

JUDICIAL BRANCH IN MARICOPA COUNTY

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Subject: Access Information for Persons with Disabilities			New: Addl:
Policy: X	Procedure:	Information:	Revision: X Date: 12/23
Policy Authority: Arizona Code of Judicial Administration Sec. I-203; Supreme Administrative Order No. 2023-170; Rule 92, R. Ariz. Sup. Ct., Supreme Court Administrative Order No. 2017-079; Title II of the Americans with Disabilities Act			Related Sections:
			Joseph C. Welty Presiding Judge

JUDICIAL BRANCH IN MARICOPA COUNTY, STATE OF ARIZONA POLICY AND PROCEDURES RE:

ACCESS INFORMATION FOR PERSONS WITH DISABILITIES

(1) Policy

In accordance with Title II of the Americans with Disabilities Act ("ADA") and other applicable laws, it is the policy of the Judicial Branch in Maricopa County, State of Arizona, which includes the Superior Court, Justice Courts, Adult Probation Department and Juvenile Probation Department ("Judicial Branch") to assure that qualified individuals with disabilities have full and equal access to the Judicial Branch's services, programs, and activities.

Nothing in this Notice shall be construed to impose limitations upon or to invalidate the remedies, rights, and procedures accorded qualified individuals with disabilities under state or federal law.

(2) Accommodation Requests for Court Services, Programs and Activities

The Judicial Branch provides reasonable accommodations upon request to qualified individuals with disabilities who require accommodation to fully and equally participate in court services, programs, and activities.ⁱ The Judicial Branch has designated an ADA Coordinator to carry out compliance with Title II of the ADA.ⁱⁱ Qualified individuals with disabilities requiring accommodation to access court services, programs and activities, including courtroom proceedings may complete the attached **Request for Accommodations Form** and submit it by either (1) mailing it to the ADA Coordinator, or (2) by giving it to courtroom staff or to the Clerk's Office. If the requesting individual needs help completing the form, the ADA Coordinator or designee will provide assistance upon request.ⁱⁱⁱ Alternative means of submitting an accommodation request, such as by personal interview, will be made available to qualified individuals with disabilities upon request. The ADA Coordinator's contact information is:

ADA Coordinator
Judicial Branch in Maricopa County, State of Arizona
125 W. Washington, 4th Floor
Phoenix, Arizona 85003

The Request for Accommodations Form may also be completed and submitted online at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/AmericansWithDisabilitiesAct/Index.asp>. To the extent possible, the Request for Accommodations Form should be submitted at least two weeks prior to any scheduled judicial proceeding, service, program, or activity.. For emergency judicial matters, the ADA Coordinator should be contacted immediately.

The ADA Coordinator may ask the requesting individual for additional relevant information where it would be helpful in addressing the request for accommodations. The ADA Coordinator will, as soon as reasonably possible, address the request and notify the requesting individual whether the accommodation will be provided. Notice will be given in writing unless the short lead time of a request precludes written notice. If the requesting individual is dissatisfied with the response to the request, the individual may file a complaint using the Grievance Procedures described in Section 5 of this Notice.

In providing reasonable accommodations, although the Judicial Branch gives primary consideration to the accommodation requested, the Judicial Branch has exclusive authority to make decisions regarding accommodation requests. An alternative accommodation may be offered if equally effective. Every reasonable effort shall be made to meet the specific needs of the individual. The Judicial Branch is not required to make modifications that would fundamentally alter its services, programs, or activities, or cause an undue financial or administrative burden for the Branch

(3) Definitions

The following definitions apply to this Notice and to all matters pertaining to the Judicial Branch's compliance with Title II of the ADA:

(a) **"Accommodations"** may include making reasonable modifications in policies, practices, and procedures; furnishing, at no charge, to qualified individuals with disabilities, auxiliary aids and services, which are not limited to 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. The Judicial Branch is not required to take any action, which would result in a fundamental alteration in the nature of a service, program or activity or in undue financial or administrative burdens.

