



**OPENING THE
BENCH AND BAR
TO PEOPLE
WITH DISABILITIES**

Manual for Court Disability Coordinators

Office of the Illinois Attorney General
Kwame Raoul, Attorney General



Dear Court Disability Coordinators,

There are approximately two million individuals with disabilities in Illinois. People with disabilities are entitled by law to fair and equal opportunities in all aspects of their daily lives, including interactions with the legal system.

People with disabilities regularly participate in the legal system—as jurors, witnesses, litigants, attorneys and judges. They also seek legal representation for purposes such as buying a home, obtaining a divorce or drafting a will. However, physical or informational barriers can wrongly keep people with disabilities from taking part in the legal process or obtaining legal representation.

Court Disability Coordinators (CDCs) have been designated in each Judicial Circuit to assist people with disabilities. As a CDC, you have access to a vast array of resources, people and agencies that can help you ensure that the judicial system is accessible to all.

My office's Disability Rights Bureau is proud to provide training and technical assistance to CDCs. I hope you can use the following information to assist you in opening the courthouse doors to people with disabilities.

Sincerely,

A handwritten signature in black ink, appearing to read "Kwame Raoul". The signature is stylized and fluid.

Kwame Raoul
Illinois Attorney General

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1. Key Statutes Governing Court Accessibility for People with Disabilities

Four key statutes govern access for people with disabilities in Illinois courts: the federal Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*; the federal Rehabilitation Act of 1973, 29 U.S.C. § 794; the Illinois Human Rights Act, 775 ILCS 5/1-101 *et seq.*; and the Illinois Environmental Barriers Act, 410 ILCS 25/1 *et seq.*

The Americans with Disabilities Act (ADA), the Rehabilitation Act and the Illinois Human Rights Act provide broad protections for people with disabilities and govern access to programs, services, activities and facilities. They are briefly described in this section. The Illinois Environmental Barriers Act governs new construction of buildings as well as additions and alterations to facilities, including courts. It is described in more detail in Section 5.

The goal of the ADA is to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. 42 U.S.C. § 12101. Please keep the spirit of the ADA in mind in your role as a CDC.

The information provided in this manual is intended as a framework for understanding the court's obligations under Title II of the Americans with Disabilities Act. The information contained in this manual is not intended as legal advice, nor should it affect the substance of cases before the court.

Section 504 of the Rehabilitation Act (Section 504)

What is Section 504 of the Rehabilitation Act?

Part of a federal law called the Rehabilitation Act of 1973, Section 504 is a civil rights law that prohibits discrimination against individuals with disabilities by entities that receive federal funds. Section 504 ensures that a person with a disability has equal access to programs and services operated by entities that have received federal funds, which may include the courts. The Rehabilitation Act will not be discussed in detail in this manual, because the ADA contains substantially similar provisions.

Americans with Disabilities Act (ADA)

What is the Americans with Disabilities Act?

The ADA is a federal civil rights law that protects qualified individuals with disabilities from discrimination based on their disabilities. Title II of the ADA covers units of state and local government, including the courts. Title II is based on Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination by any entity receiving federal financial assistance.

The U.S. Department of Justice (DOJ) has issued regulations that implement the ADA. These

regulations have the same force as the ADA itself. The regulations for Title II are found in the Code of Federal Regulations at Title 28, Part 35, and are broken down by section. Specific ADA regulations are listed as “28 C.F.R. § 35.136,” for instance, which means Title 28 of the Code of Federal Regulations, at Section 35.136.

Guidance regarding these regulations is available in the DOJ Title II section-by-section analysis in the Appendix to 28 C.F.R. Part 35.

[Do courts have to comply with the Americans with Disabilities Act?](#)

Yes. The ADA requires that all units of state and local government, including the courts, comply with the ADA. Title II applies to all services, programs and activities provided or made available by public entities. 28 C.F.R. § 35.102. A public entity is defined as any unit of state or local government or any department, agency, special purpose district or instrumentality of a state or local government. 28 C.F.R. § 35.104.

[What actions are prohibited under Title II of the Americans with Disabilities Act?](#)

Title II states that 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 such entity. 42 U.S.C. § 12132.

[What programs, services and activities of the courts must be made accessible?](#)

Under the provisions of Title II, a public entity shall operate every service, program or activity so that the service, program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. 28 C.F.R. § 35.150(a). This requirement is generally referred to as program accessibility, which is distinct from physical or facility accessibility.

[Does every court facility have to be physically accessible to people with disabilities?](#)

No, not necessarily. Each situation should be evaluated on a case-by-case basis because every facility may not be obligated to be physically

accessible, if the facility was built before January 26, 1992. In these pre-ADA buildings, the entity may choose to make the service, program or activity accessible in another manner. This analysis only applies to unaltered buildings built prior to the effective date of the ADA Standards (January 26, 1992). Newer facilities have greater obligations to ensure physical accessibility to the built environment under the ADA and state law, described in Section 5.

Example: If proceedings are generally conducted in rooms on the second floor of an older courthouse that does not have an elevator, the proceedings could be moved to an accessible room on the first floor. If the first floor is not accessible, the court can move the proceedings to another community facility that is accessible.

The specific judicial system will be viewed in its entirety when determining accessibility.

Remember that a primary goal of the ADA is the equal participation of individuals with disabilities in “mainstream” American society. Public entities should make every effort to ensure that alternative methods of providing program access do not result in unnecessary segregation.

[Who enforces Title II of the Americans with Disabilities Act?](#)

Title II of the ADA and the Rehabilitation Act are enforced by individual lawsuits filed in the federal district courts and by the U.S. Department of Justice (DOJ). In suits by individuals, injunctive relief, damages, attorney’s fees and costs may be recovered.

For DOJ enforcement, individuals may file complaints within 180 days of the alleged discrimination. The DOJ will investigate each complete complaint, attempt informal resolution, and if resolution is not achieved, issue a Letter of Findings to the complainant and the public entity. If the DOJ finds noncompliance, it will attempt to enter into a voluntary compliance agreement. The DOJ may initiate litigation if an agreement is not reached. The complainant may file a private action at any time, regardless of whether the DOJ opens a case or finds a violation. More information about DOJ enforcement procedures is available at 28 C.F.R. §§ 35.170 – 35.178.

The Illinois Attorney General's Office also enforces the ADA. Like the DOJ, the Disability Rights Bureau attempts to resolve complaints through voluntary compliance. The Attorney General's Office may enter into settlement agreements or assurances of voluntary compliance where entities agree to provide program access or bring their facilities into architectural compliance with the ADA. If an agreement is not reached or the terms of an agreement are not fulfilled, the Attorney General may pursue litigation.

A state is not immune under the Eleventh Amendment from an action in federal or state court for a violation of the ADA (including remedies both in law and in equity). 28 C.F.R. § 35.178. For more information, see the section on *Tennessee v. Lane* in Section 7.

Illinois Human Rights Act (IHRA)

What actions are prohibited under the Illinois Human Rights Act?

A public official cannot deny or refuse to any person the full and equal enjoyment of the accommodations, advantages, facilities or privileges of the official's office or services or any property under the official's care because of unlawful discrimination based on that person's disability. 775 ILCS 5/5-102(c).

Who are considered public officials under the Illinois Human Rights Act?

The Illinois Human Rights Act's definition of public official includes any officer or employee of the state, its agencies or political subdivisions. 775 ILCS 5/5-101(C). This includes court administrators, clerks and judges.

Who may file a complaint under the Illinois Human Rights Act?

An aggrieved individual or the Illinois Department of Human Rights (IDHR) may file a charge in writing with IDHR. The complaint must be filed within 180 days of the alleged violation. 775 ILCS 5/7A-102.

Who enforces the Illinois Human Rights Act?

The Illinois Department of Human Rights (IDHR) has the power to issue, receive, investigate, conciliate, settle and dismiss charges filed pursuant to the Illinois Human Rights Act. IDHR will conduct a full investigation of the allegations set forth in the charge

and attempt informal resolution. If resolution is not achieved and IDHR finds substantial evidence of discrimination, IDHR or the aggrieved individual may prepare a written complaint and file it with the Illinois Human Rights Commission (IHRC). The IHRC, through its appointed hearing officers, will conduct evidentiary proceedings on the complaints received. 775 ILCS 5/8-102. Whether or not IDHR finds substantial evidence of discrimination, an individual may commence a civil action in state court.

The Illinois Attorney General's Office also enforces the Illinois Human Rights Act. The Disability Rights Bureau may conduct an investigation when it has reasonable cause to believe that people with disabilities have been denied the equal enjoyment of facilities, services, programs and activities. 775 ILCS 5/10-104.

What are the penalties for violating the Illinois Human Rights Act?

Penalties include the assessment of actual damages, issuance of a cease and desist order, fees, costs and/or the entry of compliance agreements. 775 ILCS 5/8A-104. In an action filed by the Illinois Attorney General, fines and penalties will be assessed and equitable remedies may also be sought.

Illinois Environmental Barriers Act (EBA)

What facilities are covered by the Illinois Environmental Barriers Act?

The Illinois Environmental Barriers Act (EBA) covers all facilities constructed, added onto or altered after May 1, 1988. The EBA is described in greater detail in Section 5 of this manual.



2. Determining Who Is a Qualified Person with a Disability

Overview

The Americans with Disabilities Act (ADA), 42 U.S.C. § 12102; 28 C.F.R. § 35.104, defines a person with a disability in three ways:

1. A person with a physical or mental impairment that substantially limits one or more major life activities. Major life activities include both daily activities and biological functions:

Daily activities: such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Biological functions: such as functions of the immune system, normal cell growth and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

Example: A person who uses a cane (walking) or has diabetes (endocrine system function).

Individuals with psychiatric, cognitive or developmental impairments may be substantially limited in major life activities in the same way as those with physical impairments.

2. A person with a record of such impairment—one who has a history of, or has been misclassified

as having, a mental or physical impairment that substantially limits one or more major life activities.

Example: A person who has been treated for cancer but is in remission.

3. A person who is subjected to an action prohibited by disability laws because of an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity.

Example: A child is excluded from a city-sponsored soccer team because the coach believes a rumor that the youth has HIV.

People with transitory and minor impairments lasting less than 6 months generally are not considered to have a disability.

Example: A person who has a head cold or the flu does not have a disability under the ADA on the basis of that head cold or flu.

The term disability as defined in the ADA does not cover sexual behavior disorders, nor does it cover compulsive gambling, kleptomania, pyromania or psychoactive substance use disorders resulting from current illegal use of drugs. 28 C.F.R. § 35.104. The ADA was amended in 2008 to clarify that the

definition of disability should be interpreted broadly, and that the question of whether an individual's impairment constitutes a disability should not demand extensive analysis. Pub.L. No. 110-325, § 2(b)(1) & (5) (2008).

The Illinois Human Rights Act defines disability as:

A determinable physical or mental characteristic of a person, including, but not limited to, a determinable physical characteristic which necessitates the person's use of a guide, hearing or support dog, the history of such characteristic or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth, or functional disorder and which characteristic...is unrelated to a person's ability to use and benefit from a place of public accommodation. 775 ILCS 5/1-103(I).

Are all persons with disabilities protected by Title II of the ADA?

No. *Qualified* individuals with disabilities are protected under Title II of the ADA. An individual with a disability is "qualified" if he or she meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the public entity—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. 28 C.F.R. § 35.104.

Example: A 17-year-old who is deaf has a disability but is not "qualified" for jury duty because of her age. Therefore, she cannot avail herself of the protections of Title II to serve on a jury.

Title II protects a qualified individual with a disability involved in any capacity in a public entity's programs, activities, or services, including as visitors, companions, spectators or participants.

Example: A person who is deaf requests an interpreter to watch proceedings in a courtroom that is open to the public. The court must provide effective communication to this individual, without evaluating whether he is somehow "qualified" to watch the proceedings.

Can safety factors be taken into account in determining who is qualified?

Yes. An individual who poses a direct threat to the health or safety of others will not be "qualified." A direct threat is a significant risk to the health or safety of others that cannot be eliminated or reduced to an acceptable level by the public entity's modification of its policies, practices or procedures, or by the provision of auxiliary aids or services.

The public entity's determination that a person poses a direct threat to the health or safety of others may not be based on generalizations or stereotypes about the effects of a particular disability.

Example: An individual with tuberculosis wishes to participate in a court hearing. Title II permits the court to refuse to allow the individual to participate on the grounds that the individual's condition would be a direct threat to the health or safety of others, if the condition is contagious and the threat cannot be mitigated or eliminated by reasonable modifications such as providing gloves or masks. In this example, the court should consider alternatives to in-person attendance to permit the individual to participate remotely.

Permitted Inquiries

Public entities cannot make unnecessary inquiries about an individual's disability. Department of Justice Title II Technical Assistance Manual, 11-3.5300. As a general rule, medical documentation proving an individual's disability should not be requested. However, in limited cases, a court may request that a health professional certify in writing that an individual has a disability and has a particular functional limitation, without identifying the disability. When evaluating an accommodation request, the court should not request information about the nature and extent of disability, but may request information about the *functional limitations* of the person's disability if the nexus to the disability or the need for the accommodation is unknown or unclear.

A court cannot request medical documentation to establish a person's need to use a service animal, as explained in Section 6. Additionally, the court cannot ask an individual using a wheelchair or other power-driven mobility device about the nature and extent of their disability, but may request credible assurance that another mobility device, such as a Segway or golf cart, is required because of the person's disability. 28 C.F.R. § 35.137(c).

Example: A litigant requests that she not have to appear in court before a full courtroom. It may be permissible to request a doctor's note certifying that the litigant has a disability and her disability

makes it difficult for her to organize her thoughts and speak comfortably in front of others. Requesting that the doctor specify her disability may constitute an unnecessary inquiry. In this example, the court may consider accommodating the individual by holding proceedings when other cases are not scheduled or at the end of the court call, among other ideas.

In addition, Title II does not directly address confidentiality, but the court should make efforts to avoid publicizing a person's disability in open court or in court orders.

Reasonable Modifications/Reasonable Accommodations

A court is obligated to make changes in policies and procedures—termed reasonable accommodations or modifications—for a person with a disability so that he or she can participate in the programs, services and activities provided by the public entity. State and local courts must modify their policies, practices and procedures to eliminate discriminatory treatment of people with disabilities, unless such modification would fundamentally alter the nature of its services, programs or activities. 28 C.F.R. § 35.130(b)(7).

It is generally the obligation of the person with a disability, or an authorized person acting on the individual's behalf, to make a request for a reasonable accommodation. However, if the need for an accommodation is obvious, the court may have an obligation to provide reasonable accommodations even absent a specific request.

When evaluating a request for a reasonable accommodation, it is important to understand precisely what the individual is requesting. It may be helpful for the requestor (or the CDC in consultation with the requestor) to fill out a form identifying his or her request. From there, consider the following:

- *Is it reasonable?* This is highly fact-specific. Evaluate the costs and administrative burdens imposed. If it imposes an undue financial or administrative burden or hardship in light of the overall resources of the entity, then it is not reasonable. An undue burden is a significant difficulty or expense. Before concluding that an accommodation would result in an undue burden, the entity must consider all resources available for use in the program, activity or service in question.
- *Is it necessary?* Consider whether there is a connection between the functional limitations of the disability and the request. Request more information or open a dialogue if the need for the requested accommodation is not known or apparent. Permitted inquiries are discussed earlier in Section 2.



