



Protection and  
Advocacy System  
for New Hampshire

*The DRC is dedicated to eliminating barriers existing in New Hampshire to the full and equal enjoyment of civil and other legal rights by people with disabilities.*

*\* Note: In NH an interpreter generally needs to be licensed, and is used when the Deaf/HH person's primary method of communication is through sign. A CART (Communication Access Real-time Translation) Reporter is used when the person does not primarily use sign but uses English or another written language.*

**The DRC can provide legal assistance if your rights to an interpreter or other accommodation have been violated.**

Disabilities Rights Center

18 Low Avenue  
Concord, NH 03301

Phone: 603-228-0432 or  
1-800-834-1721 (voice/ TTY)  
Fax: 603-225-2077  
Email: [advocacy@drcnh.org](mailto:advocacy@drcnh.org)

## RIGHTS OF A DEAF OR HARD OF HEARING PERSON TO AN INTERPRETER OR CART REPORTER

### *Disabilities Rights Center*

#### WHEN DO INTERPRETERS/ CART REPORTERS HAVE TO BE PROVIDED?

Federal laws (*Americans with Disabilities Act and Section 504 of the Rehabilitation Act*) or State law (*RSA 521-A*) generally require an interpreter or "auxiliary aids" (such as a CART Reporter)\* to be provided when it is necessary to ensure effective communication for a Deaf or Hard of Hearing person, i.e. as effective as it would be between people who hear. The exact requirements can vary a little in certain situations. Examples of AA's are note takers, written materials, assistive listening devices or video-text displays.



**However, these devices cannot be substituted when an interpreter/CART Reporter is needed for effective communication.**

#### WHO MUST PROVIDE AND REIMBURSE THE INTERPRETER/ CART REPORTER?

**Employers:** all private employers with over 15 employees and any state and local government and federally funded private employers must provide an interpreter/CART Reporter when it is necessary for effective communication unless it would cause undue burden. For example, an interpreter should be provided for a deaf or hard of hearing person at a job interview or staff training, but generally does not have to be available full-time for the deaf/HH person for carrying out daily employment activities.



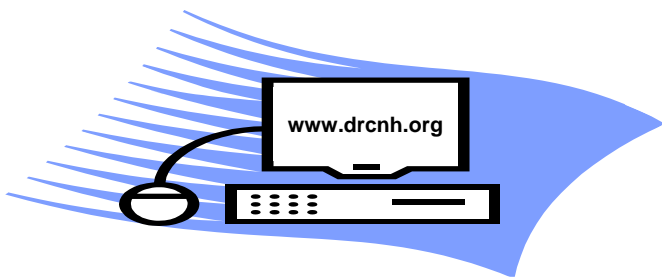
**All State, Local and Federal government agencies,** including town boards and departments, courts, police, jails, government licensed facilities, community mental health centers, area agencies, etc. However, an interpreter/CART Reporter may not be necessary for a simple or brief communication such as setting up an appointment, where passing notes with a receptionist may be sufficient; whereas one may be necessary for the actual appointment or event, e.g. interview of a Deaf/HH patient by a hospital discharge social worker or a Deaf/HH witness by police. Similarly, an interpreter would have to be provided by a zoning board to enable a deaf/hard of hearing applicant to "speak" in favor or against a zoning variance.

**Places which accommodate members of the public** such as hospitals, doctor and lawyer's offices, restaurants, hotels, day care centers, car dealers, or other retail establishments, when the interpreter/CART Reporter is necessary for effective communication unless the entity can legitimately claim an undue burden. For example, a business would generally not have to provide an interpreter for a deaf customer, as the communications involved will be typically simple and brief. However an interpreter/CART Reporter generally should be provided for a Deaf/HH person where relatively complex, lengthy, and/or serious matters will be discussed, such as vehicle purchases, loan closings, lawyer or doctor appointments.

**Special NH requirements regarding formal proceedings and police interrogation of suspects**

(a) An interpreter/CART Reporter must be provided when requested in advance for every stage of a proceeding before a state or local court, department, board, commission or licensing authority in which the Deaf/HH person is a party.

(b) An interpreter/CART Reporter must be provided by police when interrogating (questioning) a Deaf/HH person arrested for a criminal violation which may include a fine over \$100 or imprisonment. Remember police may have to provide an interpreter in other situations as well when it is necessary for effective communication.



**What is Undue Burden?**

That depends. Undue burden may be claimed if paying for an interpreter would be very costly to or fundamentally alter an organization's business or operation. For example, a small business generally would not need an interpreter on a full or even part time basis in order to enable a Deaf/HH person to work because it may be unduly costly and also unnecessary, but would have to pay for an interpreter for an employment interview or during orientation.

**How do I obtain a qualified interpreter?**

For the situations described, generally an interpreter licensed by the NH Licensing Board for Deaf/HH must be provided under RSA 326-I. There are situations in which an interpreter who is not NH Board Licensed may be used. For further information contact:

NH Board of Licensure of Interpreters  
c/o Program for the Deaf and Hard of Hearing  
78 Regional Drive, Bldg. 2  
Concord, NH 03301  
TTY (60) 271-1483 TTY  
Voice 271-7095  
[www.ed.state.nh.us/vr/Prog&Svcs/Deaf/ILB/ILBIndex.html](http://www.ed.state.nh.us/vr/Prog&Svcs/Deaf/ILB/ILBIndex.html)

While anyone may obtain an interpreter directly, there are two interpreter referral agencies in New Hampshire who perform this function. They can also answer specific questions. They are:

Northeast Deaf and Hard of Hearing  
125 Airport Road  
Concord, NH 03301  
1-800-492-0407 or 603-224-1850 (v) or  
or 603-224-0691 TTY  
[www.ndhhs.org](http://www.ndhhs.org)

Granite State Independent Living  
21 Chenell Drive  
Concord NH 03301  
(603) 228-9680 or  
1-800-826-3700 V/TTY  
[www.gsil.org](http://www.gsil.org)

**Another Resource:**  
National Association of the Deaf  
Legal Rights webpage  
<http://www.nad.org/infocenter/infotogo/legal/>

**For complaints about employment related matters:**

U.S. Equal Employment Opportunity Commission  
1801 L Street, NW  
Washington, DC 20507  
Voice (800) 669-4000  
(TDD) (800) 669-6820  
[www.eeoc.gov](http://www.eeoc.gov)

**For complaints against places which accommodate the public or state or local government agencies:**

U.S. Department of Justice  
Office on the ADA, Civil Rights Division  
P.O. Box 66118  
Washington, D.C. 20035-6118  
Voice (202) 514-0301  
(TDD) (202) 514-0381 or 0383  
[www.usdoj.gov/crt/drs/drshome.htm](http://www.usdoj.gov/crt/drs/drshome.htm)

**For the above complaints, you can also contact:**

NH Human Rights Commission  
2 Chenell Drive, Concord, NH 03301-8501  
(603) 271-2767  
[www.state.nh.us/hrc](http://www.state.nh.us/hrc)

**For complaints about interpreters, you may file a grievance with the NH Board of Licensure of Interpreters.**

c/o Program for the Deaf and Hard of Hearing  
78 Regional Drive, Bldg. 2  
Concord, NH 03301  
TTY (60) 271-1483 TTY  
Voice (603) 271-7095  
[www.ed.state.nh.us/vr/Prog&Svcs/Deaf/ILB/ILBIndex.htm](http://www.ed.state.nh.us/vr/Prog&Svcs/Deaf/ILB/ILBIndex.htm)