ADA Courtroom Policy

Harris County Texas

COURTROOM POLICY:

- **Prohibition Against Discrimination Toward Disabled**
- **Persons in Harris County Courtroom Facilities**
- **Court Certified Sign Language Interpreters**
- **Assistive Listening Devices in Courts**
- **Foreign Language Interpreters**
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PROHIBITION AGAINST DISCRIMLNATION TOWARD DISABLED PERSONS IN HARRIS COUNTY COURTROOM FACILITIES

All county and state district courts housed in courtrooms provided by Harris County shall be accessible to persons with disabilities as required under the Americans with Disabilities Act and abide by the anti-discrimination courtroom policy as outlined below.

THE AMERICANS WITH DISABILITIES ACT

APPLICABILITY. The Americans ·with Disabilities Act applies to Harris County and all county and state district courts within the County. See 42 U.S.C. §12131(1). The Act mandates that "no qualified individual with a disability shall, by reason of such disability, be excluded from **participation** in or **be denied the benefits of the services: programs: or activities** of a **public entity:** or be subjected to discrimination by any such entity" 42 U.S.C. § 12132.

DEFINITIONS:

- Qualified individual with a disability means:

an individual with a disability 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.* 42 U.S.C. § 12131(2) (emphasis added). (" Disabled person" or "disabled individual")

- Disability (with respect to an individual) means:
  - physical or mental impairment that substantially limits one or more of the major life activities of such individual;
  - a record of such an impairment; or
  - being regarded as having such impairment. 42 U.S.C. §12102(2)

An individual with an ADA defined disability who meets the essential eligibility requirements for participation, service, or activity provided by a court cannot be excluded on the basis of that disability.

COURTROOM POLICY

All judges, courtroom staff, personnel, including interns and independent contractors shall not discriminate against qualified individuals with disabilities.

No barriers shall prevent access to the services and programs offered by a court to the public.

The courts shall make reasonable accommodations to allow disabled persons to participate in, benefit from, or receive any service, program or activity offered in a courtroom. In choosing among available methods of reasonable accommodation, priority should be given to methods that offer the court's services, programs or activities in the most integrated setting appropriate. Generally, the best way to provide an accommodation is to ask the disabled person for suggestions; usually, the individual will know the most efficient and effective accommodation that will allow them to participate in the activity.

If a reasonable accommodation cannot be achieved to allow accessibility to a particular courtroom service, program or activity, the court shall contact the ADA Court coordinator responsible for the court. The ADA Coordinator will help relocate the particular services, program, or activity to a more accessible location, or take whatever steps necessary to achieve accessibility.

The ADA Court Coordinator for the State District Courts is the Court Administrator. The ADA Court Coordinator for all County Courts, including Justice of the Peace Courts, is the Court Manager of those courts. ("ADA Coordinator")

ACCOMMODATIONS

Equipment. To assist disabled individuals in court, *all courtroom staff and personnel* shall become familiar with Harris County's telephone and communications services, including the operation of TDDs and other communications devices. Contact the Harris County Data Services and Communications Department for information regarding available resources and services.

Visual Impairments and Accessibility to Written Materials. Written materials may be made accessible to visually impaired individuals by a variety of methods. Courtroom staff may record the contents of written material for audio play back, or they may read the contents of the written materials to the disabled individual.

Hearing Impairments and Accessibility to Audiovisual Presentations. To ensure individuals with hearing impairments may benefit from audiovisual presentations, courtroom staff may provide sign language interpreters, TTYs, closed caption text, or other reasonable accommodation.

1. JURORS

No qualified individual with a disability shall be precluded from serving on or fully participating as a juror solely because of the disability.

Impaired Mobility. In a courtroom where physical barriers prevent a juror who uses a wheelchair from sitting in the jury box, the court shall, if space permits, allow the juror to sit in an accessible area beside the jury box. If there is insufficient space to access an area beside the jury box, the court shall advise the ADA Coordinator. The ADA Coordinator shall make arrangements to move courtroom proceedings to a more accessible location, or provide other reasonable accommodations.

If a jury room does not have an accessible bathroom, sufficient time for breaks will be allowed to permit jurors who use wheelchairs to go to the accessible bathroom in the building. Courtroom staff and personnel should become aware of the location of accessible bathrooms in the building to inform such jurors of their location.

