



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 20-160
For business meeting on September 25, 2020

Title

Rules and Forms: Request for Disability Accommodations

Agenda Item Type

Action Required

Effective Date

January 1, 2021

Rules, Forms, Standards, or Statutes Affected

Approve form MC-410-INFO; revise form MC-410

Date of Report

September 1, 2020

Recommended by

Advisory Committee on Providing Access and Fairness

Hon. Kevin C. Brazile, Cochair

Hon. Luis A. Lavin, Cochair

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Executive Summary

The Advisory Committee on Providing Access and Fairness recommends the revision of the form used to request accommodation for disability, and the adoption of a new information sheet to explain the process to request an accommodation. The redesigned form will provide a clearer path for court users with disabilities to make requests and understand the court's response to their request, while the information sheet will facilitate use of the form.

Recommendation

The Advisory Committee on Providing Access and Fairness (committee) recommends the following, each with an effective date of January 1, 2021:

1. Approve *How to Request a Disability Accommodation for Court* (form MC-410-INFO); and
2. Revise *Disability Accommodation Request* (form MC-410).

The recommended new and revised forms are attached at pages 7-11.

Relevant Previous Council Action

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.

Analysis/Rationale

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.

This proposal applies the principles of plain language, readability and usability to the MC-410 form to improve the process of requesting accommodations for court users with disabilities and for the ADA Coordinators tasked with receiving and fulfilling requests.

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 of 1973¹;
- Web Content Accessibility Guidelines 2.0 (WCAG 2.0) at the AA conformance level;² and
- Best practices recommended by the California Department of Rehabilitation.³

This proposal includes a full audit of the accessibility functions of the MC-410 and recommends that the form be enabled for screen reader use before it is published on the California Courts website.

¹ 29 U.S.C. § 794d, available at: <https://www.law.cornell.edu/uscode/text/29/794d>.

² The World Wide Web Consortium (W3C) provides information about conformance levels at www.w3.org/TR/UNDERSTANDING-WCAG20/conformance.html.

³ More information about the state government's process for developing web accessibility standards can be found at <https://webstandards.ca.gov/accessibility/>.

Form MC-410

The committee recommends the following revisions to form MC-410:

- Edit for plain language throughout and reformat to conform to the plain language format for Judicial Council forms;
- 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 the plain language format;
- Remove the following items:
 - Judge (in the caption);
 - Type of proceeding (item 1);
 - Proceedings to be covered (item 2); and
 - Special requests or anticipated problems (item 6);
- Change field for “Case Title” to “Case Name/Type (if you know it)”, to enable litigants to provide a case name if they know it and enable jurors and witnesses who may not know the name of the case in which they are participating to provide a general case type;
- Change field for “Case Number” to “Case Number (if you know it)”;
- Add calendar icon and language explaining the importance of making the request at least five court days before the accommodation is needed;
- Add name and contact information as optional fields for someone who the filer gives permission to the court to contact for additional information or questions about the request;
- 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; and
- Reorganize the response options for the request to be either “GRANTED” or “DENIED IN WHOLE OR IN PART” with text fields for the court to explain the actions taken.

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

User testing: ADA Coordinators

Court ADA Coordinators were asked to provide their feedback on the revisions to this form through (1) a statewide webinar in August 2019, (2) a small focus group that met several times in fall 2019 to review drafts, and (3) 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. 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 it is published on 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 must 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 mirrors 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.

Policy implications

The Judicial Branch's Strategic Plan includes Goal 1. Access, Fairness, and Diversity, Goal III. Modernization of Management and Administration, Goal IV. Quality of Justice and Service to the Public, and Goal VI. Branchwide Infrastructure for Service Excellence. This proposal satisfies objectives in each of these goals. The redesign of the form to make it more readable and usable, the development of an information sheet with instructions for the form and process, and the application of accessibility features to ensure that the form may be read by screen readers will increase the access of court users with disabilities to the court and enhance the ability of court staff to provide the highest level of customer service to all court users.

Comments

The proposal was circulated for public comment from April 10, 2020, to June 9, 2020. A total of 20 comments were received from courts, disability advocates, justice partners, private attorneys, social services agencies, and the California Commission on Access to Justice. Four commenters expressed full agreement with the proposal, one agreed with specified modifications, and the remainder of the commenters declined to indicate a position. Several commenters suggested simplified language that was accepted by the committee. The superior courts that submitted comments provided helpful information regarding the operational impacts on courts of the revised form.

The substantive comments and feedback fell into the following major categories:

Ability to approve a request for an “indefinite” period of time

Several commenters, including one ADA Coordinator, requested the return of the option to approve an accommodation for an “indefinite” period of time, as it currently appears on the MC-410. The option was removed during the precomment revision process because several courts indicated that it was problematic from a court operations perspective. They indicated that the ADA Coordinator was not always notified of every proceeding in the case and was also left unaware of continuances and rescheduling issues. Those ADA Coordinators believed it could be harmful to include that option on the form, because of the possibility that important communication about additional or changed hearing dates would be neglected. However, California Rules of Court, rule 1.100(h) states that: “The court may provide an accommodation for an indefinite period of time, for a limited period of time, or for a particular matter or appearance.” It is within the discretion of ADA Coordinators whether or not to approve the accommodation request using the “indefinitely” option, given their understanding of the unique circumstances and operational needs of their court. Therefore, the committee restored this option to the revised version of the form.

Concerns about confidentiality and logistics when a “helper” is involved

Several commenters took issue with the optional questions on the MC-410 designed to collect information about a person who may have helped the court user fill out the form. These questions were originally designed to capture information about court staff for internal purposes (in some courts, judicial officers may want to reach out to the ADA Coordinator who authorized the accommodation); however, the commenters made clear that many times court users with disabilities get help with this form from friends, relatives, and sometimes their attorneys and other advocates. In addition, there are situations in which a court user may want to have questions from the court directed to another person because of communication or other language challenges. Courts expressed concerns about violating confidentiality requirements by contacting a person listed here without the express consent of the court user. One commenter was concerned about creating the impression that a person listed would definitely be contacted, when that is not always the case. The section was revised to clarify that a court user can optionally list a person here whom they wish for the court to contact, if there are questions about the request.

Concerns regarding the language of rule 1.100 of the California Rules of Court

Form MC-410 is intended to implement the process set forth in California Rules of Court, rule 1.100. The purpose of the current proposal is to edit form MC-410 for plain language, and redesign it to include visual elements and additional white space to increase readability; and increase the font size and enable screen reader accessibility to comply with Web Content Accessibility Guidelines 2.0. Several commenters recommended changes that would alter the substantive content of both the rule and the form, including (1) making the five-day deadline to submit requests a best practice, instead of mandatory; and (2) providing additional information on the interactive approach described in the Americans with Disabilities Act. Because of the narrow scope of this proposal, the committee declines to recommend substantive changes of this nature to the form or the rule.

Comments regarding how this form is submitted to the courts

Several commenters shared ideas and recommendations on alternative means of collecting and processing these requests, including via email, and requested consistent statewide messaging on submitting requests to the courts. These ideas were considered to be outside the scope of the current proposal. In addition, each county court is able to develop and implement its own process for receiving requests, making it difficult to provide accurate information on how to work with each individual court (and in some cases, each individual courthouse) to request an accommodation.

The chart of comments and committee responses is attached at pages 12-55.

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 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.

Attachments and Links

1. Forms MC-410 and MC-410-INFO, at pages 7-11
2. Chart of comments, at pages 12-55
3. 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.

Not Approved by the Judicial Council



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

Court Name and Address:

1 Your information

Name: _____
Address: _____

Phone: _____
Email: _____

Empty box for Court Name and Address.

Case Number (if you know it):

Case Name/Type (if you know it):

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) If a court employee, caregiver or other person helped fill out this form and is **willing to provide more information if needed**, provide contact information below:

Name: _____ Email: _____ Phone: _____



Case Number (if you know it):

Name: _____

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



(Optional)

Important! If your case is delayed or dismissed after you make this request and 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(s) requested.

Your request is **DENIED IN WHOLE OR IN PART**. The denied portion of 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.

Explain the reasons supporting the box(es) checked above:

Instead, the court will provide the following accommodation(s):

The court will provide the accommodation(s):

For the date(s) and time(s) requested Indefinitely

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.

MC-410-INFO**How to Request a Disability Accommodation for Court**

This information sheet is for form [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 for an accommodation are to call the court or go in person to ask the ADA Coordinator or designated person.

