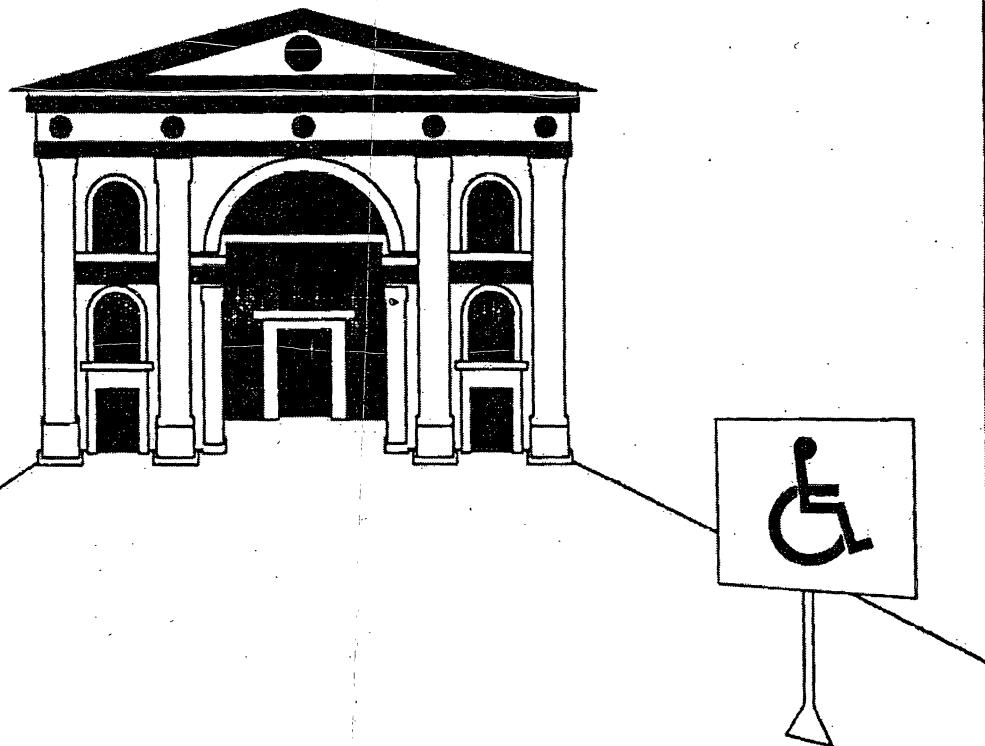


Survey of
Access to New York State Courts
for
Individuals with Disabilities



By
THE NEW YORK STATE COMMISSION ON QUALITY OF CARE
FOR THE MENTALLY DISABLED
and
THE NEW YORK STATE BAR ASSOCIATION
COMMITTEE ON MENTAL AND PHYSICAL DISABILITY
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Executive Summary

On January 26, 1990, the Americans with Disabilities Act (ADA) took effect regarding access to public accommodations for persons with disabilities. The passage of the ADA was a milestone for individuals with disabilities who must contend daily with barriers which prevent their full participation in society. The ADA provides comprehensive civil rights protection in the area of employment and in the use of public facilities and services.

Title II of the ADA prohibits discrimination on the basis of disability in all services, programs and activities provided or made available by state and local governments. One of the most important activities conducted by governments is the operation of a judicial system to provide for a peaceful means of resolution of disputes between citizens and a recourse against those who infringe upon individual rights under the law. Under Title II, courts must be readily accessible to and usable by individuals with disabilities. Courts may not deny the benefits of their programs, activities, and services to citizens with disabilities simply because court facilities are inaccessible.

The NYS Commission on Quality of Care for the Mentally Disabled, in conjunction with the NYS Bar Association Committee on Mental and Physical Disability, recently conducted a comprehensive review of all types of courts in 40 counties (see Appendix A) to determine the level of accessibility available to the citizens of New York with disabilities and to learn how courts are meeting the program accessibility standard of the ADA.

The Commission on Quality of Care for the Mentally Disabled has an interest in this issue because it administers three federally-funded statewide advocacy programs for persons with disabilities.* These programs provide attorneys and advocates for persons with disabilities in a wide range of administrative and legal proceedings. In 1993, these three programs served nearly 29,000 persons. Having courts that are accessible to persons with disabilities is obviously very important to those programs which rely upon the courts to protect the legal rights of their clients who are disabled.

* The three statewide advocacy programs are:

- 1) Protection and Advocacy Program for Persons with Developmental Disabilities, pursuant to the Developmental Disabilities Assistance and Bill of Rights Act, which provides legal and non-legal advocacy services to persons with developmental disabilities of all ages without regard to income;
- 2) Protection and Advocacy for Individuals with Mental Illness, pursuant to the Protection and Advocacy for Mentally Ill Individuals Act, which provides assistance to individuals diagnosed mentally ill who are residents of or were recently discharged from any facility and whose rights are being threatened;
- 3) The Client Assistance Program, pursuant to the Rehabilitation Act, which assists individuals with disabilities who are receiving or requesting vocational rehabilitation or related services.

Similarly, the Committee on Mental and Physical Disability of the New York State Bar Association has recognized that the legal needs of the 2.5 million people with disabilities in New York State are often unmet. Among its many activities, the Committee assists and encourages attorneys and advocates to work in the field of disabilities law. Members of the Committee routinely volunteer their services and contribute their expertise to attorneys and advocates throughout the State to benefit people with disabilities.

Although the findings of this review are in many ways heartening because many courts around the state are reasonably accessible to people with disabilities, it is clear that we have a very long way to go before the courts fully meet the promise of the ADA. Some areas of particular concern highlighted in the study are:

- many courts lack signs indicating accessible facilities, even where facilities are accessible;
- a majority of courts lack specific accommodations for persons who are visually- or hearing-impaired; and
- a majority of courts lack plans to accommodate (or knowledge about how to accommodate) persons who have a mental disability.

Despite the shortcomings found in some of the courts that were reviewed, what was clear, and probably the most positive finding of all, is that court personnel across New York, from village courts to the state's highest courts, are honestly interested in working toward the goal of achieving total access to the court system for all the citizens of our New York State.

Please note the response from the Office of Court Administration to our draft report which indicates changes that were made subsequent to our survey (see Appendix D).

Acknowledgments

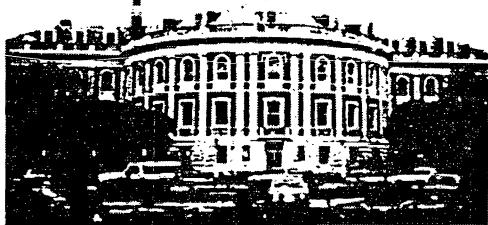
The Commission on Quality of Care for the Mentally Disabled and the NYS Bar Association Committee on Mental and Physical Disability gratefully acknowledge the assistance of the following groups which provided technical assistance and/or conducted on-site reviews of courts in their areas:

American Bar Association Commission on Mental and Physical Disability Law
ARISE
Assistance & Information for the Disabled
Batavia Center for Independent Living
Bronx Independent Living Services
Brooklyn Center for Independence of the Disabled
Capital District Center for Independence
Catskill Center for Independence
Directions in Independent Living
Eastern Paralyzed Veterans Association
Finger Lakes Independent Living Center
Glens Falls Independent Living Center
Harlem Independent Living Center
Independent Living Center of Amsterdam
Long Island Center for Independent Living
Massena Independent Living Center
Neighborhood Legal Services
Niagara Frontier Center for Independent Living
NYS Office of Court Administration
Options for Independence
Plattsburgh Independent Living Center
Resource Center for Accessible Living
Resource Center for Independent Living
Rochester Center for Independent Living
Self-Initiated Living Options
Southern Tier Independence Center
Southwestern Independent Living Center
Watertown Independent Living Center
Westchester Independent Living Center
Westchester Disabled on the Move
Western New York Independent Living Project
Western Orange County Center for Independent Living

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Introduction: Overview of Title II of the Americans with Disabilities Act



City Court, Schenectady

Title II of the Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability in all services, programs and activities provided or made available by state and local governments. This includes the court systems. Courts must provide what is termed "program accessibility" to people with disabilities and must also provide services or appropriate aids whenever necessary to ensure effective communication in all cases, as long as this does not result in an undue burden or in a fundamental alteration of the judicial service or activity.

The courts of state or local governments may not deny the benefits of their programs, activities and services to individuals with disabilities because their facilities are inaccessible. The

services, programs, and activities when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as "program accessibility," applies to all existing facilities of a public entity, such as the courts. These public entities are not necessarily required, however, to make each of their existing facilities accessible. Sometimes all that may be necessary is the relocation of a court session or a reprinting or copying of forms in larger and bolder type. However new construction and alterations to existing facilities made after January 26, 1992 must be accessible.

In general, each program, activity, or court, when viewed as a whole, must be readily accessible and usable by individuals with disabilities. Notably, courts are to give priority to methods which provide such access to the court setting in the most integrated setting appropriate. This means that a preference should be given to provide interactions among all users, by including individuals with disabilities with other members of the public (28 CFR §35.150; Department of Justice's Technical Assistance Manual at 20). Thus, for example, every attempt should be made to provide for accessible seating dispersed throughout the courtroom rather than just in the front or the back. Separate entrances should be avoided if possible. While this obligation to provide access in an integrated setting may be in conflict with the program accessibility requirement (which may not necessarily mandate physical access to all parts of



Family Court Richmond County

all facilities), it is a primary goal of the ADA to ensure equal participation of individuals with disabilities in all aspects of society. While the provision of services to people with disabilities in a different location may be one way of achieving program accessibility, courts should make every effort to ensure that alternative methods of providing program access do not result in unnecessary segregation.

In conjunction with physical accessibility for persons with disabilities, a public entity such as the court system must take appropriate steps to ensure that communications with people with disabilities are as effective as communications with the general public.

Courts are to furnish appropriate auxiliary aids and services where necessary to afford such individuals an equal opportunity to participate. For example, reading devices or readers should be provided when necessary for access to equal participation or opportunity to benefit from any governmental service, program, or activity, such as the review of public documents, filling out forms, etc. Sign language interpreters, forms with large type and plain language, portable ramps, or relocation of court sessions or meetings may be necessary.

