

THIRD JUDICIAL CIRCUIT COURT POLICIES AND PROCEDURES GOVERNING COURT ACCESS FOR PEOPLE WITH DISABILITIES

Policy Statement

It is the policy of this Court to assure that qualified individuals with disabilities have equal and full access to the judicial system including Court proceedings, services, programs, and activities. This court is proactive in providing equal access for people with disabilities whether they are jurors, parties, attorneys, witnesses, guardians of minors, spectators, or other interested persons. Nothing in this policy shall be construed to impose limitations or to invalidate the remedies, rights, and procedures accorded to any qualified individuals with disabilities under state or federal law. There is no charge for any service provided.

Section I - Requests for Accommodation

A. Definitions

The following definitions shall apply under this section:

1. "Qualified individuals with disabilities" means persons covered by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.) and other related state and federal laws; and includes individuals who have a physical or mental impairment that substantially limits one or more of the major life activities; have a record of such an impairment; or are regarded as having such an impairment. Persons with temporary impairments generally are not considered to have a disability.
2. "Applicant" means any lawyer, party, witness, juror, spectator, or any other individual with an interest in attending any proceeding of any court in this circuit.
3. "Accommodation(s)" may include, but are not limited to, making reasonable modifications in policies, practices, and procedures; furnishing, at no charge, to the qualified individuals with disabilities, auxiliary aids and services, which are not limited to equipment, devices, materials in alternative formats, and qualified interpreters or readers; and making each service, program, or activity, when viewed in its entirety, readily accessible to and usable by qualified individuals with disabilities requesting accommodations. Individuals who use service animals also have the right to be accompanied by a service dog or a service dog in training. While not requiring that each existing facility be accessible, this standard, known as "program accessibility," must be provided by methods including alteration of existing facilities, acquisition or construction of additional facilities, relocation of a service or program to an accessible facility, or provision of services at alternate sites.

4. The term "section" means requests for accommodations in the courts of the Third Judicial Circuit by qualified individuals with disabilities.

B. Court Initiatives for those with special needs

Among the many possible accommodations the court will provide to qualified individuals, the court provides assisted listening devices for the courtroom. In addition, whenever a deaf person is a party to any legal proceedings, chosen as a juror, or called as a witness, the court will appoint a qualified, certified interpreter of sign language to interpret the proceedings. If the deaf person does not understand sign language, the court will seek to provide other accommodations. In the case of a deaf juror, the interpreter shall be available throughout the actual trial and may accompany and communicate with such juror throughout any period during which the jury is deliberating.

C. Process

Use the request form or submit a similar request to the coordinator to request a reasonable modification, auxiliary aids and services and/or physical access. If there are any questions please feel free to call the Court Disability Coordinator (CDC) at 618-296-4884.

1. Requests for accommodation(s) pursuant to this rule may be presented ex parte (i.e., done on behalf of one party only and without notice to an opposing party) in writing to the court or to the court disability coordinator, or in person as the court may allow.
2. An applicant may make ex parte communications with the court. Such communications shall deal only with the accommodation(s) the applicant's disability requires and shall not deal in any manner with the subject matter or merits of the proceedings before the court. Any judge, clerk, arbitration coordinator or other court individual who receives a request for accommodation pursuant to this rule shall forward the request to the court disability coordinator for processing within three (3) days.
3. All requests for accommodations may be on the form supplied by the court. The forms are available on the webpage and from the office of the court disability coordinator. Upon request, the form can be made available in an alternative format or assistance can be provided to help fill out the form. An alternative method of request will be accepted. The request shall include the full name, address and contact information of the person making the request. The date of the proceeding, case number, and whether it is a civil or criminal case should be included. A description of the accommodation sought, along with a statement of the impairment that necessitates such accommodation should be included. The

court may require the applicant to provide additional information about the qualifying impairment.

