

Frequently Asked Questions about the ADA and Courts Wisconsin Court System

The Wisconsin Court System is committed to providing equal access to court programs consistent with the Americans with Disabilities Act (ADA), the ADA Amendments Act of 2008 (ADAAA), and other state and federal laws. If you have a disability that restricts your ability to meaningfully participate in court proceedings, you may ask the court to provide you with reasonable and appropriate accommodations.

What is the Americans with Disabilities Act?

The ADA and ADAAA are federal civil rights statutes that require state and local governments, including the court system, to accommodate the needs of qualified individuals with disabilities. The ADA benefits people who have an interest in court activities, programs, and services.

Who qualifies for accommodations?

A person with a disability may receive an accommodation if the person has a physical or mental impairment that substantially limits one or more major bodily functions or major life activities, has a record of such impairment, or is regarded as having such an impairment. Major life activities include caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Examples of disabilities include mobility and motor impairments, psychological and mental illness, vision impairments, deafness and hearing loss, and environmental sensitivities. Temporary disabilities may also qualify.

What kinds of accommodations are available?

Accommodations may include:

- making reasonable modifications to policies, practices, and procedures (such as alternative time schedules, telephone conferences)
- alteration of existing facilities or constructing new facilities (wheelchair accessibility)
- relocation of a service or program to an accessible site
- providing auxiliary aids and services (assistive listening devices, real-time captioning, qualified interpreters, readers, large print and Braille)
- accepting Wisconsin relay calls.

Required accommodations do not include:

- attorney services or legal research and advice
- personal equipment or services such as hearing aids and attendant care
- transportation or lodging

How do I get an accommodation?

You must notify the court or program that you need a disability accommodation and suggest the accommodation that best suits your situation. If you do not request an accommodation, the court is not required to provide one. A request for an accommodation may be made at any time, but you should try to notify the court well in advance so arrangements may be made.

Requests for accommodations may be oral or in writing. You may be asked to complete a **Request for Accommodation Form** ([form CS-247 for the Supreme Court/Court of Appeals](#) or [form GF-153 for the Circuit Courts](#)) so the court can have a full understanding of your request. If you are unable to fill out the form, you may request a clerk or other court personnel to assist you in writing down the information. In most circumstances you will not need to provide additional medical information, but the court may request supporting documents (such as a note from your physician) in order to make a decision.

Sometimes the clerk of court does not have the authority to grant or deny the request for accommodation. For example, a request to continue a hearing or appear by telephone should be directed to the judge who is in charge of the case. The clerk may request that you file a motion to the court rather than fill out the request for accommodation form.

Who do I contact?

- For circuit court, you begin by contacting the [Clerk of Circuit Court](#) for the county where the case has been filed. The clerk may refer some requests to the judge or other official.
- For proceedings in front of the Supreme Court, contact the Marshal of the Supreme Court at 608-266-0231.
- For proceedings in front of the Court of Appeals, contact the office of the [Presiding Judge](#).
- For accommodations to help you conduct business with court administrative departments, contact the [head of the department](#).
- For state court employment issues, contact the court system Human Resources Office at 608-267-1940.
- For county employment issues, contact the appropriate county office.

Do I need to provide verification of my disability?

A government agency may not make unnecessary inquiries into the existence of a disability. However, the court may ask for information if necessary to help determine what accommodations are appropriate. The court may also inquire further if there is conflicting information about the existence or extent of the disability. The ADA Amendments Act of 2008 was intended to reach more kinds and levels of disabilities, and to shift the focus from whether the person has a disability to avoiding discrimination on the basis of disability.

May the court deny my request for an accommodation?

The court may deny your request if the request is for personal services or devices (such as hearing aids), if the modification will fundamentally alter the nature of the service, program, or activity (such as providing an attorney for a disabled party when one would not be provided for another party), or if it would pose an undue administrative or financial burden to provide the accommodation (if the proposed accommodation so expensive or time-consuming as to be unreasonable). The court may also deny your request if it would be inappropriate in the course of the litigation.

If the court suggests a different accommodation, do I have to accept an alternative accommodation?

The court is required to provide an accommodation that will effectively allow full participation in the court proceedings. Determining an appropriate accommodation requires an interactive process between you and the court. Your input and suggestions are welcome and important during the process of finding an effective accommodation, but the accommodation selected may not be your first choice. For example, if a juror is blind and requests written material introduced at trial to be transcribed in Braille, the court may consider alternatives such as providing a reader or a tape-recorded transcript of the written material.

What if I have a disability that isn't apparent, like a psychological, emotional, or learning disability?

Some individuals have disabilities that substantially interfere with their ability to learn, think, communicate, or sleep, among other things. This type of disability is covered by the ADA if it substantially limits a major life activity, even if it can be improved or controlled with medication or learned behaviors. The judge may consider accommodations such as rest breaks, telephone appearances, elimination of distractions, scheduling proceedings in coordination with medication, or presentation of information in an alternative format. The judge cannot permit accommodations that impair the neutrality or functioning of the court, such as continuing matters indefinitely, appointment of an attorney, or appointment of someone to explain legal matters or do legal research.

May I bring a service animal?

A person with a disability may be accompanied by a service dog in all areas of a building where court users are normally allowed to go. Service dogs are sometimes used to guide a blind person, alert a deaf person to sounds, assist a person during a seizure, or pick up things for a person with mobility limitations. Under the ADA, a dog must be individually trained to perform tasks that relate directly to the disability in order to qualify as a service dog. The provision of emotional support or comfort is not covered by this definition. With very limited exceptions, only dogs qualify as service animals.

Who do I contact if I am not satisfied with the accommodation?

For the Supreme Court, Court of Appeals, and state court administrative offices, the complaint procedure is described [here](#).

For the Circuit Courts, if you have a complaint about denial of your request, the accessibility of the courthouse, or other matters, please direct your complaint to the District Court Administrator for that county. The District Court Administrator may help pursue the matter with the proper officials, who may include the judge, the county ADA coordinator, or the Chief Judge of the Judicial District. Each county also has its own ADA policies and grievance procedures which are applicable to county facilities, staff and services. The Deputy Director of State Courts for Court Operations provides technical assistance and information about accessibility of court services.

Disclaimer

This information is not intended to be a full statement of the state and federal laws governing persons with disabilities and is not intended as legal advice.