Visual Impairment. A person who is legally blind shall not be disqualified to serve as a juror solely because of blindness; unless, in the court's opinion, the blindness renders the person unfit to serve as a juror in that particular case. In determining whether a blind individual is fit to serve as a juror in a particular case, the court shall apply the ADA's definition for *qualified individuals* described on page one of this policy document.

A court may find that a visually impaired individual does not meet the essential eligibility requirements for participation in a case only in specific, limited circumstances. Before the court can excuse that venire person as ineligible, it must be apparent to the court that: 1) visual perception of certain evidence is essential to the juror's participation in resolving the fact issues of the case before the court, and 2) even with reasonable modifications, the blind juror would be unable to visualize the pertinent evidence necessary to resolve the fact issues in the case.

If the venire person's visual impairments do not impinge on the individual's ability to meet the essential eligibility requirements to participate in the case, the court shall make the appropriate arrangements to ensure that all visual information is appropriately communicated to the juror. The court will give primary consideration to appropriate and reasonable accommodations requested by the juror.

Hearing Impairment. If an individual is deaf or hearing impaired, such person shall not be disqualified to serve as a juror solely because of deafness unless, in the court's opinion, the

deafness renders the person unfit to serve as a juror in that particular case. In determining whether a deaf individual is fit to serve as a juror in a particular case, the court shall apply the definition for *qualified individuals* provided on page one of this policy document.

A court may find that a hearing impaired individual does not meet the essential eligibility requirements for participation in a case only in specific, limited circumstances. Before the court can excuse that venire person as ineligible, it must be apparent to the court that: 1) sound perception of certain evidence is essential to the juror's participation in resolving the fact issues in the case before the court, and 2) even with reasonable modifications, the deaf juror would be unable to perceive the pertinent evidence necessary to resolve the fact issues in the case.

If the venire person's hearing impairments do not impinge on the individual's ability to meet the essential eligibility requirements to participate in the case, the court shall make the appropriate arrangements to ensure that all aural information is appropriately and effectively communication to the hearing impaired juror. The court will give primary consideration to appropriate and reasonable accommodations requested by the juror. Appropriate auxiliary aide and services, where necessary, shall be provided to afford the hearing impaired juror an equal opportunity to participate in, and enjoy the benefits of his or her service as a juror.

2. Attorneys

An attorney with a disability who is qualified to participate in or benefit from a particular service, program, or activity of a court shall not be precluded from participating or benefiting because of the attorney's disability. Giving primary consideration to the disabled attorney's requests, the court will make appropriate and reasonable accommodations to allow the attorney accessibility.

Impaired Mobility. In a courtroom where physical barriers prevent an attorney of record from comfortably placing his / her wheelchair under counsel table, the court shall make arrangements to accommodate the attorney. If necessary, the court may make suitable arrangements by contacting Harris County Facilities and Property Management. If a wheelchair-bound attorney is unable to maneuver into the bench area of the courtroom, the court will contact the ADA Coordinator. The ADA Coordinator shall make arrangements to move court proceedings to a more accessible location, or make other reasonable accommodations.

Visual Impairment. If an attorney has a visual impairment, the court shall ensure that the attorney is not at any time precluded from representing his or her client or participating in any other interest in connection with a courtroom activity, service, or program on the basis of such visual impairment. Courtroom staff shall make sure that written materials provided by the court for the benefit or use of attorneys can be communicated to the attorney in an accessible format. Courtroom staff may read the courtroom materials, documents, or other materials to the attorney, provide them on audiocassettes or other reasonable accommodation. The court will give primary consideration to providing the information in the format the visually impaired person requests.

Hearing Impairment. If an attorney has a hearing impairment, the court shall ensure that communication to the hearing impaired attorney is as effective as the communication to other attorneys in the courtroom without hearing impairments. Appropriate auxiliary aide and services, where necessary, shall be provided to afford the hearing impaired attorney an equal opportunity to participate in the courtroom. The court will give primary consideration to the accommodation requested by the disabled attorney when determining what type of auxiliary aid and service is necessary.

