



**Administrative Office of the Courts**  
**Policies and Procedures Manual**  
**Section 4.12: Court Access Information for Persons with Disabilities**

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## **Court Access Information for Persons with Disabilities**

### **(1) Policy**

In accordance with Title II of the Americans with Disabilities Act (“ADA”) and other applicable laws, it is the policy of the Arizona Supreme Court (“Court”) to assure that qualified individuals with disabilities have full and equal access to the Court’s services, programs, and activities.

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

### **(2) Accommodation Requests for Court Services, Programs and Activities**

The Court provides reasonable accommodations upon request to qualified individuals with disabilities who require accommodation to fully and equally participate in court services, programs, and activities. <sup>(1)</sup>

The Court has designated an ADA Coordinator to carry out compliance with Title II of the ADA. <sup>(2)</sup>

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 Accommodations Form, and submit it by providing it to the ADA Coordinator. If the requesting individual needs help completing the form, please ask the ADA Coordinator for assistance. <sup>(3)</sup>

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 ADA Coordinator’s contact information is:

Charles Arnold, ADA Coordinator

1501 W Washington St, Phoenix, AZ 85007, 1st Floor

Phone: (602) 452-3330

E-mail: <mailto:ADACoordinator@courts.az.gov>

To the extent possible, please submit the Request for Accommodations Form at least 10 days prior to any scheduled judicial proceeding, service, program, or activity. For emergency judicial matters, the ADA Coordinator should be contacted immediately.

The ADA Coordinator may ask the requesting individual for additional relevant information where it would be helpful in responding to the request for accommodations. The ADA Coordinator will, as soon as reasonably possible, provide a response to the request for accommodation, and notify the requesting individual whether the requested accommodation will be provided. This will be done in writing unless there is insufficient time to do so. If the requesting individual is dissatisfied with the response to the request, the individual may file a grievance using the procedures described in Section 5 of this Policy.

In providing reasonable accommodation, although the Court gives primary consideration to the accommodation requested, the Court has exclusive authority to make decisions regarding accommodation requests. An alternative accommodation may be offered if equally effective. Every effort shall be made to meet the specific needs of the individual. The Court is not required to make modifications that would fundamentally alter the service, program or activity or cause undue financial or administrative burden.

### **(3) Definitions**

The following definitions apply to this Policy and to all matters pertaining to the 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, which are not limited to equipment, devices, materials in alternative formats, and qualified interpreters or readers; 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 Court is 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"** include

- (i) Qualified sign language interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
- (ii) Qualified readers, taped texts, audio recordings, Brailled materials, 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) "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.

#### **(4) Effective Communication in Court Services, Programs and Activities**

The Court takes 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 Court furnishes 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. The Court gives primary consideration to the choice expressed by the individual. Primary consideration means that the Court will honor the choice, unless it can show that another equally effective means of communication is available, or that use of the means chosen would result in (1) a fundamental alteration in the nature of its service, program, or activity, or (2) an undue financial or administrative burden. 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. The ADA Coordinator may ask the requesting individual for additional relevant information where additional relevant information would be helpful in responding to the request for accommodations. Advance notice to the Court of the request for auxiliary aids or services is strongly encouraged. The ADA Coordinator should be notified at least 10 days in advance of court sessions or for ongoing services, programs or activities. For emergencies or urgent requests, the ADA Coordinator should be notified immediately. The ADA Coordinator will, as soon as reasonably possible, notify the requesting individual regarding the request and whether the proposed auxiliary aid or service will be provided. This will be done in writing unless the short lead time of a request precludes written notice. If the requesting individual is dissatisfied with the proposed auxiliary aid or service or otherwise dissatisfied with the response to the request, the individual may file a grievance using the procedures set out in Section 5 of this Policy.

#### **(5) Grievance Procedures for Handling a Complaint about Access to Judicial Programs, Services, or Activities**

Any user of the Court system – including, but not limited to, parties, attorneys, witnesses, or members of the public – who believes that he or she has been subject to discrimination by the Court based on a disability, can seek a review through the Court's grievance procedures.<sup>(4)</sup> These grievance procedures do not in any way limit other legal remedies that may be available. The 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 Grievance**

Any individual who believes that he or she has been treated by the Court system in a discriminatory manner as a result of disability may file a grievance with the Administrative Director. Complaints must be filed in writing, using the Grievance Form, within sixty (60) days

from the alleged discrimination. The completed Grievance Form should be provided to the ADA Coordinator at the contact information provided in Section 1 of this Policy. Any individual who requires assistance in filling out the Grievance Form may contact the ADA Coordinator.<sup>(5)</sup> Alternative means of submitting an accommodation request, such as by personal interview, will be made available to qualified individuals with disabilities upon request.

The grievance will be addressed through the ADA Coordinator, who will investigate it or forward it to an individual designated to investigate ADA complaints. The findings will be presented to the Administrative Director or to a designee for determination.

