

**TENTH JUDICIAL DISTRICT  
ADA PLAN**

**TABLE OF CONTENTS**

- I. DEFINITIONS (page 16)**
- II. LEGAL BASIS AND PURPOSE (page 16)**
- III. NEEDS ASSESSMENT (page 17)**
  - A. New Mexico Data**
  - B. Tenth Judicial District Data**
- IV. ADA COORDINATOR DUTIES (page 18)**
  - A. Duties of the AOC Office of the Statewide ADA Title II Coordinator**
  - B. Duties of the Local ADA Title II Coordinator**
- V. PROVISION OF ASL INTERPRETERS AND OTHER ACCOMMODATIONS (page 20)**
- VI. TRANSLATED RESOURCES (page 20)**
- VII. RESOURCES IN ALTERNATIVE FORMATS (page 20)**
- VIII. RESOURCES FOR JURORS (page 21)**
- IX. OUT-OF-COURTROOM CONTACTS (page 21)**
- X. ASSISTIVE LISTENING DEVICES (page 21)**
- XI. SCRIBING SERVICES (page 22)**
- XII. LIVE CHAT DEVICES (page 22)**
- XIII. JUDICIAL AND STAFF TRAINING (page 22)**
- XIV. EMERGENCY PLAN AND EVACUATION (page 23)**
- XV. PUBLIC NOTICE (page 23)**
- XVI. GRIEVANCE PROCEDURE (page 24)**
- XVII. APPROVAL AND EVALUATION OF ADA PLAN (page 24)**

- A. ADA Plan Approval**
- B. Annual Evaluation**
- C. Tenth Judicial District ADA Title II Coordinator**
- D. Statewide ADA Title II Coordinator**
- E. Effective Date and Approval**

## **I. DEFINITIONS**

Definition of “Tenth Judicial District” and “the Court”:

“Tenth Judicial District” and “the Court,” as used throughout this plan, means all the courts in New Mexico's Tenth Judicial District, namely: De Baca County District Court (located in Fort Sumner), Harding County District Court (located in Mosquero), Quay County District Court (located in Tucumcari), Fort Sumner Magistrate Court, Roy Magistrate Court, and Tucumcari Magistrate Court.

## **II. LEGAL BASIS AND PURPOSE**

The New Mexico Administrative Office of the Courts is committed to ensuring equal access to and full participation in court programs, court services, and court activities for qualified individuals with disabilities, including attorneys, litigants, defendants, probationers, witnesses, victims, potential jurors, and public observers of court proceedings.

The Americans with Disabilities Act of 1990 (ADA) was enacted to prohibit discrimination against people with disabilities. Under Title II of the ADA, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of programs, services, or activities of a public entity. This prohibition applies to the New Mexico state courts as providers of public programs, services, and activities. Pursuant to the ADA, people with disabilities have an equal opportunity to access, use, and fully participate in court programs, services, and activities and not be discriminated against because of their disability.

A person is considered disabled for purposes of the ADA if he or she has a mental or physical impairment that substantially limits a major life activity. “Major life activities” include, but are not limited to: reading, communicating, performing manual tasks, seeing, hearing, standing, walking, breathing, and the operation of a major bodily function.

The ADA also protects people who have a record of such an impairment or who are regarded as having such an impairment, if being perceived as having a disability results in discrimination.

It is important to remember that not all disabilities are obvious. “Invisible disabilities,” such as psychological or cognitive conditions, can substantially limit a person’s ability to engage in major life activities.

Any individual with an interest in participating in or attending any proceeding before any court may make a request for an accommodation. This includes jurors, parties, attorneys, witnesses, and spectators.

Whenever reasonable, New Mexico Court policies, practices, or procedures must be modified to make court programs, court services, and court activities readily accessible to and usable by people with disabilities. This includes removing architectural barriers by altering existing facilities where feasible or relocating services to an ADA-accessible site.

