ADA Obligations In Court Settings

For legal professionals · Fair Notice

General educational information on Title II as applied to court programs and services, and the modifications most commonly requested.

This is general information, not legal advice. Obligations vary by jurisdiction and change. Consult your court's ADA coordinator and your own counsel regarding your specific obligations.

TITLE II

— Title II of the Americans with Disabilities Act covers state and local government programs, services, and activities — including courts.

— Public entities must make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination on the basis of disability.

— ADHD, autism, and specific learning disabilities can qualify as disabilities where they substantially limit a major life activity — including concentrating, thinking, reading, learning, and communicating.

— Most courts have a designated ADA coordinator. Most court personnel cannot name theirs.

— Requests need not use the word “accommodation,” need not be in writing, and need not be accompanied by documentation in every case.

This is a compliance obligation, not a courtesy.

COMMON MODIFICATIONS

MODIFICATION	APPLICATION
Extended time	Longer periods to respond, gather documents, or complete requirements
Written follow-up	A short written summary of what was ordered and what happens next
Reminder contact	Phone or text reminders rather than reliance on mailed notice alone
Support person	Permitting a family member or advocate to attend and take notes
Breaks	Pauses in long proceedings to manage processing load
Modified format	Plain-language versions of conditions, orders, and program terms
Scheduling	Fixed recurring dates and times; morning or afternoon preference
Environment	Reduced sensory load; seating away from crowding; a quiet waiting area

Every item above is either free or trivially cheap. Worth saying directly, because the reflexive institutional objection is budgetary and it is unfounded here.

THE DISTINCTION THAT PREVENTS THE MOST HARM

Competency to stand trial	A legal standard: present ability to understand the proceedings and to assist counsel. The overwhelming majority of neurodivergent defendants plainly meet it.
Capacity in the moment	Whether this person, under this degree of stress, understood this specific instruction. Frequently no — and readily fixable.
Accommodation	A modification to how information is delivered. It **presumes** competence. It does not question it.

WHY CONFLATION CAUSES HARM

- Unnecessary competency referrals add weeks or months of delay, frequently in custody
- They stigmatize competent defendants and can affect collateral consequences
- Meanwhile, the person who needed a written summary receives a bench warrant instead
- The referral answers a question nobody asked while leaving the real problem untouched

> **If the response to this material is to refer more people for competency evaluation, the material has failed.** The large majority of what it addresses is answered by a piece of paper with the next step written on it.

THREE THINGS TO DO THIS WEEK

1. Find out who your court's ADA coordinator is, and write it down.
2. Ask what your court's process is for requesting a modification.
3. Pick one item from the modification table and try it once.

Our ADA coordinator: _____

Fair Notice provides educational programming and does not offer legal advice, legal representation, clinical diagnosis, or treatment. This material is general professional education and is not advice about any matter. Rules of professional conduct, accessibility obligations, and procedure vary by jurisdiction and change — confirm current requirements with your own counsel and your court's ADA coordinator. Prevalence figures are research estimates that vary by study, setting, and screening method. All Fair Notice services are free.