

**SECOND JUDICIAL DISTRICT COURT
ADA PLAN**

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I. 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.

II. NEEDS ASSESSMENT

A. New Mexico Data

The Centers for Disease Control and Prevention publish 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. Second Judicial District Court Data

The Second Judicial District Court 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) = 64
2. Communication Access Real-Time Captioning (CART) = 1
3. Scribing Services = 75

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

The Court also tracks out-of-courtroom encounters in every division that has contact with the public. The District’s ADA Coordinator maintains a log of contacts with court users needing ADA 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	4
September 2022	4
October 2022	3
November 2022	1
December 2022	2
January 2023	3
February 2023	0
March 2023	4
April 2023	3
May 2023	3
June 2023	4

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

III. 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 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

(505) 414-5313

B. Duties of the Local ADA 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 the District is 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.

Second Judicial District Court ADA Title II Coordinator:

Ramon J. Maestas, Deputy General Counsel

albdrxm@nmcourts.gov

(505) 222-4574

ADA Coordinator information has been provided via email to all employees and is posted on the Second Judicial District Court website.

If the Second Judicial District Court ADA Title II coordinator is not available, employees and the public can contact:

Alison Orona, General Counsel
albdag@nmcourts.gov
(505) 841-6754

IV. 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 language access 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.

V. 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. These forms can be found at: <https://seconddistrictcourt.nmcourts.gov/inicio/solicitud-de-adaptaciones-de-la-ada>

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>

VI. 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

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/@nmaoclanguagelanguageaccessservice8616/videos>

and on the NM AOC Language Access webpage:

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

VII. 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 Second Judicial District include ASL Interpreters, CART services, and Assistive Listening Devices (ALD). Currently the Jury Division has four (4) ALD devices available for Jurors.

VIII. OUT-OF-COURTROOM CONTACTS

The Second Judicial District Court reports that the first point of contact for members of the public in the Court is the Sheriff's Department, who provides security. The security team is familiar with the questions that are permissible to ask regarding service animals:

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

Service animal signage has been provided to the Downtown Courthouse and the Public Safety Building (which houses Second Judicial District Court Pretrial Services), and will be provided to the Children's Court for posting at the public points of entry, indicating service animals are allowed. The Second Judicial District Court has also purchased supplemental service animal signage to post at the Downtown Courthouse, Children's Court, and Public Safety Building. Additionally, the Statewide Title II Coordinator's Office has provided ADA Title II Bench Cards to be distributed to staff and the Sheriff's Department 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 Second Judicial District Court in August 2023.

The Second Judicial District Court will begin displaying animal service signage on their informational television monitors located near each elevator.

The most frequent point of contact with Self Represented Litigants in the Second Judicial District Court is the Self Help Center, followed by the Information Desk.

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 Second Judicial District Court.

The Self Help Center in the Second Judicial District Court has microphones that are used to assist in communicating with hard of hearing individuals.

IX. ASSISTED LISTENING DEVICES

The Second Judicial District Court currently utilizes four (4) ALDs in the Jury Division and has an additional fifty to sixty (50-60) devices for use in the Courthouse, with two (2) ALDs also available in Children's Court.

In addition to the ALD equipment, in August 2023 the Statewide ADA Title II Coordinator's Office purchased four (4) PocketTalker devices for the Second Judicial District Court Self Help Office, Clerk's Office, Children's Court, and Pretrial Services. An additional PocketTalker device is available for loan from the Office of the Statewide Title II Coordinator's Office as needed.

X. 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 litigant's behalf, using the exact words spoken by the litigant.

As a pilot site for the scribing program, the Second Judicial District utilized volunteer scribes with ReadWest, a local literacy nonprofit organization, to perform scribing duties alongside court staff for court users with disabilities, low literacy, limited English proficiency or limited computer access. After the scribing program was expanded throughout the entire Judiciary in 2022, the Second Judicial District Court began solely utilizing court staff as scribes, and currently has two (2) trained staff members in the Self-Help Division performing scribing duties. Currently, scribing sessions are scheduled in advance, and walk-ins are available for emergency filings. To further assist other New Mexico courts in launching their own scribing programs, the Second Judicial District Court Self Help Office has collaborated with the Statewide ADA Title II Coordinator's Office by inviting members of the Judiciary to observe their scribing sessions. The Court also participated in a panel discussion with the National Center for State Courts at the 2023 Court Language Access Coordinator's conference. Future collaboration between the Second Judicial District Court and Statewide ADA Title II Office will include a webinar regarding legal advice and legal information as it relates to scribing.

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 Second Judicial District Court also advertises scribing services to the public on their informational television monitors near the elevators.

The leadership demonstrated by the Second Judicial District Court during the scribing pilot program contributed to its success, resulting in New Mexico Supreme Court Order No. 22-8500-036 dated November 9, 2022, implementing the scribing program throughout the Judiciary.