Federal regulations require that courts give primary consideration to the individual's request in determining what type of auxiliary aid is necessary. Therefore, a range of options for assistance should be available and offered.

Courts are also required to provide information to individuals with disabilities concerning accessible services and activities. One example of such provision of information would be to provide signage at all inaccessible entrances which directs users to an accessible entrance or to a location with information regarding accessible facilities.

Study Method

This study sought to describe the accessibility of courts around New York for individuals with physical as well as other disabilities. It also sought to learn how court personnel provided for the special needs of individuals coming to their courts and to learn how courts were using the "program accessibility" guidelines in their day-to-day activities.

In order to accomplish this study, the 1663 courts in New York State were grouped according to type, and a random sample was drawn from each of these stratifications at the 90 percent level of confidence. The resulting stratified random sample of 275 courts in 40 counties included representative sites from the smallest village court to the NYS Court of Appeals, the State's highest court. Site visits were conducted by staff from the Commission on Quality of Care for the Mentally Disabled, staff from several independent living centers which are located in or near the communities in our sample, and volunteers from the NYS Bar Association. All of the visits included the completion of a survey form (See Appendix B). In many instances, reviewers also took photographs of examples of either particularly accessible or inaccessible aspects of courts. Coordination of these site visits was handled by the study coordinator at the Commission on Quality of Care for the Mentally Disabled.

The survey instrument was developed and reviewed by persons with disabilities, advocates, attorneys and architects. It focused on the level of accessibility available to individuals in a variety of roles within the courts (e.g. litigants, potential jurors, attorneys and judges) and attempted to address the needs of people with a variety of disabilities. The Americans with Disabilities Act Accessibility Guidelines (ADAAG) served as the foundation for our survey, but also considered were various federal, state and local accessibility requirements.

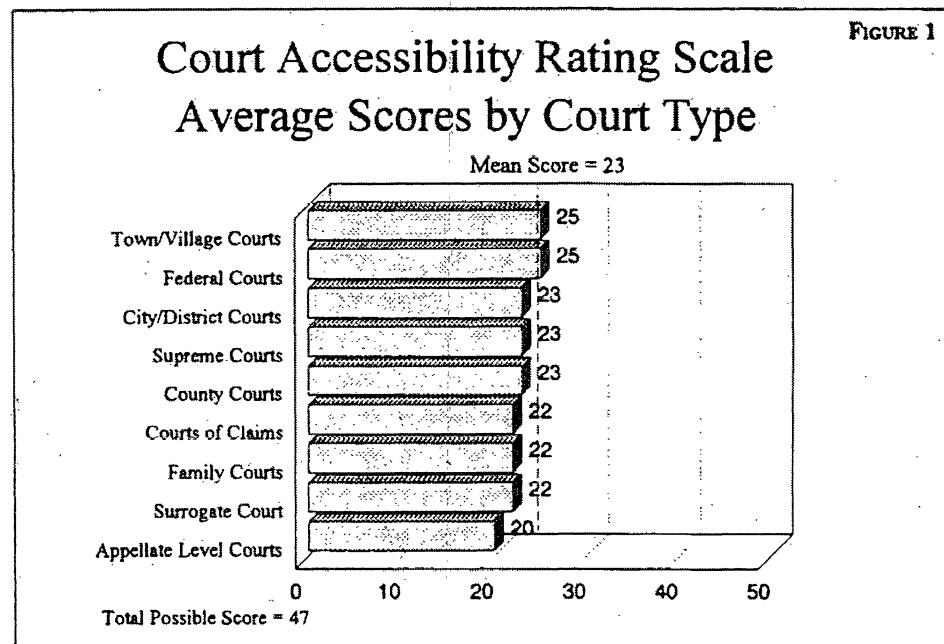
General Impressions

For purposes of analysis, a specialized rating methodology named Court Accessibility Rating Scale (CARS) was developed for this study (see Appendix C). CARS succinctly details the level of accessibility available in each courthouse surveyed. The rating scale is divided into the following components: Getting Into the Courthouse, Courtrooms, Elevators, Rest Rooms, Other Building Features, Signage, and Specific Accommodations.

Utilizing this rating scale, the highest rated court (the City Court of Auburn) scored 39 out of a possible 47 points, while the lowest rated court (the City Court of Rye) received a zero rating. The mean score for all courts was 23. As detailed in Figure 1, there was relatively little differences among types of courts, with town, village, and federal courts tending to score the highest, while the appellate courts scored the lowest.

Areas which were most often problematic for courts in general included lack of appropriate signage, often nonexisting or limited accommodations for persons with visual or hearing impairments, and very limited knowledge about reasonable accommodation for persons with mental disabilities.

The following sections of the report address in fuller detail the various accessibility aspects of the courts.



Highlighted below are some of the most deficient aspects of the courts surveyed:

- only 8% of all courtrooms were fully accessible;
- only 30% of the courts provided accessible rest rooms;
- 65% of the courts did not provide accessible parking spaces that included access aisles;
- over three-fourths of the courts failed to provide signage indicating the accessible route;
- of buildings with elevators, 52% of the elevators were rated as inaccessible because they lacked necessary features (i.e., braille buttons, auditory signals, etc.);
- no court furnished braille signs indicating rooms or directions and only 13% provided standard informational materials in braille;
- over 80% of the courts had no assistive listening systems or TDD's available; and
- personnel of 64% of the courts had no understanding of how to provide accommodations for persons with mental disabilities.

Getting into the Courthouse

Survey Items

Adequate Ratio of Disabled Parking Spaces

Disabled Spaces Have Access Aisle

Accessible Route from Parking Lot or from Public Transportation

Public Entrances Accessible and Unlocked

32" Wide Doors

Adequate Space (48") between Doors.

Court Entrances

Entrances to the courts were evaluated in a number of ways regarding their accessibility, but the basic question the study sought to answer was "Can the building be entered by an individual with a disability?"

In order to assure "equal access to justice," persons with disabilities need to be able to freely enter the court building to utilize the services provided within. Eighty-seven percent (87%) of the court entrances in our sample were accessible, but at 123 of the 275 courts in the study sample, the main entrance to the court building was NOT the accessible entrance. Only 32% of these buildings provided signs which clearly indicated the availability of an accessible entrance and instructions for its location. The international symbol of accessibility was noted on the accessible entrance only 30% of the time. This lack of signage led reviewers to circle buildings looking for an accessible entrance, and was a significant impediment in gaining entrance to buildings which, in reality, were accessible.

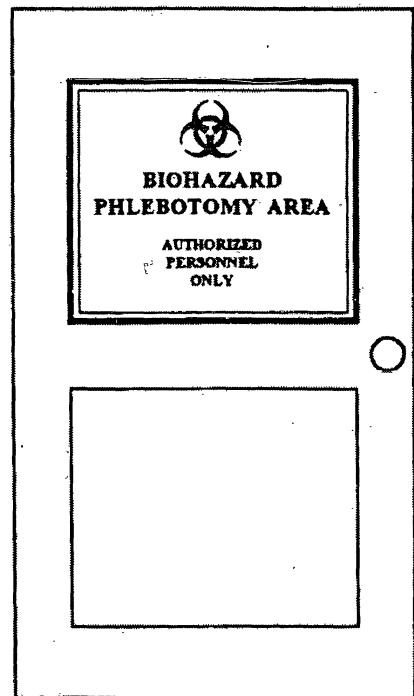
On a visit to the Rensselaer County Court complex, the reviewer was met in the parking lot by a court employee because the building was totally inaccessible. The court official stated it would likely require a lawsuit on the issue of the physical inaccessibility of the court to bring about the needed modifications.



In 13% of our sample the accessible entrance was kept locked during business hours. When this was the case, a doorbell or buzzer was usually available to notify employees that someone was waiting at the accessible entrance. Such a system relied on the ready availability of a staff person to open the door and could cause the person with a disability to wait outdoors for a prolonged period of time.

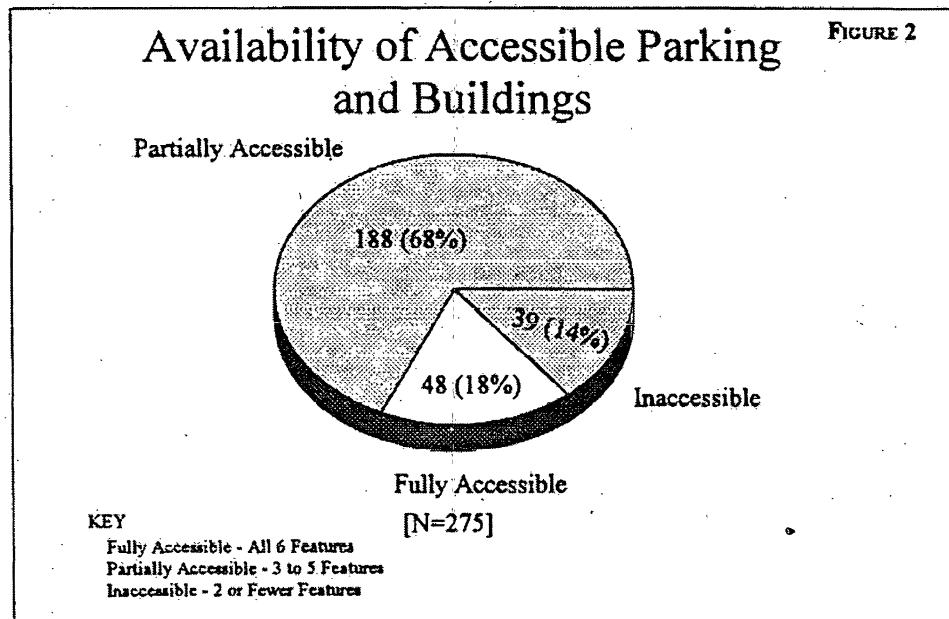


Family Court in Nassau County



An example of such an entrance was described by one reviewer thus:
As luck would have it, I noticed a woman in a wheelchair approaching the Family Court in Nassau County and asked if she could show the way to the accessible entrance. The process was that the woman's companion needed to notify security that she was there and then she waited at the accessible entrance to be let in. The woman went on to say that she once remained outside in the rain and cold for ten minutes waiting for the security staff to open the door. What was really amazing though was to follow her to the "accessible entrance." After descending a very long, steep, and sometimes slippery ramp, we arrived at an entrance door which had a sign attached stating it was a biohazardous area. Just inside the door is the area where blood is drawn for paternity suits. If the room is occupied, the accessible entrance becomes inaccessible and the person must wait outside until the room has been vacated.

