

Working with Deaf Survivors of Domestic Violence

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Several years ago, a colleague and I began to provide representation to low-income survivors of domestic violence in complex family law matters. We focused specifically on helping immigrant clients who did not speak English, as my colleague also spoke Spanish, and I speak Korean. Things were going well, and we were pretty pleased with the results of our work. One day, a Deaf woman walked into our office. From the court papers in her hands, we could tell that she needed help with her custody matter. From her gestures and pictures, we figured that she had been subject to physical abuse by the father of her child. We passed notes back and forth but found that it was difficult to communicate with her in writing. We contacted Deaf service agencies¹ and disability groups, but they knew of no *pro bono* family law attorney. We questioned whether this Deaf woman met our case acceptance guidelines. The answer was obvious. She did. She was low income. She did not speak English. She had a difficult family law case. She was a victim of domestic violence. There was nobody else who would take this case. Alone, unrepresented, she would likely lose custody of her child. We had to take the case.

Fortunately, we found a freelancing American Sign Language (ASL) interpreter who was sympathetic and charged us the non-profit rate of \$20 per hour. We thought a meeting with the interpreter, client and ourselves went well, until the interpreter told us that the client was not good at ASL. We learned that the client was born in Thailand and adopted by an American family when the client was 13 years old. Nobody in her American family used ASL. She communicated with her family by using gestures and a few English words that she had learned. My colleague and I realized that we had a lot to learn.

As we were learning how to make reasonable accommodation requests to the court, how to find qualified interpreters and what a Certified Deaf Interpreter² was, we were contacted by a local Deaf service agency about a partnership with a brand new Deaf domestic violence advocacy group. And so I met Julie Rems-Smario and Amber Hodson: two of the most amazing domestic violence advocates with whom I have ever worked. Julie is Deaf. Amber is a CODA (Child of Deaf Adults). Together, they make a forceful and effective advocate team for Deaf survivors of domestic violence and sexual assault. They founded [DeafHope](#), a domestic violence/sexual assault program for and by Deaf people.

The rest, they say, is history. For me, this history involved working with great women and lessons about Deaf culture. I learned that not all Deaf clients, even those born and raised in the U.S., are fluent in ASL. Others had hidden learning disabilities exacerbated by poor education. Some Deaf people know how to read lips and can express themselves orally, but others do not. Some can write clearly in English. Some Deaf people basically string words together when writing in English. Thus, upon

meeting a Deaf client, I learned that the first step to take is assessing her language needs to find the most effective methods of communication. I am currently representing a client born and raised in Korea who married her U.S. born, hearing husband after she turned 30. She received no formal education in Korea, does not know how to read in Korean, and never learned Korean sign language. She came to the United States at age 32 and has learned some ASL and English. Although she is quite intelligent and resourceful, most legal concepts are difficult for her to grasp and understand. To communicate with this client, I work with an ASL interpreter and a Deaf advocate who has spent much time with the client and developed an understanding of the client's signs and gestures. The advocate uses drawings, English words and role playing. On the other end of the spectrum, I am representing a client who graduated from Gallaudet University³ and is fluent in English. She and I communicate via email. When needed, she calls me on her videophone to access Video Relay Service. I send her my legal briefs for her review and comment. She has written excellent declarations on her own.

In addition to the language needs of my Deaf clients, I have learned that most Deaf people do not consider themselves as having a disability. They see themselves as members of a cultural and linguistic group with its own language, ASL. Over and over, I have seen parallels between the Deaf community and ethnic minority groups, especially limited English proficient (LEP) immigrants. Deaf individuals, just like LEP immigrants, encounter linguistic barriers to accessing services taken for granted by English speakers. Making a 911 call can be an insurmountable task to a Deaf victim as well as an LEP victim, and 911 operators frequently hang up on Deaf callers. The Deaf community, like LEP communities, is underserved and its resources are limited. My previous experience as an advocate for limited English speaking survivors prepared me well to work with Deaf survivors.

Language access is one of the means to achieve the goal of providing effective services, as opposed to being a goal in and of itself. Cultural competency is another means. The goal is not to have an ASL interpreter on your staff (although it would be great to have one). The goal is to find the most effective ways to serve your clients. To effectively represent a Deaf or LEP survivor of domestic violence, one needs to be equipped with both linguistic and cultural competency. There is a third component to this winning formula, i.e., collaboration with domestic violence advocacy groups.

Collaborative relationships are about creating a synergy through shared expertise and resources to enhance and increase the capacity of each partner. Clients benefit because they can receive seamless delivery of enhanced services. Partner agencies benefit because they can expand their knowledge and capacity. I have been fortunate to have a real partnership with DeafHope. I work closely and side-by-side with a DeafHope advocate, who allows me to focus on the client's legal issues while the advocate provides emotional support, referrals and case management. Typically, I receive an email from a DeafHope advocate regarding a new client and her legal issues. I conduct an intake interview via Video Relay Service,⁴ a 711 call,⁵ or in person with an ASL interpreter. Almost all of my client meetings are held with an ASL interpreter and a DeafHope advocate, who facilitates my communication with the client.

In addition to assisting with communication, the advocate plays the role of a cultural broker, providing cultural insight re the client's background and expectations. Moreover, the advocate equalizes the power balance between the attorney and client. Often, Deaf and LEP clients are intimidated by the legal process, including attorney meetings. Having an advocate at attorney-client meetings can help the client feel empowered and as a result make informed decisions for herself. Outside these client meetings, the DeafHope advocate acts as a communication conduit and sometimes as a buffer. An anxious client may ask the same question about the same topic over and over. The advocate can communicate directly with the client by videophone and provide information and emotional support. The advocate also assists the client with other related matters, such as applying for public benefits and obtaining housing. Further, the advocate can connect the client with other support services, including individual therapy, support group and supervised visitation services. This team approach has proven effective and produced great results for my Deaf clients. Truly, I can say that my work for Deaf survivors would have been almost impossible without DeafHope advocates.

This has been some of the most satisfying legal work I have done. By working together with other domestic violence service providers, I put my work in perspective: my legal service constitutes one block in the larger bridge to independence and safety and my work is a small part of human rights work.

¹ Most Deaf service agencies serve individuals who are Deaf, hard of hearing, Deaf-blind, and late-deafened. Each subgroup has its unique communication needs.

² A Certified Deaf Interpreter (CDI) is an individual who is Deaf or hard of hearing and has been certified by the [Registry of Interpreters for the Deaf](#) as an interpreter.

³ Established in 1864, Gallaudet is a leading higher education institution for Deaf and hard of hearing students.

⁴ [Video Relay Service](#) (VRS) enables Deaf individuals who use ASL to communicate with hearing people through video equipment. The VRS caller, using a computer or TV with a video camera device and a high speed Internet connection, contacts a VRS operator, who is a qualified sign language interpreter. They communicate with each other in sign language. The VRS operator calls the hearing person the VRS caller wishes to call and relays the conversation between the parties.

⁵ [711](#) dialing access allows Deaf individuals to use the telephone system via a text telephone (TTY) and hearing individuals to call Deaf people from any telephone anywhere in the U.S.