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.



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

If this is not possible, you can still make a request.

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 or court staff for help.

Case Number (if you know it):

If you have a case number, write it here.

Case Name/Type (if you know it):

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

Example: Guardianship of Jane Doe

Court Name and Address:

Case Number (if you know it):

Case Name/Type (if you know it):



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

For more examples of accommodations the court can provide, see

[Disability Accommodations in California Courts](#).

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 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, such as a court employee or a friend, caregiver, or relative, you can provide their name, email address, and phone number where the court can reach them if there are any questions about the request. This is optional.

MC-410-INFO**How to Request a Disability Accommodation for Court**

The court will respond to your request by telling you in person, calling you on the phone, or mailing or emailing you a response.

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**

-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.

- If the court will provide an accommodation, it will tell you **when** the accommodation will be provided: either the dates and times you requested, indefinitely, or for different dates and times.
- 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 mailing or emailing you a response.
- 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?

- See [Disability Accommodations in California Courts](#).
- Visit your court's website to find the ADA Coordinator.
 - For help finding your court: www.courts.ca.gov/find-my-court.htm.



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Rules and Forms: Request for Disability Accommodations (approve form MC-410-INFO, revise form MC-410)

All comments are verbatim unless indicated by an asterisk (*)

List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
1.	Tiffany L. Hickey, Staff Attorney, Housing Rights Program Asian Americans Advancing Justice—Asian Law Caucus	N/A	<p>Asian Americans Advancing Justice – Asian Law Caucus (AAAJ-ALC) submits this letter in response to the Judicial Council’s invitation to comment on 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. Founded in 1972, Asian Americans Advancing Justice – Asian Law Caucus is the nation’s first legal and civil rights organization serving the low-income Asian Pacific American communities. We focus on housing rights, immigration and immigrants’ rights, labor and employment issues, student advocacy (ASPIRE), civil rights and hate violence, national security, and criminal justice reform. As a founding affiliate of Asian Americans Advancing Justice, we also help to set national policies in affirmative action, voting rights, Census, and language rights.</p> <p>Our housing advocacy focuses on gateway communities for new immigrants, such as San Francisco Chinatown, where large numbers of tenants and seniors are in danger of displacement due to gentrification and other economic pressures. Our clients are low-income, often live with disabilities, and have limited English proficiency. We defend tenants with disabilities in unlawful detainer actions, where reasonable accommodations are critical in providing equal access to the court. Particularly in the context of a global health crisis where many of our clients are at higher risk for severe illness, accommodations for people with disabilities mean that they do not have to choose between defending their home and the risk of becoming severely ill. Furthermore, most unlawful detainer litigants are self-represented, which makes true meaningful access to courts, court procedures and court documents, including requests for</p>	

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		<p>disability accommodations, even more crucial.</p> <p>I. Comments on MC-410 Form: Disability Accommodation Request First, we commend the Judicial Council Advisory Committee’s efforts to ensure that the revised MC-410 form complies with the Web Content Accessibility Guidelines. Editing for plain language, increasing font size, and adding additional white space for increased readability are helpful steps towards accessibility and we support these proposed revisions. Below are comments related to some of the other proposed changes to the MC-410 form.</p> <p>A. The 5-day Deadline to Submit the Proposed MC-410 Form Should Only Be an Encouraged Timeframe. The proposed MC-410 form tells parties to “Make this request at least 5 days (when court is open) before you need the accommodation.” This appears to be in conflict with the accompanying MC-410-INFO form, which includes the qualifier, “<i>if possible</i>.” The apparent hard deadline on the form would discourage litigants, particularly those who are unrepresented, from submitting the form less than 5 days prior to the needed accommodation and exercising their rights to equal access at all. Title II of the Americans with Disabilities Act (ADA), which governs the programs, services, and activities of state and local governments, including courts, and its corresponding regulations do not require that a reasonable modification request be made at or by a particular time. California Rules of Court 1.100(c) seems to be inconsistent with the law, requiring requests for accommodations as far in advance as possible but no less than five court days prior to the needed accommodation implementation.</p>	<p>The Committee appreciates this feedback.</p> <p>The Committee appreciates this comment and acknowledges that there are occasions on which making a request 5 days before a court proceeding is impossible. In those cases, in accordance with California Rules of Court, rule 1.100(c)(3), the court has the discretion to waive the 5-day requirement. The purpose of the "If possible" language was to avoid discouraging those court users who have been scheduled for an emergency hearing or other proceeding on a short timeline, from availing themselves of the process to request an accommodation that will enable them full participation in their court matter. However, because the rule of court is clear that requests must be made five days in advance, and, in the interest of consistency, the Committee has reworded both sections to read as follows: "Make</p>

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			<p>The 5-day deadline is particularly difficult for tenants facing eviction because unlawful detainers are “summary” proceedings that move on a much shorter timeline for motions, discovery, and trial. A tenant often receives notice of a hearing in their case 5 calendar days prior, making it impossible to request an accommodation 5 court-days in advance. Strict application of the CRC’s 5 court-day requirement would not give people with disabilities sufficient time to make the request and the discretionary waiver is not enough to ensure that these litigants are given equal access to the courts. Providing necessary accommodations to people with disabilities certainly outweighs any slight burden to the court caused by shorter notice of a request or a possible delay in court proceedings. Therefore, we suggest modifying the 5-day language on the MC-410 form to make it consistent with the language on the MC-410-INFO form and federal law, and make it clear that the courts must reschedule a hearing if necessary to provide an accommodation for a person with disabilities.</p> <p>B. Courts Should be Required to Explain the Reason for Denial of a Reasonable Accommodation Request. On page three (3) of its Invitation to Comment, the Council states that one of the proposed revisions to the form is, “Includ[ing] space for the court to <i>optionally</i> explain the reason for denial or to include information about partial denials (emphasis added).” Explaining the reason for denial should be mandatory to comply with established disability laws and prevent needless appeals. The Americans with Disabilities Act and its implementing regulations require a public entity to provide a written statement of reasons for a reasonable accommodation denial:</p>	<p>this request at least 5 days (when the court is open) before you need the accommodation." On the MC-410-INFO, the following statement has been added: "If this is not possible, you can still make a request."</p> <p>The Committee has revised this section to clarify the responsibility for providing an explanation for denial and for indicating any partial or different accommodations that will be provided.</p>

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			<p>“In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with § 35.150(a) of this part would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion.” 28 C.F.R. § 35.150(a)(3).</p> <p>Therefore, the Council should clarify that court must provide specific reasons for denying the accommodation on page 2 of the revised MC-410 form rather than the option of two check boxes. The proposed form simply includes two check boxes and an optional space to explain why a request was denied but neither the form nor the Committee’s explanation require courts to include an explanation.</p> <p>Not only does this violate the Americans with Disabilities Act, but this also creates the potential for confusion for the disabled participant. Without information regarding the reasons for denial of an accommodation request or how the request was an undue burden or fundamental alteration, there will be no clear record for later review pursuant to the procedure provided in CRC 1.100(g) or a petition for writ of mandate. A written decision explaining the reasons for the denial will help the requester understand why their request was denied, establish on review whether the denial was proper, and ensure that disabled people are afforded the equal access to all aspects of the courts.</p> <p>Therefore, we request that the MC-410 form be amended to</p>	

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			<p>clarify that the courts must provide the reasons for denial in the additional space provided, in accordance with the Americans with Disabilities Act.</p> <p>C. The MC-410 Form and Order Do Not Contemplate the Interactive Process In addition to requiring courts to provide an explanation for denying an accommodation request, the form should include an option for “More Information Needed from the Requester.” Public entities also have an obligation to engage in the interactive process when someone with a disability requests a reasonable accommodation. The “ADA imposes an obligation to investigate whether a requested accommodation is reasonable... [and] create[s] a duty to gather sufficient information from the disabled individual and qualified experts as needed to determine what accommodations are necessary.” The proposed Order only allows for the request to be granted or denied and further provides a check box for the court to potentially unilaterally decide an alternate accommodation. However there is no indication of a proper interactive process as required by law. This conversation is vital in ensuring that disabled individuals are afforded equal access to the courts and are provided with an accommodation that meets their unique needs. Therefore, we suggest including an option on the order that includes the interactive process so both the courts and individuals with disabilities are aware of this requirement and able to participate in determining appropriate accommodations. We further request that the Council include information and explanation of this legal obligation in the MC-410-INFO form and for the sake of brevity will not duplicate that request in section II.</p> <p>D. Concerns About Optional Collection of Information of</p>	<p>The Committee appreciates this comment but believes that introducing these substantive changes to the form would be outside the scope of this proposal.</p>

