

MICHIGAN COURT OF APPEALS
POLICY FOR ACCOMMODATING PERSONS WITH DISABILITIES

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A. PREAMBLE

It shall be the intent of the Michigan Court of Appeals to assure that qualified individuals with disabilities have equal and full access to the Court by providing a written accommodations policy. Nothing in this policy shall be construed to impose limitations or to invalidate the remedies, rights and procedures accorded to any qualified individuals with disabilities under state or federal law. The Court will make every reasonable effort to enable individuals with impairments or disabilities to participate in and benefit from the services, programs and activities of the Court.
(Published 6/02.)

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B. DEFINITIONS

1. “Qualified individuals with disabilities” means persons covered by the Americans with Disabilities Act of 1990 (42 USC sections 12101 et seq.) and other related state and federal laws; and includes individuals who have a physical or mental impairment that substantially limits one or more of the major life activities; have a record of such impairment; or are regarded as having such an impairment. *(Published 6/02.)*
2. “Applicant” means a qualified individual, as defined above, who is involved in an appeal such as a lawyer or party or any other individual with legitimate interest in a pending appeal or attending any proceeding before the Court of Appeals. *(Published 6/02.)*
3. “Accommodation(s)” may include, but are not limited to, making reasonable modifications in policies, practices, and procedures; furnishing, at no charge, to the qualified individuals with disabilities, auxiliary aids and services, which are not limited to equipment, devices, materials in alternative formats, and qualified

interpreters or readers; and making each service, program, or activity, when viewed in its entirety, readily accessible to and usable by qualified individuals with disabilities requesting accommodations. Access may be provided by various methods including reasonable alteration to existing facilities, acquisition or construction of additional facilities, relocation of a service or program to an accessible facility, or provision of services at alternate sites. The Court will consider the expressed choice of the individual requesting the accommodation to facilitate effective communication. No cost of accommodations will be charged to any applicant. *(Published 6/02.)*

4. “Confidentiality” applies to the identity of the applicant in all oral or written communications, including all files and documents submitted by the applicant as part of the application process. *(Published 6/02.)*

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C. PROCESS

1. Applications requesting accommodations pursuant to this policy may be presented in writing, on a form approved by the State Court Administrative Office and provided by the Court, or orally as allowed by the Court. Applications should be made at the Court of Appeals District Office designated by the Court where the proceedings will take place. *(Published 6/02.)* [\[Request for Accommodations form \(MC 70\)\]](#)
2. All applications for accommodations shall include a description of the accommodation(s) sought along with a statement of the functional impairment or disability that necessitates such accommodation. The Court, in its discretion, may require the applicant to provide additional information about the qualifying impairment or disability. *(Published 6/02.)*
3. Applications should be made as far in advance of the requested accommodations implementation date as possible. *(Published 6/02.)*
4. Upon request, the Court shall maintain the application form in a separate, confidential file so as not to reveal the identification of the applicant or other information contained in the application for accommodation. *(Published 6/02.)*

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D. GRANT OF ACCOMMODATION

1. In determining whether to grant an accommodation and what accommodations to grant, the Court shall consider, but is not limited by, the applicable provisions of the Americans with Disabilities Act of 1990, section 504 of the Rehabilitation Act of 1973, the state Deaf Persons Interpreters Act PA 204 of 1982; Michigan Handicappers’ Civil Rights Act PA 220 of 1976; and the Elliott-Larsen Civil Rights Act PA 453 of 1976. *(Published 6/02.)*

2. The Court will inform the applicant in writing, or other accessible format required by the applicant, of the reasons and basis upon which an order either grants or denies the accommodations request. *(Published 6/02.)*

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E. DENIAL OF ACCOMMODATION

An application may be denied only if the Court finds that the applicant has failed to satisfy the requirements of the policy or the requested accommodation(s) would result in a fundamental alteration in the nature of the program, service or activity, or would create an undue financial or administrative burden on the Court. *(Published 6/02.)*

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F. REVIEW PROCEDURES

An applicant or any participant in the proceeding, service or activity in which an accommodation has been denied or granted may seek a review of a determination within 7 days of the date of notice of denial or grant by submitting to the Clerk's office a written request for review by the Chief Judge of the Court of Appeals. *(Published 6/02.)*

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G. DURATION OF ACCOMMODATIONS

The accommodations by the Court shall commence on the date indicated on the notice of accommodation and shall remain in effect for the period specified in the notice of accommodation. The Court may grant accommodations for indefinite periods of time or for a particular proceeding, service or activity. *(Published 6/02.)*

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