



2019-2020 ANNUAL REPORT OF THE ADVISORY BOARD ON THE AMERICANS WITH DISABILITIES ACT

**2019-2020 Members of
The Advisory Board on the
Americans with Disabilities Act**

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**2019 and 2020 Annual Report to
Chief Justice Richard A. Robinson
From
The Advisory Board on the Americans with Disabilities Act**

In 2019 and 2020, the Connecticut Judicial Branch continued its compliance with both the letter and the spirit of Title II of the Americans with Disabilities Act. During the biennial, the Branch has improved physical accessibility at certain facilities, completed advanced training of all 140+ local ADA Contacts in the field, and revised policies that help improve access to the Branch's programs and procedures.

It has been challenging. The Advisory Board typically reports annually to the Chief Justice, but the global pandemic has impacted every aspect of court operations. In the spring of 2020, in response to the Governor's Executive Order, No. 7G, Suspension of Non-Critical Court Operations and Associated Requirements, the Judicial Branch essentially moved online for all but emergent proceedings. Courthouse operations were consolidated, and eventually many were closed for several months.

The challenges facing the Judicial Branch in 2020 required creative approaches to ensuring access to justice, such as expanding electronic access to courts, utilizing video and teleconferencing, and simplifying processes, all of which have benefited people with disabilities. The Judicial Branch also responded by securing certain remote auxiliary services, such as sign language via video. Policies have also been amended to allow for the presence of non-party support persons in remote hearings.

Annually, the Judicial Branch provides more than 1,000 accommodations to members of the public, and every accommodation request is as individual as the person making the request. Such accommodations range from providing sign language interpreters, to CART services for people who are deaf, hard of hearing or who have cognitive disabilities. The Branch also provides audio-recordings to people with hidden disabilities such as anxiety, traumatic brain injuries and post-traumatic stress disorder and other disabilities that interfere with a person's ability to process information in a timely manner. Requests for delayed start times or early start times are granted for people who have disabilities that require medical treatment. The Branch also offers aids such as handheld magnifying glasses and individual PocketTalkers that amplify sound.

But while the Judicial Branch grants many if not most accommodation requests, some cannot be granted as they would cause a fundamental alteration to our programs or services, such as conducting court proceedings without lights or security in a courtroom for a person with PTSD, or holding proceedings outside to accommodate a person with agoraphobia. The Judicial Branch is not required to provide items of a personal nature, such as wheelchairs, or services of a personal nature, such as the services of an attorney to represent a person in a civil matter, or provide a person with the services of a paralegal to write a complaint for a person. However, in most cases the Judicial Branch is able to offer alternative accommodations, like the opportunity to have a case heard in a quiet courtroom at a later time in the workday when courthouses are quieter, or the opportunity to be heard via video- or teleconferencing, or directing a person where to find legal

assistance, such as legal aid or pro bono programs, or legal information resources such as the Law Libraries, which can assist with research and information via email or telephone.

This report provides an update on the measures taken across the Judicial Branch in order to ensure access to justice for all in 2019 and 2020, and consistency by reviewing previously recommended initiatives from the Advisory Board on the Americans with Disabilities Act.

Ongoing Initiatives

Training

The Judicial Branch initiated a number of changes to its procedures and policies designed to increase accessibility for people with disabilities both seen and unseen. In 2019, there were 1,376 completed trainings by Judicial Branch staff.

In May of 2019, the Advisory Board approved a mandate to provide training for all 140-plus ADA Contacts on the newest policies, guidelines, and requirements by the Branch to maintain its compliance with Title II of the ADA. The mandatory Advanced ADA Contact training was developed and in 2019 and 2020 presented to all Chief Clerks, and every ADA Contact, from all Divisions, by the Centralized ADA Office. It focused on:

- Accommodating non-party support persons in proceedings, including the process and procedures when a Confidentiality Agreement is required.
- Tracking requests to ensure their implementation Branchwide, both horizontally and vertically, to ensure a person's granted accommodations follow them across their interactions with the Branch, from Superior to the Supreme and Appellate courts, via an internal database.
- Policies related to service animals and medical documentation.
- The delivery of CART services, which are akin to closed captioning, via a remote service.

