

POLICY OF THE RHODE ISLAND JUDICIARY FOR PROVIDING SERVICES TO THE HEARING IMPAIRED (DATED OCTOBER 1, 1997)

ORDER

1. General Policy

It is the general policy of the unified judiciary that all courts shall provide reasonable accommodations to persons with communications disabilities.

2. Sign Language Interpreters and Other Auxiliary Aids and Services

Each court shall provide at state expense, sign language interpreters or other appropriate auxiliary aids and services to participants in court proceedings who are deaf, hearing impaired, or have other communications disabilities. Each court shall give primary consideration to a participant's choice of auxiliary aid or service.

"Primary consideration" means that the courts will honor the choice, unless it can be shown that another equally effective means of communication is available, or that the use of the means chosen would result in a fundamental alteration in the nature of the court proceedings or in an undue financial or administrative burden.

"Auxiliary aids and services" include qualified interpreters, assistive listening devices, or systems or other effective means of making aurally delivered materials available to individuals with hearing impairments.

"Participants" in court proceedings include parties, attorneys, and witnesses. The services called for under this policy are not required to be provided to spectators, although a trial justice or judge may elect to do so in situations where it is determined to be appropriate, such as providing an interpreter to the deaf spouse of a criminal defendant so that the spouse may follow the course of the trial.

"Court proceedings" include trials, hearings, ceremonies, or other public programs or activities conducted by a court.

3. Jurors

The determination of whether a prospective juror with a communications disability is legally qualified to serve as a juror is an issue to be determined by the trial justice pursuant to statutory, constitutional and common law principles. That determination is not governed by this policy. However, when an individual with a communications disability is found to be qualified to serve as a juror, a sign language interpreter or other appropriate auxiliary aid or service should be provided under these guidelines.

4. Procedures

Each court shall identify a specific officer or individual(s) to serve as access coordinator from whom participants in court proceedings may request auxiliary aids or services. The access coordinator must be familiar with the judiciary's policy of providing reasonable accommodations to persons with communications disabilities, to ensure that the policy is properly implemented. The access coordinator must have a ready working knowledge of the types of auxiliary aids and services available to serve the needs of disabled persons and of the local sources from which auxiliary aids and services may be procured. Personnel in each court are to be instructed as to the judiciary's policy and the identity and location of the access coordinators in their particular court. Each court shall appropriately publicize the identity and location of its access coordinator through courthouse signs, bulletin board announcements, pamphlets, notices to be placed on court summonses, subpoenas, and other official documents issued to parties, witnesses, and jurors.

Courts shall establish specific procedures through which requests for auxiliary aids services are to be submitted, such as requiring that they be submitted to the access coordinator in writing or that they be submitted in advance of the court proceeding involved. Courts shall also establish procedures through which persons dissatisfied with the court's proposed provision of auxiliary aids and services may seek review or reconsideration. Any such procedures must be appropriately publicized.

5. Reporting

In all situations in which services are provided under this policy, courts are to file reports with the office of the Court Administrator on forms provided for this purpose. Such reports shall include the specific costs of providing service in each instance, in the event that a sign language interpreter is used, or an assistive listening device other than those already furnished to the courts must be rented or purchased.

6. Effective date

Entered as an Order of this Court this 1st day of October 1997.

By Order,

Clerk