



NEW MEXICO COURTS

The Judicial Branch of New Mexico

New Mexico Administrative Office of the Courts, Office of the ADA Title II Coordinator

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◆ **ADA Title II and the Courts**

The Americans with Disabilities Act (ADA) Title II requires State and local governments to provide people with disabilities an equal opportunity to benefit from all of their programs, services, and activities. The New Mexico Administrative Office of the Courts (NMAOC) Office of the ADA Title II Coordinator is committed to ensuring equal access to and full participation in all court programs, services, court activities for qualified individuals with disabilities, including: *attorneys, litigants, defendants, probationers, witnesses, victims, potential jurors, and public observers of court proceedings.*

◆ **NM AOC Office of the ADA Title II Coordinator**

The NM AOC Office of the ADA Title II Coordinator provides professional support to all Judicial Districts and their local ADA Coordinators to ensure individuals who have disabilities receive access to justice. If your court receives a Request for Accommodation, you may contact your local district ADA Coordinator, or contact the NM AOC ADA Title II Coordinator for assistance.

◆ **Qualified Individuals with Disabilities**

The ADA protects the rights of people who have a physical or mental impairment that substantially limits their ability to perform one or more major life activities, which can include, but is not limited to:

caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and the operation of a major bodily function.

The ADA also applies to people whose disability is substantial but can be moderated or mitigated (*for example: an individual who uses a prosthetic limb to walk*), and it also applies to people who have a record of having a substantial impairment or are regarded as having such an impairment (*for example: cancer that is currently in remission*).

◆ **What is a “Reasonable Accommodation”, and how can it be requested?**

The ADA requires public entities to make “reasonable accommodations” when requested and necessary to accommodate people who have disabilities.

A reasonable accommodation is: *a modification of a rule or policy, the removal of a physical barrier, or the provision of an auxiliary aid or service, such as an ASL interpreter.*

Any modification that would result in a “fundamental alteration”— a change in the essential nature of the entity’s programs or services — is not required.

If an individual is seeking an accommodation, a “Request for Accommodations” Form can be filled out and returned to the Court as soon as possible. The Form can be found on the AOC ADA Title II website, or with the District’s ADA Coordinator. A reasonable accommodation request can be made by:

the individual themselves, family member, representative, or attorney.

◆ **What is “Effective Communication?”**

The ADA requires that title II entities communicate effectively with people who have vision, hearing, cognitive, or speech disabilities. Effective communication can be accomplished with the provision of the following:

scribing, qualified readers, notetakers, sign language interpreters, assistive listening systems and devices (UbiDuo), open and closed captioning, text telephones (TTYs), videophones, information provided in large print, Braille, audible, or electronic formats, and real-time captioning (also known as computer-assisted real-time transcription, or CART) services.

If a court user requests one of these services, please contact your District ADA Coordinator or the Statewide Title II ADA Coordinator.

◆ **Scribing Services**

Effective November 9th, 2022, the New Mexico Supreme Court expanded a statewide scribing services program permitting court staff to read and fill in court forms on behalf of eligible qualifying self-represented litigants who require accommodation due to disability, inability to read a printed or electronic document in English, low literacy low computer literacy, and limited English proficiency. Scribing does not require a specific certification, but court staff are encouraged to watch all Scribing Training Modules on the [NM AOC Language Access Services Youtube page](#).

When scribing, court staff (or a volunteer) reads court documents to an individual, and writes (or types) their responses word-for-word, in their own words on the Court form. *Scribing is not providing legal advice, or advising what a person should or shouldn't write on their form.*

If a language interpreter is needed, court staff may contact an interpreter for assistance via 1-800-CALL-CLI (1.800.225.5254) or their local Language Access Coordinator.

◆ **Service Animals and how to determine a qualifying service animal**

A reasonable accommodation can also include a service animal. *A service animal is: any dog (or in rare instances, a miniature horse) that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.* Other species of animals, whether wild or domestic, trained or untrained, are not considered to be service animals. Additionally, dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

When determining a Service Animal, Court employees may only ask a person two questions:

- 1) Is this animal required because of a disability?
- 2) What work or task has this animal been trained to perform?

These inquiries may not be made if the need for the service animal is obvious (*for example: the dog is guiding an individual who is blind*), and a public entity may not ask about the nature or extent of an individual's disability. They also may not require proof of training certification, or for the service animal to wear an identifying vest.

A service animal must be under the control of its handler. They must be housebroken, harnessed, leashed, or tethered, unless the individual's disability prevents using these devices or they interfere with the service animal's safe, effective performance of tasks. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.



Scan the QR code for more information at the Statewide ADA Title II Coordinator Webpage.