



# Removing Barriers to Justice: It's More Than Ramps

Office of State Courts  
Administrator, Access to Justice

# Barriers

- Attitudes (regardless of our knowledge of them)
  - Feelings
  - Beliefs
  - Myths/Stereotypes
- Lack of information
- Cultural differences
- Fear
- Physical & Linguistic

# Americans With Disabilities Act

## Titles That Impact You

- **Title I: Employers** with 25 or more employees – covered as of **July 26, 1992**. Employers with 15 or more employees were covered as of July 26, 1994.
- **Title II: State and local governments**, as of **July 26, 1992**.



# When a Person has a Physical Disability

Are your facilities accessible?  
What are ADA requirements?

- As a government entity in a building **built prior to 1992**, you must provide **“program accessibility”** – relocate services to an accessible site, unless to do so would cause an undue administrative or financial hardship.
- If the building was **built after 1992**, it **must meet the standards of the ADA**.

# When a Person has a Physical Disability

- **TN v Lane, 02-1667** Individuals have the right to sue if a state fails to meet the requirements of the ADA (no 11<sup>th</sup> amendment immunity from suits).
- OSCA will conduct onsite **assessments** and review plans or an assessment can be found on the ADA home page ([www.ada.gov](http://www.ada.gov))

# When a Person is Deaf or Hard of Hearing

- **ADA and statutes require effective communication at no charge – 1<sup>st</sup> preference is their request.**
- **OSCA pays** when you send the bill & a completed **GN65**
- **5 CSR 100-200.170 Skill Level Standards** prohibits interpreters from working outside their skill level



# When a Person is Deaf or Hard of Hearing

How do you find approved interpreters or real time captioners for court proceedings?

- MCIC/Juvenile & Adult Court Programs/Access to Justice.
- Access to Justice Program (573/526-8870)
- MO Commission for the Deaf & Hard of Hearing (573/526-5205).

# When a Person is Deaf or Hard of Hearing

- **ALDs**
- **TTYs**
- **Relay MO Service**

7-1-1 or 1-800-735-2460



# When a Person is Blind or has Low Vision

## Alternative formats:

- large type (18pt. Font)
- Braille
- tape recorded
- electronic format

# When a Person Uses a Service Animal

The ADA defines a service animal as any guide dog, signal dog, or other **animal trained to provide assistance** to an individual with a disability. Examples:

- Vision
- Hearing
- Dexterity
- Mobility



You **may not require proof** that an animal is a service animal. However, you may ask questions on what type of service they provide.

