

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
COUNTY OF WINNEBAGO
COUNTY OF BOONE

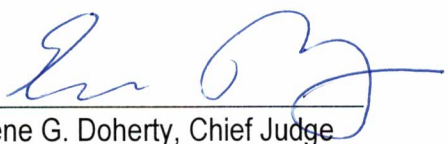
ADMINISTRATIVE ORDER 2018-23

WHEREAS the Illinois Supreme Court has directed all Circuit Courts to adopt a policy and procedures to ensure reasonable accommodations, auxiliary aids, and services to persons with disabilities;

IT IS HEREBY ORDERED that the following Policy on Access for Persons with Disabilities is hereby adopted as the Policy of the 17th Judicial Circuit Court, and is effective immediately.

This Policy supersedes and replaces the Court's Policy adopted on January 11, 2013.

ENTER: _____


Eugene G. Doherty, Chief Judge

DATED: _____

11/6/18

ILLINOIS SEVENTEENTH JUDICIAL CIRCUIT COURT
COUNTIES OF WINNEBAGO AND BOONE

POLICY ON ACCESS FOR PERSONS WITH DISABILITIES

I. Introduction

The Americans with Disabilities Act (ADA) is a federal statute that serves to protect the civil rights of people with disabilities and ensure they have the same opportunities as people without disabilities. Specifically, Title II of the Act reads “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subject to discrimination by any such entity.” As public entities, circuit courts are required to accommodate the needs of individuals with disabilities and ensure equal access to the court and related court programs.

The Seventeenth Judicial Circuit of Illinois (Circuit Court) serves diverse populations with a variety of needs. In an effort to address individual needs in a fair and consistent manner, the Circuit Court has adopted the following policy and procedures to comply with the ADA.

II. Policy

It is the policy of the Circuit Court to ensure that communications with and accommodations for individuals with disabilities and without disabilities are equally effective, consistent with the requirements of Title II of the ADA. The Circuit Court will make every effort to provide reasonable accommodations at no charge to ensure that individuals with disabilities have an equal opportunity to participate in all aspects of the judicial system, including court proceedings, services, programs, activities, and employment.

For all purposes under this Policy, the following definitions shall apply:

Accommodation means measures to make each court service, program or activity, when viewed in it's entirety, readily accessible to and useable by an applicant who is a qualified person with a disability. The Circuit Court is not required to take any action which would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial or administrative burdens.

Person with a disability means a person covered by the Americans with Disabilities Act of 1990 or other similar local, state, or federal laws. The term includes, but is not limited to, an individual who has a physical or mental impairment that limits one or more major life activities, has a documented history of such an impairment, or is regarded as having such an impairment.

III. Court Disability Coordinator

The Circuit Court has appointed Deputy Court Administrator Michael Smith to serve as its Court Disability Coordinator (CDC). The CDC shall on behalf of the Circuit Court be responsible for implementing this policy, overseeing all training efforts related to this policy, processing all of the forms referenced herein, and maintaining all records related to compliance with the Americans with Disabilities Act.

Contact information for the CDC is as follows:

Michael Smith
Deputy Court Administrator
Court Administration Office
400 West State Street, Room 215
Rockford, Illinois 61101

Phone: (815)319-4806

Email msmith@17thcircuit.illinoiscourts.gov

All Circuit Court employees are responsible for forwarding any requests for accommodations to the CDC within one business day of receipt. The CDC shall be responsible for overseeing all training efforts related to this policy.

IV. Services and Accommodations

Auxiliary aids and services include a wide range of services and devices that promote effective building access and communication with persons with disabilities. Examples of auxiliary aids and services for individuals with disabilities include wheelchair assistance, low vision aids, qualified sign language interpreters, assistive listening devices, and real-time transcription services. The Circuit Court may also provide any other reasonable accommodation necessary to permit a person with disabilities to fully and equally participate in or to observe a court proceeding or program.

Written notices regarding available services and accommodations shall be posted at key locations throughout all court facilities.

V. Requests for Accommodation

Individuals seeking a service or accommodation from the Circuit Court should fill out a Request for Accommodation Form. The request form is available on the Court's website. Individuals may also contact the CDC in order to obtain a copy of the Request for Accommodation Form. Individuals may have a representative submit an accommodation request on their behalf or seek the assistance from the CDC to submit an accommodation request.

The request form should be submitted in person or via mail or email to the CDC at least fourteen (14) calendar days in advance of a court proceeding or program. The request shall be as specific as possible and include a description of the accommodation sought as well as a specified date and location. The CDC shall respond in writing within seven (7) calendar days from the date the request was received.

