

MODEL PROTOCOL

SCREENING PRACTICES
FOR DOMESTIC VIOLENCE VICTIMS
WITH DISABILITIES

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WASHINGTON STATE COALITION
WSCADV
AGAINST DOMESTIC VIOLENCE

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Model Protocol on Screening Practices for Domestic Violence Victims with Disabilities

Introduction

The goal of this protocol is to support domestic violence agencies in examining, revising and expanding their screening and intake process to include questions about accommodation needs. Domestic violence programs are encouraged to establish protocols about when and how *all* survivors receiving services are asked about what they need to successfully use our services. Expanding screening questions to include descriptive information about how your program provides services, and then asking what a person needs, demonstrates that your agency is aware of the complex issues facing survivors with disabilities and wants to provide the best access to services. These screening practices can help you gather information that can be used in your planning process to improve the overall access of your program.¹

One in five women is limited in a major life activity by a disability, according to the US Census.² Current research suggests that the incidence rate of domestic violence against women with disabilities is about the same as any other group of women, yet victims with disabilities are more likely to stay longer in an abusive situation, and have fewer options for safety due to systemic barriers and physical barriers in the community.³

A survivor's disability may not be easily noticed or easily discussed. A survivor may never describe themselves as having a disability. A survivor may not be comfortable in disclosing information about a disability, and frequently has experienced negative reactions to past disclosures.

¹ To review additional information about enhancing program and agency accessibility, see *Increasing Agency Accessibility For People With Disabilities, Domestic Violence Agency Self-Assessment Guide*, Cathy Hoog for the Washington State Coalition Against Domestic Violence, Seattle, WA, January 2003, www.wscadv.org.

² *Americans with Disabilities: 1997*, by Jack McNeil, U.S. Census Bureau, Current Population Reports P70-73, Washington, D.C., March 2001 (revised August 2002).

³ "Violence Against Women with Disabilities," a white paper for the conference *Preventing and Intervening with Violence Against Children and Adults with Disabilities*, May 2002. Prepared by Margaret A Nosek, PH.D, Rosemary B Hughes, Ph.D, Heather B Taylor, Ph.D, and Carol Howland.

Using these screening practices helps your program understand what a survivor needs in order to access your services—regardless of their disability. Each staff person or volunteer should be familiar with the accommodations the program offers, the limitations, and the plan to address barriers to service. One program in Washington State, Alternatives to Violence of the Palouse, created a two page form that concisely outlines all the available accommodations of the advocacy office and shelter. This form is frequently updated and easily available to all staff and volunteers – no one person is responsible for knowing about the agency’s accommodations. Advocates go over this form with potential program participants at screening and later, when needed, to help both the agency and individual seeking services explore options for providing the best accommodations possible (See Appendix A).

Can we ask about disability?

The short answer is that we cannot ask if a person has a disability when they are seeking services from our programs. Washington Law Against Discrimination (WLAD) RCW 49.60, is broader in scope than many of the disability-related federal laws, and it applies to all domestic violence programs and shelters. Additionally, any program operated by a domestic violence or sexual assault agency is subject to Title III of the Americans with Disabilities Act, federal law. Your program is required to modify your policies and practices so that a person with a disability can access your services. Any policy or practice that discourages a person with a disability from using your services violates this law.

We are encouraging programs to think about how and when you ask demographic or identifying questions that are part of our funder’s forms. And, we need to explain to everyone why we are asking these questions and how the information is used. As every advocate knows, at every opportunity for contact with people who are seeking our services, we are trying to build trust, offer information about our services and listen to their stories.

Recommended Policy

[Name of agency] shall develop and implement screening practices that are informed by the agency's accessibility for survivors and their children who have a disability.

[Name of agency] shall uniformly apply these screening practices to all survivors seeking services.

[Name of agency] shall ensure that data collection during intake is completed after services have been granted.

[Name of agency] shall maintain a clear procedure that encourages survivors with disabilities to request accommodations to your agency's services.

Recommended Procedures

The process for developing your agency's screening protocol should respect survivors with disabilities as the experts in what they need to function and include the following steps:

Initial Contact and Crisis Intervention

- Advocates should be aware of the unique issues facing survivors with disabilities and develop screening questions that recognize the ways a survivor's disability may have affected her abuse experience and her daily life activities.
- Advocates should screen all survivors for these dynamics when determining domestic violence risk and need for services.
- Advocates should offer information to the survivor that describes their program's accessibility when discussing program services and be trained in providing alternate accommodations. (See Appendix A)
- When no reasonable accommodations exist for a survivor with a disability within the agency, advocates should actively support the survivor in seeking services that are appropriate.
- Agency procedures that address eligibility for services should broaden the definition of "abuser" to include personal caregivers or other support personnel.
- Agency procedures should allow for the provision of services even to those individuals who do not disclose a disability.