The ADA also includes removing communication barriers by providing auxiliary aids and services that would allow a person with a disability to effectively represent a client, be a party in a lawsuit, testify as a witness, serve on a jury, observe a hearing or trial, or otherwise participate in all programs, services

and activities. In providing reasonable accommodations, the New Mexico Courts give ADA Title II primary consideration to the accommodations requested by the person with a disability when reasonable and practicable. To ensure ADA effective communications with people who are deaf or hard-of-hearing, the New Mexico Courts provide sign language and oral interpreters, TTYs, or other appropriate auxiliary aids and services free of charge. The New Mexico Courts may also provide information in Braille and Large Print for people with visual disabilities as a reasonable accommodation request.

### **III. NEEDS ASSESSMENT**

#### **A. New Mexico Data**

The Centers for Disease Control and Prevention (CDC) published the latest Disability and Health Data System (DHDS) on their website at:

<https://www.cdc.gov/ncbddd/disabilityandhealth/dhds/data-guide/status-and-types.html#status>

DHDS is an online source of state level data on adults with disabilities. In the state of New Mexico 513,695 adults have a disability. This is equal to 30% or roughly 1 in 3 adults.

According to DHDS, in New Mexico the percentages of disabled individuals 18 years or older were reported in 2021 as follows:

- Cognitive Disability 14.6%
- Mobility Disability 13.6%
- Independent Living Disability 8.2%
- Hearing Disability 7.5%
- Vision Disability 5.8%
- Self-Care Disability 4.3%

Definitions:

- Cognitive: serious difficulty concentrating, remembering or making decisions.
- Hearing: serious difficulty hearing or deafness.
- Mobility: serious difficulty walking or climbing stairs.
- Vision: serious difficulty seeing or blindness.
- Self-care: difficulty dressing or bathing.
- Independent living: difficulty doing errands alone.

#### **B. Tenth Judicial District Data**

The Tenth Judicial District assesses its ADA accommodation needs on an ongoing basis based on what it identifies about courthouse users. This is achieved through two methods:

- 1) Tracking ADA Accommodations inside the courtroom.
- 2) Tracking encounters between staff and courthouse users needing an ADA accommodation outside of the courtroom.

**1) ADA Accommodations in the Courtroom:**

During the most recent Fiscal Year (July 1, 2022 through June 30, 2023), the following ADA accommodations were provided in the courtroom:

- 1. American Sign Language (ASL) = (3)
- 2. Communication Access Real-Time Captioning (CART) = (0)
- 3. ADA Accommodations for Jurors (such as Assistive Listening Devices) = (0)
- 4. Scribing Services= (0)

**2) ADA Accommodations for Out-of-Courtroom Contacts:**

The Courts also track out-of-courtroom encounters in every division that has contact with the public. The District’s ADA Title II Coordinator maintains a log of contacts with court users needing ADA Title II accommodations outside of the courtroom.

During the most recent fiscal year (July 1, 2022 through June 30, 2023), out-of-courtroom requests for an ADA accommodation were as follows:

Month	Number of Accommodation Requests
July 2022	0
August 2022	0
September 2022	0
October 2022	0
November 2022	0
December 2022	0
January 2023	0
February 2023	0
March 2023	0
April 2023	0
May 2023	0
June 2023	0

Amy Gutierrez keeps a spreadsheet of all accommodations granted by the Tenth Judicial District ADA Title II Coordinator. The Clerk’s Office keeps track of ADA Title II accommodation requests received in their office. The Statewide ADA Title II Coordinator’s Office is responsible for ensuring data received from the Tenth Judicial District is updated in this plan annually.

**IV. ADA COORDINATOR DUTIES**

**A. Duties of the AOC Office of the Statewide ADA Title II Coordinator**

The Office of the Statewide ADA Title II Coordinator within the Administrative Office of the Courts provides resources, guidance and training to all judiciary employees. It also oversees the enforcement

of the Act in each district and their programs and activities.

Among the duties of the Statewide ADA Title II Coordinator are to:

- Plan and coordinate compliance efforts.
- Develop and distribute notice about ADA Title II compliance.
- Respond to general inquiries from the public.
- Coordinate requests for auxiliary aids and services and reasonable modifications of policies, practices and procedures.
- Train staff, boards and commissions on ADA Title II requirements.
- Interact and consult with staff, boards and commissions on the ADA Title II.
- Develop a grievance procedure.
- Investigate complaints.
- Conduct a self-evaluation.
- Develop a transition plan.
- Ensure districts are complying with all ADA Title II mandates.