The CDC is not authorized to administratively grant an accommodation request that would fundamentally alter the nature or actual conduct of a court proceeding. The CDC cannot direct a presiding judge to take specific action that will have an impact on a court proceeding. **A request to alter the nature or actual conduct of a court proceeding must be made by filing a written motion within the relevant court proceeding.** The presiding judge can consider the individual's disability, along with other relevant factors, in granting or denying the motion. Examples of accommodation requests that would need to be submitted to a judge include:

- An extension of time
- To reconsider evidence presented in court or a past court ruling
- Written transcripts or audio recordings of court proceedings
- A change of judge or attorney
- A change of venue
- Participation in a court proceeding by telephone or videoconferencing

While *courts* in general are often perceived as a singular public entity, judicial systems are in fact an assemblage of multiple public entities. The Circuit Court may not be the proper public entity to address certain requests. The Circuit Court may not have the unilateral authority to grant certain requests. With the advanced consent of a requesting party, the CDC shall forward a request for accommodation to the appropriate public entity in those instances where:

- A request seeks a service or accommodation from a public entity other than the Circuit Court; and
- A request involves an area of shared responsibility and requires partnerships between the Circuit Court and another public entity.

In review of an accommodation request, the CDC shall give “primary consideration” to the request of individuals with disabilities. “Primary consideration” means that the Circuit Court will honor the choice of the individual, unless it demonstrates that another equally effective accommodation is available, or that the requested accommodation would result in a fundamental alteration of Circuit Court activities or undue financial and administrative burdens.

Except as the requestor may authorize the CDC to share information with other public entities, details contained in an accommodation request form will only be shared with persons who need to know about your disability in order for a decision to be made about an accommodation or to provide you with an accommodation.

VI. Denying an Accommodation

The CDC may deny a request for an accommodation for the following reasons:

- 1) The requested accommodation(s) would create an undue financial or administrative burden on the Circuit Court; or
- 2) The requested accommodation(s) would fundamentally alter the nature of a court service, program or activity.

Examples of accommodations that the Circuit Court cannot provide include:

- Transportation to or from a court facility
- Legal counsel or advice
- Personal services such as medical or attendant care

The Circuit Court cannot exceed the law in granting a request for an accommodation. For example, the Circuit Court cannot extend a statute of limitations for the filing of an action or modify the terms of an agreement among parties.

VII. Grievance Procedure

Individuals may submit a grievance when they believe the Circuit Court and its employees have not complied with the provisions of this policy or the request for accommodations procedure. A grievance should be filed in writing using the Circuit Court's Grievance Form. A grievance should be submitted within thirty (30) calendar days after the individual becomes aware of the alleged violation. All grievances should be submitted in person by mail or by email to the Court Disability Coordinator (CDC):

Michael Smith
Deputy Court Administrator
Court Administration Office
400 West State Street, Room 215
Rockford, Illinois 61101

Phone: (815)319-4806
Email msmith@17thcircuit.illinoiscourts.gov

The CDC or a designee may, if helpful to making a determination, attempt to schedule a meeting in person or via telephone after the receipt of a grievance. The purpose of the meeting will be to explore ways to fairly resolve the grievance. This policy contemplates informal but thorough investigation, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the grievance. A written response to a grievance shall be issued by the CDC no later than fourteen (14) days from the date the request was received.

An individual can request a reconsideration of their grievance in instances where he or she is dissatisfied with the resolution. The request for reconsideration must be in writing and be submitted to the Trial Court Administrator. The Trial Court Administrator shall respond in writing within 10 calendar days with a final resolution of the grievance.

Neither the CDC nor the Trial Court Administrator are authorized or legally capable of reviewing a decision by a presiding judge to deny an accommodation request within a specific court proceeding.

Use of this grievance procedure is completely voluntary. An individual's right to a prompt and equitable resolution of a grievance submitted pursuant to this policy provision shall not be impaired by a person's pursuit of other remedies.

VIII. Prohibition of Retaliation

The Circuit Court will not discriminate against any individual because an individual filed a complaint or participated in any manner in an investigation, proceeding, or hearing under Title II of the ADA. The Circuit Court will not coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of any right granted or protected by Title II of the ADA on his or her behalf or on behalf of another individual.

ILLINOIS SEVENTEENTH JUDICIAL CIRCUIT COURT
COUNTIES OF WINNEBAGO AND BOONE

NOTICE OF ACCOMMODATION AVAILABILITY

NEED AN ACCOMMODATION FOR A DISABILITY?

Hearing, visual, and other assistance may be arranged.

Contact the Court Disability Coordinator for the 17th Judicial Circuit Court c/o the Court Administration Office, 400 West State Street, Rockford, Illinois 61101 or by email msmith@17thcircuit.illinoiscourts.gov

It is the policy of the Seventeenth Judicial Circuit of Illinois that:

- Communications with individuals with disabilities are as effective as communications with individuals without disabilities;
- Individuals with disabilities have an equal opportunity to participate in and benefit from all Circuit Court activities.

If you require accommodations, auxiliary aids, or other services in order to participate in Circuit Court activities, please make your request to the Court Disability Coordinator.

Requests and grievances need to be made in writing on forms provided by the Court.

Copies of the following documents are available upon request from the Court Disability Coordinator and on the Seventeenth Judicial Circuit website: www.17thcircuit.illinoiscourts.gov.

- Policy on Access for Persons with Disabilities
- Request for Accommodations Form
- Grievance Form

ILLINOIS SEVENTEENTH JUDICIAL CIRCUIT COURT
COUNTIES OF WINNEBAGO AND BOONE

Request for Accommodation Form

Date: _____

1) Person requesting accommodation:

Name: _____

Address: _____

E-mail: _____ Telephone/TTY Number: _____

Select one of the following options:

Defendant Litigant/Party Witness Victim Juror Attorney

Other (Specify): _____

2) This accommodation will be needed:

Case Number(s) (if any): _____

on (Date) _____ at (Time) _____ am / pm at the

following location: _____

for all proceedings relating to the case number(s) identified above

Other (Specify): _____

3) The accommodation needed is:

Wheelchair Assistance

American Sign Language (ASL) interpreter

Other sign language interpreter (Specify): _____

Real-time transcription

Assistive listening device

Other: (Specify) _____

4) Please provide any addition information that would help the court respond to your request:

5) How would you like to be contacted about and informed of the resolution of this request:

Phone Writing Email Other (Specify): _____

(Complete Number 6 if different from Number 1 above):

6) Person who submitted this Form:

Name: _____

Address: _____

E-mail: _____ Telephone/TTY Number: _____

Telephone/TTY Number: _____

Select one of the following options:

Defendant Litigant/Party Witness Victim Juror Attorney

Other (Specify): _____

By signing below, I attest that the information I have provided on this form is accurate, true and correct to the best of my knowledge.

Signature: _____ Date: _____

Please submit this form in person or by mail or by email to:

Court Disability Coordinator (CDC)
400 West State Street, Room 215
Rockford, Illinois 61101
msmith@17thcircuit.illinoiscourts.gov

If you need help completing this form, please ask for assistance by calling the Court Administration Office at 815-319-4806 and asking for the Court Disability Coordinator. Alternative means of submitting an accommodation request will be made to qualified individuals with disabilities upon request. The CDC will provide a response to a request for accommodation within 7 calendar days from the date the request was received.

Approval:

Date Request Received: _____

The accommodation request is approved

The accommodation request is denied because: _____

By: _____
Court Official / ADA Coordinator

Date

ILLINOIS SEVENTEENTH JUDICIAL CIRCUIT COURT
COUNTIES OF WINNEBAGO AND BOONE

Grievance Form

For Complaints related to Title II of the Americans with Disabilities Act.

Date: _____

1) Person alleging grievance:

Name: _____

Address: _____

E-mail: _____ Telephone/TTY Number: _____

Select one of the following options:

Defendant Litigant/Party Witness Victim Juror Attorney

Other (Specify): _____

2) Questions to clarify grievance:

Court service, program or activity: _____

Case Number(s) (if any): _____

Date(s) of alleged discrimination: _____

Time(s) of alleged discrimination: _____

Location(s) of the alleged discriminatory act(s) (courthouse/courtroom):

Please describe the way in which you believe you have been denied a benefit, service, program or activity of the Court, or have otherwise been subject to discrimination as a person with a disability by the court. (Please attach any and all documentation that you believe to be relevant to this grievance.) _____

Please state, if known, the names or position of any Circuit Court employees involved in the incident, as well as names, addresses and telephone numbers of any witnesses. (Please attach any and all documentation that you believe to be relevant to this grievance.) _____

3) How would you like to be contacted about and informed of the resolution of this grievance:

Phone Writing Email Other (Specify): _____

(Complete Number 4 if different from Number 1 above):

4) Person who submitted this Form:

Name: _____

Address: _____

E-mail: _____ Telephone/TTY Number: _____

Telephone/TTY Number: _____

Select one of the following options:

Defendant Litigant/Party Witness Victim Juror Attorney

Other (Specify): _____

By signing below, I attest that the information I have provided on this form is accurate, true and correct to the best of my knowledge.

Signature: _____ Date: _____

Please submit this form in person or by mail or by email to:

Court Disability Coordinator (CDC)
400 West State Street, Room 215
Rockford, Illinois 61101
msmith@17thcircuit.illinoiscourts.gov

If you need help completing this form, please ask for assistance by calling the Court Administration Office at 815-319-4806 and asking for the Court Disability Coordinator. Alternative means of submitting a grievance will be made upon request. The CDC will provide a response to a grievance within 14 calendar days from the date the grievance was received.

Response to Grievance:

Date Grievance Received: _____

Resolution: _____

By: _____

Court Official / ADA Coordinator

_____ Date