

CHAPTER 2. DISABILITY AND LANGUAGE ACCESS

Rule
201—211. [Reserved].

DISABILITY ACCESS

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LANGUAGE ACCESS

260. Definitions.
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Source

The provisions of this Chapter 2 adopted December 21, 2007, effective January 1, 2008, 38 Pa.B. 220, unless otherwise noted.

Rules 201—211. [Reserved].

(Editor's Note: The Unified Judicial System of Pennsylvania's Policy (Policy) on Nondiscrimination and Equal Employment Opportunity was erroneously codified as the Supreme Court did not promulgate this Policy as Rules of Judicial Administration.)

Source

The provisions of these Rules 201—211 adopted December 21, 2007, effective January 1, 2008, 38 Pa.B. 220; reserved January 17, 2014, effective January 18, 2014, 44 Pa.B. 319. Immediately preceding text appears at serial pages (370645) to (370646).

DISABILITY ACCESS**Rule 250. Policy.**

It is the policy of the Unified Judicial System (UJS) to prohibit discrimination against any individual with a disability, as defined by the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12131 *et seq.*, in accessing or participating in judicial proceedings or other services, programs, or activities of the UJS.

Source

The provisions of this Rule 250 adopted March 3, 2014, effective immediately, 44 Pa.B. 1419; amended November 19, 2021, effective January 1, 2022, 51 Pa.B. 7409. Immediately preceding text appears at serial page (371441).

Rule 251. Scope.

These rules shall apply to each UJS entity which includes, but is not limited to, all appellate courts, judicial districts, boards, committees, and agencies under the administrative authority of the Supreme Court. These rules relating to reasonable accommodations under Title II of the ADA do not supersede either the require-

ments of 42 Pa.C.S. §§ 4401 *et seq.*, relating to Court Interpreters for Persons Who Are Deaf or Hard of Hearing, or the Administrative Regulations Governing Language Access for Persons with Limited English Proficiency and for Persons Who Are Deaf or Hard of Hearing, 204 Pa. Code §§ 221.101 *et seq.*

Official Note: The Administrative Regulations Governing Language Access for Persons with Limited English Proficiency and for Persons Who Are Deaf or Hard of Hearing (204 Pa. Code §§ 221.101 *et seq.*) and 42 Pa.C.S. §§ 4401 *et seq.* provide standards for court interpreters in judicial proceedings. “Judicial proceeding” is defined, in pertinent part, as “an ‘action,’ ‘appeal’ or ‘proceeding’ in any court of this Commonwealth.” 2 Pa.C.S. § 101. Title II of the ADA requires an interpreter for the deaf or hard of hearing for all programs, services, or activities of the UJS. *See* 42 U.S.C. § 12132; 28 C.F.R. § 35.160.

Source

The provisions of this Rule 251 adopted March 3, 2014, effective immediately, 44 Pa.B. 1419; amended November 19, 2021, effective January 1, 2022, 51 Pa.B. 7409. Immediately preceding text appears at serial pages (371441) to (371442).

Rule 252. Reasonable accommodations.

A. Each UJS entity shall develop a written policy to receive and process requests for reasonable accommodations from individuals with disabilities. The policy shall be posted on the UJS website, each UJS entity’s respective website, and in each courthouse and office in the court system.

B. All policies developed must be substantially similar to the policy appended to this Rule (Appendix A) and shall contain, at a minimum, the following elements:

1. Appointment of an ADA coordinator—the coordinator must be identified on all court or program materials and the following information shall be provided: the coordinator’s name, work address, work fax number or e-mail address, and work telephone number.
2. Notice of the right to request free accommodation(s).
3. Explanation of the process for requesting accommodation(s).
4. Timeline for request and response.

C. Each UJS entity shall develop a form substantially similar to the one appended to this rule (Appendix A) for processing requests for reasonable accommodations.

D. Each UJS entity shall adopt and publish a grievance procedure, substantially similar to the procedure appended to this rule (Appendix B), for requests that have been denied in whole or in part. Any denial of an accommodation request based upon undue burden or fundamental alteration to services and programs shall be put in writing by the head of the entity or his or her designee and shall provide specific reasons for the denial.

Official Note: In 2014, each UJS entity was required to provide the Administrative Office with a copy of their ADA policy and form and their grievance procedure and form, as outlined in sections A—D above.

Source

The provisions of this Rule 252 adopted March 3, 2014, effective immediately, 44 Pa.B. 1419; amended November 19, 2021, effective January 1, 2022, 51 Pa.B. 7409. Immediately preceding text appears at serial pages (371442) to (371443).

LANGUAGE ACCESS**Rule 260. Definitions.**

“Court services, programs, and activities” mean services, programs, and activities, other than judicial proceedings, that are administered under the authority of the courts, *i.e.*, provided by or contracted for by the court.

“Deaf or hard of hearing” (“DHH”) means a hearing loss or impairment of speech that creates an inability to understand or communicate the spoken English language.

“Direct victim” means an individual against whom a crime has been committed or attempted and who, as a direct result of the criminal act or attempt, suffers physical or mental injury, death, or the loss of earnings.

“Judicial proceeding” means an action, appeal, or proceeding in a court conducted by a presiding judicial officer, as defined for the purposes of these Rules.

“Language Access Plan” (“LAP”) means a plan adopted by the Supreme Court or by a judicial district, intended to fulfill the requirements of Pennsylvania and federal law relating to meaningful access to the Unified Judicial System of Pennsylvania (“UJS”).

“Limited English Proficient” (“LEP”) refers to individuals who do not speak English as their exclusive or primary language and who have a limited ability to read, speak, write, or understand English.

“Presiding judicial officer” includes justices, judges, magisterial district judges, and appointive judicial officers such as arbitrators and other like officers.

“Principal party in interest” means a person involved in a judicial proceeding who is a named party or a fiduciary for a named party; a direct victim in a criminal proceeding or a proceeding pursuant to the Juvenile Act (42 Pa.C.S. Ch. 63); or a parent, guardian, or custodian of a minor or incapacitated person who is a party, a direct victim in a criminal proceeding or a proceeding pursuant to 42 Pa.C.S. Ch. 63, or a witness.

“Vital documents” mean documents that contain or solicit information critical for obtaining access to the court, court services, and/or benefits, advise of rights or responsibilities, including the consequences of violating a court order, or are required by law.

Comment

See also 204 Pa. Code Ch. 221 (regulations relating to language access for persons with limited English proficiency and for persons who are deaf or hard of hearing). These terms are included here for convenience to aid in readily understanding the requirement of providing meaningful access under these Rules.

The definition of court services, programs, and activities encompasses those administered under the authority of the court, including, but not limited to, domestic relations, probation, *pro se* clinics, cases involving court-appointed counsel, or alternative dispute resolution.

Court services, programs, and activities provided by or contracted for by offices outside of the courts that have a distinct legal obligation to provide language access under Title VI of the Civil Rights Act of 1964 are not covered by these rules. Such offices include the Prothonotary, the Clerk of Courts, the Clerk of the Orphans' Court, the District Attorney's Office, and the Public Defender's Office.

Source

The provisions of this Rule 260 added November 19, 2021, effective January 1, 2022, 51 Pa.B. 7409.

Rule 261. Policy.

A. It is the policy of the UJS to provide meaningful language access to the courts for all individuals who are Limited English Proficient ("LEP") or deaf or hard of hearing ("DHH") to ensure that such persons have due process and equal access to all judicial proceedings, court services, programs, and activities. Ensuring meaningful language access means providing timely, accurate, and effective language services at no cost to persons who are LEP or DHH, whether requested or not.

B. Courts must review data concerning the languages for which interpreters are most frequently requested in their courts and translate vital documents in accordance with the policy and procedures established by the Administrative Office. Oral translation of documents shall be provided when a translated document is not available.

C. A qualified interpreter shall be provided for any court services, programs, or activities involving an LEP person and in every judicial proceeding where the LEP person is one of the following:

1. a principal party in interest.
2. any person when a court finds good cause for provision of interpreter services.

D. A qualified interpreter shall be provided for any court services, programs, or activities involving a DHH person and in every judicial proceeding where the DHH person is one of the following:

1. a principal party in interest.
2. any person, including a spectator, who seeks a reasonable accommodation.

Comment

Equal access to the courts and effective communication in court proceedings is fundamental to the legitimacy of Pennsylvania's system of justice and the public's trust and confidence in the courts. Language services for individuals who are LEP or DHH are essential to ensure that they are able to fully participate in judicial proceedings and court services, programs, and activities in which their rights and interests are at stake. Moreover, the courts have an interest in ensuring the integrity of communications with LEP and DHH court users for the accurate presentation of evidence and the fair administration of justice.

The UJS is committed to ensuring meaningful access to LEP court users. Title VI of the Civil Rights Act of 1964 states that "[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." 42 U.S.C. § 2000d; *see also* Department of Justice regulations regarding implementation of Title VI at 28 C.F.R. § 42.101 *et seq.* ("Title VI" as used in these Rules refers collectively to the statute and its implementing regulations.)

In addition to federal law, the Pennsylvania Interpreter Act, Act 172 of 2006, requires the appointment of qualified interpreters for judicial proceedings. *See* 42 Pa.C.S. § 4412. Act 172 and its implementing regulations direct that interpretation must be in person, except in certain circumstances where telephone or video remote interpretation may be used. *See* 204 Pa. Code § 221.104 (relating to remote interpretation).

For persons who are DHH, meaningful access to the courts is required under 204 Pa. Code Ch. 221, section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, the Americans with Disabilities Act, 42 U.S.C. §§ 12131 *et seq.*, the Pennsylvania Interpreter Act, 42 Pa.C.S. §§ 4401 *et seq.*, and various regulations, 28 C.F.R. §§ 42.101 *et seq.* and 28 C.F.R. §§ 39.101 *et seq.*, implementing these laws.

Meaningful access to the courts also includes meaningful access to court programs, services, and activities that are administered under the authority of the courts. The providers of such programs may receive federal funding and, therefore, may be independently required under Title VI to provide such access. In addition, there is an obligation to provide sign language interpreters and any other reasonable accommodations necessary to afford deaf and hard of hearing court users equally effective communications under the Americans with Disabilities Act, regardless of whether the vendor providing the program or service receives federal funds. A party who is LEP or DHH should not be required to participate in a program, service, or activity if the party is not able to fully participate or understand on account of language or disability. Courts should consider whether alternatives may be made available and, if not, whether a waiver of the required court program, service, or activity may be permitted.

Except in courtroom proceedings, effective communication with persons who are LEP or DHH can also be facilitated through the use of court staff who are proficient in languages other than English, in accordance with the Administrative Office's policy on bilingual employees.

Source

The provisions of this Rule 261 added November 19, 2021, effective January 1, 2022, 51 Pa.B. 7409.

Rule 262. Scope.

These Rules apply to every entity in the UJS, including appellate, trial, and magisterial district courts, as well as boards, committees, and offices under the administrative authority of the Supreme Court.

Source

The provisions of this Rule 262 added November 19, 2021, effective January 1, 2022, 51 Pa.B. 7409.

Rule 263. Language Access Plans.

A. The Court Administrator shall promulgate uniform standards for the provision of meaningful language and DHH access through the Language Access Plan ("UJS-LAP") for the UJS. The UJS-LAP shall address the early identification of the need for language or DHH services; provision of oral and written language services; maintenance of data on the need for and use of language access services; identification and translation of vital documents; and outreach and education. The UJS-LAP shall be posted on the UJS website. The UJS-LAP shall be evaluated and updated regularly.

