

REQUESTS FOR ACCOMMODATIONS BY PEOPLE WITH DISABILITIES FREQUENTLY ASKED QUESTIONS:

Who may request an accommodation? Any qualified person with a disability who has business in a state court, including attorneys, litigants, defendants, probationers, witnesses, potential jurors, prospective employees and public observers of court services and programs may request reasonable accommodation by contacting the local [ADA Coordinator](#) or [Jury Commissioner](#).

May spectators obtain reasonable accommodation in the courtroom? Yes, the courts must provide auxiliary aids to courtroom spectators as needed to ensure their equal participation in and benefit from court programs and services. Access to these services must be provided unless the court can demonstrate that the accommodation would result in a fundamental alteration of the nature of a service, program, or activity or cause undue financial or administrative burden. For example, an untimely request for accommodation by a spectator may not be made if it would require a continuation of the court proceedings, causing an undue administrative burden of rescheduling the parties, attorneys and witnesses.

Who is a "qualified" person with a disability? A person with a disability who meets the essential eligibility requirements for the program or service offered by the court or probation with or without reasonable accommodation. For example, the accommodation would need to enable the person to meet the statutory requirement that he or she be able to read, speak and understand the English language to serve on a jury. Similarly, a witness, with or without accommodation, must be able to express his or her thoughts and be capable of understanding the duty to tell the truth.

What is a "disability" under the ADA? A physical, mental or communication disability that substantially limits one or more of the major life activities such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. Some examples include mobility or other motor disabilities, vision disabilities, speech and hearing disabilities and, environmental sensitivities, learning disabilities and psychological disorders. The disability makes it hard for the person to do activities that most other people can do. It also may restrict the person's way of doing things and/or where and for how long the person can do a certain activity or function. People who have a record of such disability or are regarded as having such disability also meet the definition of "disabled" for purposes of having reasonable accommodation made.

What kinds of accommodation are available? The court must ensure that court and probation services and programs are physically accessible to people with disabilities by removing architectural barriers. Examples of architectural accommodations to facilitate accessibility to people with disabilities are: providing wheelchair ramps and wheelchair accessible restrooms, adjusting the height of public information counters, labeling facilities with Braille lettering, providing adequate lighting in the courtrooms for those with vision disabilities, and providing adjustable microphones for witnesses.

The court also must ensure that its communications with people with disabilities are as effective as communications with others and that all can fully participate and enjoy the services and programs provided. The provision of auxiliary aids and services, at no charge, may be a reasonable accommodation to ensure effective communication for a person with a hearing, visual or speech disability. The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the length and complexity of the communication involved and the individual's specific disability and preferred mode of communication. Every effort shall be made to meet the specific needs of the individual. The court is not responsible, however, for providing devices of a personal nature such as prescription eyeglasses, hearing aids, wheelchairs, and/or personal medical or attendant care.

What types of accommodations are available to assist people who are deaf or hard of hearing?

Depending on the needs of the individual and the nature of the impairment, an accommodation may involve: allowing the person to sit where he or she can hear better; allowing a telecommunication system to communicate; providing a qualified sign interpreter appointed by the court; or providing an assistive listening system or computer-aided transcription device. Some deaf and hard of hearing people rely on *written notes* to communicate with hearing people. Although writing can supplement other modes of communication, using it

exclusively is tedious, cumbersome, and time-consuming. Also, since literacy levels vary as with any population, it is not accurate to assume that written notes will work for all deaf or hard of hearing people.

A common misconception is that all deaf and hard of hearing people can *read lips*. However, very few people can read lips well enough to understand speech, even under optimum conditions.

Below are several effective ways to telecommunicate with deaf, hard of hearing, and speech impaired people:

TTY (Text Telephone)

This is a special type of telephone with a keyboard and a small screen where typed text appears. Every court should have a TTY to handle incoming calls and for the public to use - the equivalent of a public phone booth.

Email

Another text-based way to communicate is to use email through a computer, a web-enabled pager system, or a personal digital assistant.

Telecommunications Relay Service (TRS)

TRS enables standard voice telephone users to talk to people who have difficulty hearing or speaking on the telephone. The system allows you to place a phone call through an agent who has computer equipment capable of communicating with a TTY (text telephone or teletypewriter) user. The agent will type the conversation for the deaf person to read and speak the written conversation for the hearing person. The program's numbers are 800-659-2656 (TTY) and 800-659-3656 (voice). Callers may also dial 711 for similar services.

Once their message is received, the other person can then answer verbally, or type a response, that a communications assistant reads to you. In order to communicate this way, the person you are calling will need to have a TTY available.

Don't hang up! Some people hang up on relay calls because they think the communications assistant is a telemarketer. If you answer the phone and hear, "Hello, this is the Relay Service. Have you received a relay call before?"— don't hang up. A person who is deaf or hard of hearing or someone with a speech disability may be on the other line.

Sign Language and Interpreters

Many deaf and hard of hearing people use American Sign Language (ASL) rather than spoken English as their primary mode of communication. ASL is a natural language recognized globally and used by members of the Deaf community here in the United States. It is linguistically complete with unique rules for language structure and use that include phonology, morphology, syntax, semantics and discourse.

