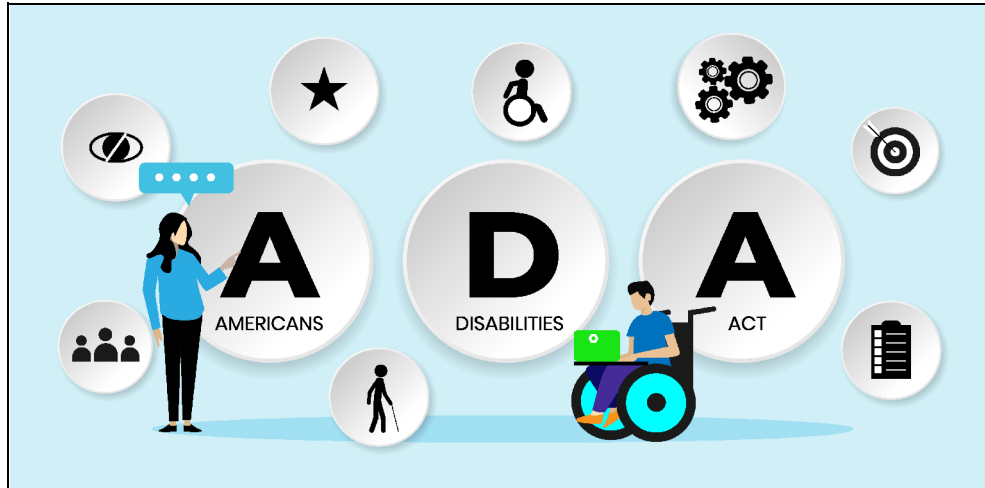


ADA – Legal Right to a Support Person



Some Contexts Where a Support Person May Be Needed

According to Thomas F. Coleman, legal director of Spectrum Institute: “It seems to be universally accepted that a person with a disability, especially someone with a cognitive disability, is entitled to have a support person as an ADA accommodation. The presence of someone *not* of the individual's choice or consent would not provide the support the person needs. Therefore, the individual with a disability should be able to choose the support person.”

Employment. According to informal guidance from the Equal Employment Opportunity Commission (EEOC), having a support person present at meetings can be a form of reasonable accommodation that an employer must consider if an employee needs the support because of a disability. <https://askjan.org/publications/consultants-corner/vol05iss01.cfm>

Doctor's office. A doctor's office must allow a person to bring a communication supporter to an office appointment. <https://odpc.ucsf.edu/communications-paper/americans-with-disabilities-act>

State agencies. Any person whom an individual with a disability identifies to help during the reasonable accommodation process in terms of filling out paperwork, attending meetings during the interactive process to take notes or ask clarifying questions, or to provide emotional support. <https://mn.gov/mmb-stat/policies/1433-ada-reasonable-accommodation.pdf>

University. Employees are welcome to bring one support person with them to any meeting with the HR regarding their need for accommodation. <https://hr.uoregon.edu/employee-labor-relations/accommodations/interactive-disability-accommodation-process>

Mediation. When a party is not able to articulate what he wants from the process or doesn't seem to understand the process, a third party support person whom the party respects and trusts can be very helpful. The support person can serve as an ally and coach to the party, helping the party follow what is happening, evaluate options, and decide what is in the party's best interest. This person might be a trusted family member, friend, co-worker, or attorney. https://www.ada.gov/ada_mediators.html

Business Customers. Persons with disabilities may use assistive devices, service animals and support persons as is necessary to access the Company goods and services unless superseded by other legislation. <https://www.medixteam.com/ada/>

Court Proceedings. Support service providers (or support persons) are often used by individuals who are deaf-blind and those who have intellectual disabilities or other cognitive disabilities, and may be relied upon by these individuals in the court context. Both the DOJ and advocacy groups have offered helpful guidance regarding support service providers (SSPs) and how they work with people with disabilities. https://georgiacourts.gov/wp-content/uploads/2019/09/ADA-Judicial-Handbook-2017_Oct-Update.pdf

Health Care Facility. The paradigm for challenging healthcare practices during this pandemic is a legal one: hospitals must provide reasonable accommodations by following the Americans with Disabilities Act (ADA). Visitor policies for people who need support from others (who are NOT staff of a healthcare facility) must permit a support person or companion to be present to the greatest extent possible. <https://ussaac.org/news/ada-compliance-with-visitations-in-healthcare-facilities-coronavirus-pandemic-guidance-for-advocates/>

Health Care. The undersigned members of the Consortium for Citizens with Disabilities (CCD) and allies write to ask you to ensure that hospital and other healthcare provider visitor policies include reasonable modifications for people with disabilities who need the physical presence of a support person in order to ensure equal access to health care. <http://c-c-d.org/fichiers/Sign-on-letter-supporters-in-hospitals-hospital-admins.pdf>

Hospital. In Connecticut, the state guidance which led to the civil rights complaint indicated that a support person should be allowed at the hospital with patients with intellectual and developmental disabilities who receive services from the state's **Department of Developmental Services**: <https://www.disabilityscoop.com/2020/06/10/hospitals-told-allow-visitors-disabilities/28451/>

Please share this document with others. It is helpful for people to understand various contexts in which the issue of a support person as an ADA accommodation has arisen.



Thomas F. Coleman
Legal Director
tomcoleman@spectruminstitute.org

Tina Baldwin
Director of Mental Health Project
christina.ann.baldwin@gmail.com

Mental Health Project: <https://spectruminstitute.org/therapy/index.htm>
ADA Brochure: <https://spectruminstitute.org/ada-support-person-contexts.pdf>