4. Applications should be made as far in advance of the requested implementation date as possible, and in any event should be made no less than ten (10) court days prior to the requested implementation date. The court disability coordinator may waive this requirement for good cause.
5. The court disability coordinator will be responsible for maintaining the requests for auxiliary aids and services. This information will be confidential and kept in a secure location separate from court files.

D. Grant of Accommodation

The court disability coordinator will grant an accommodation as follows:

1. In determining whether to grant an accommodation and what accommodation to grant, the coordinator shall consider, but is not limited by, the provisions of the Americans with Disabilities Act of 1990 and related state and federal laws.
2. The coordinator may grant accommodations for a particular appearance, for all appearances for a party, or for indefinite periods of time.
3. The applicant will be informed of the decision whether the request for accommodations is granted or denied, in whole or in part, and the nature of the accommodation(s) to be provided, if any. It is possible the proceeding will need to be rescheduled to a date the auxiliary aids and services can be provided if approved. All parties shall be promptly informed of any schedule changes.

E. Denial of Accommodation

An application may be denied if the court disability coordinator finds that:

1. The applicant has failed to satisfy the requirements of this policy; or
2. The requested accommodation(s) would create an undue financial or administrative burden on the court; or
3. The requested accommodation(s) would fundamentally alter the nature of the service, program, or activity.
4. If the Court Disability Coordinator denies the request or the decision is to provide an alternative service other than the service requested, the person making the request can appeal the decision or file a grievance complaint to the Chief Judge within ten (10) days of the response. All appeals or grievances shall be sent to the Office of the Chief Judge, 155 N. Main Street, Edwardsville, IL 62025. The grievance and appeal form is available on the webpage and from the office of the Chief Judge. Alternative means of filing a complaint, such as a tape recording of the complaint, will be made available for a person with a disability upon request.

5. The Chief Judge, or a person or persons appointed by the Chief Judge, shall review the appeal or the grievance and advise the applicant in writing of the determination. If the individual making the request appeals the decisions or file a grievance, the court disability coordinator shall forward the initial request for accommodations and any attachments or other information to the Chief Judge for the review as part of the process.

F. Mailing Address and contact information for the Court Disability Coordinator

Marla Davis

Third Judicial Circuit Court Disability Coordinator

Madison County Courthouse

155 N. Main Street, Office 406

Edwardsville, IL 62025

mdavis@co.madison.il.us

618-296-4884

**THIRD JUDICIAL CIRCUIT
STATE OF ILLINOIS**

REQUEST FOR ACCOMMODATION BY PERSONS WITH DISABILITIES

Instructions: fill out all of the sections of this form. Send the filled out form to the Court Disability Coordinator, 155 North Main Street, Edwardsville, IL 62025. Attach any additional documents.

Name of Person Requesting Accommodation: _____

Address: _____

Telephone: _____ **E-mail:** _____

Date Accommodation is Needed: _____

Case name and Case Number (if known): _____

Type of case: Criminal Civil Other (Describe: _____)

Location where accommodation is needed: _____

Person is: Juror Plaintiff Defendant Witness Other

Describe the nature of the disability that makes accommodation necessary:

Describe how the disability affects a major life activity:

Suggest the reasonable accommodation that is necessary:

Special requests or additional comments:

Signature: _____

Date: _____

**THIRD JUDICIAL CIRCUIT
STATE OF ILLINOIS**

**APPEAL OR GRIEVANCE COMPLAINT FROM PERSON WHO REQUESTED
ACCOMODATIONS DUE TO DISABILITIES**

Instructions: File this form with the Office of the Chief Judge, Madison County Courthouse, 155 North Main Street, Edwardsville, IL 62025 no later than ten (10) days after the act or decision complained about. Attach additional documents if necessary.

Name of Person filing complaint: _____

Address: _____

Telephone: _____

E-mail: _____

Description of decision or other act alleged (*include dates, locations, names and contact information of witnesses—use additional pages if needed*)

Remedy or solution requested:

Signature of complainant: _____ **Date:** _____

Notice: As the complainant, you may have other remedies through state or federal agencies or courts if you want to pursue the matters further or in other locations.
