

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
ADOPTING ARIZONA CODE OF)	Administrative Order
JUDICIAL ADMINISTRATION)	No. 2023 - <u>170</u>
§ 1-203: ACCESS TO COURT SERVICES)	(Replacing Administrative Order
BY INDIVIDUALS WITH DISABILITIES)	No. 92-32)
)	

In 1992, Chief Justice Feldman adopted a Policy on Access to Court Services by Persons with Disabilities. The above-captioned new section of the Arizona Code of Judicial Administration (ACJA) codifies and replaces the 1992 policy. This new code section, ACJA § 1-203, came before the Arizona Judicial Council on October 12, 2023, and was approved and recommended for adoption.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the new ACJA § 1-203: Access to Court Services by Individuals with Disabilities as indicated on the attached document is adopted.

Dated this 1st day of November, 2023.

ROBERT BRUTINEL
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 1: Judicial Branch Administration
Chapter 2: Operations
Section 1-203: Access to Court Services by Individuals with Disabilities

[Added text is shown underlined, deleted text by ~~strikethrough~~.]

A. Definitions. In this section, unless otherwise specified, the following definitions apply:

“Americans with Disabilities Act” (ADA) means chapter 126 of title 42, “Equal Opportunity for Individuals with Disabilities,” of the United States Code.

“Auxiliary aids and services” is defined by the ADA in section 12103(1) of chapter 126 of title 42 of the United States Code as follows:

The term “auxiliary aids and services” includes--

(A) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(B) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(C) acquisition or modification of equipment or devices; and

(D) other similar services and actions.

“Individuals with disabilities” means individuals who have a disability as defined by section 12102 of chapter 126 of title 42 of the United States Code.

B. Policy. Arizona courts are to be accessible to individuals with disabilities. Reasonable accommodations are to be made upon request to individuals who require accommodation to participate fully and equally in court services, programs, and activities.

C. Purpose. The purpose of this section is to bring awareness of the ADA’s impact on the Arizona courts. The ADA provides a national mandate for the elimination of discrimination against individuals with disabilities, as communicated by Congress in section 12101(b) of chapter 126 of title 42 of the United States Code.

D. Standards. Each court shall implement a policy in accordance with the following standards:

1. Publish the court’s ADA policy publicly, prominently, and accessibly on its website.

2. Designate an employee to coordinate access to services, programs, and activities by individuals with disabilities and to resolve inquiries regarding access. Specifically for courts with 50 or more employees:

a. The court shall designate an ADA coordinator. This coordinator’s name, e-mail address, office address, and telephone number must be detailed on its website.

- b. The court shall adopt and publish grievance procedures that can be used to resolve complaints.
- 3. Make a good faith effort to accommodate an individual with a disability who makes a request for accommodations. Such efforts are to include:
 - a. Providing auxiliary aids and services to afford individuals with disabilities the fullest possible participation in services, programs, and employment without fundamentally altering the service or program or incurring an undue financial burden.
 - b. Providing auxiliary aids and services to everyone in the courtroom, including spectators, unless to do so would cause undue hardship.
- 4. Provide duty-specific training to employees as to how to reasonably accommodate individuals with disabilities to allow for their participation in court services, programs, and activities.
- 5. Identify potential barriers that individuals with disabilities may encounter when attempting to access court facilities, services, programs, and employment and then implement an actionable plan to address those barriers.
- 6. Ensure compliance with the ADA with respect to any physical update to a court facility.