

Centering Survivors with Disabilities in Your Organizational Policies

Victim Service Providers

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Abuse of People with Disabilities

1 in 4
adults in the
United States
have a
disability



People with
disabilities and
Deaf people
experience
violence at
alarming rates



People with disabilities
are 4X more likely to
experience sexual
assault and experience
intimate partner
violence at a rate 40%
higher than those
without disabilities

Factors that Contribute to Higher Rates of Victimization

There are a variety of factors that contribute to higher rates of victimization among people with disabilities:

- Devaluation
- Presumed Lack of Credibility
- Isolation and Segregation
- Culture of Compliance
- Perceived as Easier to Victimize
- Lack of Control over Life Choices
- Increased Exposure to People Who May Victimize
- Denied Information about Healthy Relationships, Consent, and Sexuality

Barriers to Services

People with disabilities often face barriers to receiving services from victim service providers including:

- Inaccessible locations, programs and services
- Staff who are uncomfortable working with survivors with disabilities
- Lack of accessible communication
- Policies that act to delay service provision, cause confusion among staff, create safety concerns, lead to the provision of inadequate or unsafe services, or deny services completely.

Policies



Questions

- Are you prepared to allow a survivor with a disability have a paid personal care attendant provide services in your shelter?
- Have you considered how to address the tension between the need to have a service animal in shelter and other residents' fear or allergies?
- Is your organization prepared to serve an adult survivor that has a guardian?

Personal Care Attendants

→ Why is this important to consider?



Who are Personal Care Attendants?

- Personal care attendants provide a variety of services to assist with individuals with disabilities as they perform everyday tasks, such as:
 - Getting in or out of bed,
 - Showering,
 - Eating,
 - Dressing, and
 - Toileting.
- It is important to note that personal care attendants may also be the victim's offender.

Confidentiality and Safety

Fidelity to confidentiality and safety contributes to effective responses to crime victims.

- To maximize confidentiality and safety, programs have developed policies and procedures that limit public exposure of people receiving their services and the information shared about survivors they serve.
- While this has enhanced survivors' comfort and safety, it has also created some tensions around meeting the needs of victims with disabilities and, in some cases, has limited their full participation in services.
- Some policies aimed at preventing offenders from gaining access to victim's information have resulted in people with disabilities being unable to have the assistance of their non-offending caregiver while receiving services.

What is your policy around outside service provider's access to shelters?

- Individuals may require the assistance of personal care attendance in order to take part in the programs and services offered by your program.
- Victim service agencies that offer the non-offending personal care attendants the opportunity to accompany survivors while on-site ensures full participation in the programs and services offered through your agency.

Full Participation Policy

Does our agency's fully participation policy allow:

- Flexibility in moving internal programming to accessible locations within the agency's office
- Flexibility in where staff can meet survivors (e.g., at an off-site, accessible location)
- Non-offending personal care attendants to accompany survivors while on-site
- Staff to tailor the length of sessions with individual survivors based on that survivor's needs

Service Animals

→ Why is this important to consider?



What are Service Animals?

- The ADA defines service animals as “dogs and miniature horses that are individually trained to do work or perform tasks for people with disabilities.”
- This may include:
 - Guiding people who are blind,
 - Alerting people who are D/deaf,
 - Pulling a wheelchair,
 - Alerting and protecting a person who is having or is about to have a seizure and
 - Reminding a person with a mental health disorder to take prescribed medications.

Why Develop a Policy?

- A service animal policy affirms a program's commitment to meeting legal requirements and provides guidance to its staff and volunteers on the definition of a service animal, establishes a safe area for service animal relief, and other important considerations when serving survivors who are accompanied by service animals.

Service Animal Policy

Does our agency have a service animal policy that:

- Establishes a definition of a service animal
- Explicitly states that service animals are allowed into our facility
- Addresses concerns emerging from the presence of service animals, including allergies and phobias
- Designates a safe service animal relief area

Guardianship

→ Why is this important to consider?



What is Guardianship?

- Legal guardianship is the process by which a person assumes the position of decision maker for someone who is deemed by a court of law to be unable to make some decisions.
- Terminology for guardians differs from state to state and may include terms such as conservators and curators.
- In general, guardianship can be imposed over a person, his or her estate or finances, or both.
- Each level of guardianship has specific implications for a person's ability to independently consent to and receive services and range from limited decision-making ability to broader authority.

Assumptions about Those with Guardians

It is common for staff to assume that people with disabilities who have guardians cannot make any decisions on their own behalf. This assumption creates barriers for several reasons:

- The person may not feel comfortable disclosing victimization to their guardian,
- The guardian may be the offender, or
- The staff may wait for the guardian's consent before delivering crisis intervention, which delays services.

Be Proactive

- Even when people with disabilities have a guardian who has full decision-making authority, there are often legal exceptions to requiring a guardian's consent in matters involving crisis intervention, health, and safety.
- It is critical for victim service providers to proactively determine how they will work with victims who may have guardians.

Eligibility Policy

Does your agency's eligibility policy explicitly state that services are available regardless of:

- Disability status
- The survivor's medication usage and needs
- Guardianship status (for adults)
- A person's auxiliary aid needs

Why have a Guardianship Policy

- Having a guardianship policy allows victim service providers to delineate their state's guardianship laws and the different levels of guardianship that staff should understand,
- Clarifies expectations about service provision when a guardian is present.

Guardianship Policy

- Articulates expectations of what can be said and done in front of guardian
- Guides staff to encourage the guardian to allow provision of services in private (i.e., without the guardian present)
- Identifies the emergency services that can be provided without guardian consent and regardless of the level of guardianship
- Provides staff guidance on how to identify the level of guardianship in place

Questions?

