

This summary provides an overview of the intermediary scheme in Vermont in 2024. It may not capture all the differences in intermediary work across the United States of America, neither does it offer a critique of intermediary schemes' compliance with the UN Convention on the Rights of Persons with Disabilities ([UN Convention on the Rights of Persons with Disabilities](#)). This summary was created for [The Access to Justice Knowledge Hub](#)

# Vermont, United States of America

## The intermediary in the justice system

Intermediaries in Vermont (USA) are titled 'communication support specialists' and they work both with and beyond the justice system. The services provided by communication support specialists were developed and introduced by an organisation supporting persons with disabilities. The Vermont Communication Support Project (VCSP) in Vermont has existed since the 1990's and is the first programme of this sort in the country. It was created thanks to a public defender who recognized that he did not have the training or skills to support his client with disabilities, and that his client needed accommodations regarding communication. Communication Support Specialists (CSS) assist people with disabilities in court, administrative hearings, and related meetings. The service is available for all who qualify (as per the ADA, people can self-identify or if a disability is clear, an actual diagnosis from a provider may not be necessary).; however, services are not available to defendants in criminal court. This policy is subject to periodic review and is in place because of lack of resources and the VCSP considers that the implications for a defendant need to be assessed carefully, e.g., being considered fit to plead because of the assistance, and the program would need additional resources to serve the criminal courts. There is a focus on developing formalized training, increased awareness, and respect for CSS programs. There are other types of support services available within courts and administrative agencies, but none touch upon accommodations with regards to communication in the same way. Foreign and Deaf language interpretation and technical supports are available. There are times when CSS services are provided collaboratively and in addition to language interpretation. The other existing forms of support are usually not neutral, e.g., advocates or providers of treatment support. Expert witnesses are also a different role within the justice system. CSS specifically focus on communication and effective participation in interactive dialogue settings.

## The law

The VCSP programme is implemented on the basis of the Americans with Disabilities Act (ADA). With the most recent ADA update, a person may have a 'disability label' or medical diagnoses, and/or can be assessed on a functional basis in order to qualify for accommodations. Clients are informed of their right to ask for support for what they reasonably need, whether it is for a meeting or hearing.

## The intermediary's role

The CSS is neutral and only provides support regarding communication. Communication is defined by the VCSP as follows: 'Communication may include comprehension, ability to express thoughts and feelings, ability to manage behaviour in a way that may allow for

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effective communication, ability to understand written documentation, or any other variable involved with imparting or exchanging information in an interactive setting such as an administrative meeting or court hearing.' CSS work provides services in all courts, except to defendants in criminal courts, because of a lack of resources and the potential implications of being considered fit to plead/competent due to the CSS' intervention. The organisation has an advisory council that reviews this decision regularly, but the concern is that 'if someone's status regarding competency changes it puts that person in a whole different situation'. Any person with disabilities can request the CSS' services through a form and an intake process. Initially, the VCSP needs some basic client intake information, including:

- Name / Date of Birth / Contact (address, telephone, email)
- Docket or Case Number (if applicable)
- Case Type (i.e. Children in need of Supervision -- CHINS, Divorce, Release from Abuse -- RFA, Reach Up...)
- Hearing/Meeting Schedule
- Lawyer & Contact (telephone, email)
- Disability (if known) and information regarding need for support and how the potential disability may affect the client's communication

Lawyers must file a motion for their clients to be approved for CSS services in court. CSS services must be approved by the applicable court or agency. If a judge determines that a person may need support, they can also appoint a CSS, however, CSS services remain by choice. Nobody is forced to accept the services of a CSS per the ADA. The program receives an Explanation of Need (EON) form from a provider to evaluate if the person qualifies for services. During the intake call, a client summary is developed by the program coordinator or director so that when the CSS meets the client, they already have a case summary, an initial communication plan and a preformatted invoice. The CSS may refuse an assignment in cases of conflict of interest or for any other reason that they may consider at their discretion, e.g., availability or suitability. Usually, the CSS receives a client summary before meeting the client and takes notes during the assignment. During the premeeting, the client and the CSS discuss communication strategies together. The pre-meeting may also cover how to get to the meeting place or how to 'connect' if it is a virtual meeting. Sometimes clients want to discuss the details of their case, which is not the purpose of these meetings, except to disclose basic case details, organize information and support the client in being able to communicate the information that they express as relevant. The CSS will sometimes interject and refocus the conversation on the communication needs and accommodations. The CSS assists in the participation in an interactive dialogue setting, and is not there for other administrative tasks, e.g., to provide support filling in forms. The CSS may nevertheless read out information for the person, for instance, if s/he cannot read or has cognitive disabilities.

The assigned CSS will meet the person half an hour before the meeting or hearing to talk through the purpose of the meeting and what the client wants to communicate. During the pre-meeting, the CSS assists the client with understanding the information they have, getting their thoughts and priorities in order and determining tools and strategies for individualized communication support. No new information is brought to the client by the CSS. The CSS

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cannot advise, suggest possible solutions, or interfere in any other way, since this compromises the neutrality of the role. Once in court, the judge will sometimes ask the CSS whether there are any accommodations that need to be taken into consideration. The CSS may explain some of the planned accommodations if appropriate, e.g., need for breaks, or simply say that accommodations will be requested if necessary and give some examples. The response will be tailored to the client's needs and responses will respect privacy and avoid profiling (giving a stereotyped image of a person). Further, it is possible that the person may not need any specific accommodations during the meeting or hearing.

