

# Representing Deaf Clients in Child Welfare Cases Webinar

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SUPREME COURT OF TEXAS CHILDREN'S COMMISSION

MARCH 31, 2026



# Presenters



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- **Hon. Aurora Martinez Jones**, *Judge of the 126<sup>th</sup> District Court*
- **Meredith Shytles Parekh**, *Supervising Attorney for Foster Care Matters at Disability Rights Texas*
- **Teresa Dell**, *Deaf and Hard of Hearing Program Specialist, Department of Family and Protective Services*



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# **Defining Deaf and Hard of Hearing**

# Definitions (1 of 2)



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*Deaf* people typically have profound or severe hearing loss and must depend on visual methods to communicate:

- Very little or no hearing;
- Often use sign language for communication; and
- Lipreading is NOT reliable in most cases.

"*Deaf*" can refer to a member of the deaf community or to deaf culture. Members of the deaf community are typically proud to be deaf and feel deafness is a vital part of their identity and culture.

# Definitions (2 of 2)



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“*Hard of Hearing*” refers to people with hearing loss ranging from mild to severe. Hard of Hearing people:

- Can usually communicate through spoken language;
- Can benefit from hearing aids, captioning and assistive listening devices;
- May depend on visual methods to communicate;
- With more significant hearing losses, may benefit from cochlear implants; and
- May be involved in the deaf community.



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**Relevant Law:  
Americans with Disabilities  
Act and Texas Human  
Resources Code Chapter 121**

# Relevant Law



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Purpose: to provide  
access to justice

Americans with  
Disabilities Act (ADA,  
Title II and III):  
Generally, ensures equal  
access and effective  
communication for  
people with disabilities

Section 504,  
Rehabilitation Act of  
1973: Prevents  
discrimination in  
federally funded  
programs, ensuring  
equal access and  
accommodations

Texas Human Resources  
Code Chapter 121:  
Guarantees full and  
equal access for  
participation in social  
and economic activities

# Accommodations



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For Deaf/HH children, youth, parents, kin, caregivers, witnesses, and parties, courts and attorneys must be prepared to provide accommodations in the form of auxiliary aids and services, such as:

- ASL interpreter
- CDI (Certified Deaf Interpreter)
- Tactile interpreter
- Oral interpreter
- CART (Communication Access Realtime Translation)
- Assistive listening devices
- Accessible written materials
- Text or email communication
- Plain-language explanations
- Interpreting can be remote or in-person, depending on appropriateness.

# ADA and the Courts (1 of 2)



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## **Under ADA Title II:**

Courts must ensure that every participant can:

- Understand the proceedings;
- Communicate with counsel; and
- Participate meaningfully in their case.
- Courts cannot rely on DFPS, attorneys, or family members to provide interpreters.

Also, courts must not delay or deny access. For example, courts cannot:

- Require advance notice;
- Deny interpreters because “it’s too late;”
- Tell the parent to “bring their own interpreter;”
- Proceed without accommodations;
- Use unqualified interpreters; or
- Rely on family members or children.

ADA requires timely, accurate, and effective communication.

# ADA and the Courts (2 of 2)



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## **Under ADA Title II:**

Additionally, court-ordered services must be accessible.

Examples include:

- Batterers Intervention and Prevention Program (BIPP);
- Parenting classes;
- Evaluations; and
- Substance Use programs.

Note: The obligation to provide accommodations are independent: courts, attorneys, and service providers must ensure that accommodations are provided.

# Attorney Responsibilities (1 of 2)



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## **Under ADA Title II:**

Attorneys must ensure they can:

- Effectively communicate with their Deaf and Hard of Hearing clients;
- Explain rights, options, and consequences;
- Prepare the client for hearings, mediation, services, and trial; and
- Ensure informed consent and participation for the client.

This means attorneys must:

- Request interpreters for all attorney-client meetings and for court;
- Avoid using children or family members as interpreters;
- Ensure service providers (classes, therapy, evaluations) are accessible; and
- Object on the record if communication access is denied or inadequate.

Attorneys cannot ethically represent a client if they cannot communicate with them.

# Attorney Responsibilities (2 of 2)



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Effective communication is not just about providing an interpreter; attorneys must confirm their Deaf and Hard of Hearing clients' understanding.

Attorneys must ensure the client:

- Understands the allegations;
- Understands the service plan;
- Understands court orders;
- Understands consequences of non-compliance; and
- Can meaningfully participate in mediation and negotiations.

If the client does not understand, the attorney must:

- Slow down;
- Rephrase;
- Use visual supports;
- Request a CDI;
- Request CART; and
- Request additional accommodations.

