

DOMESTIC VIOLENCE AND DISABILITIES

WHY IT MATTERS

Women with developmental disabilities have among the highest rates of physical, sexual and emotional violence perpetrated by intimate partners and family members.¹ Disabled individuals are at greater risk of severe physical and sexual violence than non-disabled persons, and many disabled victims of violence experience multiple assaults.^{2,3} Domestic abuse victims with disabilities are often more dependent on their caretakers than victims without disabilities, and face many barriers to reporting abuse and seeking services.⁴ Victims who do report abuse or seek services often do not find adequate help, since many programs that serve domestic violence victims are not equipped or trained to offer proper care to disabled victims.⁴

DID YOU KNOW?

- Women with disabilities had a 40% greater risk of violence than women without disabilities.⁵
- Women with disabilities are at particular risk for severe violence.⁵
- The most common perpetrators of violence against women with disabilities are their male partners.⁵
- Studies estimate that 80% of disabled women have been sexually assaulted.⁶
- Women with disabilities are three times more likely to be sexually assaulted than women without disabilities.⁷
- One study showed that 47% of sexually abused women with disabilities reported assaults on more than ten occasions.⁸
- Approximately 48% of substantiated cases of abuse involve elder adults who are not physically able to care for themselves.⁹
- Disabled children are more than twice as likely as children without disabilities to be physically abused, and almost twice as likely to be sexually abused.¹⁰
- Virtually all women with disabilities who were sexually assaulted also reported social, emotional, and behavioral harm.¹¹

REPORTING ABUSE

- Studies estimate that between 70% and 85% of cases of abuse against disabled adults go unreported.¹²
- One study found that only 5% of reported crimes against people with disabilities were prosecuted, compared to 70% for serious crimes committed against people with no disabilities.¹²
- Disabled victims are more vulnerable to threats by their abusers if they report the abuse.¹³

BARRIERS TO SEEKING SERVICES

- People with disabilities often lack accessible services due to limited resources, lack of transportation (especially in rural communities), or structural limitations of service facilities.¹⁴
- Some disabled victims lack the skills or abilities necessary to act independently to seek help.¹³
- Many disabled victims lack knowledge about services. Public information and awareness education are generally not distributed in Braille, large print, or audio tape and do not define domestic violence in ways that people with disabilities can relate to.¹³
- Disabled victims of violence are heavily dependent on their abusive primary caretakers and run the risk of losing their caretaker if they report abuse.¹³
- Victims may experience an increased risk of being institutionalized or losing their basic decision-making rights if they are viewed as unable to take care of themselves without the help of their abuser.¹³
- Disabled victims may be at greater risk for losing child custody if they are viewed as being unable to care for children independently from an abusive primary caretaker.¹³

DISABILITY TRAINING

- Only 35% of shelters surveyed have disability awareness training for their staff and only 16% have a dedicated staff person to deliver services to women with disabilities.¹⁵
- Service providers often lack the training and sensitivity necessary to serve victims with disabilities.¹⁴
- Some people see people with disabilities as less credible than nondisabled victims.²⁶
- Some people think abusive treatment is necessary to manage people with disabilities or blame disabled victims for the abuse they suffer, and because they hold these beliefs they consider domestic violence against people with disabilities to be justified.¹³

PROTECTIONS FOR DISABLED VICTIMS OF VIOLENCE¹⁶

The Violence Against Women Act and Victims with Disabilities

The Violence Against Women Act (VAWA) provides support to victims with disabilities. Although the original version of VAWA did not provide funding for victims with disabilities, the 2000 reauthorization authorized a grant program to provide education and technical assistance to service providers to better meet the needs of disabled victims of violence.

The 2005 reauthorization of VAWA further expanded coverage for disabled victims. The 2005 reauthorization:

- Expanded education, training, and services grant programs.
- Included added construction and personnel costs for shelters that serve disabled victims of domestic violence to the purpose areas that can receive VAWA funding.
- Focused on the development of collaborative relationships between victim service organizations and organizations that serve individuals with disabilities.
- Provided funding for the development of model programs that implement advocacy and intervention services within organizations servicing disabled individuals.

Protection and Services for Disabled Victims:

Although the Department of Justice authorized \$10 million per year for FY 2007 through FY 2011, only \$7.1 million was allocated for protections and services for disabled victims in FY 2007. The Campaign for Funding to End Domestic and Sexual Violence requests \$10 million for FY 2008 and subsequent years to be allocated to serve victims with disabilities.

