POLICY TITLE: Services for the Deaf and Hard of Hearing		PAGE 1 OF 9
	CHILD AND FAMILY SERVICES AGENCY **Approved by: Debra Porchia-Usher** Interim Agency Director **Date: July 14, 2011**	**REVISION HISTORY:**
LATEST REVISION: July 14, 2011	**EFFECTIVE DATE:** July 14, 2011	

I. AUTHORITY	Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act (Section 504) and its implementing regulations at 45 CFR Part 84; Title II of the Americans with Disabilities Act (ADA) and its implementing regulations at 28 C.F.R. Part 35; Chapter 16 of the District of Columbia Personnel Manual (DPM) and applicable collective bargaining agreements; Mayor's Order 2007-127, dated May 31, 2007; and Language Access Act, DC Law 15-167, effective June 19, 2004 (reprinted at DC Official Code § 2-1935 (b)(6), 2-1931(c) *et seq*.).
II. APPLICABILITY	This policy applies to all full and part-time Child and Family Services Agency (CFSA) employees, contractors, public service providers or grantees, and volunteers.
III. RATIONALE	Since the passage of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act of 1990, and the Language Access Act of 2004, all individuals are guaranteed access to public accommodations regardless of race, color, gender, religion, national origin, or physical or mental disability. In the course of serving the community, CFSA recognizes that some family members and individuals, including guests and other customers (hereafter referred to collectively as "clients") may be deaf or hard of hearing. Therefore, they may require auxiliary aids (*see Attachment A: Definitions*) as well as specialized services to access and fully participate in the social services provided by CFSA.
IV. POLICY	The purpose of this policy is to ensure compliance with Section 504 and the ADA and other applicable federal and District laws and their implementing regulations with respect to persons who are deaf or hard of hearing. It shall be the policy of CFSA (sometimes referred to as the Agency) to protect the rights of clients who are deaf or hard of hearing and who may require auxiliary aids and/or services through CFSA. CFSA is committed to providing these aids and services in a timely manner to ensure effective communication and an equal opportunity to participate fully in the benefits, activities, and programs provided by the Agency. This includes effective communication with CFSA's officers, staff, contractors and subcontractors. CFSA shall provide all clients who are deaf or hard of hearing with the full and equal enjoyment of the services, facilities, and benefits provided by CFSA as required by Section 504 and the ADA.

	CFSA shall also take adequate steps to ensure that this policy does not deny or have the effect of denying individuals who are deaf or hard of hearing with equal access to benefits and services for which such persons qualify. In addition, CFSA shall also ensure that the provision of services meets acceptable standards of translation and interpretation.
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VII. PROCEDURES	**Procedure A: Roles and Responsibilities** The CFSA Director, the CFSA-designated Section 504/ADA Coordinator, and all CFSA staff, contractors, and volunteers shall comply with Section 504, the ADA, and their respective implementing regulations. To ensure compliance, individual responsibilities for the above staff members are outlined as follows: 1. The CFSA Director shall ensure that all applicable Agency contracts and grants fully comply with all provisions of Section 504, the ADA, and their respective implementing regulations. 2. The Section 504/ADA Coordinator shall perform the following tasks: a. Be available to answer questions and provide appropriate assistance to CFSA staff and the public regarding immediate access to, and proper use of, appropriate auxiliary aids (*see Attachment A: Definitions*) and services required under Section 504 and the ADA. b. Oversee and ensure the quality of the auxiliary aids and services that CFSA provides. c. Know the location of and how to operate all appropriate auxiliary aids within the Agency and be responsible for their maintenance, repair, replacement, and distribution. d. Receive, investigate, and process grievances related to access or function of auxiliary aids or services. 3. CFSA staff, contractors, and volunteers shall be familiar with and comply with the provisions of this policy when they interact with clients who are deaf or hard of hearing.

