

Companions and Relatives as Sign Language Interpreters

A public entity or public accommodation **CANNOT** require an individual with a disability to provide his own sign language interpreter. Similarly, an entity cannot rely on an individual's adult companion, such as a friend or relative, to provide interpreting services.

Two exceptions: when the individual specifically requests his or her companion to interpret OR in cases of emergency.

When Are Public Entities and Public Accommodations NOT Required to Provide Interpreters?

The requesting person's choice does not have to be followed IF the entity can **demonstrate** that:

- another **equally effective** means of communication is available, **OR**
- use of the means chosen would result in a fundamental alteration in the service, program, or activity, **OR**
- the means chosen would result in an undue financial and administrative burden.



How to Request an Interpreter

*It is the responsibility of the individual with a disability to request accommodation under the ADA. Put your accommodation request **in writing**, and send it to the relevant entity/person. Remember to keep a copy of the letter and all documents.*

What to include in your letter:

- Identify yourself as a person with a disability,
- Identify your specific communication difficulties,
- State that you are requesting accommodations under the ADA in the form of an interpreter, and
- Ask that the entity/person respond to your request in a reasonable amount of time (include a specific date in your letter).

Enforcing Your Rights Under the ADA

If the public entity or accommodation refuses your request, you have other options under the law.

For more information on your complaint options, contact the **Arizona Center for Disability Law**, OR:

AZ Attorney General's Office, Civil Rights Division

Phoenix Office:

(602) 542-5263 (voice) // (602) 542-5002 (TDD)

Tucson Office:

(520) 628-6500 (voice) // (520) 628-6872 (TDD)

http://www.azag.gov/civil_rights/

U.S. Department of Justice, Civil Rights Division

(800) 514-0301 (voice) // (800) 514-0383 (TDD)

www.ada.gov



The Duty of Public Entities and Public Accommodations to Provide Sign Language Interpreters

5025 East Washington Street, Suite 202
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602-274-6287
1-800-927-2260 (Toll Free)

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Tucson, AZ 85701-1119
520-327-9547
800-922-1447 (Toll Free)

Visit our website: www.azdisabilitylaw.org

This brochure gives general information regarding your rights and protections under the law. It is not a substitute for legal advice. If you need further information, consult with a lawyer in your community or contact the Arizona Center for Disability Law.



This information is available in alternative formats upon request.

Americans with Disabilities Act (ADA) Title II and Title III

Title II of the Americans with Disabilities Act (“ADA”) prohibits state and local governments from discriminating against individuals on the basis of disability. **Title III** prohibits discrimination by a public accommodation.

“**Public entity**” includes any state or local government agency and any of its departments, agencies, or other instrumentalities.

“**Public accommodations**” include places such as attorneys’ offices, elementary schools, restaurants, hotels, hospitals, supermarkets, and museums.

Requirements of “Effective Communication” Under the ADA

- “**Effective communication**” means that whatever is written or spoken must be as clear and understandable to people with disabilities as it is for people who do not have disabilities.
- Public entities (Title II) and public accommodations (Title III) must ensure that communications with individuals with disabilities are **as effective as communication with others**.
- In order to provide equal access, public entities and public accommodations are required to provide **auxiliary aids and services** where necessary to ensure effective communication, **at their own cost**.
- The type of auxiliary aid or service necessary to ensure effective communication **will vary** according to the length and complexity of the communication involved.

Examples of auxiliary aids and services for individuals who are deaf or hard of hearing include:

- qualified interpreters on-site or through video remote interpreting (VRI) services;
- note takers;
- transcription services;
- written materials;
- exchange of written notes;
- assistive listening systems;
- open and closed captioning; or
- voice, text, and video-based telecommunications products and systems, including text telephones (TTYs).

When is an Interpreter Required?

Factors to consider whether an interpreter is required or not include:

- the context in which the communication is taking place,
- the number of people involved, and
- the importance of the communication.

When an interpreter is requested by a person who is deaf or hard of hearing, the interpreter provided must be **qualified**.

What is a qualified interpreter?

A “qualified interpreter” is someone who is able to sign to the individual who is deaf what is being spoken by the hearing person and who can voice to the hearing person what is being signed by the person who is deaf. Certification is not required if the individual has the necessary skills, that is, he or she must be “able to interpret effectively, accurately and impartially, both receptively and

expressively, using any necessary specialized vocabulary.”

Who Chooses the Auxiliary Aid or Service?

Public entities and public accommodations **MUST** allow individuals with disabilities to request the auxiliary aid or service of their choice.

PUBLIC ENTITIES must consult with the individual to determine what is effective for him or her, and they must give **primary consideration** to the individual’s choice.

“Primary consideration” means that in determining what types of auxiliary aids and services are necessary, the public entity **MUST** honor the first choice of the individual with a disability, with certain exceptions. The individual with a disability is in the best position to determine what type of aid or service will be effective.

PLACES OF PUBLIC ACCOMMODATION should consult with individuals with disabilities wherever possible to determine what type of auxiliary aid is needed to ensure effective communication. While consultation is strongly encouraged, the final decision as to what measures to take to ensure effective communication rests in the hands of the public accommodation **provided that the method chosen results in effective communication**.

In many cases, more than one type of auxiliary aid or service may make effective communication possible.

For more information on the topics in this brochure, refer to the Center’s guide available on our website: *The Duty of Public Entities and Organizations to Provide Sign Language Interpreters and Other Accommodations*. (Guide ADA-7PL).