Training remains a major component of the Branch's commitment to ensuring all Branch staff, from Judicial Marshals, to Probation Officers, Family Relations Officers, Court Clerk's and administrative staff can appropriately assist people with disabilities in accessing the Judicial Branch.

The Administrative Services Division, Human Resource Management Unit, provided Title I supervisory training to the Division HR management staff in 2019 and 2020.

During the course of 2019, the Judicial Branch's strategic plan Training Subcommittee, comprised of representatives of all Divisions, was tasked by Strategic Plan Phase II Implementation Committee to develop a training program for all employees, focusing on career development and competency. The Implementation Committee, which was led by Judges, ultimately approved training timelines, which include the completion by all new employees of the Nuts and Bolts of the ADA course within three months of their date of hire. The course itself was made mandatory for all existing employees at the recommendation of the Advisory Board in its 2018 annual report, and it was completed that year by all existing employees.

The double mandate ensures that every Branch employee has the basic tools they need to assist a person seeking an accommodation under the ADA. Additionally, the Subcommittee recommended a list of ADA-trainings for new and existing staff, including:

- Service Animals 101
- Accessibility and the ADA
- Hearing Voices That Are Distressing
- An Overview of Disability Rights Law
- Popcorn & Possibilities: Dispelling Myths about "Disability"
- Successful Interactions with People with Hidden Disabilities

Also throughout 2019, the Centralized ADA Office presented 28 in-person ADA information sessions to nearly 780 people, across every Judicial District, engaging both staff and members of the Bar in informal settings and in Superior Court Operations' Legal Exchange programs. The sessions – which fulfilled a recommendation from the 2018 ADA Advisory Report – served to update staff and the public on the ADA process in the Branch, and to ensure that the process of requesting accommodations is as seamless as possible.

Finally, the Centralized ADA Office launched A Speaker Series: Interacting with Respect is Everyone's Job. This optional training was led by outside speakers who offered perspectives on living with PTSD and mental illness, with speakers from the National Alliance for the Mentally Ill (NAMI) of Connecticut and a retired firefighter and author. The Speaker Series was also conducted in that year's annual Diversity Week programs for all Branch staff.

The Speaker Series continued into early 2020, with a presentation at the American School for the Deaf by a pair of interpreters, who spoke about diversity within the deaf community, the American School for the Deaf and its presence in Connecticut, a review of communication preferences, and suggested tips for communicating with deaf individuals.

Before the health crisis engulfed the country, forcing the cancellation of in-person training, the Branch also trained several dozen interns on the basics of the ADA, and the Centralized ADA Office conducted a voluntary training for 25 staff members on dispelling myths about disability.

Online training has continued to be a staple of informing Branch employees about the ADA. In 2020, some 430 employees completed online versions of Service Animals 101, the Nuts and Bolts of the ADA, and the Overview of Disability Rights Law.

Facilities

The Judicial Branch's 70 leased and owned properties are maintained by the Administrative Services Division and its Facilities Unit, which works to ensure compliance with the ADA. In 2019, the Facilities Unit oversaw the completion of a number of projects that increased physical accessibility, and began the process of increasing physical access to others. This includes a million-dollar renovation to jury assembly restrooms in courthouses in Danbury, Bridgeport, Hartford, New Haven, New London, and Waterbury. The restrooms were constructed/retrofitted

with accessible and compliant entry widths and wheelchair-turning radius, and outfitted with new fixtures and dispensers installed at accessible heights.

In 2019, the Facilities Unit also worked with the City of Hartford and an architecture and engineering firm to design improvements such as curb cuts and accessible parking near the busy Family and Community courts on Washington Street. The permits have been approved and work is expected to begin in the spring of 2021.

Additionally, in 2019, the Branch purchased two bariatric chairs that can accommodate individuals who weigh up to 500 pounds, in response to requests from members of the public.