	Procedure B: Confidentiality It is the policy of CFSA to ensure that all client records and information be kept confidential and protected from public or unauthorized disclosure. Client information collected, created, and/or maintained by or on behalf of CFSA shall only be released in accordance with the federal and District privacy and confidentiality laws and regulations. This level of confidentiality is required both by law and by good social work practice. 1. In accordance with District and federal confidentiality and disclosure laws, no information (including translated information) or records and their content shall be disclosed by the Section 504/ADA Coordinator or CFSA staff without proper authorization. 2. The Section 504/ADA Coordinator shall provide cooperation, assistance, and data when requested by a CFSA official or designee. 3. Data requests from non-agency officials shall be acknowledged within a reasonable time period and fulfilled in accordance with District and federal law. (*For additional information, see the CFSA Confidentiality Policy.*)
	Procedure C: Provision of Auxiliary Aids and Services CFSA shall be responsible for ensuring that an appropriate number of staff and social workers are adequately trained to assess and provide for a client's need for auxiliary aids and services. In addition, CFSA shall ensure that all authorized auxiliary aids are in good working order and that quality services are available as needed. 1. When situations arise where provision of language or interpretive assistance is necessary for clients who are deaf or hard of hearing, CFSA shall provide auxiliary aids and services to ensure effective communication. Such situations include but are not limited to the following examples: a. General contact or interviews between clients, investigative social workers, ongoing social workers, attorneys, service providers, and potential foster or adoptive parents b. Home-studies c. Team meetings or discussions, particularly those related to the following important issues: i. Legal concerns and court appearances ii. Permanency planning iii. Informed consent forms or other important documents iv. CFSA processes, policies, and procedures related to foster care or adoption

v. Eligibility or program requirements

d. Any other circumstances in which auxiliary aids and services are necessary to ensure effective communication.

Note: the foregoing list of circumstances is not exhaustive; there may yet be other circumstances whereby auxiliary aids and services are necessary for effective communication.

2. When designated CFSA staff members are made aware of a client who is deaf or hard of hearing, the staff member shall make an initial assessment of the client's needs for auxiliary aids and services.

   a. The assessment shall take into account (without limitation) the following and all other relevant facts and circumstances:

      i. Nature of the communication issue

      ii. Client's disability and communication skills and knowledge

      iii. Client's preference or stated need for an auxiliary aid or service

      iv. Duration of the client's current as well as anticipated future social service activities

   b. Whenever possible, CFSA shall consult directly with the client to determine which auxiliary aid or service is most appropriate to ensure effective communication.

      i. While the client's preferences must be considered, the ultimate decision for determining the aids or services shall rest in the hands of CFSA staff.

      ii. In the event that communication is not effective, CFSA staff shall consult with the client (whenever possible) and reassess the appropriateness of the available auxiliary aids or services.

   c. Between the time that the auxiliary aid or service is requested and the time that the aid or service is made available, or during the time that an assessment is taking place, CFSA staff shall continue to try to communicate with the client to the same extent as they would with a hearing person.

   d. After conducting the initial assessment, CFSA shall continue to provide appropriate auxiliary aids and services to clients who are deaf or hard of hearing throughout their stay in care without need for subsequent requests.

   e. The designated staff member shall document in FACES under the client's case file that the communication assessment occurred. A copy of this documentation shall be provided to the client and retained in the client's record.

      - If the client is not the subject of an open case or an ongoing investigation (e.g., a deaf or hard of hearing person calling to report potential child abuse by a third party), CFSA shall enter the information regarding the occurrence of an assessment under the referral number.

3. If the initial assessment indicates a need for a qualified interpreter to ensure effective communication, the designated CFSA staff member shall take each of the following steps in the order in which they are listed to obtain such an interpreter for effective communication in a timely manner:
   a. Request a qualified interpreter from the Office of Disability Rights (ODR), which contracts with a sign language interpreting agency to provide a qualified interpreter within five days of the date of the request.
   b. Request a qualified interpreter from CFSA's contractor or from among qualified interpreters on CFSA staff, if any.
   c. Exert reasonable efforts to contact any qualified interpreting agencies known to CFSA or interpreters who provide services on a freelance basis.
   d. Inform the client that efforts have been taken to secure a qualified interpreter and that the efforts have failed, and follow up on reasonable suggestions for alternate sources of qualified interpreters, such as a qualified interpreter known to that person.

Note: staff may also seek assistance in requesting an interpreter through the Office of the Deputy Director of Agency Programs.

4. If an assessment indicates that VIS (Video Interpreting Services) technology would be a viable option and it is available to CFSA, the Section 504/ADA Coordinator shall ensure that the VIS technology meets the following performance standards:
   a. High quality, clear, delay-free, motion-free video and audio over a dedicated high speed internet connection.
   b. A clear, sufficiently large and sharply delineated picture allows for visibility of each person's head, hands, and fingers, regardless of body position.
   c. Clear and easily understood transmission of voices.
   d. Efficient set-up and operation by trained and competent CFSA staff members and contractors.