# Who Pays for Interpreters?



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## **Courts pay for:**

- Interpreters during hearings;
- Interpreters for court-ordered mediation;
- Interpreters for any program the court itself provides.

## **DFPS pays for:**

- Interpreters for services (parenting classes, therapy, evaluations, etc.)
- Interpreters for family meetings, FGDM, visitation; and
- Interpreters for meetings with caseworkers.

## **Attorneys pay for:**

- Interpreters for attorney-client meetings;
- Interpreters for trial prep; and
- Interpreters for out-of-court communication.

# Why This Matters in a Child Welfare Case (1 of 2)



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Without effective communication, Deaf/HH children, youth, parents, and kin cannot:

- Understand the Service Plan
- Comply with court orders
- Participate in visitation
- Engage in services
- Make informed decisions
- Protect their rights

# Why This Matters in a Child Welfare Case (2 of 2)



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This directly impacts:

- Reunification
- Permanency
- Due process
- Fairness
- Safety

# Court, Attorney, and CASA Communication and Access Duties



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RESPONSIBILITY	COURT	ATTORNEY	CASA
<b>Ensure Effective Communication</b>	Must guarantee effective communication for all participants in every hearing and court-ordered activity.	Must ensure client can understand, participate, and make informed decisions.	Must ensure effective communication during all CASA activities (visits, interviews, meetings).
<b>Provide Qualified Interpreters (BEI/RID)</b>	Court must secure qualified interpreters before the hearing begins; CDI/tactile when needed.	Must request interpreters for all attorney-client interactions; cannot proceed without one.	Must arrange qualified interpreters for CASA visits, interviews, and meetings.
<b>Respect Communication Preferences</b>	Must ask and honor preferred mode (ASL, CART, tactile, etc.).	Must document and use client's preferred communication mode.	Must ask and honor preferences for children, parents, and caregivers.
<b>No Cost to the Individual</b>	Interpreters and auxiliary aids must be provided free of charge.	Cannot ask client to "bring their own interpreter."	Cannot ask families to provide or pay for interpreters.
<b>Due Process / Ethical Duties</b>	Cannot proceed if communication is not accessible; must protect due process.	Cannot ethically represent a client without effective communication.	Must notify the court if access is not being provided by any party.
<b>Documentation</b>	Must reflect interpreter qualifications and access issues in the record.	Must document communication barriers and requests for accommodation.	Must include communication-access needs in CASA reports.
<b>Accountability</b>	Responsible for ensuring the entire proceeding is accessible.	Responsible for ensuring attorney-client communication is accessible.	Responsible for ensuring CASA's role and advocacy are accessible.



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# **Interpreters: Definitions, Qualifications, and Meeting at Court and Outside of Court**

# “Do I need an interpreter?”



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How can attorneys know whether their parent or child client is deaf or hard of hearing? How can the Court know?

- Lawyers need to ask their clients and let the court know; and
- Court staff can inquire at outset of hearing; Judges can ask as well. If these needs can be identified beforehand, can troubleshoot to prevent delay – or reschedule.

Q: What is the population of deaf and hard of hearing children in CPS – is there a way to identify them? (IMPACT)



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## **Lipreading requires constant guessing and is not a substitute for interpretation!**

Below are examples of spoken words which look exactly the same on the lips. This is one reason why the right kind of interpretation is an essential accommodation to provide to people who are Deaf and Hard of Hearing.

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- Bed, bet, bent, bend, pen, pet, pend, penned, met, meant, mend, men, Ben
- Bide, bind, bite, mite, might, mind, mined, mine, pied, pint, pine, pined
- Bustle, muscle, muzzle, mussel, puzzle
- Cent, sent, send, scent
- Drug, drunk, truck, trunk
- Had, hat, hand, ad, add, and, ant, aunt, at, an, Ann
- Mad, man, mat, bad, ban, bat, band, banned, pat, pant, pan, panned, pad
- Peach, beach, bench, pinch
- Ball, mall, Paul
- Sister, teacher
- Nix, ticks, text
- Sit, set
- Baby, maybe, pay me



# Texas Government Code Chapter 57

<https://statutes.capitol.texas.gov/?tab=1&code=GV&chapter=GV.57&artSec=57.002>

## **Sec. 57.001. DEFINITIONS.**

(1) "**Certified court interpreter**" means an individual who is a qualified interpreter as defined in Article 38.31, Code of Criminal Procedure, or Section 21.003, Civil Practice and Remedies Code, or is qualified in accordance with the communication access real-time translation services eligibility requirements established by the Office of Deaf and Hard of Hearing Services of the Health and Human Services Commission, to interpret court proceedings for a hearing-impaired individual.