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			<p>Third Parties The Judicial Council requested specific comments regarding the collection of third party information of a person who may have helped a court user fill out the MC-410 form. There was no reason or explanation as to why the Council would like to collect this information and without further explanation, we have concerns about how this information will be used. However, many people with disabilities rely on family or other caregivers to navigate the world, particularly a system as confusing as the courts. We think that a space for the option of an alternate or additional contact would be helpful for both the courts and the requester. For example, in cases where I, as an attorney, request an accommodation on behalf of a client, it would be helpful for the court to contact me directly to discuss any questions about the request. This would likely make the reasonable accommodation process more efficient and allow me to submit any additional information or documentation quickly rather than my client explaining to me what the court needs. Therefore, we request that this section be amended to allow for an alternate or additional contact regarding the accommodation request.</p> <p>E. The Judicial Council Should Not Remove “Indefinite Period” As An Option For The Duration Of The Accommodation. One of the proposed revisions to the MC-410 form is to remove “Indefinite period” as an option for the duration of the accommodation, limiting the duration of the accommodation to specific dates and times. This will cause potential problems for individuals with disabilities if their case is continued or delayed and the accommodation does not extend to their new hearing or trial date. Moreover, this arbitrary limit will likely be difficult</p>	<p>The Committee appreciates this comment and has revised this section to account for both confidentiality and logistical concerns.</p>

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			<p>for a person with disabilities to articulate, particularly when most persons requesting an accommodation are doing so based on a permanent and unchanging condition. Therefore, to ensure that people with disabilities are given necessary accommodations throughout their case, we request that the Council keep “indefinite period” as an option. If the Council is concerned that “indefinite period” is too vague, we alternatively suggest the addition of an option for the accommodation to continue through the end of the case.</p> <p>II. Comments on MC-410-INFO Form: How to Request a Disability Accommodation for Court We commend the Judicial Council’s work to include an instruction form explaining the process to request a reasonable accommodation and are including some suggestions below.</p> <p>A. The MC-410-INFO Form Should Include Additional Information Regarding How to Submit a Reasonable Accommodation Request. The MC-410-INFO form states that other ways to ask for an accommodation include calling the court or going in person to ask the ADA Coordinator or designated person for an accommodation. We think it is helpful to provide alternate options for people with disabilities to make a request and further suggest that the Council provide more specific contact information such as a phone number and email for the ADA Coordinator or other designated court individual within the MC-410-INFO form. A person with disabilities who may already have difficulty with going to the courthouse in person (or who is unable to go during a health crisis like our current one) would likely also have great difficulty with locating this contact</p>	<p>The Committee appreciates this comment and has restored this option to the form.</p> <p>The Committee appreciates this feedback.</p>

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			<p>information on their own. Including this contact information is especially important because the MC-410-INFO form advises litigants that the MC-410 form cannot be filed electronically and must be submitted to the ADA Coordinator or designated person. Without information on how to contact this person, it will be very difficult for a person with disabilities to submit their request, particularly if the courts are closed or the requester is at higher risk of severe illness due to COVID-19. We therefore request that the Council provide this contact information, which would make the process more efficient for both the disabled individual and the court, assist in the interactive process, and increase overall access to those who need it most.</p> <p>B. The MC-410-INFO Form Should Include More Examples of Reasonable Accommodations That The Court Can Provide.</p> <p>In Paragraph 4 of the MC-410-INFO form, the Judicial Council provides “ASL Interpreter” as the sole example of an accommodation. We think it is very helpful to provide examples of accommodations that the court can provide and that additional examples would make this informational form even more helpful, particularly to unrepresented litigants. There are a wide range of disabilities that can and must be accommodated by the courts. For example, the court can accommodate someone by continuing trial or hearing dates where a party cannot attend because of their disabilities.⁵ Without such an accommodation, a party’s inability to attend their trial date could result in an adverse ruling, and in the context of an unlawful detainer, the loss of their home. We therefore request that the Council include various examples of ways that the court can accommodate disabilities in the MC-410-INFO form.</p> <p>Thank you for your consideration of our comments.</p>	<p>The Committee appreciates this comment but believes that the development of alternative methods for submission of the form, and messaging about local processes are outside the scope of this proposal.</p> <p>The Committee appreciates this comment. Instead of adding more examples to the form, the Committee has added a link to an existing brochure, which provides greater detail on potential accommodations that can be requested. The brochure is available at: https://www.courts.ca.gov/documents/Disability-Accommodations-in-California-Courts.pdf</p>

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2.	Judge Mark A. Juhas, Chair California Commission on Access to Justice	N/A	<p>1. Include a requirement that courts explain the reason for denial of a reasonable accommodation request and an opportunity for an interactive process.</p> <p>One of the proposed revisions to the MC-410 form is including space for the court to optionally explain the reason for the denial of the accommodation. The regulations implementing the ADA, however, require “a written statement of the reasons for reaching that conclusion.” 28 C.F.R. § 35.150(a)(3). In addition, providing a written statement may assist parties and courts with the review procedure provided in CRC 1.100(g).</p> <p>The MC-410-INFO form should also include information about the interactive process. When a person with a disability requests a reasonable accommodation, public entities, including courts, have an obligation to engage in the interactive process. The “ADA imposes an obligation to investigate whether a requested accommodation is reasonable... [and] create[s] a duty to gather sufficient information from the disabled individual and qualified experts as needed to determine what accommodations are necessary.” <i>Duvall v. County of Kitsap</i>, 260 F.3d 1124, 1137-1138 (9th Cir. 2001). Accordingly, we propose including language in the MC-410-INFO form that explains the interactive process. We also encourage courts to use the interactive process when determining which alternative accommodations to provide.</p> <p>2. The Judicial Council proposes to remove the “indefinite period” as an option for the duration of the accommodation in the Form MC-410. We suggest keeping “indefinite period” as an option, or in the alternative, creating an option indicating that the accommodation will remain through the end of the case.</p>	<p>The Committee appreciates this comment and has included the instruction "Explain the reasons supporting the box(es) checked above:" in this section as a guide to courts that some explanation is needed if there is a denial.</p> <p>The Committee appreciates this comment but believes that introducing these substantive changes to the form would be outside the scope of the proposal.</p> <p>The Committee appreciates this comment and has restored this option to the form.</p>

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		<p>Keeping an indefinite period or allowing the accommodation through the end of the case will avoid the necessity of making multiple requests for the accommodation and thus make the process less burdensome for the court and individuals needing accommodations.</p> <p>3. Provide clear information about alternative ways to submit a request for accommodation. Because persons with disabilities can face barriers in going to courthouses in person or filling out the court forms, we appreciate the Judicial Council providing alternate options to better assist persons with disabilities. This will be particularly helpful during the current COVID pandemic when it may not be safe for individuals with disabilities or health impairments to go to the courthouse. We suggest that the Judicial Council provide a phone number and email contact information for the ADA Coordinator or other designated court individual within the MC-410-INFO form. We appreciate the caution against including form MC-410 with their electronic filing and support the Council’s recommendation that it should be given to the ADA Coordinator or designated person in the court. However, as drafted, it does not instruct individuals on alternative ways to submit this form. The Access Commission suggests that the form include information about how the individual can remotely submit the form, either via e-mail or other confidential electronic means.</p> <p>4. The Access Commission believes it would be helpful if the MC-410-INFO form included examples of a variety of reasonable accommodations that the court can provide. In Paragraph 4 of the MC-410-INFO form, the Judicial Council provides “ASL Interpreter” as an example of an accommodation that can be requested. Training materials developed by ADA Coordinators, however, often include a robust discussion of the</p>	<p>The Committee appreciates this comment but believes that the development of alternative methods for submission of the form, and messaging about local processes are outside the scope of this proposal.</p> <p>The Committee appreciates this comment. Instead of adding more examples to the form, the Committee has added a link to an existing brochure, which provides greater detail on</p>