5. If after conducting the assessment the designated CFSA staff member decides not to provide the auxiliary aid or service requested by the client who is deaf or hard of hearing, the staff member shall so advise the client or person requesting the auxiliary aid or service and document the following information in FACES:
   a. Date and time of the decision
   b. Name and title of the CFSA staff member who made the decision
   c. Basis for the determination
   d. Proposed alternative

6. Once an initial assessment has occurred, when appointments or interactions are scheduled between CFSA and any client who is deaf or hard of hearing, CFSA shall ensure that an auxiliary aid or service

appropriate to the need is available at the time of or prior to the appointment.

a. CFSA staff shall ensure that use of the auxiliary aid or service is continued throughout the duration of the client's scheduled appointment or interaction.

b. The designated CFSA staff member shall document in FACES that an auxiliary aid or service was provided based on the initial assessment and that effective communication occurred as a result.

- If effective communication did not occur, the staff member shall document in FACES the reasons why as well as the efforts to remedy the situation.

7. For nonscheduled interactions, the designated CFSA staff member shall make reasonable efforts to provide an auxiliary aid or service when requested.

a. The following three types of interactions shall be considered non-scheduled:

i. Calls to the CFSA Hotline

- Hotline staff may utilize the 711 service, which is a toll free number available 24 hours a day, 365 days a year. This national telecommunications relay service (TRS) allows an operator to type whatever is said so that the client can read the message on a text telephone (TTY) display. The client can also type a message for the operator to read aloud to the staff member.

ii. Emergency removals

- Currently, the Metropolitan Police Department (MPD) provides auxiliary aids and services during emergency removal situations to facilitate communication between CFSA, MPD, and the family. If, however, MPD cannot for any reason make such provisions, the designated CFSA staff member shall assess the need and provide the aid or service to ensure effective communication.

iii. Walk-in reports or requests

a) The CFSA staff member handling the walk-in shall assess the client's need for and provide use of an auxiliary aid or service to ensure that the client's immediate communication needs are being addressed.

b) If a hearing companion is present with the client who is deaf or hard of hearing, and if the individual and companion agree, CFSA can secure the written consent of both individuals for the hearing companion to facilitate the communication with CFSA. This option can only be utilized per # 8 following. *Note: CFSA staff shall not require a companion to interpret.*

b. Trained CFSA staff shall perform and document in FACES that a communication assessment has occurred and an aid or service provided as part of the unscheduled interaction with the client who is deaf or hard of hearing.

8. As noted under 7.a.iii(b) above, CFSA shall not require or coerce a hearing companion (including but not limited to a family member, caregiver, advocate, or friend) to interpret or facilitate communications for a client who is deaf or hard of hearing, unless all four of the following factors are present:
   a. The hearing person wishes to provide such assistance.
   b. The client agrees in writing to the use of such person to interpret or facilitate communication.
   c. The client has been made aware of the full range of auxiliary aids available free of charge.
   d. Such facilitation by the hearing person is necessary or appropriate under the circumstances, given appropriate consideration to any privacy issues that may arise.

Note: in the event that a minor (anyone under the age of 18) is needed to interpret between CFSA staff and the client, both parties must first agree that the minor is of appropriate age and maturity level to facilitate the discussion.

Procedure E: Training

1. CFSA shall provide training to all CFSA staff members who interact with clients to ensure effective communication with any client who is deaf or hard of hearing.
   a. Training shall be sufficient in content to promptly identify communication needs and preferences of services, and to secure effective auxiliary aids and services as quickly as possible whenever necessary.
   b. Some or all of this training may be offered through the Office of Disability Rights.
2. The following information shall be included in such training:
   a. Various degrees and types of hearing impairments
   b. Sensitivity to the needs of persons who are deaf or hard of hearing
   c. Myths and misconceptions about persons who are deaf or hard of hearing
   d. Proper use of qualified interpreters and note-takers
   e. Procedures for accessing appropriate auxiliary aids and services