FOR MORE INFORMATION

For more information or to get help, please contact:
The National Domestic Violence Hotline at 1-800-799-SAFE
The National Sexual Assault Hotline at 1-800-656-HOPE

SOURCES

¹ Abramson, W., et al. (Ed). "Violence Against Women with Developmental or Other Disabilities." *Impact*. 13(3).

² Brownridge, Douglas. (2006) "Partner Violence Against Women With Disabilities: Prevalance, Risk, and Explanations." *Violence Against Women*. (12)9.

³ Abramson, W., et al. (Ed). "Violence Against Women with Developmental or Other Disabilities." *Impact*. 13(3).

⁴ West Virginia Coalition Against Domestic Violence. "People With Disabilities." Resources. Accessed online at http://www.wvcadv.org/people_with_disabilities.htm, July 2007.

⁵ Brownridge, Douglas. (2006) "Partner Violence Against Women With Disabilities: Prevalance, Risk, and Explanations." *Violence Against Women*. (12)9.

⁶ Protection and Advocacy, Inc. (2003) "Abuse and Neglect of Adults with Developmental Disabilities: A Public Health Priority for the State of California."

⁷ Brownridge, Douglas. (2006) "Partner Violence Against Women With Disabilities: Prevalance, Risk, and Explanations." *Violence Against Women*. (12)9.

⁸ Abramson, W., et al. (Ed). "Violence Against Women with Developmental or Other Disabilities." *Impact*. 13(3).

⁹ Metropolitan Life Insurance Company. (2004) "Preventing Elder Abuse." *Since You Care* Guide. New York.

¹⁰ Abramson, W., et al. (Ed). "Violence Against Women with Developmental or Other Disabilities." *Impact*. 13(3).

¹¹ Abramson, W., et al. (Ed). "Violence Against Women with Developmental or Other Disabilities." *Impact*. 13(3).

¹² Protection and Advocacy, Inc. (2003) "Abuse and Neglect of Adults with Developmental Disabilities: A Public Health Priority for the State of California."

¹³ West Virginia Coalition Against Domestic Violence. "People With Disabilities." Resources. Accessed online at http://www.wvcadv.org/people_with_disabilities.htm, July 2007.

¹⁴ Chang, J. C., et al. (2003). "Helping women with disabilities and domestic violence: Strategies, limitations, and challenges of domestic violence programs and services." *Journal of Women's Health*. 12(7): 699-708.

¹⁵ Nosek, Ph.D. Margaret A. et al. "Violence Against Women with Disabilities—Fact Sheet #1: Findings from Studies 1992-2002." Baylor College of Medicine.

¹⁶ National Coalition Against Domestic Violence. (2006) "Comparison of VAWA 1994, VAWA 2000 and VAWA 2005 Reauthorization Bill." Accessed online at http://www.ncadv.org/files/VAWA_94_00_05.pdf, July 2007.

For more information please see our website at ncadv.org



The Public Policy Office of the National Coalition Against Domestic Violence (NCADV) is a national leader in the effort to create and influence Federal legislation that positively affects the lives of domestic violence victims and children. We work closely with advocates at the local, state and national level to identify the issues facing domestic violence victims, their children and the people who serve them and to develop a legislative agenda to address these issues. NCADV welcomes you to join us in our effort to end domestic violence.

SURVIVORS WITH DISABILITIES FACTS

Gender-based violence impacts the lives of countless women and their families across the United States. Women and girls of all ages, income levels, racial and ethnic communities, sexual orientations and abilities experience violence in the form of sexual assault, domestic violence, dating violence, trafficking and stalking. Women and girls with disabilities are more at risk for violence, experience violence more often, more severely, and have more barriers to getting support.

The Americans with Disabilities Act (ADA), enacted in 1990, provides protections from discrimination for individuals with disabilities. Under Titles II and III of the ADA, domestic violence shelters must be accessible. To be accessible, shelters and offices are required to: admit people with disabilities into their shelter, provide reasonable accommodations, and eliminate structural barriers to access.

At YWCA, we know that not all violence is acknowledged or responded to equally and that some victims go unrecognized altogether. Women and girls with disabilities are often left out of the mainstream dialogue about gender-based violence altogether despite their heightened risk. YWCA is the largest network of domestic violence service providers in the country and is also dedicated to promoting women's health and safety through a variety of local programs, legislative advocacy, and issue education.

