

**PROTOCOL REGARDING EFFECTIVE COMMUNICATION  
FOR THE DEAF AND HARD OF HEARING  
IN THE  
CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT**

**I. INTRODUCTION**

The Americans with Disabilities Act (ADA), a federal civil rights statute for individuals with disabilities, requires all state and local governmental entities, including the courts, to accommodate the needs of individuals with disabilities to ensure equal access to court activities, programs and services. The Circuit Court of the Fourth Judicial Circuit (Court) has adopted the following protocol and procedures for ensuring effective communications for individuals with hearing loss.

**II. POLICY**

It is the policy of the Court to ensure that communications with individuals with hearing loss in its proceedings are as effective as communications with individuals without disabilities, consistent with the requirements of Title II of the ADA. This applies to all types of court proceedings including both civil and criminal.

To meet this obligation, the Court will provide, free of charge, the appropriate auxiliary aids and services, whenever necessary to ensure that individuals who are deaf or hard of hearing have an equal opportunity to participate in and benefit from any program, services and activities.

The policy applies to all members of the public who seek to participate in the court's proceedings, programs, services and activities, including parties to legal proceedings, witnesses, jurors and spectators.

**III. DESCRIPTION OF AUXILIARY AIDS AND SERVICES**

Auxiliary aids and services include a wide range of services and devices that promote effective communication.

Examples of auxiliary aids and services for individuals who are deaf or hard of hearing include qualified interpreters, notetakers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TTY's), videotext displays, and exchange of written notes.

**IV. NOTICE TO DEAF AND HARD OF HEARING OF THE PROTOCOL  
AND AUXILIARY AIDS AND SERVICES**

The Court Disability Coordinator (CDC) shall provide notice of availability of appropriate auxiliary aids and services to ensure that individuals who are deaf or hard of hearing have an equal

opportunity to participate in court proceedings by posting of the form of notice attached as Exhibit A in the office of the Circuit Clerk, outside courtrooms, on the Circuit Clerk's website and at such locations in the courthouse where visitors typically seek information or assistance.

## **V. REQUESTS FOR AUXILIARY AIDS AND SERVICES**

The Court Disability Coordinator (CDC) will provide a form upon request to any individual to request any needed auxiliary aids and services to ensure effective communication. Whenever possible, the request shall be made ten (10) days in advance of the proceedings. The request shall be given to the designated Court Disability Coordinator. Attached as Exhibit B is a listing of CDC by county. Attached as Exhibit C is the form to request services entitled *Request for Communication Access to the Courts for Individuals with Hearing Loss*.

The CDC will make a decision granting, denying or altering the type of auxiliary aid or service requested within 3 days of receiving the request. The CDC will inform the person making the request for auxiliary aids or services within 3 days of the decision. In the event that auxiliary aids or services cannot be secured per the CDC decision, the proceedings will be rescheduled to a date the auxiliary aids and services can be provided. All parties shall be promptly informed of any schedule changes.

If the CDC response is to provide alternate services or denies the request, the person making the request can appeal the decision to the Chief Judge of the Fourth Judicial Circuit (hereinafter Chief Judge) within 5 days. All appeals shall be sent to:

Office of the Chief Judge  
Fayette County Courthouse  
221 South 7<sup>th</sup> Street  
Vandalia, IL 62471

If the individual making the request indicates to the CDC they would like to appeal their decision, the CDC shall forward all information to the Chief Judge for his/her decision. The Chief Judge shall timely review the materials and rule on the request. The Chief Judge shall thereafter inform the individual and CDC of his/her decision.

The CDC will be responsible for recording and maintaining the request for auxiliary aids and services. This information will be confidential and kept in a secure location, but other than in the individual's court file.

## **VI. ARRANGING AUXILIARY AIDS AND SERVICES**

The CDC will give "primary consideration" to the request of the deaf or hard of hearing individual. "Primary consideration" means that the public entity must honor the choice, unless it can demonstrate that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the service, program, or activity or in undue financial and administrative burdens.

The CDC shall consult with the individual to determine the most appropriate auxiliary aid or service because the individual with a disability is most familiar with his or her disability and is in the best position to determine what type of aid or service will be effective.

Any interpreter provided shall be licensed under the Illinois Interpreter for the Deaf Licensure Act of 2007. If the legal proceedings involve criminal felony charges, major civil cases, juvenile/family court or any trial the interpreter must possess either an Advance or Master level designation. Using two interpreters, in a team approach, may be appropriate due to a number of factors, including: length and complexity of the assignment; unique needs of the person being served; and, physical and emotional dynamics of the setting. A listing of licensed interpreters in the State of Illinois is located on IDHHC's website at <http://www.idhhc.state.il.us/interpreter/interpreter.htm>.

The Court may not ask or require friends or family members to interpret for individuals who are deaf or hard of hearing.

This protocol is adopted by the Circuit Court of the Fourth Judicial Circuit on this 22 day of September, 2011.



S. Gene Schwarm, Chief Judge

**COURT DISABILITY COORDINATOR  
(Circuit Clerk)**

**CHRISTIAN COUNTY**

Julie Mayer  
P.O. Box 617  
Taylorville, IL 62568  
Office (217) 824-4966  
Fax (217) 824-5030

**CLAY COUNTY**

Crystal Ballard  
P.O. Box 100  
Louisville, IL 62858  
Office (618) 665-3523  
Fax (618) 665-3543

**CLINTON COUNTY**

Rod Kloeckner  
Courthouse – 815 Fairfax  
Carlyle, IL 62231  
Office (618) 594-0154  
Fax (618) 594-0197

**EFFINGHAM COUNTY**

John Niemerg  
Effingham County Government Center  
120 W. Jefferson – Suite 101  
Effingham, IL 62401  
Office (217) 342-4065  
Fax (217) 342-6183

**FAYETTE COUNTY**

Kathy Emerick  
Courthouse  
Vandalia, IL 62471  
Office (618) 283-5009  
Fax (618) 283-4490

**JASPER COUNTY**

Jamie Blake  
Courthouse  
Newton, IL 62448  
Office (618) 783-2524  
Fax (618) 783-8626

**MARION COUNTY**

Ronda Yates  
Courthouse  
Salem, IL 62881  
Office (618) 548-3856  
Fax (618) 740-0118

**MONTGOMERY COUNTY**

Holly Lemons  
Courthouse  
Hillsboro, IL 62049  
Office (217) 532-9546  
Fax (217) 532-9903

**SHELBY COUNTY**

Susan Arthur  
Courthouse  
Shelbyville, IL 62565  
Office (217) 774-4212  
Fax (217) 774-4109

**County Circuit Court**  
**Request for Communication Access**

- Return to [*name, address, phone number, fax number, and email address*]
- Notify court as soon as possible. Minimum ten (10) days before your court date.
- Court will respond to request in 72 hours

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

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

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

VP: \_\_\_\_\_

Email: \_\_\_\_\_

Preferred Method of Contact: \_\_\_\_\_

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Type of Auxiliary Aid or Service Requested:

- [  ] Assistive listening device / FM System or Loop System  
[  ] Communication access real-time translation (CART)  
[  ] Sign Language Interpreter (The Court will hire ONLY licensed interpreters with no charge to you.)

Court Date: \_\_\_\_\_ Court Time: \_\_\_\_\_

Case Number: \_\_\_\_\_