FIGURE 2



Ramps leading into the courthouses had been installed at 73% of the court buildings surveyed, in keeping with the expectation that accessibility to buildings will be provided for individuals with disabilities. The variety of ramps, as well as



Albany County Court Complex

While surveying the Albany County Court building, the reviewer noted a ramp which had been installed at a side entrance. Among the problems with the ramp was that it was too short, too narrow, and did not have handrails on both sides [see left photo]. However, the main problem with this ramp was that in order to reach the ramp at all, one needs to travel up three steps from the outside of the building. A designated accessible entrance was available at a different entrance to this building, but over several visits an "out of order" sign was posted indicating that individuals should choose a different entrance [see right photo].

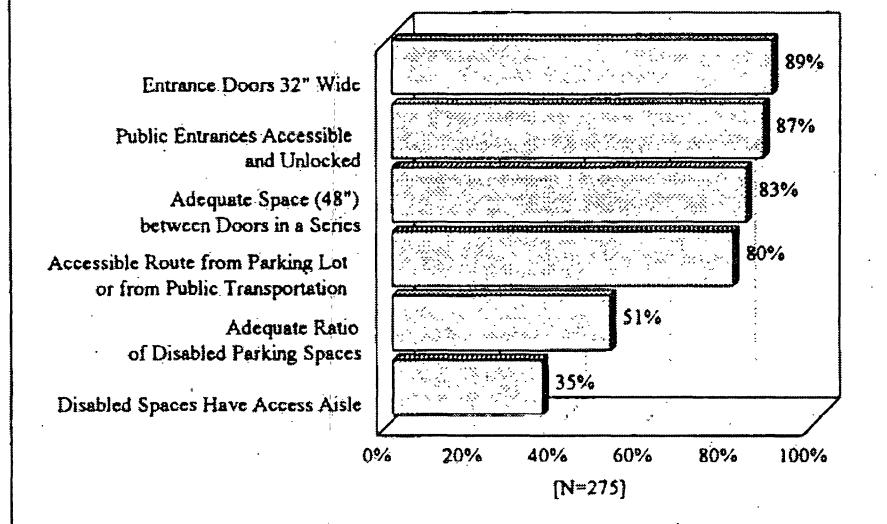
their quality and their compliance with the ADA Accessibility Guidelines in terms of width, slope, etc., was quite striking. Ramps varied from excellently planned and built entrances that blended into the architecture of the building to rickety pieces of board with no side rails simply placed on steps leading to buildings.

After gaining access to the court building, either through the main entrance or an identified accessible entrance, a person with a disability would find that in 90% of the buildings, all the remaining doors along the accessible entrance route had the required 32-inch width.

Accessible Parking/Public Transportation

Parking for both employees and visitors was available at 215 of the 275 (78%) courts surveyed. Of the courts which provided parking, 141 (66%) of the sites were in compliance with the accessible parking standard set forth by the ADAAG. Designated parking spaces for people with disabilities were identified by the international symbol displayed above grade, as required, at 78% of the courts surveyed. This finding represents a high level of commitment to accessible parking; however, signage which cannot be obscured by a vehicle parked in the space is required for ALL designated spaces. At many of the remaining sites, the international symbol was only painted on the surface of the accessible spaces, which often was obscured by leaves, snow or debris.

FIGURE 3
Accessible Parking and Building Features



As parking spaces were reviewed for accessibility and signage, the most disappointing finding was with regard to passenger loading zones, which are required for a proportion (1 in 8) of all designated parking. These access aisles assure that adequate space is available adjacent to a parking space for transfer to a wheelchair, or for use of a van lift. Passenger loading zones were not available at more than half of the courts surveyed.

Over three-fourths of the courts, 79%, had access to public transportation to the court buildings. The study found that 81% of these courts provided an accessible route to the court which did not include stairs, steps, curbs, or other barriers. Unfortunately, 77% of courts with accessible routes failed to identify the route with the international symbol of accessibility.



The Schenectady County Court Complex

The Schenectady County Court Complex exhibited a problem with accessible parking. The parking lot assigned to visitors, which did contain accessible spaces, was located at a distance from the building entrance and necessitated the use of steps to enter the building [see left photo]. However, another parking area which was assigned to visiting judges was extremely accessible to the building entrance and did not require the use of steps. A simple solution would have been to exchange the parking assignments and use the entrance-level parking area for the accessible parking spaces [see right photo].

Inside the Building

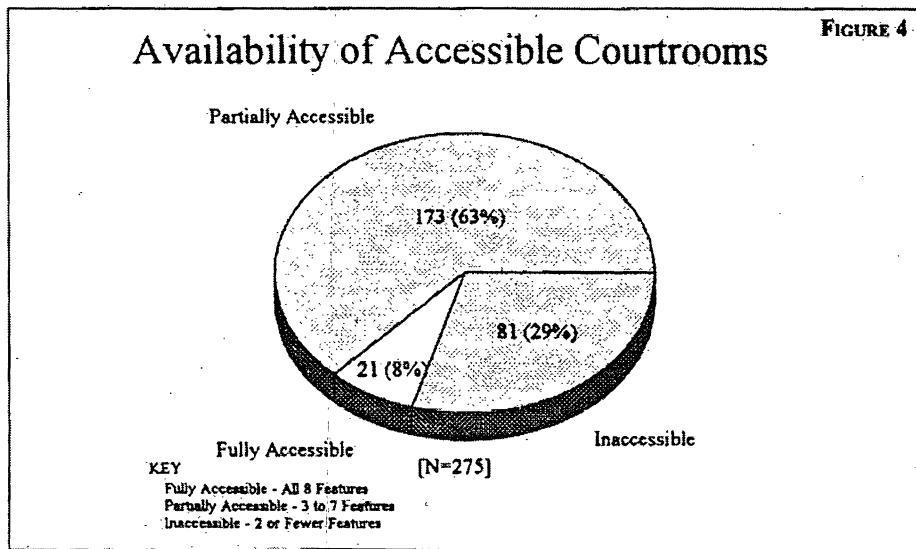
Courtrooms

Survey Items

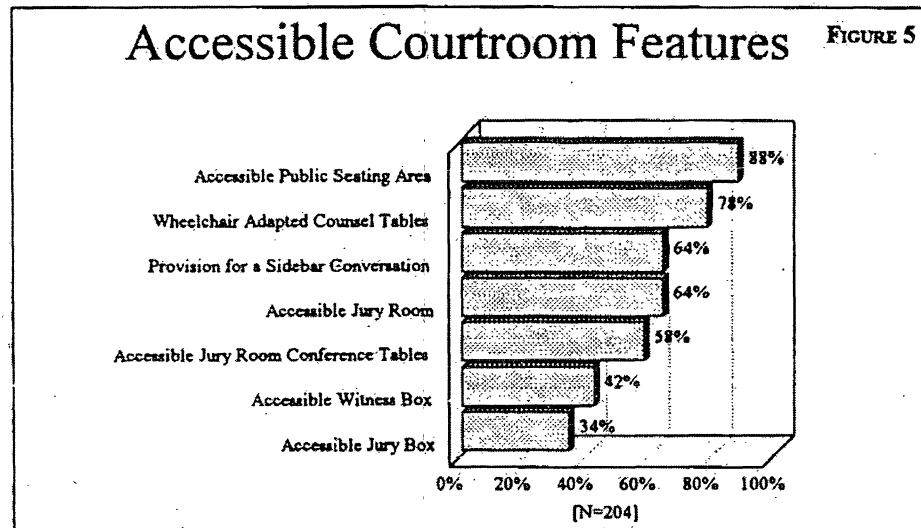
- Accessible Courtroom*
- Accessible Jury Box*
- Provision for Sidebar Conversation*
- Accessible Witness Box*
- Wheelchair Accessible Counsel Tables*
- Wheelchair Accessible Public Seating*
- Accessible Jury Room*
- Jury Room Conference Table 27" Clearance*

The design of courtrooms has historically involved hindrances to accessibility, such as placing the judge's bench on a higher level than the rest of the courtroom. Jury boxes and witness boxes are also traditionally placed on raised platforms. The courts surveyed which were the most accessible to individuals with disabilities were often those which had moveable features. Many courtrooms, especially in smaller or more rural areas, are used for a number of other purposes in addition to holding court. These spaces allowed for more flexibility in utilization of the areas by using moveable chairs and tables, etc. rather than permanent seating and attached fixtures. This, in turn, enabled the courts which used these spaces to be more accommodating to the needs of persons with disabilities who had business with the courts.

Although 204 (74%) of the 275 courts visited did have an identified courtroom which was accessible to some extent to individuals with disabilities, only 21 (8%) of these 204 courtrooms were considered to be fully accessible.

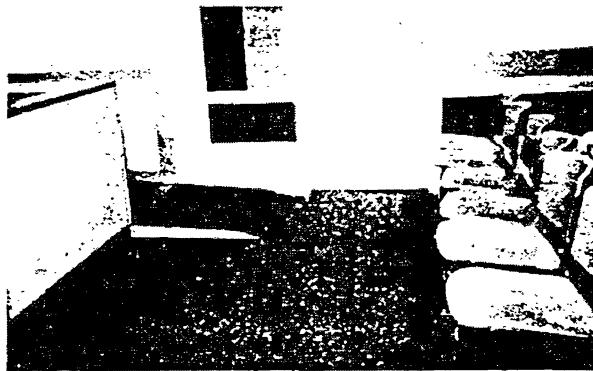


Of the 204 accessible courts in the sample, 88% had wheelchair-accessible public seating available. However, accessibility for individuals involved in court processes diminished as the level of involvement increased to actual participation in a court action, as displayed in Figure 5.



In court buildings which provided jury deliberation rooms, these facilities were accessible at only 64% of the sites visited. Therefore, potential jurors with disabilities could have difficulty fulfilling this civic duty and responsibility.