Intake

- Agency's should review current intake materials and develop alternate format versions that are used during the intake process. Such as having intake forms available in large print, on computer disk and on audiotape. Additionally, maintain a list of interpreters (for example, American Sign Language and Deaf-Blind) willing to come to your facility when needed.
- Agency's should review staffing structure and build in extra time for explaining the program services and expectations in the

language or way the person is most comfortable with. People may try to show you or tell you in different ways what accommodations they need.

- Once the survivor has been accepted into your program, clearly explain why the agency asks for demographic and identifying information, and how this information is used.
- Agency should inform all program participants that their answers or lack of answers to demographic and identifying questions will not effect their eligibility for services.

Ongoing Provision of Domestic Violence Services

- Develop procedures to review possible accommodation needs whenever the survivor starts receiving new services within the agency.
- Document accommodation requests and share information among appropriate staff (e.g., between shift changes) and volunteers to ensure that the requested accommodation is provided for the entire period that the survivor is using your services.
- Advocates should be thoughtful when providing general referral information to victims and always consider the accessibility of the referral agency. For example, if a survivor who uses a wheelchair needs resource information on food banks, an advocate should call the food bank to determine which locations are accessible before giving the referral information to the victim.
- Provide periodic staff training on how to implement the screening protocol.
- Annually monitor implementation of the screening protocol.

Sample Screening Questions

These questions strengthen advocates' ability to identify some of the unique ways an individual with a disability experiences abuse. These tactics include: manipulation of medication, medical needs, or therapeutic services ; financial exploitation; destruction of or withholding of assistive devices; neglect or refusal to help with personal care such as toileting; emotional abuse that is specifically focused on a survivor's disability. These questions will also help advocates figure out possible accommodations the survivor prefers and needs to use the program services.

- Is there anything I need to know to be able to provide the best services possible?
- Now that I have described our program, (include path of travel to agency, physical layout of building, various services) do you have any concerns or hesitations about using our program's services?
- Does anyone control your communication with others or change what you are trying to say?
- Has anyone taken or broken something that you need to be independent? For example, your cane, walker, wheelchair, respirator or TTY?
- Does anyone have legal control over your money or your decisions? What happens if you disagree with them about their decisions?
- Does anyone prevent you from using resources and support you need to be independent? (For example, resources such as vocational services, personal care attendants, disability agency support person, specialized support personnel for Deaf-Blind, readers or interpreters?)

Appendix A

Service Accessibility Options

*Created by Alternatives to Violence of the Palouse,
revised 2008, (509) 332-0552 (v) or ad@atvp.org*

Please find following a list of options that may be of use to you as you access our services. If you have a need that is not listed here, please let us know and we will do our best to accommodate you.

Office

Service Animals Allowed

Service animals are allowed to accompany any client to appointments

Booklets on Audio Tape

Booklets in Large Print Font

Guided Tours of Office

Staff is available to provide guided tours of our offices

Booklets Available in Braille

TTY

Real-time Captioning on Televisions

Interpreters

Interpreters will be provided upon request

Relay System for the Deaf and/or Hearing Impaired

Hearing Aid Compatible Phones

All phones in the offices are hearing aid compatible

Written communication

Includes brochures and pamphlets available in many different languages

All information can be provided to client in written format

Sign Language

Sign language interpreters are available upon request

Wheelchair Accessibility

Both offices have wheelchair ramps and accessible parking and restrooms

Personalized Safety Planning

Safety planning designed to increase safety of all clients

Access to Computer and Internet

Pullman office is equipped with a computer workstation that is wheelchair accessible. The computer also has large print font options. An advocate can assist in orienting clients to this service.

No Accommodations Necessary

Service Accessibility Options

Please find following a list of options that may be of use to you as you access our services. If you have a need that is not listed here, please let us know and we will do our best to accommodate you.

Shelter

Shelter is NOT wheelchair accessible. If our shelter is unable to accommodate you, other options are available.

An advocate will assist you in locating other options such as hotel stays, other confidential shelters and other options. Client's staying at a hotel will be offered the same services as client's who reside in the shelter itself.

Service Animals Allowed

Service animals are allowed to accompany a client during their shelter stay.

Personal Assistants

Any approved personal assistants are allowed to stay within our shelter to provide support to our shelter clients.

Bath Chair

Interpreters

Available in different languages and sign language

Booklets Available in Braille

Booklets Available on Audio Tape

Booklets Available in Large Print Font

Guided Tour of Shelter

Personalized Safety Planning

Safety planning designed to increase safety of all clients

Hearing Aid Compatibility Phones

Access to Medications

Clients are given personal lockbox, staff does not dispense medication

Access to Computer and Internet

Pullman office is equipped with a computer workstation that is wheelchair accessible. The computer also has large print font options. An advocate can assist in orienting clients to this service.