In order to provide the Administrative Director 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. Be sure to send copies of the documents and keep originals for your files.

Within two weeks of receiving the Grievance Form, the ADA Coordinator will send a letter acknowledging receipt of the grievance.

#### (b) Investigation

Grievances 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 documents 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 Administrative Director or designee. Copies of the determination will be sent to the individual that filed the grievance and to anyone against whom allegations have been made. The determination will include, if appropriate, a remedy. For example, if it is determined that Court staff treated someone 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 30 days of the date of the determination by submitting a request for reconsideration to the Administrative Director. The request should be provided to the ADA Coordinator at the contact information set out in Section 1 of this Policy. The request should set out the reasons why you disagree with the determination and the remedy you believe is appropriate. The Administrative Director or designee should make a final determination within 30 days of the date the request was received, based upon a complete review of the evidence. Copies of the final determination will be sent to the individual that filed the grievance and to anyone against whom the allegations were made. The final determination may confirm the earlier determination, modify the earlier determination, modify the remedy, or reverse the earlier determination.

#### (e) Implementation

The Administrative Director or designee 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, for example, the absence of important witnesses, or 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.

### **(6) Retaliation is Prohibited**

The Court will not discriminate against any individual because that individual has opposed any act or practice made unlawful by Title II of the ADA, or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under Title II of the ADA. The Court will not coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by Title II of the ADA.

### **(7) Federal and State Human Rights Agencies**

An individual may file a claim of discriminatory treatment based upon disability in the services, programs or activities of the Court with an outside agency, even while a grievance is pending using the Court's Grievance Procedures.

Time limits for filing disability discrimination claims with outside agencies may be different than the time limits for filing a grievance with the Court. Be sure to check with the outside agency for its filing deadlines.

### **(8) Alternative Formats**

This Policy will be made available in alternative formats upon request, such as large print or an audio file.

## **Endnotes**

- (1) This Policy and its related forms and grievance procedures are inapplicable to claims, complaints, or remedies relating to employment or application for employment. A separate procedure exists for claims of disabilities discrimination related to employment. Information about the separate procedure for employment-related claims may be obtained from the Human Resources Officer of the Court.
- (2) The Court, in its discretion, may assign one or more designees to an ADA Coordinator.
- (3) The ADA Coordinator cannot give legal advice to individuals who require assistance in completing forms.
- (4) The Grievance Procedures set out in this Policy apply to grievances related to programmatic access to the court system; the grievance procedures do not apply to acts by justices/judges in their official capacity, such as deciding cases.
- (5) As stated above, the ADA Coordinator cannot give legal advice to individuals who require assistance in completing forms.

## **Animals in the Courthouse**

It is the policy of the Court to prohibit all animals, except for those discussed below, from the interiors of its facilities.

An exception to this policy are service animals as they are defined under the Americans with Disabilities Act. Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the person's disability prevents the use of these devices. An additional exception is properly identified and trained working animals accompanied by law enforcement officers in the performance of their official duties.

Comfort animals are prohibited.

Any animals allowed into any Court facility under the Court's policy must be kept under control.

Anyone who violates this policy shall be asked to exit court facilities or shall be removed by court security or Department of Public Safety (DPS) officers. Willful and wanton violations may subject the violator to criminal prosecution.

### **Definitions**

**Animal:** An animal includes a dog, cat, bird, reptile, or any other living animal.

**Comfort Animal:** A comfort animal is any animal whose function is to provide comfort or emotional support.

**Service Animal:** As defined under the Americans with Disabilities Act, service animals, for example, are dogs that are individually trained to do work or perform tasks for qualified individuals with disabilities. The work or task a dog has been trained to provide must be directly related to the person's disability.

**Working Animal:** Working animals are trained police dogs accompanied by law enforcement officers.



## ADA Online Request for Accommodation Form

(Submit this information to the ADA Coordinator via email at  
[ADACoordinator@courts.az.gov](mailto:ADACoordinator@courts.az.gov))

### Applicant Information

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Applicant is (select one):\*      Party to a Case      Attorney      Victim      Other  
First Name:\*      Last Name:\*  
Street Address:\*  
Address Two:  
City:\*      State/Zip:\*  
Phone Number:\*      Email Address:

### Alternate Contact Person – Not Required

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First Name:      Last Name:  
Street Address:  
Address Two:  
City:      State/Zip:  
Phone Number:      Email Address:

### Accommodations Information

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Case Number:  
Reason for Visit:\*

*Examples: Argument before the Supreme Court, Argument before the Court of Appeals, Division One, Meeting of a Board/Commission/Task Force, Filing Documents*

Start Date of Accommodations Needed:\*

End Date of Accommodations Needed:\*

Impairment Necessitating Accommodations:\*

Type of Accommodations:\*

Special Requests or Anticipated Problems:\*

\* Required field.

