

## ACCESS TO JUSTICE

### LUBBOCK COUNTY ACCESSIBILITY POLICIES DRAFT (9.21.12)

It is the purpose of the Lubbock County District Courts, County Courts-at-Law, and Justice of the Peace courts identified herein as “the Courts,” to ensure that all individuals have equal access to judicial programs and to prohibit discrimination against any individual on the basis of a disability in accessing or participating in its programs. The Courts will conduct its services, programs or activities, when viewed in their entirety, in a manner that is readily accessible to and usable by qualified individuals with disabilities.

#### **Policy**

The Courts will provide reasonable modifications to its rules, policies, services, procedures, and practices when doing so is necessary to provide effective access or communication to a qualified individual with disabilities. This will occur unless doing so constitutes an undue administrative or financial burden, or fundamentally alters the nature of court programs, services, and activities.

The Courts will also provide appropriate auxiliary aides and services, **without charge**, whenever necessary to ensure qualified individuals with disabilities have an equal opportunity to participate in the Court’s programs, services, and activities. The Courts will give primary consideration to the individual’s specific request unless the Courts determine that there is an equally effective alternative, given the nature, circumstances, length, complexity, and importance of the communication.

The Courts will take any other action to ensure qualified individuals with disabilities have an equal opportunity to effectively communicate, participate in and benefit from the Court’s programs, services, and activities.

#### **Other Applicable Policies**

Individuals with limited English proficiency shall refer to the “Lubbock County District Courts & County Courts-at-Law Limited English Proficiency (LEP) Plan” which is attached herein.

For specific information or questions regarding Courthouse Security, individuals may refer to the Courthouse Security Policy attached herein.

## **Definitions**

A disability is a mental or physical impairment that substantially limits one or more of major life activities.<sup>1</sup> A major life activity is an activity that is central to daily life.<sup>2</sup> Major life activities include walking, seeing, hearing, breathing, caring for oneself, sitting, standing, lifting, learning, thinking, working<sup>3</sup>, and performing manual tasks that are central to daily life<sup>4</sup>.

The limitation on any major life activity must be substantial. An impairment substantially limits a major life activity if the person cannot perform a major life activity the way an average person in the general population can, or is significantly restricted in the condition, manner or duration of doing so.

A person with a disability must also qualify for protection under the ADA. A qualified person with a disability is someone who meets the essential eligibility requirements for a program, service or activity with or without (1) reasonable modifications to rules, policies, or procedures; (2) removal of physical and communication barriers; and (3) providing auxiliary aids or services for effective communications.<sup>5</sup>

## **Process for Handling Auxiliary Aids or Services**

Upon the request of the individual, the Courts will confer with the individual requesting the auxiliary aid or service to ascertain the circumstances, requirements, and preferences of the individual.

The Courts shall respond promptly to the request so that delay does not deny qualified individuals with disabilities an equal opportunity to participate in and benefit from the Court's programs, services, and activities.

Generally, documentation of the disability will not be requested or required.

## **Determination of Auxiliary Aids and Services**

The Courts will allow individuals with disabilities the opportunity to use their own assistive technology products to achieve effective communication. The Courts are not responsible for providing devices of a personal nature such as prescription eyeglasses, hearing aids, wheelchairs, and/or personal medical or attendant care.

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<sup>1</sup> 42 U.S.C. § 12202(2)(A).

<sup>2</sup> *Toyota Motor Mfg., Kentucky, Inc. v Williams*, 534 U.S. 184 (2002).

<sup>3</sup> *Bragdon v. Abbott*, 524 U.S. 624, 638-49 (1998).

<sup>4</sup> *Toyota*, 534 U.S. 184.

<sup>5</sup> 28 C.F.R. § 35.105

## **Hearing & Visual Impairment**

The Courts will provide qualified individuals with hearing and/or visual disabilities, upon request, appropriate auxiliary aids and services, when necessary, to ensure that they have equal opportunity to participate and benefit from the Courts' programs, services and activities.

### **1) Blind or Low Vision**

Appropriate auxiliary aids include, but are not limited to:

- Qualified readers
- Materials in alternative formats
- Oral descriptions of action and visual information
- Assistance in filling out forms or accessing materials in a computer database
- Screen reader software or text magnification software
- An assistant to guide a person to find his or her way to a location in the courthouse

### **2) Deaf, Hard of Hearing, or Speech Impairments**

Appropriate auxiliary aids included, but are not limited to:

- Qualified oral and/or sign language interpreters
- Written notes or note takers
- Computer Access Realtime Translation (CART)
- Video text displays
- Open or closed captioning
- Computer terminals equipped for video communication
- Assisted Listening Devices
- TTY (text telephone), email, or TRS (Telecommunications Relay Service)
- Other effective methods for individuals who are deaf, hard of hearing, or have speech impairments

## **Interpreting**

Policies relating to interpretation and limited English proficiency shall be addressed in accordance with the adopted Limited English Proficiency Plan attached to this document. The Courts' plan is to provide to persons with limited English proficiency (LEP) services that are in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.; 45 C.F.R. § 80.1 et seq.; and 28 C.F.R. § 42.101–42.112).

## **Mobility**

Individuals with mobility impairments, such as amputations, prosthesis, wheelchairs, or other impairments that make navigating the Courts difficult, shall be provided the same services, upon request, to ensure that they have equal opportunity to participate and benefit from the Courts' programs, services and activities.

If an individual with a mobility impairment as described above is required to be screened by security, that person shall be allowed to be screened with a handheld wand/device to conduct the screening. Additional screening information is provided in the attached security policy.