B. The Court Administrator shall promulgate regulations to implement the Pennsylvania Interpreter Act.

C. Each judicial district shall promulgate local language access plans in conformity with a template to be provided by the Administrative Office. At a minimum, the following elements shall be included in those plans: identification of

LEP court users; provision of interpreters in judicial proceedings; provision of language access to court services, programs, and activities; translation of vital documents in languages most frequently requested in their courts; and complaint procedures. Each judicial district shall review and update its language access plan to ensure that meaningful access is being provided to LEP and DHH individuals in the judicial district. Plans shall be posted on the UJS website and on the websites of the judicial districts.

Comment

On March 28, 2017, the Supreme Court approved the UJS-LAP providing a framework for the provision of meaningful language access for individuals who are LEP or DHH. The UJS-LAP specifies the language access requirements applicable to Pennsylvania courts and identifies steps that must be taken to fully implement language access requirements, including but not limited to:

Counsel, court staff, judges, quasi-judicial officers, and anyone aware of the need for an interpreter should notify the language access coordinator for the judicial district, or the court, of the person's need for language access services.

Courts must review data concerning the languages for which interpreters are most frequently requested in their courts and translate vital documents in accordance with the policy and procedures established by the Administrative Office. Oral translation of documents shall be provided when a translated document is not available.

The Administrative Office has developed and implemented protocols within the statewide case management systems for early identification of the need for language services, including a multilingual Notice of Language Rights form that is transmitted with hearing notices and subpoenas. Additionally, the Administrative Office has transmitted notices of the right to interpreter services for posting at courthouses and offices in the court system. The Administrative Office and the courts will continue to develop processes for documenting the need for language services as a case progresses through the UJS.

In instances when no request has been made, and a person's need for an interpreter is apparent, or the ability of a person to understand English is unclear, the presiding judicial officer shall, after conducting *voir dire*, make a determination of whether the person is LEP or DHH and, if so, require an interpreter for a judicial proceeding. A sample *voir dire* is in the "Judicial Bench Card for Working with Interpreters: Quick Reference Guide," available on the Language Access & Interpreter Program page of the UJS website, <http://www.pacourts.us>. Also posted on this page are the UJS-LAP, Pennsylvania Interpreter Act regulations, and the judicial districts' language access plans.

Source

The provisions of this Rule 263 added November 19, 2021, effective January 1, 2022, 51 Pa.B. 7409.

Appendix A

AMERICANS WITH DISABILITIES ACT (TITLE II) POLICY

Source

The provisions of this Appendix A adopted March 3, 2014, effective immediately, 44 Pa.B. 1419.

The Unified Judicial System of Pennsylvania (UJS) complies with Title II of the Americans with Disabilities Act (ADA) which provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity". 42 U.S.C.A. § 12132. Pursuant to that requirement, if you are an individual with a disability who needs an accommodation in order to participate in any judicial proceeding or any other service, program, or activity of the UJS, you are entitled,

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at no cost to you, to the provision of certain assistance. The ADA does not require the (UJS entity name here) to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

If you require an accommodation under the ADA, it is recommended that you make your request as soon as possible or at least three (3) business days before your scheduled participation in any court proceeding or UJS program or activity. All requests for accommodation, regardless of timeliness, will be given due consideration and if necessary, may require an interactive process between the requestor and the (name of UJS entity) to determine the best course of action.

To request a reasonable accommodation, please complete the *Request for Reasonable Accommodation Form* (Appendix B) and return it to:

Name(s), Business Address(es), Fax Number(s) and / or e-mail address(es), Telephone Number(s) of the ADA Coordinator

If you need assistance completing this form, contact the ADA Coordinator. Complaints alleging violations of Title II under the ADA may be filed pursuant to the UJS Grievance Procedure with (name and contact information of individual who handles grievance procedures). A response will be sent to you after careful review of the facts.