FACTS

- More than 80 percent of women with disabilities have been sexually assaulted. 50 percent of those women have been assaulted more than ten timesⁱ. In addition, research suggests that women with disabilities experience more frequent and more severe acts of violenceⁱⁱ.
- Between 97 percent - 99 percent of abusers are known and trusted by survivors, and may include family members (32 percent) or other caretakers, home health aides and living facility attendants (44 percent)ⁱⁱⁱ. Some data has shown that abusers see people with disabilities as “ideal victims” because they are less likely to report, and less likely to be believed^{iv}.
- Domestic violence can cause disability—it is the leading cause of injury to women between the ages of 15 and 44 in the United States^v
- In 2013, the rate of violent victimization against persons with disabilities was at least double the rate for those without disabilities for every age group measured except those 65 and older^{vi}.
- Only three percent of sexual abuse cases involving people with developmental and cognitive disabilities are ever reported^{vii}. Yet, people with cognitive disabilities experience the highest rates of violence of all people with disabilities^{viii}.
- Women with disabilities have a 40 percent greater chance of intimate partner violence than women without disabilities^{ix}.

- Survivors with disabilities face additional types of abuse^x. They may:
 - Have their medications intentionally withheld or overdosed.
 - Experience financial abuse and extortion.
 - Receive threats of abandonment.
 - Experience inappropriate sexual touching during baths, and dressing.
 - Have access to adaptive equipment restricted or taken away.
 - Have communication or mobility devices taken away.
 - Have their service animals threatened or harmed.
 - Have caretakers intentionally ignore personal care and hygiene.
- Survivors have barriers to seeking support from outside sources, including isolation, lack of communication devices and interpretation, lack of transportation, lack of privacy^{xi}, community spaces that are architecturally inaccessible, and societal attitudes about disability^{xii}.

HOW ADVOCATES AND NONPROFITS CAN HELP

- Believe survivors when they communicate their experiences in whatever way works for them, whether through interpretation, drawing or speech.
- Don't make assumptions about people's disabilities and what they need based on appearance or communication style—Let them communicate what they need from you.
- Partner with disability rights and service organizations in your community to ensure survivors with disabilities are able to physically and conceptually access your services.
- Respect their privacy while also understanding reporting mandates for your jurisdiction. While states have varying laws regarding privacy, especially for guardianship rights and abuse of vulnerable populations including some adults with disabilities, always check it out first and get the survivor's consent before talking to anyone else.
- Ensure that your safety planning measures include considerations for disability, service animals, and medical needs.
- Invest in recruitment, training and leadership development of people with disabilities on your boards, on staff and in advisory roles.

ⁱ Sobsey, D. & Doe, T. Sex Disability (1991) 9: 243. doi:10.1007/BF01102395

ⁱⁱ Violence against women with disabilities, Office on Women's Health, U.S. Department of Health and Human Services (2015)

ⁱⁱⁱ Davis, L., *M.S.S.W., M.P.A.* (2009) People with Intellectual Disability and Sexual Violence, The Arc, Washington, DC
<http://www.thearc.org/page.aspx?pid=2457>

^{iv} Hughes, K. Bellis, M.A., Jones, L., Wood, S. Bates, G., Eckley, L., McCoy, E., ... Officer, A. (2012). Prevalence and risk of violence against adults with disabilities: A systematic review and meta-analysis of observational studies. *The Lancet*, 379, 1621-1629. doi: 10.1016/S0140-6736(11)61851-5

^v *Serving Survivors of Domestic Violence who have a Disability* (2010), Equal Rights Center

http://www.equalrightscenter.org/site/DocServer/Serving_Survivors_of_Domestic_Violence_who_have_a_Disabi.pdf?docID=261

^{vi} Harrel, E. *Crime Against Persons with Disabilities, 2009–2013 - Statistical Tables*, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (2015)

^{vii} Valenti-Hein, D., Schwartz, L. 1995. *The Sexual Abuse Interview for those with Developmental Disabilities.*)

^{viii} Harrel, E. *Crime Against Persons with Disabilities, 2009–2013 - Statistical Tables*, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (2015)

^{ix} American Psychological Association, *Abuse of Women with Disabilities Fact Sheet* Retrieved 2017 from

