

# FORTY-NINTH JUDICIAL CIRCUIT OF MICHIGAN

COUNTIES OF MECOSTA AND OSCEOLA



Honorable Scott Hill-Kennedy  
Chief Circuit Judge

Honorable Ronald C. Nichols  
Chief Circuit Judge Pro tem

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Administrative Order 2011 – 03

Mecosta County and Osceola County

## **REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES**

### **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 activity, has 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,

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 shall be presented in writing on a form approved by the State Court Administrative Office. Accommodation forms are available at your request from the ADA Coordinator identified below. This does not prevent (nor does it require) the Court from initiating the "request" for the provision of a reasonable accommodation where the Court and/or staff observe that an accommodation may be needed in a given situation. Applications for the Osceola County portion for the 49<sup>th</sup> Circuit Court should be made to the Osceola County Clerk's Office, Karen Bluhm (or current Osceola County Clerk) - ADA Coordinator for the 49<sup>th</sup> Circuit Court-Osceola County, at 310 Upton, Reed City MI 49677, telephone number (231) 832-6102; or Application for the Mecosta County Portion of the 49<sup>th</sup> Circuit Court should be made to the 49<sup>th</sup> Circuit Court Mecosta County, Brenda Stoll (or current 49<sup>th</sup> Circuit Court Administrative Assistant) - ADA Coordinator for the 49<sup>th</sup> Circuit Court-Mecosta County, 400 Elm Street, Big Rapids MI 49307, telephone number (231) 592-0189.
- 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.
- 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 49<sup>th</sup> Circuit Court 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 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.

Effective Date: 5/31/11

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Date of Signature:

*Sweet Hazel-Herndy*  
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Chief Judge Signature: