

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT

IN AND FOR HARDEE, HIGHLANDS

AND POLK COUNTIES, FLORIDA

ADMINISTRATIVE ORDER NO. 1-26.1

**RE: EFFECTIVE COMMUNICATION WITH INDIVIDUALS
WITH DISABILITIES IN COURT PROGRAMS AND SERVICES**

WHEREAS, this circuit has adopted Administrative Order 1-18.0 regarding its anti-discriminatory policy and civil rights complaint procedures, and;

WHEREAS, it is appropriate for this circuit to adopt a policy statement for effective communication with individuals with disabilities so that such persons can communicate effectively with the court and its personnel, participate in court programs and services, and are provided equal employment opportunities with the court system;

Effective immediately, the following policy will be in effect for all personnel employed by the Tenth Judicial Circuit:

1. **Policy** - It is the policy of the Tenth Judicial Circuit to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. The court will furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a program, service, or activity conducted by the Court. In determining what type of auxiliary aid or service is necessary, the Court will give primary consideration to the requests of the individual with disabilities.

2. **Auxiliary Aids and Services** - "Auxiliary aids and services" includes 1) qualified interpreters, notetakers, 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 (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments; and 2) 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.

3. **Notification** - The name of the ADA contact office for the Tenth Circuit will be included in all notices of hearings. Requests for auxiliary aids or services should be made to the Court in advance of the meeting, hearing or other program, service, or activity provided by the Court. For public meetings and hearings, the ADA contact person should be notified at least **one week** in advance. For on-going hearings, services and programs, the ADA contact person should be notified at least **48 hours** in advance. For emergencies or urgent requests, the responsible ADA contact person or the Court-wide ADA Coordinator should be notified immediately. The best effort to fulfill the request will be made.

4. **Court Response** - When an auxiliary aid or service is required to ensure effective communication, the Court will provide an opportunity for an individual with disabilities to request the auxiliary aid or service of their choice and will give primary consideration to the choice expressed by the individual. "Primary consideration" means that the Court will honor the choice, unless it can show that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the service, program, or activity or in an undue financial and administrative burden".

When the preferred type of auxiliary aid or service is not available or when the responsible ADA contact person is deciding whether an alternative means of communication will ensure effective communication, the ADA contact person will consult with the individual with a disability to identify the nature of the requirement for an auxiliary aid or service, that is, in what ways effective communication can be achieved with the individual with a disability in the context of the Court program, service, or activity. The ADA contact person may ask the individual with a disability for technical assistance and information on how to obtain a particular auxiliary aid or service.

Within 48 hours after the request, the ADA contact person will notify the requesting individual with a disability of the proposed auxiliary aid or service to be provided. A copy of the proposal will be sent to the Court-wide ADA Coordinator.

Grievance Procedures - If the requesting individual with a disability is dissatisfied with the ADA contact person's proposed auxiliary aid or service, the individual may file a grievance with the Court-wide ADA Coordinator, Nick Sudzina (863) 534-4690 or (863) 534-7777 (TDD). He will promptly contact the individual in person, by telephone or by TDD device and attempt to resolve the grievance within one week.

Administrative Order No. 1-26.0 is hereby VACATED.

DONE AND ORDERED in Chambers, at Bartow, Polk County, Florida, this _____ day of May, 2001.

Charles B. Curry, Chief Judge