	Procedure F: Notice of Nondiscrimination 1. The Section 504/ADA Coordinator shall post and prominently display an official Notice of Nondiscrimination at all CFSA entry points. The notice shall include the following information: a. Statements that CFSA does not discriminate on the basis of disability and that appropriate auxiliary aids and services shall be provided free of charge to clients who are deaf or hard of hearing. b. The process for filing and resolving grievances about disability discrimination, including complaints regarding the failure to provide appropriate auxiliary aids and services to those who are deaf or hard of hearing. c. The name, telephone number, functions, and office location of the Section 504/ADA Coordinator and/or the CFSA staff member(s) designated to provide assistance regarding access to appropriate auxiliary aids and services. 2. In addition to posting notices at entry points, the above information shall be communicated in the following ways: a. Added to brochures and other written information that CFSA distributes to clients. b. Posted on CFSA's website. c. Prominently-displayed signage translated into frequently encountered languages.
	Procedure G: Filing a Grievance CFSA has adopted an internal procedure that provides for the prompt and equitable resolution of grievances that allege any action prohibited by Section 504 of the Rehabilitation Act, Title II of the ADA, federal regulations implementing these laws, and/or this policy. The applicable federal laws and regulations may be examined by contacting the CFSA's Human Resources Administration. It is against the law for CFSA to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance. 1. Any person who believes that s/he has been subjected to discrimination on the basis of a disability or who believes s/he has been subjected to retaliation under Section 504 or the ADA may submit a grievance to CFSA's Section 504/ADA Coordinator (or his/her designee) as soon as possible but no later than sixty (60) calendar days after the date the person filing the grievance becomes aware of the alleged discriminatory action. 2. CFSA staff shall assist persons interested in filing grievances and forward completed grievances to CFSA's Section 504/ADA Coordinator for investigation or other appropriate action. • The grievance must be in writing and must contain the name and address of the person filing it. The grievance must also state the problem or action alleged to be discriminatory and the remedy or

	relief sought. 3. CFSA's Section 504/ADA Coordinator (or his/her designee) shall perform the following tasks related to a grievance: a. Make arrangements (as applicable) to ensure that individuals with disabilities are provided reasonable modifications and appropriate auxiliary aids and services where necessary if needed to participate in the grievance process. b. Conduct a thorough (even if informal) investigation and provide all interested persons an opportunity to submit evidence relevant to the grievance. c. Maintain all files and records related to such grievances. d. Issue a written decision to the individual on the grievance no later than thirty (30) calendar days after its filing. 4. The person filing the grievance may appeal the decision of CFSA's Section 504/ADA Coordinator by writing to the Agency Director within fifteen (15) calendar days of receipt of the decision. 5. The Agency Director shall issue a written decision on the appeal no later than thirty (30) calendar days after its filing. 6. Filing a grievance with CFSA's Section 504/ADA Coordinator (or his/her designee) does not prevent the client from filing a complaint with the Office for Civil Rights, US Department of Health and Human Services, at the following address: Regional Manager, Office for Civil Rights US Department of Health and Human Services 150 S. Independence Mall West Suite 372, Public Ledger Building Philadelphia, PA 19106-9111 Main Line (215) 861-4441 Hotline (800) 368-1019 FAX (215) 861-4431 TDD (215) 861-4440

ATTACHMENT A

DEFINITIONS

1. **Appropriate Auxiliary Aids and Services** include a wide variety of equipment, materials, and services that may be used to provide effective communication for people who are deaf or hard of hearing.

   Auxiliary aids and services may include, but are not limited to: qualified oral/sign language interpreters, written notes, qualified note takers, real-time transcription services, video text displays, amplified and hearing aid-compatible telephones, assistive listening systems, open or closed captioning and caption decoders, and text telephones or Telecommunication Devices for the Deaf (TDDs).

2. **Client** is broadly construed to include any individual who is seeking or receiving services from CFSA.

3. **Companion** means a person who is one of the following: (a) a person whom the Client indicates should communicate, or circumstances otherwise indicate should communicate, with CFSA Staff about the Client, the Client's needs or history, or child welfare services for the Client; (b) a person who is authorized to help the Client act on the information, advice, or instructions provided by CFSA Staff; or (c) such other person with whom CFSA Staff would ordinarily and regularly communicate regarding the provision of CFSA services.

4. **CFSA Staff** means all employees and independent contractors with contracts to work for CFSA in the provision of child social services, including CFSA supervisory staff, social workers, and any individuals who have or are likely to have direct contact with Clients.

5. **Emergency Removal Situation** means a situation where a child is taken into custody by the District for the safety or welfare of that child.

