

Americans with Disabilities Act

The Americans with Disabilities Act of 1990 (ADA) was enacted to prohibit discrimination against people with disabilities. Under Title II of the Act, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of programs, services, or activities of a public entity. This prohibition applies to the state courts as providers of public programs, services, and activities. People with disabilities are to be given an equal opportunity to access, use, and fully participate in court programs, services, and activities and not be discriminated against because of their disability.

A person with a disability is someone who has a physical, mental, or communication disability that substantially limits one or more of the major life activities such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. It also may restrict the person's way of doing things and/or where and for how long the person can do a certain activity or function. Some examples of disabilities include mobility or other motor disabilities, vision disabilities, speech and hearing impairments, environmental sensitivities, learning disabilities, and psychological disorders.

Whenever reasonable, policies, practices, or procedures must be modified to make court programs, court services, and court activities readily accessible to and useable by, people with disabilities. This includes removing architectural barriers by altering existing facilities where feasible or relocating services to an accessible site. It also includes removing communication barriers by providing auxiliary aids and services which would allow a person with a disability to effectively represent a client, be a party in a lawsuit, testify as a witness, serve on a jury, or observe a hearing or trial.

In providing reasonable accommodation, the courts are to give primary consideration to the accommodation requested by the person with the disability. The Trial Court Administrator, or Clerk of the Supreme Court and Court of Appeals as appropriate, in consultation with the requestor, will decide what accommodation will be made. The ADA Coordinator will be available for consultation as requested. An alternative accommodation may be offered if equally effective. Every effort shall be made to meet the specific needs of the individual. The court is not required to make modifications that would fundamentally alter the service or program or cause undue financial or administrative burden.

The Idaho Courts are committed to ensuring equal access to and full participation in court programs, court services, and court activities for qualified individuals with disabilities, including attorneys, litigants, defendants, probationers, witnesses, victims, potential jurors, and public observers of court proceedings.

Reasonable Accommodation

The Trial Court Administrator in each judicial district, the Clerk of the Supreme Court and Court of Appeals for the appellate courts, and the ADA Coordinator for the Idaho Courts, in consultation with the individual requesting accommodation, are responsible for arranging reasonable accommodations for people with disabilities.

Requesting Accommodation

Accommodation requests should be submitted to the local Trial Court Administrator, for appellate cases the requests should be submitted to the Clerk of the Supreme Court and Court of Appeals, by accessing the ADA Online Request form. The form is also available to be downloaded and completed manually.

The request should identify the particular court proceeding, program, service, or activity for which accommodation is sought; the date, time, and location where the accommodation is needed; and a description of the disability and the type of accommodation being requested.

Reasonable notice must be given to consider an accommodation request without causing undue disruption to the court proceeding. If the request concerns a particular court proceeding, the request should be made a minimum of two (2) business days in advance, if practicable, to allow consideration of the request and to arrange for reasonable accommodation.

Processing a Request for Accommodation

Once the request for accommodation has been received, the district Trial Court Administrator, for appellate cases the Clerk of the Supreme Court and Court of Appeals, will review the request and engage in an interactive process with the requestor to provide reasonable accommodation. The Ada Coordinator will be available for consultation as requested. Primary consideration will be given to the aid or service requested; however, if that aid or service results in an undue burden for the court or fundamental alteration of the court proceeding, program, service, or activity, an equally effective alternative method may be suggested.

The Trial Court Administrator, or the Clerk of the Supreme Court and Court of Appeals, will notify the requestor whether the request has been approved or denied. If the request has been approved, the accommodation will be provided. If the party requesting accommodation disagrees with the decision, a grievance may be filed.

[Online Request for Accommodation](#) (link to PDF)

Trial Court Administrators and Ada Coordinator

Grievance Procedure

The grievance procedure may be used by anyone who wishes to file a grievance alleging discrimination on the basis of disability in court proceeding, the provision of services, or programs by the Idaho Courts. To file a grievance, complete the Grievance Form below. Alternative means of filing a grievance will be made available upon request.

The grievance should be submitted by the requestor and/or his or her designee as soon as possible but not later than thirty (30) calendar days after the alleged violation to:

Andrea Patterson
Director of Human Resources/ADA Coordinator
451 W. State St.
Boise, Idaho 83702
208-334-2246
hr@idcourts.net

Within fifteen (15) calendar days after the receipt of the grievance, the Director of Human Resources will meet with the requestor to discuss the alleged violation and possible resolution. Within fifteen (15) calendar days after the meeting, the Director of Human Resources will respond in writing and, where appropriate, in a format accessible to the requester, such as large print, Braille, or audio tape. The response will explain the position of the Idaho Courts and offer options for substantive resolution of the grievance.

In the event the grievance cannot be resolved by the ADA Coordinator, further appeal may be made to the Administrative Director of the Courts. The requestor shall submit their appeal to the Administrative Director of the Courts within fifteen (15) calendar days of receiving the written decision by the ADA Coordinator. Upon receipt of the appeal, the Administrative Director of the Courts will review the alleged violation as well as the proposed resolution and within fifteen (15) calendar days, provide the requestor with a written decision.

All grievances received by the Director of Human Resources and the corresponding responses to the grievances shall be maintained by the Administrative Office of the Courts for a minimum period of three years.

[Online Grievance Form](#) (link to PDF)