3. Ensuring Program Accessibility

Overview

Program accessibility is achieved when the court's programs, services and activities are accessible to and usable by qualified individuals with disabilities. As stated in Article 5 of the Illinois Human Rights Act and Title II of the ADA, state court officials are required to ensure that people with disabilities may participate in the services, programs, activities and facilities of the judicial system. 28 C.F.R. § 35.149. The Supreme Court of Illinois' Policy on Access for Persons with Disabilities, available in Appendix B, provides a template for how court systems across the state can ensure people with disabilities are able to access court services.

Courts are required to ensure program access in three main ways: granting reasonable modifications (also termed accommodations), ensuring effective communication by providing auxiliary aids and services, and providing accessible facilities that people with disabilities can readily access. Each are described below.

- *Would granting the request fundamentally alter the court's program?* A fundamental alteration is a change to such a degree that the original program, activity or service is no longer the same. Public entities are not required to make changes or provide specific aids for people with disabilities if doing so would fundamentally alter the basic nature of their programs, activities or services. In the court setting, an accommodation may not be granted if it, for instance, changes the nature of the adversarial proceeding or deprives a party of a right. However, an accommodation may be granted if it is something that has been allowed in other contexts or can be accomplished without disrupting the essential functions of the court.

For requests that may be prejudicial or impact the merits of the case before the judge, ask that the requestor file a motion in the case (under seal or with other precautions as necessary) requesting the accommodation so all parties are given an opportunity to respond and the matter is preserved for appeal. See *In Re McDonough*, 457 Mass. 512 (Mass. 2010), also discussed in Section 7, for more suggestions on how to handle accommodation requests that may be prejudicial.

The ADA regulations provide specific guidance on certain reasonable accommodations. For instance, permitting service animals as reasonable accommodations are described in the ADA regulations at 28 C.F.R. § 35.136, and in this manual at Section 7. Miniature horses may be permitted in public facilities as reasonable accommodations based on the assessment factors listed in the ADA regulations at 28 C.F.R. § 35.136(i)(2). Also, there are specific factors at 28 C.F.R. § 35.137(b) to consider when evaluating a request to permit a power-driven mobility device other than a wheelchair, such as Segways or golf carts, as a reasonable accommodation. Be sure to review the regulations carefully when considering those requests. Consider adopting a written policy on these accommodations in advance.

If a court determines that it cannot provide a requested modification, it must engage in an interactive process to find alternative modifications that will provide program access for the individual with a disability.

Examples of potential reasonable modifications may include the following: extended briefing schedules; adjustment of hearing times; permitting a support person to sit next to a litigant; allowing eating or drinking in the courtroom when otherwise prohibited; relocating hearings to provide access to restrooms; allowing appearances by teleconference for routine hearings; allowing electronic devices into the courthouse when otherwise prohibited; assisting with filling out court forms; and/or permitting the use of a service animal, miniature horse or power-driven mobility devices.

Other suggestions for reasonable modifications are available at the Job Accommodation Network's website: askjan.org.

Responses should typically be given to the requestor in writing in a timely fashion. If the court determines that the request posed a fundamental alteration or undue burden, the written decision should issue from the Chief Judge or his or her designee. See 28 C.F.R. § 35.164.

Usually, accommodation requests are administrative and therefore not an improper ex parte communication with the judge. CDCs should exercise caution in communication with judges and parties to limit the communication strictly to the accommodation request and preclude any discussion of the merits of the matter or the details of the requestor's disability.

Effective Communication and Auxiliary Aids and Services

Effective Communication

Under the ADA, state and local courts must take appropriate steps to ensure that communication with participants, companions and observers of judicial proceedings with disabilities are as effective as communication with others. 28 C.F.R. § 35.160(a). Courts must ensure that a person with a disability can both understand what is being said in the proceeding and communicate so that he or she is understood. To achieve this, courts must make available appropriate auxiliary aids and services, unless doing so would fundamentally alter the nature of the court's programs, services or activities or result in an

undue financial or administrative burden. 28 C.F.R. § 35.160(b)(1); 28 C.F.R. § 35.164.

Some examples of auxiliary aids for people who are deaf, hard of hearing or deafblind, or for individuals with speech impairments, may include the following: qualified sign language interpreters; video remote interpreters; transliterators; communication access realtime transcription (CART); assistive listening devices; written notes; note takers; written materials; relay services; videophones; and teletypewriters (TTYs) and similarly functioning computer software. 28 C.F.R. § 35.104.

Examples of auxiliary aids for people who are blind, have low vision or are deafblind may include the following: qualified readers; screen reader software; magnification software; audio recordings; accessible websites and information technology; and Braille or large-print materials. 28 C.F.R. § 35.104.

The type of aid or service necessary will depend on the person's preference and may vary with the length and complexity of the communication.

Example: It may be appropriate to pass notes with someone who is deaf to give directions to the restroom, but it is not appropriate to pass notes to give testimony.

Examples of Auxiliary Aids and Services:

Communication Access Realtime Translation (CART)

Assistive Listening Devices or Systems

Interpreters & Translitterators

- ASL Interpreters
- Signed English Interpreters
- Certified Deaf Interpreters
- Tactile Interpreters
- Tracking Interpreters
- Close-Vision Interpreters
- Oral Interpreters or Oral Translitterators
- Cued Speech Translitterators

Consultation and Primary Consideration

It is important to consult with the individual to determine the most appropriate auxiliary aid or service. The person with a disability is most familiar with his or her disability and is in the best position to determine what type of aid or service will be effective for them.

The court must give primary consideration to the individual's request. *See* 28 C.F.R. § 35.160(b)(2). This means the court must grant the person's requested auxiliary aid or service unless it can demonstrate that another equally effective means of communication is available or use of the requested means would result in a fundamental alteration or undue financial and administrative burden.

The most common examples of auxiliary aids and services are described further in this Section. For a thorough description of these and other services, you may wish to review the American Bar Association's guide, "Court Access for Individuals Who Are Deaf and Hard of Hearing," available at <https://www.americanbar.org>.

Be sure you understand the person's request—for instance, an "interpreter" may mean American Sign Language (ASL), a Certified Deaf Interpreter (CDI), an oral interpreter or translitterator, signed English, or some other type of signing system used by persons with hearing loss.

Interpreters

An interpreter conveys spoken or signed communications from one language to another. In the context of working with individuals who are deaf or hard of hearing, ASL interpreters render information between spoken English and ASL.

Some individuals who are deaf or hard of hearing lack fluency in standard ASL, and may require the assistance of a Certified Deaf Interpreter (CDI) in addition to a conventional ASL interpreter. A CDI is an interpreter who is deaf or hard of hearing and works in partnership with a sign language interpreter to convey communications from a deaf or hard of

hearing individual. CDIs are recommended when interpreting for minors, persons with limited English fluency, persons with limited ASL, persons with cognitive impairments, and in situations where there is a need for increased sensitivity.

As always, when receiving a request for an interpreter, be sure that you understand exactly what type of interpreter is requested.

While the ADA references “qualified” interpreters, Illinois law states that all individuals providing interpreting services must be licensed through the Illinois Deaf and Hard of Hearing Commission unless specifically exempted. The Interpreters for the Deaf Licensure Act of 2007, 225 ILCS 442/1 *et seq.*, and its rules designate an interpreter’s proficiency level based on the certification for which the license is granted. The law provides for four proficiency levels: provisional, intermediate, advanced and master. Interpreters must possess a minimum of an advanced proficiency level for basic legal assignments, while master level is required for complex legal assignments. All licensed interpreters are held to the Standards of Professional Conduct.

When appointing an interpreter, the court must provide a sign language interpreter listed on the Administrative Office of the Illinois Courts (AOIC) interpreter registry, if available. The AOIC maintains a Court Interpreter Registry that lists certified and registered sign language interpreters who have met certain training and testing requirements. For more information, please review the Illinois Supreme Court Language Access Policy included in Appendix C.

All communications recognized by law as privileged shall remain privileged even in cases where an interpreter for a deaf or hard of hearing person is used to facilitate such communication. 735 ILCS 5/8-912.

In general, during conversation with a person who requires an interpreter for effective communication, maintain eye contact with the person who is deaf or hard of hearing rather than the interpreter.

Courts must provide interpreters for court participants who require them, even if there is a family member or friend present who knows sign language. An interpreter is required for all aspects of court proceedings, including routine matters and jury

deliberations, where applicable. Interpreters are also required for court-mandated programs, trainings, classes and other services. The court should pause the proceedings until the interpreters are present.

In longer proceedings, sign language interpreters should work in pairs, as their work is physically taxing and they are able to check each other’s work during breaks. The court should schedule breaks during the proceeding on an as-needed basis. The court should also consider advising the courtroom of the presence of the interpreters and clarifying their roles in introductory comments, administering oaths to the interpreters and instructing the jury regarding the interpreters.

Video Remote Interpreting

Interpreter services can also be provided remotely, via video. Through video remote interpreting (VRI), the interpreter is in a remote location while the person who is deaf or hard of hearing is present in the courtroom with other court personnel. The interpreter hears the proceedings and signs the messages to the deaf or hard of hearing individual, who views it on a video screen. A video camera in the courtroom is also present, so the interpreter is able to view the deaf or hard of hearing participant’s signs on a video display and convey these communications to the court. VRI can be effective for straightforward proceedings, and can be valuable where onsite interpreters are otherwise not available (for instance, on short notice, in rural areas or during probation officers’ off-hour home visits to probationers who are deaf).

However, VRI is not effective for all circumstances. It is very difficult for VRI to be effective in situations where more than one person is speaking. As such, contested matters, hearings where testimony will be given, trials, or other lengthy or complex proceedings require onsite interpreters. Also, VRI may not be effective for individuals with low vision.

Courts must consider the individual’s ability to effectively communicate through VRI. Always, if a deaf person requests an in-person interpreter, the court should provide one unless it is an undue burden to do so.

VRI performance standards are described further in the federal regulations at 28 C.F.R. 35.160(d). Courts that are interested in VRI may also wish to review the state of California’s guidelines on VRI use in the courtroom. These guidelines provide an overview of considerations for effective use, including planning for confidentiality concerns, positioning the camera and ensuring suitable video image quality. *See* “Recommended Guidelines for Video Remote Interpreting (VRI) for ASL-Interpreted Events,” Administrative Office of the Courts: Court Interpreters Program, Judicial Council of California, available at <http://www.courts.ca.gov/documents/CIP-ASL-VRI-Guidelines.pdf>.

Communication Access Realtime Translation (CART)

CART is a professional service where a CART captioner provides realtime captioning usually on a small screen for the individual who is deaf or hard of hearing to read. CART is generally used by people whose language acquisition is primarily English (rather than ASL). Many times CART is used by people who have become deaf later in life or are hard of hearing. CART may also be effective for people with disabilities other than hearing loss.

Assisted Listening Devices (ALDs)

ALDs are used to amplify spoken communication in comparison to other background noises that may interfere and prevent effective communication. ALDs consist of microphones, transmitters, receivers and headsets that reduce the distance between the speaker and the listener. ALDs may or may not be used in conjunction with hearing aids or cochlear implants. The court must ensure that the ALD is compatible with the deaf or hard of hearing participant’s hearing aid or cochlear implant.

Written Notes

Writing on paper back and forth may be effective for very simple transactions. It is not effective communication for court proceedings.

Website Accessibility

It is important to ensure that people with disabilities can access the court’s websites and electronic documents using screen readers, keyboard-only navigation and other adaptive technology.

The ADA regulations do not specifically describe the applicable standard for accessible websites. At this point, the only official standard in this realm is for federal agencies and federal contractors covered under Section 508 of the Rehabilitation Act of 1973. These entities’ websites must conform to the Website Content Accessibility Guidelines 2.0 Level AA (WCAG 2.0 AA) standard (<http://www.w3.org/TR/WCAG20/>).

In general, WCAG 2.0 AA has gained prominence as the standard to which a court or federal agency will most likely look in determining a website’s compliance with the ADA. For a short summary of these standards, *see* “WCAG 2.0 at a Glance,” from the Web Accessibility Initiative, available at <https://www.w3.org/WAI/WCAG20/glance/>.

The U.S. Department of Justice (DOJ) has reached settlements with counties over issues including inaccessible court websites. For instance, in 2015, DOJ reached a settlement with the Orange County (Florida) Clerk of Courts to ensure that they provide individuals with disabilities any document in the court record in an accessible format upon request, and required the Clerk of Courts to make its websites accessible using the WCAG 2.0 AA accessibility requirements. The Clerk of Courts also completed training on the ADA and WCAG 2.0 AA and paid \$10,000 in damages to the individual complainant. The settlement is available online at <https://www.ada.gov/occ.htm>.

Accessible Facilities

State and local courts must ensure that architectural barriers do not prevent program access. Physical access requirements are discussed in detail in Section 5.

Limits to What the Court Must Provide

Public entities are not required to provide personal devices or services. 28 C.F.R. § 35.135.

- × Not required to have individually prescribed devices, like wheelchairs or hearing aids, on hand.
- × Not required to provide assistance of a personal nature (toileting, etc.).
- × Not required to provide readers for personal use or study.

Public entities have no obligation to provide additional services for individuals with disabilities that are not provided for individuals without disabilities. See Department of Justice Title II Technical Assistance Manual, II-3.3000.

Example: The court is not required to operate a shuttle service to pick up people whose disabilities make it difficult to travel to court. However, if the court does operate a shuttle, it must be accessible to people with disabilities. Further, if a request is made for a shuttle service to assist a patron in traveling to court, the court must consider alternative accommodations.

Example: A court may receive a request from a litigant requesting that the court appoint an attorney in a civil case as an accommodation. If the court does not provide attorneys to other civil litigants, then that request would require the court to offer an additional service not provided for individuals without disabilities, which would likely be an undue burden and a fundamental alteration of the court's programs. The court may, however, refer the litigant to other resources including pro se help desks, legal aid programs or the local bar association.

Public entities can deny service to someone who is a direct threat, so long as that determination is based on actual risks, and not stereotypes, speculation or generalizations about people with disabilities. 28 C.F.R. § 35.139.

A public entity is not required to take any action that it can demonstrate would result in a

fundamental alteration or in undue financial and administrative burdens.

- ✓ Must consider all resources available for use in the funding and operation of the service, program or activity.
- ✓ Denial must be made in writing by the head of the public entity or his or her designee.
- ✓ Denial must include a written statement of the reasons for reaching that conclusion.
- ✓ Public entity has the burden of proving that compliance would result in such alteration or burdens.
- ✓ Must consider alternative means of providing program access and open a dialogue to discuss the proposed accommodation.

FAQs Regarding Requests for Program Accessibility

Who is entitled to program accessibility?

Any qualified individual with a disability is entitled to program accessibility through either reasonable modifications to policies or auxiliary aids and services. This includes witnesses, attorneys, jurors, judges, litigants and spectators.

Must the court notify individuals with disabilities about their right to program accessibility?

Yes. The ADA requires that persons with disabilities receive notice of the protections the statute affords them. Public entities must “ensure that interested persons...can obtain information as to the existence and location of accessible services, activities and facilities.” 28 C.F.R. § 35.163. A public entity with 50 or more employees must also establish and adopt grievance procedures for resolving complaints of discrimination and physical inaccessibility. 28 C.F.R. § 35.107(b).

Who may request the reasonable modification or auxiliary aid or service?

The person with a disability, or his or her representative, may request the modification or auxiliary aid or service. As stated above, the court must provide accommodations to parties, lawyers, judges, witnesses, jurors and courtroom spectators as needed to ensure their equal participation in and benefit from court services.

Does a request for a reasonable modification of policy or auxiliary aid or service have to be made in writing?

No. A person may make such a request orally or in writing. Do not delay in processing the accommodation request.

Who decides the form or method of program accessibility?

The regulations require public entities to allow persons with disabilities the opportunity to request the auxiliary aids and services of their choice and require public entities to give “primary consideration” to the preferences expressed. 28 C.F.R. § 35.160(b)(2). The person’s requested auxiliary aid or service should be provided unless the court proposes another equally effective means of communication *or* providing the requested auxiliary aid or service would result in a fundamental alteration in the programs, services or activities of the court or create an undue financial or administrative burden.

Does the court have to provide an individual with a disability personal devices or personal care assistance?

No. The ADA does not require the court to provide personal devices such as wheelchairs or canes or personally prescribed devices such as hearing aids or eyeglasses. Further, the ADA does not require the court to provide services of a personal nature such as assistance in eating, toileting or dressing. 28 C.F.R. § 35.135.

If reasonable modifications or auxiliary aids or services are needed, who must pay for them?

The ADA prohibits a public entity from placing a surcharge on services for individuals with disabilities to cover the cost of accommodations. 28 C.F.R. § 35.130(f). The Illinois Code of Civil Procedure requires sign language interpreter’s fees to be paid out of general county funds. 735 ILCS 5/8-1402.

Does the court have to provide reasonable modifications or auxiliary aids or services within a certain period of time?

Courts must provide a reasonable modification to a policy or an auxiliary aid or service within a reasonable period of time after a request is made.

Determining what is a reasonable time period will depend on the nature of the request and should be handled on a case-by-case basis.

Example: It may be reasonable to require that a request for a sign language interpreter be made two weeks in advance. However, if a request is made with less notice, the court must make reasonable efforts to appoint one. It would likely not be reasonable to take two weeks to provide materials in large print format.

What should the court do until the requested modification or auxiliary aid or service is available?

The court should delay all proceedings until the reasonable modification to a policy or auxiliary aid or service can be provided. Litigants must be provided with auxiliary aids or services at their initial court hearings.

Courts should develop policies to ensure aids and services are available as needed. Criminal courts may have additional obligations to provide these services promptly.

How can the court find a licensed sign language interpreter capable of handling court matters?

For sign language interpreter needs in the courtroom, courts can access the Administrative Office of Illinois Courts (AOIC) Court Interpreter Registry at www.illinoiscourts.gov to find advanced and master level license holders trained to interpret in legal settings. If your county uses an interpreter on the AOIC Registry, you may be eligible for full reimbursement of the costs of interpreting services.

For information on reimbursement, or if you have difficulty locating an interpreter for a pending court case, you can contact the AOIC Language Access Services Specialist at (312) 793-3250. Please note that it is a best practice to hire two sign language interpreters for a longer proceeding or trial, since the quality of interpretation is significantly compromised after long periods of simultaneous interpreting.

For sign language interpreter requests outside of the courtroom, such as communications in the clerk’s office, intermediate and provisional license holders may be used if an advanced or master

level license holder is not available. Licensed sign language interpreters may be located by proficiency level and county at the Deaf and Hard of Hearing Commission's website at <https://www.illinois.gov/idhhc/licensure/Pages/DirectoryHome.aspx>. Further questions can be addressed to the Interpreter Coordinator at the Deaf and Hard of Hearing Commission by email at dhh.interpreter@illinois.gov or by phone at (217) 557-4495.

How can the court find a Communication Access Realtime Translation (CART) service provider?

The IDHHC has put together a list of approved CART providers in the state, available at <https://www.illinois.gov/idhhc/community/Documents/CART/Cart%20Directory2.pdf>.

The AOIC may reimburse for the use of any of these providers.

Are there any defenses to a court having to provide a modification of policy or auxiliary aid or service?

Yes, but they are limited. A court is not required to provide a reasonable modification if that modification would result in a fundamental alteration of its programs, services or activities. 28 C.F.R. § 35.130(b)(7). A court is also not required to provide an auxiliary aid or service if that accommodation would result in a fundamental alteration of its programs, services or activities or constitute an undue financial or administrative burden. 28 C.F.R. § 35.164.

The decision to deny an accommodation, auxiliary aid or service must be made by the head of a public entity, such as the Chief Circuit Judge, or his or her designee. That individual must consider all resources available for use in the funding and operation of the service, program or activity. The denial must be made in writing, including a written statement of the reasons for reaching that conclusion. 28 C.F.R. § 35.164. The court must also consider alternative means of providing program access and open a dialogue to discuss the proposed accommodation.

Example: An individual requests a document in Braille. If obtaining the document in Braille is impracticable, the court may consider alternatives, such as providing a tape-recorded transcript of the document. Discuss alternatives with the individual who requested the accommodation.

ADA Coordinator's Role

What is an ADA Coordinator?

Public entities with 50 or more employees, including courts, must appoint a person designated to coordinate their efforts to comply with and carry out their responsibilities under the ADA, including any investigations of complaints of discrimination or physical inaccessibility. 28 C.F.R. § 35.107. This person is commonly referred to as the ADA Coordinator. The ADA Coordinator's name, office address and telephone number must be made available to the public.

A Court Disability Coordinator is an ADA Coordinator who specifically assists people with disabilities in the judicial setting. More information about the CDC's role is available in Section 8.

Court Self-Evaluations

What is a self-evaluation and does a court need one?

All public entities, including courts, are required to conduct a self-evaluation of their services, policies and practices to identify existing barriers to program access for people with disabilities. 28 C.F.R. § 35.105. These barriers can include discriminatory policies, the lack of auxiliary aids and services and inaccessible facilities. Once areas of noncompliance with the ADA are determined, they must be corrected so that program access is achieved.

A public entity must give individuals with disabilities and the organizations representing them the opportunity to participate in the self-evaluation process. The CDC may be responsible for conducting a court's self-evaluation in cooperation with court and county personnel and people with disabilities. Self-evaluations should be conducted periodically.



4. Interacting with People with Disabilities

Overview

CDCs should strive to foster an atmosphere of respect surrounding the court system’s accommodation of people with disabilities. To this end, it is important to use language that communicates respect. As a general rule, use person-first language, but feel free to see if the person prefers another term.

“Person-first” or “people-first” language puts the emphasis on the person—not the disability. Using “people-first” language is one way to show respect. For example, a person is not *an epileptic*, but rather *a person who has epilepsy*. It is also disfavored to say that a person “suffers” from a disability, as it is better to simply state the facts about the disability than to

connote pity. Other examples of disfavored, outdated and preferred, current terms are reflected in the lists below.

People can relax and use common, everyday expressions when talking to people with disabilities. Saying, “see you later,” to a person who is blind or “walk over to the clerk’s office,” to a person who uses a wheelchair is generally not offensive. These phrases are recognized as part of everyday language and avoiding them would emphasize the disability. The goal is to use appropriate and accurate language to foster an environment of respect and independence.

Disfavored Term

disabled or handicapped
 handicapped parking
 wheelchair-bound
 dwarf; midget
 the deaf; hearing impaired
 the blind; visually impaired
 autistic
 bipolar
 crippled
 mentally retarded or slow

People-First Language

person with a disability
 accessible parking
 person who uses a mobility device
 person of short stature
 person who is deaf or hard of hearing
 person who is blind or has low vision
 person who has autism
 person who has bipolar disorder
 person with a physical disability
 person who has an intellectual disability;
 person with a learning disability

Adapted from: Equip for Equality and the Illinois ADA Project

Etiquette

People with disabilities are no different than other people in their need for courtesy, independence and control. Disability etiquette involves being polite paired with common sense. Always speak directly to people with disabilities. For example, if a person is deaf, talk to him or her—not the sign language interpreter.

Ask a person with a disability if he or she wants assistance and then wait for a reply or look for nonverbal indications of what the person wants. This will eliminate concerns about whether to help or how to help, and it allows the person with a disability to be in control of the situation. Generally, people with disabilities who need assistance will ask for it. Give them time to respond and express themselves.

Greeting People with Disabilities

People with disabilities prefer that you treat them the way you treat others and focus on the person—not the disability.

Use your normal voice when greeting a person with a disability. Do not raise your voice unless requested.

Following are tips that may assist you in making everyone feel welcomed. A person with a disability may prefer a different approach and may tell you. Always be flexible and respect the individual's wishes.

Greeting a person who is blind or has low vision. If you have not been introduced, state your name when you say "Hello." Generally, wait for the person who is blind or has low vision to extend a hand, then shake it. Some people recommend touching the arm at the elbow with the left hand to make the person aware that a handshake is planned and then taking the right hand to shake it. But always verbalize any action that involves physical contact. An unsolicited touch is rude and unsettling. If asked to "lead" a person who is blind or has low vision, help the person take hold of your elbow. Do not hold his or her hand.

Greeting a person who has no hands or has a prosthesis. Wait for the person to extend the prosthesis and then shake it. It is acceptable to shake a left hand if the person has no right hand. Someone who just received a prosthesis may not want to shake hands, and you should respect that. If a handshake is inappropriate, greet the person with a smile and eye contact.

Greeting a person who is deaf or hard of hearing. To get the person's attention, it is appropriate to tap the person on the shoulder or wave your hand to make visual contact. When trying to get the attention of an individual or a group of people who are deaf or hard of hearing, turning the lights off and on is acceptable.

Greeting a person using a wheelchair. Although conversation should be at eye level, you can remain standing for a greeting. When conversation is planned, take a nearby chair and sit down. If there is no chair in the immediate vicinity, consider saying something like, "I'd like to sit down and talk with you. Let's find a chair."

Assisting People with Disabilities

The most important thing to remember when you interact with people with disabilities is that they are people. Always treat each person with dignity and respect. Each person is different, but the following are a few basic guidelines that may help when interacting with people with disabilities. In general, adjust to the needs of the person and follow the person's lead. Always ask before giving any assistance.

People who have physical disabilities. A person using a wheelchair does not normally require help to enter or leave a room but may need directions to locate accessible features like ramps and accessible restrooms.

- Lend minimal assistance and ask if more is needed. It is important not to be overly intrusive.
- Do not touch or lean on a person's wheelchair without permission. It is his or her personal space and should be respected as such.
- Avoid touching the person without his or her permission.

People who are deaf or hard of hearing. There is no universal form of communication. You must determine the most effective way to communicate, e.g., written notes or sign language interpreters. The communication method depends on the individual and many factors can influence their preference, including the point in the person’s life that they experienced the hearing loss. Always ask the individual’s preferred method of communication. Some examples of accommodations for people who are deaf or hard of hearing would include interpreters, CART or written notes. For more information, review the effective communication obligations explained in Section 3, and the following tips:

- Maintain eye contact during conversation with the person who is deaf or hard of hearing rather than the interpreter or captioner.
- Ensure good lighting, which is necessary because visual cues and gestures are important.
- Make sure the person who is deaf or hard of hearing feels comfortable asking you to repeat something if he or she does not understand.
- Be patient. Communication may take a little longer.

People who have a speech impairment. Relax while listening to someone with a speech impairment and you will adjust more quickly to the sounds and patterns of the person’s speech. Also:

- If you cannot understand, ask for the statement to be repeated. Do not guess. You may lose valuable information if you do not follow up on statements or answers that are confusing or do not make sense to you.
- Avoid interrupting—wait for sentences to be completed.
- If the speech impairment is significant, it may be necessary to write notes, have a person spell out a word or use another mode to communicate.

People who are blind or have low vision. Face the person who is blind or has low vision when talking. If your eyes are directed toward the person, your voice will be as well. If you do not face the person, your voice will come from a different direction and may confuse him or her. In addition:

- Offer to assist, and if the person asks to be led, allow the person to hold your elbow as you walk—not your hand. Verbally describe the area as you proceed.
- If you are asked for directions, make the response explicit. For example, say the room is “the third door on the left” rather than “down the hall.” Consider giving directions using the face of a clock (“the drinking fountain is at 3 o’clock”).
- Do not stop talking when a person who is blind or has low vision is approaching; the person relies on the sound of your voice for direction.
- When a person who is blind or has low vision enters your office, it may be helpful to extend your arm to guide the person to a chair (verbalize what you are doing). Introduce each person in the room by name and indicate where he or she is sitting in the room relative to where the person who is blind or has low vision is seated.
- Tell the person anything he or she should know but cannot see. Talk about the placement of furniture and equipment in the room, if necessary. Hazardous items should be described. Explain what is happening in the room. Descriptions and explanations should be specific.
- Explain periods of silence during your conversation, if necessary, and explain when something nonverbal is occurring, such as the judge reviewing documents or a party entering or exiting the room.
- If a person has a service animal, respect the fact that it is a working animal. Do not touch or talk to the animal when it is working without the direct permission of its owner. Service animals are described further in Section 6.

When appropriate, offer to make public information available in alternative formats such as Braille, audio tape or large print. For large print, the American Federation for the Blind (AFB) suggests size 18-point Arial font with limited use of italics. AFB also suggests using a 1.5 space between lines rather than single spacing and using high-contrast colors (e.g., black ink on white paper).

People who have cognitive or intellectual disabilities. Use concrete terms and avoid abstract instructions. Assume everyone is legally competent. Address the individual—not the person’s companion. If you give instructions:

- Complete one step of instructions before giving instructions on the next step.
- Demonstrate how things should be done. Explain what you are doing as you do it.
- Give extra time to complete a task.
- Offer to write instructions for the individual. Write clearly, using plain language.
- Avoid legal jargon, acronyms, abstract concepts and large words.
- Use plain language.
- Take your time.

People who have psychiatric disabilities. Court can often be a stressful experience. For people who have a psychiatric disability (such as an anxiety

disorder, depressive disorder or schizophrenia), the court system can become debilitating. The following suggestions may help in overcoming these barriers:

- Never touch someone without their permission. Although you may mean it as a symbol of kindness or sympathy, it could trigger a different emotion in someone with a history of trauma.
- Speak slowly and distinctly.
- Use an even tone. It is inappropriate to raise your voice.
- Present information in the way that the person prefers; for instance, offer to write instructions. Write clearly, using plain language.
- Eliminate distractions.
- Consider updating the court’s website to include helpful information so a person with anxiety can plan for a trip to the court in advance.



5. Physical Access to Courthouses

Overview

What statutes and codes govern physical access to the courts?

The Environmental Barriers Act (EBA), 410 ILCS 25/1 *et seq.*, and its implementing regulations, the Illinois Accessibility Code (IAC), 71 Ill. Adm. Code 400.110 *et seq.*, dictate the minimum requirements for accessibility to public and private facilities located in Illinois. The EBA became effective on September 25, 1985, and was amended most recently in 2016. IAC standards became effective May 1, 1988.

In addition, Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 *et seq.*, addresses physical access to state and local government facilities. Title II became effective January 26, 1992. The ADA Standards for Accessible Design dictate the minimum requirements under the ADA for accessibility to public buildings like courthouses. The Standards were amended in September 2010, and any facilities constructed or altered on or after March 15, 2012, must meet the revised 2010 standards because that is the date the law took effect. The 1991 Standards, the 2010 Standards and/or the Uniform Federal Accessibility Standards may be used for projects that were commenced between September 15, 2010, and March 14, 2012.

Environmental Barriers Act

What does the Environmental Barriers Act cover?

The EBA, enacted in 1985 and amended most recently in 2016, governs physical access for people with disabilities in any new construction, additions or alterations to facilities after May 1, 1988.