**Request for Auxiliary Aids and Services**  
**(Hearing, Mobility, Language, or other impairments)**

Individuals requesting any type of auxiliary aid or service may make their request in writing or orally by contacting:

Cryctal Spradley  
Assistant Director of Court Administration/Accessibility Coordinator  
904 Broadway, Suite #325  
Lubbock, Texas 79401  
806.775.1355  
cspradley@lubbockcounty.gov

Requests for services can be made by the individual with a disability who needs the services, or by someone acting on behalf of the individual. If you require an accommodation under the American with Disabilities Act (ADA) for a program or service, it is recommended that you make your request at least ten business days in advance in order to allow the Courts time to review your request and make arrangements for the accommodation. All requests for accommodation, regardless of timeliness, will be given due consideration and, if necessary, may require an interactive process between the requestor and the Courts, or their designee, to determine the best course of action. A request form is available at the address above, via email from the contact above, or on the county website at [www.co.lubbock.tx.us](http://www.co.lubbock.tx.us).

When the Courts Accessibility Coordinator is unavailable, the request may be directed to:

Dean Stanzione  
Director of Court Administration  
904 Broadway, Suite #325  
Lubbock, Texas 79401  
806.775.1355  
destanzione@lubbockcounty.gov

**Grievance Procedure**

If a request for accommodation is denied, Lubbock County Courts have a grievance process in place through the Director of Court Administration. Through this grievance process, an individual may seek review of the decision concerning reasonable accommodation. The grievance form, along with a copy of the previous decision, should be submitted as soon as possible, but no later than 60 calendar days from the date of decision. If the complaint cannot

be resolved by the Director of Court Administration, further appeal may be made to the local Administrative Judge. The grievance form is attached.

## **Recordkeeping**

The Courts shall maintain a record of requests for these services with the exception of “simple requests” that can be described as guiding someone to the correct location or responding to a relay call, or any other request that can be immediately taken care of. The records may include:

- I. Date of Request
- II. Name of Individual Making the Request
- III. Name of Individual Whom Services are Requested
- IV. Type of Services Requested
- V. Date the Request was Granted/Denied
- VI. If Necessary, the Reason(s) for Denial
- VII. Description of the Services to be Provided and for what Duration
- VIII. Date the Services were Provided

The Courts shall ensure the confidentiality of the information and will keep any records of requests in a secure location accessible only to the Accessibility Coordinator and their supervisor(s).

The Courts shall not disclose information regarding the individual’s disability or request for services except to court personnel who, for the sake of fulfilling the request, need to be informed.

## Frequently Asked Questions

*What does the term “qualified interpreter” mean as it relates to those who are audio or visual impaired?*

The term "qualified interpreter" includes "sign language interpreters," "oral interpreters," or other "interpreters" who are able to interpret competently, accurately, and impartially, both receptively and expressively, using any specialized terminology necessary for effective communication with an individual who is deaf or hard of hearing or who has a speech impairment, given that individual's language skills and education. Not all interpreters are qualified for all situations. For example, an interpreter who is qualified to interpret using American Sign Language (ASL) is not necessarily qualified to interpret orally. Also, someone who has only a rudimentary familiarity with sign language or finger spelling is not a "qualified sign language interpreter." Likewise, someone who is fluent in sign language but who does not possess the ability to process spoken communication into the proper signs or to observe someone signing and translate their signed or finger-spelled communication into spoken words is not a qualified sign language interpreter.<sup>7</sup> An interpreter who knows tactile interpreting may be the only interpreter who is qualified to interpret for someone who is both deaf and blind. Although an interpreter may be certified, a certified interpreter is not necessarily "qualified." Similarly, certification is not required in order for an interpreter to be “qualified.”

*Can the Court ask or require family members or friends of individuals who are deaf, hard of hearing, or speech impairments to interpret for them?*

No. The Court may not ask, suggest, or require a friend or family member to interpret for them because they may not be identified as a qualified interpreter due to factors such as professional or personal involvement.

*Can the Court charge an individual with a disability for the cost of providing an auxiliary aid or service needed for effective communication?*

No. People with disabilities must not to be asked to pay for, or be charged for the cost of an auxiliary aid or service needed for communication.

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<sup>7</sup> 28 C.F.R. § 35.104





\*Please explain the type of accommodation(s) requested and any special requests or anticipated problems. Primary consideration will be given to the requested accommodation; however, the Courts reserve the right to offer an alternative accommodation if one is more readily available and equally effective in accommodating your needs.


**By signing this form, I attest that the information is true to the best of my knowledge and I authorize this ADA request to be submitted.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

*Note—Additional information may be needed to process your ADA request*

**OFFICE OF COURT ADMINISTRATION, LUBBOCK COUNTY  
AMERICAN WITH DISABILITIES ACT  
GRIEVANCE FORM**

<b>Complainant Name</b>		<b>Date</b>	
<b>Address</b>			
<b>City</b>		<b>State</b>	<b>Zip Code</b>
<b>Home Phone</b>		<b>Alternate Phone</b>	
<b>Court and Case type</b>			
<b>Description of the alleged violation</b> (please be specific and include all necessary information such as accommodation denied, date and time of incident, name and phone number of any Lubbock County Court employee you had interaction with, name and phone number of any witnesses, etc.)			
<b>I require alternative means of filing my complaint. Please contact me at one of the phone numbers below to make arrangements.</b>			
<b>Phone Number</b>		<b>Alternate Phone</b>	
<b>Mail this form to:</b>  Dean Stanzione Director of Court Administration 904 Broadway, Suite #325 Lubbock, Texas 79401 (806) 775-1355			
<b>Form should be received no later than 60 calendar days after the alleged violation.</b>			