

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

SPR20-27

Title	Action Requested
Rules and Forms: Request for Disability Accommodations	Review and submit comments by Tuesday, June 9, 2020
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Approve form MC-410-INFO; revise form MC-410	January 1, 2021
Proposed by	Contact
Advisory Committee on Providing Access and Fairness	Diana Glick, 916-643-7012 diana.glick@jud.ca.gov
Hon. Kevin C. Brazile, Cochair	Linda McCulloh, 415-865-7746
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Executive Summary and Origin

The Advisory Committee on Providing Access and Fairness recommends the revision of the *Disability Accommodation Request* (form MC-410) and the approval of a new information sheet titled *How to Request a Disability Accommodation for Court* (form MC-410-INFO) to accompany the request form. The request form would be edited for plain language, and redesigned to include visual elements, additional white space to increase readability, an increased font size, and screen reader accessibility to comply with Web Content Accessibility Guidelines 2.0. The new information sheet would include a description of the process for requesting an accommodation, instructions to accompany form MC-410 questions, and help with understanding the court's response.

Background

The Judicial Council initially set forth the process for requesting an accommodation for disability in rule 989.3 of the California Rules of Court and developed the *Request for Accommodations by Persons with Disabilities and Response* (form MC-410), both of which were effective on January 1, 1996. The rule was amended in 2006, amended and renumbered as rule 1.100 in 2007, and amended again in 2010 and 2017. The most recent amendments, effective July 1, 2017, removed references to the term "impairment" from the rule and the form in response to legislation (Assem. Bill 1709; (Gallagher) Stats. 2016, ch. 94). In the rule and on the

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form, the term “impairment” was replaced with “medical condition.” In the rule, the term “hearing impaired” was replaced with “deaf or hard of hearing.”

Section 508 of the federal Rehabilitation Act of 1973 sets forth requirements for digital access that federal agencies must follow in order to ensure access to online resources by those who are blind or have vision loss. One such requirement is the enabling of digital content for use with screen readers, which provide an auditory version of displayed written information. Other requirements address screen displays, the use of colors, and limits on flashing images.

The State of California has developed accessibility standards for state-controlled websites that include compliance with

- Section 508 of the Rehabilitation Act;
- Web Content Accessibility Guidelines 2.0 (WCAG 2.0) at the AA conformance level;¹ and
- Best practices recommended by the California Department of Rehabilitation.²

The Proposal

This proposal recommends the redesign of form MC-410, used to request accommodation for disability, and the adoption of a new information sheet, form MC-410-INFO, to accompany and explain the process to request an accommodation.

Form MC-410

Form MC-410 is proposed to be revised as follows:

- Change from standard form caption format to plain language format;
- Change the title of the form to *Disability Accommodation Request*;
- Remove statement across the top of the form in capital letters reading “APPLICANT’S INFORMATION TO BE KEPT CONFIDENTIAL” and add the standard “CONFIDENTIAL” statement, in accordance with plain language format;
- Use a single, sans serif font (Arial) throughout (from 14 pt. to 18 pt.);
- On the fillable version of the form, ensure that the font used in narrative answer fields is also a sans serif font of appropriate size;
- Remove the following items:
 - Judge (in the caption)
 - Type of proceeding (item 1)
 - Proceedings to be covered (item 2)

¹ The World Wide Web Consortium (W3C) provides information about conformance levels at www.w3.org/TR/UNDERSTANDING-WCAG20/conformance.html.

² More information about the state government’s process for developing web accessibility standards can be found at <https://webstandards.ca.gov/accessibility/>.

- Special requests or anticipated problems (item 6)
- Convert field for “Case Title” to “Case Name (if you know it)”;
- Convert field for “Case Number” to “Case Number (if you know it)”;
- Remove all italics from the form;
- Add calendar icon and language explaining the importance of making the request at least five court business days before the accommodation is needed;
- Remove statement requiring applicant to sign the form under penalty of perjury;
- Add name, relationship, and contact information as optional fields for someone who helped the applicant fill out the form;
- Perform plain language editing of substantive questions regarding the accommodation sought and why the accommodation is needed for the requester’s disability or limitation;
- Add check box to allow a requester to attach additional information;
- Expand the form from one to two pages;
- Add a warning with an icon at the top of page 2 asking applicants to notify the court if the date or time of their court event changes;
- Reorganize the response options for the request to be either “GRANTED” or “DENIED IN WHOLE OR IN PART”;
- Remove “Indefinite period” as an option for the duration of the accommodation; and
- Include space for the court to optionally explain the reason for denial or to include information about partial denials.