Statewide ADA Title II Coordinator:

Peggy Cadwell

[ADA@nmcourts.gov](mailto:ADA@nmcourts.gov)

(505) 414-5313

## **B. Duties of the Local ADA Title II Coordinator**

Among the duties of the local ADA Title II Coordinator are to:

- Manage all ADA Title II requests from the public. Receive requests for accommodations, communicate with the person making the request to clarify the nature of the accommodation needed, and facilitate implementation. Engage in the Interactive Process as needed and follow up on effectiveness of the accommodations. Collaborate with court staff and judicial officers to participate in the interactive process and assist with facilitating reasonable accommodations.
- Provide information about and arrange for the use of appropriate auxiliary aids and devices.
- Ensure ADA Title II-related signage and other information is in place and accurate.
- Suggest or assist in making modifications to court operations and practices to ensure that court programs and services are fully accessible.
- Ensure their courts are complying with all ADA Title II mandates.
- Conduct investigations of all grievances, complaints, and provide all requested information to the Statewide ADA Title II Coordinator's Office.
- Cooperate with the Statewide ADA Title II Coordinator's Office by providing all requested information during an investigation.
- Maintain a record of filed grievances and results and share them with the Statewide ADA Title II Coordinator's Office.
- Maintain contact with staff and judges to ensure that services provided are effective.
- Conduct and participate in all activities related to the self-evaluation process and provide the results to the Office of the Statewide ADA Title II Coordinator.
- Maintain a record of all accommodations granted and denials.
- Maintain a record of grievances filed and results.

Court personnel who become aware of a need for an accommodation may consult with the ADA Title II Coordinator for their district for assistance. In turn, the local ADA Title II Coordinator may request additional assistance from the Statewide ADA Title II Coordinator.

Tenth Judicial District ADA Title II Coordinator:  
Amy Gutierrez, Business Specialist II  
[tucdajg@nmcourts.gov](mailto:tucdajg@nmcourts.gov)  
(575) 461-2764

## **V. PROVISION OF ASL INTERPRETERS AND OTHER ACCOMMODATIONS**

The provision of spoken language and signed language interpreters, and other communication access accommodations, in court proceedings is based in New Mexico State Statute and the Constitution. The Constitution references the right to an interpreter in multiple sections, including Article II, Section 14 and Article VII, Section 3.

Title II of the ADA requires courts to provide qualified sign language interpreters or other accommodations to ensure effective communication with deaf and hard-of-hearing individuals. Among other accommodations provided to ensure effective communication are: TTY, CART, or other appropriate auxiliary aids or services free of charge.

Interpreters will be provided at no cost to deaf or hard-of-hearing litigants, witnesses, jurors and observers (when an observer has submitted a request to the court prior to the proceeding) in any type of proceeding in the New Mexico courts.

## **VI. TRANSLATED RESOURCES**

The ADA Accommodation Request Form, ADA Complaint Form, ADA Grievance Procedure and ADA Notice of Rights are available in Spanish. Additionally, the ADA Accommodation Request Form and ADA Complaint Form are provided in a fillable PDF format in Spanish. Informational brochures in printed and electronic formats and public service announcements regarding scribing services have been translated into Spanish/Navajo. These resources can be found on the Judiciary's ADA webpage at: <https://www.nmcourts.gov/americans-with-disabilities-ada>

## **VII. RESOURCES IN ALTERNATIVE FORMATS**

The New Mexico AOC provides an open-captioned orientation video for Deaf and hard-of-hearing jurors:  
[https://jury.nmcourts.gov/wp-content/uploads/sites/38/2020/12/JuryOrientation\\_capt\\_eng.webm](https://jury.nmcourts.gov/wp-content/uploads/sites/38/2020/12/JuryOrientation_capt_eng.webm)

Additional resources in alternative formats available from the Statewide ADA Title II Coordinator's Office include providing court forms and requested court information in Braille or large print, and fillable PDF forms.

The ADA Notice of Rights is available in ASL: a video is posted on the Statewide ADA Title II Coordinator's webpage.