<http://www.apa.org/topics/violence/women-disabilities.pdf>

^x National Center on Domestic and Sexual Violence, *Power and Control Wheel: People with Disabilities and their Caretakers*, Based on the model by the Domestic Violence Intervention Project, Duluth, MN.

http://www.springtideresources.org/sites/all/files/People_with_Disabilities_and_Caregivers_Wheel.pdf

^{xi} Elman, A. (2005, January). *Confronting the Sexual Abuse of Women with Disabilities*. Harrisburg, PA: VAWnet, a project of the National Resource Center on Domestic Violence/Pennsylvania Coalition Against Domestic Violence. Retrieved month/day/year, from:

<http://www.vawnet.org>

^{xii} Elman, A. (2005, January). *Confronting the Sexual Abuse of Women with Disabilities*. Harrisburg, PA: VAWnet, a project of the National Resource Center on Domestic Violence/Pennsylvania Coalition Against Domestic Violence.

RESOURCES

www.thehotline.org/get-help

2422-800-787-3222
1-800-799-SAFE (3273)
1-800-787-3222
TTY 1-800-799-SAFE (3273)
1-800-787-3222
www.thehotline.org/get-help

116 TTYL If you are being abused right now, call

ADWAS: ABUSED DEAF WOMEN'S ADVOCACY SERVICES—provides comprehensive services to deaf and deaf-blind victims/survivors of sexual assault, domestic violence, and stalking:
www.adwas.org

APAS PSYCHOLOGIST LOCATOR—makes it easy for you to find practicing psychologists in your local area: <http://locator.apa.org>

NATIONAL COALITION AGAINST DOMESTIC VIOLENCE

—works to educate the public on how to recognize domestic violence and what to do about it; teen dating violence; the impact of family violence on children; and domestic violence against individuals with disabilities, older adults, and other marginalized populations:
www.ncadv.org

VAWnet: THE NATIONAL ONLINE RESOURCE CENTER ON VIOLENCE AGAINST WOMEN

—provides a comprehensive and easily accessible collection of full-text, searchable electronic materials and resources on domestic violence, sexual violence, and related issues:
www.vawnet.org

WOMEN OF COLOR NETWORK (WOCN)—promotes and supports the leadership of women of color advocates: <http://womenofcolornetwork.org>

FACTS & RESOURCES

ABUSE OF WOMEN WITH DISABILITIES

DID YOU KNOW THAT . . .

▶ Women with disabilities have a **40%** greater chance of intimate partner violence than women without disabilities?

Women with disabilities may experience unique forms of abuse that are difficult to recognize—making it even harder to get the kind of help they need. Such abuse may include:

- ▶ Removing or destroying a person's mobility devices (e.g., wheelchairs, scooters, walkers)
- ▶ Denying access to and/or taking prescribed medication from someone
- ▶ Forcing someone to take medication against her will
- ▶ Forcing someone to lie in soiled undergarments
- ▶ Preventing access to food
- ▶ Inappropriately touching a person while assisting with bathing and/or dressing
- ▶ Denying access to disability-related resources in the community and/or to health care appointments



SAFETY ALERT!

Computer use can be monitored and is impossible to completely clear. If you are afraid your Internet and/or computer use might be monitored, use a safer computer and/or use a telephone/cell phone that allows you to erase your call log.



AMERICAN PSYCHOLOGICAL ASSOCIATION PUBLIC INTEREST DIRECTORATE
Women's Programs Office
750 First Street, NE
Washington, DC 20002-4242
202-336-6044
www.apa.org/pi/women



AMERICAN PSYCHOLOGICAL ASSOCIATION

Sources for the facts and information in this brochure can be found online at <http://www.apa.org/topics/violence/women-disabilities.aspx>.



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TYPES OF ABUSE

Abuse is not always easy to identify, but it can help to learn about the different kinds of abuse:

- ▶ **Physical abuse** (e.g., hitting, slapping, and/or restraining)
- ▶ **Emotional abuse** (e.g., isolating someone from friends and family, humiliating or ignoring a person)
- ▶ **Sexual abuse** (e.g., forcing someone to engage in sexual acts)
- ▶ **Financial exploitation** (e.g., taking and/or controlling a person's money)
- ▶ **Verbal abuse** (e.g., name calling, cursing)

WHERE DOES ABUSE OCCUR AND BY WHOM?

Abuse can occur anywhere—but more often when a woman has limited access to help or witnesses.