These changes have been extensively tested by both users and consumers of the form and adhere to current best practices for plain language, usability, and readability in legal content and forms.

User testing: ADA Coordinators

Court ADA Coordinators were asked to provide their feedback on the revisions to this form through a statewide webinar in August 2019, a small focus group that met several times in fall 2019 to review drafts, and by email in February 2020. The current proposed language was specifically designed to meet the needs of ADA Coordinators who regularly fill out or receive this form to process requests for accommodation.

User testing: Court users with disabilities

During December 2019, revised form MC-410 was tested by the Center for Accessible Technology. The interface was tested for plain language, readability, and usability by users with disabilities and by experts in web accessibility features. A number of changes in wording, flow, and organization were made based on the results of testing. The Center for Accessible Technology also performed some remediation work on the form to enable accessibility features and, once the revised substantive content of the form is approved, the committee will ensure that

it is in compliance with WCAG 2.0 at the AA conformance level before posting to the California Courts website.

Form MC-410-INFO

The new information sheet developed to accompany form MC-410 is titled *How to Request a Disability Accommodation for Court*. The form begins with a brief introduction and an explicit statement that it is meant to help the applicant use form MC-410 to request an accommodation.

The form describes the process for requesting an accommodation under rule 1.100, including that the use of form MC-410 is not required and that there are other ways to make the request.

Based on ADA Coordinator feedback, the information sheet also contains a caution to litigants filing electronically that they should not electronically file the MC-410.

After this introduction, the rest of page 1 and page 2 of the information sheet carefully track each item on page 1 of form MC-410 and provide an explanation of what is expected to be included in each field, including the court name and address, applicant contact information, and information on the accommodation requested and the disability or limitation supporting the need for the accommodation.

Page 3 of the information sheet also attempts to mirror the structure of the court's response provided on form MC-410 and explains the meaning of a "grant" or "denial" of the request. There is also a reference to the link to information about a possible reconsideration of the court's decision and a link to a webpage to help litigants find their court's website and ADA coordinator if they need additional assistance.

Alternatives Considered

A redesign of the form is not statutorily required, although it is important to ensure compliance with WCAG 2.0 with respect to web accessibility of documents and content available on the internet, particularly with regard to documentation that is explicitly intended for use by court users with disabilities. The committee anticipates that the redesigned version of the form will provide a clearer path for court users with disabilities to make requests and understand the court's response to their request. The addition of an information sheet to accompany the request form is also not statutorily required but is intended to facilitate the use of form MC-410.

Fiscal and Operational Impacts

This proposal will not result in the need for additional training for court personnel because there have been no substantive changes to the process or the form itself. To the contrary, it is anticipated that this streamlined and redesigned version of the form with accessibility features will make it easier for form users to request accommodations and for form consumers in the courts to process the request and make an appropriate response. Courts that maintain paper versions of the forms will incur the costs of replacing old forms with the revised forms.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Does the form accurately reflect the process established in California Rules of Court, rule 1.100?
- Will a two-page form create any issues with local case management systems or existing processes for receiving and responding to requests for accommodations?
- Are there any concerns about the optional collection of information about a person—either a member of court staff or a personal helper—who may have helped a court user fill out the form?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms MC-410 and MC-410-INFO, at pages 6–10
2. Link A: Cal. Rules of Court, rule 1.100,
www.courts.ca.gov/cms/rules/index.cfm?title=one&linkid=rule1_100

If you have a disability and need an accommodation while you are at court, you can use this form to make your request. For more information see form [MC-410-INFO](#).

Clerk receives and date stamps here.

DRAFT
Not Approved by
the Judicial Council



Make this request at least **5 days** (when court is open) before you need the accommodation.

Court Name and Address:

Case Number (if you know it):

Case Name/Type (if you know it):

1 Your information

Name: _____

Address: _____

Phone: _____

Email: _____

2 How are you involved in the case?

- Juror Party Witness Lawyer
- Other (explain): _____

3 When and where do you need the accommodation? [date(s), time(s) and court location] _____

4 What accommodation do you need at the court?

5 Why do you need this accommodation to assist you in court?

More information on this request is attached.

