



REPRESENTING SEXUAL ASSAULT SURVIVORS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES: Tips for Service Providers in Massachusetts

Introduction. Individuals with Intellectual and/or Developmental Disabilities (I/DD) are more likely than the general population to be sexually abused or assaulted. Each has their own story, experience, and obstacles to overcome in accessing justice and stabilizing their life post-assault. They may be particularly vulnerable due to dependence upon caregivers for assistance with activities of daily living, lack of provided sexual health education, and learned compliance with authority figures and service providers. Survivors with I/DD are also likely to face more barriers in accessing sexual assault support services. These survivors may find it difficult to navigate a typical intake process, may lack access to reliable transportation, or may be unable to call or communicate from a private location. To improve accessibility for all survivors, service providers can collaborate with community partners in the I/DD community to conduct a safety and accessibility audit of their services, written materials, and physical spaces.

Assessing an Individual’s Communication Skills and Needs. Unless a communication barrier is obvious or a survivor or support person states that there is a barrier, do not assume that one exists. Every person with I/DD is unique, and broad differences exist in their abilities to process and communicate, as is the case with survivors without I/DD. Best practice is to ask all survivors at the outset of your relationship what, if any, accommodations they need to access your services. Not all disabilities are visible and communication barriers are not unique to the I/DD community. Many survivors struggle to communicate - about an assault or otherwise - due to trauma, mental health conditions, brain injuries, intellectual and developmental disabilities, etc. During your intake process, consider asking:

- Do you have any disabilities you would like me to know about?
- Can you tell me how you prefer to communicate?
- Is there anything that I can do that would help you access our services?

Before starting a substantive dialogue with a survivor with I/DD about sexual trauma, take time to gently assess communication abilities and build rapport. Check in regularly to ensure that the survivor understands, even if the survivor has not asked any specific questions, to confirm comprehension. When assessing for understanding, simply asking the survivor “do you understand?” is not necessarily helpful. Survivors may have an understanding that is different than what you intended to communicate. The survivor may also be uncomfortable asking for clarification, particularly if they view you as an authority figure. Instead, consider asking the survivor to explain to you, in their own words, their understanding of what you just discussed.



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General Tips for Service Providers in Massachusetts Communicating with Survivors with I/DD:

- Show the same respect that you show all survivors.
- At the outset of your relationship, advise the survivor of any mandatory reporting obligations you have. For some survivors, it may be helpful to periodically remind them of your obligations throughout your relationship.
- Emphasize that you work for the survivor and that your role is to advance their interests.
- Best practice is to use person first language (e.g., “person with a disability” rather than “disabled person”). However, listen to how the survivor describes themselves and use their language.
- An empowerment model subscribes to use of the term “survivor.” However, discuss with the client their preferred term.
- Meet in a quiet space free from distractions.
- Depending on individual client preference and/or needs, allow for additional meeting time or multiple installments of smaller amounts of time.
- Provide frequent breaks and let the survivor know that they can request a break at any time. Consider providing all clients with a red card that they can raise if they need a break, as many survivors will be reluctant to request a break.
- Be aware that many people with I/DD have stronger understanding communication skills than expressive (talking) skills.
- Communicate with the client one-on-one when possible.
- Use plain language. Avoid legalese and technical terms.
- Be mindful of your body language. Nonverbal expressions of support, such as nodding, may suggest to the survivor that they are saying the “right” things or that you want to hear more about that detail of their story.

Techniques to Enhance Communication with Survivors of I/DD:

(1) Establish Rapport with the Survivor.

- a. Be mindful of your clothing when you first meet the survivor. Dressing in formal business attire, like a suit, may be intimidating and off-putting for the survivor.
- b. Speak directly with the survivor, not their support person.
- c. Maintain eye contact if comfortable for the survivor.
- d. Respect avoidance of eye contact if preferred by the client.
- e. Show warmth and a positive regard.
- f. Ask simple introductory questions, like starting with each other’s names.
- g. Explain the process in plain language.
- h. If the survivor uses a communication technique or device, ask the survivor how they communicate using the device.
- i. Allow for preferences to increase a client’s comfort, such as carrying a favorite item or sitting on the floor rather than a chair at a table.
- j. Accommodate a survivor’s request for a support person in meetings, but be mindful of any effect on attorney-client privilege.



- i. Secure the survivor’s informed consent to the presence of the support person.
- ii. Inform the survivor of possible privacy implications.
- iii. Determine how the survivor would like the support person to facilitate access to services.
 - 1. NOTE: While there may be no attorney-client privilege/confidentiality implications for interpreters, employees of agencies may be mandatory reporters. A survivor may also have privacy concerns with an interpreter, particularly if the interpreter is part of their same small community.
 - a. Privilege and confidentiality rules vary based on your jurisdiction. Make sure that you are up to date on the latest laws and judicial decisions on privilege so that you know when privilege will be affected by someone’s presence.
 - b. Mandatory reporting rules also vary by jurisdiction. Before reporting, ask yourself:
 - i. Are you acting in your capacity as a mandatory reporter?
 - ii. Is the survivor someone whose abuse must be reported?
 - iii. Has the survivor experienced “abuse” as your statute defines it?
- k. Be flexible in meeting time and locations while being mindful of privacy.
- l. Focus on the survivor’s abilities rather than disabilities. Use a strength-based approach.