APPENDIX A
FOR USE BY JUDICIAL DISTRICTS ONLY

UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA

AMERICANS WITH DISABILITIES ACT ACCOMMODATION (ADA) TITLE II REQUEST FOR REASONABLE ACCOMMODATION FORM (INCLUDES REQUEST FOR INTERPRETER FOR HEARING/SPEECH IMPAIRED)	
Client Information – Section A	
Name: _____	Phone: _____
Address: _____	Email: _____
_____	Mobile: _____
Please check the box that most closely describes your status in this matter: <input type="checkbox"/> Litigant <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Parent <input type="checkbox"/> Child <input type="checkbox"/> Witness <input type="checkbox"/> Attorney <input type="checkbox"/> Victim <input type="checkbox"/> Juror <input type="checkbox"/> Other (please explain) _____	
Requestor Information (if different from above)	
Name: _____	Bus. Phone/ Mobile: _____
Address: _____	Fax: _____
Relationship to Client: _____	Email: _____
_____	TTY: _____
Accommodation	
Nature of the disability for which an accommodation is requested: _____	
Accommodation requested: _____	
Location of Proceeding <input type="checkbox"/> Magisterial District Court No. _____ District Judge Name: _____ <input type="checkbox"/> Criminal Division <input type="checkbox"/> Civil Division <input type="checkbox"/> Orphans' Court Division <input type="checkbox"/> Family Division <input type="checkbox"/> Adult <input type="checkbox"/> Juvenile Specify Address: _____	Proceeding Information (if known) Case #: _____ Case Name: _____ Judge: _____ Proceeding Date: _____ Proceeding Time: _____ Proceeding Type: _____
AFTER COMPLETING THE FORM, PLEASE SEND TO: COUNTY ADA COORDINATOR	
I hereby certify that an Americans with Disabilities Act accommodation is required in the above-captioned action on the date stated. Signature: _____ Date: _____	
FOR OFFICIAL USE ONLY	
A SERVICE REQUEST HAS BEEN MADE FOR THE CLIENT NAMED ABOVE.	
Service Provider Company: _____	Fax: _____
Individual Interpreter Name: _____	Email: _____
Bus. Phone/ Mobile: _____	Date to Provider: _____

Court Official Verification – Section C	
<small>VERIFYING OFFICIAL SHALL MAINTAIN A COPY IN THE COURT'S CASE FILE AND PROVIDE THE ORIGINAL TO THE SERVICE PROVIDER FOR SUBMISSION WITH BILLING.</small>	
I hereby verify that the services were performed by the provider in the above-captioned action on the date and time stated.	
Start Date & Time: _____	End Date & Time: _____
Court Official: _____ <small>(Please print name)</small>	Signature: _____
Title: _____	Date: _____



APPENDIX A

UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA

AMERICANS WITH DISABILITIES ACT ACCOMMODATION (ADA) TITLE II REQUEST FOR REASONABLE ACCOMMODATION FORM
(INCLUDES REQUEST FOR INTERPRETER FOR HEARING/SPEECH IMPAIRED)

Client Information – Section A

Name: _____ Phone: _____
 Address: _____ Email: _____
 _____ Mobile: _____

Please check the box that most closely describes your status in this matter:
 Litigant Plaintiff Defendant Parent Child Witness Attorney Victim Juror
 Other (please explain) _____

Requestor Information (if different from above)

Name: _____ Bus. Phone/ Mobile: _____
 Address: _____ Fax: _____
 Relationship to Client: _____ Email: _____
 _____ TTY: _____

Accommodation

Nature of the disability for which an accommodation is requested: _____

Accommodation requested: _____

Location of Proceeding	Proceeding Information (if known)
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Name of Office: _____ Address: _____ _____	Case #: _____ Case Name: _____ Judge: _____ Proceeding Date: _____ Proceeding Time: _____ Proceeding Type: _____
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AFTER COMPLETING THE FORM, PLEASE SEND TO: ADA COORDINATOR

I hereby certify that an Americans with Disabilities Act accommodation is required in the above-captioned action on the date stated.
 Signature: _____ Date: _____

FOR OFFICIAL USE ONLY

A SERVICE REQUEST HAS BEEN MADE FOR THE CLIENT NAMED ABOVE.

