

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB
IN THE PROBATE COURT FOR THE COUNTY OF MACOMB

In re: Requests for Accommodations
by Persons with Disabilities

Joint Local Administrative Order #2012-03J

IT IS ORDERED:

This Administrative Order is issued in accordance with the Americans with Disabilities Act of 1990 (ADA) and the ADA Amendments Act of 2008. The purpose of this Order is to assure that qualified individuals with disabilities have equal and full access to the judicial system. Nothing in this Order shall be construed to impose limitations or to invalidate the remedies, rights, and procedures accorded to any qualified individuals with disabilities under state or federal law.

1. Definitions:

The following definitions shall apply under this Order:

- a. "An individual with a disability" means a person covered by the Americans with Disabilities Act of 1990 (42 USC 12101 et seq.) and the ADA Amendments Act of 2008, and includes individuals who have a physical or mental impairment that substantially limits one or more major life activities, have a record of such an impairment or are regarded as having such an impairment.
- b. "Qualified Individual with a Disability" means a person who meets the essential eligibility requirements for participation in any program, service, or proceeding in a court in Michigan. This not only includes persons involved in a case, such as lawyers, parties, witnesses, or jurors, but also includes spectators or anyone else who is eligible to participate in a program, service, or proceeding in a court in Michigan.
- c. "Accommodation(s)" may include, but are not limited to, making reasonable modifications in policies, practices, and procedures; furnishing at no charge to the qualified individuals with disabilities, auxiliary aids and services, which may include equipment, devices, materials in alternative formats, and qualified interpreters or readers; making each service, program, or activity, when viewed in its entirety, readily accessible to and usable by qualified individuals with disabilities requesting accommodations. In order to ensure that court services are accessible, access may be provided by various methods including alteration of existing facilities, acquisition, or construction of additional facilities, relocation of a service or program to an accessible facility, or provision of services at alternate sites. This Court will consider the preferences of the individual requesting the

accommodation when responding to the request. This Court will not place a surcharge on a particular individual or group of individuals to cover the cost of accommodation.

- d. "Confidentiality" applies to the identity of the applicant in all oral or written communications, including all files and documents submitted by an applicant as part of the application process.

2. Application Procedure:

The following procedure for requesting accommodations is established:

- a. Applications requesting accommodations pursuant to this policy may be presented in writing, on a form approved by the State Court Administrative Office and provided by the Court, or orally as the Court may allow. Applications should be made to the ADA Coordinator in the Judicial Aide Office, 40 North Main, 5th Floor, Mount Clemens, MI 48043.
- b. All applications for accommodations shall include a description of the accommodation sought along with a statement of the functional impairment that necessitates the accommodation. The Court, in its discretion, may require the applicant to provide additional information about the qualifying impairment so we may consult with the appropriate professional to provide you the accommodation that may be necessary for you.
- c. Applications should be made as far in advance of the requested accommodation implementation date as possible.
- d. Upon request, the Court shall maintain the application form in a separate, confidential file so as not to reveal the applicant's identity or other information contained in the application for accommodation.
- e. If the applicant is a party in a pending case, the communications with the Court shall deal only with the accommodation(s) necessary to provide access and shall not deal in any manner with the subject matter or merits of the proceedings before the Court.
- f. The 16th Judicial Circuit Court and Macomb County Probate Courts shall grant an accommodation as follows:
 - i. In determining whether to grant an accommodation and what accommodation to grant, this Court shall consider, but is not limited by, the applicable provisions of the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, Section 504 of the Rehabilitation Act of 1973, the state Deaf Persons Interpreters Act, 1982 PA 204, Persons

16th Judicial Circuit Court and Macomb County Probate Courts
Americans with Disabilities Act
Grievance Form

Please provide the following information:

1. Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Home Phone: _____ Cell Phone: _____
E-mail address: _____

2. Date the aggrieved action occurred or was observed: _____

3. Name and location of the court program or service involved that is the subject of the complaint.

Name of program or service: _____

Address: _____

City: _____ State _____ Zip code: _____

4. Name(s) of the Court employee representative with whom you made contact regarding the subject of this grievance:

5. Describe why you believe you are the victim of discrimination on the basis of disability in the delivery of 16th Judicial Circuit Court and/or Macomb County Probate Courts programs and services:

Signature of Grievant

Date

16th Judicial Circuit Court and Macomb County Probate Courts
Grievance Procedure under
The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the 16th Judicial Circuit Court and Macomb County Probate Courts. The 16th Judicial Circuit Court and Macomb County Probate Courts' Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination, such as the name, address, and phone number of the complainant and the location, date, and description of the problem. Alternative means of filing complaints such as personal interviews or a taped recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible, but no later than 60 calendar days after the alleged violation, to:

Judicial Aide Office
Attn: ADA Coordinator
40 North Main, 5th Floor
Mount Clemens, MI 48043

Within 15 calendar days after receipt of the complaint, ADA Coordinator or their designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or their designee will respond in writing, and when appropriate, in a format accessible to the complainant. The response will explain the position of the 16th Judicial Circuit Court and Macomb County Probate Courts and offer options for substantive resolution of the complaint.

If the response by ADA Coordinator or their designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Chief Judge or their designee.

Within 15 calendar days after receipt of the appeal, the Chief Judge or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Chief Judge or their designee will respond in writing, and, when appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape, with a final resolution of the complaint.

All written complaints received by ADA Coordinator or their designee, appeals to the Chief Judge or their designee, and responses from these two offices will be retained by the 16th Judicial Circuit Court and Macomb County Probate Courts for at least three years.

with Disabilities Civil Rights Act, 220 PA 1976, and the Elliott-Larsen Civil Rights Act, 1976 PA 453.

ii. The Court shall inform the applicant in writing, or other accessible format the applicant needs, of the reasons and basis upon which a request for accommodation is either granted or denied.

g. An application may be denied only if the Court finds that:

i. The applicant has failed to satisfy the requirements of this Order; or

ii. The requested accommodation(s) would result in a fundamental alteration in the nature of the program, service, or activity, or create an undue financial or administrative burden on the Court.

3. Review Procedure:

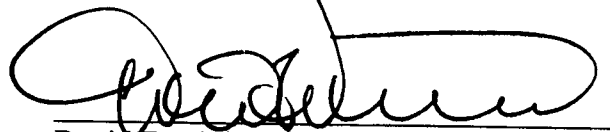
a. An applicant whose request for accommodation has been denied or granted may seek review of a determination made by nonjudicial court personnel within five days of the date of the notice of decision by submitting a request for review to the chief judge.

4. Duration of Accommodation:

a. The accommodations by the Court shall commence on the date indicated in the notice of accommodation and shall remain in effect for the period specified in the notice of accommodation. The Court may grant accommodations for indefinite periods of time or for a particular matter or appearance.

This Order shall take effect upon approval by the State Court Administrative Office.

Dated: 6/5/2012



David F. Viviano, Chief Judge
16th Judicial Circuit Court and
Macomb County Probate Courts