(2) Choose Appropriate Language.

- a. Use plain language, short sentences, and simple words. Speak at a pace that is comfortable for the survivor.
- b. Avoid acronyms and jargon.
- c. Use concrete, plain language, as opposed to abstract language.
- d. Ask one question at a time and keep questions short.
- e. Patiently wait for responses, and repeat questions when necessary.
- f. Check for understanding.
- g. Explain meanings of words when necessary; and use pictures, visuals, symbols, or actions as needed.
- h. To make the concept of time more concrete, it may be helpful to use examples from a daily and familiar routine (*e.g., breakfast time, after dark, etc.*).

(3) Listen.

- a. Allow enough time for the survivor to finish when communicating. Do not try to finish their sentences or cut them off when they are speaking.
- b. Let the survivor know when you do or do not understand what they are saying.



- c. Confirm what you are hearing and understanding by repeating it back and asking the survivor if that is correct. Check/validate perception. Differences in muscle tone and control for some individuals may complicate nonverbal cues.

(4) Use Clear Verbal Communication.

- a. Explain ahead of time what the survivor can expect in plain language (*e.g., when you come in for your appointment, we will..., during this meeting we are going to...*).
- b. Provide written information in plain language.
- c. Explain written information and offer to help fill out paperwork, if appropriate.
- d. Tell and, if possible, show what you are going to do and briefly explain why (*e.g., I am going to show you this form. This form tells you about...*).
- e. Speak at a measured pace. Be willing to slow your rate of speech if it seems like the survivor is having difficulty following you. Be careful not to talk down to the survivor.
- f. Pause frequently and check for understanding in multiple ways.
- g. Rephrase using plain language and repeat questions as necessary.
- h. Memorialize conversations and agreements in writing in plain language. Share these with the survivor so they may refer back to them in the future. However, you should also be aware of any literacy and privacy concerns for the survivor.
- i. Keep discussions goal-directed.
- j. Create and share lists of action items in plain language.
- k. Do not ask the client to make important decisions abruptly or to make multiple decisions at once.
- l. Establish a structure for communication and contact, keeping in mind limitations your client may have due to income and functional restraints. When necessary, establish boundaries with client by asking them to call at designated times.
- m. Repeat information as necessary. Make sure that you are making the information accessible in plain language.

(5) Communicate Without Words When Necessary.

- a. Use visual aids to explain concepts as needed.
- b. Act or demonstrate using simple diagrams or gestures.
- c. Use pictures or point to familiar objects. If a survivor uses a communication book, find signs in the book to use.

(6) Meaning of “No”.

- a. Sometimes a client with I/DD will answer a yes/no question without understanding the question.
 - i. Maybe because the client does not understand the question or because the client is answering how they think they should answer.
 - ii. “No” can mean many different things (*e.g., I don’t have time, I don’t understand, I can’t get there, and/or I’m confused*).
- b. It is critical to find multiple ways of asking one question and understanding the client’s motivations in making that decision.



Be Familiar with Common Types of Accommodations in Massachusetts. Federal law, including the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, requires human service providers like rape crisis centers to make reasonable accommodations to provide equal access to all services, including ensuring effective communication with survivors with disabilities. Some types of accommodations needed by survivors with I/DD may be:

- Communication accommodations (*e.g., access to auxiliary aids and services such as sign language interpreters, Braille, large print, tape-recorded materials, simplified language documents, pictorial guides, or Computer Assisted Real Time text (Cart)*).
- Additional time for explanation of terms and concepts.
- Additional time for coordination with survivor's support person.
- Presence of support person(s) during meetings.
- More in-person communication (less phone, email, text).
- Off-site meetings in private locations to accommodate transportation, medical, and mobility challenges.

The service provider should ask every survivor scheduling an intake or initial appointment what accommodations or assistance they may need to access services. Each survivor will present a unique range of needs. People may require accommodations even where you are not aware of a disability from a referral or where a person does not obviously have a disability. It is essential to document all accommodation requests to ensure appropriate meeting preparation and access to services.

Consider How the Presence of a Support Person May Affect Attorney-Client Privilege in Massachusetts. If a survivor with I/DD requests an additional person be present during the meeting, work with the survivor to:

- Ensure the survivor's informed consent to the presence of that specific support person.
- Inform the survivor of possible privacy implications.
- Determine how the survivor would like the support person to assist in access to services.

Be certain to explain to the survivor how an additional person in the meeting **might negatively impact any existing privileges**. If the survivor requests the presence of a support person who is an employee of an agency, the survivor should be aware that the support person's professional duties to their employer may necessitate sharing information and/or they may be a mandatory reporter.

Request Client Feedback. Because communication may be a challenge, seek ongoing qualitative feedback from the client. This feedback is essential to maximizing services. Check in regularly regarding communication style (*e.g., how did I do, what could I do better or differently*).

Closing. Individuals with I/DD are disproportionately impacted by sexual violence. Attorneys and service providers can play a critical role in helping survivors access necessary services. We hope these tips make you better prepared in helping survivors stabilize their lives following sexual violence.



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