

BRYAN COUNTY STATE COURT ADA POLICY & PROCEDURE

REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES

Policy Statement

It is the policy of the State Court of Bryan County, Georgia, to assure that qualified individuals with disabilities have equal and full access to the judicial system including Court proceedings, services, programs, activities and employment. Nothing in this policy shall be construed to impose limitations or to invalidate the remedies, rights, and procedures accorded to any qualified individuals with disabilities under state or federal law.

Section I - Requests For Accommodation In Court Proceedings

A. Definitions

The following definitions shall apply under this section:

1. "Qualified individuals with disabilities" means persons covered by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.) and other related state and federal laws and includes individuals who have a physical or mental impairment that substantially limits one or more of the major life activities; have a record of such an impairment; or are regarded as having such an impairment.
2. "Applicant" means any lawyer, party, witness, juror, or any other individual with an interest in attending any proceeding before the State Court of Bryan County.
3. "Accommodation(s)" may include, but are not limited to, making reasonable modifications in policies, practices, and procedures; furnishing, at no charge, to the qualified individuals with disabilities, auxiliary aids and services, which are not limited to 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. The “section” means this section regarding requests for accommodations in state courts by qualified individuals with disabilities.

4. “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.

B. Process

The following process for requesting accommodations in court proceedings is established:

1. Applications requesting accommodation(s) pursuant to this rule shall be presented in writing and shall be forwarded to the Court’s ADA Coordinator.
2. All applications for accommodations shall include a description of the accommodation sought, along with a statement of the impairment that necessitates such accommodation. The court, in its discretion, may require the applicant to provide additional information about the qualifying impairment.
3. Applications should be made as far in advance of the requested implementation date as possible, and in any event should be made no less than seven days prior to the requested implementation date. The court may, in its discretion, waive this requirement.
4. Upon request, the court shall place under seal the identity of the applicant as designated on the application and all other identifying information provided to the court pursuant to the application.

C. Permitted Communication

An applicant may make *ex parte* communications with the ADA Coordinator. Such communications shall deal only with the accommodation(s) the applicant's disability requires and shall not deal in any manner with the subject matter or merits of the

proceedings before the court.

D. Grant of Accommodation

The court shall grant an accommodation as follows:

1. In determining whether to grant an accommodation and what accommodation to grant, the court shall consider, but is not limited by, the provisions of the Americans with Disabilities Act of 1990 and related state and federal laws.
2. The applicant may be informed in writing of findings, as may be appropriate, that the request for accommodations is granted or denied, in whole or in part, and the nature of the accommodation(s) to be provided, if any.

E. Denial of Accommodation

An application may be denied only if the court finds that:

1. The applicant has failed to satisfy the requirements of this rule; or
2. The requested accommodation(s) would create an undue financial or administrative burden on the court; or
3. The requested accommodation(s) would fundamentally alter the nature of the service, program, or activity.

F. Review Procedure:

1. An applicant whose accommodation has been denied or granted may seek review of the determination by the Chief Judge of the Court within 10 days of the date of the notice of denial or grant, or no later than two days prior to the date the accommodations are supposed to begin, whichever date provides the most opportunity to consider the request, by submitting a request for review to the ADA Coordinator.

G. Duration of Accommodations

The accommodations by the court shall commence on the date indicated in the request for 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.