The Connecticut Judicial Branch Advisory Board on the Americans with Disabilities Act

Report to Chief Justice Chase T. Rogers

July 2013

The Honorable Patrick L. Carroll III
Chairman of the Advisory Board

This report is available, upon request, in alternate formats, including large-type, Braille, and audio. Formatting will require notice. To request a copy of the ADA Advisory Board 2013 report in an alternate format, please e-mail a request to: ADA.Program@jud.ct.gov

STATE OF CONNECTICUT
JUDICIAL BRANCH

CHAMBERS OF
PATRICK L. CARROLL III
DEPUTY CHIEF COURT ADMINISTRATOR

231 CAPITOL AVENUE
HARTFORD, CT 06106

July 8, 2013

The Honorable Chase T. Rogers
Supreme Court
231 Capitol Avenue
Hartford, Connecticut 06106

Dear Chief Justice Rogers:

As chair of the Advisory Board on the Americans with Disabilities Act, I am pleased to present for your consideration the Board's 2013 report, which includes twelve recommendations. Increasing access to justice for all stakeholders has been a focus of your administration and the Judicial Branch Strategic Plan; I am proud to be part of that and to help ensure the Branch's continued compliance of the Americans with Disabilities Act.

Each year, the Judicial Branch fulfills hundreds of requests for accommodations for people with varying abilities, including parties to cases, attorneys, and jurors. While technology plays a role in fulfilling some requests, such as the provision of auxiliary aids that amplify sound, at the heart of every request is a person: both the requestor and the person charged with helping to ameliorate a barrier that impedes access to the judicial system. As such, the Advisory Board has helped to identify and support training and information sessions for Judges and Judicial Branch staff.

Joining me on the Advisory Board are members from all five Judicial Branch Divisions, which helps to ensure internal collaboration and sharing of resources. Further, this year we added representatives from the Supreme Court, the Appellate Court, Judge Support Services, and, recently, two of the Branch's ADA Contacts, representing more than 130 trained field contacts. The inclusion of representatives from all Branch sectors further helps to promote uniformity in access.

The following pages detail accomplishments in support of meeting the Board's charge of ensuring the Judicial Branch's ongoing compliance with the Act. Further, the Board believes the recommendations will promote the spirit of the Americans with Disabilities Act, and its impact on the civil rights of people with different abilities.

Respectfully submitted,

Judge Patrick L. Carroll III

PLC:sw

Telephone : (860) 757-2100 Fax: (860) 757-2130 E-mail: Patrick.Carroll@jud.ct.gov

The Advisory Board

The Honorable Patrick L. Carroll III, Chair

Attorney Mark Ciarciello, Administrative Services Division

Attorney Eileen Condron, ADA Contact

Ms. Christine Elkins, ADA Contact

Ms. Sandra Lugo-Gines, Superior Court Operations Division

Attorney Deirdre McPadden, Judge Support Services

Attorney Stephen N. Ment, External Affairs Division

Attorney Pamela Meotti, Supreme & Appellate Court

Ms. Mary Sitaro, Information Technology Division

Attorney Thomas Smith, Supreme & Appellate Court

Attorney Cynthia Theran, Court Support Services Division

Legal Advisors to the Advisory Board:

Attorney Maureen Finn & Attorney Viviana Livesay

Support Staff:

Ms. Heather Nann Collins

Anniversary of the Americans with Disabilities Act

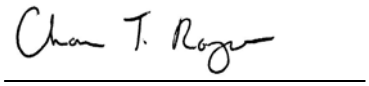
A Proclamation of Recommitment to Maintain Compliance with the ADA

On July 26, 1990, President George H. Bush signed into law the Americans with Disabilities Act (ADA) to ensure the civil rights of people with disabilities. This legislation established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.

The ADA has expanded opportunities for Americans with disabilities by reducing barriers and changing perceptions, increasing full participation in community life. However, the full promise of the ADA will only be reached if public entities remain committed in their efforts to fully implement the ADA.

On the 20th anniversary of the Americans with Disabilities Act, we, the State of Connecticut Judicial Branch, celebrate and recognize the progress that has been made by reaffirming the principles of equality and inclusion and recommitting our efforts to maintain full ADA compliance.

NOW THEREFORE, I, Chief Justice Chase T. Rogers, on behalf of the Connecticut Judicial Branch, do hereby reaffirm our commitment to maintain full ADA compliance in the Connecticut Judicial Branch on this, the 26th day of July, 2010.



Chief Justice Chase T. Rogers
Connecticut Supreme Court
Hartford, Connecticut

Commemorating 20 years of the signing of the Americans with Disabilities Act, the Judicial Branch in July 2010 hosted an art show and reception in the Middlesex Judicial District courthouse. The show, *Possibilities*, featured the works of artists with different abilities, including: Dawn Billings, Vito Bonanno, Walter Drumgoole, Harold Fits, Ricky Hagedorn, Michelle Johnson, Charles Lahda, Kyle O'Neil, Chris Platt, and Kerri Quirk, as well as the participants of the MARC Community Resources Program of Middletown.

Admiring the artistry of Kerri Quirk

Artist Kerri Quirk, left, and ADA Coordinator Sandra Lugo-Gines

Artwork of Ricky Hagedorn

Chief Justice Chase T. Rogers unveils the Judicial Branch's Proclamation to Maintain Compliance with the ADA, and artwork by Michelle Johnson, at the Supreme Court, January 2011.

Artist Michelle Johnson and her artwork, front, with Chief Court Administrator Judge Barbara M. Quinn (left) and Chief Justice Rogers (right) in the Supreme Court.

Access

The Judicial Branch will provide equal access to all of its facilities, processes and information through the identification and elimination of barriers.

—Judicial Branch Strategic Plan
Outcome Goal Number One
June 2008

Advisory Board on the Americans with Disabilities Act

This report contains hyperlinks to external resources and sources for easy online access. The hyperlinks are in **bold, blue font and underlined** *for ease of identification.*

Chief Justice Chase T. Rogers established the Advisory Board on the Americans with Disabilities Act in late 2010 to continue monitoring the Judicial Branch's ongoing compliance with the Americans with Disabilities Act (ADA). Deputy Chief Court Administrator Judge Patrick L. Carroll III was selected by the Chief Justice to chair the Board, and given **a Charge**.[1]

From the outset, the Advisory Board has included representation from all five Branch divisions. The current members include the ADA coordinators for their respective divisions, including: Ms. Sandra Lugo-Gines, Superior Court Operations; Attorney Stephen Ment, External Affairs; Attorney Mark Ciarciello, Administrative Services; Attorney Cynthia Theran, Court Support Services; and Ms. Mary Sitaro from Information Technology. Also, Attorney Pamela Meotti and Attorney Thomas Smith represent the Supreme and Appellate Court. New members in 2013 are Attorney Deirdre McPadden, Director of Judge Support Services, and ADA local Contacts, Attorney Eileen Condron and Ms. Christine Elkins.

The inclusion of and collaboration between people from **different Branch divisions** and units is appropriate because the work of the Advisory Board affects not only Branch staff, but the public in general. While those interests may seem different — and indeed **the Act has different policies for employers and public entities** — a person can be impacted by both. As has been posited, there is only one group of minorities to which any of us, at any time, could become part of: the community of Americans with disabilities.