3. Parties

A qualified individual with a disability who is a party or party representative ("party") to civil or criminal litigation shall not be precluded from participating in any interest in connection with a courtroom activity, service or program in connection with such litigation, because of the person's disability. Appropriate and reasonable accommodations shall be made to allow accessibility, giving primary consideration to the accommodations requested by the disabled party.

Impaired Mobility. In a courtroom where physical barriers prevent a qualified person with a disability who is a party or party representative from comfortably placing his / her wheelchair under counsel table, the court shall make arrangements to accommodate the party. If necessary, the court may make suitable arrangements by contacting Harris County Facilities and Property Management. If a wheelchair-bound party is unable to maneuver into the bench area of the courtroom, the court will contact the ADA Coordinator. The ADA Coordinator shall make arrangements to move court proceedings to a more accessible location, or make other reasonable accommodations.

Visual Impairment. If a party has a visual impairment, the court shall ensure that the party is not, at any time, precluded from participating in any courtroom activity on the basis of such visual impairment. Courtroom staff shall make sure that written materials provided by the court for the benefit or use of the parties can be communicated to parties with visual impairments in an accessible format. Courtroom staff may read the courtroom materials, documents, or other materials to the party, provide the materials on audiocassettes or other reasonable accommodation. The court will give primary consideration to providing the information in the format the visually impair person requests.

Hearing Impairment. If a party has a hearing impairment, the court shall ensure that communication to the hearing impaired person is as effective as the communication to other attorneys in the courtroom without hearing impairments. Appropriate auxiliary aide and services, where necessary, shall be provided to afford the hearing impaired party an equal opportunity to participate in the courtroom. The court will give primary consideration to the accommodation requested by the disabled party when determining what type of auxiliary aid and service is necessary.

4. Judges

The ADA Coordinator will make reasonable accommodations to ensure a disabled judge has access to the bench area, work areas, conference areas, and other areas the judge must use in performance of his or her tasks.

The judge of each courtroom shall take necessary steps to ensure that attorneys in the courtroom do not discriminate against disabled persons in the courtroom.

When necessary, judges shall instruct attorneys to provide adequate accommodations to disabled individuals observing and / or participating in the proceedings. (e.g., if an attorney presents an audiovisual presentation, the court may instruct the attorney to provide a transcript for persons with hearing impairments, or make other reasonable accommodations.)

5. The Public

No disabled person in the public seating area shall be precluded from participation in or the benefit of services, activities, or programs offered by the court to the public at large. In courtrooms where the aisle areas are wide enough to accommodate a wheelchair, certain areas shall be designated as wheelchair spaces. In other courtrooms, the judge will instruct the courtroom bailiff or clerk as to the location where the wheelchair is to be placed.

Upon reasonable notification prior to the scheduled hearing, the court shall provide auxiliary aids and services, including interpreters for the deaf, to the public to ensure effective participation. A public notice shall be posted at the entrance of each courtroom building to inform the public of the availability of auxiliary aids and services. The public notice will inform the public that reasonable notice as far in advance as possible of the hearing or other activity will ensure auxiliary aid or service can be made available. The public notice will direct the public to make the request for auxiliary aids and services to the ADA Court Coordinator or to the judge of the court where the disabled person wishes to attend.

6. Employees

No employee shall be discriminated against on the basis of a disability. Reasonable accommodations shall be made in each courtroom to ensure employee accessibility to work space areas and full performance of designated tasks. All modifications and accommodations required under Title I of the Americans with Disabilities Act shall be made.

7. Grievance Procedures

ADA violation complaints regarding a court or any areas associated with the court, including pathways, hallways, bathroom facilities, water fountains or elevators, shall be immediately directed to the ADA Coordinator responsible for the court. The ADA Coordinator shall acknowledge and take whatever steps necessary to address the complaint. If the complainant is dissatisfied with the response provided by the ADA Coordinator, the complainant shall be directed to contact the ADA Coordinator for Harris County, at the Office of Human Resources & Risk Management (OHR & RM). (Revised 04/19/2010).

Approved:

Dated: 10/27/10

Joseph J. "Tad" Halbach
Administrative Judge, District Courts

Jean Spradling Hughes
Presiding Judge, County Criminal Courts at Law

Judge Russ Ridgway
Presiding Judge, Justices of the Peace

Jacqueline Lucci Smith
Administrative Judge, County Civil Courts at Law

Court Certified Sign Language Interpreters

The law requires that all sign language interpreters who interpret in court/legal proceedings, MUST BE COURT CERTIFIED under the authority of the Texas Commission for the Deaf and Hard of Hearing. A non-court certified sign language interpreter may not be used to interpret a legal proceeding.