The CSS will use tools, e.g., cue cards or stress balls, pads, coloured pens, post its, and different strategies, e.g., asking the court for a break or pause for the client to review their priority list or asking for clarification, to make sure the person can understand and communicate effectively. The communication strategies will be transparent to all present and to maintain neutrality. During the hearing or meeting, the CSS will take notes to be used during the post-meeting for review and to check for comprehension. After the meeting or hearing, a 30-minute post-meeting is held to review the key information received by the client. This may include a recap of information and next steps, appointments, what the person needs to do next and where to find any missing information or seek clarification. De-escalation is sometimes necessary during the post-meeting. No report is produced for the court or state administration which contain assessments or suggestions for reasonable accommodations. The CSS provides the VCSP office with a brief summary of services pertaining to communication support. The 30-minute private meeting structure before and after hearings/meetings is scheduled so that the client can maintain enough energy and attention for their hearing or meeting. One of the cardinal rules for communication specialists is to avoid introducing new information or being directive. The CSS is not a coach or emotional supporter. The CSS can help the client organize the information but cannot create or suggest the information or content. Courts have conference rooms for the pre and post meetings. The case summary and any additional files or reports the VCSP has on file (e.g., Explanation of Need form) are kept for internal purposes. The CSS is provided with a copy of the client summary prior to a respective assignment. Reports on accommodations are kept for monitoring purposes and to encourage consistency. They also inform future assistance requests from that particular client.

### **Examples of accommodations:**

A client was having difficulty not raising his voice during the meetings, which had escalated previously due to all participants' behaviour. The CSS and client agreed that the CSS would suggest in a neutral tone to focus, which reminded the client to use the communication strategies they had developed together. A client found it difficult being in court for longer periods of time. The CSS and client agreed to request occasional breaks as necessary. The judge was informed in advance that some breaks might be requested and that they would be short. When breaks were needed the client and CSS would go to a conference room for a few minutes and then return to the court room to resume the hearing. While there were numerous short breaks, the preceding was efficient, and the client was able to participate effectively.

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The refugee population has grown, and a CSS was asked to support a person who was supported by a language interpreter. In 2019, the woman qualified with an anxiety disorder and a learning disability; she did not speak English. CSS services were provided to the client in addition to language interpretation for the client and CSS. This was effective.

Another creative approach was when a man in his 40s had a stroke and needed to appear in probate court. He had no ability to speak, used no technology, but made himself understood using a letter board, and his comprehension was competent. The CSS created both a letter board and some phrase sheets so he would not have to point and spell out all of his responses. The Judge accepted the use of these as an accommodation as well as all of the attorneys and other parties. While this was a simple approach, it gave the client a voice to communicate and fair opportunity during his hearing.

## Training

Training for communication support specialists is provided for and monitored by the Vermont Communication Support Project. It consists of an intensive classroom study program and a mentorship, observing a trained CSS on assignments. During the mentorship, the trainee is shadowed by a trained CSS. Admission requirements to the training program expect applicants to have some in-depth knowledge of disability and have experience interacting with persons with disabilities. There must be some connection to disabilities or a foundational knowledge. The CSS team in Vermont has a diverse and extensive history with the disability community. The goal of the training is to provide future specialists with the skills, tools and strategies to support clients with disabilities in their effort to communicate as effectively as possible. The training focuses on 'the 3 Ws' – What accommodation is needed, Why, and When'.

VCSP has developed a comprehensive and detailed training curriculum. Monitoring of the work is done after each assignment through a report to the program director and there is an annual training meeting and recertification process for all communication specialists.

## Funding

The Communication Specialists are self-employed and invoice directly to the responsible entity (administration, court) for payment of their services. These administrative functions are performed by the VCSP office. For every assignment an estimate is sent prior to services and must be approved; the CSS is sent a formatted invoice. The VCSP operational infrastructure is funded through different governmental agencies -- the Department of Disability, Aging & Independent Living, the Department for Children and Families and the Department of Mental Health. Each agency contributes 25 000 USD per year, resulting in 75 000 USD a year for the program infrastructure. Then, the CSS are paid for by the entity requesting the service (Court, Dept of Children Services, etc.) and the Disability Rights Vermont administers the program.

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### Pressing issues and future perspectives

The VCSP is always striving to simplify the process of requesting services. Funding for the program is an ongoing challenge as well as outreach to all persons with disabilities who may need a CSS because of the rural nature of the state. Some parts of the state use the service more and less than others. Sometimes the most effective strategy for awareness is “word-of-mouth”. Another identified challenge is recruitment since the job is currently only occasional and part-time. This has improved as there has been an approved increase in CSS fees. VCSP receives positive feedback and respect from clients, attorneys, judges and state workers.