Abusers can be:

- ▶ Caregivers
- ▶ Transportation providers
- ▶ Personal care attendants and other disability support providers
- ▶ Family members
- ▶ Intimate partners

GETTING HELP

Getting help and reporting the abuser is not easy. Women with disabilities often do not report their abuser because:

- ▶ Signs of abuse may not be apparent to others
- ▶ They may feel embarrassed, guilty, or ashamed
- ▶ They may fear losing their home or independence, especially if the abuser is the caregiver and/or intimate partner
- ▶ They may not know where to get help—or help may not be easy to get
- ▶ Communication barriers may stand in the way, especially for deaf women
- ▶ Service providers often have limited knowledge about disability needs and abuse
- ▶ The abuser may be well known and respected

ALSO CONSIDER CONTACTING AND/OR TELLING:

- ▶ Adult Protective Services
- ▶ Your psychologist or counselor
- ▶ Your doctor
- ▶ Your local disability resource center

WHAT YOU CAN DO

If you know someone who is being abused or if you are being abused, it is important to know there is **HELP**. But you may need to be open to a **team approach to help you connect with local agencies addressing both disability and abuse.**

ORGANIZATIONS THAT CAN HELP

Consider the following national organizations that may be able to refer you to local resources:

CENTER FOR RESEARCH ON WOMEN

WITH DISABILITIES

1333 Moursund Avenue, Suite A221
Houston, TX 77030
Phone: 713-799-5086

Toll Free: 800-44-GROWD (276993)

<https://www.bcm.edu/research/centers/research-on-women-with-disabilities>

DEAF WOMEN UNITED

<http://dvwu.org>

INDEPENDENT LIVING CENTERS

<http://www.ilru.org/html/publications/directory/index.html>

NAMI: NATIONAL ALLIANCE ON MENTAL ILLNESS

1-800-950-6264

Vera Institute of Justice

www.vera.org

WHAT YOU CAN DO TO HELP YOURSELF

- ▶ Connect with supportive and caring people, not those who might blame you for the abuse.
- ▶ Secure a restraining or protective order if necessary—it prohibits an individual from harassing, threatening, approaching, accosting, or even contacting you. Always keep it with you.
- ▶ Seek help from a psychologist or other licensed mental health provider; contact your doctor or other primary health care provider; engage the services at centers or shelters for battered women.

SAFETY PLANNING

- ▶ If possible, have a phone handy at all times and know what numbers to call for help.
- ▶ Don't be afraid to call the police.
- ▶ Pack a bag (include money, an extra set of keys, copies of important documents, extra clothes and medicines) and leave it in a safe place or with someone you trust. Don't forget to consider critical disability-related devices and/or aids.
- ▶ Let trusted friends and neighbors know of your situation, and develop a plan and visual signal for when you need help.
- ▶ Teach your children how to get help. Instruct them not to get involved in the violence between you and your partner. Plan a code word or sign to signal to them that they should get help or leave the house.
- ▶ Practice how to get out safely. Practice with your children.



FAQs: The ADA, Small Business and Face Mask Policies

The ADA and Small Business: Frequently Asked Questions About Face Mask Policies and Serving Customers with Disabilities.

The Great Plains ADA Center has received many questions regarding face mask policies and the ADA from the business community. We have collected a summary of these questions and our responses to guide businesses wanting to ensure their face mask policies comply with the ADA.

Please note: No specific guidance on face mask policies and the ADA has been issued by the U.S. Dept. of Justice at the present time. Our technical assistance on this particular issue is based on our understanding of the ADA as well as guidance and recommended practices from other regional ADA Centers, attorneys, disability organizations, and federal agencies. This document will continue to be updated to reflect new information.

FAQs

1) I've heard that a person carrying a card issued from the U.S. Dept. of Justice does not have to wear a face mask, and I could be fined if I do not let this person shop freely without a face mask.

This information is false. The U.S. Department of Justice released the statement below in response to this particular misleading information circulating on the internet.

[The Department of Justice Warns of Inaccurate Flyers and Postings Regarding the Use of Face Masks and the Americans with Disabilities Act](#)

Assistant Attorney General for the Civil Rights Division Eric Dreiband reiterated today that cards and other documents bearing the Department of Justice seal and claiming that individuals are exempt from face mask requirements are fraudulent.

Inaccurate flyers or other postings have been circulating on the web and via social media channels regarding the use of face masks and the Americans with Disabilities Act (ADA) due to the COVID-19 pandemic. Many of these notices included use of the Department of Justice seal and ADA phone number.

