

Americans with Disabilities Act - Grievance Procedure for Twenty-Second Judicial Circuit Court

It is the intent of the Missouri Courts to assure equity, fairness, and full participation in the judicial system for persons with disabilities. The following grievance procedures have been established for the prompt and equitable resolution of complaints alleging any action prohibited by Title II of the Americans with Disabilities Act (ADA). 28 C.F.R. §35.107.

The purpose of this procedure is to establish a mechanism for resolving complaints without requiring the complainant to resort to federal complaint procedures. However, complainants are not required to exhaust this grievance procedure before they can file a complaint at the federal level.

Procedure for Filing Grievances

- A. The complaint shall contain the following minimum information:
 - 1. Name, address, and telephone number of the complainant on whose behalf the complaint is being made;
 - 2. The court facility in which the violation is alleged to have occurred;
 - 3. A complete statement of the grievance and the facts upon which it is based;
 - 4. The desired remedy or solution requested; and
 - 5. The name of any witnesses who can provide supportive or relative information.

- B. Filing
 - 1. Complaints may be filed at the court facility in which the violation is alleged to have occurred. Court personnel will forward the complaints to the Court Administrator within two calendar days from the date the complaint is filed.
 - 2. The filing deadline may be extended upon a show of good cause.

- C. Assessment and Determination
 - 1. The Court Administrator will determine which function(s) of the court is at issue: facilities, programs, services, benefits, or activities.
 - 2. The Court Administrator shall address the complaint. Individual(s) who are charged in the complaint with alleged discriminatory conduct shall not be assigned to investigate the allegations.
 - 3. The Court Administrator will review the complaint with the complainant and, if necessary, interview witnesses who can provide supportive or relative information and complete the fact finding.
 - 4. The legal sufficiency of the complaint will be determined by the Court Administrator or designee.

- D. Action
 - 1. If a complaint is legally deficient, the complaint shall immediately be brought to closure.
 - 2. If a complaint is legally sufficient, the Court Administrator will establish a course of action to resolve the complaint.
 - 3. To the extent necessary, the court will make reasonable modifications to its programs, services, benefits, and activities to ensure future compliance with the ADA.
 - 4. When appropriate, and to the extent necessary, the court will work with county government to make reasonable modifications to court facilities, programs, services, benefits, and activities that are under the authority or provided by county government to ensure future compliance with the ADA.
 - 5. The court may invoke the course of action described in the regulations implementing the ADA (28 C.F.R. §35.164) when modifications would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.
 - 6. The Court Administrator may call upon the Office of State Courts Administrator Access to Courts Program to act as technical assistance.

E. Closure, Notification, and Records Retention

1. The Court Administrator shall communicate the results of the investigation and the chosen course of action to the complainant not later than thirty (30) working days from the date the complaint was filed.
2. A record of the grievance shall be maintained for three (3) years; the record shall be located with the Court Administrator.
3. If the complainant is not satisfied with the results of the Missouri Courts investigation, the complainant may wish to file complaints with the Missouri Commission on Human Rights and/or the United States Department of Justice if complainant has not previously done so.

If you feel that you have been discriminated against because of your disability, you may file a complaint with the ADA Coordinator. The ADA Coordinator will review and respond as required to any grievances filed under the Court's Americans with Disabilities Act – Grievance Procedure.

Or you may file a complaint with the Missouri Commission on Human Rights and the United States Department of Justice:

Missouri Commission on Human Rights
3315 West Truman Boulevard
P. O. Box 1129, Room 212
Jefferson City, MO 65110
(573) 751-3325
Toll Free (800) 877-6347

U. S. Department of Justice
Civil Rights Division
Disability Rights Section
P. O. Box 66738
Washington, D. C. 20035-6738
Toll Free (800) 514-0310