Additionally, several videos and webinars regarding general information for court users, jurors, self-represented litigants, witnesses, scribing, Judicial employee training, and other informational videos are available in ASL on the NM AOC Language Access YouTube page:

<https://www.youtube.com/@nmaoclanguagesservice8616/videos>

and on the NM AOC Language Access webpage:

<https://languageaccess.nmcourts.gov/district-court-videos/>

## **VIII. RESOURCES FOR JURORS**

The AOC Jury Division provides captioning on its orientation video as an accommodation for Deaf and hard of hearing jurors:

<https://www.youtube.com/watch?v=enNQ0PSDWd0>

ADA resources available for jurors in the Tenth Judicial District include ASL Interpreters, CART services, and Assistive Listening Devices (ALD).

## **IX. OUT-OF-COURTROOM CONTACTS**

In the Tenth Judicial District courts, the most frequent point of contact with the public is at the clerk's office. The Court does not have security staff at the building entrance or a Self-Help center (which are common first points of contact in other judicial districts).

Staff is aware of rules regarding service animals. The questions that are permissible to ask regarding service animals are:

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

In October 2023, service animal signage was provided to each of the District and Magistrate Courts in the Tenth Judicial District for posting at the public points of entry, indicating service animals are allowed. Additionally, the Statewide Title II Coordinator's Office has provided ADA Title II Bench Cards to be distributed to staff containing basic information about accommodation requests, regulations around service animals, and ADA Title II Coordinator contact details. More detailed specifications regarding service animals, including FAQ cards, were provided to the Tenth Judicial District in October 2023.

In July 2023, the NM AOC added Video Remote Interpreting (VRI) through Certified Languages International (CLI), for interactions with court users requesting ASL interpretation outside of the courtroom. Information cards with detailed instructions for accessing the VRI service will be provided to the Tenth Judicial District.

## **X. ASSISTIVE LISTENING DEVICES**

The Tenth Judicial District currently has ALDs available for use in the District and Magistrate Courts.

In addition to the ALD equipment at the Tenth Judicial District, a PocketTalker device is available for loan from the Office of the Statewide Title II Coordinator's Office as needed.



## **XI. SCRIBING SERVICES**

In 2018 the NM AOC, in collaboration with the National Center for State Courts and the State Justice Institute, launched a scribing pilot program in the Ninth and Second Judicial Districts. The scribing program assists court users who have signed a Statement of Need testifying that they need scribing help due to illiteracy, Limited English Proficiency or a disability. Court staff may read forms aloud and fill in the blanks on the self-represented litigant or potential juror's behalf, using the exact words spoken by the self-represented litigant or potential juror.

During the pilot phase, a Facilitation Guide, training videos, flyers, and brochures were developed to train all court staff and volunteers on the scribing process. Public outreach materials such as brochures, flyers, and public service announcements (PSAs) were produced in English, Spanish and Navajo.

The success of the pilot program resulted in New Mexico Supreme Court Order No. 22-8500-036 dated November 9, 2022, implementing the scribing program throughout the Judiciary.

Scrubing training modules for judiciary employees, PSAs in English, Spanish, and Navajo, and scrubing explainer videos in English, Spanish and Navajo are available at the following link:  
<https://www.youtube.com/@nmaoclanguagesservice8616/videos>

Scrubing Statement of Need and Scrubing Intake Forms have also been provided to all District ADA Coordinators and CEOs by the Statewide ADA Title II Coordinator's Office.

Currently, the ADA Title II Coordinator and one additional staff member in the Tenth Judicial District are training in scrubing. Additional training assistance with scrubing is available to the Tenth Judicial District on request by contacting the Office of the Statewide ADA Title II Coordinator.

## **XII. LIVE CHAT DEVICES**

In an effort to lead the way in augmenting accessibility for Deaf and hard-of-hearing court users, AOC has begun piloting the use of live chat UbiDuo devices. This technology enables live chat to take place between the court customer and staff, with each party typing into their respective station. Walk-in Deaf and hard-of-hearing court users who have not submitted advance notice of interpreter need can now converse immediately at the counter, eliminating the need to pass paper notes back and forth or to wait for an interpreter. Live chat devices have also been helpful in the provision of services to individuals with speech difficulties.

