

18TH JUDICIAL CIRCUIT COURT, DUPAGE COUNTY, ILLINOIS

Frequently Asked Questions

On the

Policy for Access for Persons with Disabilities

(Form 18-3)

It is the policy of the 18th Judicial Circuit Court (Court) to ensure that communications with and accommodations for individuals with disabilities and without disabilities are equally effective, consistent with the requirements of Title II of the ADA, Section 504 of the Rehabilitation Act of 1973 and applicable laws and regulations. Whenever necessary, the Court will provide, free of charge, the appropriate auxiliary aids and services to ensure that individuals with disabilities have an equal opportunity to participate in and benefit from any Court program.

The Court may also provide any other reasonable accommodation necessary to ensure that a person with impairments or disabilities has an equal opportunity to participate in the judicial system. This policy applies to all members of the public who seek to participate in the Court's programs.

The Court has designated a Court Disability Coordinator (CDC) to assist people with disabilities. The CDC for the 18th Judicial Circuit Court is Suzanne Armstrong. She can be reached at CDC@18thJudicial.org or (630) 407-8901.

The Policy on Access for Persons with Disabilities was adopted by the 18th Judicial Circuit Court as Administrative Order 12-31 and can be found at www.dupageco.org/Courts/28754/

Questions and Answers

1. What is a "disability" under the ADA?

A "disability" is a physical or mental impairment that substantially limits one or more of the major life activities such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working. Some examples include mobility or other motor disabilities, vision disabilities, speech and hearing disabilities, environmental sensitivities, and psychological disorders. The

disability makes it hard for the person to do activities that most other people can do. It also may restrict the person's way of doing things and/or where and for how long the person can do a certain activity or function. People who have a record of such disability or are regarded as having such disability also meet the definition of "disabled" for purposes of providing a reasonable accommodation.

2. Who is a "qualified" person with a disability?

A qualified person with a disability is one who meets the *essential eligibility requirements* for the program or service offered by the court with or without reasonable accommodation. For example, in order to be eligible for jury service Illinois law requires that prospective jurors are able to understand the English language, whether in spoken or written form or interpreted into sign language. Many deaf persons read or speak the English language, so they are qualified. However, an accommodation must be made in order for that person to fully participate in jury service.

3. Are there any limitations on what the court must do to make services accessible to disabled persons?

Yes. Under Title II of the ADA, a public entity does not have to take any action that would result in a fundamental alteration in the nature of its program or activity, or in undue financial or administrative burdens.

4. Who may request an accommodation?

Any qualified person with a disability who has business with the court, including attorneys, litigants, defendants, probationers, witnesses, potential jurors, and public observers of court services and programs may request reasonable accommodation by contacting the CDC.

5. May spectators obtain reasonable accommodation in the courtroom?

Yes, the court must provide reasonable accommodations that ensure spectators' equal participation in and benefit from court programs and services. However, requests for accommodation by a spectator must be submitted timely and need not be granted if doing so would require a continuation of the court proceedings that would cause the undue burden of rescheduling the parties, attorneys, or witnesses.

6. How is a request for reasonable accommodation submitted?

An individual with a disability who needs an accommodation in order to participate in a court proceeding or other court service, program, or activity, is entitled, at no cost, to the provision of certain assistance. Requests for accommodations may be presented on the attached form (preferred), in another written format, or orally.

The request shall be as detailed as possible and include a description of the accommodation sought and the date(s) the accommodation is needed. Forms are available on the Court's website at <http://www.dupageco.org/Courts/28754/>

If an individual needs assistance in completing this form due to their disability, or needs to request this document in an alternate format, they may contact:

Court Disability Coordinator (CDC)
18th Judicial Circuit Court
Office of the Chief Judge
505 N. County Farm Road, Room 2015
Wheaton, IL 60187
Email: CDC@18thJudicial.org
Phone: (630) 407-8901
TDD: (630) 407-8910
FAX: (630) 407-8836

Requests for Accommodations should be submitted as far in advance as possible, but preferably at least fourteen (14) days before the scheduled court appearance or other court activity.

The request should identify the particular court activity or service for which accommodation is sought; the date, time, and location where the accommodation is needed; a description of the disability, and the type of accommodation being requested. All requests for an accommodation will be held confidential.

7. When must the request for accommodation be made?

To avoid causing undue disruption of court proceedings, requests for accommodation must be given with reasonable notice. If the request relates to a jury summons, the individual should contact the Jury Commission as soon in advance as possible. If the request concerns a particular court proceeding, the request should be made, at least, fourteen (14) days before the proceeding to allow time to consider the request and arrange for reasonable accommodation.

8. Is the Court required to provide the requested accommodation?

The Court determines, on a case by case basis, what reasonable accommodations can be made. Primary consideration is given to the request of the individual with the disability; however, an alternative accommodation may be offered if equally effective.

The Court is not required to make modifications that would fundamentally alter the service or program or cause an undue administrative or financial burden.

Examples of aids or services the Court **cannot** provide as an accommodation include:

- Transportation to and from the courthouse
- An official transcript of a court proceeding
- Personal devices such as wheelchairs or canes
- Services of a personal nature such as assistance in eating, toileting, or dressing.
- Personally prescribed devices such as hearing aids or prescription eyeglasses
- Readers for personal use or study

9. Who approves a request for a reasonable accommodation?

It depends on whether the requested accommodation impacts court procedures or proceedings within a specific case.

For accommodations that do NOT impact court proceedings within a specific case, the CDC may, administratively, approve such requests pursuant to court rule and policy.