(b) **"Auxiliary aids and services"** include:

- (i) Qualified interpreters, written materials, assistive listening devices, assistive listening systems, computer-aided real-time transcription, or other aids or services to effectively assist individuals with hearing impairments;
- (ii) Qualified readers, large print materials, or other aids or services to effectively assist individuals with visual impairments; and
- (iii) Other similar services and actions to assist qualified individuals with disabilities.

(c) **"Disability"** means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or regarded as having such an impairment.

(d) **“Qualified individual with a disability”** means an individual who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

(4) Effective Communication in Court Services, Programs, and Activities

The Judicial Branch takes appropriate steps to ensure that communications with parties, jurors, attorneys, witnesses, and members of the public who are qualified individuals with disabilities are effective. The Judicial Branch furnishes appropriate auxiliary aids and services where necessary to afford qualified individuals with a disability an equal opportunity to participate in or benefit from the Judicial Branch’s services, programs, and activities.

When a qualified individual with a disability requires an auxiliary aid or service to ensure effective communication, he or she may request the auxiliary aid or service of his or her choice. The Judicial Branch gives primary consideration to the choice expressed by the individual. Primary consideration means that the Judicial Branch will honor the choice, unless it can show that another equally effective means of communication is available, or that use of the means chosen would result in (1) a fundamental alteration in the nature of its service, program, or activity, or (2) an undue financial or administrative burden. When the preferred type of auxiliary aid or service is not available or will not be provided, the ADA Coordinator or designee will consult with the requesting individual and will ascertain whether an alternative means of communication will ensure effective communication. The ADA Coordinator may ask the requesting individual for additional relevant information where additional relevant information would be helpful in responding to the request for accommodations.

Advance notice to the Judicial Branch of the request for auxiliary aids or services is strongly encouraged. The ADA Coordinator should be notified at least two weeks in advance of court sessions or for ongoing services, programs, or activities. For emergencies or urgent requests, the ADA Coordinator should be notified immediately.

The ADA Coordinator will, as soon as reasonably possible, notify the requesting individual regarding the request and whether the proposed auxiliary aid or service will be provided. This will be done in writing unless the short lead time of a request precludes written notice.

If the requesting individual is dissatisfied with the proposed auxiliary aid or service or otherwise dissatisfied with the response to the request, the individual may file a complaint using the Grievance Procedures set forth in Section 5 of this Notice.

(5) Grievance Procedures for Handling a Complaint about Access to Judicial Programs, Services, or Activities

Any user of the Judicial Branch system – including parties, attorneys, jurors, witnesses, or members of the public – who believes that he or she has been subject to discrimination by the Judicial Branch based on a disability, can pursue a complaint through the Judicial Branch’s grievance procedures.^{iv} These grievance procedures do not in any way limit other legal remedies that may be available. The Judicial Branch’s grievance procedures apply to those qualified individuals with a disability who, with or without reasonable modifications to rules, policies or practices, the removal of barriers, or the provision of auxiliary aids or services, meet the essential eligibility requirements for services, programs, or activities.

(a) Filing a Complaint

Any qualified individual with a disability who believes that he or she has been treated by the Judicial Branch system in a discriminatory manner because of a disability may file a complaint with the Presiding Judge or his/her designee. Complaints must be filed in writing, using the attached Grievance Form, within sixty (60) days from the alleged discrimination. The completed Grievance Form should be submitted to the ADA Coordinator at the contact information provided in Section 1 of this Notice. Any individual who requires assistance in filling out the Grievance Form may contact the ADA Coordinator.^v Alternative means of submitting a complaint, such as by personal interview, will be made available to qualified individuals with disabilities upon request.

The complaint will be addressed through the ADA Coordinator, who will investigate it or forward it to an individual designated to investigate ADA complaints. The findings will be presented to the Presiding Judge or his/her designee for determination.

In order to provide the judge or his/her designee with sufficient information, the Grievance Form asks the grievant to describe the event as specifically as possible. The grievant should include the names of anyone who can assist in the investigation, a copy of any papers that relate to the complaint or that may be of help in understanding the complaint. The grievant should send copies of the documents and keep the originals for their files.