Service Provider Company: _____ Individual Interpreter Name: _____ Bus. Phone/ Mobile: _____	Fax: _____ Email: _____ Date to Provider: _____
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Court Official Verification – Section C	
<small>VERIFYING OFFICIAL SHALL MAINTAIN A COPY IN THE COURT'S CASE FILE AND PROVIDE THE ORIGINAL TO THE SERVICE PROVIDER FOR SUBMISSION WITH BILLING.</small>	
I hereby verify that the services were performed by the provider in the above-captioned action on the date and time stated.	
Start Date & Time: _____	End Date & Time: _____
Court Official: _____ <small>(Please print name)</small>	Signature: _____
Title: _____	Date: _____

Appendix B**Americans with Disabilities Act (Title II)
Grievance Procedure****Source**

The provisions of this Appendix B adopted March 3, 2014, effective immediately, 44 Pa.B. 1419.

This grievance procedure is established for the prompt resolution of complaints alleging any violation of Title II of the Americans with Disabilities Act (ADA) in the provision of services, programs, or activities by the Unified Judicial System (UJS). If you require a reasonable accommodation to complete this form, or need this form in an alternate format, please contact [ADA coordinator information].

To file a complaint under the Grievance Procedure please take the following steps:

1. Complete the complaint form and return to [ADA Coordinator or designated individual]. Alternative means of filing complaints will be made available for persons with disabilities upon request. The complaint should be submitted as soon as possible but no later than sixty (60) calendar days after the alleged violation.

2. Within fifteen (15) calendar days of receipt of the complaint, the [ADA Coordinator or designated individual] will investigate the complaint, including, meeting with the individual seeking an accommodation, either in person or via telephone, to discuss the complaint and the possible resolutions. Within fifteen (15) calendar days of the meeting, the [ADA Coordinator or designated individual] will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio. The response will explain the position of the [name of UJS entity] and offer options for substantive resolution of the complaint.

3. If the response to the complaint does not satisfactorily resolve the issue, the complainant may appeal the decision within fifteen (15) calendar days after receipt of the response to [designated individual]. Within fifteen (15) calendar days after receipt of the appeal, the [designated individual] will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the [designated individual] will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

This grievance procedure is informal. An individual's participation in this informal process is completely voluntary. Use of this grievance procedure is not a prerequisite to and does not preclude a complainant from pursuing other remedies available under law.

The UJS Policy on Non-Discrimination and Equal Employment Opportunity also encompasses disability-related issues and provides complaint procedures for

UJS court users. Any employment-related disability discrimination complaints will be governed by the UJS Policy on Nondiscrimination and Equal Employment Opportunity.



APPENDIX B
UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA

AMERICANS WITH DISABILITIES ACT (ADA) TITLE II GRIEVANCE FORM	
Grievant Information	
Grievant Name: _____	Home Phone (include area code): _____
Address: _____	Business Phone (include area code): _____
	Mobile Phone (include area code): _____
Alternative Contact Person (other than Grievant)	
Name: _____	Home Phone (include area code): _____
Address: _____	Business Phone (include area code): _____
	Relationship To Client: _____
Court Service, Program or Facility Allegedly in Violation	
Date and Location of Alleged Violation (dd/mm/yyyy)	
Description of Alleged Violation and Requested Remedy	
Has this case been filed with the Department of Justice or other government agency or court?	
Yes No	
If You Answered "Yes" to the Previous Question, Complete the Following	
Agency or Court: _____	Contact Person: _____
Address: _____	Phone (include area code): _____
	Date Filed: _____

Other Comments	
Signature: _____	Date: _____

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