

# Superior Court of California County of Santa Clara

191 North First Street  
San Jose, California 95113  
(408) 882-2700



## ***EFFECTIVE COMMUNICATION WITH PERSONS WITH DISABILITIES POLICY AND PROCEDURE***

**POLICY:** In accordance with [California Rule of Court 1.100](#), it is the policy of Superior Court of California, County of Santa Clara to assure that qualified individuals with disabilities have equal and full access to the judicial system.

To ensure effective communication, applicants, participants and members of the public with disabilities may make requests to the Court as outlined in this policy. Court Administration and designated staff will furnish appropriate auxiliary aids and/or services including documents in alternate format when necessary.

The Court, however, is not required to make any modifications nor take any action that would fundamentally alter the service, activity or program, or result in undue financial and administrative burdens.

**AUXILIARY AIDS AND/OR SERVICES:** Auxiliary aids and/or services may include, but are not limited to: 1) qualified sign or oral interpreters, assistive listening devices or systems, TTYs, real time transcription, Communication Access Real-time Translation (“CART”), telephone handset amplifiers, written materials, note pads and other effective methods of making aurally delivered materials available to individuals with hearing impairments; 2) audio recordings or other effective methods of making visually delivered materials available to individuals with visual impairments.

**NOTIFICATION:** Requests for auxiliary aids and/or services should be made as far in advance of the requested accommodations implementation date as possible. Try to do this at least 5 days before your court date but the Court will make reasonable efforts to accommodate disability accommodation requests submitted less than five days before a hearing or other court appearance. The Court cannot make accommodations that would change the nature of our services, activities or programs, or that would cause undue financial or administrative burdens. The law does not require the Court to make these kinds of changes.

**QUALIFIED INDIVIDUALS WITH DISABILITIES:** Are persons covered by the Americans with Disabilities Act of 1990 and includes individuals who have a physical or mental impairment that substantially limits one or more of the major life activities; have a record of such impairment; or are regarded as having such impairment.

**PROCESS FOR REQUESTING ACCOMMODATIONS:** Request for accommodations can be made by filling out a [MC410](#) form in writing, by telephone or in person at the clerk’s office of any of our courthouses or contact:

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## Court's ADA Coordinator

Brian Faraone at

T (408) 792-4203

or

e-mail to [adacoordinator@scscourt.org](mailto:adacoordinator@scscourt.org).

Requests for accommodation should include a description of the accommodation sought, along with a statement of the impairment that necessitates such accommodation. The Court, in its discretion, may require the applicant to provide additional information about the qualifying impairment.

An individual with a disability will have the opportunity to request the auxiliary aid and/or service of his/her choice and primary consideration will be given to that choice unless it can be shown that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alternation in the nature of a service, program or activity or an undue financial and/or administrative burden.

The individual with the disability will be consulted with when the preferred type of auxiliary aid and/or service is not available or not required to determine whether an alternative means of communication will ensure effective communication.

The applicant shall be informed that a request for accommodations is granted or denied, in whole or in part, and the nature of the accommodation(s) to be provided, if any.

**REVIEW PROCESS:** Under [California Rule of Court 1.100](#), accommodations may be denied only when the Court determines an applicant or participant failed to satisfy the requirements, the request would create an undue financial or administrative burden on the Court, and when the request would fundamentally alter the nature of a service, program or activity.

Once an accommodation has been denied, an applicant or any participant in the proceeding may seek review of a determination made by non-judicial court personnel within 10 days of the date of the notice of denial or grant by submitting a request for review to the judicial officer who will preside over the proceeding or to the presiding judge if the matter has not been assigned. An appeal to the Presiding Judge can be sent to: **191 North First Street, San Jose, CA 95113**

If an accommodation request has been denied by the presiding judge or another judicial officer, an applicant or participant may seek review within 10 days of the date of the notice of determination by filing a petition for extraordinary relief in the Sixth District Appellate Division.

Updated 3/23