Who enforces the Environmental Barriers Act?

The Illinois Attorney General enforces the EBA and its regulations in the IAC. The most frequent complaints received by the Attorney General's Office include the failure to install or properly mark accessible parking spaces, inaccessible entrances and inaccessible restrooms.

What are the penalties for violations of the Environmental Barriers Act?

The Illinois Attorney General may bring an action for mandamus, injunction to halt alterations or construction of any public facility built in violation of the EBA or other equitable relief. In lieu of a civil action, the Illinois Attorney General may enter an Assurance of Voluntary Compliance with an individual or entity deemed to have violated the EBA. The owner of a facility built in violation of the EBA can be subject to civil penalties up to \$250 per day, where each day in violation constitutes a separate

offense. An architect or engineer could be subject to a license suspension, revocation or refusal to restore such license. A building code official can be subject to civil penalties not to exceed \$1,000 per offense.

Accessibility of Existing Facilities

If an existing facility used by the courts is not accessible, must it be made accessible?

Extensive retrofitting of older court facilities is not required if the activities, services and programs of the court, when viewed in their entirety, are accessible or if making the courthouse accessible would result in a fundamental alteration in the nature of the service, program or activity or result in undue financial and administrative burdens.

Therefore, in a building that has not been constructed, altered or added onto since May 1, 1988 (the effective date of the IAC), a physical barrier such as stairs need not necessarily be removed *if* the removal would result in an undue financial burden, as long as the services, programs or activities served by the stairs are made accessible through other means. Such access might be achieved by relocating a service to an accessible location or facility. For example, this could be accomplished by moving a felony court proceeding on an inaccessible floor to a traffic courtroom on a floor that is accessible or providing benefits or services at an alternative accessible site.

What is a transition plan and does my county need one?

Public entities with 50 or more employees, including counties, must have a transition plan if the removal of communication, transportation or architectural barriers is necessary to achieve program access in existing facilities, meaning those constructed before the ADA went into effect and that have not been altered. 28 C.F.R. § 35.150(d). The transition plan must set forth the inaccessible features of facilities, the methods that will be used to increase accessibility and timeframes for bringing the facilities into compliance with the ADA.

The CDC may work with the county to create and implement any parts of the transition plan related to court facilities. The county's transition plan should be updated periodically.

Do historic buildings have to be made accessible?

A public entity is not required to take any action that would threaten or destroy the historic significance of a property. However, the entity must still make its programs, services and activities available to, and usable by, people with disabilities. The Illinois State Historic Preservation Office can assist public entities in determining whether a property is historic and can offer access alternatives that will not destroy the historical significance of the property.

Are there any other defenses to providing physical accessibility in an existing courthouse?

Yes, but they are very limited. A county is not required to provide physical access in an existing courthouse if doing so would fundamentally alter the nature of the court's programs, services or activities or result in an undue financial or administrative burden. 28 C.F.R. § 35.150(a)(3). The decision must be made by the head of a public entity, such as the Chief Circuit Judge or his or her designee, after considering all resources available for use in the funding and operation of the service, program or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. The county must consider alternative means of providing program access.

Accessibility Resources

There are numerous resources available to provide guidance regarding the removal of architectural and communication barriers to improve access to courthouses for persons with disabilities. The 2010 ADA Standards for Accessible Design specifically address accessibility in courtrooms. The Standards are available online at www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm.

The IAC provides detailed information on the minimum accessibility requirements for public buildings. A copy of the IAC can be downloaded from the Illinois Capitol Development Board's website at: www.illinois.gov/cdb.

Additional technical assistance in determining the barriers that may exist in your courthouse may be provided by your local Center for Independent Living, or a qualified professional, such as an architect.

See Appendix A for additional resources.

6. Access to the Courts by Individuals Who Use Service Animals

Overview

State and federal laws, including the Americans with Disabilities Act and the Illinois White Cane Law, protect individuals who use service animals.

What is the definition of a service animal under the ADA?

The ADA defines a service animal as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. If they meet this definition, animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government.

In addition, the ADA requires that reasonable modifications be made to permit the use of miniature horses as long as the horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. 28 C.F.R. § 35.136(i).

Service animals are working animals—not pets. Do not pet or touch them without specific permission from their owners.



What type of assistance do service animals provide?

Service animals may perform some of the functions and tasks that the individual with a disability cannot perform for himself or herself. Guide dogs, commonly used by individuals who are blind or have low vision for navigation or other tasks, are one example of service animal. However, there are a number of other tasks service animals perform for people with disabilities, including the following examples:

- Alerting people who are deaf or hard of hearing to people or sounds
- Assisting an individual during a seizure
- Providing rescue work
- Pulling a wheelchair
- Alerting individuals to the presence of allergens
- Retrieving items such as medicine or a telephone
- Providing physical support and assistance with balance and stability to individuals with mobility disabilities
- Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors

What questions can an individual with a service animal be asked?

To determine whether an animal qualifies as a service animal, a public entity cannot ask about the nature or extent of a person's disability. It may ask only the following two questions:

- Is the animal required because of a disability?
- What work or task has the animal been trained to perform?

However, a person with a service animal may not be asked these questions when it is readily apparent that the animal is trained to do work or perform tasks for an individual with a disability.

Example: A dog that is observed guiding an individual who is blind is a service animal, and the individual should not be questioned.

Once a person confirms that the dog is required because of a disability and has been trained to perform work or a task, the dog should be permitted without further questioning. A public entity may not request any documentation for the dog, require that the dog demonstrate its task or ask about the person's disability.

Does an owner need to provide proof that the service animal is certified?

No. A person with a disability does not need to provide proof that the animal is certified, trained or licensed and cannot be asked these questions. A service animal is also not required to wear a special harness, vest or cape.

There are websites that sell service animal certification or registration documents online. These documents do not convey any rights under the ADA or state law, and are not proof that the dog is a service animal.

Where can a service animal go in a court facility?

Individuals with disabilities can be accompanied by their service animals wherever members of the public are permitted to go.

Are emotional support or comfort animals the same as service animals?

No. Animals that provide comfort just by being with a person are not service animals unless they have also been trained to perform a specific job or task. If the animal is not trained to perform work or a task for the benefit of a person with a disability but is still required because of a disability, courts should consider on a case-by-case basis whether to permit emotional support or comfort animals that do not meet the definition of service animal as a reasonable accommodation for a person with a disability.

For example, if a dog has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, that dog would qualify as a service animal under the ADA. However, if the dog's mere presence provides comfort, that would not be considered a service animal under the ADA, but should still be considered as a reasonable accommodation if the dog's presence is necessary to permit a court participant with a disability to access court services.

No matter what a person calls their animal, you may ask two questions:

1. Is the animal required because of a disability?
2. What work or task has the animal been trained to perform?

If the dog is required because of a disability and has been trained to perform work or a task, treat the dog as a service animal.

If the dog is required because of a disability and has not been trained to perform work or a task, consider whether the animal is necessary as a reasonable accommodation. See Section 3 for more information on reasonable accommodations.

What are facility dogs?

State law permits the court to allow certain victims of crimes to testify with the assistance of a facility dog. A facility dog is a professionally trained dog that has graduated from an assistance dog organization that is a member of Assistance Dogs International. Facility

dogs may help children and people with disabilities give testimony in certain criminal proceedings. The judge presiding over the matter should determine whether use of a facility dog is appropriate, considering the factors set forth by statute. 725 ILCS 5/106B-10.

Is there a state law that protects individuals who use service animals?

Yes. Illinois' White Cane Law, 775 ILCS 30 *et seq.*, and Service Animal Access Act, 720 ILCS 5/48-8, are state laws that guarantee the right of a person with a disability to be accompanied by a service animal in public. The White Cane Law and Service Animal Access Act both protect service animal *trainers* and service animals *in training* as well as service animals. A violation of the White Cane Law is a Class A misdemeanor. A violation of the Service Animal Access Act is a Class C misdemeanor.

Under Illinois law, places of public accommodation must permit service animals in training in addition to service animals.

Limited Circumstances Permitting Exclusion

Can a service animal ever be excluded from a court facility?

Yes, but only if the animal is out of the handler's control, is not housebroken or poses a direct threat to the health or safety of others, or when the presence of the animal fundamentally alters the nature of the services provided by the court.

The ADA does not overrule legitimate safety requirements. If a particular service animal is out of control and the handler does not take effective action to control it, or if it is not housebroken, that animal may be excluded.

Example: A dog that barks during a hearing or exhibits vicious behavior toward others may be excluded. If the dog is excluded, the individual with the disability should still be given the option of continuing his or her participation in the court services.



7. Selected Cases and Settlements

Cases of Special Interest

Can the state of Illinois be held liable for discrimination in cases involving access to the courts?

Tennessee v. Lane, 124 S.Ct. 1978 (2004)

Yes. In *Tennessee v. Lane*, the Supreme Court held that states are subject to lawsuits filed in federal court for money damages under the ADA in cases involving access to the courts. The question before the Supreme Court was whether Congress acted properly when it enacted the ADA and made states liable for discrimination against people with disabilities in the provision of government services. The Supreme Court decided that the ADA does apply to the states when people with disabilities seek to enforce their rights to gain access to the courts.

The plaintiffs in the case, two Tennessee residents with paraplegia, were denied access to judicial proceedings because those proceedings were held in courtrooms on the second floors of buildings lacking elevators. One of the plaintiffs, George Lane, was unable to attend a criminal proceeding being held in an inaccessible second-floor courtroom. The state arrested him for failure to appear when he refused to crawl or be carried up the steps. Another of the plaintiffs, Beverly Jones, sought access to the courtroom to perform her work as a court reporter. Lane and Jones filed suit under Title II of the ADA to challenge the state's failure to hold proceedings in

accessible courthouses. In response to the ADA suit, the state of Tennessee argued that it was immune from suits under Title II of the ADA.

In its decision, the Supreme Court ruled that in the legislative history of the ADA, Congress identified an extensive history of discrimination by states in the provision of their programs and services for people with disabilities. The Court held that the remedies set forth by Congress in the ADA are appropriate to ensure that people with disabilities have access to the courts.

Can a person who is blind be excluded from serving on a jury?

Whether a person who is blind can be excluded from jury service depends on the facts of the case that the juror would be hearing; it cannot be based on generalizations about people with disabilities. Two cases are discussed below:

Galloway v. Superior Court of the District of Columbia, 816 F. Supp. 12 (D.C. 1993)

No. The D.C. Superior Court refused to allow Donald Galloway to serve as a juror solely because he was blind. The policy of excluding persons was based on a state statute stating that "an individual shall not be qualified to serve as a juror if determined to be incapable by reason of physical or mental infirmity of rendering satisfactory jury service."

Mr. Galloway sued, and the reviewing court found that the policy of categorically excluding blind persons was a violation of the Rehabilitation Act of 1973 and the ADA. The opinion recognized that a person who is blind may be excluded from a particular case if it involves a significant amount of visual evidence, but the decision as to whether the individual should be excluded from serving should be left to the judge, attorney and *voir dire* process. Further, the court recognized the tendency of public officials to overgeneralize the limitations of people with disabilities.

U.S. v. Watson, 483 F.3d 828 (D.C. Cir. 2003)

Yes. The defendant had driven his tractor into a public pond in protest of government policy, causing extensive property damage, and threatened that he had explosives. The prosecutor excluded two potential jurors who were blind through peremptory challenges. After the defendant was convicted, he appealed and argued that the individuals who were blind were improperly excluded from the jury. On appeal, the court held that the prosecutor's peremptory challenges were appropriate because it was important that a juror be able to review the substantial visual evidence the government relied upon, such as videos and photographs, to understand the full impact of the defendant's actions. The court noted that the government's peremptory challenges were not based on a fear that people who are blind are incapable of serving as jurors.

Can a person who is deaf be excluded from serving on a jury?

DeLong v. Brumbaugh, 703 F. Supp. 399 (W.D. Pa. 1989)

No. A Pennsylvania trial court excluded a juror simply because she was deaf. Upon review, the appellate court found the juror should not have been disqualified from jury service under the applicable Pennsylvania statutes because she could communicate through a sign language interpreter and render efficient jury service. The trial court had not given her an opportunity to prove her communication abilities.

The Appellate Court also held that, under the Rehabilitation Act, such an unreasonable exclusion was discriminatory and further held that the cost of providing the juror with an interpreter would not have placed an undue burden on the trial court.

Is a witness entitled to a reasonable accommodation?

In Re McDonough, 457 Mass. 512 (Mass. 2010)

Yes, where the accommodation is reasonable and necessary. A woman in Massachusetts alleged that she was a victim of an attack in her nursing home. She was barred from testifying against her alleged attacker in his criminal case, however, because she had an impaired capacity to communicate orally due to the effects of a stroke. Because of her inability to provide narrative answers, the judge found her not "competent" to testify.

On appeal, the Supreme Judicial Court of Massachusetts confirmed that she had the right to seek an accommodation and also put forth a procedure for witnesses who require accommodations when they seek to give testimony in a case:

1. The witness (or the party proffering the testimony of that witness) should alert the judge and the parties that the witness needs an accommodation and identify the reasonable accommodation that the witness seeks.
2. If there is any objection, it should be presented to the judge to resolve the issue at a hearing, preferably before trial.
3. On the record, the judge should question the witness as to her need for the accommodation, and what accommodation might enable her to testify. The judge should make findings adequate to permit appellate review of the issue. The witness should be provided with the reasonable accommodation, if available, during that pretrial hearing. The judge may appoint an independent expert to assess the witness's disability and its impact on her ability to testify, as well as the required reasonable accommodation.

On remand, the woman was allowed to testify against her alleged attacker with the following accommodations: lawyers asked single-subject questions that called for a “yes” or “no” response, she was allowed to testify through the use of gestures and diagrams and she was allowed extra time to respond.

Is a court spectator entitled to reasonable accommodations and effective communication?

Prakel v. Indiana, 100 F.Supp.3d 661 (S.D. Ind. 2015)

Yes. The adult son of a criminal defendant requested a sign language interpreter so he could understand his mother’s court proceedings. He was a spectator not directly involved in the case. The court refused to provide an interpreter for the son, and so his mother provided one at her own cost. When the mother and son sued in federal court, the federal court held that the public’s right to attend criminal proceedings is fundamental, and that the son was denied effective communication and the opportunity to enjoy the benefits of the court’s services, programs and activities. The court also held that his mother, the defendant, had associational standing to challenge the court’s discrimination as well. Finally, the court concluded that it was not an undue burden to provide an interpreter to the son on the limited number of occasions requested.

Are historical courthouses exempt from program accessibility requirements?

Matthews v. Jefferson, 29 F. Supp.2d 525 (W.D. Ark. 1998)

No. The plaintiff, an individual with paraplegia, filed suit against the county for failing to make the courthouse, which is listed in the National Registry of Historic Buildings, accessible. Mr. Matthews’ suit alleged that when he was a litigant in that courthouse, the courthouse did not have an elevator, ramps or other devices to provide him access to the courtrooms on the second floor. Instead, he had to be carried up and down the stairs to attend hearings. During the course of one ten-hour hearing, the plaintiff was unable to empty his external catheter because the bathrooms were inaccessible. He was also unable to

leave the courthouse to get a meal during the noon recess.

The court in this case found that the county had violated the ADA and the Rehabilitation Act by failing to provide people with disabilities access to the justice system.

Are the courts required to give primary consideration to the auxiliary aids and services requested by the individual with a disability?

