

Accessibility for People with Disabilities In Ontario Courts

Prepared by: Bob Sherman
Accessibility Unit
Ministry of the Attorney General (Ontario)
September 19, 2011

Accessibility for People with Disabilities in Ontario Courts

Introduction

In 2005, the Honourable R. Roy McMurtry, then Chief Justice of Ontario, appointed the Courts' Disabilities Committee, members of which were drawn from the bench, bar and Ontario Government, to develop recommendations to make Ontario's court system more accessible for persons with mental, physical or sensory disabilities. In December 2006, the Courts' Disabilities Committee released its final report, [*Making Ontario's Courts Fully Accessible to Persons with Disabilities*](#).

The report made the following six main recommendations, as well as a number of more detailed recommendations to improve the accessibility of the court system:

1. Establish a public commitment to achieving a fully accessible court system.
2. Establish a permanent Ontario Courts' Disability Accessibility Committee to oversee progress.
3. Designate specific court services officials responsible for responding to accommodation and accessibility needs of persons with disabilities in the court system within each courthouse.
4. Establish specific procedures to plan barrier-free built environments in court facilities, and to meet recurring accessibility needs in court.
5. Provide education for judges, lawyers, and court service officials on disability accessibility and accommodation.
6. Effectively inform the public of the availability of accessibility and accommodation services.

In addition, the Courts' Disabilities Committee made specific recommendations in a number of areas, including these two with respect to people with mental health disabilities:

- Victim/witness programmes of the Ministry of the Attorney General across Ontario should develop specialized expertise in providing support to court participants with disabilities who require specialized supports, including court participants with mental health disabilities, developmental disabilities, and acquired brain injuries.
- Counsel should identify needs and seek appropriate accommodations from the court services official responsible for responding to accommodation

and accessibility needs, relating to mental health disabilities of their clients, whether accused persons or litigants in a civil or family matter.

Ontario Courts Accessibility Committee

In response to recommendation 2 of the Courts' Disabilities Committee's report, the Ontario Courts Accessibility Committee was established in 2007 as a permanent committee by former Chief Justice McMurtry and then-Attorney General Michael Bryant. The mandate of the committee is to support the implementation of the report's recommendations and to provide strategic advice to the court system to support accessibility measures. The committee's members include representatives of: the judiciary at all levels of the court; the Bar; people with disabilities; law schools; and the Ministry of the Attorney General.

Some of the major initiatives that the committee has advised on to date include:

- The implementation of Court Services Accessibility Coordinators and Victim Services and Crown Attorney Accessibility Leads at all full time court locations in Ontario. (See below for details.)
- Drafts of the Ministry of the Attorney General's Accessibility Design Guidelines for courthouses, to ensure not only that accessibility of court facilities is maximized but also that the effective functioning of the court is maintained.
- Accessibility education for the judiciary, lawyers and law students. The committee's Education Subcommittee undertook an independent project, funded by a grant from the Law Foundation of Ontario, to make accessibility curricula and educational materials available to organizations that are responsible for educating the judiciary, the legal profession and law students. The materials are now available on the Ontario Bar Association's website, at http://www.oba.org/En/accessiblejustice/home_en/home.aspx.

Accessibility Coordinators

In response to recommendation 3 of the Courts' Disabilities Committee's report, the Accessibility Coordinator function was implemented in the summer of 2009 at all full-time court locations, building on a pilot project that was introduced at seven court locations in 2007. Court Services Division leads the Accessibility Coordinator function, working in partnership with Criminal Law Division and Ontario Victim Services Secretariat, since all three divisions offer services and programs at courthouses.

The implementation of the Accessibility Coordinator is premised on equality rights and the following principles of accessibility for people with disabilities:

- Equal opportunity for people with disabilities to access, use and benefit from services and programs offered at a courthouse
- Integration of people with disabilities with others, unless alternative ways of providing our service or program are necessary for equal opportunity
- Respect for the dignity and independence of people with disabilities.

Accessibility Coordinators provide information about accessible services available in a courthouse and respond to the needs of court users with disabilities. They are the primary point of contact at court locations for members of the public and justice sector participants, partners and stakeholders with respect to disability or accessibility-related issues.

Requests for accommodation are accepted in person or by phone/fax/email from, or on behalf of, a court user with a disability to support the individual to equally participate in and benefit from the business of the court. Court users with disabilities include, among others, litigants, members of the bar, the accused, victims and witnesses, family members of the accused or victim, jurors or jury panel members, and anyone in the public gallery.

The type of accommodation that can be provided will depend on the disability, the service that is being used, and the availability of different types of equipment and services. Examples include but are not limited to:

- Assistive listening devices or sound amplification systems such as infra-red or FM systems
- Sign language interpretation or real-time captioning
- Support for people who have difficulty speaking due to disability
- Alternate formats of documents
- Scheduling of meetings and court proceedings in courtrooms, meeting rooms or courthouses that can accommodate disabilities.

In responding to a request, the Accessibility Coordinator may consult with disability organizations, procure necessary services and equipment, or seek advice from the Ministry's Accessibility Unit. Coordinators ensure the presiding judicial official is informed about the accommodation need where in-court matters are concerned, and decides on the accommodation where appropriate.

In response to recommendation 6 of the Courts' Disabilities Committee's report, the Ministry has made available information about accessible services and Accessibility Coordinators via websites, posters/flyers, courthouse signage, and

some court forms. Other ways of publicizing accessible services are in development.

In addition, articles which profile Accessibility Coordinators and accessibility accommodations appear in the Ontario Courts Accessibility Committee's newsletter, which is available at http://www.attorneygeneral.jus.gov.on.ca/english/courts/accessibility_committee/.

The Ministry of the Attorney General's policies and services with respect to accessibility are summarized on the Ministry's "Our Commitment to Accessibility" web page at http://www.attorneygeneral.jus.gov.on.ca/english/about/commitment_to_accessibility.asp.

Training about Accommodating People with Mental Health Disabilities

The Ministry of the Attorney General has committed to improving the delivery of service to court users with neurological disabilities, mental health disabilities, developmental disabilities, learning disabilities, and acquired brain injuries.

The Ministry has developed a draft plan to provide specialized resources and training to Ministry staff about serving court users with these types of disabilities. A number of existing informational resources and training packages from Ontario and elsewhere have been reviewed. The Ministry is working to finalize the plan and put in place training and web-based resources for Accessibility Coordinators and other staff about serving people with these types of disabilities.