It was refreshing to visit the courtrooms around the state which had creatively thought of ways to accommodate individuals with disabilities. Other courtrooms were not so impressive.



Gloversville City Court

At the Gloversville City Court, a ramp around the periphery of the room [see left photo], which began at ground level and increased in height to reach the front of the room, accommodated not only the public's access to the courtroom but also allowed for anyone who used a wheelchair to get to the jury area, the witness area, and the judge's bench [see right photo].

In the Walden Village Court, which is located in an old fire house, the judge of the court escorted the reviewer up three flights of stairs to reach the designated courtroom, which was really a large, empty gymnasium with a desk at one end for the judge's "bench" and a few rickety chairs. The court official shared his frustration over the unwillingness of village administration to consider moving or renovating the court, both for financial reasons as well as to maintain the "charm" of the older building in the village square.



Walden Village Court

In many locales, a court complex housed several courts which encompassed a variety of activities (e.g. a county court might share a building with a family court and a surrogate's court). Often in such cases, one courtroom might be the designated accessible courtroom for use by all the courts, and the room's use would be coordinated by the clerks of the courts. One of the problems with this approach, which does accommodate the ADA requirement of program accessibility, is logistic in nature. A clerk of the court could provide the necessary accommodations for an individual with disabilities only if the clerk had prior knowledge of the individual's condition and needs. Without this advance information, such sharing of space becomes much more complicated and court dates often need to be postponed for this reason.

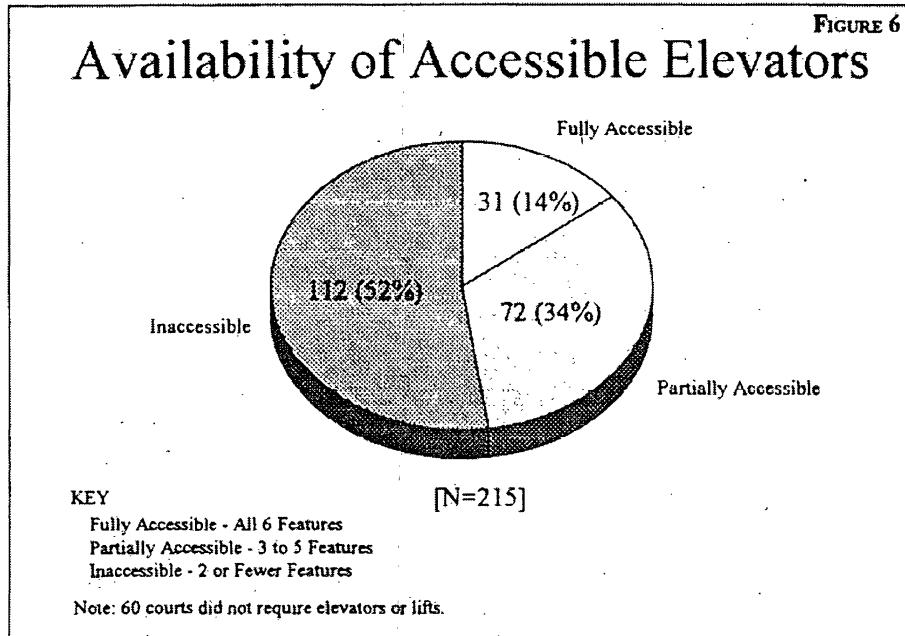
Elevators

Survey Items

- Appropriately Sized Elevator or Wheelchair Lift*
- Raised Character Buttons*
- Braille Buttons*
- Visual Signal for Elevator*
- Auditory Signal for Elevator*
- Auditory Signal for Floor*

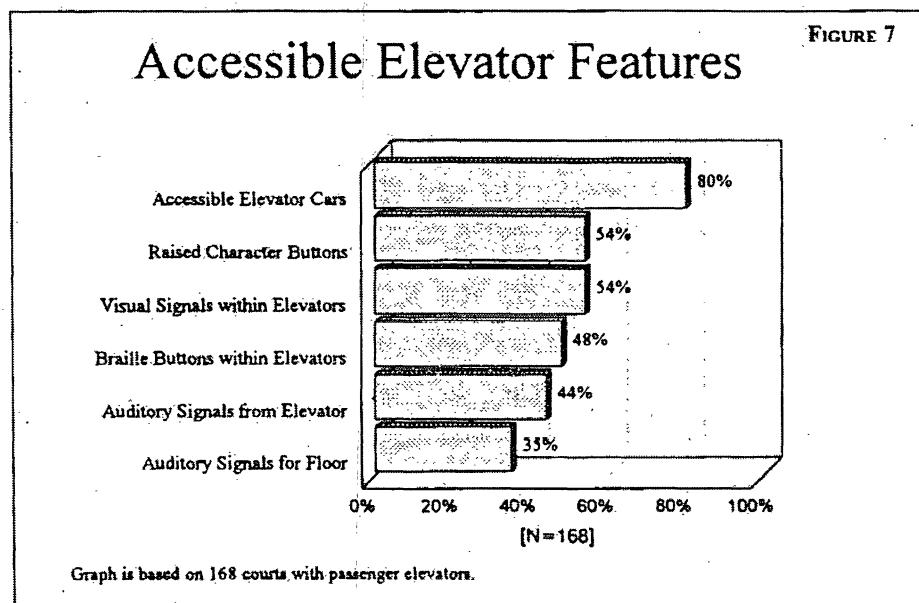
Passenger elevators are essential in accessing courtrooms which are not located on the first floor of the court building. In the sample of 275 courts, 60 (22%) of the courts surveyed did not require an elevator or lift to access programs or services. However, 47 (17%) sites were inaccessible because courtrooms were on higher floors and no passenger elevators or lifts were available; in the remaining 168 (61%) sites, courtrooms or services were located on higher floors and elevators were available.

Figure 6 shows the evaluation of accessibility for the 168 buildings which provided passenger elevators. Of the total buildings which provided elevators, only 31 (14%) of these buildings provided fully accessible elevator services. In determining an elevator system fully accessible, all six features reviewed needed to be available. A partial accessibility rating was given if an elevator system had



elevator system had three to five features. Elevators were determined to be inaccessible if they had two or fewer features on our survey.

Figure 7 indicates the availability of specific features within each of the 168 elevator systems.



Note that people who are visually-impaired would have the most serious accessibility problems in using the elevators.

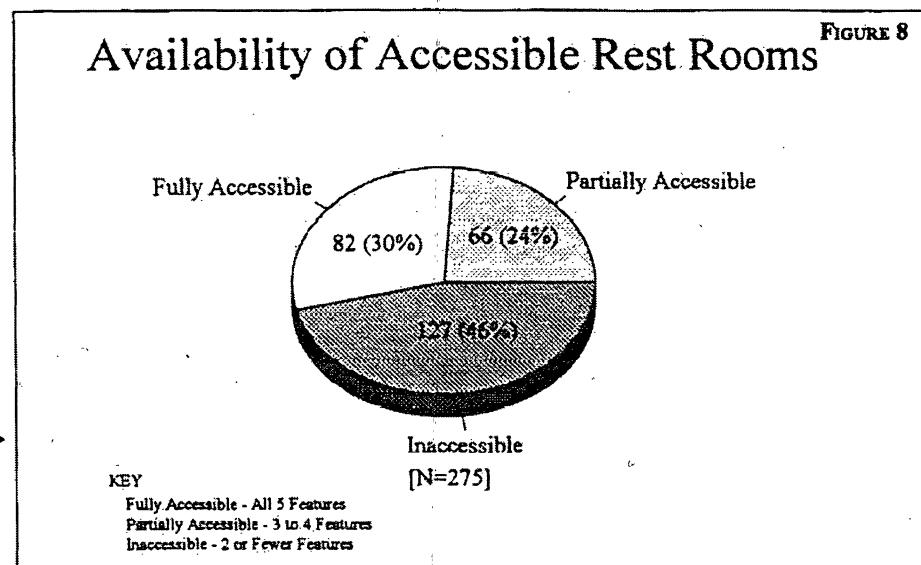
Rest Rooms

Survey Items

*Accessible Rest Room
Accessible Toilet Stall
Sink 34" High
Faucets Operable with One Hand
Soap Dispenser 48-54" High
Tissue Dispenser 19" High*

Probably the most important facilities in any public building involve the physical comfort of the individuals using the building. Of our sample of 275 courts, only 148 (54%) buildings provided rest rooms with any accessibility features. Although court personnel identified 160 rest rooms as accessible, twelve were clearly not accessible.

Public rest rooms in the courthouse buildings were evaluated for their accessibility based on five (5) features. As with the evaluation of the elevators,



in order to be considered **fully accessible**, rest rooms needed to have all five of the features included in our review. Figure 8 shows that 82 (30%) of the rest rooms with accessible features reviewed were considered to be fully accessible.