Date: _____

Type or print name

Signature

(Optional) Complete if someone helped you fill out this form:

Name: _____

Relationship: _____

Email: _____

Phone: _____



Case Number (if you know it):

Name: _____

----- **Court fills out below** -----

(Optional)

Important! Sometimes a case is delayed or dismissed after you make your request. If you do not need the accommodation for the date you specified under 3, please contact the court at:

Phone: _____ Email: _____

Your Request is **GRANTED**. The court will provide the accommodation:

For the date(s) and time(s) requested On date(s): _____

Your Request is **DENIED IN WHOLE OR IN PART**. Your request:

Does not meet the requirements of [Cal. Rules of Court, rule 1.100](#).

Creates an undue financial or administrative burden for the court.

Changes the basic nature of the court's service, program, or activity.

Reasons supporting the box(es) checked above:

The court **will provide** the following accommodation(s):

For the date(s) and time(s) requested On date(s): _____

More information on this decision is attached.

Date: _____

Type or print name

Signature

The court responded in person, by phone, or mail/email on: _____

Note: You may be able to ask for a review of this decision.
[Cal. Rules of Court, rule 1.100\(g\)](#) explains how to do this.

This information sheet is for the [MC-410 Disability Accommodation Request](#).

The purpose of this information sheet is to help you:

- Ask the court for an accommodation on page 1 of form MC-410.
- Understand the court's response on page 2.

If you have a disability or limitation and need an accommodation while you are at court, one way to ask for an accommodation is to fill out form MC-410 and give it to the ADA Coordinator or designated person (this could be a court clerk, a jury commissioner, or another person). Other ways to ask include calling the court or going in person to ask the ADA Coordinator or designated person for an accommodation.

Please note: If you are submitting papers to the court electronically, through electronic filing, you **must not** include form MC-410 with your filing. Form MC-410 is a confidential form that is not part of the case file. The form must be given to the ADA Coordinator or designated person in your court.



Deadline: If possible, make this request at least **5 days** (when court is open) before you need the accommodation.

Page 1 of form MC-410 asks for the information the court needs to understand and make a decision about your request.

Court Name and Address:

Write the name and address of your court. If you do not know the court address, ask the ADA Coordinator for help.

Court Name and Address:

Case Number (if you know it):

If you have a case number, write it here.

Case Number (if you know it):

Case Name/Type (if you know it):

If you know the name of your case, write it here.

Case Name/Type (if you know it):

Example: *Guardianship of Jane Doe*



1 Your information

Write your name, address, telephone number, and email address where the court can reach you in the near future.

2 How are you involved in the case?

Check the box that describes who you are: a juror, party, witness, or lawyer. If you are someone else, mark "Other" and explain on the line.

3 When and where do you need the accommodation?

Tell the court the dates and times when you will need the accommodation in court and where in the courthouse you will be.

4 What accommodation do you need at the court?

Write down the accommodation you are requesting.

Example: *ASL Interpreter*

5 Why do you need this accommodation to assist you in court?

Explain to the court what you cannot do and how the accommodation you are requesting will help you participate in court.

Example: *I am hard of hearing and can't hear like everybody else. I need an assistive listening device to hear what is going on in court.*

There is a check box under this question that you can check if you plan to attach additional information about your request to the form.

Signatures

- Write today's date, type or print your name, and sign on the signature line next to the arrow.
- If someone helped you fill out the form and is willing to answer questions about the request, they can print their name, indicate their relationship to you, and provide a phone number and email address where the court can reach them. This is optional.

The court will respond to your request by telling you in person, calling you on the phone, or sending you a letter or an email.

Page 2 of form MC-410 is where the court responds to your request.



Important! If your case is delayed or dismissed after you make your request, please contact the court at the phone number or email address provided.

- The court will check one of two boxes. Either:
 - ✓ Your Request is **GRANTED**
If your request is granted, the court will tell you when the accommodation will be provided in the line below.
 - OR-**
 - ✓ Your Request is **DENIED IN WHOLE OR IN PART**
If your request is denied in whole or in part, the court will tell you **why** it is being denied. If the court offers you a different accommodation, it will tell you **what accommodation** will be provided and **when** the accommodation will be provided.
- If the court provides additional information about the decision, it will check that box and attach the information to the form.
- Underneath the court's signature line, the court enters a date telling you **when** the court responded to the request. The court may respond by telling you in person, calling you on the phone, or by sending you a letter or an email.
- At the bottom of the page, there is a link to information about how to ask for a review of the court's decision.

Need More Help?

For help finding your court: www.courts.ca.gov/find-my-court.htm

Visit your court's website to find the ADA Coordinator.

