



# Disability Discrimination Fact Sheet: Access to California State Courts

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## **Federal and State Disability Discrimination Laws**

Federal and state laws prohibit disability-based discrimination by state courts and require the courts to provide people with disabilities reasonable accommodations they need to fully participate in the court system. Title II of the Americans with Disabilities Act prohibits disability-based discrimination by state and local governmental entities, including court systems. Title II also requires that governmental entities provide reasonable accommodations to people with disabilities in order to ensure they have equal access to government services. Section 504 of the Rehabilitation Act provides similar protections from discrimination by entities that receive federal funds. California Government Code Section 11135 protects against discrimination by state and local government entities and businesses that receive state funds.

## **Self-Advocacy**

Below are links to ADA Information from the California Courts website:

- <http://www.courts.ca.gov/14362.htm?print=1>
- <http://www.courts.ca.gov/documents/access-fairness-QandA-forpersons-with-disabilities.pdf>

This website provides you with the information you need to request reasonable accommodations from the court. It also includes a link to the MC-410 form for requesting accommodations, along with a “how to” video for filling out the form.

If the court denies the accommodations you need, you have the right to a review. The steps you take depend on who denied your request.

If a non-judicial court employee (a clerk or jury commissioner) denied your request, you can ask a judicial officer (a judge or court commissioner) to review the decision. You can also ask a judicial officer to review the decision if you think the accommodations offered are inadequate. The judicial officer will preside at the hearing or trial. If the hearing or trial does not yet have an assigned judge, you can ask the presiding judge of the court to review the decision. In either case, you must ask for review within 10 days of the date on the notice of denial or accommodations.

If a judicial officer (a judge or court commissioner) denied your request, you can file a petition for extraordinary relief in superior court. You can file the same petition if you thought the judicial officer granted you inadequate accommodations. In either case, you have 10 days from the date on the notice of denial or accommodations to file the petition. You may need help from a lawyer to file this petition.

If you believe you have been discriminated against, you can also file an administrative complaint with the U.S Department of Justice (DOJ) under federal law, or with the California Department of Fair Employment and Housing (DFEH) under state law. DOJ complaints must be filed within 180 days of the discriminatory conduct. DFEH complaints must be filed within one year of the discriminatory conduct.

## **Contact information for the DOJ and the DFEH is below.**

### **DOJ Complaints:**

U.S. Department of Justice

Civil Rights Division

950 Pennsylvania Avenue, N.W. Disability

Rights Section - NYAV

Washington, D.C. 20530

Online Filing: [https://www.ada.gov/filing\\_complaint.htm](https://www.ada.gov/filing_complaint.htm)

Phone: (800) 514-0301

TTY: (800) 514-0383

## **DFEH Complaints:**

Online Filing: <https://www.dfeh.ca.gov/filing-a-complaint-online/>

Phone: (800) 884-1684 TTY: (800) 700-2320.

Mail: Call (800) 884-1684 and request the appropriate complaint form to print and return. Please allow additional time for mail and processing.

You also have the option of filing a complaint against the judge in your case through the California Commission on Judicial Performance if you believe there has been judicial misconduct. The Commission on Judicial Performance cannot change a decision made by any judicial officer; only by seeking a review in the courts can a decision be changed. Here is a link to the website with more information about how to file a complaint:

<http://cjp.ca.gov/> .

You may also find it helpful to bring the matter to the attention of the court's ADA coordinator or the Presiding Judge for that court. To find the contact information for a trial court's ADA coordinator or Presiding Judge you can go to: <http://www.courts.ca.gov/find-my-court.htm>

## **Litigation**

Violations of the laws discussed above may also be enforced through private lawsuits. Please be aware that statutes of limitations restrict the timeframe for filing litigation and that you could potentially lose claims if you do not act within the applicable statute of limitations. These deadlines can be as short as two years from the date of discrimination.

Additionally, the Government Tort Claims Act requires that a government tort claim be filed within six months of a discriminatory incident before bringing a lawsuit for money damages against a state or local governmental entity. More information about tort claims can be found at <http://www.disabilityrightsca.org/pubs/522901.htm> Please note that this website links to the form for claims against the state or a state agency or employee, which may not apply in your case. The court may have its own tort claims form available on its website. If you decide to pursue litigation, you should consult with an attorney as soon as possible.

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For legal assistance call 800-776-5746 or complete a [request for assistance form](#). For all other purposes call 916-504-5800 (Northern CA); 213-213-8000 (Southern CA).

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