

Accommodations Are  
Provided Upon Request

– Missouri Courts  
Websites\*



\* All website pages of the Missouri Courts, including the Office of State Court Administrator and local courts, suggest that ADA accommodations need only be provided by courts upon request. No information is provided on the duties of courts to provide accommodations on their own motion and without request when litigants, such as in adult guardianship proceedings, have obvious or known cognitive or communication disabilities which impair meaningful participation in their case.

The ADA is a federal law prohibiting discrimination against persons with disabilities in places of public accommodation, **government services**, and employment. Missouri Attorney General Website.

The ADA applies to courts and judicial services. *Tennessee v. Lane*, 541 U.S. 509 (2004)

A public entity must offer accommodations for **known** physical or mental limitations. Title II Technical Assistance Manual of DOJ

Even without a request, an entity has an obligation to provide an accommodation when it **knows or reasonably should know** that a person has a disability and needs a modification. DOJ Guidance Memo to Criminal Justice Agencies, January 2017

Some people with disabilities are not able to make an ADA accommodation request. A public entity's duty to look into and provide accommodations may be triggered when the need for accommodation is **obvious**. *Updike v. Multnomah County*, 870 F.3d 939 (9<sup>th</sup> Cir 2017)

It is the knowledge of a disability and the need for accommodation that gives rise to a legal duty, **not a request**. *Pierce v. District of Columbia*, 128 F.Supp.3d 250 (D.D.C. 2015)

A request for accommodation is not necessary if a public entity has **knowledge** that a person has a disability that may require an accommodation in order to participate fully in the services. Sometimes the disability and need are **obvious**. *Robertson v. Las Animas*, 500 F.3d 1185 (10<sup>th</sup> Cir. 2007)

The failure to expressly request an accommodation is not fatal to an ADA claim where an entity otherwise had **knowledge** of an individual's disability and needs but took no action. *A.G. v. Paradise Valley*, 815 F.3d 1195 (9<sup>th</sup> Cir. 2016)

The import of the ADA is that a covered entity should provide an accommodation for **known** disabilities. A request is one way, but not the only way, an entity gains such knowledge. To require a request from those who are unable to make a request would eliminate an entire class of disabled persons from the protection of the ADA. *Brady v. Walmart* 531 F.3d 127 (2<sup>nd</sup> Cir. 2008)