The *Legal Auxiliary Services Program*, at the Colorado Commission for the Deaf and Hard of Hearing (CCDHH) maintains a list of individuals who are qualified to interpret in the legal setting. Every effort should be made to obtain a sign language interpreter who holds the Registry of Interpreters for the Deaf certification for legal interpreting, the specialist certificate: Legal (SC:L). If an interpreter holding an SC:L is not available, then the court should obtain an interpreter who has been deemed "legally qualified." These interpreters hold a generalist certification through the national Registry of Interpreters for the Deaf; have completed a required minimum hours of specialized training for interpreting in the legal setting; and have satisfied the required number of hours of supervised interpreting in the legal setting. Interpreters having met this level of expertise may not be needed for matters outside of the courtroom or legal process, but should be considered if the subject matter to be interpreted involves legal terminology.

Family members or amateurs who know some sign language should never interpret for a court-related process. They may lack the techniques and skills needed for effective interpretation, generally are not familiar with court terminology and protocols, and have difficulty being neutral in the process.

Not all deaf or hard of hearing people are proficient in American Sign Language. Occasionally, it will be necessary to use other means of ensuring communication. A person who is both deaf and blind may need an

interpreter skilled in tactile communication. Some deaf and hard of hearing people do not use sign language but require an "oral" interpreter who silently mouths the speaker's words to them.

Assistive Listening Systems

Assistive Listening Systems transmit sound as directly as possible to a hearing aid. Such systems should not be confused with audio systems that are designed to make the sound louder. Rather than enhancing all the sounds in the room, an assistive listening device can bring specific sounds directly to the user's ears.

Communication Access Real-time Translation or Computer Aided Real-time Captioning (CART)

CART works effectively for individuals who have strong reading skills and for those who do not know sign language. Because of the speed of the transcription, it will not work for slow readers.

What types of accommodations are available to assist people who are legally blind or visually disabled?

Depending on the needs of the individual and the nature of the disability, accommodation may involve: providing forms and instructions in Braille, large print or on audio tape; providing assistance at the counter in filling out necessary paperwork; having written materials read out loud in the courtroom; allowing the person to sit closer than usual if of limited vision, or to provide additional lighting if the lighting is a problem. People who are blind or visually disabled often can be assisted by increasing the size of an object, by changing viewing distance, by improving illumination, and by improving contrast. Changing size and distance go hand in hand. Size can be changed in several different ways: an object can be made larger (such as a big-button telephone), materials can be reproduced larger (such as large print), a nearby object can be enlarged (using a magnifier), or a far-away object can be enlarged (using a telescope). Devices can be set into glass frames, some of which are bioptic.

The most critical consideration for a low-vision individual is lighting. The midday offers the best light. Halogen bulbs and lamps that place direct light on a subject are highly recommended. When considering which bulbs to use, incandescent bulbs with a high wattage are preferred over florescent. Florescent bulbs throw off a glaring blue light. If the person with a visual disability is referring to notes, additional light (such as a gooseneck lamp) may be necessary.

Contrast in written materials also can be important. The more words crowded onto a page and the more similar the ink and paper colors, the less one can discriminate. Using 14-point or larger black type on yellow paper will greatly increase the readability of materials.

What types of accommodations are available to assist people with mobility disabilities? Depending on the needs of the individual and the nature of the disability, accommodation may include: having the clerk mail out forms to a person limited in his or her ability to visit the courthouse; holding a proceeding in a more accessible location; allowing the testimony of a witness to be videotaped; or the use of video conferencing technology in lieu of a personal appearance.

What types of accommodations are available to assist people with cognitive or developmental disabilities? *Developmental disability* is an umbrella term referring to disabilities present before an individual reaches 22 years of age. Examples of developmental disabilities are cerebral palsy, epilepsy, autism, hearing loss, Down syndrome, mental retardation, spinal injury or brain injury. *Cognitive disabilities* refer to any disability affecting mental processes. Examples include mental retardation, attention deficit hyperactivity disorder (ADHD), dyslexia, Alzheimer's disease, aphasia, brain injury, language delay, and learning disabilities. Remember that many individuals with developmental and cognitive disabilities may not have limited intellectual functioning. Those that do may require accommodation. Depending on the needs of the individual and the nature of the disability, accommodation may include: having the court and witnesses talk slowly or write things down; when necessary, repeating information using different wording or a different communication approach, allowing time for information to be fully understood; presenting information in a clear, concise, concrete and simple manner; when necessary, taking periodic breaks; presenting tasks in a step-by-step manner, letting the individual perform each step after explanation; scheduling court proceedings at a different time to meet the medical needs of the individual; providing a coach or support person at the proceeding; or allowing videotaped testimony or the use of video conferencing technology in lieu of a personal appearance.