**Sec. 57.002. APPOINTMENT OF INTERPRETER OR CART PROVIDER; CART PROVIDER LIST; PAYMENT OF INTERPRETER COSTS.** (a) A court shall appoint a certified court interpreter or a certified CART provider for an individual who has a hearing impairment or a licensed court interpreter for an individual who can hear but does not comprehend or communicate in English if a motion for the appointment of an interpreter or provider is filed by a party or requested by a witness in a civil or criminal proceeding in the court.

# Interpreter Requirements



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## INTERPRETER REQUIREMENTS

Must be qualified, not just "able to sign"

Cannot use family or friends or companions

Must provide CDI when needed for linguistic or cultural access

Must ensure accuracy for legal, technical, and trauma-related content

# Access to Interpreters (1 of 3)



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- Attorneys can contact the appropriate court staff to request an interpreter. They can also file a Motion for Appointment of Interpreter to request that the court provide accommodations in court and outside of court.
- Communications Services for State Agency (CSSA) office at HHSC is responsible for interpreters.
- Note: CSSA can be used in Texas but an interpreter from private agency might be preferred by the client, especially if they have a prior relationship.

# Access to Interpreters (2 of 3)



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Suggested language in Motion for Court Appointed Interpreter:

- [Client] is Deaf and primarily communicates through American Sign Language (“ASL”).
- Tex. Civ. Prac. & Rem. Code § 21.002(a) provides “In a civil case or in a deposition, a deaf person who is a party or witness is entitled to have the proceedings interpreted by a court-appointed interpreter.”
- Sections 21.001–21.009 provide further guidance regarding appointment of an interpreter for a deaf person. Section 21.003 provides that the interpreter must hold a current legal certificate issued by the National Registry of Interpreters for the Deaf, or a current court interpreter certificate issued by the Texas Board for Evaluation of Interpreters. Section 21.006(c) provides that “[t]he interpreter’s fee and expenses shall be paid from the general fund of the county in which the case was brought.”

# Access to Interpreters (3 of 3)



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- Travis County Services for the Deaf & Hard of Hearing Office (will also pay for services outside county);
- Arranging for interpreters in rural areas / less-resourced areas:
  - Arranging for interpreters for clients with special needs (such as IDD) and deafness or hard of hearing can co-occur
  - How attorneys can set this client population up for success (it takes certain skill to have video calls)
- Can a CASA get an interpreter?

# Arranging for Interpreter Outside of Court



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- Attorney-client meetings
- Mediation
- Arranging for interpreters out of state when client is placed out of state:
  - Sometimes AAL will need to pay for interpreter in this situation.
- Interpreters at RTCs, confidentiality, and perception of impartiality: AALs can consider using Zoom to meet with clients because clients may perceive that the interpreter provided by the RTC is not neutral but aligned with facility. Note that AAL is reliant on local resources.

# Types of Interpreters



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- Licensed v. Certified for courtroom
- There are many different signed languages – deaf community is not monolithic
- Attorneys must remember to ask for interpreter in advance!
  - If not, court needs to decide how to make arrangements on the spot or reschedule
  - Rescheduling can cause delay for family, affecting permanency
  - Attorneys need to know their clients' needs so that attorneys can ensure their clients' needs are met



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# **Spotlight: Certified Deaf Interpreters (CDIs)**

# What is a Certified Deaf Interpreter (CDI)?



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- A CDI is a Deaf professional with specialized training and national certification
- Works as part of a team with a hearing ASL interpreter
- Ensures accurate, culturally aligned communication
- Essential in high-risk or complex communication situations

# Why are CDIs Needed?



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- Many Deaf adults did not receive full language access growing up
- American Sign Language (ASL) fluency varies widely
- Some Deaf individuals use:
  - Home signs
  - Gestures
  - Non-standard ASL
  - A mix of languages
- A CDI bridges these gaps to ensure true understanding

# Red Flags that Indicate Need for a CDI



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- Deaf person looks confused or distressed;
- Responses do not match questions;
- Interpreter reports difficulty understanding the Deaf consumer;
- Gestures or home signs appear;
- High risk decisions are being made; and
- The Deaf person is not able to participate meaningfully.