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			kinds of accommodations that can be approved, including removal of physical barriers and use of a service animal or emotional support animal in court. As part of the MC-410-INFO form, people should know about the variety of accommodations that can be provided. This could be achieved either by listing additional accommodations in the information form or by providing a link to publicly available materials that discuss examples of accommodations.	potential accommodations that can be requested. The brochure is available at: https://www.courts.ca.gov/documents/Disability-Accommodations-in-California-Courts.pdf
3.	Elizabeth C. Wied, Attorney III California Department of Child Support Services	N/A	<p>The California Department of Child Support Services (department) has reviewed the proposal identified above for potential impacts to the child support program, the local child support agencies, and our case participants. Specific feedback related to the provisions of the form changes and new information sheet with potential impacts to the department and its stakeholders follows.</p> <p>The department applauds the undertaking to revise the Disability Accommodation Request (form MC-410) and the development of the accompanying information sheet titled How to Request a Disability Accommodation for Court (form MC-410-INFO). The plain language, usability, and readability will successfully encourage access to the judicial system for many, including child support program participants.</p> <p>The Committee requested comments regarding concerns about the optional collection of information about a person who may have helped a court user fill out the form, and the department addresses this correspondence to that request. As an initial matter, requests for collection of personal information should always be accompanied with a reason for the collection. It is especially true with optional information that an individual be provided with rationale sufficient to make an informed decision. The new information sheet indicates that the reason for the</p>	<p>The Committee appreciates this feedback.</p> <p>The Committee appreciates this feedback and information and has revised this section of the form to account for confidentiality concerns.</p>

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			<p>collection of information regarding assistance in completing the form is to enable the Court to communicate about an applicant’s medical condition and request for disability accommodation with a third party. Not only does this create privacy implications, the information sheet appears to imply that a court user that had assistance completing the form is unable to personally communicate their requested needs. If communication with a third party that assisted the court user complete the form is the reason for collecting the information, the Department recommends that the form contain an affirmative acknowledgment and authorization that the communication can occur. Further, the department recommends that rather than being a bullet point under the “signatures” section, since the assistant’s signature is not required, a more complete reason for the collection be itemized as point number 6. These modifications would address privacy and access concerns.</p> <p>Thank you for the opportunity to provide input, express our ideas, experiences and concerns with respect to the proposed form changes and new information sheet.</p>	
4.	Ronald Ladage, Child Support Directors Association	N/A	<p>The Child Support Directors Association Judicial Council Forms Committee (Committee) has reviewed the proposal identified above. The Committee’s feedback is set forth below.</p> <p><u>SPR20-27 Rules and Forms: Request for Disability Accommodations</u></p> <p>The Committee generally agrees with the proposed changes to Form MC-410 and the new Form MC-410 INFO. We believe the proposals appropriately address its stated purpose; however, the Committee recommends modifying the language on the forms as follows:</p>	The Committee appreciates this feedback.

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		<p>MC-410: Page 1 of 2:</p> <ul style="list-style-type: none"> Second paragraph from the top of the page, change “(when court is open)” to “(not including weekends and holidays)”. In “2.” in the middle of the page, change “Lawyer” to “Attorney”. In “Optional” section at the bottom of the page add a check box after the word “you” and add language after the check box “Agree”; and add a check box and add language after the second check box “Do Not Agree” prior to the word “this”. <p>Page 2 of 2</p> <ul style="list-style-type: none"> At the top of the page in the “(Optional)” box, change “Sometimes a” to “If your” and change “. If” to “and”. In the middle of the page, third check box, remove “IN WHOLE OR IN PART” from “Your Request is DENIED IN WHOLE OR IN PART. Your request:” and move this check box, the 3 subsequent check boxes, and “Reasons supporting the box(es) checked above:” to just before the check box “More information on this decision is attached.” Change “Reasons supporting the box(es) checked above” to “Explanation”. Add language “Your Request is PARTIALLY GRANTED.” before “The court WILL PROVIDE the following accommodations” and remove “accommodations”. Change hierarchy of the check box to match “Your request is GRANTED . . .”. At the bottom of the page, check boxes were added before “in person”, “by phone”, and “by mail/email”. 	<p>The Committee appreciates this feedback but opted to retain the language referring to "when court is open" in order to more accurately and plainly describe "court days".</p> <p>The Committee appreciates this feedback, but has opted to use plain language terms whenever possible.</p> <p>The Committee appreciates this feedback and is revising the language of this section.</p> <p>The Committee appreciates this comment and made the suggested changes.</p> <p>The Committee appreciates this comment and has revised this section of the form.</p> <p>The Committee appreciates the suggestion, but declines to make this change as it is not necessary to identify which medium was used to</p>

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		<p>(See attached MC-410 draft example)</p> <p>MC-410-INFO: Page 1 of 3:</p> <ul style="list-style-type: none"> • Middle of page 1 change “(when court is open)” to “(not including weekends and holidays)”. <p>Page 2 of 3:</p> <ul style="list-style-type: none"> • In “2.” change “lawyer” to “attorney”. • In “4.” add “American Sign Language” and parentheses around ASL. • Sentence before “Signatures” section change “plan” to “need”. • Under the section starting with “Signatures” on the second bullet point, add “You can agree or not agree to” between the words “Address.” and “allow” and add “to answer questions about your request, if needed.” 	<p>communicate with the court user.</p> <p>The Committee appreciates this comment and has opted to retain "when the court is open" as a plain language definition of a "court day" or a "court business day."</p> <p>The Committee appreciates this comment but is opting for plain language terms as much as possible.</p> <p>The Committee appreciates this suggestion, but in this section is trying to convey examples of accommodations that may be requested and believes that this wording would be sufficient to notify the court of the request. Both those filling out the form and those receiving it will be readily familiar with the term ASL and likely don't need for it to be written out.</p> <p>The Committee appreciates this suggestion and has reworded the sentence to read: "There is a check box under this question that you can check if you attach additional information about your request to the form."</p> <p>The Committee appreciates this comment and has revised the language of this section of the MC-410 and the description of it on the MC-410-INFO.</p>

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			<p>Page 3 of 3</p> <ul style="list-style-type: none"> • After “-OR-” in “Your Request is DENIED IN WHOLE OR IN PART” change "DENIED IN WHOLE OR IN PART" to “PARTIALLY GRANTED” • In the following sentence change “denied in whole or in part” to “partially granted” and “why it is being denied. If the court offers you a different accommodation, it will tell you” to “if a different accommodation will be offered.”. Add “in the line below” after “provided” at the end of the sentence. • On a separate line and add another “-OR-”. • On a separate line add a check mark and language “Your Request is DENIED” • On a separate line following “Your Request is DENIED” add “If your request is denied, the court will tell you why it is being denied.” <p>(See attached MC-410 draft example)</p> <p>The Committee believes these changes will make it easier for the user to understand their choices when completing form MC-410.</p>	The Committee appreciates this suggestion and has revisited the wording of this section on both forms.
5.	<p>Heidi Joya, Attorney Disability Rights California, Legal Advocacy Unit</p> <p>Other Signatories (alphabetical by organization name)</p>	N/A	<p>Disability Rights California (DRC), the protection and advocacy system for the State of California, submits this letter in response to the Judicial Council’s invitation to comment on 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.</p> <p>Disability Rights California, the largest disability rights group in</p>	

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	Eric Post, Director of Appeals Unit and Senior Tenants Rights Attorney BASTA, Inc. Cynthia Chagolla, Directing Attorney of Homelessness Prevention Project Bet Tzedek Legal Services Sydney Pickern, Staff Attorney Disability Rights Education and Defense Fund (DREDF) Judi Johnson, Housing Coordinator Disability Services and Legal Center Caroline Peattie, Executive Director Fair Housing Advocates of Northern California Pablo Zatarain, Executive Director Fair Housing Napa Valley Taylor Campion, Senior Managing Attorney Family Violence Appellate Project Maighna Jain, Senior Staff Attorney Family Violence Law		<p>the country, represents Californians with disabilities in matters that further their rights and access to justice. In that broad spectrum of work, DRC represents tenants in securing safe and affordable housing. Our housing advocacy includes promoting affordable, accessible, and equitable housing developments, protecting tenants’ rights, and preventing homelessness and displacement of marginalized communities. This includes defending many tenants with disabilities in unlawful detainer actions. Reasonable accommodations are crucial in the housing context generally but especially in unlawful detainer litigation because the lack of equal and meaningful access to courts could make the difference between a person’s ability to keep their housing or ending up homeless. Furthermore, most unlawful detainer litigants are self-represented, which makes proper access to courts, court procedures, and court documents, including requests for disability accommodations, even more crucial.</p> <p>I. Comments on MC-410 Form: Disability Accommodation Request</p> <p>As an initial comment, we appreciate the Judicial Council Advisory Committee’s work to ensure that the revised MC-410 form complies with the Web Content Accessibility Guidelines. Redesigning the form by editing for plain language, increasing font size, and adding additional white space to increase readability is an important first step towards ensuring accessibility. As such, we support these proposed revisions. We also offer some additional comments below regarding other proposed changes to the MC-410 form.</p>	The Committee appreciates this feedback.

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	Center Dianne Prado, Executive Director Housing Equality & Advocacy Resource Team (HEART L.A.) Robert J. Reed, Director of Tenant Defense Project Inner City Law Center Ugochi Anaebere-Nicholson, Directing Attorney Public Law Center		<p>A. Suggestions for Further Accessibility of the MC-410 Form</p> <p>Although we agree with the proposed revisions mentioned above, we also suggest that courthouses provide fillable versions of the form that can be directly submitted through the court’s website to the ADA Coordinator. This option would be in addition to people’s abilities to submit the form via email, fax, in person, or by post. We also suggest that courthouses provide the MC-410 form and MC-410-INFO form in additional languages.</p> <p>B. The 5-day Deadline to Submit the Proposed MC-410 Form Should Not Be a Mandatory Deadline but Rather An Encouraged Timeframe.</p> <p>Currently, the proposed MC-410 form tells parties to “Make this request at least 5 days (when court is open) before you need the accommodation.” In its current construction, this statement conveys a hard requirement rather than the suggested or strongly encouraged phrasing provided in the accompanying MC-410-INFO form, which includes the phrase, “<i>if possible.</i>” We are concerned that without any qualifying language, parties might incorrectly assume that a “late” request would be futile and feel discouraged from requesting a reasonable accommodation past the five (5) court day deadline. We request that the Judicial Council amend this statement on the MC-410 form to include the same qualifying language that is in the MC-410-INFO form.</p>	<p>The Committee appreciates this comment and agrees that an online fillable interface with direct submission to a court's ADA Coordinator is an excellent idea, although out of scope for the current proposal to redesign the MC-410. In addition, the Committee would note that the genesis of the redesign proposal was a desire to translate the form into the top 8-10 languages in the state. The committee decided that a first step would be to revise the form for plain language, readability, and usability before moving to translation.</p> <p>The Committee appreciates this comment and acknowledges that there are occasions on which making a request 5 days before a court proceeding is impossible. In those cases, in accordance with California Rules of Court, rule 1.100(c)(3), the court has the discretion to waive the 5-day requirement. The purpose of the "If possible" language was to avoid discouraging those court users who have been scheduled for an emergency hearing or other proceeding on a short timeline, from availing themselves of the process to request an accommodation that will enable them full</p>

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			<p>Title II of the Americans with Disabilities Act (ADA), which governs the programs, services, and activities of state and local governments, including courts, and its corresponding regulations, do not require that a reasonable modification request be made at or by a particular time. Notwithstanding, California Rules of Court 1.100(c) provides that requests for accommodations must be made as far in advance as possible, “[a]nd in any event must be made no fewer than five court days before the requested implementation date.” Making clear that the 5-day deadline is not jurisdictional would help address this inconsistency between the federal law and the Rules of Court. Moreover, the 5-day deadline can often be impractical or difficult to meet for people with disabilities, especially those that are in pro per, and who may need additional time and help obtaining information on reasonable accommodations, contacting the courts’ ADA coordinators, and ultimately making the request. This process can be especially difficult in unlawful detainers because they are “summary” proceedings with a much shorter timeline and quicker discovery, motion, and trial deadlines than regular civil cases. Thus, a strict application of the CRC’s five court-day requirement does not give people with disabilities sufficient time to make the request before they need the accommodation. Although CRC 1.100(c) states that courts may use their discretion and waive this requirement, it is our understanding and experience that judges have been enforcing the 5-day deadline strictly. The strict application of the court rule coupled with the mandatory language on the MC-410 form can preclude necessary accommodations. Providing necessary accommodations far outweighs any inconvenience to the court caused by shorter notice of requests or delays in court proceedings. In addition, modifying the 5-day language on the MC-410 form will encourage more people with disabilities to</p>	<p>participation in their court matter. However, because the rule of court is clear that requests must be made five days in advance, and, in the interest of consistency, the Committee has reworded both sections to read as follows: "Make this request at least 5 days (when the court is open) before you need the accommodation." On the MC-410-INFO, the following statement has been added: "If this is not possible, you can still make a request."</p>

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			<p>seek necessary reasonable accommodations, and encourage judges to exercise their discretion more often in favor of granting them.</p> <p>C. It Should Be Mandatory for Courts to Explain the Reason for Denial of a Reasonable Accommodation Request.</p> <p>On page three (3) of its Invitation to Comment, the Council explains that one of the proposed revisions to the form is, “Includ[ing] space for the court to <i>optionally</i> explain the reason for denial or to include information about partial denials (emphasis added).” Explaining the reason for denial should not be optional, as the Invitation to Comment states, but should be mandatory. The Americans with Disabilities Act and its implementing regulations require a public entity to provide a written statement of reasons for a reasonable accommodation denial: “In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with § 35.150(a) of this part would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion.” 28 C.F.R. § 35.150(a)(3).</p> <p>The second page of the revised MC-410 form, wherein the court provides its order or decision on the requested accommodation, should make clear that courts are required to provide the specific</p>	<p>The Committee appreciates these comments and has revised this section of the form.</p>

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		<p>reason(s) supporting a denial of the accommodation. Currently, the form contains two boxes that can be checked, indicating that a request was denied because it is either an undue burden or a change in the basic nature of the court’s services, programs, or activities. While it does provide additional space where courts can provide reasons supporting its basis of undue burden or fundamental alteration, it is unclear from the form itself that courts are required to state these reasons. Furthermore, and as previously mentioned, the Judicial Council’s Invitation to Comment states that this is optional. If courts are not required to state their reasons for denials, the returned order will not provide sufficient information regarding the reasons for denial of an accommodation request or how the request was an undue burden or fundamental alteration. This can cause complications in the review and appeals process.</p> <p>Providing a written statement of the reasons supporting a denial will assist parties and courts with the review procedure provided in CRC 1.100(g). A written decision regarding the denial may help ensure that petitions for writ of mandate that challenge denials are filed only for meritorious cases. It also establishes an adequate record for the court reviewing the petition. Not having a full record of the reason for denials impedes on parties’ ability to properly appeal said decision and seek relief. Conversely, a written statement could deter parties from filing unmeritorious petitions if a reasonable explanation for the denial is given to the party.</p> <p>For these reasons, the MC-410 form should make clear that the courts are required to provide the reasons supporting a denial in the additional space provided in the form, in accordance with the Americans with Disabilities Amendments Act of 2008.</p> <p>D. Concerns Regarding Collection of Information of Third</p>	

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			<p>Parties</p> <p>The Judicial Council asked for specific comments regarding any concerns about the optional collection of information of persons who may have helped a court user fill out the MC-410 form. We note that the Judicial Council did not offer a reason or explanation for collecting this information, but perhaps additional information could be helpful in assessing any concerns.</p> <p>Rather than including the optional section referenced above, we recommend changing this to include a space that gives parties the option of listing a person other than the accommodation petitioner as the main contact for the request. For example, in circumstances where an attorney has assisted a client in filling out and submitting this form, it may be helpful for the court to discuss the request with the attorney directly. This could help expedite the reasonable accommodation process. Further, this type of third-party contact information could help persons with disabilities who rely on assistance from caregivers or family members to communicate.</p> <p>E. The Judicial Council Should Keep “Indefinite Period” As An Option For The Duration Of The Accommodation.</p> <p>In the “Form MC-410” section of the Judicial Council’s Invitation to Comment letter, the Council explains that one of the proposed revisions to the form is to remove “Indefinite period” as an option for the duration of the accommodation. The request form and order in its current state limit the duration of the accommodation to specific dates and times. Such a limit can cause potential problems for individuals with disabilities if their court proceedings get continued or delayed because the</p>	<p>The Committee appreciates this comment and has revised this section of the form.</p> <p>The Committee appreciates this comment and has revised this section of the form.</p> <p>The Committee appreciates this comment and has restored this option to the form.</p>