What types of accommodations are available to assist people with psychiatric disabilities? A person with a *psychiatric disability* is someone with a mental illness which significantly interferes with that person's performance of major life activities, such as learning, thinking, communicating, and sleeping, among others. The most common forms of mental illnesses resulting in psychiatric disabilities are anxiety disorders, depressive disorders, and schizophrenia. *Anxiety disorders* are the most common group of mental illnesses and include panic disorder, phobias, obsessive-compulsive disorder, and post-traumatic stress disorder characterized by severe fear or anxiety associated with particular objects and situations. *Depressive Disorders* would include major depression, manic-depressive illness and seasonal affective disorder characterized by disturbances or changes in moods. *Schizophrenia* is a highly complex illness characterized by thoughts that seem fragmented and difficulty processing information.

Depending on the needs of the individual and the nature of the disability, accommodation may include: scheduling court proceedings at certain time to coincide with medication requirements or effects; presenting information in a different manner to be better processed by the individual such as providing instructions in a written or recorded format; changing procedures as they relate to the interaction with witnesses and court staff in the courtroom; eliminating distractions; speaking slowly and distinctly; or allowing videotaped testimony or the use of video conferencing technology in lieu of a personal appearance.

Is the court required to provide the requested accommodation? The administrative authority, with assistance from the local ADA coordinator, Jury Commissioner and State Court Administrator's Office Human Resources or Legal Divisions, decides what reasonable accommodation can be made. Primary consideration is given to the request of the individual with the disability, however, an alternative accommodation may be offered if equally effective. The court is not required to make modifications that would fundamentally alter the service or program or cause undue administrative or financial burden. When evaluating a request, resources available are to be considered at the local level as well as at the Judicial Department level. With respect to court facilities, the court is not required to make every existing facility accessible so long as there is accessibility to the particular service or program. For example, the court does not have to make every courtroom accessible if the particular proceeding can be held in an accessible room.

Who pays for the auxiliary aids and services? Auxiliary aids and services necessary for effective communication or to enable participation in services, other than devices of a personal nature, are to be provided at no cost to the person with the disability. The court or probation department is responsible for providing and paying the incurred costs, with the exception of the appointment of an interpreter for a deaf or hard of hearing person provided by the Department of Human Services pursuant to section 13-90-204(1), C.R.S.

How is a request for reasonable accommodation submitted? Each judicial district has a local ADA Coordinator or Jury Commissioner who is responsible for arranging reasonable accommodations for people with disabilities. You can access the link [ADA Coordinators](#) or [Jury Commissioners](#) for a listing for each judicial district or this information is available on the Judicial Department's website at <http://www.courts.state.co.us/>. Accommodation requests should be submitted to the local ADA Coordinator or Jury Commissioner by accessing the ADA Online Request form at <http://www.courts.state.co.us/Administration/HR/ADA/Request.cfm>

The request should identify the particular court program or service for which accommodation is sought, the date, time and location where the accommodation is needed, a description of the disability and the type of accommodation being requested. All requests for an accommodation will be held confidential.

When must the request for accommodation be made? Reasonable notice must be given to consider an accommodation request without causing undue disruption to the court proceeding. If the request relates to a jury summons, the individual should contact the Jury Commissioner as far in advance as possible by contacting the person indicated on the summons or listed on the Judicial Department's website at [Jury Commissioners](#).

If the request concerns a particular court proceeding, the request should be made a minimum of five days in advance, if practicable, to allow for consideration of the request and to arrange for reasonable accommodation.

What if the request for accommodation is denied? The Colorado Judicial Department has an ADA grievance process through the Office of the State Court Administrator by which an individual may seek review of a decision concerning reasonable accommodation. A grievance form, with a copy of the previous decision included, should be submitted within 60 days of the alleged violation to the Director of Human Resources or a designee at the Colorado State Court Administrator's Office, 1300 Broadway, Suite 1200, Denver, CO 80203.

What is a service animal? A service animal is any dog that is individually trained to do work or perform tasks for the benefits of an individual with a disability including physical, sensory, psychiatric, intellectual or other mental disability. Some examples include: guiding a person who is blind or has low vision; alerting a person with a hearing loss to certain sounds; picking up or retrieving objects; and providing physical support or assistance with balance.

Are service animals allowed in the courts? Yes, Colorado law, section 24-34-803, C.R.S., provides that a person with a disability has the right to be accompanied by a service animal specially trained for that person as a reasonable accommodation or a trainer of a service animal, or an individual with a disability accompanied by an animal that is being trained to be a service animal, has the right to be accompanied by the service animal in training.

The service animal or service animal in training must be permitted to accompany the individual with a disability or trainer to all areas of the facility where customers are normally allowed to go. An individual with a service animal or service animal in training may not be segregated from other customers.

The care and supervision of the service animal is the sole responsibility of the owner. The court is not required to provide care, food or a special location for the animal.

What if a service animal barks or growls at other people, or otherwise acts out of control or disruptive to the courtroom proceedings? A service animal or service animal in training may be excluded from the courthouse if there is reason to believe the animal's behavior poses a direct threat to the health or safety of others. A service animal or service animal in training that displays vicious behavior towards other customers may be excluded. In addition, a court is not required to accommodate a service animal or service animal in training if it would result in a fundamental alteration to the nature of the business. A service animal or service animal in training that barks during a hearing may be excluded. In the event the service animal is excluded, the individual with the disability should be given the option of continuing his or her participation in the court services.

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