# Limited English Proficient (LEP) - Demographics

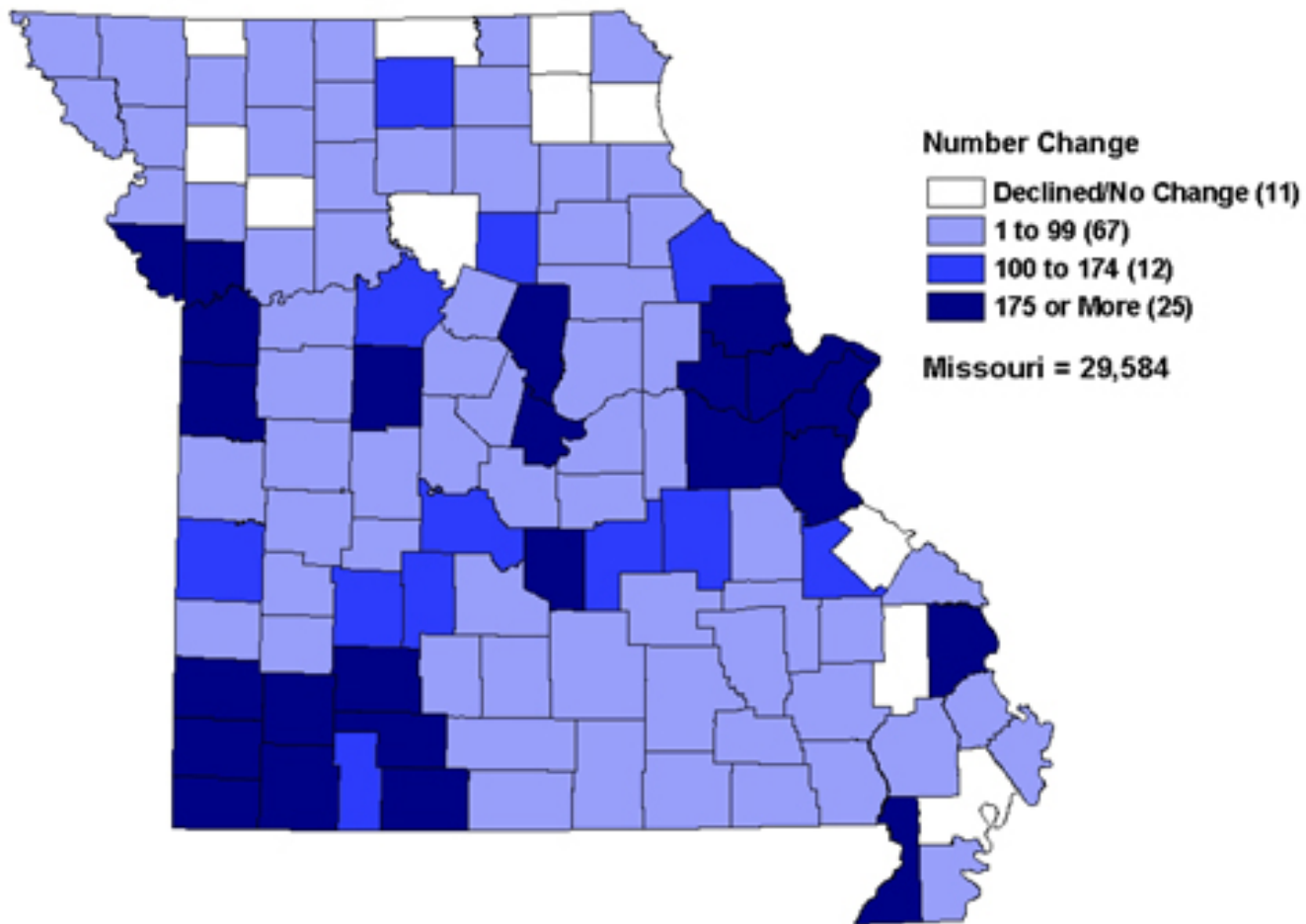
**Census** data shows that Missouri's population continues to change and the **Hispanic population is the fastest growing community.**

- **Hispanic population increased 92.2% between 1990 and 2000; and 24.9% between 2000 and 2004.**
- **Hispanic population in 7 counties increased at least 1 percentage point from 2000 to 2004.**

<b>Barry</b>	<b>Jasper</b>	<b>McDonald</b>	<b>Sullivan</b>
<b>Jackson</b>	<b>Lawrence</b>	<b>Pettis</b>	



## Change in Hispanic Population in Missouri, 2000-2004



Source: USDC, Census Bureau, Federal State Cooperative for Population Estimates  
Prepared by: University of Missouri Extension, The Office of Social and Economic Data Analysis - (OSED)

Map Generated on 08.11.2005

# Limited English Proficient (LEP) – THE LAW

[www.lep.gov](http://www.lep.gov)

**Title VI of the Civil Rights Act** prohibits discrimination based on **national origin**, etc.

**Executive Order 13166** instructed federal agencies to ensure that **recipients of federal assistance provide meaningful access** to their programs for LEP persons.

**US Dept. of Justice guidance** was issued and federal assistance recipients risk losing funds if there's not meaningful access.

# Limited English Proficient (LEP) – THE LAW

**Statutes require that courts appoint qualified interpreters for all proceedings -- OSCA pays when services are provided in criminal proceedings, when you send the bill and a completed GN65**

**Section 476.820.3 says that fees may be taxed as costs when OSCA doesn't pay. HOWEVER . . . This may conflict with Title VI & Executive Order 13166**



# Limited English Proficient (LEP)

## How do I determine the language?

- “If you need an interpreter” poster
- “I Speak” card

## RESOURCES

- Telephone interpreting (Language Line Services)
- Translated forms
- MJJA phrase book (Spanish)
- Free on-line translation (USE WITH CAUTION)

# Limited English Proficient (LEP)

- **More than being bilingual!**
- **Qualified** interpreters have training and specialized skills in legal interpreting.
- OSCA conducts court interpreter **certification**: orientation, skills building workshops, and testing.
- **Encourage** people you use as interpreters to participate in certification.

# Limited English Proficient (LEP)

## RESOURCES on MCIC/Juvenile & Adult Court Programs/Access to Justice

- certified interpreters contact information
- state contract information
- translated forms
- telephone interpreting information



# Summary

- Equal access is a **constitutional right** – for everyone.
- Words have power – Sometimes we're unaware of the negative attitudes we express. Treat everyone with **respect**.
- Have a **plan** for providing services.
- Schedule only **qualified** interpreters.
- Use available resources.