	CLERK OF THE COURT INTERNAL POLICY	
	Area: PUBLIC AFFAIRS AND EDUCATION Document Number: POL-PAE-1004 Subject: Notice of Access Information For Persons With Disabilities Policy	Effective Date: 12/13/2016
	Page: 1 of 4	Revision Level: Last Revised Date:

PURPOSE:

It is the purpose of this policy to define the requirements of Title II of the Americans with Disabilities Act (“ADA”) as it relates to the Maricopa County Clerk of the Superior Court (“Clerk”).

POLICY:

Under Title II of the Americans with Disabilities Act (“ADA”) and other applicable laws, it is the Maricopa County Clerk of the Superior Court’s (“Clerk”) policy that qualified individuals with disabilities have full and equal access to the Clerk’s services, programs and activities.

Any user of the Clerk’s programs, services, or activities, including parties, attorneys, jurors, witnesses, or members of the public, who believes he or she has been discriminated against by the Clerk based on a disability, can file a complaint through the Clerk’s grievance procedures. The Clerk’s grievance procedures apply to qualified individuals with a disability who, with or without reasonable modifications to rules, policies or practices, the removal of barriers, or the provision of auxiliary aids or services, meet the essential eligibility requirements for services, programs, or activities.


Note: ADA requests for Superior Court services, including courtroom proceedings, should go to the Maricopa County Superior Court. See <http://www.superiorcourt.maricopa.gov/SuperiorCourt/AmericansWithDisabilitiesAct/Index.asp>.

Nothing in this Notice limits or negates the remedies, rights, and procedures given to qualified individuals with disabilities under state or federal law.

DETAILS:

I. Effective Communication in Services, Programs, and Activities:

1. The Clerk takes appropriate steps to ensure that communications with parties, jurors, attorneys, witnesses, and members of the public who are qualified individuals with disabilities are effective. The Clerk provides appropriate auxiliary aids and services when necessary to give qualified individuals with a disability an equal opportunity to participate in or benefit from the Clerk’s services, programs, and activities.
2. When a qualified individual with a disability requires an auxiliary aid or service to ensure effective communication, he or she may request the auxiliary aid or service of his or her choice. The Clerk first considers the individual’s choice. The Clerk will honor that choice unless it can show another equally effective means of communication is available, or that use of the individual’s choice would result in either:
 - A. A fundamental alteration in the nature of its service, program, or activity, or
 - B. An undue financial or administrative burden.

	CLERK OF THE COURT INTERNAL POLICY	
	Area: PUBLIC AFFAIRS AND EDUCATION Document Number: POL-PAE-1004 Subject: Notice of Access Information For Persons With Disabilities Policy Page: 2 of 4	Effective Date: 12/13/2016 Revision Level: Last Revised Date:

3. When the individual's choice of auxiliary aid or service is not available or will not be provided, the ADA Coordinator will work with the requesting individual on whether an alternative means of communication will ensure effective communication. The ADA Coordinator may ask the requesting individual for additional relevant information where additional relevant information would be helpful in responding to the request for accommodations.
4. The Clerk strongly encourages advance notice of requests for auxiliary aids or services. For emergencies or urgent requests, the ADA Coordinator should be contacted immediately.
5. The ADA Coordinator will, as soon as reasonably possible, notify the requesting individual whether the requested auxiliary aid or service will be provided. This will be done in writing if the time between the request and the need allows.
6. If the requesting individual disagrees with the proposed auxiliary aid or service or otherwise disagrees with the response, the individual may file a complaint using the grievance procedures in the COC Operating Procedure PRO-PAE-1004: *Accommodation Requests for Clerk Services, Programs and Activities*.

II. Retaliation Prohibited:

1. The Clerk will not discriminate against any individual because that individual has complained about any act or practice made unlawful by Title II of the ADA, or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under Title II of the ADA.
2. The Clerk will not coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by Title II of the ADA.

III. Federal and State Human Rights Agencies:


1. An individual may file a claim of discriminatory treatment based on disability in the services, programs, or activities of the Clerk with an outside agency, even while a grievance is pending using the Clerk's grievance procedures.
2. Time limits for filing disability discrimination claims with outside agencies may be different than the time limits for filing a complaint with the Clerk. Check with the outside agency for its filing deadlines.

IV. Alternative Formats:

On request, this Notice will be made available in alternative formats, such as large print, audiotope or Braille.

APPLICABILITY:

This policy applies to all employees deputized by the Clerk of the Court. Failure to adhere to the provisions of this policy may result in disciplinary action including dismissal.

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	Page: 3 of 4	Revision Level: Last Revised Date:

POLICIES / RELATED DOCUMENTS:

- [PRO-PAE-1004](#): *Accommodation Requests for Clerk Services, Programs and Activities* procedure

OTHER PARTIES INVOLVED:

- The Public

DEFINITIONS: The following definitions apply to this Notice and to all matters pertaining to the Clerk’s compliance with Title II of the ADA:

- **Accommodations** - May include making reasonable modifications in policies, practices, and procedures; furnishing, at no charge to qualified individuals with disabilities, auxiliary aids and services, which are not limited to equipment, devices, materials in alternative formats, and qualified interpreters or readers; and making each service, program, or activity, when viewed in its entirety, readily accessible to and usable by qualified individuals with disabilities requesting accommodations. The Clerk is not required to take any action that would fundamentally alter the service, program, or activity or cause undue financial or administrative burdens.
- **ADA Coordinator** - The person or people the Clerk of the Superior Court designates to carry out the ADA Coordinator’s duties under this policy and its associated procedure.
- **Auxiliary aids and services** – Includes the following:
 - A. Qualified interpreters, note-takers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
 - B. Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;
 - C. Acquisition or modification of equipment or devices; and
 - D. Other similar services and actions.
- **Disability** - Means an individual’s physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or regarded as having such impairment.
- **Qualified individual with a disability** - Means an individual who, 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, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.



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Page: 4 of 4

Effective Date: 12/13/2016

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REVISION HISTORY:

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-	Aaron Nash	Document Origination	12/13/2016
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AUTHORIZED SIGNATURES:

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Special Counsel/PIO

Issuing Authority:

/s/ Christine Kelly
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Chief Deputy

Approving Authority:

/s/ Michael K. Jeanes
Michael K. Jeanes
Clerk of the Superior Court

Date Signed: 12/15/16