

MOHAVE COUNTY COURTS POLICY AND PROCEDURE

TITLE: PUBLIC ACCESS INFORMATION FOR PERSONS WITH DISABILITIES

EFFECTIVE DATE: 11/30/2018

REVISED DATE: 4/7/2023

Policy:

This policy applies to all Mohave County Courts including the Superior Court, the Justice Courts and the Municipal Courts. 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 will provide reasonable accommodations, upon request, to qualified individuals with disabilities who require accommodation to participate in court services, programs, and activities fully and equally. Qualified individuals with disabilities requiring accommodation to access court services, programs and activities, including, but not limited to, courtroom proceedings, may complete the attached **Reasonable Accommodation** request form and submit it by giving it to courtroom staff, the Clerk's Office or Court Administration. If the requesting individual needs help completing the form, please ask court staff or contact Superior Court Administration for assistance. A qualified individual may also make a verbal request for a reasonable accommodation, in person or via telephone, to courtroom staff, the Clerk's office or Court administration.

Mohave County Superior Court Administration
P.O. Box 7000
415 E. Spring Street
Kingman, AZ 86402
928-753-0790 x4391
mohavecourtadmin@courts.az.gov

Please be sure to submit the *Reasonable Accommodation* request form or make the verbal request for a reasonable accommodation at least 10 days prior to any scheduled judicial proceeding, service, program or activity. In the event of emergency judicial matters, Superior Court Administration should be contacted immediately.

Court staff will, as soon as reasonably possible, provide a response to the request for accommodation, and notify the requesting individual how the accommodation will be provided.

In providing reasonable accommodation, although the Mohave County Courts will give primary consideration to the accommodation requested, the Mohave County 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 County Courts' 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

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disabilities requesting accommodations. The Mohave County 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.

(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, and PDF documents available in an accessible electronic format or other effective methods of making sure documents can be provided in audio text; (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) 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 County Courts will 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 County 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 cannot be provided, court staff including court administration will consult with the requesting individual and will ascertain whether an alternative means of communication will ensure effective communication.

Request for Court Records

The Mohave County Courts recognize their obligation to make records available in a manner that will provide individuals with disabilities an opportunity to fully review and participate in the court process. The Mohave County Courts will ensure documents are provided in an accessible format to the visually impaired or blind using one of the following accommodations:

- Documents in large print
- Audiotapes, computer disks
- Documents in PDF and/or accessible digital format

These services/accommodations will be provided with the assistance of Court IT staff or through a vendor as appropriate.

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

Any user of the Mohave County 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 Mohave County Courts based on a disability, can pursue a

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complaint through the Mohave County Courts' grievance procedures. These grievance procedures do not in any way limit other legal remedies that may be available. The Mohave County Courts' 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 County Courts system in a discriminatory manner because of disability may file a complaint with Superior Court Administration. 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 Superior Court Administration at the contact information provided in this Policy. Any individual who requires assistance in filling out the Grievance Form may contact Superior Court Administration for assistance. Alternative means of submitting a complaint, such as by personal interview or a tape recording, will be made available to qualified individuals with disabilities upon request.

The complaint will be investigated by court administration staff. The findings will be presented to the Court Administrator for determination.

To provide the court administration staff 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.

Any person who files a complaint has a duty to participate in the investigation of the complaint. Failure to participate in the investigation may result in a determination of no discrimination being found. Participation in the investigation may include providing additional documents or statements to court administration staff.

(B) Investigation

Complaints will be investigated promptly unless you 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. The decision to interview witnesses will be made on a case-by-case basis by the court administration staff conducting the investigation.

(C) Findings and Determination

Within 45 days of the receipt of the Grievance Form, a determination will be issued by the Court Administrator unless the investigation is unable to be completed in that time frame. If the investigation is unable to be completed within 45 days, the Court Administrator will notify the grievant of the delay. 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 granting of a requested accommodation.

(D) Appeal

If you disagree with the determination by the Court Administrator, an appeal may be filed within 30 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 Superior Court Administration at the contact information provided in this Policy. The appeal letter should set out the reasons why you disagree with the determination and the remedy you

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believe is appropriate. The Presiding Judge or other designated judge will make a final determination within 30 days of the date the appeal was received, based upon a complete review of the evidence. If a final determination is unable to be made within 30 days, the grievant will be informed of the delay.

(E) Implementation

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

(F) Time Limits

All the offices involved in the resolution of complaints through this grievance process will diligently work to comply with the stated time limits. However, strict compliance is not always possible due to unforeseen circumstances, including but not limited 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.