# When is a CDI Required?



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Per ADA Section 504, Rehabilitation Act of 1973 and Texas Human Resources Chapter 121, a CDI is required when a standard interpreter cannot ensure accuracy. Examples:

- Limited language access or unclear responses;
- Trauma history affects communication;
- Cognitive disabilities or developmental delays; and
- High-stakes settings:
  - CPS interviews
  - CASA and Attorney interviews
  - Court hearings
  - Law enforcement interactions
  - Mental health evaluations
  - Medical emergencies

# How Does the CDI Team Work?



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1. Hearing interpreter → ASL → CDI
  2. CDI adapts message to Deaf consumer's communication style
  3. Deaf consumer responds to CDI
  4. CDI → ASL → hearing interpreter → spoken English
- Result: Clear, accurate, trauma-informed communication



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# **Best Practices for Judges and Attorneys**

# Best Practices for Judges and Attorneys



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- Multiple interpreters are needed in a hearing or trial setting
- Courts need to arrange for at least 2 or 3 interpreters for hearings and trials
  - Reminder: attorneys must tell the court that their client needs interpretation! And regardless, the court must provide interpretation.
- Note: it is not considered a best practice to use same interpreter for attorney-client communication and for a hearing
  - Interpreters are bound to confidentiality – but trust issues can persist regardless of the policy and attorneys need to keep this in mind

# Best Practices, cont.



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- Courthouse is responsible for providing access to viewers who are deaf or hard of hearing.
  - Zoom hearings in child welfare cases: benefits, detractions, and how to arrange for interpretation services;
  - Deaf and Hard of Hearing clients can use Zoom to connect to interpreter; video relays are standard and the service is free to consumer and supported by government; and
  - Perception and due process – if Zoom is preferred, then the Court has option of holding the entire hearing by Zoom or as a hybrid hearing. The Court needs to make a good cause finding to have entire hearing on Zoom.

# What about Placement Options? (1 of 2)



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- Placing Deaf and Hard of Hearing children and youth in homes where the caregiver can sign can prevent placement changes and provides critical support.
  - Kinship caregivers may be able to provide such support.
- DFPS hasn't had a workable method to collect information in the past about foster homes for Deaf and Hard of Hearing children. This arrangement is changing so that homes for Deaf and Hard of Hearing children who use ASL for primary communication can be identified by DFPS in their system for ease with placement when appropriate.

# What about Placement Options? (2 of 2)



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- DFPS is making efforts to cultivate placements that utilize ASL for children and youth. Note:
  - TX School for the Deaf provides services (not a placement).
  - Non-profits can offer training to placements but can't necessarily afford to have interpreter available.

# Scenario 1: In Court, No Interpreter



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A Deaf parent arrives for an Adversary Hearing. No interpreter has been scheduled. The bailiff tells the parent, "We'll just write back and forth," and the attorney whispers, "We don't have time to reschedule." The hearing proceeds without a qualified interpreter.

## **Issues:**

- Violates ADA Title II: Court must ensure effective communication for all participants;
- Violates Texas HR Chapter 121: Requires qualified BEI/RID interpreters for any public proceeding;
- Violates due process: Parent cannot meaningfully participate or understand the case; and
- Violates ethical duties of counsel: Attorney must ensure the client can understand and make informed decisions.

## **Best Practices:**

- Stop the proceeding immediately;
- Court schedules a qualified interpreter (BEI/RID; CDI if needed);
- Attorney documents the communication barrier and requests a continuance;
- CASA and CPS note the access issue in their reports and notify the court; and
- Court ensures the record reflects interpreter provision at the next setting.

# Scenario 2: In Court with Interpreter, but...



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A Deaf parent arrives for a Permanency Hearing. They use gestures and limited ASL. The hearing interpreter reports difficulty understanding the parent.

## **Best Practices:**

- Pause or reschedule;
- Request a CDI immediately; and
- Document the need for all future interactions.

Why?: Due process, ADA compliance, and trauma-informed practice.

# Scenario 3: Outside of Court



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A Deaf client and her attorney are meeting to prepare for a hearing. The attorney notices the client:

- Misunderstands legal terms;
- Nods without comprehension; and
- Uses gestures the interpreter cannot interpret.

**Best Practice**: Bring in a CDI to ensure the client understands rights, risks, and options.



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# **How to Engage Interpreters**

# Sign Language Interpreters (1 of 2)



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Interpreters can be found on the following websites:

Health and Human Services Commission (HHSC) – <https://www.hhs.texas.gov/>

Office of Deaf and Hard of Hearing Services

Board for Evaluation of Interpreters (BEI). <https://bei.hhsc.state.tx.us/>

A screenshot of the Board for Evaluation of Interpreters (BEI) Registry search page. The page has a light green background. At the top left, there is a logo for the Texas Department of Assistive and Rehabilitative Services. The main heading is "Board for Evaluation of Interpreters (BEI) Registry". Below this is a section titled "Public Interpreter Registry" which contains a search form with the following fields: "First Name:" with a text input box, "Last Name:" with a text input box, "County:" with a dropdown menu showing "Select From List", "Zip Code:" with a text input box, "Certificate Type:" with a dropdown menu showing "Select From List", and "Status:" with a dropdown menu showing "Select From List". Below the form are three buttons: "Search", "Reset", and "Close". Underneath the form, it says "Records Returned: 1676". At the bottom, there is a table with the following columns: "Interpreter Name", "Phone Number", "Level(s)", "Certificate Issuance Date", "City", "State", "Status", and "Expiration Date".