Duvall v. County of Kitsap, 260 F.3d 1124 (9th Cir. 2001)

Yes. The plaintiff, an individual who is hard of hearing, filed suit against the county for failing to provide real-time transcription services during his marriage dissolution proceedings. The plaintiff does not know sign language and cannot use an assisted listening device because it interferes with his hearing aids. The court allowed him to sit in the jury box to hear the proceedings. However, he could not understand what was occurring when he looked away from the witness stand to take notes, and he could not talk to his attorney from where he was seated. He also began experiencing headaches from straining to hear and trying to read lips.

The court found that the county had violated the ADA and the Rehabilitation Act by failing to provide the auxiliary aid and service requested by the plaintiff. The court noted that primary consideration must be given to the request of the individual.

Relevant U.S. Department of Justice Settlements

The United States of America v. Oconee County, South Carolina (D.O.J. Complaint 204-67-120, August 2010)

This complaint was brought by the Department of Justice after a compliance review under Title II. The review revealed over 30 violations of Title II, including non-compliant toilet rooms, courtrooms, accessible routes and parking. Under the agreement, the county was required to make substantial changes to the courthouse, including renovating courtrooms, toilet rooms, the accessible route and the courthouse

entryway to ensure proper access for persons with disabilities. The county was also required to renovate the parking lot to provide adequate parking and accessible routes to and from the courthouse.

The United States of America v. The Commonwealth of Massachusetts, Docket Number 03-CV-10246 (D. Mass. 2003)

This matter was initiated by two attorneys with disabilities who filed a complaint under Title II of the ADA alleging that numerous courthouses and other legal offices owned by the state of Massachusetts were inaccessible to individuals with disabilities. Under the settlement agreement, the state was required to make procedural modifications and structural changes to the facilities to make them accessible.

The United States of America and The City of Houston, Texas (D.O.J. Complaint 204-74-102, March 2000)

Under the settlement terms of this case filed against the city of Houston, the city was required to ensure that individuals who are deaf or hard of hearing are provided with auxiliary aids and services, giving primary consideration to the requests of the individual. The city agreed to defer to the request of the individual unless the request results in a fundamental alteration or an undue burden. In those cases, the city is not required to take any action that would result in such a burden but must still ensure that, to the fullest extent possible, individuals with disabilities receive the benefits or services provided by the city.

The city also agreed to post a notice in conspicuous locations advising individuals that auxiliary aids are available and listing the name, address and phone number of the court's ADA coordinator. Official notices of court dates must contain notice of the availability of auxiliary aids and provide the number of the TTY phone line.

The United States of America and Scott County, Arkansas (D.O.J. Complaint 204-10-6, June 1996)

Under the settlement terms of this case, Scott County, Arkansas, was required to make its facilities accessible to people with disabilities. The matter was initiated by a complaint filed under Title II of the ADA. Because of architectural barriers, the services, programs and activities provided by the county in the courthouse were not readily accessible to and usable by persons with mobility impairments. The settlement required the county to build new facilities that would allow equal participation for everyone.

The United States of America and the City of Fulton, Missouri (D.O.J. Complaint 204-43-12, May 1994)

This matter was initiated by a complaint filed under Title II of the ADA against the city of Fulton, Missouri. The complaint alleged that in its municipal court proceedings, the city did not ensure that communications with people who are deaf or hard of hearing were as effective as communications with others without hearing-related disabilities.

The settlement established that it is unacceptable to deny a person with a disability the benefits of and participation in the court's programs on the grounds that auxiliary aids are not available. The city of Fulton was required to provide appropriate auxiliary aids to deaf or hard of hearing participants and spectators in court proceedings.

The United States of America and the Santa Clara County Superior Court (D.O.J. Complaint 204-11-90, October 1996)

The settlement resolved a complaint filed under Title II of the Americans with Disabilities Act. The complaint claimed the court's policies and procedures for providing assistive listening systems and other auxiliary aids and services did not ensure effective communication for individuals who are deaf or hard of hearing, thereby limiting their ability to participate in the court's services.

The settlement required Santa Clara County to alter its policies and give primary consideration to the aid that the person with a disability prefers. Primary consideration means that the court will honor the person's choice unless it can be shown that another

equally effective means of communication is available or that the use of the means chosen would result in a fundamental alteration in the nature of the program, service or activity, or in an undue financial or administrative burden.



8. Court Disability Coordinators

Overview

Who are Court Disability Coordinators?

Court Disability Coordinators (CDCs) are persons who have been designated by the Chief Judges of their Judicial Circuits to assist court participants with disabilities. They are professionals who have specific expertise in some aspect of the judicial process.

CDCs are trained regarding appropriate terminology, etiquette and practices for addressing and interacting with people with disabilities. They are familiar with the legal requirements governing physical and program access to the judicial system for people with disabilities.

How can CDCs assist the court?

CDCs have access to a vast array of people and agencies that can help the court address issues regarding physical and program accessibility. Specifically, CDCs should work with judges and staff to ensure that the court provides appropriate policy accommodations and auxiliary aids and services for people with disabilities. They should inform judges and other court personnel of proper policies and procedures.

CDCs should develop and draft ADA policies and policy accommodation request forms and ensure that jurors and other court participants with disabilities know that auxiliary aids and services and reasonable

accommodations are available. CDCs should conduct self-evaluations to identify any barriers to program access for people with disabilities, including any discriminatory policies or practices and architectural barriers. After identifying barriers, CDCs should work with court and county personnel to modify policies and practices and, if required, develop a transition plan for bringing facilities into compliance with federal and state disability laws.

CDCs should also ensure that accessibility measures do not become outdated or forgotten. It is important that CDCs work with court and county personnel to:

- Ensure that new and current employees are trained to be responsive to people with disabilities and follow court accommodation policies;
- Consider access and communication for people with disabilities for each new program, activity and service;
- Check that accessible routes are free of obstacles;
- Regularly test auxiliary aid equipment to make sure it is in good working order; and
- Stay aware of advances in communication technologies.

What role should CDCs play in the accommodations/modifications process?

In some cases, a CDC may be able to arrange for reasonable modifications or auxiliary aids or services, such as a sign language interpreter or CART services, without consulting the judge. But often, the CDC will act as a liaison between the person requesting the modification or auxiliary aid or service and the judge. If appropriate, the CDC may recommend to the judge that a request be granted. However, in many cases, whether the request is denied or granted will be at the judge's discretion.

If a request is denied, the CDC should work with the judge and person making the request to come up with an alternative means of providing program access. Ultimately, the CDC should inform the person making the request in writing whether the modification or auxiliary aid or service will be provided and handle any grievances related to the request.

CDCs should not provide legal advice or legal services or become involved in the merits of a case. Please review the Illinois Supreme Court Policy on Assistance to Court Patrons by Circuit Clerks, Court Staff, Law Librarians, and Court Volunteers at Appendix D for more information. Court participants with disabilities should be referred to a local bar association or Center for Independent Living if they request legal advice or legal services.

How can CDCs assist people with disabilities?

CDC contact information should be posted in the courthouse and accessible by the public. Consider posting the CDC's contact information online on the court's website, on juror summons and other notices to appear, and other places where people with disabilities can easily find it.

CDCs should recommend programs or activities that promote the inclusion of people with disabilities in the judicial setting. Recommendations may include purchasing screen reader software and training staff to use it, creating a pamphlet on access to the court and its services or ensuring the provision of signs to indicate accessible entrances and other accessible features of the courthouse.

CDCs should help people with disabilities feel welcome in the courthouse and make any arrangements necessary to ensure that their needs are met. CDCs should inform people with disabilities of court procedures in a manner that is understandable to them.

CDCs can also form relationships with their local Center for Independent Living (CIL). CILs can help CDCs better understand the needs of people with disabilities in the court system. CDCs should collaborate with CILs and other advocacy groups to develop and improve policies and practices, learn about new technologies and ensure cultural competence.

How will the Disability Rights Bureau assist CDCs?

The Disability Rights Bureau stands ready to assist CDCs with any questions they may have about disability laws in the judicial setting. The bureau provides additional training to CDCs periodically. In addition, the bureau offers technical assistance regarding specific issues, such as the appropriateness of specific modifications or auxiliary aids or services. The bureau will also keep CDCs informed of changes in the law that may impact their responsibilities or be of interest to them.

Checklist

In an effort to assist CDCs and other county and court personnel, we have provided a checklist to assist in issue spotting under Title II. This checklist is not comprehensive. Please look for other improvement opportunities as well.

- Does the court have a reasonable accommodation policy?
- Does the court have reasonable accommodation forms?
- Does the court have a grievance policy for court participants?
- Do judges know who the CDC is and what the CDC does? Does the Clerk's Office? Sheriff's Office? Other departments?
- Do court participants, jurors and other members of the public know who the CDC is, what the CDC does and how to contact the CDC?
- If the court has a website, is the CDC's contact information listed? Does it comply with WCAG 2.0 AA? For instance, is it compatible with screen readers?
- Is the court familiar with how to obtain AOIC-certified sign language interpreters?
- Is the court prepared to provide interpreters and other auxiliary aids and services on short notice?
- Do interpreters, transliterators and CART captioners have a point of contact in the court system?
- Does the court have assistive listening devices? Are they tested regularly? Do court personnel know how to obtain them and use them?
- Are court-ordered programs such as mediations or classes providing effective communication?
- Can someone with a psychiatric disability access court programs? Does the court offer one-on-one assistance as needed? Is court information posted online so someone can prepare in advance of a visit to the courthouse?
- Can someone who cannot climb steps access court programs? Are accessible routes clear of obstructions? Are hallways and doorframes wide enough for someone who uses a mobility device? Are accessible restrooms clearly identified and readily available? Does the court have adequate accessible parking?
- Does the court have a service animal policy that considers service animals in training and miniature horses? Are court security personnel and other frontline staff equipped to ask the two permitted questions of service animals?
- Does the court have a policy on the use of less traditional mobility devices, such as golf carts or Segways?
- Can someone with a vision disability access court programs? Are there protruding objects? Are documents available in alternative formats, such as large print, audio recording or Braille, upon request?
- Do the court's emergency preparedness plans include people with disabilities?
- Does the court regularly train its employees to be responsive to people with disabilities and follow court accommodation policies?
- Does the court regularly audit its compliance with Title II and look to improve policies and practices?

APPENDIX A: Resources

■ STATE AGENCIES

Office of the Illinois Attorney General

Civil Rights Bureau

115 S. LaSalle Street
Chicago, IL 60603
(312) 814-3400 (Voice)
7-1-1 Relay Service
<https://illinoisattorneygeneral.gov/rights-of-the-people/civil-rights/>

Enforces state and federal civil rights laws to prohibit discrimination in Illinois. Advocates for legislation to strengthen civil rights laws and participates in community outreach.

Illinois Department of Human Services

Office of Rehabilitation Services

535 West Jefferson Street, 1st Floor
Springfield, IL 62702
(217) 782-4830 (Voice)
(888) 440-8990 (TTY)
www.dhs.state.il.us

Assists court personnel in identifying local services, vendors and resources such as sign language interpreters or CART (Computer Assisted Realtime Translation) services, for individuals who are deaf, hard of hearing or late deafened. Aids the courts by providing disability awareness training and resources for accessibility site surveys upon request.

Illinois Deaf and Hard of Hearing Commission

528 South Fifth Street, Suite 209

Springfield, IL 62710
(877) 455-3323 (Voice)
(217) 303-8010 (Videophone)
(888) 261-2698 (TTY)
(217) 557-4492 (Fax)
www.idhhc.state.il.us

Advances the interests of Illinois residents with hearing loss by advocating for systemic improvements and promoting cooperation among entities who serve people who are deaf and hard of hearing. Disseminates related information and licenses sign language interpreters.

Illinois State Historic Preservation Office

Illinois Department of Natural Resources

1 Natural Resources Way
Springfield, IL 62701
(217) 785-4512 (Voice)
(888) 440-9009 (TTY)
www.illinois.gov/iHPA/

Provides assistance and information regarding the application of technical accessibility standards to historic buildings.

Illinois Capital Development Board

William G. Stratton Building

401 South Spring Street, 3rd Floor
Springfield, IL 62706
(217) 782-2864 (Voice)
(217) 524-4449 (TTY)
www.illinois.gov/cdb

Issues standards for accessible design in Illinois. Oversees construction, renovation and rehabilitation of state facilities. Provides interpretation of the Illinois Accessibility Code.

Illinois Guardianship and Advocacy Commission

160 North LaSalle, Suite 500
Chicago, IL 60601
(866) 274-8023 (Voice)
(866) 333-3362 (TTY)

401 South Spring Street
Springfield, IL 62706
(866) 274-8023 (Voice)
(866) 333-3362 (TTY)
www.gac.state.il.us

May assist the court in proceedings for the appointment of a guardian and may assist in the supervision of persons and agencies that have been appointed as guardians. Serves as a guardian of last resort for eligible persons and may petition for appointment of any other person as guardian under certain conditions.

Illinois Council on Developmental Disabilities

James R. Thompson Center
100 West Randolph 10-601
Chicago, IL 60601

(312) 814-2080 (Voice)
(312) 814-7151 (TTY)
www.state.il.us/agency/icdd

Provides services for people with disabilities to promote independence.

COOK COUNTY

Cook County State's Attorney's Office Disability Victim-Witness Coordinator

69 West Washington, Suite 700
Chicago, IL 60602
(312) 603-8647 (Voice)
(773) 869-7494 (TTY)
www.statesattorney.org

Acts as a liaison between victims with disabilities and prosecutors. Also provides various accommodations and services, including but not limited to transportation to and from court, answering questions victims may have about their rights and pairing victims with various organizations that may be able to assist them.

CHICAGO

Mayor's Office for People with Disabilities
City Hall, Room 104
121 North LaSalle Street
Chicago, IL 60602
(312) 744-7050 (Voice)
(312) 744-3314 (Fax)
(312) 744-4964 (TTY)
www.cityofchicago.org/city/en/depts/mopd.html

2102 West Ogden Avenue

Chicago, IL 60602
(312) 744-6673 (Voice)
(312) 744-7833 (TTY)

Advances the independence of people with disabilities through systemic change. Offers employment services, independent living services, assistive technology, training, architectural services, housing assistance, youth services, disability resources and information and referral services.

■ ILLINOIS ASSOCIATIONS AND ORGANIZATIONS

COMMUNICATION/HEARING

Illinois Relay Center

Call 711 for deaf and speech impaired communication over the telephone.
www.illinoisrelay711.com

Chicago Hearing Society

2001 North Clybourn Avenue
Chicago, IL 60604
(773) 248-9121 (Voice)
(773) 248-9174 (TTY)
www.chicagohearingsociety.org

Offers a variety of services that include case management, peer counseling, advocacy and information and referrals to persons who are deaf or hard of hearing.

C.A.I.R.S. (Central Area Interpreter Referral Service)

17 North State Street, Suite 1650
Chicago, IL 60602
(312) 895-4300 (Voice)
(866) 401-0923 (Videophone)
www.cairs.net

C.A.I.R.S.

4801 Southwick Drive, Suite 610
Matteson, IL 60443
(312) 895-4300 (Voice)

Provides oral/sign language interpreting services in the legal setting. Also provides Interpreter Skills Assessment Screening (ISAS) to determine which situations an interpreter is qualified to interpret.

Jacksonville Community Center for the Deaf

907 West Superior
Jacksonville, IL 62650
(800) 468-9211 (Voice/TTY)
(217) 245-0429 (Voice/TTY)

Provides interpreter referral services.