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			<p>accommodations would not be applicable to any new court dates outside of those previously specified in the form. In an effort to ensure that people with disabilities have access to their accommodations throughout the entirety of their case, we suggest keeping “indefinite period” as an option, or in the alternative, create an option indicating that the accommodation will remain through the end of the case.</p> <p>II. Comments on MC-410-INFO Form: How to Request a Disability Accommodation for Court</p> <p>We appreciate the Judicial Council’s efforts to include an accompanying form explaining the process to request a reasonable accommodation and have some suggestions on additional information that could be included.</p> <p>A. The MC-410-INFO Form Should Include Information About the Interactive Process.</p> <p>When a person with a disability requests a reasonable accommodation, public entities have an obligation to engage in the interactive process. The “ADA imposes an obligation to investigate whether a requested accommodation is reasonable... [and] create[s] a duty to gather sufficient information from the disabled individual and qualified experts as needed to determine what accommodations are necessary.” As such, we propose including language in the MC-410-INFO form that explains the interactive process. We also encourage courts to use the interactive process when determining which alternative accommodations to provide. As it stands, the Order denying a requested accommodation provides an option for the court to unilaterally provide an alternate accommodation, without a</p>	<p>The Committee appreciates this feedback.</p> <p>The Committee appreciates this comment but believes that making the requested changes would be outside the scope of this proposal.</p>

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			<p>proper interactive process. Obtaining information from the person making the request is critical towards ensuring that the alternative accommodation will meet that person’s disability-related needs. For example, upon denying the specific accommodation requested, the ADA coordinator could contact the party or a designated third party to discuss alternative accommodations and whether those are viable options.</p> <p>B. The MC-410-INFO Form Should Include Additional Information Regarding How to Submit a Reasonable Accommodation Request.</p> <p>The MC-410-INFO form states that other ways to request an accommodation are by calling the court or going in person to ask the ADA Coordinator or another designated individual for an accommodation. Because persons with disabilities can face barriers in going to courthouses in person or filling out the court forms, we appreciate the Judicial Council providing these alternate options to better assist persons with disabilities. However, we suggest that the Judicial Council provide a phone number and email contact information for the ADA Coordinator or other designated court individual within the MC-410-INFO form. This can be helpful in expediting requests, facilitating the interactive process, and providing better access. In at least one case, an in pro per tenant with a severe mental health disability spent more than a week attempting to contact the ADA Coordinator in her court. As a result, she filed her unlawful detainer answer late, and her landlord obtained a default judgment against her. Fortunately, she obtained our assistance and the default was set aside. Not all are so lucky. Providing direct contact information could make it easier for parties to submit their accommodation requests. Additionally, providing</p>	<p>The Committee appreciates this comment and understands the concerns regarding physical access to the courts. Because this is a statewide form, and each court handles their disability accommodation request process in slightly different ways, it is challenging to come up with instructions on statewide forms that cover all possible scenarios. Since the beginning of the COVID-19 crisis, many courts have posted updates to their services on their local court websites and several have begun offering more telephone and remote assistance, given the challenges to all of accessing the courthouse.</p>

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			<p>contact information that makes the ADA Coordinator or another designated person easier to reach is important considering the COVID-19 crisis. People with disabilities are at a higher risk of severe illness from COVID-19 and may need to stay home as much as possible to avoid exposure to the virus, even as states and counties start to reopen. Having access to this contact information would allow people with disabilities to submit accommodation requests without personally going to courthouses and risking their health.</p> <p>The MC-410-INFO form also cautions litigants against including form MC-410 with their electronic filing and states that it must be given to the ADA Coordinator or designated person in the court. However, it does not instruct individuals on how to alternatively submit this form. While we agree with the Council’s concerns with electronic filing and confidentiality, we request that alternative methods of submitting the form be provided, so that individuals can remotely submit the forms, either via e-mail or other confidential electronic means.</p> <p>C. The MC-410-INFO Form Should Include Examples of a Variety of Reasonable Accommodations That The Court Can Provide.</p> <p>In Paragraph 4 of the MC-410-INFO form, the Judicial Council provides “ASL Interpreter” as an example of an accommodation that can be requested. Although this is a common example of an accommodation, a wide range of disabilities can, and should be, accommodated by the courts. For example, the court can accommodate some people with mental health disabilities by allowing them to bring their emotional support animal to court. The stressors of filing documents or being inside a courthouse can often aggravate a person’s mental health disabilities, but an</p>	<p>The Committee appreciates this comment but believes that the development of alternative methods for submission of the form, and messaging about local processes are outside the scope of this proposal.</p> <p>The Committee appreciates this comment. Instead of adding more examples to the form, the Committee has added a link to an existing brochure, which provides greater detail on potential accommodations that can be requested. The brochure is available at: https://www.courts.ca.gov/documents/Disability-Accommodations-in-California-Courts.pdf</p>

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			<p>emotional support animal can help manage those symptoms. We also suggest including trial and hearing date continuances as examples of possible accommodations. Providing continuances may be necessary in situations where parties cannot attend or participate in their court appearances because of their disabilities. Without this type of accommodation, a party's inability to attend their trial date could result in a ruling against them. In unlawful detainers specifically, it would result in a judgment for possession of their home and an almost immediate lockout. In addition, we suggest including that people with disabilities can request to receive materials in alternate formats like Braille or large print free of charge and that they can request relocating services or programs to accessible facilities. As part of the MC-410-INFO form, people should know that there are various ways in which people with disabilities can be accommodated.</p> <p>D. The MC-410-INFO Form Should Include Additional Information Regarding How to Ask for a Review of the Court's Reasonable Accommodations Decision.</p> <p>On page 3 of the MC-410-INFO Form there is a proposal to have a link to information about how to ask for a review of the Court's decision. We suggest that the form summarize the information from CRC 1.100(g) on the Court's process for review including that a request for review must be in writing, who the request for review may be sent to, and the timing for the request. It is of fundamental importance that the process for review of a full or partial denial of a reasonable accommodation request is easily understood and that the information is readily available.</p>	<p>The Committee appreciates this comment. The possibility of adding information about the process to request a review of the court's decision will be considered for a future proposal.</p>

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			language and reviewed for readability. PLC would encourage the Judicial Council to review more of its forms (maybe one day all of them?) through an accessibility lens.	
9.	Renee Sanchez HR Analyst	A	My only concern as the ADA Coordinator would be the elimination of the option to grant an accommodation indefinitely in the instance where it is apparent that the disability is permanent. To eliminate that option would force the Court User to reapply for an accommodation unnecessarily.	The Committee appreciates this comment and has restored this option to the form.
10.	Adam Byer, Administrator, Executive Office Projects & Programs Superior Court of California, County of Alameda	N/A	<p>Here are my comments on the attached proposed MC-410 form:</p> <ul style="list-style-type: none"> Delete optional box at the top of page 2. This will result in potentially 58 different forms and doesn't seem necessary for courtroom-based accommodations. In our Court, courtroom staff make arrangements for these accommodations and naturally know when hearings are reset or vacated. If I'm wrong and it is beneficial, courts can include these instructions when conveying any granted accommodation. On page 2, change the text after the "Your Request is DENIED IN WHOLE OR IN PART." to "The denied portion of your request:" <p>Overall, I think the form is a huge improvement.</p>	<p>The Committee appreciates this comment. The purpose of the term "Optional" in this box is to accommodate the variety of approaches in the courts for receiving requests and adjusting to changes in scheduled hearings. Some courts prefer to be contacted when a hearing date or time changes and would like to provide this contact information to litigants.</p> <p>The Committee appreciates this comment and has made the suggested addition.</p>
11.	Brian Borys Superior Court of California, County of Los Angeles	AM	<p>The warning on the proposed MC-410-INFO form about electronic filing should be modified. Currently, it says:</p> <p>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.</p>	The Committee appreciates this concern and notes that the purpose of this language was to avoid situations in which an MC-410 was filed into a case, but never delivered to the ADA Coordinator. While the confidentiality concerns are well-taken, the Committee has decided to retain the stronger "must not" language in the hopes of avoiding situations in which a person believes they have filed their request by including the MC-410 in their e-filing packet.