As the Department has stated in a previous [alert](#), the Department did not issue and does not endorse them in any way. The public should not rely on the information contained in these postings.

The ADA does not provide a blanket exemption to people with disabilities from complying with legitimate safety requirements necessary for safe operations.

2) My business is very small, and I only have one employee. Am I covered by the ADA? Do I have to make accommodations to customers with disabilities?

Businesses are covered by Title III of the Americans with Disabilities Act. There is no exception in Title III based on the number of employees or facility size. Businesses covered by the ADA must not discriminate based solely on a customer's disability. Businesses must also provide:

- Reasonable modifications to their policies and practices to ensure customers with disabilities can access their goods and services.
 - Effective communication through auxiliary aids and services ensuring that communication with people with disabilities is as effective as communication with people without disabilities.
 - Access to goods and services through the removal of physical barriers such as steps, narrow doorways, and high thresholds, when readily achievable.
-

3) Does the ADA require me to have customers wear face masks in my store?

No. The ADA applies to **how** face mask policies are carried out to ensure they are not discriminatory against people with disabilities. Many states and local governments have issued regulations and/or ordinances that require people to wear face masks in public places. Other states and local governments have left policies up to individual businesses. The Great Plains ADA Center highly recommends that businesses stay up to date on face mask policy recommendations and rules issued by their state and local governments. Businesses may use this FAQ and other resources to determine how to apply face mask policies in a way that does not discriminate against people with disabilities.

4) If a customer can't wear a mask because of their disability, do I have to make an exception to the face mask policy?

The U.S. Department of Justice has stated that "The ADA does not provide a blanket exemption to people with disabilities from complying with legitimate safety requirements necessary for safe

operations."(See question 1) A business owner does not have to automatically waive a face mask requirement unless there is a local ordinance or state law specifically requiring the business to do so.

5) Are there people who really can't wear face masks because of their disabilities?

Yes. For many individuals with different types of disabilities the effects of wearing a mask are far more severe than being slightly uncomfortable. Wearing a face mask can have a significant impact on their health, wellbeing, and ability to function. For example, a person with a respiratory disability such as asthma or chronic obstructive pulmonary disease (COPD) may not be able to wear a face mask because doing so causes difficulty in breathing. People with anxiety disorders and post-traumatic stress disorder (PTSD) may develop severe anxiety when wearing a face mask. People who have sensory issues may find the constant sensation of a mask on their face very difficult to tolerate.

6) What should I do if a person requests to not wear a face mask because of their disability?

At this time, we recommend that a business follow the same criteria that the ADA requires in any other request for modification of policy. That is, determine if the modification is "reasonable" based on whether providing it would be an undue financial burden, change the fundamental nature of the business, or cause a direct threat to the health and safety of others.

Denying a Modification in Policy based on "Direct Threat"

Title III regulations of the ADA state that “denying a policy modification request because it would pose a direct threat to the health and safety of others must be based on legitimate evidence”. Sources for evidence of a legitimate threat can include guidance from public health authorities such as the U.S. Public Health Service, the Centers for Disease Control, and the National Institutes of Health, including the National Institute of Mental Health. (Title III Section 36.28). Based on this guidance in the regulations, current public health guidelines can be used to establish that there is legitimate evidence that face masks are necessary to slow or stop the spread of COVID-19 in public places. Public health guidelines regarding the coronavirus pandemic may change over time, and business policies should reflect the changes.

However, even if face mask exemptions may be denied on the basis of “direct threat”, there is still an obligation under the ADA to determine if there are other modifications that could be provided to access goods and services.

Some examples include but are not limited to:

- Providing customers with curbside pick-up or no contact home delivery.
 - Allow a customer to wear a full face shield instead of a face mask. Scarves or looser coverings may also be appropriate.
 - Letting customers order services online or by phone.
 - Conducting individual appointments, such as a tax consultation, remotely.
-

7) My business does not have a face mask policy, but our local government just passed an ordinance requiring people to wear face masks in public places. Because there is a local ordinance that our business must follow, do we still have to provide reasonable modifications to people who can't wear a face mask due to a disability?

Yes. ADA regulations would still require your business to offer alternative ways to provide access to goods and services. However, you are not required to take any actions that would result in an undue financial hardship, change the fundamental nature of the business, or cause a direct threat to health and safety to others, including your employees.