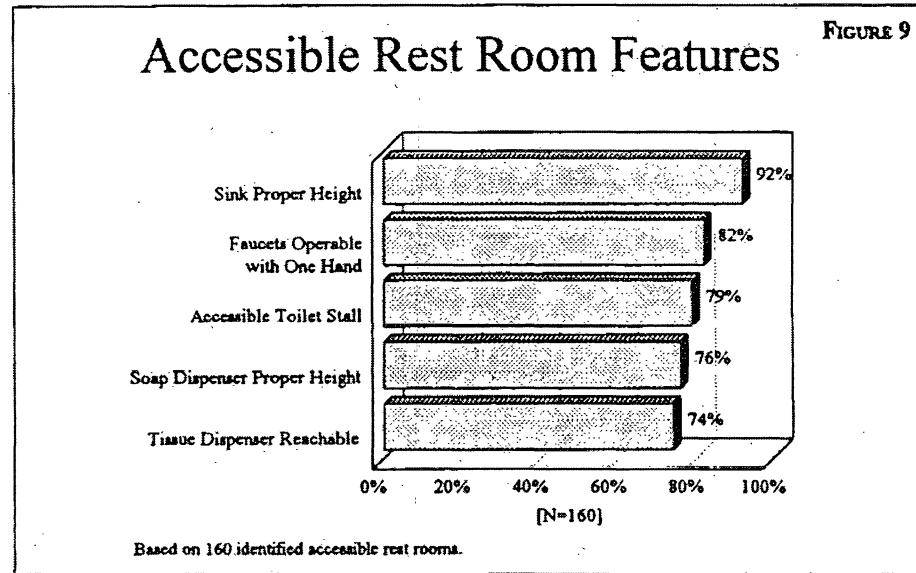
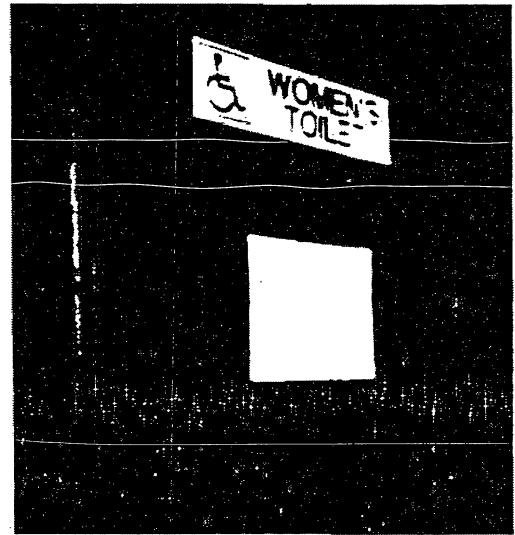


Figure 9 shows the criteria on which the rest rooms were evaluated (according to the ADA Accessibility Guidelines) and the ratings by percentage of each feature.

One example of an inaccessible rest room was noted when an "out of order" sign was observed on the accessible rest room in the Family Court in Richmond County. The reviewer was told by staff that this rest room had been unusable for some time. It should be noted that the ADA requires that accessible services remain in good repair and be maintained in operable condition without repeated interruptions.



Family Court in Richmond County

Other Building Features

Survey items

Accessible Public Telephone

Hearing Aid Compatible Public Telephone

Accessible Drinking Fountain

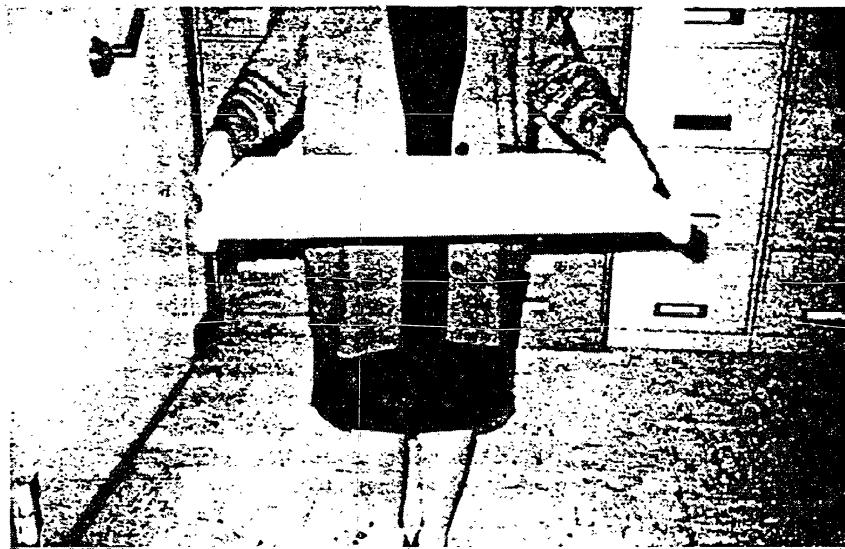
Accessible Law Library

Accessible Counters

Accessible drinking fountains were available in only 30% of the courts we visited. Telephones in only 22% of the court buildings surveyed allowed for wheelchair access. Only 13% of the courts had available telephones which were hearing aid compatible. In only 15% of the sample were the accessible telephones noted by use of the international symbol of accessibility.

Public counters for processing claims and filing forms tend to be a high volume area in any courthouse. In only 27% of the courts we visited did we find counters available at or below the acceptable height of 34 inches, which can accommodate a user in a wheelchair. However, in every court we visited, the court clerks indicated that they would come out from their offices to assist an

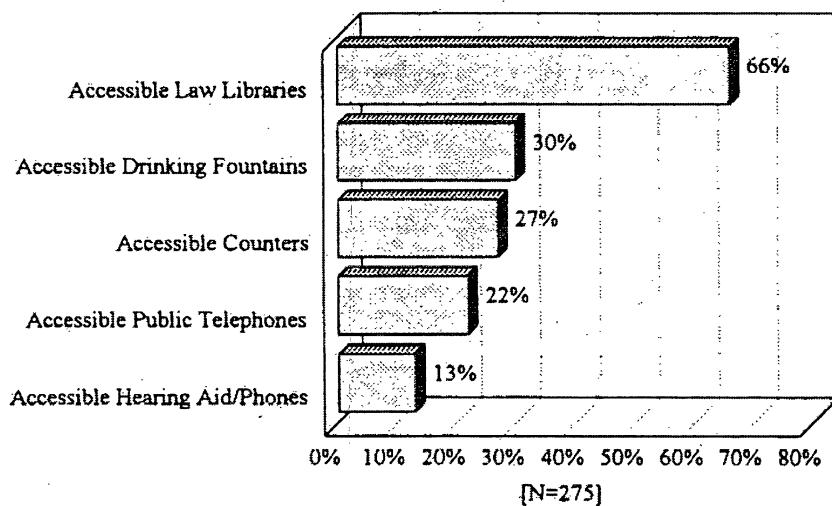
At the City Court in Gloversville, the court clerk informed the reviewer that the public information counter was higher than the 34 inch requirement and could not structurally be lowered. In an attempt to provide increased accessibility to all individuals, a portable counter was built which can be placed on the arms of a wheelchair so an individual can independently attend to the task at hand.



individual for whom the counter was too high. This uniform practice provides the "program accessibility" standard of the ADA, discussed earlier. Although only 66% of the courts which had law libraries were viewed as accessible, court clerks were unanimous again in offering assistance to reach needed materials.

FIGURE 10

Other Building Features



Signage

Survey Items

*Disabled Parking Spaces International Symbol
Accessible Route to Building International Symbol
Accessible Entrance International Symbol
Public Phone International Symbol
Fountain International Symbol
Accessible Courtroom International Symbol
Rest Room International Symbol*

Signs which direct individuals with disabilities to the accessible facilities within the court buildings are an integral part of the expectations put forth by the ADA. Without information regarding where to find accessible features, individuals with disabilities continue to be as disadvantaged as if no accessibility had been provided. It is for this reason that our study has evaluated signage as a separate category.

Signs in the court buildings were placed on the wall adjacent to offices in 162 (59%) of the 275 courts we visited. All of these signs were sized appropriately for reading at a distance. However, in **none of the courts we visited** were braille signs posted noting the names of offices or any directions.

The following chart shows the availability of signage at various important areas around the court buildings.

Signage		FIGURE 11
International Symbol Displayed at the Disabled Parking Spaces	78%	
International Symbol Displayed at the Accessible Bathroom	54%	
International Symbol Displayed at the Accessible Entrance	32%	
International Symbol Displayed at the Accessible Route	23%	
International Symbol Displayed at the Accessible Fountain	21%	
International Symbol Displayed at the Accessible Public Phone	15%	
International Symbol Displayed at the Accessible Courtroom	3%	
[N=275]		

Accommodating Specific Disabilities

Survey Features

- Sign Language Interpreters*
- Assistive Listening System*
- TDDs*
- Braille Materials*
- Taped Text*
- Qualified Readers*
- Large Print Materials*
- Appropriately Sized Room-Office Signs*
- Braille Signs*

Public entities, such as courts, must take appropriate steps to ensure that communication with people with disabilities is as effective as communication with people in the population as a whole. The ADA requires furnishing appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate.

To this end, the survey asked specific questions about how individuals with hearing impairments or with visual impairments are accommodated by courts in New York. Most of the courts visited had information about how to provide a sign language interpreter for a hearing-impaired person who comes to court. However, accommodations for individuals with hearing or visual impairments decline rapidly from there on, as Figures 12 and 13 indicate:

FIGURE 12

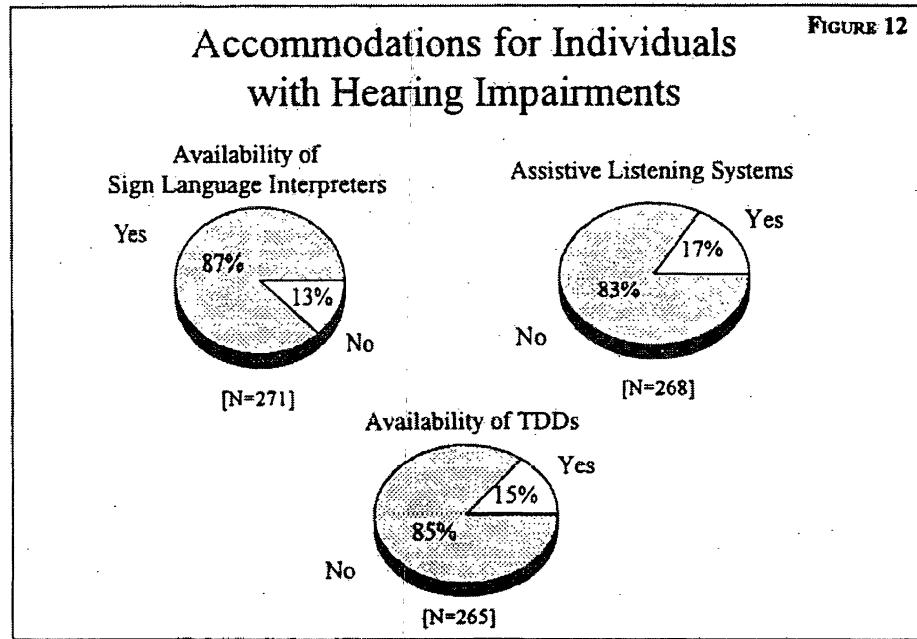
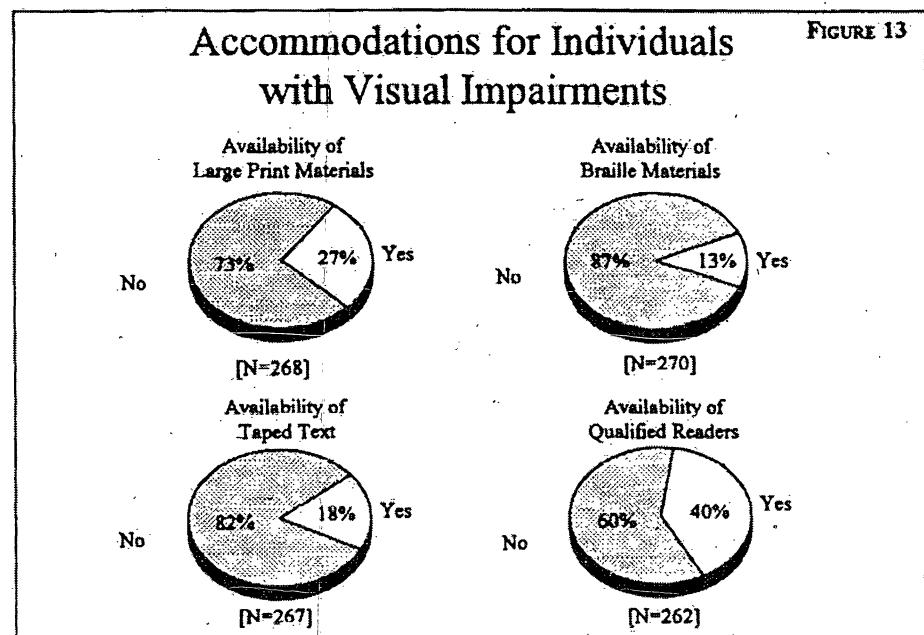