COGNITIVE DISABILITIES

The Arc of Illinois

20901 LaGrange Road, Suite 209
Frankfort, IL 60423
(815) 464-1832 (Voice)
www.thearcofil.org

Acts on behalf of individuals with developmental disabilities.

MENTAL HEALTH DISABILITIES

Mental Health Association of Greater Chicago

125 South Clark, Suite 1820
Chicago, IL 60603
(312) 781-7780 (Voice)
www.mentalhealthchicago.org

Provides education, information, referrals and advocacy for people with mental health disabilities.

Mental Health Association of Illinois

1103 Westgate, Suite 302
Oak Park, IL 60301
(312) 368-9070 (Voice)
www.mhai.org

Works to promote mental health, prevent mental illnesses and improve the care and treatment of persons with mental health disabilities.

National Alliance on Mental Illness (NAMI), IL

218 West Lawrence
Springfield, IL 62704
(217) 522-1403 (Voice/TTY)
(800) 346-4572 (Voice/TTY)
il.nami.org

Provides education and support programs, and works to increase public awareness and understanding of mental illness.

VISUAL DISABILITIES

The Chicago Lighthouse

1850 West Roosevelt Road
Chicago, IL 60608
(312) 666-1331 (Voice)
(312) 666-8874 (TTY)
(312) 957-4865 (Video Phone, Only for Users Who Are Deaf)
www.chicagolighthouse.org

Provides various job-related training programs and rehabilitation services for children, youth and adults who are blind or have low vision.

EDUCATIONAL DISABILITIES

Family Resource Center on Disabilities

11 East Adams Street, Suite 1002
Chicago, IL 60603
(312) 939-3513 (Voice)
(800) 952-4199 (Voice)
(312) 939-3519 (TTY)
www.frcd.org

Conducts free weekly training workshops on the rights of children with disabilities to special education. Publications include a newsletter, pamphlets, fact sheets and “how to” manuals.

Family Matters

1901 South 4th Street, Suite 209
Effingham, IL 62401
(217) 347-5428 (Voice/TTY)
(866) 436-7842 (Toll-Free Voice/TTY)
http://www.fmptic.org/

Provides training for parents and professionals throughout 94 counties in Illinois on topics related to special education.

LEGAL/PUBLIC POLICY

Equip for Equality Chicago Office

20 North Michigan Avenue, Suite 300
Chicago, IL 60602
(312) 341-0022 (Voice)
(800) 537-2632 (Voice)
(800) 610-2779 (TTY)
www.equipforequality.org

Equip for Equality Central Illinois Region

1 West Old State Capitol Plaza, Suite 816
Springfield, IL 62701
(217) 544-0464 (Voice)
(800) 758-0464 (Voice)
(800) 610-2779 (TTY)
(217) 523-0720 (Fax)

Equip for Equality Northwestern Illinois Region

1515 Fifth Avenue, Suite 420
Moline, IL 61265
(309) 786-6868 (Voice)
(800) 758-6869 (Voice)
(800) 610-2779 (TTY)
(309) 797-8710 (Fax)

Equip for Equality Southern Illinois Region

300 East Main Street, Suite 18
Carbondale, IL 62901
(618) 457-7930 (Voice)
(800) 758-0559 (Voice)
(800) 610-2779 (TTY)
(618) 457-7985 (Fax)

Designated by the governor to implement the federally mandated Protection and Advocacy System in Illinois. Provides disability rights education, legal representation and advocacy regarding the full spectrum of disabilities.

Access Living of Metropolitan Chicago

115 West Chicago Avenue
Chicago, IL 60654
(312) 640-2100 (Voice)
(800) 613-8549 (Voice)
(312) 640-2102 (TTY)
www.accessliving.org/

Offers peer-oriented independent living services; public education, awareness and development; individualized and systemic advocacy; legal representation and other enforcement of civil rights on behalf of people with disabilities.

Illinois Family Violence Coordinating Councils

528 South Fifth Street, Suite 200
Springfield, IL 62701
(217) 524-4745 (Phone)
(217) 558-2636 (Fax)
<http://www.ilfvcc.org>

Serves as a forum to improve the institutional, professional and community response to family violence including child abuse, domestic abuse and elder abuse; to engage in education and prevention; to coordinate intervention and services for victims and perpetrators; and to contribute to the improvement of the legal system and the administration of justice.

Center for Disability & Elder Law

79 West Monroe Street, Suite 919
Chicago, IL 60603
(312) 376-1880 (Voice)
www.cdela.org

Provides free legal services to low-income seniors and persons with disabilities in Cook County.

CARPLS (Coordinated Advice & Referral Program for Legal Services)

17 North State Street, Suite 1850
Chicago, IL 60602
Hotline: (312) 738-9200
www.carpls.org

Provides referrals for legal assistance in Cook County.

Prairie State Legal Services

303 North Main Street, Suite 600
Rockford, IL 61101
(815) 965-2134
www.pslegal.org/

Provides free legal services to low-income individuals in the northern half of Illinois (outside Cook County).

To find your local Prairie State regional office:
<https://www.pslegal.org/psls-locations.asp#map>
Telephone counseling line staffed by attorneys:
(800) 531-7057

Land of Lincoln Legal Services

8787 State Street, Suite 202
East Saint Louis, IL 62203
(618) 398-0574 (Voice)
www.lollaf.org

Provides free legal services to low-income individuals in southern and central Illinois.

Illinois Legal Aid Online

illinoislegalaidonline.org/

Develops technology and information to increase access to justice for Illinois residents.

ASSISTIVE TECHNOLOGY

University of IL at Chicago Assistive Technology Unit

1640 West Roosevelt Road, Room 415
Chicago, IL 60608
(312) 996-6695 (Voice)
(312) 413-1554 (TTY)
<https://ahs.uic.edu/assistive-technology-unit>

Offers a variety of technology services. Specialties include home accessibility, work site, communication, computers, wheelchairs and controls.

Northern Illinois Center for Adaptive Technology

3615 Louisiana Road
Rockford, IL 61108
(815) 229-2163 (Voice)
www.ataccess.org

Specializes in computer accessibility and environmental controls. Offers a demonstration center as well as assessment and recommendation services.

Illinois Assistive Technology Project

1020 South Spring Street
Springfield, IL 62701
(217) 522-7985 (Voice)
(217) 522-9966 (TTY)
(800) 852-5110 (V/TTY)
www.iltech.org

Provides information regarding funding options, manufacturers and vendors for different types of assistive equipment and services available in Illinois. Provides training on the various products and choices available for people with disabilities.

ILLINOIS CENTERS FOR INDEPENDENT LIVING

Centers for Independent Living (CILs) provide comprehensive information regarding services available to help people with disabilities live independently, such as accessible housing, transportation, employment opportunities and personal assistants. Twenty-three CILs serve Illinois and service locations can be found at <http://www.incil.org/locate/>.

■ FEDERAL AGENCIES

U.S. Department of Justice, Disability Rights Section

950 Pennsylvania Avenue, NW
Civil Rights Division
Washington, D.C. 20530
(800) 514-0301 (Voice)
(800) 514-0383 (TTY)
www.ada.gov

Enforces Titles II and III of the Americans with Disabilities Act. Provides technical assistance on the ADA.

Under Project Civic Access, the Department has helped hundreds of municipalities and counties become compliant with the ADA. For more information, go to www.ada.gov/civicac.htm.

U.S. Equal Employment Opportunity Commission

131 M Street, N.E.
Washington, D.C. 20507
(800) 669-EEOC (Voice)
(202) 663-4493 (TTY)
www.eeoc.gov

Enforces Title I of the Americans with Disabilities Act, which covers people with disabilities in the workplace.

Federal Communication Commission, Disability Rights Office

445 12th Street SW
Washington, D.C. 20554
(888) 225-5322 (Voice)
(888) 835-5322 (TTY)
dro@fcc.gov
www.fcc.gov

Addresses disability-related telecommunications matters, including telecommunications relay service, access to telecommunications equipment and services by people with disabilities, access to emergency information and closed captioning. In addition, the office provides expert advice and assistance on issues relevant to people with disabilities and initiates rule making for the development of policies to ensure that communications are accessible.

Federal Technical Assistance Organizations

Great Lakes ADA Center

University of Illinois at Chicago

Institute on Disability & Human Development (MC 728)

1640 West Roosevelt Road, Room 405
Chicago, IL 60608
(312) 413-1407 (Voice/TTY)
(800) 949-4232 (Voice/TTY)
www.adagreatlakes.org

Provides information, materials, technical assistance and training on the Americans with Disabilities Act.

U.S. Access Board

1331 F Street, NW, Suite 1000
Washington, D.C. 20004-1111
(202) 272-0080 (Voice)
(202) 272-0082 (TTY)
www.access-board.gov

Authors accessibility guidelines and provides interpretations of those guidelines.

**Clearinghouse on Disability Information
Office of Special Education and Rehabilitation Svcs.
U.S. Department of Education**

550 12th Street, S.W., Room 5133
Washington, D.C. 20202-2550
(202) 245-7307 (Voice)
(202) 205-5637 (TTY)
(202) 245-7636 (Fax)
www.ed.gov

Provides information on disabilities, including federal funding for disability-related programs. Clearinghouse staff refers requests to other sources when necessary.

Job Accommodation Network

P.O. Box 6080
Morgantown, WV 26506-6080
(800) 526-7234 (Voice)
(877) 781-9403 (TTY)
www.askjan.org

Provides information and referrals for accommodating individuals with disabilities in the workplace and offers Title II accommodations.

■ **STATE COURTS**

Administrative Office of the Illinois Courts

3101 Old Jacksonville Road
Springfield, IL 62704
(217) 558-4490
(217) 785-3905 (Fax)

222 North LaSalle Street, 13th floor
Chicago, IL 60601
(312) 793-3250
(312) 793-1335 (Fax)
www.state.il.us/court/Administrative/Contact.asp

Provides advisement and support to the Illinois Supreme, Appellate and Circuit Courts throughout the state on many aspects of the judiciary including court programs, education, probation support and training.

The Administrative Office of the Illinois Courts' Civil Justice Division maintains a Court Interpreter

Registry that lists certified and registered sign language interpreters and spoken language interpreters. Visit illinoiscourts.gov or call the Language Access Services Specialist at (312) 793-2013 for more information.

National Center for State Courts

300 Newport Avenue
Williamsburg, VA 23185
(800) 616-6164 (Voice)
(757) 220-0449 (Fax)
www.ncsc.org

Provides information on the application of the Americans with Disabilities Act to state court systems. Aids courts in making court services and programs more accessible to people with disabilities on a contractual basis.

■ **ASSOCIATIONS**

Communication/Hearing Disabilities

American Speech-Language-Hearing Association

10801 Rockville Pike
Rockville, MD 20852
(301) 296-5700 (Voice)
(301) 296-5650 (TTY)
(301) 296-8580 (Fax)
www.asha.org

Provides information and technical assistance on overcoming communication barriers. Helps with communication problems, interpreters, assistive devices, hearing aids and job modifications.

National Association of the Deaf

8630 Fenton Street, Suite 820
Silver Spring, MD 20910
(301) 587-1788 (Voice)
(301) 587-1789 (TTY)
(301) 587-1791 (Fax)
www.nad.org

Offers information and referrals on deafness and accommodations for people who are deaf or hard of hearing.

Visual Disabilities

National Federation of the Blind

200 East Wells Street
Baltimore, MD 21230
(410) 659-9314 (Voice)
(410) 685-5653 (Fax)
www.nfb.org

Provides public education about blindness, information and referral services, scholarships, literature and publications about blindness, aids and appliances and other adaptive equipment for the blind, advocacy services and protection of civil rights, development and evaluation of technology and support for blind persons and their families.

Cognitive Disabilities

Autism Society of America

4340 East-West Hwy, Suite 350
Bethesda, MD 20814
(301) 657-0881 (Voice)
(800) 328-8476 (Voice)
www.autism-society.org

Promotes awareness of and provides information about autism.

Other Disability Organizations

American Bar Association

Commission on Mental and Physical Disability Law

740 15th Street, N.W.
Washington, D.C. 20005
(202) 662-1570 (Voice)
(202) 662-1012 (TTY)
(202) 442-3439 (Fax)
www.abanet.org/disability

Provides a number of publications on disability law, including the Mental and Physical Disability Law Reporter.

National Organization on Disability

1625 K Street N.W., Suite 802
Washington, D.C. 20006
(202) 293-5960 (Voice)
(202) 293-5968 (TTY)
www.nod.org

Works with cities and towns across the nation to help them provide more opportunities for people with disabilities. Also provides information and referral services for individuals.

Abilities, Inc.

210 I.U. Willets Road
Albertson, NY 11507-1599
(516) 465-1400 (Voice)
(516) 747-5355 (TTY)
<https://www.viscardicenter.org/services/abilities-inc/>

Provides informational and technical assistance services to organizations interested in employing and accommodating individuals with disabilities. Materials and individualized consultations are provided on all kinds of issues impacting a broad range of disabilities.

National Rehabilitation Information Center

8400 Corporate Drive, Suite 500
Landover, MD 20785
(301) 459-5900 (Voice)
(301) 459-5984 (TTY)
www.naric.com

Produces REHABDATA, a database on disability and rehabilitation. The database describes over 70,000 documents covering physical, mental and psychiatric disabilities, independent living, vocational rehabilitation, special education, assistive technology, law, employment and other issues related to people with disabilities.

Epilepsy Foundation

8301 Professional Place, Suite 200
Landover, MD 20785
(800) 332-1000 (Voice)
(310) 577-2684 (Fax)
www.epilepsyfoundation.org

Provides information and assistance to the public on epilepsy and seizures, including accommodations and first aid.

American Diabetes Association

2451 Crystal Drive, Suite 900
Arlington, VA 22202
(800) 342-2383 (Voice)
www.diabetes.org

Provides written materials on diabetes and answers general questions from the public about diabetes and its management.

**National Multiple Sclerosis Society
Greater Illinois Chapter**

525 West Monroe Street, Suite 900
Chicago, IL 60661
(800) 344-4867 (Voice)
(312) 421-4500 (Voice)
(312) 421-4544 (Fax)
www.nationalmssociety.org

Provides information and technical assistance for multiple sclerosis, including suggesting accommodations for specific individuals.

■ **ADA AND DISABILITY-RELATED WEBSITES**

Illinois Attorney General’s Office

<https://illinoisattorneygeneral.gov/rights-of-the-people/disability-rights/>

U.S. Department of Justice ADA Home Page

www.ada.gov

**Center for Legal and Court Technology
William and Mary Law School**

www.legaltechcenter.net

National Center for State Courts

www.ncsc.org

Assistive Technology Links

assistivetech.net/

Equip For Equality

www.equipforequality.org
U.S. Access Board
www.access-board.gov
Great Lakes ADA Center
www.adagreatlakes.org

Illinois Network of Centers for Independent Living

www.incil.org/

Illinois ADA Project

www.ada-il.org

Website Accessibility

Website Content Accessibility Guidelines 2.0 Level AA (WCAG 2.0 AA) Standards

<http://www.w3.org/TR/WCAG20/>

WCAG 2.0 at a Glance, from the Web Accessibility Initiative

<https://www.w3.org/WAI/WCAG20/glance/>

University of Illinois’ Functional Accessibility Evaluator (FAE)

<https://fae.disability.illinois.edu/>

Adobe Accessible WCAG 2.0 Techniques for PDF

<http://blogs.adobe.com/accessibility/2012/01/wcag-2-0-techniques-for-pdf.html>.

