



## FAQs - ADA

### Title II – Local and State Government

*What is the **Americans with Disabilities Act**?*

The Americans with Disabilities Act of 1990 (ADA) is a federal law that gives civil rights protections to qualified individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications. The ADA requires the entities it covers, including employers and State governments, to make reasonable accommodations for qualified individuals with disabilities.

*What is a **disability** under the ADA?*

As defined by the ADA, a disability is a physical or mental impairment that substantially limits a major life activity such as walking, seeing, hearing, speaking, learning, breathing, caring for oneself, performing manual tasks, or working. The ADA covers those who have a disability; those who have a record of having a disability; and those who are regarded as having a disability, whether or not they actually have one.

*What impairments would generally **Not Meet the Definitions of Disability**?*

Minor, nonchronic conditions of short duration, such as a sprain or the flu, generally do not meet the definition.

*Who is a **qualified individual with a disability**?*

To be protected under the ADA, a person with a disability must be qualified. The Title II rules define “qualified” as a person with a disability who, with or without reasonable accommodations, auxiliary aids or removal of barriers, can meet the essential eligibility requirements to participate in a program or receive services offered by a public entity. Determining what constitutes an essential eligibility requirement is a case-by-case process.

*What is **Reasonable Accommodation**?*

Reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities

*How do I **request** an accommodation?*

Each court has a key person who has been designated to help facilitate disability accommodation requests. This [ADA Coordinator](#) will accept requests made in person, in writing ([CC-DC 49 Form](#)) or over the telephone from individuals with disabilities who request accommodation.

Requests should be made, whenever possible, well in advance (at least 30 days) of the court appearance date. Requests should be as specific as possible. In addition to the type of accommodation needed, please provide relevant information regarding the court appearance (i.e., court facility address, name of the case, name of the judge, part number, date of the appearance(s), and estimated length of the proceeding).

*How will the **accommodation request** be handled?*

The ADA Coordinator, or other appropriate court personnel, will notify you ([CC-DC 49 Form](#)) if the court is able to provide the requested accommodation, or requires further information. The ADA Coordinator may also propose an alternative form of accommodation. If the court denies the requested accommodation and an alternative cannot be mutually agreed upon, you will be provided with a written explanation ([CC-DC 49 Form](#)) of the denial.

*If my ADA request is denied, how do I file a **grievance**?*

A [Grievance Procedure](#) has been established to meet the requirements of the Americans with Disabilities Act. The grievance form ([CC-DC 50](#)) should be submitted as soon as possible, but no later than 120 calendar days after the alleged violation or the denial, to the Office of Fair Practices.

*Can the court system provide an accommodation to a **spectator** of a court proceeding?*

The court, when asked, must provide reasonable accommodations to spectators. All requests for accommodation should be directed to the local ADA Coordinator.

*Are **service animals** allowed in the courthouse?*

Service animals are welcome in all public areas of courthouse facilities. A "service animal" is a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. Other animals, whether wild or domestic, do not qualify as service animals. An individual may be asked whether the animal is a service animal and, if so, what services it has been trained to provide. Service animals must be kept on a leash and be within the control of the individual with a disability at all times. For the security and safety of all court users, if, at any time, the animal becomes unruly or aggressive, the court may require that the animal be removed from the facility.

*Can the court system **transport** individuals with disabilities who are coming to court or have them met at the curb?*

The Judiciary is not responsible for transporting individuals to or into the court house.

*Can the court system provide **wheelchairs** for individuals with disabilities?*

The Judiciary is not responsible for providing medical equipment or personal attendants for any court user.

*Does the ADA allow the Judiciary to take **safety factors** into consideration in providing accommodations to individuals with disabilities?*

The Judiciary may exclude an individual who poses a direct threat to the health or safety of others. A “direct threat” is a significant risk to the health or safety of others that cannot be eliminated by appropriate modifications to the Judiciary’s policies, practices or procedures, or by the provision of auxiliary aids or services.