As of the latest revision of this plan, the Tenth Judicial District has two UbiDuo devices, located in the Quay and DeBaca District courthouses.

The Court will provide the following link to staff for training in how to use the devices:  
[https://www.youtube.com/watch?v=3OxaGxgKP\\_o](https://www.youtube.com/watch?v=3OxaGxgKP_o)

## **XIII. JUDICIAL AND STAFF TRAINING**

The Statewide ADA Title II Coordinator's Office offers regular training in partnership with the

Southwest ADA Center, New Mexico Governor's Commission on Disability, Professor Bruce Adelson, Esq. and other disability organizations. The Statewide ADA Title II Coordinator notifies all judiciary employees of upcoming trainings via email. Training is offered to all judiciary employees free of charge and is recorded and broadcast on the Language Access YouTube channel at: <https://www.youtube.com/channel/UCAyCQWhtNiJFAGPrXnB-wQQ>

The Statewide ADA Title II Coordinator's Office also holds regular in-person and virtual trainings and meetings with Judges, District ADA Coordinators and Judiciary staff, and offers the opportunity for District ADA Coordinators to enroll in the ADA Coordinator Training Certification Program (ACTCP) and attend the annual ADA National Symposium. In September 2023, the Tenth Judicial District ADA Title II Coordinator, Amy Gutierrez attended the New Mexico Governor's Commission on Disability ADA Coordinator Program/ADA Conference.

Effective 2023, AOC Human Resources Department's new employee orientation training includes ADA Title I and ADA Title II compliance information, and the Statewide ADA Title II Coordinator's contact information.

Additional training assistance is available to the Tenth Judicial District on request by contacting the Statewide ADA Title II Coordinator's Office. It is the intention of the ADA/LAP team to hold court-wide, hybrid ADA/language access training annually.

#### **XIV. EMERGENCY PLAN AND EVACUATION**

Under Title II of the ADA, public entities must ensure that emergency and evacuation plans for their facilities, activities and programs include emergency preparedness plans for people with disabilities.

The Quay County District Court has an evacuation chair available to evacuate individuals with mobility disabilities from the second floor of the courthouse.

#### **IX. PUBLIC NOTICE**

All public entities must provide information to the public, program participants, program beneficiaries, applicants and employees about the ADA and how it applies to the public entity.

A new Americans with Disabilities Act page was created and added to the New Mexico Courts website in October 2021. The page includes the Notice of Rights (in English, Spanish and ASL); the Request for Accommodations, Grievance Procedure and Complaint forms (in English and Spanish), and contact information for the Statewide ADA Title II Coordinator.

<https://www.nmcourts.gov/americans-with-disabilities-ada>.  
<https://www.nmcourts.gov/estadounidenses-con-discapacidades>.

The Notice of Rights is provided in English, Spanish and ASL and posted on the ADA page:

<https://www.nmcourts.gov/americans-with-disabilities-ada/>

The Tenth Judicial District website maintains an ADA informational page at <https://tenthdistrictcourt.nmcourts.gov/americans-with-disabilities-ada>, which includes the Notice of Rights; Request for Accommodations (in English and Spanish); Grievance Procedure and Complaint

forms (in English and Spanish), as well as a contact email address.

A hard copy of the Tenth Judicial District LAP/ADA Plan (in English and Spanish) shall be kept at the public counter of the District courthouses and in the lobby of the Magistrate courthouses. Copies of the plan will be provided to the public on request, in English, Spanish or alternative formats. In addition, the Tenth Judicial District posts the plan at <https://tenthdistrictcourt.nmcourts.gov/language-access-plan> and AOC posts the plan at <https://languageaccess.nmcourts.gov/language-access-plans>.

In 2023, the AOC Statewide Title II Coordinator’s Office began working with the AOC Judicial Information Division (JID) to incorporate detailed language on all Notice of Hearing documents for the District, Magistrate and Metropolitan Courts regarding ADA Title II and contact information for the courts in regard to ADA accommodation requests.

## **XVI. GRIEVANCE PROCEDURE**

The statewide Grievance Procedure is attached to this plan and also posted on the ADA website in English and Spanish at: <https://www.nmcourts.gov/americans-with-disabilities-ada/forms>.