The **Advisory Board** has developed 12 recommendations to support the Branch's ongoing compliance with the Act and to support access to justice for people of varying abilities. Some of the recommendations involve new initiatives that would enhance court access, while others are supportive of various ongoing programs and processes. The recommendations, which begin on Page 8 of this report, will be detailed further, but first, some background is necessary.

Recent census figures estimate that one in nine Connecticut residents lives with a disability and that figure only increases with age, with one in three people over the age of 65 reporting a disability. The Connecticut Judicial Branch is committed to ensuring that its programs, practices and services are accessible to all stakeholders, and annually provides hundreds of accommodations to its stakeholders.

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[1] The Chief Justice announced on June 14, 2013 that she had selected Judge Carroll as the new Chief Court Administrator, upon the October 2013 retirement of the current Chief Court Administrator Judge Barbara M. Quinn. To see the announcement, follow this link: **http://jud.ct.gov/external/news/press360.pdf**

Throughout 2007 and 2008, **the Public Service and Trust Commission** and its various **Implementation Phase workgroups** and committees conducted a series of focus groups seeking the opinions of court users from all backgrounds. The **results of the focus groups**, combined with public opinion surveys, public hearings and **a survey** of recent court users, including jurors and litigants, formed the basis of the Branch's first, long-term Strategic Plan. **The Strategic Plan**'s overarching goals of increasing access to justice, responding to changing demographics, improving the delivery of services, collaboration, and accountability have driven the Judicial Branch to develop hundreds of initiatives that improve the experiences of the millions of people who enter our doors each year.

It is no small coincidence that the first outcome goal of the Strategic Plan is access. More specifically the goal states: *"The Judicial Branch will provide equal access to all of its facilities, processes and information through the identification and elimination of barriers."*

Chief Justice Rogers, who established the Public Service & Trust Commission in her first month as chief, has made equal access a cornerstone of her tenure as the leader of the Judicial Branch. For instance, during the strategic planning implementation process, five Committees were formed to develop overarching recommendations to support the five goals. [2]

The Committee on Access's recommendations on increasing access to justice resulted in the establishment by the Chief Justice, in the summer of 2008, of the original **Americans with Disabilities Act Committee**. The Committee was comprised of Judicial Branch staff members, including an attorney from the Branch's Legal Services Unit. Although the members had the results of the focus groups that took part in the strategic planning process, they opted to conduct additional focus groups. After identifying two dozen potential ADA-interested groups, the Committee sent invitations and posted notices seeking the public's input at three sessions in 2008.

The participants in the three focus groups included members of the public who live with disabilities, as well as others who also advocate on behalf of people with a myriad of abilities. Focus group participants were asked to identify barriers that exist for people with disabilities who interact with the court; the impact those barriers have on accessibility; and suggestions for improvement. **The participants' responses** were often similar, and indicated general preferences for:

- improving physical access and information about physical access to Branch facilities;
- additional training for Judicial Branch staff on the Act and its implications;
- a need for sensitivity and etiquette training, and training on cultural competency with respect to people with varying abilities, utilizing outside advocacy organizations;

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[2] The five outcome goals of the Judicial Branch's strategic plan are increasing access to justice, responding to changing demographics, improving the delivery of services, collaboration, and accountability. The plan and its subsequent implementation plans and reports are available at **http://www.jud.ct.gov/committees/pst/default.htm**

- establishing a clear process for requesting and obtaining ADA accommodations;
- the need to effectively communicate to the public their rights under the ADA; and
- the need to establish an Advisory Board to the Branch that includes people of varying abilities.

Because the original ADA Committee had been empowered by the Chief Justice and Office of the Chief Court Administrator to whenever possible directly address issues identified as being barriers to people with disabilities, the members set about developing initiatives and in some cases implementing changes to improve access.

The Committee members spent months evaluating processes and procedures. They conducted outreach to, and met with, representatives from various advocacy groups, including: the Oak Hill School for the Blind and **New England Assistive Technology Center** in Hartford; the state Department of Administrative Services' Bureau of Properties and Facilities Management; the **Board of Education and Services for the Blind** in Windsor; and a representative of the **Office of Protection and Advocacy for Persons with Disabilities**. The members toured facilities; conducted informal assessments of other state buildings' accessibility with the DPW official; spoke with the users of accessibility equipment; reviewed the Branch's public phone systems; and assessed the accessibility of Branch facilities. They utilized resources within the Branch as well, including the Information Technology Division and the Judicial Branch Web Board.

During the assessment and development phase of the Committee's first Implementation Report, the Committee members took a proactive stance and began addressing a number of suggestions raised in the focus groups and those identified during the assessment phase. By the spring of 2009, the Committee:

- designed, piloted and launched an **Americans with Disabilities Act page** on the Branch's internet site. Responding to the focus group participants' wish for more information about the Act, the Branch posted links to the U.S. Department of Justice page with statutory information, as well as the **official legal notice** of the Branch's non-discrimination policy and ADA compliance.

- identified more than 130 local ADA Contact people and provided training, conducted by the **New England ADA Center**'s training director, Kathy Gips, on the structure of the Act, available auxiliary aids, and examples of sensitivity when working with people with disabilities.

- posted on the ADA Web page the names, phone numbers and e-mail addresses of the **ADA Contacts**, to help court users easily find assistance.

- evaluated, photographed and posted **descriptions online of wheelchair-accessible entrances** at courthouses, Support Enforcement Services sites, Adult Probation sites, law libraries, and the Supreme and Appellate courts.

- conducted an inventory of **available auxiliary aids** and a questionnaire of ADA Contacts' knowledge about the operation of the aids.

- inventoried the Text Telephones (TTY) and Telecommunications Devices (TDD) owned by the Branch, and investigated the availability and adopted the use of the national 711-telephone relay service.

The Committee completed its work and submitted to Chief Justice Rogers its **final report** in the late spring of 2009.[3] The Chief Justice reviewed the report and, **in the fall of that year,** designated two people to implement, when feasible, the Committee's suggestions. Superior Court Operations Program Manager Sandra Lugo-Gines coordinates ADA efforts for the public, and an Administrative Division Human Resources manager oversees the Branch's processes and procedures for employees.

Although the initial ADA Committee was disbanded, **its work has continued** unabated as the Judicial Branch is committed to upholding the letter and the spirit of the Act to ensure access to justice for all of its stakeholders. In fact, that commitment was amply demonstrated on July 26, 2010, the twentieth anniversary of the signing of the Act. After months of collaboration between Judges, staff and the ADA community, the Branch hosted the opening of an art show, entitled **"Possibilities",** in the Middlesex Judicial District courthouse.

