

# Virginia Court Personnel Resource Card

## Accommodations for Deaf and Hard of Hearing Participants in Virginia's Judicial System

The **Americans with Disabilities Act (ADA)** requires criminal justice entities to avoid discriminating against people with disabilities. Entities must ensure that people with disabilities are treated equally in the criminal justice system and that they have equal opportunity to benefit from safe, inclusive communities.<sup>1</sup>

### Who Can Request Accommodations?

Deaf or hard of hearing participants who may request accommodations can include: defendants, plaintiffs, litigants, witnesses, spectators, jurors, traffic violators, conservators, victims, attorneys, and participants of court-mandated services. Once a request for accommodations has been made, authorized court personnel should submit a completed ASL Interpreter/CART Request Form to the Virginia Department for the Deaf and Hard of Hearing (VDDHH).

### Who Determines What Accommodations Are Needed?

According to the ADA, "In determining what types of auxiliary aids and services are necessary, a public entity shall give primary consideration to the requests of individuals with disabilities."<sup>1</sup>

### What Kinds of Accommodations Might be Requested?

Possible accommodations can include: certified sign language interpreter services, CART services, or assistive listening devices.

The ADA states, "The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place."<sup>1</sup>

### What are CART Services?

Communication Access Realtime Translation (CART), also referred to as realtime captioning or live-event captioning, is a way to transcribe the spoken word into readable English text using a stenotype machine, notebook computer, and realtime software.<sup>4</sup> CART services are available onsite, or virtually if the court room has the necessary technology. (Virtual services are not appropriate for all circumstances.)

### What is the Role of a Sign Language Interpreter?

- A qualified interpreter means someone who is able to interpret effectively, accurately, and impartially, both receptively and expressively using any necessary specialized vocabulary.<sup>2</sup>
- The interpreter cannot give advice, make suggestions, or engage in private conversations with the person(s) needing an interpreter.<sup>3</sup>
- Interpreters can fulfill different duties within the court room. Proceedings interpreters are Sworn Officers of the court used for all general communication in the court room, whereas table interpreters are used for privileged information between attorneys and their clients.
- Onsite services are preferred, however, interpreters can appear virtually if the court room has the necessary technology. (Virtual services are not appropriate for all circumstances.)
- The services of multiple interpreters and/or Certified Deaf Interpreters (CDIs) may be needed depending on these factors. CDIs are sometimes added to the interpreting team if the language mode used by the individual needing interpreting services is unique or atypical.

### What are VRI Services?

Video Remote Interpreting (VRI) is a virtual service that can be used for last-minute requests when an onsite interpreter is not available in time. VRI should not be used for lengthy or intricate proceedings. VRI services may be obtained through the [office of the ADA Coordinator](#) by contacting [adaoffice@vacourts.gov](mailto:adaoffice@vacourts.gov).



Virginia Department for the  
Deaf and Hard of Hearing

## **Requesting an ASL Interpreter or CART Services**

- The Code of Virginia (§§ 19.2-164.1 and 8.01-384.1) requires courts to procure interpreters for the Deaf through and/or in consultation with the Virginia Department for the Deaf and Hard of Hearing (VDDHH) in criminal and civil cases, respectively.<sup>5</sup>
  - Per the Memorandum of Understanding between the Office of the Executive Secretary of the Supreme Court of Virginia and the Virginia Department for the Deaf and Hard of Hearing, the Clerk of any court of the Commonwealth or any judge, special justice, court-appointed counsel, defense attorney, magistrate, or other authorized person may contact VDDHH to secure a qualified interpreter or CART provider for any in-person court or court-related assignment for which a deaf or hard of hearing person is involved or requests access.<sup>2</sup>
  - The ASL Interpreter/CART Request Form for use by authorized court personnel is available for download at <https://www.vddhh.org/interpreters.htm> and should be sent to [ispRequests@vddhh.virginia.gov](mailto:ispRequests@vddhh.virginia.gov) when completed.
  - Requests should be submitted as far in advance as possible to increase the likelihood of the request being satisfied. After submission of the completed form, the requestor will receive an acknowledgement of receipt with assigned job number from VDDHH. If the matter is urgent and an acknowledgement has not been received, please also contact VDDHH by phone.
  - If interpreter/CART services cannot be secured as requested, it is recommended that the proceeding be postponed, and another request be submitted for a new date.
  - Questions regarding Assistive Listening Devices may be directed to [isp@vddhh.virginia.gov](mailto:isp@vddhh.virginia.gov)
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### **VDDHH Contacts**

Interpreter Services Coordinator  
(804) 662 - 9708

Interpreter Programs Manager  
Karen Brimm  
(804) 662 - 9706

Please contact [isp@vddhh.virginia.gov](mailto:isp@vddhh.virginia.gov) with questions/concerns and [ispRequests@vddhh.virginia.gov](mailto:ispRequests@vddhh.virginia.gov) with completed request forms.

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### **ADA Coordinator**

Dr. Renee Fleming Mills  
[ADAoffice@vacourts.gov](mailto:ADAoffice@vacourts.gov)  
(804) 786 - 6455

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<sup>1</sup>"Highlights." *ADA Criminal Justice: Ensuring Equality in the Criminal Justice System for People with Disabilities*, <https://www.ada.gov/criminaljustice/>.

<sup>2</sup>Virginia Department for the Deaf and Hard-of-Hearing, and Office of the Executive Secretary of the Supreme Court of Virginia. "Memorandum of Understanding." 1 Aug. 2018.

<sup>3</sup>Sloan, Cheryl, and Kathleen Lanker. "Working with Sign Language Interpreters in Texas." 2018.

<sup>4</sup>Interpreter Services - Virginia Department for the Deaf and Hard of Hearing, <https://www.vddhh.org/interpreters.htm>.

<sup>5</sup>Americans with Disabilities Act (ADA), <https://www.vacourts.gov/courts/ada/home.html>.