

Courthouse Accommodations

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What Does Federal Law Say?

Under Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504), public entities must ensure no qualified individual with a disability be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities, solely on the basis of the individual's disability.

County and state court systems are public entities. This means the county or state court system and its facilities, programs, services, or activities cannot discriminate based on a person's disability and must ensure that communications with individuals with disabilities are as effective as communication with others.

What Must Public Entities Provide?

Public entities must provide auxiliary aids and services for people with disabilities. Some examples of auxiliary aids or services include: qualified interpreters, note takers, computer-aided transcription services (CART), assistive listening systems, written materials, audio recordings, computer disks, large print, and Brailled materials.

Public entities must give primary consideration to the type of auxiliary aid or service that an individual with a disability requests, but they are not required to take any action that would result in a fundamental alteration or an undue financial or administrative burden. For more information about fundamental alterations or undue financial/administrative burdens, please see the [U.S. Department of Justice guidelines](#).

Public entities must also make reasonable accommodations/modifications to their policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being

provided. Some example reasonable accommodations for court proceedings may include: adjusting the lighting or seating of a juror to create an optimal listening experience and to facilitate lip-reading; educating the attorneys, witnesses, and other court staff on communication etiquette such as having only one person at a time speak and the speaker not covering their mouth; and use of a qualified interpreter.

How Do I Request Accommodations?

You can request the court system reasonably modify its policies, practices, or procedures to ensure that you are not excluded from participating in, denied the benefits of, or are subject to discrimination based on your disability.

The Idaho state court system adopted Idaho Court Administrative Rule 50, titled "Services Provided to People with Disabilities," which outlines the process for requesting a reasonable accommodation from the court, including requests for auxiliary aids and services. You can find more on the rule [here](#).

Requests for a reasonable accommodation in a state court proceeding should be submitted to the Trial Court Administrator for the particular state court, or, for appellate cases, to the Clerk of the Supreme Court and Court of Appeals. You can find the contact information for the Trial Court Administrator or Clerk of the Supreme Court and Court of Appeals [here](#). The request should identify the particular court program or service for which an accommodation is sought along with the date, time, and location where the accommodation is needed as well as the type of accommodation being requested.

Reasonable notice must be provided to the court so that the court can consider your request without causing undue disruption to court proceedings. So, if the request concerns a particular court proceeding, the request should be made a minimum of two (2) business days, in advance of the proceeding, if practicable, to allow the court to consider your request and arrange to provide the accommodation.

What Happens if the Court Denies My Accommodation Request?

If the court denies your request, a grievance may be filed with the ADA Coordinator for the Court within thirty (30) days after the alleged violation. The grievance process is outlined in Idaho Court Administrative Rule 50(g). The contact information for the Statewide ADA Coordinator is as follows:

Andrea Patterson, Director of Human Resources
Address: 451 W. State St., Boise, ID 83702
Telephone: (208) 334-2246
Email: hr@idcourts.net

If you believe the state or county court system violated your rights under the ADA or Section 504, you can file a complaint with the Department of Justice [here](#). Complaints must be filed within 180 days of the date the discrimination occurred. You can also enforce your rights under the ADA or Section 504 by filing a lawsuit. Please note that the statute of limitations to file a lawsuit alleging violations of the ADA or Section 504 is two (2) years from the date the discrimination occurred.

Best Practice Tips

It is best practice to communicate with the Trial Court Administrator in the court your case is in as soon as you know when you will need the requested accommodations. The best practice is to put your request in writing. Most courts have a reasonable accommodation request form you need to submit. It is also best practice to educate any attorney, judge, or law enforcement officer about your disability and how best to accommodate you.

Legal and Confidentiality Notice: Communication of information by, in, to, or through this website or use of it (1) is not provided in the course of and does not create or constitute an attorney-client relationship, and (2) is not intended to convey or constitute legal advice from a qualified attorney.

To Apply for Services at Disability Rights Idaho, fill out [an online intake here](#), or call us at: 866-262-3462.