person prefer? If possible, we must try to provide that accommodation.

**Assistive listening systems:** These vary from transmitters to real-time transcription. Learn what systems and devices are available in your court, how they are used, and how to provide them.

### Communication aids:

- **TTY (teletypewriter):** This is a telephone used to communicate by typing messages rather than speaking, using regular telephone lines or the Internet. As a best practice, courts should have TTYS and staff should be trained to use them.
- **Relay service:** Relay operators can facilitate communication where one party does not have a TTY. Dial 711 for a relay operator.
- **Videophones:** This new technology is fast and accurate. Videophones operate either point-to-point with another videophone, or by relay to a sign-language interpreter.
- **Writing:** Written communication is appropriate only for short, simple information.

**Direct communication tips:** Interact directly, keep your face in view so facial cues can help the person understand you, and check to be sure you are understood — people may be reluctant to interrupt or indicate confusion. Note: Very few people can actually lipread, but facial cues are important.

**Voice volume:** People who are hard of hearing may speak at high volume without realizing it. Do not mistake loudness for anger or hostility. Respond clearly at normal volume and tone.

**Sign language:** Court staff need to learn the ins and outs of working with sign-language interpreters. Please read this section of the larger Guide, as space does not permit giving the details here.

## Providing Access: People with Vision Disabilities

**Generally:** Vision limitations vary greatly, as do accommodations. Two challenges are often present: navigation and communication. People with vision disabilities need to move around safely, find their destinations, and obtain information in a format they can use.

### Navigation — How to help:

- Remove barriers such as boxes or stray furniture.
- Offer help, especially in crowded areas — but offer first. Not everyone wants help.
- Assistance may include walking beside someone, offering an arm (ask first), or verbal guidance.
- Identify yourself, and anyone else whose voice will be heard. Don't leave a person who is blind alone without letting him or her know.
- Respect personal boundaries, including those of guide dogs.
- Noise may affect a person's ability to interpret auditory cues.

**Communication:** Help with written material will often be needed. Possible approaches include personal readers, audio tapes, Braille, large print or other alterations to document format, or screen-reading software. Court staff may be able to help simply by reading a document aloud, or by completing forms for people with limited vision. (Staff should not advise people as to content, but may describe the form and its purpose, and may transcribe the responses onto the document.)

## Providing Access: People with Mobility Limitations

**Generally:** Many of our courthouses are not accessible for people with mobility limitations. We must make our programs and services available anyway. Alert court staff can often find creative ways to do this.

### Things to remember:

- **Time.** Providing access for people with disabilities takes time. This is especially true for people with mobility limitations, who may move slowly.
- **Directions.** People need well-marked routes, and staff must know where things are — especially the accessible restrooms.
- **Wheelchairs.** Do not touch a wheelchair without permission, but do offer help if it seems appropriate. Wheelchair pushers should proceed carefully — it takes a lot of room to turn, and remember, your passenger's feet are way out in front of you.
- **Doors, crowds, parcels.** People with mobility limitations vary in flexibility and strength. Heavy courthouse doors (or any doors) can be barriers. Loose papers can be a challenge to carry. Crowds can be frightening. Be watchful, offer help.
- **Emergencies.** Remember that people with mobility limitations will need assistance in emergencies.

## RESOURCES

- Remember that the relay TTY operator is reached at 711.
- Refer people to a central referral number if your court has one.
- General referrals: Washington Protection and Advocacy System, 206-324-1521; TTY — 206-957-0728; [www.wpas-rights.org](http://www.wpas-rights.org).
- ARC of Washington State (developmental disabilities): 360-357-5596; 888-754-.8798; [www.arcwa.org](http://www.arcwa.org).
- University of Washington Center for Technology and Disability Studies website: <http://justice-at.uwctds.washington.edu>.
- For more help, refer to the larger Guide or the website: [www.wsba.org/atj](http://www.wsba.org/atj).