FIGURE 13



The survey also asked the following broad question regarding the accommodation of individuals with mental disabilities who might come to court: "What accommodations would you make for individuals with mental illness or mental retardation when they are either a defendant in a criminal case or a litigant in a civil case?" This question was difficult for courts to respond to. It seems that this area of accommodation has not been considered as carefully as accommodation for more "obvious" physical disabilities.

FIGURE 14

[N=275]

Response	Percent
"Don't Know/No Answer"	64%
"Appoint an Attorney/Guardian ad litem"	12%
"Order a Psychiatric/Psychological Evaluation"	9%
"Coordinate with Service Providers for the Person/ Involve Other Agencies"	8%
"Simplify the Proceedings, Use Simple Language to Facilitate Understanding"	4%
"Move the Proceedings out of the Formal Court Setting"	2%
"Allow the Person to Bring a Supportive Person Along to Court"	1%

Comments regarding this issue indicated that it would be up to the judge to decide how to proceed, or that the question was not applicable to their courts (as in the case of appellate courts). Many responses indicated that the court "would do whatever was necessary to accommodate the needs of the individual at hand." Some fairly creative (though certainly not all positive) responses included:

- one court offered that individuals who were clearly emotionally distressed could be moved ahead on the calendar so they would not have to wait so long;
- another court stressed that it would try to accommodate the safety of the individual who was mentally disabled;
- relatedly, another court said that they would provide escort by guards and would check the individual for weapons; and
- yet another court said that some officers in the court were also registered nurses who could provide assistance if needed.

Conclusions and Recommendations

The court system may be the most public of accommodations, given its importance to the general society. Although the results of the study of the accessibility of courts to individuals with disabilities were somewhat mixed - showing greater accessibility in some of the areas reviewed and clear deficiencies in others - the theme which appeared repeatedly was the concern of court personnel about this issue and their desire to do a better job in learning how to accommodate the needs of individuals with disabilities.

The study found that although significant activity has occurred throughout the court system to make courts more accessible to some individuals with disabilities, persons with disabilities which are not so easily recognized remain underserved by many of New York's courts. It is necessary to broaden the thinking of court personnel and administrators to include persons with visual and hearing impairments and persons with mental disabilities in planning for accessible court services.

The study also found that even in court buildings which provided full or nearly full accessibility to individuals with disabilities, signs indicating the location of accessible facilities were often missing.

In addition to correcting obvious deficits in specific courts with respect to those courts' accessibility to all individuals with disabilities, the following recommendations are offered with respect to the court system as a whole:

- The Office of Court Administration should make standard court forms, such as small claims applications and other regularly requested material, available in accessible formats such as braille or large print.
- The Office of Court Administration and the NYS Association of Magistrates should include training in various areas of disability awareness at annual conferences for court personnel. The Commission on Quality of Care and the NYS Bar Association can offer assistance in this area, both in planning and provision of trainers, upon request.
- Each court should appoint an "accessibility ombudsman" who would likely be the court clerk, whose duty it is to assist in the arrangement of individual accommodations for persons with disabilities as they become needed. Each court's ombudsman should work closely with the Office of Court Administration's designated ADA coordinators, who are located in each judicial district, and who are an important resource for information and sources of assistance.
- Each county should establish an "accessibility task force" which would be comprised of representative court personnel, county government officials, individuals with disabilities, and knowledgeable service providers from local disability agencies. The purpose of these task forces would be to:

-
- a) define the changes necessary in court facilities and policies in order to comply with the ADA;
 - b) develop creative ways to accomplish the changes, as they are defined; and
 - c) raise awareness within the task force and the community in general of the need to make a commitment to accessibility for all citizens, regardless of their ability levels.

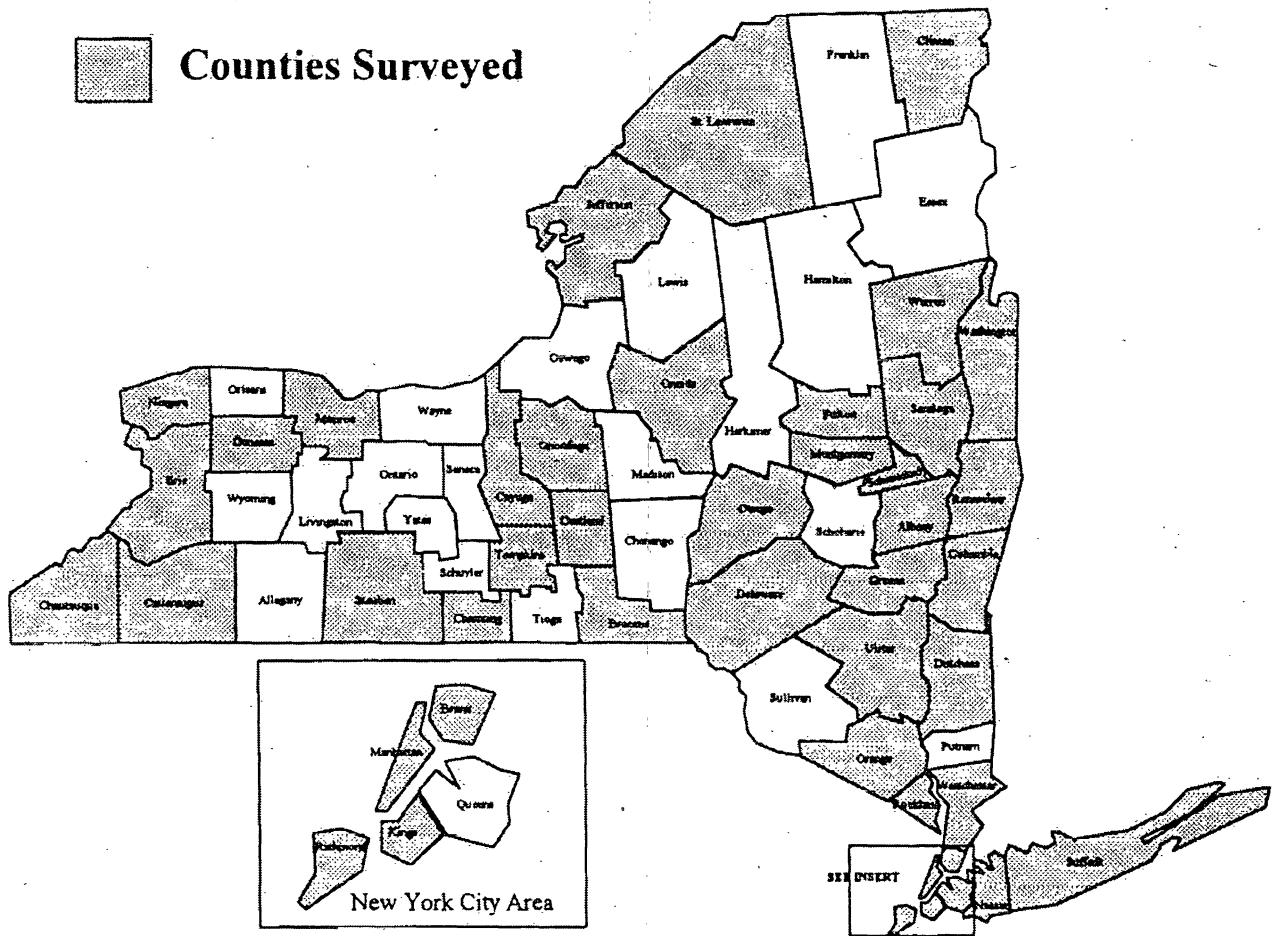
Some examples of possible task force activities could include:

- 1. Use of TRAID (Technology Related Assistance for Individuals with Disabilities) Project services, which are available from the NYS Office of the Advocate for the Disabled.
- 2. Develop a local equipment/technology sharing program with colleges, libraries, and government agencies within the community, so that assistive technology can be provided without great investment.

Appendix A



Counties Surveyed



New York State Courts

COURT STRUCTURE AND JURISDICTION

APPELLATE COURTS

The Court of Appeals

The Court of Appeals is the highest court in the state and hears cases on appeal from other appellate courts. The primary responsibility of the Court of Appeals is to review questions of law.

The Appellate Divisions of the Supreme Court

The Appellate Division in each judicial department is a mid-level appeals court from the Supreme, Surrogate's, Family and Court of Claims. The responsibilities of the Appellate Divisions include resolving appeals from the trial courts in civil and criminal cases and conducting proceedings to admit, suspend or disbar lawyers.

Appellate Terms of the Supreme Court

The Appellate Terms of the Supreme Court was established to ease the Appellate Division's case load. Appellate Terms hear civil and criminal appeals from local courts and certain appeals from county courts.