Interpreter Name	Phone Number	Level(s)	Certificate Issuance Date	City	State	Status	Expiration Date
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# Sign Language Interpreters (2 of 2)



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[Home - Registry of Interpreters for the Deaf, Inc.](#)



Education. Standards. Excellence.

- Home
- Calendar
- Meetings
- Committees
- Subscriptions
- Workshops
- Online Store
- My Orders
- Registry**

### Search the Registry

This searchable database is to be used by individual consumers to locate individual interpreters.  
If you would like a customizable list, please contact [Members@rid.org](mailto:Members@rid.org).  
**NOTE: If the member does not have "Freelance" status indicated, please do not contact them regarding assignments.**  
**If you are looking to hire an interpreter keep the Category as Certified.**  
**To search for other RID members, select a different Category.**

To access a list of individuals whose certifications have been revoked due to non-compliance with the Certification Maintenance Program requirements, please [click here](#).

First Name (optional)

Zip Code (optional)

# What is CART? (1 of 3)



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CART - Communication Access Realtime Translation

It is a speech-to-text accessibility service where a trained CART provider listens to spoken communication and produces real-time, near-verbatim text on a screen for a Deaf or Hard of Hearing person.

# What is CART? (2 of 3)



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## How CART Works:

- A CART provider uses a stenotype machine or specialized software.
- They listen to everything being said—dialogue, environmental sounds, side comments, laughter, speaker names.
- The text appears instantly on a laptop, tablet, phone, courtroom monitor, or projector.
- It can be provided in person or remotely.

# What is CART? (3 of 3)



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## Who Uses CART:

- Deaf or Hard of Hearing individuals who prefer English text instead of ASL;
- People who rely on visual access due to auditory processing issues;
- Students, employees, clients, or witnesses in legal or administrative settings; and
- Anyone needing accurate, real-time text for full participation.

# Communication Services For State Agencies (CSSA)



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## Communication Services for State Agencies (CSSA)

- The Health and Human Services Commission, Deaf and Hard of Hearing Services (DHHS) contracts with interpreter and Communication Access Realtime Translation (CART) referral agencies around the state to provide communication access services for persons who are deaf or hard of hearing to state agencies that contract with DHHS. By doing so, state agencies have access to the rate HHSC has negotiated with referral agencies statewide.

## How CSSA Works

- State agencies request services directly from the DHHS referral agencies. At the end of the month in which services were provided, the DHHS referral agencies bill DHHS. DHHS consolidates all invoices into one invoice for the receiving state agency. A ten percent administrative fee is added to services billed. This contract eliminates the need for continually issuing individual purchase orders for services. In addition, ODHHS helps ensure appropriate and qualified services are provided and resolves any complaints that may be filed against the service provider or referral agency. If you are interested in this program, contact CSSA at [dhhs.cssa@hhs.texas.gov](mailto:dhhs.cssa@hhs.texas.gov).

**Communication Services for State Agencies (CSSA) | Texas  
Health and Human Services**

# VRS (VIDEO RELAY SERVICE) FOR ZOOM



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<https://zpbettertogether.com/wp-content/uploads/2025/07/ZP-for-Zoom-User-Guide.pdf#page=2>



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# Resources

# Resources (1 of 2)



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- The Texas Attorneys Guide to Working with Deaf Individuals
- Bench Card on Working with Sign Language Interpreters in Texas
- ZP for Zoom User Guide (for attorneys and clients)

## Resources (2 of 2)



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- [Texas Courts Sign Language Interpretation](#) with BEI Interpreter Search and Certification information
- [Language Access Plan Models](#) in various Texas counties
- [Ensuring Equal Access to Justice for Those Who are Deaf or Hard of Hearing](#) Disability Rights Texas handout
- [Texas Court Reporters Association CART information](#)
- [Motion to Appoint a Language Interpreter](#) ([www.TexasLawHelp.org](http://www.TexasLawHelp.org))

# Q&A



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# Contacts



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# Thank You!

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Questions related to MCLE self reporting may be sent to:  
[cctraining@txcourts.gov](mailto:cctraining@txcourts.gov)