No Accommodations Necessary

Appendix B

Signing Documents When Physically Unable

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Introduction

Sometimes a person wants to sign a document such as a power of attorney, will or deed, but is physically unable to write her/his name. As long as the person is mentally competent to understand what she/he is signing, the fact that she/he cannot actually sign does not prevent the person from executing the document as long as the following procedures are followed. The laws discussed in this publication are attached at the end of the information for your reference.

Using a Notary Public

The Revised Code of Washington, RCW 42.44.080(2), and RCW 64.08.100 authorizes a notary to sign on behalf of a disabled person who is unable to sign a document under the following conditions:

1. The notary must have satisfactory evidence that the person is physically unable to sign her name and is otherwise mentally competent.
2. The notary's statement should state that the signature was obtained under the provision of RCW 64.08.100.
3. The person appearing before a notary must orally direct (tell) the notary to sign the person's name on her/his behalf.

IMPORTANT: If a physical impairment has affected the quality of penmanship, but the person can still sign with a mark that she considers to be her/his signature, no notary is required. The mark considered to be one's signature is legally sufficient, no matter how inelegant its appearance. It may be a good idea, however, to have a mark notarized or witnessed if it is difficult to read in case an argument arises about whether or not the disabled person really signed.

Signing A Will

There is a specific statute dealing with how to sign a will when an individual is unable to sign. This statute is RCW 11.12.030. Suppose that May Jones is mentally competent but paralyzed by a stroke. May can tell her friend, Sue Smith, to sign May's name on her will. Sue Smith would sign May Jones' name and then her own name and state that she signed May Jones' name at May's request. (The will would look like this: "May Jones, signed by Sue Smith at May Jones' request.")

Or, May could just make a mark, such as an "X," on the signature line, and it would be considered the same as an actual signature. The requirement that the signing of a will be witnessed by two people would still apply when the will is being signed by a mark or at the direction of a person unable to sign.

If the Person Signing is Incompetent

A person is considered competent until a court rules that she or he is not. However, if a person is actually not able to understand what she is signing, or the consequences of signing, the signature may later be declared to be invalid. To avoid this result, the document should be signed, when possible, by the legal guardian or by someone with a valid, durable power of attorney. If there is no guardian or durable power of attorney, it may be necessary to file a court action to declare the person incompetent and appoint a guardian to sign documents for them. It is a good idea for all adults to give someone trustworthy a durable power of attorney to prevent the need for court proceedings. Northwest Justice Project has a do-it-yourself packet with the forms and instructions needed to sign a power of attorney. See our publication *About Powers of Attorney* [available at http://www.nwjustice.org/law_center/index.html]. Like any other document, the person signing a power of attorney must understand what she is signing for the document to be valid.

The Laws

RCW 64.08.100 - Acknowledgments by persons unable to sign name

Any person who is otherwise competent but is physically unable to sign his or her name or make a mark may make an acknowledgment authorized under this chapter by orally directing the notary public or other authorized officer taking the acknowledgment to sign the person's name on his or her behalf. In taking an acknowledgment

under this section, the notary public or other authorized officer shall, in addition to stating his or her name and place of residence state that the signature in the acknowledgment was obtained under the authority of this section.

Enacted by Laws 1987, ch. 76, p2.

RCW 42.44.080 - Standards for notarial acts

A notary public is authorized to perform notarial acts in this state. Notarial acts shall be performed in accordance with the following, as applicable:

1. In taking an acknowledgment, a notary public must determine and certify, either from personal knowledge or from satisfactory evidence, that the person appearing before the notary public and making the acknowledgment is the person whose true signature is on the document.
2. In taking an acknowledgment authorized by RCW 64.08.100 from a person physically unable to sign his or her name or make a mark, a notary public shall, in addition to other requirements for taking an acknowledgment, determine and certify from personal knowledge or satisfactory evidence that the person appearing before the notary public is physically unable to sign his or her name or make a mark and is otherwise competent. The notary public shall include in the acknowledgment a statement that the signature in the acknowledgment was obtained under the authority of RCW 64.08.100.
3. In taking a verification upon oath or affirmation, a notary public must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the notary public and making the verification is the person whose true signature is on the statement verified.
4. In witnessing or attesting a signature, a notary public must determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the notary public and named in the document.
5. In certifying or attesting a copy of a document or other item, a notary public must determine that the proffered copy is a full, true, and accurate transcription or reproduction of that which was copied.

RCW 11.12.030 - Signature of testator at his or her direction - Signature by mark

Every person who shall sign the testator's or testatrix's name to any will by his or her direction shall subscribe his or her own name to such

will and state that he or she subscribed the testator's name at his request: *Provided*, that such signing and statement shall not be required if the testator shall evidence the approval of the signature so made at his or her request by making his or her mark on the will.

Enacted by Law 1965, ch. 145, p 11.12.030, eff. July 1, 1967.

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