TRIAL COURTS

The Supreme Courts

The New York State Supreme Court is a first level trial court of general jurisdiction. Although any type of case may begin in the Supreme Court, this court usually hears cases that are outside the jurisdiction of the specialized courts. This court is located in every county of New York State.

The Family Court

The Family Court exists in every county including the five counties of New York City. This court has jurisdiction over matters involving children and families, such as paternity determinations, juvenile delinquency, adoption, and family offenses.

The Surrogate's Court

Every county in the state has a Surrogate's Court which hears cases involving the affairs of deceased persons, such as the probate of wills and the administration of estates.

The Court of Claims

This court, which is housed in Albany but has 8 other locations around the state, is a special trial court which handles cases involving claims for money damages against the state.

The District Court

District Courts replace Town and Village Courts in Nassau County and the 5 western towns of Suffolk County. This Court handles minor civil cases involving up to \$15,000 and criminal cases involving misdemeanors, violations and offenses.

City Courts

There are 61 City Courts in New York which handle minor civil and/or criminal matters. New York City has the Civil Court of the City of New York which handles civil cases up to \$25,000 and the Criminal Court for misdemeanors and violations.

Town and Village Courts

The jurisdiction of Town and Village Courts in criminal cases includes misdemeanors and lesser offenses and civil cases involving amounts up to \$3,000.

Appendix B

- Y N N/A** 21. Do the entrance/exit doors along the accessible route have a clear opening of at least 32 inches?
- Y N N/A** 22. If the accessible entrance has doors in a series, is there at least 48 inches plus the width of any door swinging inward, between the series of doors?
- Y N N/A** 23. Is the international symbol of accessibility used to designate the accessible entrance?

Comments: _____

INTERIORS

- Y N N/A** 24. Are signs indicating rooms and/or offices displayed on the wall adjacent to the respective doors?
- Y N N/A** 25. Are the characters and numbers on signs sized according to the viewing distance from which they are to be read?
- Y N N/A** 26. Are braille signs indicating rooms and/or offices provided?
- Y N N/A** 27. If the building is taller than one story, is a passenger elevator or wheelchair lift available?
- Y N N/A** 28. Are the elevator control buttons designated by raised characters?
- Y N N/A** 29. Are the elevator control buttons designated by braille characters?
- Y N N/A** 30. Are the elevator cars a minimum of 51" deep, 68" wide with a door opening of 32"?
- Y N N/A** 31. Are visual signals provided at each elevator or group of elevators to indicate which car is answering the call?
- Y N N/A** 32. Are audible signals provided at each elevator or group of elevators to indicate which car is answering the call?
- Y N N/A** 33. Are audible signals provided within elevator car indicating each floor?
- Y N N/A** 34. If a law library is provided, is it accessible to individuals with disabilities?
- Y N N/A** 35. Is there at least one public telephone available per floor which is accessible to an individual in a wheelchair?
- Y N N/A** 36. Is there at least one public telephone available per building which is hearing aid compatible?
- Y N N/A** 37. Is the international symbol of accessibility used to designate the accessible public telephone?
- Y N N/A** 38. Is a drinking fountain available on each floor which is accessible to individuals with disabilities?
- Y N N/A** 39. Is the international symbol of accessibility used to designate the accessible drinking fountain?
- Y N N/A** 40. Is the height of counters for public information, licenses etc., between 28 inches and 34 inches?

Comments: _____

COURTROOM

- Y N N/A** 41. Is there at least one courtroom that is accessible to individuals with disabilities?
If YES, answer questions 42-48. If NO, proceed to question 49.
- Y N** 42. Is the international symbol of accessibility used to designate the accessible courtroom?
- Please describe _____
- _____

Court Accessibility Survey

KEY: Y = YES; N = NO; N/A = NOT APPLICABLE (CIRCLE ONLY ONE)

TYPE OF BUILDING

- Y N N/A** 1. Is this a newly constructed court building?
Y N N/A 2. Is this court a registered historic building?
Y N N/A 3. Are alterations of the existing court building planned or underway?
Y N N/A 4. Are additions to the existing court building planned or underway?
5. If YES was checked in Question 1 - 4, give the project initiation date.

Comments: _____

TRANSPORTATION/PARKING

- Y N N/A** 6. Is there ready access to public transportation from the court building?
Y N N/A 7. Is parking available for employees and/or visitors?
8. What is the total number of parking spaces?
9. What is the total number of spaces reserved for the disabled?
10. Of the number of spaces reserved for people with disabilities, how many include an accessible aisle?
Y N N/A 11. Are the spaces identified with the international symbol of accessibility displayed above grade?

Comments: _____

ACCESSIBLE ROUTE

- Y N N/A** 12. Is an accessible route, which does not include stairs, steps, curbs or an escalator, available from the public transportation stop into the building?
Y N N/A 13. Is an accessible route, which does not include stairs, steps, curbs or an escalator, available from the parking lot into the building?
Y N N/A 14. Is the international symbol of accessibility used to designate the accessible route?
Y N N/A 15. If the accessible route has a step or curb which is greater than 1/2 inch, is a ramp provided?
Y N N/A 16. If a ramp is provided, does it have handrails on both sides?
Y N N/A 17. If the ramp changes direction, is the landing size at least 60 inches by 60 inches?

Comments: _____

ENTRANCES

- Y N N/A** 18. Is at least one public entrance to the building accessible to individuals in wheelchairs?
Y N N/A 19. If the accessible entrance is other than the main entrance, is that door unlocked during business hours?
Y N N/A 20. If the main entrance is not the accessible entrance, are signs posted directing individuals to the accessible entrance?

N 43. Within the identified courtroom, is the judges bench accessible to an individual with a disability?

Please describe _____

Y N 44. Within the identified courtroom, is the jury box accessible to an individual with a disability?

Please describe _____

Y N 45. Is there a provision for a sidebar conversation between a judge and attorney with a disability?

Please describe _____

Y N 46. Within the identified courtroom, is the witness box accessible to an individual with a disability?

Please describe _____

Y N 47. Within the identified courtroom, can the counsel tables accommodate a wheelchair?

Please describe _____

Y N 48. Within the identified courtroom, is there space available in the public seating area for a wheelchair?

Please describe _____

Y N N/A 49. Is there at least one jury room which is accessible to individuals with disabilities?

If YES, answer Questions 50 and 51. If NO, proceed to question 52.

Y N 50. Is the entry way to the jury room at least 32" wide?

Y N 51. Does the conference table provide at least 27" high knee clearance?

SPECIFIC DISABILITIES

For individuals who are deaf or hearing impaired:

Y N N/A 52. Are qualified sign language interpreters available?

Y N N/A 53. Is an assistive listening system available?

Y N N/A 54. Are telecommunication devices for the deaf (TDD) available?

For individuals who are blind or visually impaired:

Y N N/A 55. Are braille materials available?

Y N N/A 56. Is taped text available?

Y N N/A 57. Are qualified readers available?

Y N N/A 58. Are large print materials available

59. Describe the process for obtaining services or devices for individuals who are visually or hearing impaired.

REST ROOMS

- Y N N/A** 60. Is there at least one rest room per sex or one unisex rest room which is accessible to individuals with disabilities?

If YES, answer Questions 61-66. If NO, proceed to Question 67.

- Y N** 61. Within the accessible bathroom, is the toilet stall reasonably similar to one of the models included in Appendix "A"?
- Y N** 62. Within the accessible bathroom, is the sink mounted with the counter or rim no higher than 34 inches above the floor?
- Y N** 63. Within the accessible bathroom, are the faucets operable with one hand which does not require tight grasping, pinching, or twisting of the wrist?
- Y N** 64. Within the accessible bathroom, is the soap dispenser installed between 48 and 54 inches above the floor?
- Y N** 65. Within the accessible bathroom, is the tissue dispenser installed within reach, approximately 19 inches above the floor?
- Y N** 66. Is the international symbol of accessibility used to designate the accessible rest room?

Comments: _____

OTHER

- Y N NA** 67. Are other accommodations available for persons with disabilities?
(Please specify)
- _____

68. What accommodations would you make for an individual with mental illness or mental retardation when they are either a defendant in a criminal case or a litigant in a civil case?
- _____

69. Other comments.
- _____

Appendix C

Court Accessibility Rating Scale

Maximum Score = 47 Points

Getting Into the Courthouse



[Maximum Score = 6]

- Adequate Ratio Disabled Parking Spaces
- Disabled Spaces Have Access Aisle
- Accessible Route from Parking Lot or from Public Transportation
 - Ramp
 - Ramp Handrails
 - 60"X60" Landing
- Public Entrance Accessible and Unlocked
- 32" Wide Doors
- Adequate Space (48") between Doors

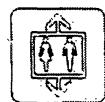
Courtrooms



[Maximum Score = 8]

- Accessible Courtroom
- Accessible Jury Box
- Provision for Sidebar Conversation
- Accessible Witness Box
- Wheelchair Accessible Counsel Tables
- Wheelchair Accessible Public Seating
- Accessible Jury Room
- Jury Room Conference Table 27" Clearance

Elevators



[Maximum Score = 6]

- Appropriately Sized Elevator or Wheelchair Lift
- Raised Character Buttons
- Braille Buttons
- Visual Signal for Elevator
- Auditory Signal for Elevator
- Auditory Signal for Floor

Rest Rooms



[Maximum Score = 6]

- Accessible Rest Room
- Accessible Toilet Stall
- Sink 34" High
- Faucets Operable with One Hand
- Soap Dispenser 48-54" High
- Tissue Dispenser 19" High

Other Building Features

[Maximum Score = 5]

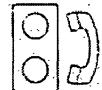
- Accessible Public Phone
- Hearing Aid Compatible Public Phone
- Accessible Drinking Fountain
- Accessible Law Library
- Accessible Counters



Signage

[Maximum Score = 7]

- Disabled Parking Spaces International Symbol
- Accessible Route to Building International Symbol
- Accessible Entrance International Symbol
- Public Phone International Symbol
- Fountain International Symbol
- Accessible Courtroom International Symbol
- Rest Room International Symbol



Specific Accommodations

[Maximum Score = 9]

- Sign Language Interpreters
- Assistive Listening System
- TDDs
- Braille Materials
- Taped Text
- Qualified Readers
- Large Print Materials
- Appropriately Sized Room-Office Signs
- Braille Signs

Appendix D



STATE OF NEW YORK
UNIFIED COURT SYSTEM
(OFFICE OF COURT ADMINISTRATION)
AGENCY BUILDING 4 - 20TH FLOOR
EMPIRE STATE PLAZA
ALBANY, NEW YORK 12223
(518) 473-6087

E. LEO MILONAS
Chief Administrative Judge

PATRICIA K. BUCKLIN
Special Counsel to the
Chief Administrator

January 25, 1994

Clarence J. Sundram, Chairman
NYS Commission on Quality of Care
for the Mentally Disabled
99 Washington Avenue
Suite 1002
Albany, NY 12210-2895

Dear Mr. Sundram:

As Systemwide Coordinator of the Americans With Disabilities Act (ADA) for the New York State Unified Court System, I appreciate the opportunity to respond to the Survey of Access to New York State Courts for Individuals with Disabilities ("Survey").

