

STATE OF MICHIGAN

40th DISTRICT COURT

Administrative Order 2017 – 2

REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES

IT IS ORDERED:

This administrative order is issued in accordance with the Americans with Disabilities Act of 1990 (ADA) and the ADA Amendments Act of 2008, as well as Michigan statutory law. The purpose of this order is to ensure that qualified individuals with disabilities have equal and full access to the judicial system. Nothing in this order 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.

1. **Definitions**

The following definitions shall apply under this order:

- 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 physical or mental impairments that substantially limit one or more major life activity, 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 in any program, service, or proceeding in a court in Michigan. 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. “Accommodations” 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 may include equipment, devices, materials in alternative formats, and qualified interpreters or readers; 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. The court will consider the preferences of the individual requesting the accommodations when responding to the request. The court will not place a surcharge on a particular individual or group of individuals to cover the cost of accommodations.

- d. "Confidential" means there will be no public disclosure by the court of the identity or disability of the applicant in any oral or written communications, including any files and documents submitted by an applicant as part of the request process.

2. Request procedure

- a. A request for accommodations under this policy may be presented in writing on a Request for Reasonable Accommodations and Response (SCAO-approved form MC 70), which shall be provided by the court, or orally as the court may allow. A written request must be made to the ADA coordinator, Andrea R. Strassburg, at the 40th District Court courthouse building, 27701 Jefferson Ave., St. Clair Shores, MI 48081.
- b. Requests for accommodations shall include a description of the accommodations 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. Requests should be made as far as possible in advance of the date of the court appearance or other court activity.
- d. The court will maintain the request in a separate confidential administrative file so as not to reveal the applicant's identity or the information contained in the request.
- e. If the applicant is a party to a case, the request to the court will deal only with the accommodations necessary to provide access and will not deal in any manner with the subject matter or merits of the proceedings before the court.
- f. In determining whether to grant an accommodation and what that accommodation will be, the court will 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 Michigan Deaf Persons Interpreters Act, 1982 PA 204; the Persons with Disabilities Civil Rights Act, 1976 PA 220; and the Elliott-Larsen Civil Rights Act, 1976 PA 453.
- g. Before the ADA coordinator denies in whole or in part a request for an accommodation, the ADA coordinator will consult with the applicant to determine whether an alternative accommodation would be acceptable. If the applicant declines any proposed alternative, the ADA Coordinator will advise the State Court Administrative Office (SCAO) Regional Administrator of the court's intent to deny the request. If the ADA coordinator, after consulting with the SCAO Regional Administrator, decides to deny the request, the ADA coordinator will inform the applicant in writing of the reasons for denial and the basis upon which a request for accommodations is denied.
- h. A request may be denied only if:
 - i. The applicant is not a qualified individual with a disability as defined in

subsection 1 of this order; or

- ii. The requested accommodations would result in a fundamental alteration in the nature of the program, service, or activity; or
- iii. The requested accommodations would create an undue financial or administrative burden on the court.

3. Duration and costs of accommodations

The accommodations will start on the date indicated in the response to the request for accommodations and will remain in effect for the period specified. Accommodations will be provided at no cost to the applicant.

4. Review procedure

- a. If the request is denied in whole or in part by the ADA coordinator, the applicant may request a further review on a Review of Request for Reasonable Accommodations and Response (SCAO-approved form MC 70a). The request must be submitted to the ADA coordinator for review by the chief judge. The chief judge will review the request and make a determination on the request for review before the proceeding or court service, activity, or program is held.
- b. If the chief judge denies the review request, then the applicant may submit a request to the State Court Administrator for a final determination. Forward requests for a review by the State Court Administrator to:


State Court Administrator
State Court Administrative Office
Michigan Hall of Justice
P.O. Box 30048
Lansing, MI 48909

5. Grievance Procedure

If a person alleges that the court's ADA procedures or practices, outside of specific requests for accommodation, result in discrimination on the basis of disability as to the provision of services, activities, or programs of the court, the person may file a grievance. The court's grievance procedure is appended to this order.

Effective Date: Upon approval of SCAO

10-13-17
Date


Mark A. Fratarcangeli, Chief Judge
40th District Court