

MOHAVE COUNTY COURTS POLICY AND PROCEDURE

TITLE: PUBLIC ACCESS INFORMATION FOR PERSONS WITH DISABILITIES

EFFECTIVE DATE: 11/30/2018

REVISED DATE:

Policy:

In accordance with Title II of the Americans with Disabilities Act (ADA) and other applicable laws, it is the policy of all Mohave County Courts to assure that qualified individuals with disabilities have full and equal access to the Court system's services, programs and activities.

Nothing in this Notice shall be construed to impose limitations upon or to invalidate the remedies, rights and procedures afforded qualified individuals with disabilities under state or federal law.

Accommodation Requests for Court Services, Programs and Activities:

The Mohave County Courts are to provide reasonable accommodations, upon request, to qualified individuals with disabilities who require accommodation to fully and equally participate in court services, programs, and activities. The Mohave County Courts have designated an ADA Coordinator to carry out compliance with Title II of the ADA. Qualified individuals with disabilities requiring accommodation to access court services, programs and activities, including, but not limited to, courtroom proceedings, may complete the attached ***Request for Reasonable Accommodations*** form and submit it by either mailing it to the ADA Coordinator, or by giving it to courtroom staff or the Clerk's Office. If the requesting individual needs help completing the form, please ask the ADA Coordinator for assistance.

The ADA Coordinator's contact information is:

Lorrie Back, Administrative Program Specialist - Superior Court

P.O. Box 7000 - 401 E. Spring Street - Kingman, AZ 86402

928-753-0790 x4391

Please be sure to submit the *Request for Reasonable Accommodations* form at least 15 days prior to any scheduled judicial proceeding, service, program or activity. In the event of emergency judicial matters, the ADA Coordinator should be contacted immediately.

The ADA Coordinator will, as soon as reasonably possible, provide a response to the request for accommodation, and notify the requesting individual whether the accommodation will be provided.

In providing reasonable accommodation, although the Mohave Courts gives primary consideration to the accommodation requested, the Mohave Courts have exclusive authority to make decisions regarding accommodation requests. An alternative accommodation may be offered, if equally effective.

Definitions:

The following definitions apply to this Notice and to all matters pertaining to the Mohave Court's compliance with Title II of the ADA:

(A) Accommodations: 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, 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 Mohave Courts are not required to take any action, which would result in a fundamental alteration in the nature of a service, program or activity or in undue financial or administrative burdens.

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(B) Auxiliary aids and services includes (I) Qualified interpreters, notetakers, written materials, assistive listening devices, telecommunications devices for deaf persons (TDD's), or other effective methods of making aurally delivered materials available to individuals with hearing impairments; (II) Qualified readers, audio recordings, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments; (III) Acquisition or modification of equipment or devices; and (IV) Other similar services and actions.

(C) Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or regarded as having such an impairment.

(D) Grievant means an individual who has filed a complaint alleging that he or she has been treated by the Mohave County Courts systems in a discriminatory manner, as a result of disability.

(E) Qualified individual with a disability means an individual who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

Effective Communication in Court Services, Programs, and Activities:

The Mohave Courts take appropriate steps to ensure that communications with parties, jurors, attorneys, witnesses, and members of the public who are qualified individuals with disabilities are effective. The Mohave Courts will furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with a disability an equal opportunity to participate in or benefit from the Court's services, programs, and activities.

When a qualified individual with a disability requires an auxiliary aid or service to ensure effective communication, he or she may request the auxiliary aid or service of his or her choice. When the preferred type of auxiliary aid or service is not available or will not be provided, the ADA Coordinator or designee will consult with the requesting individual and will ascertain whether an alternative means of communication will ensure effective communication.

Grievance Procedures for Handling a Complaint about Access to Judicial Programs, Services or Activities:

Any user of the Mohave Court system – including, but not limited to, parties, attorneys, jurors, witnesses, or members of the public -- who believes that he or she has been subject to discrimination by the Court based upon a disability, can pursue a complaint through the Mohave Court's grievance procedures. These grievance procedures do not in any way limit other legal remedies that may be available. The Mohave Court's grievance procedures apply to those qualified individuals with a disability who, with or without reasonable modifications to rules, policies or practices, the removal of barriers, or the provision of auxiliary aids or services, meet the essential eligibility requirements for services, programs, or activities.

(A) Filing a Complaint

Any individual who believes that he or she has been treated by the Mohave Court system in a discriminatory manner as a result of disability may file a complaint with the ADA Coordinator. Complaints must be filed in writing, using the attached Grievance Form, within sixty (60) days from the alleged discrimination. The completed Grievance Form should be mailed to the ADA

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Coordinator at the contact information provided in this Policy. Any individual who requires assistance in filling out the Grievance Form may contact the ADA Coordinator. Alternative means of submitting an accommodation request, such as by personal interview or a tape recording, will be made available to qualified individuals with disabilities upon request.

The complaint will be addressed through the ADA Coordinator. The findings will be presented to the Court Administrator for determination.

In order to provide the Court Administrator with sufficient information, you are asked on the Grievance Form to describe the event as specifically as possible. You should include the names of anyone who can assist in the investigation. Include a copy of any papers you have that relate to the complaint or that may be of help in understanding your complaint.

(B) Investigation

Complaints will be investigated promptly unless you, as the Grievant, are notified otherwise. In some cases, the investigation will include interviews with other individuals, including those you name in your Grievance Form, and an examination of relevant document and files.

(C) Findings and Determination

Within 45 days of the receipt of the Grievance Form by the ADA Coordinator, a determination should be issued by the Court Administrator. Copies of the determination will be sent to the Grievant and to anyone against whom allegations have been made. The determination will include, if appropriate, a remedy. For example, if it is determined that the Grievant was treated in a discriminatory manner, possible remedies may include a change in policy or local practices, or appropriate disciplinary action.

(D) Appeal

If you disagree with the determination, an appeal may be filed within 45 calendar days of the date of the determination by submitting a letter for reconsideration ("appeal letter") to the Presiding Judge of the Superior Court. The appeal letter should be mailed to the ADA Coordinator at the contact information set out in this Policy. The appeal letter should set out the reasons why you disagree with the determination and the remedy you believe is appropriate. The Presiding Judge or other designated judge should make a final determination within 45 calendar days of the date the appeal was received, based upon a complete review of the evidence.

(E) Implementation

The Court Administrator has the responsibility for implementing the final determination. If you have any questions about implementation, you can check with the ADA Coordinator.

(F) Time Limits

All of the offices involved in the resolution of complaints through this grievance process will try to comply with the stated time limits. However, strict compliance is not always possible due to, the need for additional information from the grievant, or the need to complete an unusually complex investigation. Whenever possible, the grievant will be notified about delays.

Alternative Formats:

This Notice will be made available in alternative formats upon request, such as large print or audiotape.