Featuring the works of more than a dozen Connecticut artists who live with autism, cerebral palsy, vision impairment and other abilities, the art show represented what people can do when given opportunity. Judge Carroll addressed a gathering of the artists and more than 150 people, including fans of the artists' work, disability advocates, and the public. New Haven attorney, Michelle Duprey, who serves as that city's **Director of the Department of Services** for Persons with Disabilities, **offered a keynote speech** on the Act as groundbreaking civil rights law for people with different abilities. Attorney Duprey, who uses a wheelchair for mobility, told the crowd that the ADA had provided to her the opportunity to go to law school. [4]

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[3] The recommendations and supporting documentation of the original ADA Committee can be found in the full Implementation Plan, beginning on Page 92:
http://jud.ct.gov/committees/pst/PhaseOne_Implementation_full.pdf

[4] The Appendix of this report includes copies of materials related to the ADA Commemoration and art show, including photos and a link the Connecticut Television Network's (CT-N) archived broadcast of the event. To see the video, go to this link: **http://ct-n.com/ondemand.asp?ID=5665**

The day also saw Judge Carroll read **an official Proclamation** signed by Chief Justice Rogers acknowledging the importance of the Act on the lives of people with disabilities. The Proclamation now hangs in the Administrative Offices at the Supreme Court, along with a piece of art created by **Michelle Johnson.** Ms. Johnson, an artist whose work has hung in galleries and public spaces across the country and who is a member of the **Connecticut Council on Developmental Disabilities**, was honored at a reception hosted by Chief Justice Rogers at the unveiling of the painting.

As the Proclamation states, the Judicial Branch is committed to "the principles of equality and inclusion" and maintaining full ADA compliance. Over the last five years, the **Branch has implemented dozens of initiatives** that support our compliance efforts, and, some would argue, go beyond what is simply required. Further, those efforts are documented publicly, online, under the auspices of the **ongoing implementation of the Branch's Strategic Plan**.[5] Because those efforts have been reported, it does not require here a complete recitation of what has been accomplished however, some examples are worth repeating:

- Magnifying glasses have been installed for people with limited vision in each of our clerks' offices, Court Service Centers, Public Information Desks, and **Law Libraries**.

- The **Request for Accommodation Procedure** and **Request for Accommodation Form** were created. Further, the Branch streamlined its Complaint and Grievance Procedure for people who feel they have been incorrectly denied an accommodation in the **Superior Court** and at the **Supreme or Appellate Court**.

- As official public forms are created or revised an official ADA Notice, with information about who to contact to make an accommodation request is included.

- Developed an ongoing training program for ADA Contacts, as well as other interested Branch staff. Trainings have been offered on: *Successful Interactions with People with Hidden Disabilities*; an **Overview of ADA Laws (online training)**[6]; a 'nuts and bolts' overview training on the law, the Branch's procedures and policies; sensitivity training for Judicial Marshals; and an ADA Sensitivity training under the Pillars of Service Excellence program. Hundreds of Judicial Branch staff have been trained in this ongoing effort.

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[5] The Judicial Branch has reported and posted online the progress of the implementation of the Strategic Plan in seven reports and update, from October 2008 through December 2013:
http://www.jud.ct.gov/committees/pst/default.htm

[6] The *Overview of Disability Rights* training was produced by and used with the permission of the New England ADA Center, a project of the Institute for Human-Centered Design. It is based in part on information and technical assistance materials written by the U.S. DOJ; EEOC; DOT, and the Department of Housing and Urban Development. The training is available here:
http://www.newenglandada.org/sites/disabilityrights/Welcome.html

Advisory Board Accomplishments

The establishment of the Advisory Board by the Chief Justice was directly the result of the original ADA recommendations. In its first **meeting**, the Board in January 2011 created an Internal Subcommittee and External Subcommittee to evaluate the status of ADA recommendations related to the public and staff. Each subcommittee met twice in early 2011, and reviewed and discussed their respective recommendations.

The Internal Subcommittee reported that, with feedback from Branch managers and staff, the Administrative Services Division's Human Resources Unit developed an internal ADA website for employees, who are covered by Title I of the Act. The site provides information on how an employee can request an accommodation for himself or herself, and includes an FAQ guide for employees, as well as appropriate Division contacts for staff and information about filing a complaint. The internal site was also updated in 2012 with information on how staff can easily access, from one page, information on how to provide services to the public.

The External Subcommittee focused *its* efforts on initiatives established by the original Committee and in the implementation of the Strategic Plan. One area reviewed was the complaint and grievance process, which initially required a review by a Judicial Branch panel. The panel process was deemed not to be the most efficient; the External Subcommittee recommended and the full Advisory Board agreed to adopt a single review process, whereby the Branch's Director of Human Resources decides grievances or complaints.

The Advisory Board's role is to oversee various implementation activities and recommend new initiatives. Over the last year, at the Board's request and with the members' participation, the Branch has undertaken a number of activities:

- Inventory and testing of the usability of existing auxiliary aids, including pocket talkers, FM kits and magnifying glasses, was conducted. Pocket talkers, small audio amplifiers, are regularly used by jurors and litigants, and in 2013, an additional 30 units were purchased and distributed statewide.

- The **ADA Contact** Web page was redesigned so that the public can find a local contact in the town where the facility that they need to visit is located. The list is regularly updated.

- Data are being compiled on the number and types of ADA requests from both the public and Branch staff. Many routine ADA accommodations, such as pocket talker usage, are handled without the filing of a formal Request form and so the data may not fully reflect every granted ADA request.

- Two ADA Contact people were invited by Judge Carroll to join the Advisory Board to help ensure that ADA information is relayed to Branch staff in the field.

- Outreach to the ADA community continues. Attorney Ment and Ms. Lugo-Gines appeared in July 2012 on the **Connecticut Radio Information System** (CRIS Radio) show "Focal Point", with host Stephen Thal, to discuss the Branch's efforts to provide ADA information and accommodations to the public, including parties to cases, members of the bar, jurors, victims, and witnesses. CRIS Radio is a non-profit organization known as "Connecticut's Talking Newsstand for the Blind and Print-Handicapped."

- A QuickCard, for internal use by Judicial Branch staff who may not have immediate access to a computer, but who need to assist a member of the public who has ADA questions or needs an accommodation, was developed and distributed to hundreds of staff. The QuickCard was created with input from the Court Operations Unit and, more specifically, the Chief Clerks, and piloted in two Judicial Districts for its usefulness before it was distributed.

- To assist the public before they come to Branch facilities, **the *Guide to Understanding the ADA: Questions and Answers for the Public*** brochure (JD-ESP-284) was created and posted online. Additionally, several hundred print copies were distributed to Court Service Centers, Public Information Desks, Clerk's offices, and Law Libraries.

- Judge Carroll contacted the Presidents of Connecticut's various bar associations in March 2013 with the new public *Guide* and information on how to secure an accommodation from local ADA Contacts, and requested the Presidents forward that information to their members.

- Training is ongoing, particularly with respect to people with hidden disabilities, including "Hearing Voices," a hands-on training offered by the Judicial Marshal Services Unit, and "Successful Interactions with People with Hidden Disabilities." More than 300 people have attended the trainings, from various units and Divisions. The Branch has applied for a federal grant to allow the Successful Interactions training to be offered to several hundred additional staff members.

- Outreach to staff continues with the creation and distribution of a monthly electronic newsletter that is distributed to all ADA Contacts, keeping them apprised of ADA issues that may affect the Branch and/or the services it offers to people with disabilities. This internal newsletter is also distributed to the Executive Directors of all Branch Divisions and the Directors of various Court Operations units.

- Ms. Lugo-Gines and Board support staff Heather Collins attended a statewide conference of ADA coordinators and contacts sponsored by the state Department of Administrative Services Commissioner Donald DeFronzo. Held at the Legislative Office Building, the half-day forum was an opportunity for state agencies and the Branch to share information on adhering to the Act.

