

The Americans with Disabilities Act (ADA)

What is the Americans with Disabilities Act?

42 U.S. Code § 12102

The Americans with Disabilities Act (ADA) became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else.

Title II (Local and State Government) of the ADA

42 U.S. Code § 12132

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. Public entities include any State or local government and any of its departments, agencies, or other instrumentalities.

What is reasonable accommodation?

42 U.S. Code § 12111, (9)

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.

What is a disability under the ADA?

42 U.S. Code § 12102, (3)

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?

42 U.S. Code § 12102, (4)(A)

Minor, nonchronic conditions of short duration, such as a sprain or the flu, generally would not be covered.

Who do I contact to discuss an ADA accommodation?

28 C.F.R. § pt. 35, § 35.107(a) (2005)

Each court has an ADA Field Coordinator (<http://mdcourts.gov/hr/ada/adacoordinators.pdf>) designated to help facilitate disability accommodation requests. This ADA Field Coordinator will accept requests made in person, in writing (<http://mdcourts.gov/courtforms/joint/ccdc049.pdf>) using form CC-DC 49, or over the telephone from individuals with disabilities who request accommodation.

Requests should be made well in advance (at least 30 days) of the court appearance date. Requests should be as specific as possible.

How will the accommodation request be handled?

The ADA field Coordinator, or designee, will notify you if the court is able to provide the requested accommodation, or requires further information. The ADA Field 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 of the denial.

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

28 C.F.R. § 35.105-35.107; 35.150 (c) and (d)

A grievance procedure has been established to meet the requirements of the Americans with Disabilities Act. The grievance form CC-DC 50 (<http://mdcourts.gov/courtforms/joint/ccdc050.pdf>) should be submitted as soon as possible, but no later than 120 calendar days after the alleged violation or the denial to:

Director of Human Resources
580 Taylor Ave., A-1
Annapolis, MD 21401

Will the court provide an accommodation to a spectator of a court proceeding?

28 CFR § 35.149-35.150

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

Are service animals allowed in the court?

28 C.F.R. § 35.104

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.

28 C.F.R. 35.136(f)

A public entity shall not ask about the nature or extent of a disability, but, may make two inquiries to determine whether an animal qualifies as a service animal:

1. if the animal is required because of a disability, and
2. what work or task the animal has been trained to perform.

A public entity must not make these inquiries when it is readily apparent that an animal is trained to do work or perform tasks for an individual (e.g., the dog is observed guiding an individual who is blind or has low vision).

Can the court physically assist the public or provide wheelchairs for individuals with disabilities?

28 C.F.R. §35.135

The Judiciary is not required to provide to individuals with disabilities personal devices, such as wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing.

Safety factors / direct threat considerations.

28 C.F.R. § 35.139.

The Judiciary is not required to permit an individual to participate in or benefit from the services, programs, or activities of that public entity when that individual poses a direct threat to the health or safety of others.