## **XI. APPROVAL AND EVALUATION OF ADA PLAN**

### **A. ADA Plan Approval**

The Tenth Judicial District ADA plan is subject to approval by the Chief Judge and Court Executive Officer. Any future revisions to the plan will be submitted to the Chief Judge and Court Executive Officer for approval, and then forwarded to the AOC.

### **B. Annual Evaluation**

Annually, or more frequently if needed, the Court will review the effectiveness of its ADA plan and update it as necessary.

### **C. Tenth Judicial District ADA Title II Coordinator**

Amy Gutierrez  
Tenth Judicial District Court  
PO Box 1067, Tucumcari, New Mexico 88401  
[tucdajg@nmcourts.gov](mailto:tucdajg@nmcourts.gov)  
(575) 461-2764

### **D. Statewide ADA Title II Coordinator**

Peggy Cadwell  
New Mexico Administrative Office of the Courts  
111 Lomas Blvd. NW Suite 300 Albuquerque, NM 87102  
[ADA@nmcourts.gov](mailto:ADA@nmcourts.gov)  
(505) 414-5313

**LANGUAGE ACCESS PLAN &  
AMERICANS WITH DISABILITIES ACT PLAN  
SIGNATURE PAGE**

**A. Effective Date:**

LAP original effective date: July 1, 2012

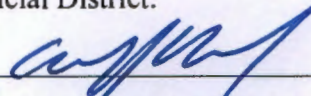
ADA plan original effective date: November 15, 2022

Latest revision: November 15, 2023

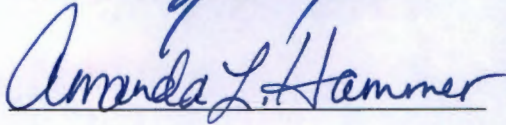
**B. Approved By:**

Hon. Albert J. Mitchell, Jr., Chief Judge, Tenth Judicial District:

Date: October 30, 2023

  
\_\_\_\_\_

Amanda Hammer, Court Executive Officer:

  
\_\_\_\_\_

Date: October 30, 2023

## **ATTACHMENTS**

### **LANGUAGE ACCESS PLAN:**

- A) Members of the Tenth Judicial District LAP/ADA Planning Team**
- B) Language Access Complaint Procedure and Form**

### **ADA PLAN:**

- 1) Notice of Rights**
- 2) Request for Accommodations**
- 3) Grievance Procedure**
- 4) Complaint Form**

**Tenth Judicial District LAP  
Revised 2023  
Attachment A**

**Tenth JD LAP/ADA Team**

Amanda Hammer, Court Executive Officer – **LAP Coordinator**

Amy Gutierrez, Business Specialist 2, Quay County District Court – **ADA Coordinator**

Leslee Nunez, Trial Court Administrative Assistant, Quay County District Court

Dana Pacheco, Judicial Specialist Supervisor, Quay County District Court

Laura Fought, Court Manager 2, Quay County Magistrate Court

Stephanie Esquibel, Court Manager 1, Harding County Magistrate Court

Whitney Gauna, Judicial Specialist 2, De Baca County Magistrate Court

## **Americans with Disabilities Act Notice of Rights**

The New Mexico Administrative Office of the Courts is committed to ensuring equal access to and full participation in court programs, court services, and court activities for qualified individuals with disabilities, including attorneys, litigants, defendants, probationers, witnesses, victims, potential jurors, and public observers of court proceedings.

### **What is the American with Disabilities Act?**

The Americans with Disabilities Act of 1990 (ADA) was enacted to prohibit discrimination against people with disabilities. Under Title II of the ADA, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of programs, services, or activities of a public entity. This prohibition applies to the New Mexico state courts as providers of public programs, services, and activities. Pursuant to the ADA, people with disabilities have an equal opportunity to access, use, and fully participate in court programs, services, and activities and not be discriminated against because of their disability.

### **Who is considered a person with a disability under the ADA?**

According to the ADA, a person with a disability has a physical, mental, or communication disability that substantially limits one or more major life activities such as:

- caring for oneself,
- performing manual tasks,
- walking,
- seeing,
- hearing,
- speaking,
- breathing,
- learning,
- and working.