- Ensuring that ADA concerns are related throughout the Branch, members play key roles in various active Branch committees and workgroups. Ms. Lugo-Gines was in 2010 named co-chair of the Access to Facilities Committee and Attorney Ment was named a member. The charge was to make recommendations to address and eliminate barriers, including poor signage, that impede entry to, and movement around, Branch facilities. The Committee's work was completed in 2011and **its report** delivered to the Chief Justice in 2012.[7] Chief Justice Rogers established an **Access to Facilities Implementation Committee** (A2FIC) to oversee the long-term implementation of the recommendations, which includes six activities designed to increase access to facilities for people with disabilities. Attorney Ment is the Chair of the **A2FIC**; the group is in the process of implementing recommendations relating to signage, including designs that are more reader-friendly for people with visual impairments, and improved and expanded online public information, such as directions to facilities.[8]

- In January, the Advisory Board posted online a Notice seeking input from the public on how the Judicial Branch can continue its compliance with ADA. There were six responses including two that were not considered for inclusion, as they were case-specific and non-responsive to the public inquiry. (The letters are included in the report's Attachment section.) The Notice drew written responses from a handful of people who offered specific suggestions including: to allow litigants and attorneys with mobility issues to use different technologies to participate in court events from remote locations; to allow litigants to e-file cases and pay electronically; comprehensive training for staff on what a reasonable accommodation is; and to better publicize the availability of ADA accommodations.

Advisory Board Recommendations

The Board recognizes that compliance with the Act is ongoing and that the law itself is subjected daily to interpretation by the courts and frequent reevaluations by the Congress in response to public demand. While the Judicial Branch has done much to ensure compliance with the law, the Board's role is to ensure vigilance on behalf of the Branch to comply with the law, and to strive to meet the first outcome goal of the strategic plan: "to provide equal access to all of its facilities, processes and information through the identification and elimination of barriers."

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[7] The Access to Facilities Committee's report, including recommendations specifically designed to enhance accessibility for people with disabilities, is online and accessible from the Committee's Web page: **http://jud.ct.gov/Committees/pst/Access_fac/default.htm**

[8] The progress of the Access to Facilities Implementation Committee (A2FIC) can be followed through its Web page, which lists meeting times, Agendas and Minutes: **http://jud.ct.gov/Committees/pst/Access_fac/Implementation/default.htm**

Therefore, the Board makes the following 12 recommendations:

1) **Judicial Branch website** design: The Branch website was recently redesigned with accessibility in mind and the redesigned sections have passed the ADA accessibility tests. The Judicial Branch should continue to ensure that all sections of its website are ADA compliant and should establish a Website Accessibility Policy. [*Note that a similar recommendation was made by the Branch's Access to Justice Commission in its October 2012 report and that a great deal of progress has been made in implementing this recommendation.*]

2) Online Information: The Branch should add a resources link, such as that found on the **Law Libraries**' "Resources" page, that provides court users with information on external resources for people with disabilities.

3) Signage: Make facilities signage readable by, and relevant to, a variety of people with different abilities, whenever possible. This could include small way-finding signs and information on how to request an on-site auxiliary aid.

4) Training: The Branch should continue to identify training opportunities for all Branch staff on the Act and its applicability to access to programs and processes.

5) The Branch should consider utilizing audio-delivered information and posting that information online. For example, audio recording the text of certain ADA brochures and publications would serve not only people with vision problems, but those with literacy issues.

6) ADA Notice: Committees, Boards, and Workgroups, whose meetings are open to the public, should post the Branch's ADA Notice on their individual websites. This would increase access to open meetings for people with disabilities who need a reasonable accommodation.

7) ADA Notice on **Branch forms:** While the Notice is added to forms as they come up for revision, reprinting, or are newly developed, the Branch should identify **online** forms or other publications, based on frequency of use, which could be modified immediately to include the Notice.

8) The Branch should continue to utilize plain language principles in **brochures, booklets and other public information**.

9) The Branch should consider translating into **languages other than English** information on the ADA, as well as publications detailing accommodation and grievance processes. The information should also be posted on the **Branch's Spanish information website**.

10) The Branch should seek opportunities for grant funding for projects or programs that would benefit people with differing abilities.

11) ADA Notice soliciting comments from the public on ADA issues: The Board's Notice, seeking suggestions on how the Branch can continue its compliance with the Act, yielded several e-mailed comments. In order to continue engaging the public, the Branch should consider posting on the homepage a similar Notice allowing for ongoing input from the public on non-case information. This should be coordinated with Legal Services.

12) Outreach: The Board should continue its outreach to Judicial Branch Judges and staff on the services offered by the Judicial Branch to accommodate people with disabilities. The Branch may also want to revisit the ADA art display from 2010 and considering the feasibility of establishing a rotating exhibit of artists with disabilities in public areas within our facilities.

The Advisory Board recognizes that the recommendations cannot be accomplished by the Judicial Branch without the members' input and collaboration. Therefore, the members commit to working with court leaders and administrators to, as time and resources allow, implement the recommendations.

Appendix and Attachments

A. **Notice** of Non-Discrimination Under the Americans with Disabilities Act (JDP-ES-221)

B. **Charge** of the Advisory Board on the Americans with Disabilities Act (October 2011)

C. Press Release regarding, and Invitation to, the July 2010 Judicial Branch Art Show, ***Possibilities.*** Artists whose work was shown: Dawn Billings, Vito Bonanno, Walter Drumgoole, Harold Fits, Ricky Hagedorn, Michelle Johnson, Charles Lahda, Kyle O'Neil, Chris Platt, and **Kerri Quirk**, as well as the participants of the MARC Community Resources Program of Middletown

D. Copy of **Link to Recording by the Connecticut Television Network (CT-N.org)** Archived Broadcast of the Judicial Branch's "Possibilities" Art Show and Reception, July 26, 2010

E. **Procedure** to request an ADA Accommodation (Superior Court)

F. Request for **Accommodation Form** (Superior Court), JD-ES-264

G. **Complaint/Grievance Procedure**, Superior Court

H. Notice for input from the public, via the Advisory Board: 2013

I. A sample of responses from members of the public to the Notice for input: 2013

J. The Judicial Branch **Guide** to Understanding the Americans with Disabilities Act: Questions and Answers for the Public (JDP-ES-284)

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, the Judicial Branch will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The Judicial Branch does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the Americans with Disabilities Act (ADA).

Effective Communication: The Judicial Branch will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in its programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The Judicial Branch will make all reasonable modifications to policies and procedures to ensure that people with disabilities have an equal opportunity to enjoy all its programs, services, and activities. For example, individuals with service animals are welcomed in our facilities, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity, should contact the Clerk's office as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Judicial Branch to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the Judicial Branch is not accessible to persons with disabilities should be directed to the Human Resources Management Unit by calling (860) 706-5288 or by sending an e-mail to EEO.Manager@jud.ct.gov .

The Judicial Branch will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

JDP-ES-221 New 6/07

CHARGE OF THE ADVISORY BOARD ON THE AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) was signed into federal law in July 1990 to ensure equal access to American society for all people regardless of ability.

