

SCAO Model Policy: Requests for Accommodations by Persons with Disabilities.

1. **[Policy]** It shall be the intent of the _____ court to assure that qualified individuals with disabilities have equal and full access to the judicial system by providing a written accommodations policy. Nothing in this policy shall be construed to limit, invalidate, or expand the remedies, rights, and procedures accorded to any qualified individual with disabilities under state or federal law.

2. **[Definitions]** The following definitions shall apply under this policy:
 - a. “An individual with a disability” means a person covered by the Americans with Disabilities Act of 1990 (42 USC 12101 *et seq.*) and the ADA Amendments Act of 2008, and includes individuals who have a physical or mental impairment that substantially limits one or more major life activities; have a record of such an impairment; or are regarded as having such an impairment.

 - b. “Qualified Individual with a Disability” means a person who meets the essential eligibility requirements for participation. This not only includes persons involved in a case, such as lawyers, parties, witnesses, or jurors, but also includes spectators or anyone else who is eligible to participate in a program, service, or proceeding in a court in Michigan.

 - c. “Accommodation(s)” may include, but are not limited to, making reasonable modifications in policies, practices, and procedures; furnishing, at no charge, to qualified individuals with disabilities, auxiliary aids and services, which may include equipment, devices, materials in alternative formats, and qualified interpreters or readers; and making each service, program, or activity, when viewed in its entirety, readily accessible to and usable by qualified individuals with disabilities requesting accommodations. In order to ensure that court services are accessible, access may be provided by various methods, including alteration of existing facilities, acquisition, or construction of additional facilities, relocation of a service or program to an accessible facility, or provision of services at alternate sites. This court will consider the expressed choice of the individual requesting the accommodation to facilitate effective communication. This court will not place a surcharge on a particular individual or group of individuals to cover the cost of accommodation.

 - d. “Policy” means the procedures set forth in this document regarding requests for accommodations in _____[name of court] by qualified individuals with disabilities.

3. Confidentiality applies to the identity of the applicant in all oral or written communications, including all files and documents submitted by an applicant as part of the application process.

4. **[Procedure]** The following procedure for requesting accommodations is established:
 - a. Applications requesting accommodations pursuant to this policy may be presented in writing, on a form approved by the State Court Administrative Office and provided by the court, or orally as the court may allow. Applications should be made to the _____ [identify ADA Coordinator or court staff designated to coordinate requests for accommodations] at the [specify location of the office of the ADA Coordinator].
 - b. All applications for accommodations shall include a description of the accommodation sought along with a statement of the functional impairment that necessitates the accommodation. The court, in its discretion, may require the applicant to provide additional information about the qualifying impairment.
 - c. Applications should be made as far in advance of the requested accommodation implementation date as possible.
 - d. Upon request, this court shall maintain the application form in a separate, confidential file so as not to reveal the identity or other information contained in the application for accommodation.
5. **[Permitted communication]** If the applicant is a party in a pending case, the communications with the court concerning the application shall deal only with the accommodation(s) necessary to provide access and shall not deal in any manner with the subject matter or merits of the proceedings before the court.
6. **[Grant of accommodation]** This court shall grant an accommodation as follows:
 - a. In determining whether to grant an accommodation and what accommodation to grant, the court shall consider, but is not limited by, the applicable provisions of the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, Section 504 of the Rehabilitation Act of 1973, the state Deaf Persons Interpreters Act, 1982 PA 204; The Persons with Disabilities Civil Rights Act, 1976 PA 20; and the Elliott-Larsen Civil Rights Act, 1976 PA 453.
 - b. The court shall inform the applicant in writing, or other accessible format needed by the applicant, of the reasons a request for accommodation is either granted or denied.
7. **[Denial of accommodation]** An application may be denied only if the court finds that:
 - a. The applicant has failed to satisfy the requirements of this policy; or

- b. The requested accommodation(s) would result in a fundamental alteration in the nature of the program, service, or activity, or create an undue financial or administrative burden on the court.
8. **[Review procedure]** An applicant whose request for accommodation has been denied or granted may seek review of a determination made by nonjudicial court personnel within five days of the date of the notice of denial or grant by submitting a request for review to the chief judge.
9. **[Duration of accommodations]** The accommodations by the court shall commence on the date indicated in the notice of accommodation and shall remain in effect for the period specified in the notice of accommodation. The court may grant accommodations for indefinite periods of time or for a particular matter or appearance.

[Adopted effective _____]