

18TH JUDICIAL CIRCUIT COURT, DUPAGE COUNTY, ILLINOIS

GUIDE FOR ACCESS FOR PERSONS WITH DISABILITIES

REQUESTS FOR REASONABLE ACCOMMODATIONS BY PERSONS WITH DISABILITIES

(Form 18-2)

SECTION 1. POLICY

It is the policy of the 18th Judicial Circuit Court (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 and Section 504 of the Rehabilitation Act of 1973. Whenever necessary, the Circuit Court will provide, free of charge, the appropriate auxiliary aids and services to ensure that individuals with disabilities have an equal opportunity to participate in and benefit from any Circuit Court program.

The Circuit Court may also provide any other reasonable accommodation necessary to ensure that a person with impairments or disabilities has an equal opportunity to participate in the judicial system. This policy applies to all members of the public who seek to participate in the Circuit Court's programs.

The Court has designated a Court Disability Coordinator (CDC) to assist people with disabilities. The CDC for the 18th Judicial Circuit Court is Suzanne Armstrong. She can be reached at CDC@18thJudicial.org or (630) 407-8901.

The Policy on Access for Persons with Disabilities was adopted by the 18th Judicial Circuit Court as Administrative Order 12-31 and can be found at www.dupageco.org/Courts/28754/

SECTION 2. ADA ACCOMMODATIONS PROVIDED BY THE 18TH JUDICIAL COURT

Auxiliary aids and services include a wide range of services and devices that promote effective communication for persons with disabilities. Examples of auxiliary aids or services that the Circuit Court may provide for qualified individuals with disabilities include:

- Assistive listening devices
- Qualified ASL or other types of interpreters

- Real-time transcription services
- Accessible formats such as large print or electronic documents.

The Circuit Court may also provide any other reasonable accommodation necessary to permit a person with impairments or a disability to fully and equally participate or observe Circuit Court programs.

SECTION 3. WHAT THE COURT CANNOT GRANT AS AN ADA ACCOMMODATION

Examples of aids or services the Circuit Court cannot provide as an accommodation include:

- Transportation to and from the courthouse
- An official transcript of a court proceeding
- Personal devices such as wheelchairs or canes
- Services of a personal nature such as assistance in eating, toileting, or dressing.
- Personally prescribed devices such as hearing aids or prescription eyeglasses
- Readers for personal use or study

Additionally, the Court Disability Coordinator cannot administratively grant, as an ADA accommodation, requests that impact court proceedings within a specific case. These types of requests may include requests for an extension of time, a change of venue, or participation in court proceedings by telephone. If a request for reasonable accommodation would impact court proceedings within a specific case, the CDC will contact the Judge who is hearing the case who will then decide whether or not to grant the accommodation request. It may be determined that the request should be submitted by written or oral motion to the Judge as part of the case.

The request will be reviewed on a case by case basis and there is no obligation to grant accommodations that would impose an undue financial or administrative burden on the court or that would fundamentally alter the nature of the court proceedings. An individual's disability, along with other relevant factors will be considered in granting or denying the request.

Furthermore, the court cannot exceed the law in granting a request for an accommodation. Also, the court cannot modify the terms of agreements among parties as an ADA accommodation.

Finally, the ADA does not require the court system to take any action that would fundamentally alter the nature of court programs, services, or activities, or that would impose an undue financial or administrative burden on the courts.

SECTION 4. INSTRUCTIONS FOR REQUESTS FOR ADA ACCOMMODATION

If you are an individual with a disability who needs an accommodation in order to participate in a court proceeding or other court service, program, or activity, you are entitled, at no cost to you, to the provision of certain assistance. Requests for accommodations may be presented on the attached form (preferred), in another written format, or orally. The request shall be as detailed as possible and include a description of the accommodation sought and the date(s) the accommodation is needed.