■ **FURTHER READING**

U.S. Department of Justice, Civil Rights Division, ADA Best Practices Tool Kit for State And Local Governments Under Title II of The ADA (2007), *available at* <https://www.ada.gov/pcatoolkit/toolkit-main.htm>.

U.S. Department of Justice, Civil Rights Division, ADA Title II Technical Assistance Manual Covering State and Local Government Programs and Services, *available at* <http://www.ada.gov/taman2.html>.

American Bar Association, Commission on Disability Rights, Court Access for Individuals Who Are Deaf and Hard of Hearing (2017), *available at* <https://www.americanbar.org/content/dam/aba/administrative/commission-disability-rights/court-access-guide-ir-intractv-accsb-rev022317.authcheckdam.pdf>.

I. **Introduction**

The Americans with Disabilities Act (ADA), a federal civil rights statute for individuals with disabilities, requires all state and local governmental entities, including the courts, to accommodate the needs of individuals with disabilities to ensure equal access to court activities, programs, and services (programs). The Supreme Court of Illinois (Court) has adopted the following policy and procedures to ensure reasonable accommodations, auxiliary aids, and services to persons with disabilities who wish to participate in Court programs.

APPENDIX B: Supreme Court of Illinois Policy on Access for Persons with Disabilities

II. Policy

It is the policy of the Court to ensure that communications with and accommodations for individuals with disabilities and without disabilities are equally effective, consistent with the requirements of Title II of the ADA. Whenever necessary, the Court will provide, free of charge, the appropriate auxiliary aids and services to ensure that individuals with disabilities have an equal opportunity to participate in and benefit from any Court program. This policy applies to all members of the public who seek to participate in the Court's programs.

III. Services and Accommodations

Auxiliary aids and services include a wide range of services and devices that promote effective communication with persons with disabilities. Examples of auxiliary aids and services for individuals with disabilities include qualified sign language interpreters, assistive listening devices, and real-time transcription services. The Court may also provide any other reasonable accommodation necessary to permit a person with impairments or disabilities to fully and equally participate in or to observe Court programs.

IV. Notice that Accommodations are Available

The Court Disability Coordinator (CDC) shall provide notice that appropriate accommodations are available to ensure that individuals with disabilities have an equal opportunity to participate in Court programs by posting notice containing the information on the form attached as Exhibit A in the Supreme Court Clerk's offices in Springfield and Chicago and on the Court's website.

V. Request for Accommodations

The CDC shall provide a request form to individuals who wish to request services or accommodations for persons with disabilities. The request form, attached as Exhibit B, shall be available on the Court's website and in the Supreme Court Clerk's offices in Springfield and Chicago.

Whenever possible, a request for accommodation or services shall be made fourteen (14) days in advance of the proceeding or program. The request shall be as specific as possible and include a description of the accommodation sought and the date the accommodation is needed. The request shall be mailed to the Court Disability Coordinator, c/o Clerk of the Supreme Court, 200 East Capitol Avenue, Springfield, IL 62701 or e-mailed to ADACoordinator@IllinoisCourts.gov. The CDC shall respond in writing, and, where appropriate, in a format accessible to the requestor, within seven (7) days from the date the request was received.

The CDC will give "primary consideration" to the request of individuals with disabilities. "Primary consideration" means that the Court will honor the choice of the individual, unless it demonstrates that another equally effective accommodation is available, or that the requested accommodation would result in a fundamental alteration of Court activities or undue financial and administrative burdens.

VI. Grievance Procedure

Individuals have the right to file a grievance when they believe the Court and its employees have not complied with the provisions of this policy or the request for accommodations procedure. The grievance shall be filed within seven (7) days after the person filing the complaint becomes aware of the action or inaction. A complaint shall be in writing, using the Court's grievance form, attached as Exhibit C. The grievance shall contain the name and address of the person filing the complaint, and briefly describe the alleged violation. The complaint may be mailed or e-mailed to the attention of the CDC.

Within seven (7) days after receipt of a grievance, the CDC or a designee may meet with the grievant, either in person or by telephone, to discuss the complaint and possible resolutions, if the CDC or designee determines such a meeting would be helpful to a determination. Within seven (7) days after the meeting, or within fourteen (14) days after receipt of the complaint if there is no meeting, the CDC shall respond in writing, and, where appropriate, in a format accessible to the grievant.

If the response by the CDC does not resolve the issue to the satisfaction of the grievant, the grievant may within seven (7) days of the date of the CDC's written response, appeal the decision to the Chief Justice of the Supreme Court of Illinois, c/o Clerk of the Supreme Court, at the mail or e-mail address provided under paragraph V. Any appeal shall be in writing. Within fourteen (14) days after receipt of the appeal, the Chief Justice will respond in writing to the grievant with a final resolution of the grievance or complaint.

Adopted April 6, 2012, effective immediately; amended August 3, 2012, effective immediately.

Supreme Court of Illinois
Notice of Accommodation Availability

NEED ACCOMMODATION FOR A DISABILITY?

Hearing, Visual, and other assistance may be arranged

Contact the Court Disability Coordinator, c/o Clerk of the Supreme Court, 200 East Capitol Avenue, Springfield, IL 62701 or ADACoordinator@IllinoisCourts.gov

It is the policy of the Supreme Court of Illinois that:

- communications with individuals with disabilities are as effective as communications with individuals without disabilities;
- individuals with disabilities have an equal opportunity to participate in and benefit from all Court activities.

If you require accommodations, auxiliary aids, or other services in order to participate in Court activities, please make your request to the Court Disability Coordinator.

Requests shall be made in writing on forms provided by the Court.

Copies of the following documents are available upon request in the Clerk of the Supreme Court’s offices in Springfield and Chicago and on the Court’s web site, www.IllinoisCourts.gov

- Policy on Access for Persons with Disabilities
- Request for Accommodations Form
- Grievance Form

**Supreme Court of Illinois
Request for Accommodation under the Americans with Disabilities Act
(REQUEST TO REMAIN CONFIDENTIAL)**

Date: _____

Please Print:

Name of person requesting accommodation: _____

Address: _____

Daytime phone number: _____ E-mail: _____

EXHIBIT A

Type of accommodation requested (please be specific): _____

Date accommodation is needed: _____

Location where accommodation is needed: _____

Please send a copy of the completed form by mail to:

**Court Disability Coordinator
Office of the Supreme Court Clerk
200 East Capitol Avenue
Springfield, IL 62701
or by e-mail to: ADACoordinator@IllinoisCourts.gov**

**Phone: (217) 782-2035
TDD: (217) 524-8132**

Please sign to verify the foregoing information: _____

Please print name: _____

Office Use Only:

Accommodation: _____ granted: _____ denied: _____

Requestor notified on: _____ via: _____

Type of accommodation: _____

Comments: _____

**Supreme Court of Illinois
Americans with Disabilities
Grievance Form**

Date: _____

Name of grievant: _____

Address: _____

Daytime Phone Number: _____ E-mail: _____

EXHIBIT B

Type of Accommodation requested: _____

Description of the alleged violation (please be specific): _____

Please send a copy of the completed grievance form to:

**Court Disability Coordinator
Office of the Supreme Court Clerk
200 East Capitol Avenue
Springfield, IL 62701
or by e-mail to: ADACoordinator@IllinoisCourts.gov
Phone: (217) 782-2035
TDD: (217) 524-8132**

Signature: _____

Print Name: _____

Date: _____

Illinois Supreme Court Language Access Policy

EXHIBIT C

APPENDIX C: Illinois Supreme Court Language Access Policy



Effective October 1, 2014

Amended September 20, 2016

ILLINOIS SUPREME COURT LANGUAGE ACCESS POLICY

I. PREAMBLE

The Illinois Supreme Court recognizes that equal access to the courts is essential to ensuring the strength and integrity of the judiciary and preserving trust in our legal system. Equal access to the courts, regardless of language limitations or disabilities, is an important issue in Illinois, which has a significant and growing number of people with limited English proficiency throughout the state. As such, the fair administration of justice requires that our state's courts be language accessible to all people, including those who are limited English proficient or are deaf or hard of hearing.

This policy provides a blueprint for the courts of Illinois to develop a unified approach for the provision of statewide language access services. This policy is offered to guide Illinois courts in the implementation of a comprehensive language access program and establishes standards to support the ongoing development of circuit-specific Language Access Plans.

It is the Supreme Court's vision that qualified and trained interpreters and clear and multi-lingual signage be available in both civil and criminal legal proceedings within courthouses and for court-annexed proceedings.

In support of this vision, the Supreme Court is committed to implementing and developing standards to support the development of a body of qualified and trained foreign language interpreters. Unlike foreign language interpreting, the field of sign language interpreting has nationally and locally developed standards, which Illinois adheres to, for the evaluation and certification of sign language interpreters under the Americans with Disabilities Act of 1990 and the Illinois Interpreter for the Deaf Licensure Act of 2007.

To support the development of trained foreign language interpreters, a three-tiered certification program for foreign language court interpreters statewide is established. When a court determines a foreign language interpreter is needed, the court should appoint a certified, qualified or registered interpreter when practicable.

The Supreme Court will work with all stakeholders to seek adequate funding for language access programs, which may include requests for increases in funding of judicial budgets, government grants, or other sources of funding. Recognizing the limited resources for language access, funding priority should be given to providing interpreter services to low and moderate income persons.

This policy is based on the fundamental principles of fairness, access to justice and integrity of the judicial process; the principles of due process, equal protection and judicial independence rooted in the Illinois constitution; and the legal requirements of state and federal law, including Title VI of the Civil Rights Act of 1964. With the guidance contained in the policy, it is hoped that the judiciary will be better equipped to minimize the obstacles faced by limited English proficient individuals or deaf or hard of hearing persons when they attempt to access Illinois courts.

II. DEFINITIONS

1. “Court-annexed proceeding” means court proceedings which are managed by officers of the court or their official designees (*e.g.*, mandatory arbitration or mediation, probation contacts and court-ordered evaluations).
2. “Foreign language interpreter” means a person fluent in both English and another language, who listens to a communication in one language and orally converts it into another language while retaining the same meaning. An interpreter need not be physically present to provide interpreter services. An “interpreter” differs from a “translator,” who converts written text from one language into written text in another language. This policy contains rules governing interpretation in the context of court proceedings, rather than written translation.
 - a. “Certified interpreter” means a foreign language interpreter certified pursuant to the program established by the Administrative Office of the Illinois Courts and listed on the statewide registry maintained by the Administrative Office of the Illinois Courts and does not present a conflict of interest identified in Section V of this policy.
 - b. “Qualified interpreter” means a foreign language interpreter qualified pursuant to the program established by the Administrative Office of the Illinois Courts and listed on the statewide registry maintained by the Administrative Office of the Illinois Courts and does not present a conflict of interest identified in Section V of this policy.
 - c. “Registered interpreter” means a foreign language interpreter registered pursuant to the program established by the Administrative Office of the Illinois Courts and listed on the statewide registry maintained by the Administrative Office of the Illinois Courts and does not present a conflict of interest identified in Section V of this policy.
 - d. “Unregistered interpreter” means a foreign language interpreter who is not certified, qualified or registered pursuant to the program established by the Administrative Office of the Illinois Courts, but demonstrates to the court proficiency in English and the foreign language and does not present a conflict of interest identified in Section V of this policy.
3. “Language Access Services” means the full spectrum of language services available to provide meaningful access to the programs and services for Limited English Proficient Persons, including, but not limited to, in-person interpreter services, telephonic and video remote interpreter services, translation of written materials, and bilingual staff services.
4. “Legal proceeding” means (a) any court proceeding before any court of this state, civil or criminal; and (b) any court-annexed proceeding, such as a court-annexed mediation or a mandatory arbitration under Illinois Supreme Court Rules.
5. “Limited English Proficient Person” means someone who speaks a language other than English as his or her primary language and has a limited ability to read, write, speak, or

understand English and requires the assistance of a foreign language interpreter or sign language interpreter to effectively communicate in a legal proceeding.

6. “Party” means, in any legal proceeding, a plaintiff or defendant, including a person who brings or defends an action on behalf of a minor or incompetent, the parent or legal guardian of a minor party, and a legal guardian of a plaintiff or defendant. In criminal and juvenile proceedings, “party” also includes the alleged victim and the parent or guardian of an alleged minor victim or of a juvenile.
7. “Sign language interpreter” means an individual who, as part of any case or court function, facilitates communication between or among legal professionals and a deaf, hard of hearing, or deaf blind party, witness, juror, or spectator through the use of sign language or other manual or oral representation of a spoken language.
 - a. “Sign language interpreter listed on the Administrative Office of the Illinois Courts’ registry” means a sign language interpreter that is licensed at a “Master” or “Advanced” level with the Illinois Deaf and Hard of Hearing Commission and has met any additional training and registration requirements pursuant to the program established by the Administrative Office of the Illinois Courts.
 - b. “Qualified sign language interpreter,” as defined in the Americans with Disabilities Act of 1990, means one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

III. INDIVIDUALS ELIGIBLE TO RECEIVE INTERPRETER SERVICES

The court should provide an interpreter for any Limited English Proficient Person who is involved in a legal proceeding as a party or witness. Consistent with the Americans with Disabilities Act and Illinois state statute (735 ILCS 5/8-1402), the court shall provide a qualified sign language interpreter for deaf or hard of hearing persons who are involved in any legal proceeding as a litigant, witness, victim, juror or spectator. Consistent with the Illinois Criminal Proceeding Interpreter Act, the court shall provide an interpreter for Limited English Proficient defendants in criminal proceedings via a written order (725 ILCS 140/2). Consistent with the Illinois Code of Civil Procedure, the court shall provide an interpreter for Limited English Proficient parties and witnesses in civil proceedings via a written order, pursuant to this Policy and the judicial circuit’s Language Access Plan (735 ILCS 5/8-1403).

IV. DETERMINING NEED FOR INTERPRETER SERVICES

For any legal proceeding, the court may determine that an interpreter is needed upon the request of the Limited English Proficient Person or his or her attorney or other advocate. If no such request is made, but if the court reasonably believes that an individual is a Limited English Proficient Person, the court shall examine this individual in open court. This examination shall consist of open-ended questions that will provide the court with the information necessary to determine whether the individual has a limited ability to speak or understand English. The court

should appoint an interpreter if it determines that the individual is a Limited English Proficient Person. After the examination, the court shall state its conclusion in open court.

Each circuit's chief judge shall decide how to collect and track the appointment of an interpreter for a Limited English Proficient party or witness (*e.g.*, via a written order, marking the case file, adding a notation to a case file or docket, adding information to a field in a case management system, using an electronic tracking system, or some other method deemed appropriate). The data collected should indicate, at a minimum, whether an interpreter was appointed and the requested language. The method of collecting this data shall be described in each circuit's Language Access Plan (see Section XI).

The fact that an individual for whom English is a second language knows some English should not prohibit that individual from being allowed to have an interpreter.

Currently, there is no reporting requirement for Illinois courts regarding limited English proficient litigants and interpreter usage. The lack of such data prevents meaningful determinations about the scope of need in Illinois courts and inhibits the development of programs designed to improve efficiency and fairness in the courts. To begin the collection of limited English proficient data, court personnel will be required to collect on a quarterly basis and share with the Administrative Office of Illinois Courts:

- The number of legal proceedings that included a limited English proficient party by case type and the language interpreted.
- The type of interpreter used in legal proceedings and whether the interpreter was a certified, qualified or registered foreign language interpreter listed on the Administrative Office of the Illinois Courts' interpreter registry, a sign language interpreter listed on the Administrative Office of the Illinois Courts' interpreter registry, or an unregistered interpreter.

