

SHIAWASSEE COUNTY CIRCUIT COURT

POLICY ON ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

POLICY: It is the intent of the Shiawassee County Circuit Court to assure that qualified individuals with disabilities have equal and full access to the judicial system by providing a written accommodations policy. Nothing in this policy shall be construed to impose limitations or to invalidate the remedies, rights, and procedures accorded to a qualified individual with any disability under state or federal law.

DEFINITIONS: The following definitions shall apply under this policy:

- (1) **Qualified individuals with disabilities** – This means persons who are covered by the Americans with Disabilities Act of 1990 (42 USCA §12101 et seq.) and other related state and federal law. This includes individuals who have a physical or mental impairment that substantially limits one or more of the major life activities, have a history of such impairment, or are regarded as having such impairment.
- (2) **Applicant** – This means a qualified individual who is involved in a case such as a lawyer, party, witness, juror, or any other individual (such as a parent, family member, guardian, etc.) with a legitimate interest in attending any proceeding before any court of this state.
- (3) **Accommodation(s)** – This includes, but is 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. These are not limited to equipment, devices, materials in alternative formats, and qualified interpreters or readers. The court will make each service, program, or activity, when viewed in its entirety, readily accessible to and usable by qualified individuals with disabilities who request accommodations. The court will consider the expressed choice of the individual requesting the accommodation to facilitate effective communication; however, the court will make the final decision. The court may not place a surcharge on a particular individual or group of individuals to cover the cost of accommodation.
- (4) **Policy** – This means the written policy regarding requests for accommodations in the Shiawassee County Circuit Court.
- (5) **Confidentiality** – This applies to the identity of the applicant in all oral or written communications, including all files and documents submitted by an applicant as part of the application process.

PROCESS: The following process for requesting accommodations is hereby established:

- (1) Applications requesting accommodations pursuant to this policy may be presented ex parte, in writing, on a form approved by the State Court Administrative Office and provided by the court. Applications must be made at the Circuit Court Administrator's office.
- (2) All applications for accommodations shall include a description of the accommodation requested with a statement of the functional impairment that requires the accommodation. The court, in its discretion, may require the applicant to provide additional information about the qualifying impairment.
- (3) Applications should be made as far in advance of the requested accommodations implementation date as possible.
- (4) Upon request, the court shall maintain the application form in a separate, confidential file, so as not to reveal the identity or other information contained in the application for accommodation.

PERMITTED COMMUNICATION: An applicant may make ex parte communications with the court. Such communications shall deal only with the accommodation(s) necessary to provide access and shall not deal in any manner with the subject matter or merits of the proceedings before the court.

GRANT OF ACCOMMODATION: This court shall grant an accommodation as follows:

- (1) In determining whether to grant an accommodation and what accommodation to grant, the court shall consider, but is not limited by, the applicable provisions of the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, the State Deaf Persons Interpreters Act (Public Act 204 of 1982); Michigan Handicapper Civil Rights Act (Public Act 220 of 1976); and the Elliott-Larsen Civil Rights Act (Public Act 453 of 1976).
- (2) The court shall inform the applicant in writing or other accessible format needed by the applicant, of the reasons and basis upon which an order either grants or denies the accommodation request.

DENIAL OF ACCOMMODATION: An application may be denied **only** if the court finds that:

- (1) The applicant has failed to satisfy the requirements of this policy; or
- (2) The requested accommodation(s) would result in a fundamental alteration in the nature of the program, service or activity, or create an undue financial or administrative burden on the court.
- (3) The court **will make every effort** to enable individuals with disabilities to participate in and benefit from the services, programs and activities of the court.

REVIEW PROCEDURE:

- (1) An applicant or any participant in the proceeding in which an accommodation has been denied or granted may seek review of a determination made by non-judicial court personnel within 5 days of the date of the notice of denial or grant by submitting a request for review to the presiding judge of the case.
- (2) An applicant or any participant in the proceeding in which an accommodation has been denied or granted may seek review of a determination made by a presiding judge within 10 days of the date of the notice of denial or grant by submitting a request for review to the chief judge of the court.

DURATION OF ACCOMMODATIONS: The accommodations by the court shall commence on the date indicated in the notice of accommodation and shall remain in effect for the period specified in the notice of accommodation. The court may grant accommodations for indefinite periods of time or for a particular matter or appearance.

Adopted effective _____, 2000

Gerald D. Lostracco, Circuit Court Judge

IN THE STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF SHIAWASSEE

DETERMINATION ON REQUEST FOR ACCOMMODATIONS

Name:

Case:

Your request for accommodations has been reviewed and is

GRANTED

DENIED

For the following reasons:

Type of accommodation:

Duration of accommodation:

Review Procedure: If your request has been denied by non-judicial court personnel, you may seek review within 5 days of the date of the notice of denial by submitting a request for review to the presiding judge of the case. If a presiding judge has denied your request, you may seek review within 10 days of the date of notice of denial by submitting a request for review to the chief judge of the court.

Dated: _____

Signed: _____
Court Administrator

Dated: _____

Signed: _____
Chief Judge

IN THE STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF SHIAWASSEE

REQUEST FOR REVIEW OF DENIAL OF ACCOMMODATIONS

Today's Date:

Name:

Case:

Date of Notice of Denial:

Denial issued by:

Requested Accommodations: (Please attach a copy of your Request for Accommodations and the Notice of Denial)

Signature of Applicant

IN THE STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF SHIAWASSEE

**DETERMINATION ON REQUEST FOR REVIEW
OF DENIAL OF ACCOMMODATIONS**

Name:

Case:

Your request for review of denial of accommodations has been reviewed and is

GRANTED

DENIED

For the following reasons:

Type of accommodation:

Duration of accommodation:

Dated: _____

Signed: _____
Chief Judge