

## SURVIVOR RIGHTS & RESOURCES: FACT SHEET FOR ADVOCATES

<p><b>Survivors with Limited English Proficiency (LEP)</b></p>	<p><b>The Rights:</b> Survivors who have Limited English Proficiency (LEP) have the right to request a court-appointed interpreter, free of charge.</p> <p>The Supreme Court of Ohio administers a certification program for court appointed interpreters, to ensure that they are trained and qualified for the task. Interpreters must be more than simply bilingual and instead must have the requisite training and experience. Additionally, children, relatives and friends should never be used to interpret, and neither should judges, attorneys or court personnel.</p> <p>Non-certified interpreters may be used, but a judge must assess their skills and training to ensure they are adequately prepared for the task.</p> <p>To request an interpreter, alert the court staff or judge about the need for interpreter services. The judge is allowed to ask the individual to answer questions in order to assess their skill level with English. If it isn't clear whether the individual needs an interpreter, the Supreme Court of Ohio urges Ohio judges to err on the side of allowing one.</p> <p><b>Resources:</b></p> <ul style="list-style-type: none"> <li>• <u>Supreme Court of Ohio and the Ohio Judicial System - Interpreter Services Program:</u> <ul style="list-style-type: none"> <li>○ <b>Phone:</b> (614) 387-9403</li> <li>○ <b>Website:</b> <a href="http://www.supremecourt.ohio.gov/JCS/interpreterSvcs">http://www.supremecourt.ohio.gov/JCS/interpreterSvcs</a></li> </ul> </li> </ul>
<p><b>Survivors with disabilities</b></p>	<p><b>The Rights:</b> Survivors who are deaf, deaf-blind, or hard of hearing have the right to request a court-appointed interpreter (or other assistive service), free of charge.</p> <p>The Americans with Disabilities Act (ADA) entitles individuals who are deaf, deaf-blind, or hard of hearing to have equal access to the courts. Under the ADA, survivors with disabilities have the right to “effective communication” in a court. What constitutes effective communication depends upon the individual circumstances, but may mean the right to an interpreter or other form of accommodation, such as assistive listening devices or specialized interpreter services.</p> <p>Under Title II of the ADA, the court is obligated to ask the individual with the disability what type of accommodation they need. A judge may ask the survivor on the record what would allow for the best communication, and if an interpreter is needed.</p> <p>The National Association for the Deaf (NAD) suggest that individuals requesting accommodation be as specific as possible about the type of accommodation they need, and to explain why that form of accommodation would be most effective. While the court is not obligated to use the preferred</p>

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<p><b>Survivors with disabilities (cont.)</b></p>	<p>accommodation, this may be more likely when requests are specific. Additionally, NAD recommends that the request be made as early as possible, because it can take time to find a qualified interpreter.</p> <p><b>If Rights are Denied:</b> If a court denies a request, individuals should file a Title II complaint with the Department of Justice. Forms and information can be found at <a href="http://www.ada.gov/enforce.htm#anchor218282">http://www.ada.gov/enforce.htm#anchor218282</a>, or by calling the ADA Information line at (800) 514-0301 (TTY: 800-514-0383).</p> <p><b>Resources:</b></p> <ul style="list-style-type: none"> <li>• <u>Ohio Legal Rights Service</u> <ul style="list-style-type: none"> <li>○ <b>Phone:</b> (800) 282-9181</li> <li>○ <b>Website:</b> <a href="http://www.olrs.ohio.gov/communicating-with-courts">http://www.olrs.ohio.gov/communicating-with-courts</a></li> </ul> </li> <li>• <u>ADA.gov</u> <ul style="list-style-type: none"> <li>○ <b>Phone:</b> (800) 514-0301 (TTY: 800-514-0383)</li> <li>○ <b>Website:</b> <a href="http://www.ada.gov">http://www.ada.gov</a></li> </ul> </li> <li>• <u>Midwest Center on the Law and the Deaf:</u> <ul style="list-style-type: none"> <li>○ <b>Phone:</b> (800) 894-3653 (TTY: 800-894-3654)</li> <li>○ <b>Website:</b> <a href="http://mclcd.org">http://mclcd.org</a></li> </ul> </li> <li>• <u>National Association for the Deaf:</u> <ul style="list-style-type: none"> <li>○ <b>Phone:</b> (301) 587-1788 (TTY: 301-587-1789)</li> <li>○ <b>Website:</b> <a href="http://www.nad.org/issues/justice">http://www.nad.org/issues/justice</a></li> </ul> </li> </ul>
<p><b>Rights for survivors and the use of Polygraph Tests</b></p>	<p><b>The Rights:</b> Under Ohio law (§2907.10), survivors of sexual offenses* have the following rights regarding polygraph tests:</p> <ul style="list-style-type: none"> <li>• Survivors cannot be asked or required to submit to a polygraph examination in order for the criminal investigation to proceed; and</li> <li>• A survivor’s refusal to submit to a polygraph cannot prevent the investigation of the sexual offense, the filing of criminal charges, or the prosecution.</li> </ul> <p>* Ohio defines sexual offenses as any of the following: rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, sexual imposition, importuning, voyeurism, or public indecency.</p>

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