V. TYPE OF INTERPRETER TO APPOINT

Whenever a foreign language interpreter is appointed by the court, a certified or qualified interpreter shall be provided if one is available. After the court has made reasonable efforts to provide a certified or qualified interpreter and one is not available, a registered interpreter shall be provided if one is available.

A person who is certified and in good standing by the federal courts or by a state having a certification program shall be considered a certified interpreter under this policy, so long as the certification requirements that person has satisfied have been deemed sufficient by the Administrative Office of the Illinois Courts.

An unregistered interpreter should be appointed if the court made reasonable efforts to obtain a certified, qualified or registered interpreter and a certified, qualified or registered interpreter was

If an unregistered interpreter is appointed, the court shall examine the interpreter in open court to ensure that the interpreter is qualified to interpret in legal proceedings, has proficiency in English and the foreign language, and does not present a conflict of interest as identified in this section of this policy.

Whenever a sign language interpreter is appointed by the court, a sign language interpreter listed on the Administrative Office of the Illinois Courts interpreter registry shall be provided if one is available. After the court has made reasonable efforts to provide a sign language interpreter on the registry and one is not available, a qualified interpreter shall be provided pursuant to the Americans with Disabilities Act and Illinois state statute (735 ILCS 5/8-1402).

A court shall use reasonable efforts to avoid appointing an individual as an interpreter for a legal proceeding pursuant to Section III of this policy if any of the following apply:

1. The interpreter is compensated by a business owned or controlled by a party or a witness;
2. The interpreter is a friend, or a family or household member, of a party or witness;
3. The interpreter is a potential witness;
4. The interpreter is court personnel employed for a purpose other than interpreting;
5. The interpreter is a law enforcement officer or probation department personnel;
6. The interpreter has a pecuniary or other interest in the outcome of the case;
7. The interpreter does or may have a real or perceived conflict of interest, or the appointment of an interpreter has the appearance of impropriety;
8. If for any reason, the court believes the appointment of the interpreter is not appropriate.

VI. AN OATH REQUIREMENT FOR INTERPRETERS

Before beginning to interpret in any legal proceeding, or before interpreting for several legal proceedings in one day, every unregistered interpreter shall swear or affirm in open court that he or she will make a true and impartial interpretation using his or her best skill and judgment in accordance with the standards prescribed by law and the ethics of the interpreter profession and that he or she will, in the English language, fully and accurately, repeat the statements of such person to the court before such proceeding takes place, and will repeat all statements made during such proceeding from English to sign language or a Limited English Proficient Person's native language fully and accurately.

Comment: Interpreters listed on the Administrative Office of the Illinois Courts' registry shall sign a written oath that can be maintained on file by the local court. Unregistered interpreters may sign a written oath to keep on file at the local courts' discretion. This simplifies the court's

inquiries in open court during procedural hearings. It is recommended, however, that an oath be read and sworn to in open court in all proceedings conducted before a jury.

VII. CONFIDENTIAL COMMUNICATIONS IN THE PRESENCE OF AN INTERPRETER

An interpreter must not disclose confidential communications privileged by state or federal law to any person.

VIII. REMOVAL OF AN INTERPRETER

The court may use its discretion to substitute a different interpreter for the interpreter initially appointed in a proceeding. The court may make a substitution at any time and for any reason, but any substitution must be made in open court and must follow procedures laid out in Section V of this policy.

If a Limited English Proficient Person or an attorney or advocate involved in the proceeding concludes that the appointed interpreter is not interpreting communications correctly, the Limited English Proficient Person or an attorney or advocate involved in the proceeding may request the appointment of a different interpreter.

IX. PAYMENT FOR AN INTERPRETER'S SERVICES

No fee shall be charged to any Limited English Proficient Person for the appointment of an interpreter.

The cost of providing interpreter services shall be the responsibility of the county or court that has jurisdiction over the judicial proceeding for which the interpreter was appointed. In determining the amount of compensation to be paid to the interpreter, the presiding judicial officer shall follow the fee schedule for interpreters established by the chief circuit judge.

Comment: Language access services ensure that all persons have equal access to justice and that information essential for the efficiency and integrity of legal proceedings can be understood by both English speakers and those who are limited English proficient. Courts should avoid placing the burden of paying for language access disproportionately on limited English proficient individuals in a manner that discourages access to the court or inhibits requests for language services necessary for full participation in the proceedings. The Illinois Supreme Court will work with all stakeholders to seek adequate funding for language access programs, which may include requests for increases in funding of judicial budgets, government grants, or other sources of funding.

X. CERTIFICATION AND REGISTRATION PROGRAM

The Administrative Office of the Illinois Courts is charged with establishing and administering a comprehensive certification and registration program for foreign language interpreters.

The Administrative Office of the Illinois Courts is further charged with establishing and adopting standards of proficiency, written and oral, in English and the language to be interpreted.

Upon Supreme Court approval, the Administrative Office of the Illinois Courts will maintain a Code of Ethics that defines a set of principles to guide interpreter conduct and educate judges on the level of conduct expected. All foreign language and sign language interpreters serving in any legal proceeding, whether listed on the statewide registry or not, shall abide by the Code of Ethics for Interpreters adopted by the Supreme Court of Illinois.

The Administrative Office of the Illinois Courts is charged with compiling, maintaining, and disseminating a current registry of foreign language interpreters certified, qualified and registered by the Administrative Office of the Illinois Courts.

The Administrative Office of the Illinois Courts may charge reasonable fees to foreign language interpreters, as authorized by the Supreme Court, for testing, training, certification, and registration. These fees shall be deposited into the Foreign Language Interpreter Fund.

The Administrative Office of the Illinois Courts will seek partnerships with community colleges and other private or public educational institutions and with other public or private organizations to establish a certification preparation curriculum and suitable training programs to ensure the availability of certified and qualified foreign language interpreters. Training programs may be made readily available throughout Illinois.

The Administrative Office of the Illinois Courts may conduct periodic examinations to ensure the availability of certified and qualified foreign language interpreters. Periodic examinations should be made readily available throughout Illinois.

The expenses of testing, training, and certifying foreign language court interpreters under the program, as authorized by the Supreme Court, may be paid, subject to appropriation, from the Foreign Language Interpreter Fund or any other source of funds available for this purpose.

Please note that the certification and licensure of sign language interpreters is governed by state statute under the Illinois Interpreter for the Deaf Licensure Act of 2007, federal standards under the Americans with Disabilities Act of 1990 and certifying entities, such as the National Association of the Deaf and the Registry of Interpreters for the Deaf. Sign language interpreters listed on the Administrative Office of the Illinois Courts' registry must be licensed at a "Master" or "Advanced" level with the Illinois Deaf and Hard of Hearing Commission and must meet any additional training and registration requirements pursuant to the program established by the Administrative Office of the Illinois Courts.

XI. LANGUAGE ACCESS PLAN

Each circuit must develop an annual written Language Access Plan to provide a framework for the provision of Language Access Services for Limited English Proficient Persons. Circuit-specific Language Access Plans will enable each circuit to identify their most frequently requested languages, identify practices and procedures to guide courts in the circuit as to how to provide language assistance, list all available language access resources in frequently requested languages, and identify the circuit's goals for the coming year. In multi-county circuits, courts can draft county-specific Language Access Plans at their own discretion. The Language Access Plan should include, at a minimum, the following:

- Procedures for court personnel to identify and assess the language needs of Limited English Proficient Persons using the court system.
- Procedures for ensuring that Limited English Proficient Persons are provided with interpreters during legal proceedings.
- Procedures for notifying court users of the right to and availability of interpreter services.
- Procedures for court personnel and judges to collect and track the appointment of an interpreter for a Limited English Proficient party or witness, including the language requested.
- Procedures for evaluating the need for translation of written materials, prioritizing those translation needs, and translating the highest priority materials.
- A process for providing training to judges, court clerks, and other court staff on the elements of the Language Access Plan and how to effectively access and work with interpreters.
- A list of community organizations serving Limited English Proficient Persons that can provide support in addressing language access needs.
- A process for ongoing evaluation of the Language Access Plan and monitoring of the Language Access Plan.

Each circuit should update its Language Access Plan annually to reflect changes in the language needs of court users and changes in court procedures and practices implemented to meet those needs.

Each circuit's Language Access Plan and any subsequent updates will be annually reviewed by the Administrative Office of the Illinois Courts to ensure that it accurately reflects and addresses the need for Language Access Services.

**APPENDIX D: Illinois Supreme Court Policy on
Assistance to Court Patrons by Circuit Clerks,
Court Staff, Law Librarians and Court Volunteers**



**Illinois Supreme Court Policy
On Assistance to Court Patrons by Circuit
Clerks, Court Staff, Law Librarians, and
Court Volunteers**

Effective April, 2015

**ILLINOIS SUPREME COURT POLICY ON ASSISTANCE TO COURT PATRONS
BY CIRCUIT CLERKS, COURT STAFF, LAW LIBRARIANS,
AND COURT VOLUNTEERS**

(a) Purpose and Scope.

The purpose of this policy is to provide guidance to circuit clerks, court staff, law librarians, and court volunteers acting in a non-lawyer capacity as to what services may and may not be offered to assist court patrons to achieve fair and efficient resolution of their cases.

No court patron should be denied services permitted under this policy on the basis of being a self-represented litigant. Services to court patrons should be provided in a nondiscriminatory manner to all applicants without regard to race, color, religious creed, ancestry, national origin, age, sex, disability, sexual orientation or any category prohibited by federal or Illinois law.

(b) Definitions.

- (1) “Court patron” means any individual who seeks information to file, pursue or respond to a case on his or her own behalf or on the behalf of another.
- (2) “Self-represented litigant” means any individual who seeks information to file, pursue or respond to a case on his or her own behalf where a licensed attorney has not filed an appearance on behalf of that individual.
- (3) “Legal information” means general factual information about the law and the legal process. Legal information is different from legal advice, which involves giving guidance regarding an individual’s legal rights and obligations in light of his or her particular facts and circumstances. Legal information is neutral.
- (4) “Approved forms” mean standardized forms and related instructions that have been approved pursuant to Supreme Court Rule 10-101; forms included in the Illinois Supreme Court Rules; and local circuit court forms adopted to facilitate local case-processing procedures.

(c) Prohibited Services. Circuit clerks, court staff, law librarians, and court volunteers—acting in a non-lawyer capacity on behalf of the court—shall not:

- (1) Recommend whether a case should be brought to court or comment on the merits of a pending case;
- (2) Give an opinion about what will happen if a case is brought to court;
- (3) Represent litigants in court;
- (4) Provide legal analysis, strategy or advice to a court patron, or perform legal research other than assistance in self-guided legal research for any court patron;

- (5) Disclose information in violation of a court order, statute, rule, case law or court directive;
- (6) Deny a self-represented litigant access to the court or any services provided to other court patrons.
- (7) Tell a litigant anything he or she would not repeat in the presence of any other party involved in the case;
- (8) Refer a litigant to a specific lawyer or law firm for fee-based representation; or
- (9) Otherwise engage in the unauthorized practice of law as prohibited by law.

(d) Permitted Services. To assist court patrons, circuit clerks, court staff, law librarians, and court volunteers—acting in a non-lawyer capacity on behalf of the court—may, as resources and expertise permit:

- (1) Provide legal information about court rules, court terminology and court procedures, but not limited to providing information regarding; requirements for service, filing, scheduling hearings and compliance with local procedure;
- (2) Inform court patrons of legal resources and referrals if available, including but not limited to:
 - a. Pro bono legal services;
 - b. Low-cost legal services;
 - c. Limited scope legal services;
 - d. Legal aid programs and hotlines;
 - e. Law and public libraries;
 - f. Non-profit alternative dispute resolution services;
 - g. Lawyer referral services;
 - h. Internet-based resources;
 - i. Court-sponsored or -affiliated educational classes, including, but not limited to, parenting education and traffic safety classes and alternative dispute resolution services;
 - j. Units or departments of government; or
 - k. Domestic violence resources.
- (3) Encourage self-represented litigants to obtain legal advice from a lawyer;
- (4) Provide information about security protocols at the courthouse and directions around the courthouse, including, but not limited to, photocopier and telephone locations, children’s waiting room locations and other courthouse offices;
- (5) Offer educational classes and informational materials;
- (6) Assist court patrons in identifying approved forms and related instructions based on the court patron’s description of what he or she wants to request from the court, including but not limited to, providing approved forms for the waiver of filing fees. When necessary, explain the nature of the information required to fill out the approved forms. Where no approved form exists to accomplish the court patron’s request, inform the litigant of that fact and direct him or her to other legal resources;

- (7) Record verbatim information provided by the self-represented litigant on approved forms if that person is unable to complete the forms due to disability or literacy barriers;
- (8) Review finished forms to determine whether forms are complete, including checking for signature, notarization, correct county name and case number;
- (9) Provide assistance to litigants pursuing self-guided research;
- (10) Provide docket information, including but not limited to:
 - a. Stating whether an order has been issued
 - b. Explaining how to get a copy if one was not provided
 - c. Reading the order to the individual if requested
 - d. Providing instructions about how to access such information;
- (11) Inform court patrons of the process for requesting a foreign language or sign language interpreter;
- (12) At the direction of the court, review documents for completeness prior to hearing;
- (13) Provide a court patron with access to a case file that has not been restricted by statute, rule or order, or instructions about how to obtain such access;
- (14) Provide the same services and information to all parties to an action, as requested;
- (15) Provide services based on the assumption that the information provided by the court patron is accurate and complete;
- (16) Provide other services consistent with the intent of this policy.

(e) Unauthorized Practice of Law and Privilege.

Services provided in accordance with section (d) of this policy do not constitute the unauthorized practice of law. Information exchanged in accordance with section (d) of this policy is neither confidential nor privileged, except as otherwise protected by law. Services provided in accordance with section (d) of this policy do not create an attorney-client relationship. It should be communicated through the use of signage or a direct, in-person disclosure to court patrons that information and services provided in accordance with section (d) of this policy are not confidential, privileged or create an attorney-client relationship.

(f) Rules of Professional Conduct. Circuit clerks, court staff, law librarians, and court volunteers—who are licensed attorneys, licensed law student interns and other persons working under the supervision of an attorney—must abide by all applicable Rules of Professional Conduct when providing services and information in accordance with section (d) of this policy.

(g) Copy Fees. Court patrons may be required to pay a reasonable printing or reproduction fee for forms and instructions. However, the fee may be reduced or waived for persons who are otherwise eligible to sue or defend without cost pursuant to the Code of Civil Procedure.

**Office of the Illinois Attorney General
Disability Rights Bureau**

Chicago Office

115 South LaSalle Street
Chicago, IL 60603
(312) 814-5684 (Voice)
7-1-1 Relay Service
(312) 814-3212 (Fax)

Springfield Office

500 South Second Street
Springfield, IL 62701
(217) 524-2660 (Voice)
7-1-1 Relay Service
(217) 782-1096 (Fax)

[www.IllinoisAttorneyGeneral.gov/
rights-of-the-people/disability-rights/](http://www.IllinoisAttorneyGeneral.gov/rights-of-the-people/disability-rights/)

