

## **Frequently Asked Questions Regarding Requests for Reasonable Accommodations Pursuant to the Americans with Disabilities Act (ADA)**

### **Who can make the request?**

Any individual with a disability who seeks to avail themselves of services of the court, including anyone with an interest in attending any proceeding before any court, may make a request for a reasonable accommodation.

### **What information should be in the request?**

All individuals seeking an accommodation under the ADA must complete and submit the form titled "Americans with Disabilities Act Accommodation (ADA) Title II Request for Reasonable Accommodation Form". The form, along with the ADA Policy for the Court of Common Pleas of Carbon County is available here: <https://www.carboncourts.com/forms/adapolicycarboncourt.pdf> and <https://www.carboncourts.com/forms/requestforreasonableaccommodationform.pdf>. All applications for an accommodation must include a description of the disability for which the accommodation is sought, along with a statement of the specific accommodation being requested. The court, in its discretion, may require the applicant to provide additional information about the qualifying disability to identify what accommodation might be reasonably provided.

If you make your request by e-mail, please put "ADA Accommodation Request" in the subject line.

### **Who do I submit my request to?**

Any person seeking a reasonable accommodation must submit a completed ADA Request for Reasonable Accommodation Form with the court or entity from whom they are seeking the accommodation.

If a person is seeking an accommodation for a pending case in this county court or for a service or program provided or ordered by a county court, then the request for accommodation is submitted to the county court ADA Coordinator or judge, depending on the nature of the requested accommodation.\* The contact information for the ADA Coordinator for this county court can be found here: Cynthia Winn Kocher, 570-325-8556 ext. 3201, [cwinn@carboncourts.com](mailto:cwinn@carboncourts.com).

*\* Please see the section titled "What accommodation can the ADA Coordinator make", below, for information on which types of accommodation requests should be directed to the ADA Coordinator versus the judge or quasi-judicial officer.*

### **When should the request be made?**

Requests for accommodation should be made as far in advance as possible and in accordance with this court's ADA Policy, which can be found here: <https://www.carboncourts.com/forms/adapolicycarboncourt.pdf>.

### **What accommodations can the ADA Coordinator make?**

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Accommodations may include making reasonable modifications in certain practices and procedures or furnishing auxiliary aids and services, equipment, devices, or materials.

*Important Note:* The Americans with Disabilities Act (ADA) Coordinator for the court cannot administratively grant, as an ADA accommodation, a request that involves a judicial balancing of the rights of the parties or the judge or quasi-judicial officer's inherent power to manage the courtroom and the proceeding. These include requests for which the nature of the requested accommodation is otherwise governed by the rules of court – such as the Pennsylvania Rules of Civil, Criminal, or Appellate Procedure, the Pennsylvania Rules of Evidence, and other statewide and local rules applicable to proceedings before the court. Examples of such requests may include, but are not limited to, requests for: extensions of time or adjournments; changes in the time of day a case will be heard; permission to participate by phone or video; the presence or absence of other persons in the courtroom; and modifications in the way testimony is to be given. These types of accommodation requests must be decided by the judge or quasi-judicial officer presiding over the case. Accommodation requests that implicate a rule of court – for example, an extension of time – must comply with the applicable rule when being filed.

If all or part of the request that you make to an ADA Coordinator involves an accommodation that only a judge has the authority to grant or deny, the ADA Coordinator will notify you that the request (or that part of it) must be directed to the judge presiding over your case. If your request is for the type of accommodation that only a judge or quasi-judicial officer can grant or deny, please be aware the judge or applicable court rule may require that your request be brought to the attention of the other parties to the proceeding.

The judge or quasi-judicial officer may not override the law in granting a request for an accommodation. For example, the judge or quasi-judicial officer may not extend the statute of limitations for filing an action because someone claims that he or she could not make it to the court on time due to a disability.

Furthermore, the ADA does not require the court system to take any action that would fundamentally alter the nature of court programs, services, or activities, or that would impose an undue financial or administrative burden on the courts.

### **How will the court respond to my request?**

For requests where the ADA Coordinator is the decision maker, if your request is granted, you will be notified by the ADA Coordinator.

For requests where the judge or quasi-judicial officer is the decision maker, if your request is granted, you will be notified by the judge or quasi-judicial officer.

For requests where the ADA coordinator is the decision maker, if your request is denied (and an alternative accommodation cannot be agreed upon), you will receive written notice of the denial, along with the reason(s) for the denial, from the ADA Coordinator. This denial may be administratively reviewed if a grievance is filed by the requestor in accordance with this court's ADA Grievance Policy, which can be found here:

<https://www.carboncourts.com/forms/adagrievanceprodedure.pdf> and

<https://www.carboncourts.com/forms/adagrievanceform.pdf>.

For requests where the judge or quasi-judicial officer is the decision maker, if your request is denied (and an alternative accommodation cannot be agreed upon), the judge or quasi-judicial

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officer will issue a written judicial order or note the denial, and reason therefore, on the record. This denial may be judicially reviewed. Note that a judicial denial of an accommodation may not be reviewed by the ADA Coordinator via the ADA Grievance Policy.

### **How a Denied Request Can Be Reviewed**

If your accommodation request has been denied, you can seek review of that decision. The review will be either judicial or administrative, depending on who denied your request.

#### **Denied by a judge or quasi-judicial officer?**

If a judge or quasi-judicial officer in a pending proceeding denied the request, the denial may only be reviewed through the regular process of judicial review. Court administrators cannot review a judge's or quasi-judicial officer's decision.

#### **Denied by an ADA Coordinator?**

If an ADA Coordinator denied the request, a grievance may be filed per the county court's ADA Grievance Policy, which can be found here:

<https://www.carboncourts.com/forms/adagrievanceprodedure.pdf> and

<https://www.carboncourts.com/forms/adagrievanceform.pdf>.