An ADA-disability may also restrict the person's way of doing things and/or where and for how long the person can do a certain activity or function.

### **If I have a disability, what do the courts have to do to help me access the courts?**

Whenever reasonable, New Mexico Court policies, practices, or procedures must be modified to make court programs, court services, and court activities readily accessible to and useable by people with disabilities. This includes removing architectural barriers by altering existing facilities where feasible or relocating services to an ADA-accessible site.

The ADA also includes removing communication barriers by providing auxiliary aids and services that would allow a person with a disability to effectively represent a client, be a party in a lawsuit, testify as a witness, serve on a jury, observe a hearing or trial, or otherwise participate in all programs, services and activities. In providing reasonable accommodations, the New Mexico Courts give ADA Title II primary consideration to the accommodations requested by the person with a disability when reasonable and practicable. To ensure ADA effective communications with people who are deaf or hard of hearing, the New Mexico Courts provide sign language and oral interpreters, TTYs, or other appropriate auxiliary aids and services free of charge. The New Mexico Courts may also provide information in Braille and Large Print for people with visual disabilities as a reasonable accommodation request.

### **How do I request an accommodation?**

ADA accommodation requests should be submitted to the local Chief Executive Officer, ADA Coordinator for the District or their designees as soon as possible.

Reasonable notice must be given for the New Mexico Courts to consider an accommodation request without causing undue disruption to court proceedings. If the request concerns a particular court proceeding, the request should be made as soon as possible, preferably as soon as the person needing accommodation receives notice of the proceeding to allow consideration of the request and to arrange for a potential reasonable accommodation.

### **How do decisions about accommodations get made?**

Once the request for accommodation has been received, the district's Chief Executive Officer, the District's ADA Coordinator or their designees will review the request and engage in an interactive process with the requestor to evaluate and provide a reasonable accommodation. The Statewide ADA Coordinator will be available for consultation as requested.

Every effort shall be made to meet the specific needs of the individual, and Primary Consideration will be given to the aid or service requested. However, if that aid or service results in an undue burden for the court or fundamental alteration of the court proceeding, program, service, or activity, the New Mexico Courts may suggest an equally effective accommodation. In providing reasonable accommodations, New Mexico Courts are not required by the ADA to make modifications that would fundamentally alter the affected service or program or cause undue financial or administrative burden.

The Chief Executive Officer, ADA Coordinator for the district or their designees, will notify the requestor whether the request has been approved or denied. If the request has been approved, the accommodation will be provided at no charge to the requestor. If the party requesting accommodation disagrees with the decision, a grievance may be filed.



## ADA ACCOMMODATION REQUEST FORM

The \_\_\_\_\_ Court is committed to its policy of providing equal access to the Court consistent with the Americans with Disabilities Act of 1990 (“ADA”), as amended, and all other applicable state and federal laws. If you have a disability that may restrict your ability to meaningfully participate in Court proceedings, programs, activities, or services, we will provide you with reasonable and appropriate accommodations at no cost to you. If you need assistance with or an accommodation for completing this form because of disability or limited English proficiency, please contact us at: \_\_\_\_\_

Please provide us with the following information:

Today’s date: \_\_\_\_\_

Your First Name: \_\_\_\_\_

Your Middle Initial: \_\_\_\_\_

Your Last Name: \_\_\_\_\_

Your Home Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Your Phone Number: \_\_\_\_\_ Home \_\_\_\_ Cell Phone \_\_\_\_\_

Your Email Address: \_\_\_\_\_

Your Court Case Number: \_\_\_\_\_

**ADA ACCOMMODATION REQUEST FORM**

Date and Time: \_\_\_\_\_

What specific accommodation are you requesting?

