

**McLean County Circuit Court
Americans With Disabilities Act (ADA)
Policy and Procedures**



REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES

Policy Statement

It is the policy of this Court 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 any court of this 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. While not requiring that each existing facility be accessible, this standard, known as "program accessibility," must be provided by 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.
4. Under this policy there is no requirement for the County or Court to provide any applicant with transportation to or from the building; provide personal devices; or provide any service which extends beyond the physical property owned and/or maintained by the County (28 CFR 36.306)
5. The "section" means this section regarding requests for accommodations in state courts by qualified individuals with disabilities.

B. Process

Use the following directory to contact the appropriate department or the ADA coordinator, or submit a letter to the department or coordinator. If you have any questions please feel free to call the ADA Coordinator.

Contact List for ADA Accommodations

Circuit Clerk (RM 404)	(309) 888-5301
Circuit Court (RM 507)	(309) 888-5266
Jury Commission (RM 504)	(309) 888-5241
Public Defender (RM 603)	(309) 888-5235
Sheriff / Jail (RM 105)	(309) 888-5034
State's Attorney (RM 605)	(309) 888-5400

Mailing Address:

McLean County Law & Justice Center
(Department Name and RM Number)
104 W. Front Street
Bloomington, IL 61701

Court Disability Coordinator:

Trial Court Administrator
Law & Justice Center RM 507
104 W. Front Street
Bloomington, IL 61701
(309) 888-5266
circuitcourt@mcleancountyil.gov

1. Requests for accommodation(s) pursuant to this rule may be presented ex parte (i.e., done on behalf of one party only and without notice to an opposing party) in writing, or to the ADA coordinator, or in person as the court may allow.
2. All requests for accommodations shall include a description of the accommodation sought, along with a statement of the impairment that necessitates such accommodation. The court or department, 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 ten (10) court days prior to the requested implementation date. The court may, in its discretion, waive this requirement.
4. Requests for accommodation shall be addressed by the ADA Coordinator or their designee at the time of request. No person should be considered unable to participate in court activities without making a formal request for accommodation, and being subject to verification of any physical or mental impairment preventing participation.

5. The Court Disability Coordinator, or their designee, shall respond to the request for accommodation, auxiliary aids or services within three (3) business days of receipt.
6. If the request for accommodation is denied, or alternative services are to be provided, the person making the request can appeal the decision to the Chief Judge of the Eleventh Judicial Circuit. All appeals must be in writing, and shall be sent to:

Chief Judge
Eleventh Judicial Circuit
Law & Justice Center RM 511
104 W. Front Street
Bloomington, IL 61701

7. The Chief Judge shall make timely review of the materials and provide a written response to the appeal.

C. Permitted Communication

An applicant may make ex parte communications with the court. 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 will be informed of the decision of the Court 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.
3. The Court Disability Coordinator shall give primary consideration to the request of the deaf or hard of hearing individual. "Primary Consideration" means the public entity must honor the choice, unless it can demonstrate that another equally effective means of communication is available or that the use of the means chosen would result in a fundamental alteration in the service, program or activity, or would result in an undue financial and administrative burden.

E. Denial of Accommodation

An application may be denied if the court finds that:

1. The applicant has failed to satisfy the requirements of this policy; 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.

G. Duration of Accommodations

The court may grant accommodations for a particular appearance, for all appearances for a party or for indefinite periods of time.

H. Provision of Interpreters

Any American Sign Language interpreter provided shall be licensed under the Illinois Interpreter for the Deaf Licensure Act of 2007 (225 ILCS 443). All interpreters must possess either a Master of Advance level designation. A listing of licensed interpreters in the State of Illinois is located on the Illinois Deaf and Hard of Hearing Commission website at:

www.idhhc.state.il.us/interpreter/interpreter.htm

The Court may not ask friends or family members to interpret for individuals who are deaf or hard of hearing. The obligation of the public entity is to provide impartial interpreting services, and provide an interpreter who does not have a personal relationship to the individual with a disability.

I. Other Accommodations Provided

1. Communication Access Realtime Translation (CART) – CART is the instantaneous translation of the spoken word into English text using a stenotype machine, computer, realtime software, and a means of displaying the text on a computer, television monitor or large screen.

The display is not only the spoken word translated into written text, but also speaker identification, and a description of environmental sounds, when possible, which allows the CART consumer to have a complete understanding of what is transpiring.

2. Assistive Listening Devices (ALD) – ALD are often used to amplify the spoken communication in comparison to other background noises which may interfere with effective communication. They may or may not be used in conjunction with hearing aids or cochlear implants.

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REQUEST FOR ADA ACCOMMODATION

Name: _____

Address: _____

City, State, Zip: _____

Phone Number: _____

Case Number and/or Date of Hearing: _____

Accommodation Request:

Date

Signature

FOR CIRCUIT COURT STAFF USE:

Accommodation implemented:

Notice to Deaf and Hard of Hearing Persons

If you are deaf or hard of hearing, you may be provided with appropriate auxiliary aides and services to ensure you have equal opportunity to participate in the Court's proceedings.

To review the policy regarding accommodation, please go to:

www.mcleancountyil.gov/circuitcourt

or contact the Court Disability Coordinator at:

Court Disability Coordinator
Eleventh Judicial Circuit
Law & Justice Center RM 507
104 W. Front Street
Bloomington, IL 61701
309.888.5266
circuitcourt@mcleancountyil.gov