If you need assistance in completing this form due to your disability, or to request this document in an alternate format, please contact:

Court Disability Coordinator (CDC)
18th Judicial Circuit Court
Office of the Chief Judge
505 N. County Farm Road, Room 2015
Wheaton, IL 60187
Email: CDC@18thJudicial.org
Phone: (630) 407-8901
TDD: (630) 407-8910
FAX: (630) 407-8836

Please submit Requests for Accommodation as far in advance as possible, but preferably at least fourteen (14) days before your scheduled court appearance or other court activity.

SECTION 5. COURT REQUEST FOR ADDITIONAL INFORMATION

If an individual has a disability that is not obvious, or when it is not readily apparent how a requested accommodation relates to an individual's impairment, it may be necessary for the court to require the individual to provide documentation from a qualified health care provider in order for the court to fully and fairly evaluate the accommodation request. These information requests will be limited to documentation that:

- establishes the existence of a disability;

- identifies the individual's functional limitations; and
- describes how the requested accommodation addresses those limitations.

Any cost to obtain such documentation is the obligation of the person requesting the accommodation.

SECTION 6. RESPONSE TO REQUESTS FOR REASONABLE ACCOMMODATION

The CDC will respond within seven (7) days from the date the request was received. Please indicate on the Request form how you would like to be informed of the status of your request. You may choose phone, email, fax, U.S. Mail, in writing, or other.

The CDC will 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.

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

- The requested accommodation(s) would create an undue financial or administrative burden on the Circuit Court; or
- The requested accommodation(s) would fundamentally alter the nature of the court program; or
- Permitting the applicant to participate in the proceeding with the requested accommodation would create a direct threat to the safety or well-being of the applicant or others.

SECTION 7. COMPLAINT/GRIEVANCE PROCESS

Individuals have the right to file 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. The grievance shall be filed within seven (7) days after the person filing the complaint becomes aware of the action or inaction.

Please contact the CDC if you require a reasonable accommodation to file a complaint or if you require this procedure and the attached form in an alternative format.

1. Use of this grievance procedure is completely voluntary. An individual's right to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies.

2. A complaint should be filed in writing using the Circuit Court's Grievance Form. All complaints must contain the name, address, and telephone number of the person filing it and briefly describe the alleged violation.

3. A complaint should be filed within seven (7) calendar days after the person filing the complaint becomes aware of the alleged violation. Complaints may be delivered in person, mailed, or submitted via email to the attention of the CDC at the following address:

Court Disability Coordinator (CDC)
18th Judicial Circuit Court
Office of the Chief Judge
505 N. County Farm Road, Room 2015
Wheaton, IL 60187
Email: CDC@18thJudicial.org
Phone: (630) 407-8901
TDD: (630) 407-8910
FAX: (630) 407-8836

4. Within seven (7) days after receipt of the complaint, the CDC or a designee may meet with the grievant, either in person or by telephone, to discuss the complaint and possible resolutions, if the CDC or designee determines that such a meeting would be helpful to a determination. The purpose of the meeting will be to explore ways to fairly resolve the complaint. If the meeting results in an acceptable solution, the solution shall be put in writing, with one copy sent to the individual who initiated the complaint and one copy kept in the CDC's files.

5. If an initial meeting does not result in a solution, the CDC shall investigate the matter further. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.

6. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the CDC within seven (7) days of the meeting, or within fourteen (14) days after receipt of the complaint if there is not a meeting.

7. If the response by the CDC does not resolve the issue to the satisfaction of the grievant, the grievant may, within seven (7) days of the date of the CDC's written response, appeal the decision to the Chief Judge at the address listed above.

8. Any appeal shall be in writing. Within fourteen (14) days after receipt of the appeal, the Chief Judge or designee will respond in writing to the grievant with a final resolution of the grievance or complaint.

SECTION 7. FORMS

The following forms may be found online at
<http://www.dupageco.org/Courts/28754/>

- Request for Reasonable Accommodation (Form 18-1)
- Guide for Access for Persons with Disabilities (this document, Form 18-2)
- Frequently Asked Questions (FAQs) (Form 18-3)
- Grievance Form (Form18-4)