The Judicial Branch is committed to maintaining its compliance with the ADA. This dedication is reflected in the first outcome goal of the Branch's Strategic Plan: "*The Judicial Branch will provide equal access to all of its facilities, processes and information through the identification and elimination of barriers.*"

In the first prong of the Strategic Plan, the Committee on the Americans with Disabilities Act was formed to identify those barriers and make appropriate and feasible recommendations for their removal. After conducting focus groups with various stakeholders, the Committee members reviewed Branch policies and processes relating to ADA compliance.

In its 2008 report to the Chief Justice, the ADA Committee developed sixteen recommendations designed to support the Strategic Plan's first outcome goal, including the creation of a multi-pronged Internet page that provides easy access to information to the public. Among the Committee's suggestions was that the Judicial Branch establish an Advisory Board to continue reviewing progress of the implementation of the recommendations.

The Advisory Board on the Americans with Disabilities Act, which is chaired by a Judge and comprised of Judicial Branch staff members from each Division, will support the Judicial Branch's continued compliance with the ADA. The Advisory Board, which meets quarterly, may also develop recommendations that support the Strategic Plan's Access goal. Additionally, the Advisory Board may expand its membership if required to meet its charge. The Advisory Board will report annually to the Chief Justice.

The members of the Advisory Board are:

- Deputy Chief Court Administrator Judge Patrick L. Carroll III, Chair
- A member of the Court Support Services Division
- A member of the Administrative Services Division
- A member of the Superior Court Operations Division
- A member of the External Affairs Division
- A member of the Information Technology Division

The Board has two subcommittees to review the progress and implementation of initiatives designed to meet the public's needs and Branch employee needs, the External Implementation and Internal Implementation subcommittees.

STATE OF CONNECTICUT
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION rhonda.hebert@jud.state.ct.us
Rhonda Stearley-Hebert
Manager of Communications
231 Capitol Avenue
Hartford, Connecticut 06106
(860) 757-2270 Fax (860) 757-2215

FOR IMMEDIATE RELEASE **July 21, 2010**

PRESS ADVISORY:

Judicial Branch Commemorates ADA's 20th Anniversary

Artwork by individuals with disabilities will be on display at the Middlesex Judicial District Courthouse starting Monday, July 26, 2010, through September 13, 2010, to commemorate the 20th anniversary of the Americans with Disabilities Act.

An opening reception for the artwork is scheduled for July 26th from 11 a.m. to 1 p.m. in the Jury Assembly Room, at the courthouse, located at 1 Court St., Middletown. The public is invited, and cameras will be allowed into the courthouse for this event.

"This commemoration is aptly named 'Possibilities,' to celebrate the potential for excellence within all of us and the strength of the human spirit," Chief Justice Chase T. Rogers said. "To that end, the ADA ensures that people with disabilities have access to all the possibilities that life has to offer."

As a result of the strategic plan implemented by Chief Justice Rogers, the Judicial Branch has implemented several measures to ensure equal access to all of it facilities. Among them:

- ADA coordinators are now available in every courthouse and facility. These coordinators provide assistance in obtaining everything from sign language services to assistive devices and CART, or Real Time Transcription;

- The Branch's website, www.jud.ct.gov , now has a page dedicated to providing information about the ADA, including links to Branch ADA coordinators, lists of

(MORE)

auxiliary aids, directions and photographs of wheelchair-accessible entrances at courthouses;

- Magnifying glasses have been installed in all clerk's offices, Court Service Centers, Public Information Desks and law libraries.

- The Branch, with the assistance of the New England Assistive Technology Center at Oak Hill, is piloting the use of Microsoft Accessibility features on publicly-used computers in Court Service Centers at 90 Washington St. in Hartford and in New Britain Superior Court. The technology helps users with limited vision and mobility issues to easily navigate the Internet;

- The formation of an Access to Facilities Committee, which is charged with assessing signs at all Branch facilities and making recommendations to address and eliminate barriers that may impede entry to and movement within those facilities.

A sign language interpreter and materials in Braille and large print formats will be available during the commemoration. An audio description also will be available during the opening ceremony. Additional requests for accommodation may be sent to ADA.Program@jud.ct.gov. Further information regarding the event, including where to park and directions, is available on the home page of the Judicial Branch website, www.jud.ct.gov.

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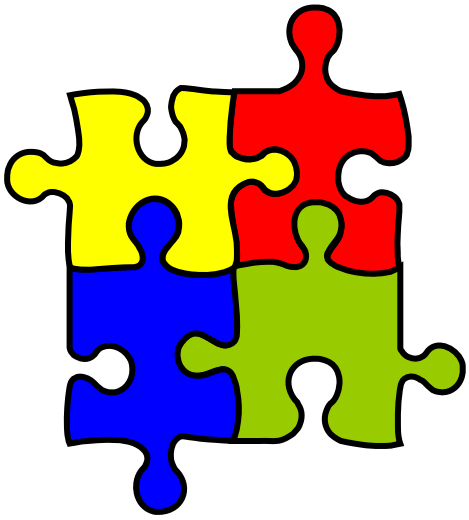
The State of Connecticut

Judicial Branch Celebrates



Possibilities

A 20th Anniversary Commemoration of the Americans with Disabilities Act

Featuring
Art Work by Artists with Disabilities

July 26, 2010 – September 13, 2010

Come join us!

Opening Reception July 26, 2010
11:00am – 1:00pm
Jury Assembly Room
Middlesex Judicial District
1 Court Street, Middletown, CT 06457

RSVP to ADA.Program@jud.ct.gov by July 22, 2010

Link to
Connecticut Television Network's Recording of the Connecticut Judicial Branch's Ceremony to Mark the Twentieth Anniversary of the Signing of the Americans with Disabilities Act

(Link checked and active on June 27, 2013)

Connecticut Judicial Branch Ceremony to Mark the 20th Anniversary of the Americans with Disabilities Act (Date Recorded: 7/26/2010)
Length: 24 min (Views: 720) link-to or embed this item

Windows Media BUY VIDEO More Info

PROCEDURE FOR MEMBERS OF THE PUBLIC TO REQUEST AN ACCOMMODATION UNDER THE AMERICANS WITH DISABILITIES ACT

The Connecticut Judicial Branch is committed to ensuring that persons with disabilities have equal and full access to the Connecticut judicial system. Access to the judicial system can mean physical access to enter or move about the Branch's buildings or the ability to participate fully in our programs and services. Any person who, has a physical or mental impairment that limits one or more major life activity, has a record of such impairment or is regarded as having such impairment may request an accommodation.

1. A request for an accommodation can be made at any time. It is best, however, to make the request as far in advance as possible in order to allow time to review your request and to make arrangements for the accommodation, if needed. You should give a minimum of ten (10) days notice, if possible. In emergency situations, the ten-day requirement can be waived, but you should make your request as soon as you know that you may need an accommodation.

2. A request can be made in any court clerk's office, in a court service center located in most courthouses, over the telephone, by email or on the internet by accessing the Americans with Disabilities Act quick link on the Judicial Branch webpage. There is also a contact person at each facility who can assist individuals with disabilities by answering specific questions about access to services and by processing requests for accommodations. The list of contact people and their email addresses can also be found on the webpage.