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			<p>It should say:</p> <p>Please note: If you are filing electronically and want your information to remain confidential, do not electronically file form MC-410. Form MC-410 is a confidential form that is not part of the case file. Instead, give the form to the ADA Coordinator or designated person in your court.</p> <p>The warning is included because not all the courts have automatic confidentiality settings in their CMSs for efiled documents. However:</p> <ul style="list-style-type: none"> • CRC 1.100(c)(1) allows requests to be submitted “ex parte on a form approved by the Judicial Council, in another written format, or orally” and • CRC 1.100(c)(4) requires the court to “keep confidential all information of the applicant concerning the request for accommodation, unless confidentiality is waived in writing by the applicant or disclosure is required by law.” <p>By using “must not” and “must,” the current warning suggests that efilng waives confidentiality, which is incorrect. The alternate language avoids this error, still warns people about efilng, still provides them with an alternative means to submit the form, and still applies statewide for courts at each level.</p>	
12.	Pauleen Temperani Chief Human Resources Officer Superior Court of California, County of Marin	N/A	The form MC-410 looks easier to use and understand. I still worry about those people that tend to write a lot or in larger handwriting than others that they will not attach another pages and will try to ‘squeeze’ all the information on the page. Are the courts able to return the MC410 form or contact the person to request the information to be clearly stated?	The Committee appreciates this comment. Each court has its own process for receiving and reviewing accommodation requests, so the Committee is unable to provide a general answer to the question of what happens when information is illegible or unclear on the form. However, in

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			<ul style="list-style-type: none"> • Yes, the proposal appropriately addresses the stated purpose. • Yes the form accurately reflects the process established by CA Rules of Court, rule 1.100. • As of right now, no the 2 pages will not create any issues with our local CMS or our existing process for receiving and responding to requests for accommodations. As far as our new CMS, I am not sure but we can work the new form into our set up. • I do not see any issues or concerns asking for information about the person assisting/helping fill out the form. In fact I think that is very helpful to have. <p>As far as costs and implementation matters,</p> <ul style="list-style-type: none"> • I don't believe there will be a cost savings per se. It may assist in lessening the amount of time to determine what the person is requesting for an accommodation. • The implementation would be minimal for the court staff, it would just require a review of the new form and since we have not rolled out a new case management system we would be able to add this fairly easily. • I would think that 3 months would be plenty of time for implementation. • I think this proposal will work well with all courts of all sizes. 	<p>accordance with California Rules of Court, rule 1.100(c)(2), the court may request additional information.</p> <p>The Committee appreciates these comments.</p> <p>The Committee appreciates these comments on the operational impact of the redesigned form.</p>

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		<p>the California Rules of Court 1.100.</p> <ul style="list-style-type: none"> • Request may be presented ex parte on this new proposed form • The form provides a section to include a description of the accommodation sought, along with a statement of the medical condition that necessitates the accommodation • Requests for accommodations must be made no fewer than 5 court days before the requested implementation date • The form and its contents are considered CONFIDENTIAL <p>• Will a two-page form create any issues with local case management systems or existing processes for receiving and responding to requests for accommodations? No, I don't believe so. There are other forms that have more pages and does not seem to create any issues with any local case management or existing processes for receiving and responding.</p> <ul style="list-style-type: none"> • 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? A member of court staff is not disconcerting. However, a personal helper is a concern due to the California Rule of Court confidentiality clause. <p>Recommendation: There should be some type of clause that the court user freely and voluntarily gave all information to (Name) to assist in filling out this form in its entirety where it says (Optional) Complete if someone helped you fill out this form: which is located on the bottom of page 1 of the form.</p> <ul style="list-style-type: none"> • Would the proposal provide cost savings? If so, please quantify. No, it would not. Courts that uses the form will incur the cost of 	<p>The Committee appreciates this feedback.</p> <p>The Committee appreciates this input on operational impacts of this proposal on the courts.</p> <p>The Committee appreciates this comment and has revised this section of the form to account for logistical and confidentiality concerns.</p>

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			<p>replacing the old version of the form with the new version.</p> <p>Recommendation: Create an accessible instructional video/page on the Judicial Council website, where court users who need accommodations can learn about updated form MC-410 and possibly provide updated instructional video portion on how to fill out the form. Provide resources that may be available to assist in completing the form. This may encourage them to fill out the form in this manner, therefore, saving time to fill it out in person.</p> <ul style="list-style-type: none"> • 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? <p>There is no need for additional training as there is no substantial change to the process. The only change is deleting the links to the old forms in the court’s website and in the procedures and replacing it with the links to the new version of the form.</p> <ul style="list-style-type: none"> • Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? <p>Yes, three months would be enough time for implementation.</p> <ul style="list-style-type: none"> • How well would this proposal work in courts of different sizes? <p>It all depends on the size of the court. The costs may be a factor in smaller courts due to maybe court users in that area may not have less access to technology and who rely heavily on paperwork.</p>	<p>The Committee appreciates this feedback.</p> <p>The Committee appreciates this suggestion and is interested in continuing to build on the content developed for the MC-410-INFO to reach the public through multiple modalities in the future.</p> <p>The Committee appreciates this feedback on operational impacts.</p>

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14.	Family Law Division Superior Court of California, County of Orange	N/A	<p>Request for Specific Comments</p> <ul style="list-style-type: none"> • Does the proposal appropriately address the stated purpose? Yes, the 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. • Does the form accurately reflect the process established in California Rules of Court, rule 1.100? Yes, 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. • Will a two-page form create any issues with local case management systems or existing processes for receiving and responding to requests for accommodations? No, as the two-page form would accompany form MC-410 and explain the process of requesting an accommodation. • 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 a form? No concerns as providing the information will be optional. • Would the proposal provide cost savings? If so, please quantify. The proposal would not result in any cost savings. 	The Committee appreciates this feedback and in particular, the discussion of operational impacts on the courts.

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			<ul style="list-style-type: none"> 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? The proposal will not result in the need for additional training for court personnel because there have been no substantive changes to the process. Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, 3 months should suffice as there will only need time to replace old forms with revised forms as well as updating current procedures with the revised and informational forms. How well would this proposal work in courts of different sizes? 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 of different sizes to process the request and make an appropriate response. 	

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15.	Juvenile Court Division Superior Court of California, County of Orange	N/A	<p>No general comments.</p> <p>Request for Specific Comments</p> <ul style="list-style-type: none"> ▪ <i>Does the proposal appropriately address the stated purpose?</i> Yes, the 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. ▪ <i>Does the form accurately reflect the process established in California Rules of Court, rule 1.100?</i> Yes, 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. ▪ <i>Will a two-page form create any issues with local case management systems or existing processes for receiving and responding to requests for accommodations?</i> No, as the two-page form would accompany form MC-410 and explain the process of requesting an accommodation. ▪ <i>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 a form?</i> No concerns as providing the information will be optional. 	The Committee appreciates this feedback and in particular, the discussion of operational impacts on the courts.

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			<ul style="list-style-type: none"> ▪ Would the proposal provide cost savings? If so, please quantify. No cost savings identified. Cost of form copying will be minimal. ▪ 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? Some procedures will need to be updated and staff informed. Self-help and ADA coordinator staff will need to be informed. Old forms will need to be replaced and old links updated on public facing web sites. ▪ Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, it should suffice as there will only need time to replace old forms with revised forms as well as updating current procedures with the revisions and informational forms. ▪ How well would this proposal work in courts of different sizes? It is anticipated that this streamlined and redesigned version of the form with accessibility features will make it easier for form users for the courts of different sizes to process the request and make an appropriate response. 	

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16.	Training and Analyst (TAG) Team Superior Court of California, County of Orange	A	<p>OCSC agrees with this proposal as written and tested with the appropriate end users.</p> <ol style="list-style-type: none"> 1. Does the proposal appropriately address the stated purpose? Yes 2. Does the form accurately reflect the process established in California Rules of Court, rule 1.100? Yes 3. Will a two-page form create any issues with local case management systems or existing processes for receiving and responding to requests for accommodations? No 4. 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? No 5. Would the proposal result in costs or savings to the court? If so, please what costs or savings would be associated with implementing the proposal? Other than minor copying of forms and replacing old forms. No costs or savings. 6. 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? 	The Committee appreciates this feedback, particularly on the operational impacts of the proposal on courts.