8) Our business provides a face mask to customers that are not wearing masks as they enter the store. A customer told me that she can't wear a face mask. Am I allowed to ask if the reason is because of a disability?

Yes, you may ask a customer if they cannot wear a face mask due to disability. But be careful not to ask questions about the nature or severity of the disability. This response is based on general guidance regarding modification of policy in Title III of the ADA. Currently, there is no specific guidance regarding face mask inquiries and people with disabilities from the U.S. Department of Justice.

9) A few individuals have requested curbside service because they can't wear a mask due to disability. I'm not so sure if this is really the case. Can I require a note from a doctor or some other form of documentation?

We recommend that businesses treat requests for modifications to a face mask policy as they would other requests for policy modification. Generally, when a person with a disability asks for a relatively simple modification, the individual is not required to provide any type of documentation. As a rule people with disabilities do not carry documentation of disability or a doctor's note. Considering that many customers have different kinds of needs that may require

additional customer service, singling out people with disabilities to provide documentation may appear discriminatory.

This interpretation is supported by a recent article, A ['Get Out of Masking Free' Card Based on the ADA?](#), which appeared in the National Law Review. Authors Metcalf and Paul, state “In the non-employment context (i.e., a customer relationship), a business generally cannot demand documentation confirming that an individual is disabled or needs a particular accommodation, so businesses may run the risk of alienating customers with disabilities, or even draw a bona fide complaint to the DOJ or a lawsuit, by requiring a showing of such proof.”

More on Documentation:

Please note that the questions and answers in this document are targeted to small businesses such as retail stores, restaurants, and theaters. Many other types of entities are covered by Title II and III of the ADA including schools, hospitals and clinics, daycare facilities, and camps. These entities may have instances when requiring documentation of disability and/or medical testing would be appropriate under the ADA. Future Q & A's from the Great Plains ADA Center will address documentation and broader ADA related issues for these entities.

10) We require identification for items such as alcohol and cigarettes at the check-out counter. If I provide curbside service to someone who can't wear a face mask, can I still require identification?

Yes. These types of legal requirements still apply to people with disabilities, just like everyone else. You also have a right to set up procedures which make contact as minimal as possible. For example, you may have the person drop their Driver's license or ID card in a box rather than hand it directly to staff.

11) My business offers eyebrow waxing and other spa services. We have a customer who says she can't wear a mask due to disability and doesn't want to use any other type of face-covering or face shield. We can't provide these services online or through delivery. Does that mean we must make an exception to our face mask policy?

The ADA requires businesses to assess what types of modifications they can provide that are reasonable. Depending upon the nature of the business, there may be no reasonable alternative method to provide goods and services to the customer. If this is the case, your business does not have to change its face mask policy provided it is based on a legitimate threat to others' health and safety.

12) Until a couple of weeks ago, our business had no face mask policy and left the choice to wear a mask up to our customers. Due to increased cases in our area, we want to begin requiring face masks in our store. A couple of our customers have told us they weren't wearing masks due to their disabilities. They believe that it is both unfair and discriminatory that they must now wear face masks to come into the store when so many other people were not required to wear masks.

This scenario is a good example of why it is highly recommended that businesses communicate their face mask policies clearly to their customers. If there is a change in policy, a written notice in the front of the business stating the new policy and when it will go into effect is good practice. This information could also be posted on the business website and social media.

Businesses should also be careful to apply their policies equally to all customers. For example, if young, healthy looking customers shop openly without a mask while, in contrast, a customer who appears to have a disability is questioned about their disability and then asked to wear a face mask--the discrimination complaint may be legitimate.

13) A young man who is deaf and read lips frequently shops at our store. Should we require our staff to wear face masks with clear plastic inserts to allow lip reading?

According to the National Association of the Deaf (NAD), face masks pose real communication challenges for deaf and hard of hearing individuals. Face masks with clear plastic shielding to make the mouth visible are one way to meet the needs of people who read lips. These masks would not have to be worn all of the time by employees, but simply be available as needed to communicate with customers who read lips. A full face shield is another option that allows more visibility of the entire face, making lip-reading easier. (Of course, sanitation protocols should be used rather than just letting different employees share the same mask or shield!) Not everyone who is deaf or hard of hearing lip-reads. Other alternative methods of simple communication include text messaging, Skype or Face time, dry erase boards, and disposable pens and paper.

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