3. Although you can request an accommodation in any written form or orally, it is preferred that the request be made by completing a Request For Accommodation By Persons With Disabilities form. The form can be obtained at the above locations and on the webpage. Upon request, the form can be available in an alternative format, such as in Braille or large print. If you need help filling out the form, ask the local contact person, the clerk or any other court personnel to help you. You may wish to attach other documents to the form, such as a doctor's letter.

4. The accommodation request must include the full name, address and contact information of the person making the request. If known, the request should state the date of the proceeding, the docket number and whether it is a civil or criminal matter. The request should state the nature of the disability that makes an accommodation necessary and include a suggestion as to what would be a reasonable accommodation for the disability.

5. The accommodation requested may be for specific equipment and services, such as assistive listening devices, sign language interpreters or printed material in alternate formats. A full list of available aids and services can be obtained at the above locations and on the webpage.

6. Most requests for accommodation do not require proof to confirm the existence of a disability. In some cases, however, it is necessary to provide additional information in order to determine whether or not the person requesting the accommodation is a “qualified” person with a disability under the ADA or what accommodation is the most appropriate. The Judicial Branch is committed to preserving confidentiality in every request for an accommodation. Information provided will be discussed only as necessary to decide if an accommodation is needed and the appropriate type of accommodation.

7. Many requests for accommodation can be granted immediately by the person to whom the request is made. Other requests involve further consideration, sometimes by an ADA Division Coordinator. You will be notified of the decision concerning your request as soon as possible. If an accommodation is appropriate, an effort is made to provide the accommodation that is suggested. If another accommodation will be equally effective in providing equal and full access to the Connecticut judicial system, the alternate accommodation may be offered.

8. Although the Judicial Branch is committed to ensuring that persons with disabilities have equal and full access to the Connecticut judicial system, some requests for an accommodation may be denied. The ADA does not require that an accommodation be provided to someone who is not a “qualified” individual with a disability. In addition, the ADA does not require actions that would cause a “fundamental alteration of a program or service” or would present an “undue financial or administrative burden.”

9. If the request for accommodation is denied, or if you do not agree with the accommodation offered, you can file a grievance / complaint of the decision. The grievance must be filed no later than ten (10) days after the act or decision that forms the basis of the complaint. Information about the grievance process and grievance forms can be obtained at the above locations and on the Judicial Branch webpage.

REQUEST FOR ACCOMMODATION BY PERSONS WITH DISABILITIES

JD-ES-264 New 1-10

STATE OF CONNECTICUT
JUDICIAL BRANCH
www.jud.ct.gov

Instructions: *Fill out all of the sections of this form. Send the filled out form to the Americans With Disabilities Act contact person at the court location where the case will be heard. Additional documents may be attached, if necessary.*

Name of person requesting accommodation	Telephone number	Date*(s)* accommodation is needed
Address *(number, street, apartment, town, state, zip code)*	Case name or docket number *(if known)*	
Location where accommodation is needed	Email *(optional)*	

Person is ☐ Juror ☐ Defendant ☐ Plaintiff ☐ Witness ☐ Other *(Specify)*: _____

Type of case ☐ Criminal ☐ Civil ☐ Other *(Specify)*: _____

I. Describe the nature of the disability that makes an accommodation necessary

II. Describe how the disability affects a major life activity

III. Suggest the reasonable accommodation that is necessary

IV. Special requests or additional comments

Signature	Date

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA/

PRINT RESET

☐ The request for accommodation is **Granted**.

☐ The request for accommodation is **Granted with the following alternate accommodation**.

_____

_____

☐ The request for accomodation is **Denied**

- ☐ the applicant is not a qualified individual with a disability
- ☐ the requested modification would cause a fundamental alteration of a program or service
- ☐ the requested modification would present an undue financial or administrative burden
- ☐ other (specify)

☐ The applicant has been informed of the option to file a grievance / complaint.

☐ The applicant has been informed of the option to pursue other state or federal agency relief.

Americans with Disabilities Act Division Coordinator or Designee **Signature required in cases of denial**	Date

PRINT RESET

Grievance Complaint Procedure under the Americans With Disabilities Act (ADA)

This process is established to meet the requirements of the Americans With Disabilities Act (ADA) to address complaints concerning the services, programs and activities of the Judicial Branch. Any person who believes that he or she has been discriminated against, or that a reasonable accommodation has not been provided to him or her that would permit the person to participate fully in, or receive the benefits of, the services programs or activities of the Judicial Branch, may file a complaint under this process.

1. The complaint must be in writing, must be signed by the complainant and must be filed with the Chief Administrative Officer of the Supreme Court no later than ten (10) days after the act or decision that forms the basis of the complaint, unless, for good cause shown, the ten (10) day period is extended by the Chief Administrative Officer. The complaint shall be submitted to: Chief Administrative Officer, Supreme Court Building, 231 Capitol Avenue, Hartford, Connecticut 06106. (860) 757-2145. Alternative means of filing a complaint, such as a personal interview or a tape recording of the complaint, will be made available for a person with a disability upon request.

2. Each complaint must be dated and must contain the full name and address of the person filing the complaint. The complaint must contain a description of the alleged discriminatory act or decision, including relevant dates and locations, if applicable. All documents that relate to the complaint or the names and contact information of witnesses must also be submitted with the complaint. The complaint should also state the desired remedy or solution requested.

3. The Chief Administrative Officer, or her designee,[1] shall promptly review all complaints filed under this procedure.

4. The Chief Administrative Officer shall obtain any and all information or documents that were submitted with the request for accommodation or that relate to the complaint or to the decision that forms the basis for the complaint.

5. Within ten (10) days of receiving the complaint, the Chief Administrative Officer shall consider the information and documents submitted. If it is determined that the information submitted is insufficient, the Chief Administrative Officer may request, obtain and consider additional information that is deemed necessary to a full and fair determination of the complaint.

6. If, after consideration, the Chief Administrative Officer concludes that there is insufficient information to sustain the complaint, the complaint shall be dismissed. The Chief Administrative Officer shall advise the complainant in writing or, where appropriate, in a format accessible to the complainant, of the dismissal of the complaint and of the federal and state agencies available should the person wish to pursue the matter further. To the extent possible,

[1] Hereafter "Chief Administrative Officer"

any decision will be made within fifteen (15) calendar days from the date the complaint was filed.

7. If, after consideration, the Chief Administrative Officer concludes that there is reason to believe that a discriminatory act may have occurred or that a reasonable accommodation was not offered or provided, the Chief Administrative Officer shall promptly attempt to resolve the complaint with the person who filed the complaint. To the extent possible, any decision will be made within fifteen (15) calendar days from the date the complaint was filed. If the Chief Administrative Officer is able to resolve the complaint, the resolution shall be set forth in writing and sent to the complainant. If the Chief Administrative Officer is not able to resolve the complaint, the Chief Administrative Officer shall advise the complainant, in writing, of the offers that have been made to resolve the complaint and of the federal and state agencies available should the person wish to pursue the matter further.

8. The Chief Administrative Officer may seek advice from the Legal Services Unit in the performance of her duties under this procedure.