Texas Administrative Code

TITLE 40	SOCIAL SERVICES AND ASSISTANCE
PART 2	DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES
CHAPTER 109	OFFICE FOR DEAF AND HARD OF HEARING SERVICES
SUBCHAPTER C	CERTIFIED COURT INTERPRETERS GENERAL RULES
RULE §109.303	**Requirements for Interpreting Court Proceedings in Courts of the State of Texas**

(a) The provisions of this subchapter apply to all proceedings of Texas courts, including county, municipal, and justice courts. They do not apply to federal court proceedings.

(b) A person interpreting court proceedings in Texas courts must hold a current court interpreter certificate issued by the BEI or a current legal certificate issued by the RID.

(c) Source: Civil Practice and Remedies Code, §21.003; Code of Criminal Procedure, Art. 38.31(g).

(d) Authority: Texas Government Code, §57.026 and §57.027.

Source Note: The provisions of this §109.303 adopted to be effective September 1, 2007, 32 Tex Reg 4780; amended to be effective August 31, 2008, 33 Tex Reg 6998

INSTRUCTIONS ON THE USE OF ASSISTIVE LISTENING DEVICES IN SPECIALLY EQUIPPED COURTS

Each court that has been equipped for use of infrared ALDs will be provided with:

1. Two assistive listening receivers (cost: $150 each)
2. Two headsets (cost: $ 22 each)
3. Ten replaceable ear pads (cost: $ 5 per ten pack)

A **transmitter** is located above and behind the Judges bench and is tied into the existing PA system. The assistive listening system uses an infrared signal instead of radio waves. The infrared waves will not cause interference with the existing PA system or with transmitters in other courts. It only works on line of sight. If a person using a receiver can see the transmitter, even through the courts glass door, then they can pick up its signal. The system is active when *any* of the courts microphones is on.

The **receiver** uses two AA batteries and has a cord that can be hung around the neck for portability. On the top of each receiver are:

1. An On/Off - volume control knob, that allows the user to turn the unit on and off and set the volume at a comfortable level.
2. A pushbutton channel switch. Keep in the up position.
3. A three level tone switch, that can be set by the user to amplify the High, Mid, or Low range of frequencies, that provides the greatest benefits.
4. A red LED indicator which lights up when the receiver is turned on.
5. A headphone jack to plug in a set of removable stereo headphones.

On the front of the receiver, is a small glass dome, which houses the antenna for the infrared signal. This signal can reflect off of the hard smooth surfaces in the court, and can be picked up even when the receiver is not pointed directly at the transmitter. The best reception however, will be when the front is facing the transmitter. A person wearing the receiver must have the front facing away from their body

On the back of the receiver is a battery compartment. The battery compartment is hinged on the back, and is opened by pulling up the bottom edge. Inside the battery compartment is a pictogram identifying the proper positioning of the two AA batteries. Batteries should not be stored in the receiver for extended periods.

Recommended Use:

1. To assure return of the receiver, request driver's license or Texas ID AND PHONE NUMBER from a person requesting use of a court provided receiver.
2. Check that court microphones are on.
3. Install batteries - change ear pads when issuing a headset - plug headset into receiver - turn volume on and check that LED lights up - check that channel switch is in the up position.
4. Provide receiver and headset and assure that glass dome on front is facing away from the person's body.
5. Collect receiver prior to recess and/or adjournment.

Repairs & Replacement:

Additional parts can be obtained by contacting:
County ADA Coordinator: 713-274-5421, 713-274-5419, or 713-274-5427,
or email: **HRRMHCADACoordinator@bmd.hctx.net**

- FPM ADA Coordinator: 713-755-8185 (Luis Chavarria)
- FPM for repair at: Facilities & Property Management
- 1310 Prairie, Suite 140, Houston, Texas 77002
- Office: (713) 755-2255, fax: (713) 755-4705, email: custsvc@fpm.hctx.net
- Assistive Listening Devices: 713-755-5000 (County Operator)