



ILLINOIS JUDICIAL BRANCH

Bench Card: Access for People with Disabilities

[The Illinois Supreme Court Policy on Access for People with Disabilities \(Policy\)](#) applies to all Illinois state courts at all levels, including all officers and employees of the state, its agencies, or political subdivisions.

What statutes also apply?

- The Americans with Disabilities Act (ADA), Title II, 42 U.S.C. 12131 et seq., and corresponding regulations, 28 C.F.R. Part 35.
- Illinois Human Rights Act (IHRA), 775 ILCS 5/1-101 et seq.

What does the Policy apply to?

All court activities, including facilities, hearings and proceedings, activities, services, communications, and programs provided or made available by the courts (plus court-annexed programs).

Who is covered by the Policy?

A qualified person with a **disability**, including all members of the public who seek to participate in, observe, or interact with court activities, such as self-represented court users, lawyers, witnesses, jurors, court observers, and their companions, support workers, care or assistance providers or coordinators, and family members.

A disability is a physical or mental characteristic that substantially limits one or more major life activities.

A person with a disability may have an actual disability, have a record of a disability, or be regarded as having a disability.

Who helps people with disabilities?

All court personnel help and should work with the Court Disability Coordinator to ensure people with disabilities receive equal access to court activities.

What do Court Disability Coordinators (CDCs) do?

A CDC is the primary point person who processes **reasonable* accommodation requests**, receives annual training from the Attorney General and the Administrative Office of Illinois Courts, and investigates reports of noncompliance with the ADA, the IHRA, and Policy.

What is communication access?

Courts must ensure effective communication with people covered by the Policy, including providing American Sign Language or Certified Deaf Interpreters, assistive listening devices, captions, written notes or materials, videophones, Braille materials, screen readers, etc.

What is physical access?

For unaltered buildings built before 1/26/1992, the court may choose to make the court activity accessible in another manner without making the court facility physically accessible. Newer buildings have more obligations to ensure physical accessibility.

Who pays for the cost, if any?

The court.
See 28 C.F.R. 35.130(f), 735 ILCS 5/8-1402, 725 ILCS 140/3.

*As defined under the ADA, not a reasonable person standard (see **What to consider before denying a RA request?**).

What is a *reasonable* accommodation (RA)*?

A modification in policies, practices, or procedures that is necessary to enable a person with disabilities to participate in, observe, or interact with court activities.

A RA can be made in **any form**, does not have to use the words “reasonable accommodation,” and may even be implied if the need for an accommodation is obvious.

For convenience, a **written form** is available at: ilcourts.info/RArequest

Frequently granted RAs:

- Extended breaks or briefing schedules
- Changing court dates
- Changing location of a court hearing
- Providing written transcripts

What to consider before denying a RA request?

Consult with the CDC and Chief Judge, and if necessary, deny the request in writing with the reason(s) for the denial and the right to request a grievance.

A RA request should only be denied if it (a) fundamentally alters the nature of the court activity, (b) presents an undue financial or administrative burden (in light of the court’s overall budget), or (c) poses a direct threat to the health and safety of others that cannot be mitigated.

What other avenues are available to the person with the disability?

Internal avenues: Grievance and grievance appeal (see Policy)

External avenues: IL Dept. of Human Rights charge or suit in federal or state court

*As defined under the ADA, not a reasonable person standard (see **What to consider before denying a RA request**).

How to analyze a RA request:

When reviewing a request, consider:

1. Is it reasonable*?
2. Is it necessary?
3. Can the court deny the request (see **What to consider before denying a RA request?**)?
4. If the requested accommodation cannot be granted, engage in an interactive process to find an equally effective alternative.

Do’s and Do Not’s of RA requests:

- ✓ **Do** consider the context and the individualized needs of the person with the disability.
- ✓ **Do** give “primary consideration” to the preferences of the person with the disability and grant the RA that was requested when possible.
- ✓ **Do** continue to assess and confirm that the RA is continuing to allow equal participation.
- ✗ **Do not** ask for information about the nature or extent of a disability or request a doctor’s note or medical records. If the need for the RA is unclear, you may request information about the functional limitations of a person’s disability.
- ✗ **Do not** share information related to a RA or a person’s disability in open court or with any unnecessary individuals, and do not put this information into publicly available court orders or documents.
- ✗ **Do not** require the requestor to file a motion unless the RA request may be prejudicial or impact the merits of the case. If necessary, the motion should not be publicly available.