9. The Judicial Branch is committed to preserving confidentiality. Except as otherwise required by law, including but not necessarily limited to, a court order, lawful subpoena or the Freedom of Information Act or other statute, information and records provided as part of a complaint filed under this process will be discussed and disclosed only as necessary to conduct a complete investigation and render a decision, including discussion of possible resolutions. The complaint and any material gathered as a result of the complaint will be retained in the Office of the Chief Administrative Officer a minimum of three (3) years from the date of the final resolution of the complaint unless the complainant pursues the matter further.

10. Every effort will be made to comply with the time limits contained herein. Complex investigations or the absence of witnesses may cause necessary delay. The procedures and time limitations herein are to be liberally construed to provide a full review of complaints alleging discrimination or the failure to provide a reasonable accommodation.

The Notice for input from the public that appeared on the Judicial Branch website:
January – February 2013

NOTICE

The Advisory Board on the Americans with Disabilities Act is preparing an Annual Report on the Judicial Branch's compliance with the Americans with Disabilities Act ("the Act). The Advisory Board is seeking specific suggestions on how the Judicial Branch can continue its compliance with the law as mandated under Title II of the Act. Written suggestions are welcomed and may be emailed by February 1, 2013 to ada.program@jud.ct.gov Suggestions should relate to Branch programs and/or processes.

Suggestions or comments relating to specific litigation or cases will not be considered.

By Electronic Mail to ada.programs@jud.ct.gov

January 31, 2013

Advisory Board on the Americans with Disabilities Act
Judicial Branch
225 Spring Street
Wethersfield, CT 06109

Dear Members of the Advisory Board:

Thank you for the opportunity to give you specific suggestions on how the Judicial Branch can continue its compliance with the Americans with Disabilities Act as mandated under Title II of the ADA.

The Connecticut Fair Housing Center is a state-wide non-profit whose mission is to ensure that all of Connecticut's residents have access to the neighborhoods of their choice. Our activities include representation of the victims of housing discrimination in Connecticut's courts as well as representation of homeowners in foreclosure. We have appeared in nearly every Judicial District. Many of our clients have disabilities and our comments are the result of issues we have seen with our clients.

More extensive training of courthouse staff

We have an elderly client with a physical disability requiring the use of a walker. In the summer of 2011 she had had to appear in New Britain's Superior Court in an eviction action. The line to enter the court house was long, stretching out the door. The wait time to enter was more than twenty minutes. When someone asked on her behalf that she be permitted to advance to the front of the line Court personnel refused and stated there was nothing that could be done.
To avoid this issue in the future, courthouse staff should be trained on the requirements for a reasonable accommodation under the ADA. As you know, a reasonable accommodation is a change in a rule policy or practice. If the disability is obvious and the need for the change in rule policy or practice is clear, staff should be instructed to change the rule to accommodate the person's disability. In this case, our client's physical disability was obvious as was the difficulty he had standing for long periods of time. Courthouse staff should have permitted him to go to the front of the line as a reasonable accommodation to his disability.

221 Main Street, 4th Floor • Hartford, CT • 06106
860-247-4400 (Hartford) • 888-247-4401 (Toll Free)
860-247-4236 (fax)
www.ctfairhousing.org

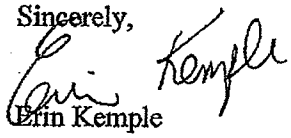
Publicize the available ability of reasonable accommodations

Occasionally we have spoken to disabled homeowners who would like to appear in their foreclosure case and participate meaningfully in the Branch's foreclosure mediation program. Unfortunately, these homeowners lack the physical health and ability, or reliable means of specialized transportation, necessary to be present in the courthouse on a repeated basis. Each time, we have been able to direct them to the Judicial Branch employee responsible for handling reasonable accommodation requests and, each time, our callers have been successful in receiving reasonable accommodations. Until they called us, however, they had not known the accommodations were available. To address this, and so that all defendants in court actions know about these services, we suggest that the Summons (JD-CV-1) be amended to prominently include information about ADA accessibility.

Lastly, to the extent that the Judicial Branch or the Board conduct outreach to agencies which assist people with disabilities, we ask that the Center be included in such outreach efforts.

Thank you for considering these comments. Should you have any questions, please do not hesitate to contact me at REDACTED

Sincerely,



Erin Kemple
Executive Director

Posted At: Friday, January 11, 2013 4:24 PM
Posted To: ADA Program
Conversation: ADA in the courts
Subject: ADA in the courts

Over the 25 years of my litigation career in the "lower" courts such as housing, I have often seen or experienced first-hand the lack of accommodation for seriously ill or disabled litigants who were denied process owing to their failure to come physically to court. On the other hand , I have also witnessed at least one progressive judge make special scheduling arrangements to ensure someone could get to the court with help, or have the court actually go to them. Now, in the age of the internet, webcams , Skype and mobile devises, there is no excuse to my mind that a disabled litigant not be given their day in court simply because they cannot appear in a brick and mortar building. The demand that one appear in a physical court room is an antiquated pre-technology era convention that needs to be abolished for many – not just the disabled – but for those without transportation , those living in far-flung regions of a jurisdiction and so on. Such innovations can begin with the disabled to be sure. Over time, decentralizing the locality of a court proceedings will be a time and money saver for the system, the attorneys and the litigants . I am sure there are those who feel there are compelling arguments to cling to paradigms dating from the Romans, but in these times of crucial need and dwindling resources I fail to see them. Justice should have many portals ; If we open the virtual door for the few, the many will surely follow.
Here are some specific applications:
Allowing litigants to use webcams from a remote place (home, hospital, advocate's office, etc.) to participate in hearings and bench trials with attorneys and relevant court personnel;
Hold court hearings in locations other than the actual court house for someone who cannot move around much under any circumstances or is confined to an institution;
Allow call-in options for certain pretrial or non evidentiary-based proceedings;
Allow call-in mediations , scheduling an accommodating court date for another time if mediation fails to resolve the problem;
Disabled litigants can file pleadings and docs using a remote device, then pay fees with a credit card or transmit funds another way.
Allow webcam or phone meetings/hearings for disabled attorneys same as litigants.

There are many variations on these themes, some obvious , some perhaps totally new. Obviously details regarding exhibits , documents and the like have to be dealt with too. All and all none of this seems that difficult compared to denying people process.

Thanks to the ABA for taking up this timely and important issue.

REDACTED

Posted At: Tuesday, January 22, 2013 1:22 AM
Posted To: ADA Program
Conversation: Some helpful suggestions - ADA
Subject: Some helpful suggestions - ADA

Dear Sir/Madame,

I would like to offer a few helpful suggestions in an attempt to further assist the "disabled." Currently, I believe your accommodations focus on such things that might assist the physically disabled with little to no focus on mental disabilities.

It is important to remember that there are also those who suffer from mental illness who are pro se litigants and need reasonable accommodations. Their abilities to interact with other personnel or to timely respond may be impeded by the limitations of their diagnosis. For that reason, I would ask that policies be implemented that would allow an intermediary agent to correspond or interact with the court in follow up to motions or questions on procedure. This is a reasonable accommodation that would go along way. Just as Social Security Administration allows for the appointment of designated representative agents, so should the court. Perhaps another consideration might be a designated court employee who has some behavioral health background who can assist this population of litigants and understand that at times simple daily activities like phone calls can be difficult. Failure to give parity to both physical and mental disabilities creates an inequality in access to court services.

It is intimidating enough to use the court system, but it is that much more difficult when you are a disabled litigant suffering from mental illness.

REDACTED

23: What is the Judicial Branch doing to improve access for people with disabilities?

A: The Judicial Branch recognizes the importance access plays in our court system and the ADA initiative is always ongoing. An Advisory Board on the Americans with Disabilities Act was created in 2011 to oversee the ongoing implementation of the recommendations approved by the Office of the Chief Court Administrator and to offer new recommendations as appropriate.

24: Who do I contact if I have any suggestions for improvement?

A: You may call the Superior Court Operations Division Coordinator at 860-706-5310 or you may email your suggestions to ada.program@jud.ct.gov

www.jud.ct.gov

JDP-ES-284 (New 3/13)

A Guide to Understanding The Americans With Disabilities Act

Questions and Answers for Members of the Public

The Connecticut Judicial Branch is committed to carrying out the objectives of the Americans with Disabilities Act (ADA). Title II of the ADA requires public entities, such as the Connecticut Judicial Branch, to accommodate individuals with disabilities by providing equal access to their services, programs, and activities. This brochure is designed to assist members of the public with reliable, easy to find ADA information. *Please note that words that are underlined are "hyperlinked" to online versions of forms and other available information.*

Under the ADA, one has a disability if one has a physical or mental impairment that substantially limits a major life activity, if one has a history of such an impairment, or is perceived to have an impairment. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

In this brochure, you will find answers to common questions about the ADA and the courts. If you have other questions, you may speak to your local ADA contact person.

1: I will be visiting a Judicial Branch building. Will there be an accessible entrance?

A: Yes. Every Judicial Branch facility has an accessible entrance. Please visit the court Directions page on the Branch's website, jud.ct.gov, to find out where it is located. If you don't have Internet access, please contact the Clerk's office.

2: May I request an accommodation before I come to court?

A: Yes. While a request for an accommodation can be made at any time, it is best to make the request as far in advance as one can. If possible, you should give a minimum of 10 days' notice.

3: I will be visiting a courthouse, but I do not have a court case. Can I still make a request for an accommodation?

A: Yes. Anyone with a disability can make a request, whether that person is an attorney, a party to a case, a juror, or a member of the public who simply wants to observe court proceedings.

4: How do I make a request for accommodation?

A: A request can be made in many different ways. You can fill out the Request for Accommodation By Persons With Disabilities form that is on the Judicial Branch website, or you can call the court Clerk's office or Court Service Center in the facility that you will be visiting. In addition, you may call or write a contact person at each facility who can assist you by answering specific questions about access to services and by processing requests for accommodations. The list of Contact people and their email addresses is on the Judicial Branch website.

5: Are ADA-related forms and information available in alternative formats?

A: Yes. The information can be made available in other formats such as Braille, large print, and audio. However, this is done by request only and may take some time. Ask your local Contact person.

6: Can I get help filling out the form?

A: Yes. Feel free to ask the local contact person or any other court personnel to help you fill out the form. However, they are unable to provide you legal advice.

7: What is the role of the ADA Contact person?

A: An ADA Contact Person is available at each Judicial Branch facility to ensure that members of the public have an individual at each location who can provide specific information about accommodations available at that location. The Contact person is not qualified, nor authorized, to act as an ADA attorney, expert, advocate, or ADA compliance officer.

8: What information should I include on my Request for Accommodation form?

A: The accommodation request must include the full name, address and contact information of the person making the request. If known, the request should state the date of the proceeding, the docket number, and whether it is a civil or criminal matter.

9: Do I have to tell you the nature of my disability?

A: Yes, the request should state the nature of the disability that makes an accommodation necessary and include a suggestion as to what would be a reasonable accommodation for the disability. Providing this information will allow the person reviewing your request to better understand the limitation or limitations you are facing, and provide you the most appropriate reasonable accommodation.

10: Do I need to prove that I have a disability?

A: Most requests for an accommodation do not require proof. In some cases, however, it may be necessary to provide additional information for the Judicial Branch to determine whether you are a "qualified" person with a disability under the ADA and/or to help identify the most appropriate reasonable accommodation.

11: If I provide information about my disability, is it confidential?

A: Yes. The Judicial Branch is committed to preserving confidentiality. The information will only be used to determine if an accommodation is needed and identify the most appropriate reasonable accommodation.

12: Can I request specific equipment or services to assist me?

A: Yes. The Judicial Branch can make assistive listening devices, sign language interpreters, printed material in alternate formats, and real time transcription services available *when appropriate*. For a list of some available equipment and services, please visit the Judicial Branch's website, or contact a person at the facility that you will be visiting.

13: Can I request that an attorney be provided for my court case?

A: No. The ADA does *not* require the Judicial Branch to provide a lawyer as an accommodation. However, we invite you to visit or call any of our Court Service Centers or a Public Information Desk for information on more resources. Additionally, you can find resources on the Judicial Branch Law Libraries website.

14: Can I request services of a personal nature?

A: No. The ADA does not require the Judicial Branch to provide services of a personal nature, such as legal representation, secretarial services, and transportation.

15: How long will it take for my request to be reviewed?

A: All requests are reviewed immediately. However, in some instances, a request will require further consideration. You will be notified of the decision *as soon as possible.*

16: Can my request be denied?

A: Yes. Although the Judicial Branch is committed to ensuring that persons with disabilities have equal access to the courts, some requests may be denied.

17: Why would my request be denied?

A: The ADA does not require that an accommodation be provided to someone who is not a "qualified" person with a disability. In addition, the ADA does not require actions that would cause a "fundamental alteration of a program or service" or would present an "undue financial or administrative burden." Additionally, the individual's physical or mental impairment that substantially limits a major life activity must be directly related to the accommodation being sought.

18: If my request is denied, can I appeal the denial?

A: Yes. If your request for an accommodation is denied, or if you do not agree with the accommodation offered, you can file a grievance/complaint. The grievance must be filed no later than 10 days after the denial has been made on your request. For additional information about the grievance process and to find the grievance/ complaint form, please visit the Judicial Branch website or ask for assistance at the courthouse.

19: Can I file a complaint if I am unhappy with the Judge's decision on the merits of my case?

A: No. The ADA Complaint process is not the appropriate way to challenge a Judge's decision.

20: Is there a cost for any of these services?

A: No. It is the Judicial Branch's responsibility to provide a reasonable accommodation at no cost to all qualified individuals.

21: If I receive Supplemental Security Income (SSI), does that guarantee that my request for an accommodation will be granted?

A: No. The definition of disability under the Social Security Administration is *not* the same as the definition of disability under the ADA. The Social Security Administration defines disability in terms of "inability to perform substantial gainful activity," by which it means "work paying minimum wage or better." The ADA defines it as having a record of or being perceived as having a "physical or mental impairment that substantially limits a major life activity."

22: I have a disability and have been summoned for jury service. How do I make a request for an accommodation?

A: If you have been summoned for jury service and need a reasonable accommodation, you may call Jury Administration at 1-800-842-8175, or 711 if you have a hearing or speech disability, or you may complete the Juror Accommodation Form, JD-JA-030.

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July 2013
Connecticut Judicial Branch