For accommodations that DO impact court proceedings within a specific case, the Court Disability Coordinator will contact the Judge who is hearing the case who will then decide whether or not to grant the accommodation request. These types of requests may include requests for an extension of time, a change of venue, or participation in court proceedings by telephone. It may be determined that the request should be submitted by written or oral motion to the assigned Judge as part of the case.

The Judge will review each request on a case by case basis and is not obligated to grant accommodations that would impose an undue financial or administrative burden on the court or that would fundamentally alter the nature of the court proceedings. The Judge may consider an individual's disability, along with other relevant factors in granting or denying the motion.

10. What does the requirement for effective communication mean in a court?

The court must ensure that its communications with people with disabilities are as effective as communications with others so that all can fully participate and enjoy the services and programs provided. The provision of auxiliary aids and services may be a reasonable accommodation to ensure effective communication for a person with a hearing, visual, or speech disability. The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the length and complexity of the communication involved and the individual's specific disability and preferred mode of communication. Every reasonable effort will be made to meet the specific needs of the individual.

11. Is the court responsible for providing devices of a personal nature?

No, the court is not responsible for providing devices of a personal nature such as prescription eyeglasses, hearing aids, wheelchairs, and/or personal medical or attendant care.

12. What types of accommodations are available to assist people who are deaf or hard of hearing?

Depending on the needs of the individual and the nature of the impairment, an accommodation may involve:

- allowing the person to sit where he or she can hear better;
- allowing use of a telecommunication system to communicate;
- providing a qualified sign interpreter appointed by the court; or
- providing an assistive listening system or computer-aided transcription.

a. Telecommunications Relay Services (TRS)

Telecommunications Relay Service (TRS) is a telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. There is no cost to the TRS user. The court uses TDD Illinois Relay Service. The number is: 1-800-526-0844

b. E-mail

If the individual is able to read the English language, e-mail may be an option.

c. Interpreters for Persons who are Deaf

Many persons who are deaf or hard of hearing use American Sign Language (ASL) rather than spoken English as their primary mode of communication. ASL is a natural language recognized globally and used by members of the deaf community here in the United States. However, not all persons who are deaf or hard of hearing are proficient in ASL. In some instances it may be necessary to work with an additional person known as a “deaf interpreter,” who serves as a kind of relay interpreter, using a more visual and gestural language. Additionally, a person who is both deaf and blind may need an interpreter skilled in tactile sign language. Some persons who are deaf do not use sign language at all, but require an “oral” interpreter who silently mouths the speaker’s words to them. Each of these interpreters may work with the ASL interpreter to ensure the best level of communication is provided for the deaf person.

Family members or amateurs who know some sign language should not interpret for a court-related process unless the person who is deaf uses a unique form of communication that only family or friends know. They typically lack the techniques, vocabulary and skills needed for legal interpretation, generally are not familiar with court terminology and protocols, and have difficulty being neutral in the process. However, the judge assigned to the proceeding must make the determination whether it is appropriate to permit a family member or other person to act as an interpreter in these special circumstances.

d. Assistive Listening Systems

Assistive listening systems transmit sound as directly as possible to a hearing aid.

14. What types of accommodations are available to assist people who are legally blind or visually disabled?

Depending on the needs of the individual and the nature of the disability, accommodation may involve:

- providing assistance at the counter in filling out necessary paperwork;
- having written materials read out loud in the courtroom;
- allowing the person to sit closer than usual if they have limited vision; or
- providing additional lighting if the lighting is a problem.

People who are blind or visually disabled often can be assisted by changing the viewing distance, improving illumination and contrast. Contrast in written materials can be important. For example, using 14-point or larger black type font on yellow paper will greatly increase the readability of materials.

15. What is an assistance (or service) animal? What guidelines exist for their presence and exclusion?

Only dogs are recognized as service animals under Titles II of the ADA. Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Assistance animals are not pets; they are specifically trained to help people with disabilities in their day-to-day activities. Some examples include:

- guiding a blind or visually disabled person;
- alerting people with hearing impairments to sounds;

- pulling wheelchairs or carrying and picking up things for people with mobility disabilities and assisting people with mobility disabilities with balance.
- alerting and protecting a person who is having a seizure;
- reminding a person with a mental illness to take prescribed medications,
- calming a person with anxiety disorders

15. What guidelines exist for their presence and exclusion?

Assistance animals must be under control.

Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

General guidelines regarding assistance animals.

When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a courtroom or a jury assembly room, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

If food is sold or prepared at a court location, service animals must be allowed in public areas even if state or local health codes prohibit animals on the premises.

People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals.

Employees are not required to provide care or food for a service animal.

16. When can a person with a disability be asked to remove his service animal from the premises?

If either of the following factors occur, the person with a disability may be asked to remove his service animal from the premises:

(1) The dog is out of control and the handler does not take effective action to control it (for example, a dog that barks repeatedly during proceedings, or poses a threat to others) or

(2) The dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.

18. What about miniature horses?

In addition to the provisions about service dogs, there is a separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.

The Court will permit miniature horses where reasonable. There are four assessment factors used to assist the Court in determining whether miniature horses can be accommodated in Court facilities.

The assessment factors are:

- (1) Whether the miniature horse is housebroken;
- (2) Whether the miniature horse is under the owner's control;
- (3) Whether the facility can accommodate the miniature horse's type, size, and weight; and
- (4) Whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

19. What recourse does a person have if their request for accommodation is denied?

Anyone whose request for an ADA accommodation has been formally denied by may submit a grievance. Grievance information and procedures can be found at: <http://www.dupageco.org/Courts/28754/> and in the Guide for Access for Persons with Disabilities (Form 18-2)

Important: Grievances must be submitted to the CDC for response and record keeping.