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

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

Additional training assistance with scripting is available to the Second Judicial District Court on request by contacting the Office of the Statewide ADA Title II Coordinator.

XI. 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.

The following link provides training for staff on how to use the devices:
<https://www.youtube.com/watch?v=o2ceYxbGvAQ>

As of the latest revision of this plan, the Second Judicial District Court has two (2) UbiDuo devices, located in the Self Help Center and in the Court Interpreter Supervisor's Office. In August 2023, the Office of the Statewide ADA Title II Coordinator provided an additional UbiDuo device for the Second Judicial District Children's Court.

XII. 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 training via email. Training is offered to judiciary employees free of charge and is recorded and broadcast on the Language Access YouTube channel at:
<https://www.youtube.com/channel/UCAYCQWhNiJFAgPrXnB-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 2022, the Second Judicial District Court hosted three training sessions led by the Southwest ADA Center on the basics of ADA, reaching a total of 100 employees. It is the intention of the ADA/ language access planning team to hold court-wide, hybrid ADA/ language access training annually. The Second Judicial District Court will also include ADA training in its new employee orientation.

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 Second Judicial District Court on request by contacting the Statewide ADA Title II Coordinator's Office.

XIII. 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.

To date, the Second Judicial District Court has provided in-person training with the courtroom bailiffs on evacuating jurors from the courtrooms. As of the current revision of this plan, the Second Judicial District Court is in the process of updating their emergency and evacuation plan for the Downtown Courthouse, Children's Court and Pretrial Services. The updated plan will include staff training on evacuation procedures for individuals with disabilities, providing exit signage in Braille, and creating dedicated "safe rooms" with a direct communication link to Sheriff Deputies. The updated training will be available for all employees on Google Classroom, and will also be shared with the Statewide ADA Title II Coordinator.

XIV. 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.

An Americans with Disabilities Act page was created (in English and Spanish) 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 Title II ADA Coordinator.

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

<https://www.nmcourts.gov/estadounidenses-con-discapacidades>.

The Second Judicial District Court displays ADA information prominently on its English and Spanish homepages at <https://seconddistrictcourt.nmcourts.gov> and <https://seconddistrictcourt.nmcourts.gov/inicio>, and has created its own Americans with Disabilities Act page, in English and Spanish. Included are the Notice of Rights; Request for Accommodations; Grievance Procedure; Complaint form and Second Judicial District Court Notice of Non Discrimination as well as contact information for the local ADA Title II Coordinator. The Second Judicial District has created an ADA email address, ADA.2nddistrictcourt@nmcourts.gov in order to keep track of any incoming email requests from the public.

In 2023, the AOC Title II Statewide 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 regards to ADA accommodation requests.

A hard copy of the Second Judicial District Court's LAP/ADA Plan (in English and Spanish) shall be kept at the public information desk. Copies are also viewable at the public access computer kiosks, via a shortcut link. Copies of the plan will be provided to the public on request, in English, Spanish or alternative formats. In addition, the Second Judicial District Court posts the plan at <https://seconddistrictcourt.nmcourts.gov/home/court-administration/language-access-plan> and AOC posts the plan at <https://languageaccess.nmcourts.gov/language-access-plans>. The plan is also accessible to court staff and judges on the Court's internal intranet.

XV. GRIEVANCE PROCEDURE

The Second Judicial District Court ADA Grievance Procedure is attached to this plan and also posted on the court's website in English and Spanish:
<https://seconddistrictcourt.nmcourts.gov/request-reasonable-accommodation>.

XVI. APPROVAL AND EVALUATION OF ADA PLAN

A. ADA Plan Approval

The Second Judicial District Court's 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. Second Judicial District Court ADA Coordinator

Second Judicial District Court ADA Coordinator:
Ramon J. Maestas, Deputy General Counsel
albdrxm@nmcourts.gov
(505) 222-4574

D. Statewide ADA Coordinator

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

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

A. Effective Date:

LAP original effective date: July 20, 2012

ADA plan original effective date: July 31, 2022

Latest revision of LAP and ADA plan: September 20, 2023

B. Approved By:

Honorable Marie Ward, Chief Judge: Marie C Ward Date: 10/3/2023

Katina Watson, Court Executive Officer: Katina Watson Date: 10/2/2023

ATTACHMENTS

LANGUAGE ACCESS PLAN:

- A) **Members of the Second Judicial District Court LAP/ADA Planning Team**
- B) **Interpreter Statistics Fiscal Year 2023**
- C) **Certified Languages International Phone Service Usage Fiscal Year 2023**
- D) **Interpreter Scheduling Instructions**
- E) **Language Access Specialist Directory**
- F) **Language Access Complaint Procedure and Form**

ADA PLAN:

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

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
(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:
