

SUPREME COURT OF COLORADO

Office of the Chief Justice

Access to Court Services and Programs for People with Disabilities

This directive is issued to ensure equal access to and full participation in court and probation services and programs by people with disabilities, including attorneys, litigants, defendants, probationers, witnesses, victims, potential jurors, prospective employees and public observers of court proceedings.

1. Qualified people with disabilities shall not, by reason of their disability, be discriminated against, or be excluded from participation in or denied the benefits of services and programs conducted by the courts, including probation.
2. A person with a disability is defined as an individual who has a physical or mental impairment that substantially limits one or more of the major life activities, has a record of such impairment or is regarded as having such impairment.
3. Upon notification by a person with a disability of the need for accommodation, the court shall, at no charge, provide reasonable accommodation that will enable the person to access and/or effectively participate in or enjoy the benefits of any court or probation service or program. This directive shall not apply to accommodations necessary for participation in services and programs that are not conducted by the courts, including court-ordered treatment and services provided or offered by treatment agencies or other providers.
4. The local administrative authority, with the assistance of the ADA coordinator, shall determine what reasonable accommodation will be made. Consultation shall occur with the individual to explore his or her limitations and the options available for accommodating the disability. Primary consideration shall be given to the requested accommodation; however, alternative accommodation may be offered if equally effective. The court or probation department is not required to make modifications that would fundamentally alter the service or program or cause undue financial or administrative burden.
5. With the exception of the appointment of an interpreter for a deaf or hard of hearing individual pursuant to section 13-90-204 (1), C.R.S., the Judicial Department shall provide and pay the reasonable costs of any necessary auxiliary aids or services, excluding devices of a personal nature, for the duration of the time period for which accommodation is needed. Examples of auxiliary aids or services of a personal nature not covered by this directive include prescription eyeglasses, hearing aids, wheelchairs, and/or personal medical or attendant care.
6. If accommodation is needed for an individual to serve on jury duty and a time constraint exists related to the availability of an accommodation, the court, at its discretion, may continue an individual's jury summons to allow the court time to provide the accommodation. Any accommodation shall be made for the duration of any jury trial on which the person needing the accommodation serves.

APPROVED BY THE CHIEF JUSTICE

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Mary J. Mullarkey

June 18, 2004
Date