

Creating and Maintaining an Accommodation Space



Generally speaking, public restrooms are the only places in the courthouse where nursing mothers and certain individuals with disabilities can address their biological or medical needs. Even under the best of circumstances, this presents sanitation concerns and various challenges for the user. Accordingly, the State Court Administrative Office, the Michigan Department of Civil Rights, and the Women Lawyers Association of Michigan encourage all courts to create and maintain an accommodation space where individuals who are required to be at court can meet their individual needs. It should be noted that providing a space is not a legal requirement under the Americans with Disabilities Act (ADA), but it is strongly encouraged.

Why provide an accommodation space?

Having an established space prevents court staff from having to scramble when a request for an accommodation space is made. It also ensures that jurors, lawyers, and litigants can conduct their business at the court with dignity.

How can individuals make arrangements to use the space or request time to use the space?

1) A court could employ its current procedure for requesting ADA accommodations. 2) A court could instruct individuals to make the clerk aware of their needs when they check in for court. 3) A court could have users complete a form for the ADA coordinator that specifies roughly when the user would need to access the room and the ADA coordinator could relay the pertinent information to the judge's chambers.

Whichever method the court uses, courts should also encourage users to provide as much notice as possible when making their requests.

How can courts make the public aware of the accommodation space and the procedures for using the space?

The court should include the information on the court's website. It can also distribute the information using the same means it uses to make people aware of its ADA coordinator.

What should a space be like and what equipment is needed?

Necessary:

1. ADA accessibility;
2. Private area free from intrusion that can be locked by occupant, including shades or curtains for any windows;
3. Electrical outlet;
4. Chair with table or surface nearby for temporary holding equipment and supplies;
5. Disinfecting wipes;
6. Vacant/In Use sign.

Useful:

1. Sink and soap near the area and/or hand sanitizer;
2. Paper towel dispenser;
3. Refrigerator;
4. Clock;
5. Wi-fi;
6. Vinyl upholstery if the chair in the room is upholstered.

Training Requirements

Bringing breast pumps and other medical equipment into a courthouse can sometimes create undue commotion and embarrassment for the user when going through security. Thus court security should receive sufficient training to allow it to gain familiarity with the equipment to minimize these issues. Staff should also be trained on how to properly handle requests to use the space.

Final Thoughts

Courts should be aware that nursing mothers involved in trials or other multi-hour proceedings may need special lactation breaks. Many nursing attorneys have expressed concern that their need to pump could potentially prejudice their clients if their requests for breaks are seen as unduly lengthening the proceedings or if there is not a break and they experience leakage. Courts can alleviate this problem by having policies that recognize and address this reality.

It is also important to clarify that the expectation is not that users of the accommodation space will dictate how the court runs its docket. Instead, the hope is that by providing a space and making the court aware of the users' needs, the court will accommodate the users to the extent possible to advance dignity and equal access to the court.