Law Libraries

The Superior Court Operations' Law Library Services Unit maintained and updated information on the ADA Resources page of the Judicial Branch website. In addition, Law Library Services continued to maintain and update Law by Subject pages pertinent to the ADA, including:

- Service Animals and the ADA
- Dog Law in Connecticut, Sec. 4 - Service Animals
- Comfort and Support Dogs for Witnesses (Noting that “comfort and support dogs” do not meet the definition of “service dogs” under the ADA)

Legal Services Unit

The Legal Services Unit functions in part as the Judicial Branch's legal advisors for compliance with the ADA. The Unit is also charged with ensuring that forms, brochures, and other information related to the Act are current. The Legal Services Unit recommended the update of certain guidelines and policies in 2019 and 2020 including:

- The Connecticut Judicial Branch Guidelines for Use of a Support Person in Proceedings were revised in 2019 and again in 2020. Among the key revisions:
 - Allows for the presence of support persons in remote hearings.
 - Prohibits an individual from serving as a support person if any party has an order of protection against the proposed support person.
 - Allows for an individual to have more than one support person, but clarifies that only one support person may serve in this capacity at a time.
 - Permits the availability of the support person to be taken into consideration when scheduling a matter, but adds the following condition: “...if it does not unreasonably delay the resolution of the matter or interfere with the administration of justice.”

Technology

In 2020, the Judicial Branch's ADA internet webpages were reviewed for content and user-friendliness. This effort, which fulfilled a recommendation made in the 2018 ADA Advisory Report, included a review of the ADA webpages of all 50 state Judicial Branch websites as well as the District of Columbia, before making revisions to the homepage. Principally, these revisions included answering four critical questions without having to navigate to various webpages. These question included:

- Who is a qualified individual?
- What accommodations are available?
- How do I request an accommodation, and
- What if my request is denied?

Purchasing Service

Over the course of 2019 and 2020, the Purchasing Services group within the Judicial Branch's Materials Management Unit provided direct assistance to the Centralized ADA Office and the individuals we serve by releasing Requests for Qualifications (RFQs) on two subjects of interest: Communication Access Realtime Translation (CART) services, and the Remediation of Legal Forms.

RFQs are issued when the Judicial Branch seeks an outside vendor to provide a service that isn't offered internally. It is an opportunity for a prospective vendor to detail how the service will be provided, and if it is acceptable, for the Judicial Branch to award a bid to that entity.

RFQ's for CART services were released on March 20th, 2019 and on June 20th, 2019 as a prior contractual relationship had expired. As a result of this process, services for CART are now secured through August 31, 2022. An additional bid was released on May 27, 2020 and another bid is pending release in an effort to secure additional service providers to meet the needs of the Court.

An RFQ for the Remediation of Legal Forms was released on June 1st, 2020. Similar to the CART RFQ, a vendor has been secured and going forward, document remediation will be provided via this contractual relationship.

Future Initiatives

Training

In 2021, training will continue to ensure the Branch's compliance with the Americans with Disabilities Act. The means of the delivery of training will be contingent on the safety of Judicial Branch staff, and will likely include an increase in the use of online training, and videoconferencing.

- Specifically, the Centralized ADA Office will create a remote learning opportunity of its facilitator-led “Popcorn and Possibilities: Dispelling Myths About ‘Disability,” which uses video and discussion to examine attitudes, expectations, and hidden biases about what it is to be a person with a visible disability.
- Ensure that ADA Contacts are kept up-to-date on Branch policies and procedures that impact its compliance with Title II, via the Centralized office’s electronic newsletter, ADA E-News You Can Use.
- The Centralized ADA Office will provide Title II training to the Probate Court.
- The Administrative Services Division will continue to provide Title I training.

Facilities

The next phase of jury renovation is funded with bond money secured for 2020 and 2021 and will focus on the following facilities:

- Geographical Area Courthouse # 14 at Hartford
- Hartford Judicial District Courthouse
- Geographical Area Courthouse #22 at Milford
- Middlesex Judicial District Courthouse
- New Haven Judicial District Courthouse

The identified improvements have been separated into three categories: Work that can be done in house, for example relocating dispensers or updating signage; minor work that will be bid out, for example installing grab bars in restrooms; and capital improvement projects, for example retrofitting jury boxes and installing ramps. These improvements are being completed as time and financial resources allow.

Phase II of the Juror Accessibility project will continue and may include upgrades to restrooms in jury assembly areas of the remaining courthouses, and may also address jury box accessibility for wheelchair users.

Information

- In 2021, the Branch will review commonly used ADA forms and its internet webpages, for translation to Spanish, Portuguese, and Polish, the three most commonly requested languages.
- Per the requests by attorneys who attended Legal Exchange programs across the state, in 2021 the Branch will develop a brochure for members of the Bar on Title II of the ADA including information on how to request an accommodation.