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			<p>Some procedures will need to be updated and staff informed. Self-help and ADA coordinator staff will need to be informed. Old forms will need to be replaced and old links updated on public facing web sites.</p> <p>7. Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Yes, three months would be sufficient.</p> <p>8. How well would this proposal work in courts of different sizes?</p> <p>This proposal will work effectively in courts of all sizes; process is not changing.</p>	
17.	Mike Roddy, CEO Superior Court of California, County of San Diego	N/A	<p>GENERAL COMMENTS</p> <p>MC-410: Page 2: “Your Request is DENIED IN WHOLE OR IN PART. Your request:...” Propose including a checkbox in front of “Reasons supporting the box(es) checked above.” As currently drafted, the form may lead applicants to believe reasons must be listed, when the item(s) checked above are in fact the reason(s) why the request was denied which are provided for under Rule 1.100(f). While additional reasons may be provided, they are not required.</p>	The Committee appreciates this comment and has revised the language of this section.

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		<p>MC-410-INFO Propose the following changes: Deadline: “If possible, mMake this request at least 5 days (when court is open) before you need the accommodation.” This conforms with the instruction listed on the MC-410 form above item 1.</p> <p>Court Name and Address: “Write the name and address of your court. If you do not know the court address, ask the ADA Coordinator or court staff for help.” Information re court locations/addresses can be obtained from court staff. Limiting it to the ADA Coordinator may cause delays in obtaining the information.</p> <p>Pg 2. Signatures: “The court will respond to your request by telling you in person, calling you on the phone, or by mailing or emailing you a copy. sending you a letter or an email.””</p> <p>Pg 3. Third Bullet Point: “The court may respond by telling you in person, calling you on the phone, or by mailing or emailing you a copy. sending you a letter or an email.””</p> <p>Does the proposal appropriately address the stated purpose? Yes.</p> <p>Does the form accurately reflect the process established in California Rules of Court, rule 1.100? Yes.</p>	<p>The Committee appreciates this comment and has reworded the language on the MC-410-INFO to conform with the language on the MC-410. On the MC-410-INFO, the following statement has been added: "If this is not possible, you can still make a request."</p> <p>The Committee appreciates this comment and has made this change.</p> <p>The Committee appreciates this comment and has changed this sentence to read: "The court will respond to your request by telling you in person, calling you on the phone, or mailing or emailing you a response."</p> <p>The Committee appreciates this comment and has changed this sentence to read: "The court will respond to your request by telling you in person, calling you on the phone, or mailing or emailing you a response."</p>

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			<p>Will a two-page form create any issues with local case management systems or existing processes for receiving and responding to requests for accommodations? No.</p> <p>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? Our court has concerns that including an email/phone number for the person who helped complete the form may lead the applicant to believe that the court will contact that individual. These are strictly confidential requests and our court would not contact that person without an express waiver of confidentiality by the applicant.</p> <p>Would the proposal provide cost savings? If so, please quantify. No.</p> <p>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? Updating training materials and notifying staff.</p> <p>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, provided the final version of the forms are provided to the courts at least 30 days prior to the effective date. This will give</p>	<p>The Committee appreciates these comments on the operational impacts of the proposal.</p> <p>The Committee appreciates this comment and has revised this section of the form to account for logistical and confidentiality concerns.</p>

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			<p>courts sufficient time to update their procedures, configure local packets, and order printed stock.</p> <p>How well would this proposal work in courts of different sizes? It appears that the proposal will work for courts of various sizes.</p>	
18.	Georgia Ku Court Manager, Facilities and Security Division Superior Court of California, County of Santa Clara	N/A	<p>Thank you for providing SC Court an opportunity to comment.</p> <p>I believe the proposed change appropriately address the need to make it easier to fill out. There is definitely more space. I don't think 2 pages will create any issues with Odyssey. From a training stand point, I think it is a matter of Judicial Officers and Staff getting use to the new format.</p> <p>The Santa Clara Superior Court does not have pre-printed MC410 forms. With that said, will the old format be accepted still?</p> <p>From PDF: 5 Court days should be specified. This implies 5 calendar days. Suggestion: Change "5 days (when the court is open) to "5 court business days."</p> <p>On checkbox under Item 5: State "Check this box if more information on this request is attached"</p>	<p>The Committee appreciates this comment.</p> <p>Because this is an optional form, other accommodation request forms may be accepted by the courts, as long as they contain the items set forth in CRC Rule 1.100.</p> <p>The Committee appreciates this comment and has opted to retain "when the court is open" as a plain language definition of a "court day" or a "court business day."</p> <p>The Committee appreciates this comment and has instead revised the instruction on the MC-410-INFO to read: "There is a check box under this question that you can check if you attach additional information about your request to the form."</p>
19.	Michelle Uzeta, Esq.	N/A	I am writing in response to the Council's invitation to comment	

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Rules and Forms: Request for Disability Accommodations (approve form MC-410-INFO, revise form MC-410)

All comments are verbatim unless indicated by an asterisk (*)

List of All Commenters, Overall Positions on the Proposal, and General Comments			
Commenter	Position	Comment	Committee Response
Law Offices of Michelle Uzeta		<p>on revision of the Disability Accommodation Request Form (MC-410) and approval of the information sheet titled “How to Request a Disability Accommodation for Court” (fMC-410-INFO). I am an attorney with over twenty-five years’ experience working with and for people with disabilities in California, including thirteen years with Disability Rights California, four years leading the legal programs at the Housing Rights Center and Disability Rights Legal Center, and many years in private practice. Since 2017 I have served as a board member for the Disability Rights Bar Association, a national association of disability law practitioners. I have counseled and represented many individuals in seeking disability related accommodations from California’s courts, and understand firsthand the barriers they encounter.</p> <p>I have reviewed and unreservedly join in the June 9, 2020 comments submitted by DRC.</p> <p>My primary purpose in writing separately is to expand upon the concerns raised with the 5-day timeline for accommodation requests contained in CRC 1.100(c)(3) (“Requests for accommodations must be made as far in advance as possible, and in any event must be made no fewer than 5 court days before the requested implementation date. The court may, in its discretion, waive this requirement.</p> <p>[*Commenter described a personal experience with the process and provide the following comment regarding the proposal:] There is a strong need for the request for accommodation form to clarify that the 5-day timeline is an encouraged preference or best practice for ensuring accommodations will be provided, and</p>	<p>The Committee appreciates this feedback.</p> <p>The Committee appreciates this comment and acknowledges that there are occasions on which making a request 5 days before a court proceeding is impossible. In those cases, in accordance with California Rules of Court, rule 1.100(c)(3), the</p>

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		<p>not a bright line cut-off. Court personnel require training on the same, and on their obligation to make reasonable efforts to accommodate regardless of when the request is received.</p> <p>I would also like to suggest that the accommodation request form be modified to provide space for individuals to identify alternative accommodations should their primary choice be unavailable or infeasible. Ideally, court personnel should be encouraged, if not required, to engage in an interactive process with individuals with disabilities regarding alternative accommodations that might be provided if their requested cannot be provided.</p> <p>[*Commenter described a personal experience with the process and provide the following comment regarding the proposal:]</p> <p>Overall, I believe it will improve the effectiveness and efficiency of the court’s accommodation process if the request form prompts individuals to identify acceptable alternative accommodations and/or court personnel is required to engage in an interactive process with individuals when their primary choice of accommodation cannot be provided. I appreciate the Judicial Council Advisory Committee’s work to ensure that the revised MC-410 form complies with the Web Content</p>	<p>court has the discretion to waive the 5-day requirement. However, because the rule of court is clear that requests must be made five days in advance, and, in the interest of consistency, the Committee has reworded this section to read as follows: "Make this request at least 5 days (when the court is open) before you need the accommodation." On the MC-410-INFO, the following statement has been added: "If this is not possible, you can still make a request."</p> <p>The Committee appreciates this comment but believes that introducing these substantive changes to the form would be outside the scope of this proposal.</p> <p>The Committee appreciates this comment but believes that introducing these substantive changes to the form would be outside the scope of this proposal.</p>

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			Accessibility Guidelines and for the opportunity to submit these comments.	
20.	Andrea Velasquez ADA Coordinator Superior Court of California, County of Orange	N/A	Add an additional line to #4 On the information page, inform the applicant what happens if the deadline is not met.	The committee appreciates this comment and has added another line to Item 4 on the MC-410 The committee appreciates this comment. Each court has its own process for receiving and reviewing accommodation requests, so the Committee is unable to provide a general answer to the question of what happens when an accommodation is requested with fewer than five days advance notice. However, in accordance with California Rules of Court, rule 1.100(c)(3), the court may waive this requirement.
21.				