

## **Youth Courthouse Accommodations**

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### **Introduction**

If a youth with a disability becomes involved in the state and county court system, whether they are a victim, witness, or offender, they may receive accommodations through the legal process.

### **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 communication with individuals with disabilities are as effective as communication with others.

### **What Does This Mean For Youth With Disabilities?**

Public entities must provide auxiliary aids and services for people with disabilities. Public entities must also make reasonable accommodations/modifications to their policies, practices, and procedures. Public entities do not have to provide such services or accommodations if they find doing so would fundamentally alter the nature of the program or it would create an undue financial burden. For more information about

fundamental alterations or undue financial/administrative burdens, please see the [U.S. Department of Justice guidelines](#).

### **What Are Some Example Modification/Accommodations or Auxiliary Aids?**

An example of an auxiliary aid is having a sign language interpreter accompanying the youth through a trial or when speaking with law enforcement. An example of an accommodation/modification would be requesting a forensic interview be conducted. A youth forensic interview is an investigative interview conducted by a specially trained objective professional, for the purpose of gathering reliable information from the youth. The American Professional Society on the Abuse of Children published guidelines on forensic interviewing for children which you can find [here](#).

Another example of an accommodation would be to allow the youth to have a comfort item with them during interviews or during trial, such as drawing items or fidget toys. It may be necessary for the attorneys or law enforcement to ask the youth leading questions to get the most accurate answers, which is another accommodation that can be requested.

### **How Do I Request Accommodations?**

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 the 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 The Accommodation Request?**

If the court denies the 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](mailto: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 as soon as you know when you will need the requested accommodation. The best

practice is to put your request in writing. Most courts have a reasonable accommodation request form 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.