Within two weeks of receiving the Grievance Form, the ADA Coordinator will send a letter to the grievant acknowledging receipt of the grievance.

(b) Investigation

Complaints will be investigated promptly, unless the grievant is notified otherwise. In some cases, the investigation will include interviews with other individuals, including those named in the Grievance Form, and an examination of relevant document and files.

(c) Findings and Determination

Within 45 days of the receipt of the Grievance Form by the ADA Coordinator, a determination should be issued by the Presiding Judge or his /her designee. Copies of the determination will be sent to the grievant and to anyone against whom allegations have been made. The determination will include, if appropriate, a remedy. For example, if it is determined that the grievant was treated in a discriminatory manner, possible remedies may include a change in policy or local practices, or appropriate disciplinary action.

(d) Appeal

If the grievant disagrees with the determination, an appeal must be filed within 30 days of the date of the determination by submitting a letter for reconsideration ("appeal letter") to the Presiding Judge or his/her designee of the Judicial Branch. The appeal letter should be mailed to the ADA Coordinator as specified in Section 2 of this Notice. The appeal letter should set out the reasons for disagreement with the determination and the remedy the grievant believes is appropriate. The Presiding Judge or his/her designee should make a final determination within 30 days of the date the appeal was received, based upon a complete review of the evidence. Copies of the final determination will be sent to the grievant and to anyone against whom the allegations were made. The final determination may confirm, modify, reverse the earlier determination, or modify the remedy.

(e) Implementation

The Presiding Judge or his/her designee has the responsibility for implementing the final determination. Any questions about implementation, should be directed to the ADA Coordinator.

(f) Time Limits

All the offices involved in the resolution of complaints through this grievance process will try to comply with the stated time limits. However, strict compliance is not always possible due to factors such as the absence of important witnesses, the need for additional information from the grievant, or the need for complex investigation. Whenever possible, the grievant will be notified of any delay and the reason for the delay.

(6) Retaliation is Prohibited

The Judicial Branch will not discriminate against any individual because that individual has opposed any act or practice made unlawful by Title II of the ADA, or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under Title II of the ADA.

The Judicial Branch will not coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by Title II of the ADA.

(7) Federal and State Human Rights Agencies

An individual may file a claim of discriminatory treatment based upon disability in the services, programs, or activities of the Judicial Branch with an outside agency, even while a grievance is pending using the Judicial Branch's Grievance Procedures.

Time limits for filing disability discrimination claims with outside agencies may be different than the time limits for filing a complaint with the Judicial Branch. An individual who wishes to file a claim of discrimination should consult with the outside agency for its filing deadlines.

(8) Alternative Formats

This Notice will be made available in alternative formats, such as large print, upon request.

Endnotes

ⁱ This Notice and its related forms and Grievances Procedures are inapplicable to claims, complaints, or remedies relating to employment or application for employment. A separate procedure exists for claims of disabilities discrimination relating to employment. Information about the separate procedure for employment-related claims may be obtained from Judicial Branch Human Resources

ⁱⁱ The Judicial Branch, in its discretion, may assign one or more designees to an ADA Coordinator.

ⁱⁱⁱ The ADA Coordinator cannot give legal advice to individuals who require assistance in completing forms.

^{iv} The Grievance Procedures set out in this Notice apply to grievances related to programmatic access to the court system; the grievance procedures do not apply to acts by judges in their official capacity, such as deciding cases.

^v See end note iii.

**MARICOPA COUNTY SUPERIOR COURT
TITLE II ADA REQUEST FOR ACCOMMODATION**

Applicant (*name*):

Street Address:

Email Address:

Telephone Number:

Applicant is: ☐ Juror ☐ Witness ☐ Party ☐ Attorney ☐ Other

Name of Court or Court Program, Service or Activity for which Accommodation is requested:

Location/Address:

Case Number:

Type of proceeding, court service, activity, or program:

☐ Civil ☐ Criminal ☐ Other

Proceeding type, court service, program, or activity (for example, trial, preliminary hearing, conference, etc.):

Applicant requests accommodation under Title II of the Americans with Disabilities Act, as follows:

Dates accommodation needed (*specify*):

Impairment necessitating accommodation (*specify*):

Type of accommodation requested (*specify*):

Special requests or anticipated problems (*specify*):

In addition to the basic application information, the ADA Office will need to better understand the nature of your disability and how it impacts your ability to actively participate in the court environment. Please provide sufficient information regarding the limitations of your disability. This information will also assist the court to provide you with the appropriate accommodate

(Print Name)

(Signature & Date)

Please submit the completed form, including any relevant supporting documentation, to courtroom staff, the Clerk's Office, or by U.S. Mail to the ADA Coordinator at the following address:

ADA Coordinator
Maricopa County Superior Court
125 W. Washington, 4th Floor
Phoenix, Arizona 85003
(602) 506-0094

If you need help completing this form, please contact the ADA Coordinator. Alternative means of submitting an accommodation request, such as by personal interview, will be made available to qualified individuals with disabilities upon request.

Upon receiving the form, the ADA Coordinator will, as soon as reasonably possible, provide a response to the request for accommodation.

For additional detailed information about the Maricopa County Superior Court's Title II ADA policies, please read the court's policy entitled, "Notice of Court Access Information for Persons with Disabilities." The notice is available online at, <http://www.superiorcourt.maricopa.gov/SuperiorCourt/AmericansWithDisabilitiesAct/docs/ADAFirmNotice.pdf>, at the Clerk's Office, or from the ADA Coordinator.

RESPONSE TO REQUEST FOR ACCOMMODATION

☐ The request for accommodation is GRANTED

☐ The request for accommodation is DENIED because:

☐ The Applicant does not satisfy the requirements of Title II.

☐ It would create an undue burden on the court.

☐ It would fundamentally alter the nature of the court service, program, or activity.

Additional remarks:

ADA Coordinator (or Designee)

Date

Grievance Procedures: If you are dissatisfied with the response to your request, you may use the Grievance Procedures described in Maricopa County Superior Court's "Notice of Court Access Information for Persons with Disabilities." Grievances must be filed within 60 days of the alleged discriminatory act. You may also use any other remedy allowed under federal or state law by filing a complaint with the appropriate federal or state agency.

**MARICOPA COUNTY JUDICIAL BRANCH
TITLE II ADA GRIEVANCE FORM**

This form is for persons using the Maricopa County Judicial Branch (“Judicial Branch”) court system including, but not limited to, parties, attorneys, jurors, witnesses, or members of the public who believes that he or she has been subject to discrimination by the Judicial Branch in violation of Title II of the Americans with Disabilities Act (“ADA”). To lodge a complaint using the Judicial Branch’s Grievance Procedures, this form must be submitted to the ADA Coordinator within sixty (60) days of the alleged discrimination.

Please complete this form in detail and mail it to the ADA Coordinator at the following address:

ADA Coordinator
Judicial Branch in Maricopa County
125 W. Washington, 4th Floor
Phoenix, Arizona 85003

If you need assistance completing this form, the ADA Coordinator will assist you upon request. Alternative means of submitting the form, such as by personal interview, will be made available upon request to qualified individuals with disabilities.

Additional information regarding the Judicial Branch’s Grievance Procedures and lodging a complaint regarding access to the court system by persons with disabilities is available in the Judicial Branch policy entitled, “Notice of Court Access Information for Persons with Disabilities.” The Notice is available at the Clerk’s Office or upon request from the ADA Coordinator.

Grievant (*name*):

Address:

Telephone Number:

Alternative Contact (*name*):

Address:

Telephone Number:

Nature of Disability:

Department/Judicial Branch Employee Alleged to Have Denied Access to ADA Accommodations:

Location of Alleged Discrimination:

Date and Time of Alleged Discrimination:

Please describe the way in which you believe you have been denied a service, program, or activity of the Judicial Branch, or have otherwise been subject to discrimination as a person with a disability by the Judicial Branch:

Please state, if known, the names or positions of any Judicial Branch employees involved in the incident:

Witnesses (*names*):

Address:

Telephone Number:

Please attach all documentation that you believe to be relevant to this complaint.