---

---

---

---

---

---

---

Please provide any additional information that might be useful in the ADA Coordinator's review of your accommodation request:

---

---

---

---

---

---

---

## **ADA Grievance Procedure**

The ADA grievance procedure may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in court proceedings, the provision of services, or programs and activities of the New Mexico Courts. To file a grievance, complete the Grievance Form below. Alternative means of filing a grievance will be made available upon request for an ADA accommodation or an accommodation for limited English proficiency pursuant to Title VI of the Civil Rights Act of 1964. The grievance should be submitted by the requestor and/or his/her designee as soon as possible but not later than thirty (30) calendar days after the alleged discrimination occurred to:

**Peggy Cadwell**  
**Statewide ADA Title II Coordinator**  
**New Mexico Administrative Office of the Courts**  
[ADA@nmcourts.gov](mailto:ADA@nmcourts.gov)  
**(505) 414-5313**

Within fifteen (15) calendar days after the receipt of the grievance, the Statewide ADA Coordinator will meet with the requestor to discuss the alleged discrimination and possible resolution.

Within thirty (30) calendar days after this meeting, the Statewide ADA Coordinator will respond in writing and, where appropriate, in a format accessible to the requester, such as large print, Braille, audio or accessible video tape. The response will explain the position of the New Mexico Courts and offer options for substantive resolution of the grievance.

In the event the grievance cannot be resolved by the Statewide ADA Coordinator, further appeal may be made to the Administrative Director of the Courts. The requestor shall submit their appeal to the Administrative Director of the Courts within fifteen (15) calendar days of receiving the written decision by the Statewide ADA Coordinator.

Upon receipt of the appeal, the Administrative Director of the Courts will review the alleged discrimination as well as the proposed resolution and within thirty (30) calendar days, provide the requestor with a written decision. All grievances received by the Statewide ADA Coordinator and the corresponding responses to the grievances shall be maintained by the Administrative Office of the Courts for a minimum period of three years.

**Applicable federal statutes and regulations: Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination by federally funded organizations on the basis of disability in the delivery of services and employment practices (29 U.S.C. § 794) and 28 C.F.R. Part 42, Subpart G; Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (42 U.S.C. § 12132) and 28 C.F.R. Part 35**

**Americans with Disabilities Act Complaint Form**

For Staff Completion Only

Date Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

Received by: \_\_\_\_\_

Date of Resolution: \_\_\_\_\_

Please complete all boxes and sections on the information form. Print or type all entries.

**PERSON MAKING THE COMPLAINT:**

Last Name: \_\_\_\_\_

First Name: \_\_\_\_\_

M.I: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Your Home/Cell phone: (\_\_\_\_) \_\_\_\_-\_\_\_\_\_

Your Work number: (\_\_\_\_) \_\_\_\_-\_\_\_\_\_

Email Address:

\_\_\_\_\_

What is the best way to contact you? Home Phone    Cell Phone    Work  
Mail    Email    Other: \_\_\_\_\_

What is the best time to contact you? \_\_\_\_\_

Check: Yes \_\_\_\_ No \_\_\_\_: I require an accommodation for filing and resolving my complaint. Please contact me at the phone numbers and email addresses I listed to make accommodation arrangements.

**DETAILS OF COMPLAINT**

Date of Incident: \_\_\_\_/\_\_\_\_/\_\_\_\_

Court

Location \_\_\_\_\_

Identify the person and/or division in the Court

\_\_\_\_\_

Please describe the concern in your own words. Use the back of the form if additional space is needed. Attach any letters or other documentation that detail the issues. Please be as specific as possible, including all names and dates.

\_\_\_\_\_

\_\_\_\_\_

---

---

---

---

---

DESIRED RESOLUTION

In your opinion, what action should be taken by the Court to resolve this matter?

---

---

---

---

---

HOW YOUR COMPLAINT IS HANDLED

The vision of the New Mexico Courts is to be an efficient and fair forum built on a foundation of integrity and administered by a team committed to efficient, timely, and innovative services. To this end, any complaint received by the Court will be processed in a timely manner. Complaints are processed in the order that they are received or by degree of severity. Each complaint is reviewed and investigated by a supervisor or designee. The outcome of the investigation or resolution will be disclosed to the person making the complaint.

FOR STAFF COMPLETION ONLY:

Investigation Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

---

---

---

---

---

Resolution Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

---

---

---

---

---

Complainant contacted and informed of resolution Yes/ No

Date Contacted: \_\_\_\_\_

Reason complainant not contacted:

---