6. **Qualified Interpreter** means an individual who is able to interpret competently, accurately, and impartially, both receptively and expressively, using any specialized vocabulary necessary for effective communication to a Client who is deaf or hard of hearing.

   A sign language interpreter must be able to sign to the individual who is deaf or hard of hearing what is being said by the hearing person, and to voice to the hearing person what is being signed by the individual who is deaf or hard of hearing. Because a qualified interpreter or reader must be able to interpret impartially, a family member or friend of the individual who requires a communication-related auxiliary aid or service may not be qualified to render the necessary auxiliary aid or service because of factors such as professional or personal involvement. Additionally, although an interpreter may be certified, a certified interpreter is not necessarily "qualified." Similarly, certification is not required in order for an interpreter to be "qualified."

   A "qualified interpreter" may include a "relay interpreter" who has specific skill and training in acting as an intermediary between a Client and a sign language interpreter in instances when the interpreter cannot otherwise independently understand the Client's primary mode of communication.

   Types of Qualified Interpreters:

   a. Qualified interpreters on the CFSA staff;
   b. Qualified interpreters who are independent contractors or employees of agencies, non-profit organizations, or community organizations;
   c. Qualified interpreters who work through volunteer programs; and

d. Qualified interpreters who provide services remotely through a video interpreting services provider (services that use video conference technology over high-speed internet wires) (VIS), provided that such VIS interpreter is able to interpret competently, accurately, impartially and effectively, both receptively and expressively, using any specialized terminology necessary for effective communication with a deaf or hard of hearing Client.

7. **Qualified Note Taker** means a note taker who is able to transcribe voice communications competently, accurately, and impartially, using any specialized terminology necessary to effectively communicate in a social services setting with a Client who has a hearing, vision or speech impairment.

   Types of Qualified Note Takers:

   a. Qualified Note Takers on the CFSA staff;
   b. Qualified Note Takers who are independent contractors or employees of agencies, non-profit organizations, or community organizations; and
   c. Qualified Note Takers who work through volunteer programs.

8. **"TTY" (teletypewriter) and "TDD" (telecommunications device for deaf persons)** shall mean devices that are used with a telephone to communicate with persons who are deaf or hard of hearing by typing and reading communications.

ATTACHMENT B

PUBLIC NOTICE FOR PERSONS WITH DISABILITIES

SECTION 504 OF THE REHABILITATION ACT OF 1973 AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990

In accordance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990 (Title II of the ADA), the District of Columbia Child and Family Services Agency (CFSA) does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any CFSA program or activity. CFSA does not retaliate or discriminate against, or coerce, intimidate or threaten any individual who (1) opposes any act or practice made unlawful by Section 504 or Title II of the ADA, or (2) files a grievance and/or complaint, testifies, assists, or participates in any investigation, proceeding, or hearing under Section 504 or Title II of the ADA.

Provision of Auxiliary Aids and Services and Effective Communication: CFSA will, upon request, provide appropriate auxiliary aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in CFSA services, programs or activities, including qualified sign language interpreters and readers, documents in Braille, and other ways of making information and communications accessible to people who have hearing, speech, or vision impairments.

No fee will be charged for auxiliary aids or services for any qualified individual with a disability.

Auxiliary aids and services include:

Sign language interpreters, written materials or notes, TTYs; or assistive listening devices, Braille, large print, taped, or electronic documents; and accepting and placing calls through TTY Relay Service (7-1-1).

To request auxiliary aids, contact your service provider or the Agency ADA Coordinator at least 5 days in advance:

CFSA Human Resources Administrator

(Phone) 202-724-7447 (TTY): 1-800-643-3768

Or contact the Office of Disability Rights: ODR@dc.gov, 202-724-5055 (V), 202-727-3363 (TTY)

NOTE: THE DISTRICT WILL ATTEMPT TO PROVIDE AUXILIARY AIDS WITH LESS THAN 5 DAYS NOTICE, BUT CANNOT GUARANTEE AVAILABILITY

Filing a grievance with the Section 504/ADA Coordinator does not prevent the applicant, resident and/or his family member or guardian from filing a complaint with the Office for Civil Rights, US Department of Health and Human Services, at 150 S. Independence Mall West, Suite 372, Public Ledger Building, Philadelphia, PA 19106-9111, Main Line (215)861-4441, Hotline (800) 368-1019, FAX (215)861-4431, TDD (215) 861-4440.