The Survey was undertaken by the New York State Commission on Quality of Care for the Mentally Disabled (CQC) and the New York State Bar Association Committee on Mental and Physical Disability. Many volunteers, including individuals with disabilities, participated in the Survey.

We were pleased to cooperate with and assist them in their Survey efforts. One of the most important findings of the Survey was the positive attitude of court personnel in facilitating access to the courts for individuals with disabilities. We are very proud of the dedication of our staff and commend them for the interest and efforts that they display consistently in providing accessibility to our programs, particularly where physical accessibility has not yet been achieved.

The Unified Court System is strongly committed to assuring accessibility for all users of the courts, including individuals with disabilities. We have taken a broad range of steps to increase this access for all individuals. To better understand the efforts that we have made, it is important to clarify responsibility for court facilities. While the State is responsible for operating all courts except town and village courts, almost all of the approximately 300 buildings in which State-operated courts and court-related agencies are located are owned by local governments. Only a few court facilities, such

as the Court of Appeals, the Appellate Division Third Department and the Court of Claims are located in State-owned or leased space. Thus, the responsibility for providing adequate and accessible facilities for the courts is essentially the responsibility of local governments, either a county or a city, for the State-operated courts, or towns and villages for their courts.

To assist these localities in meeting their responsibilities under the ADA, Unified Court System personnel conducted surveys of the State-operated courts to assess the current state of accessibility in each facility. All of this information was shared with the affected local governments and with CQC prior to this Survey. In addition, during 1992, each Administrative Judge wrote to city and county officials to advise them of their responsibilities under the ADA and to inquire about the steps that they would be taking to bring their facilities into compliance.

Our efforts to assist localities have continued. Follow-up letters were sent to local officials both in early 1993 and in early January 1994. Both letters requested an update on the localities' compliance efforts. One of the items highlighted in the 1993 follow-up letter was inadequate signage. Since our surveys indicated that inadequate signage was one of the most consistently reported problems, as did the subject Survey, we urged local governments to give priority to this matter since this is both inexpensive and relatively easy to remedy.

Many localities have taken significant steps to address their access problems and others are in the planning stages. It is noteworthy that numerous court buildings are located in historic or very old structures which are difficult to make accessible or involve more complicated procedures and planning to achieve physical accessibility.

In addition to working with local governments, the Unified Court System has implemented a comprehensive action plan to assure that all of the services and programs conducted by the courts are in full compliance with ADA requirements. These steps include the following:

To assure prompt resolution of access issues, grievance procedures have been established for any user of the courts who believes that he or she has been discriminated against in the services provided by the court system. Providing both a formal and informal method of claim resolution, the procedures are described in a handbook that is available in the public areas of the courts. The handbook also contains a simple one page form for filing a claim.

To facilitate telephone communications with individuals who have hearing or speech impairments, TDDs have been installed in our Public Information Office and on our "JOBS Hotline". In addition, information has been distributed to all court personnel on use of the telephone relay system (including relay number stickers that can be affixed to the phone). This service is particularly

useful in that it enables a TDD user to communicate directly with the court employee that can best address the issue that the caller is raising.

To assist individuals with hearing impairments in using the courts, assistive listening devices have been purchased in every judicial district or court to assure that requests for such devices can be met. In addition, sign interpreters are provided upon request and steps are being taken to improve the procedures that govern this process.

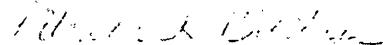
To assist individuals with vision impairments, court personnel have been asked to provide, as needed, the following accommodations: large print, braille, readers and audiotapes. A closed caption television for persons with vision impairments who are participating in court proceedings also is being purchased.

ADA training for the judges was conducted at the judicial seminar in July 1993. An outline of the seminar, including suggested accommodations for all types of disabilities, was sent to all judges. The seminar was videotaped and the videotape is available to court personnel for further training efforts. Several training sessions for non-judicial personnel have been held.

Numerous educational materials on the ADA were sent to judges and their staffs. This included a booklet entitled "Opening the Courthouse Door - An ADA Access Guide for the Courts", which was prepared by the American Bar Association's Commission on Mental and Physical Disability Law and Commission on Legal Problems of the Elderly with a grant from the Justice Institute. The guide contains many excellent suggestions for facilitating access for individuals with disabilities, including individuals with mental disabilities.

In conclusion, the Unified Court System reaffirms its strong commitment to assuring program accessibility of our courts to all individuals and efforts are underway to provide physical accessibility. The Survey makes an important contribution to these efforts.

Sincerely,



Patricia K. Bucklin

PKB:kc

The Commission on Quality of Care for the Mentally Disabled is an independent agency responsible for oversight in New York State's mental hygiene system and routinely investigates complaints, allegations of abuse or neglect, and responds to requests concerning patient/resident care and treatment.

The Commission also administers several statewide advocacy programs for persons with disabilities which provide individual and systemic advocacy, including the services of advocates and attorneys to assist in a wide range of administrative and legal proceedings.

The Commission's statewide toll-free number is for calls from patients/residents of mental hygiene facilities and programs, their families, and other concerned advocates.

Toll-free Number:

1-800-624-4143 (Voice/TDD)





State of New York
Commission on Quality of Care
For the Mentally Disabled

MEMORANDUM

FROM: Clarence J. Sundram, Chairman

DATE: May 26, 1994

SUBJECT: *"Survey of Access to New York State Courts for Individuals with Disabilities"*

Enclosed is a report on the survey of accessibility of 275 courts in 40 counties in New York State. Court accessibility is required by the Americans with Disabilities Act (ADA) and State law, but the survey found that only eight percent of the court rooms in New York State are fully accessible structurally to people with disabilities. The court accessibility survey was conducted by the Commission in conjunction with the New York State Bar Association's Committee on Mental and Physical Disability. Site visits were made by staff from the Commission, local independent living centers, and by volunteers from the State Bar Association.

The study determined that personnel in courts of all types across the state have taken good faith steps to make many courts accessible, but significant barriers remain to providing full access to persons with less recognizable disabilities. Little difference was found among levels of courts, although town and village courts had the greatest accessibility.

Among the study's findings:

- Over three-fourths of the courts surveyed lacked adequate signs to indicate accessible routes;
- Seventy percent of court rest rooms surveyed were inaccessible, 52 percent of elevators were inaccessible, and 65 percent of the courthouses did not have parking spaces with access aisles permitting wheelchair entry and exit of vans;
- Over 80 percent of the courts surveyed had no assistive listening systems or Telecommunication Device for the Deaf (TDD) for hearing-impaired individuals;
- Fifty-two percent of the court elevators reviewed lacked braille buttons and 56 percent lacked auditory signals for visually-impaired individuals. None of the

- courts surveyed had braille signs indicating rooms or directions, and only 13% had braille information materials; and
- Most courts surveyed lacked plans or even knowledge about how to assist persons with mental illness or mental retardation. Courthouse staff who are trained or knowledgeable can provide tailored assistance to accommodate the needs of persons with mental disabilities -- such as making court house schedules and consulting with local mental health and mental retardation agencies and crisis services.

To promote greater accessibility throughout the state's court system, the report recommends that:

- The Office of Court Administration (OCA) standardize court forms such as small claims applications and other regularly-requested forms, in braille or large print;
- OCA and the State Association of Magistrates provide disability awareness training, including issues related to mental disabilities, at court personnel conferences. In July of 1993, ADA training for judges was provided at the judicial seminars and a videotape was made of the training;
- Each court should designate a staffer as "accessibility ombudsperson" to assist individuals with disabilities on their accommodation needs, utilizing judicial district ADA coordinators as a resource; and
- Counties establish accessibility task forces made up of court personnel, county officials, local disability service agencies, and individuals with disabilities, to develop creative methods to ensure ADA compliance. OCA reports TDD communication with all courts is now available through the telephone relay system, and assistive listening devices are reportedly available in every court and sign interpreters are available upon request.

The Governor, Chief Judge Kaye, and Chief Administrative Judge Milonas, in a press release accompanying release of the report, indicated commitment to ensuring accessibility to all individuals with disabilities.

The Commission is an independent State agency administering federally-funded statewide advocacy programs for persons with disabilities, which provide attorneys and other advocates in a wide range of administrative and legal proceedings. In 1993, these programs throughout the state served nearly 29,000 individuals. The State Bar Association Committee on Mental and Physical Disabilities provides assistance to attorneys and advocates working in the field of disabilities law. Committee members volunteer their expertise and services on behalf of people with disabilities.

Copies of this report are available in large print, braille, or voice tape. Please call the Commission for assistance in obtaining such copies at 518-381-7098.

The Commission on Quality of Care for the Mentally Disabled is an independent agency responsible for oversight in New York State's mental hygiene system. The Commission also investigates complaints and responds to requests concerning patient/resident care and treatment which cannot be resolved with mental hygiene facilities.

The Commission's statewide toll-free number is for calls from patients/residents of mental hygiene facilities and programs, their families, and other concerned advocates.

Toll-free Number: 1-800-624-4143 (Voice/TTY)



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<http://www.cqc.state.ny.us>
email: marcusg@cqc.state.ny.us