UNITED STATES BANKRUPTCY COURT
Western District of New York

Paul R. Warren
Clerk of Court

Buffalo (716) 362-3200
Rochester (585) 263-3148

SERVICES PROVIDED TO THE HEARING IMPAIRED AND OTHER PERSONS WITH COMMUNICATION DISABILITIES

September 1, 2005

In accordance with Judicial Conference policy, the U.S. Bankruptcy Court for the Western District of New York will provide reasonable accommodations and services for the hearing impaired and other persons with communications disabilities. When authorized, the Court may provide, at the Court's expense, sign language interpreters and other appropriate auxiliary aids and services to participants in Court Proceedings who are hearing impaired or have other communication disabilities. The Court will give primary consideration to a participant's choice of auxiliary aid or service, unless another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the nature of the court proceeding or an undue financial or administrative burden.

"Participants" in court proceedings are generally defined as parties, attorneys and witnesses. "Court Proceedings" include trials, hearings, ceremonies, and other public programs or activities conducted by the Court. Section 341 Meetings are presided over by the United States Trustee and are not considered "Court Proceedings."

Written requests for any services identified above must be submitted to the local Access Coordinator at least three (3) weeks in advance of the Court Proceeding. **Application to Provide Services to the Hearing Impaired or Other Persons with Communication Disabilities** forms are available at the public counter and on our web site [www.nywb.uscourts.gov]. The local Access Coordinator is:

Melissa L. Frieday
U.S. Bankruptcy Court, NY-W
Olympic Towers
300 Pearl Street, Suite 250
Buffalo, NY 14202
(716) 551-4130

UNITED STATES BANKRUPTCY COURT
Western District of New York

APPLICATION TO PROVIDE SERVICES TO THE HEARING-IMPAIRED OR OTHER PERSONS WITH COMMUNICATION DISABILITIES

In re: _____ Case No. _____

In accordance with guidelines of this Court, application is made for Court-provided sign language interpreter and/or other appropriate auxiliary aides as follows:

☐ Sign language interpreter

☐ Other communication/auxiliary aid, as specified:

_____
_____
_____
_____
_____

For the following hearing before Judge _____

Hearing Date/Time/Location _____

Applicant's Role: ☐ Debtor ☐ Defendant ☐ Plaintiff

☐ Witness ☐ Other - specify: _____

I certify under penalty of perjury that I am hearing impaired, deaf, or have other communication disabilities that render me eligible for receipt of these services.

Date: _____ _____
Applicant's Signature

This application must be filed with the Access Coordinator in the Clerk's Office at least three weeks before the date of the hearing.

Melissa L. Frieday
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Buffalo, NY 14202
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INTERNAL GUIDELINES FOR PROVIDING SERVICES TO THE HEARING IMPAIRED AND OTHER PERSONS WITH COMMUNICATION DISABILITIES

General

- The policies outlined in the Guide to Judiciary Policies and procedures with respect to Services to the Hearing-Impaired and other Persons with Communications Disabilities will be adhered to.
- The Court will pay for language interpreters if the government initiates the proceeding. Parties are responsible for the payment of the language interpreter's compensation and expenses in all other instances.
- Sign language interpreters may be provided, at Court expense, to a party, attorney, witness or other participant in a judicial proceeding, whether or not the proceeding is initiated by the United States.
- Bankruptcy Courts are not authorized to pay for language interpreters, sign language interpreters or other communication aids for a §341 meeting. In accordance with the Judicial Guide, these meetings are not considered court proceedings.

Access Coordinator

- The Contracting Officer for the District will be designated as Access Coordinator. The Chief Deputy will have overall responsibility for the implementation and management of this Court's Internal Guidelines outlined herein.
- The Access Coordinator will be responsible for processing applications and handling local requests for services outlined in these guidelines.
- The Access Coordinator must be familiar with the Judiciary's policies of providing reasonable accommodations to persons with communication disabilities and will ensure that the policies are properly implemented.
- The Access Coordinator will maintain a list of local resources from which the names of sign language interpreters and acquisition of auxiliary aids and services may be obtained and must have a working knowledge of the types of auxiliary aides and/or services available to serve the needs of court participants requiring same.

Application Process

- Applications must be in writing and filed with the Access Coordinator at least three weeks prior to the hearing or activity.
- Applications will be filed stamped. The Access Coordinator will forward a copy of the application to the Chief Deputy, Courtroom Deputy (or Chambers) and the Financial Administrator.
- The Access Coordinator will coordinate with the Courtroom Deputy (or Chambers) to ensure arrangements requested have been met and ensure that any additional requirements have been addressed.
- The Courtroom Deputy will advise the presiding judge of the request for services and annotate the calendar accordingly.
- The Access Coordinator will make those specific arrangements necessary arrangements for services and/or equipment and ensure acceptance to all parties involved and approved by the presiding judge in advance of the court proceeding.

Financial Department

- Any expenses and/or costs for which the Court is paying will be processed through the financial department. The payment authorization will reflect both the general authorization codes for the centrally administered account and the court's specific cost organizational code.

Reporting

- The Access Coordinator will complete the Report of Services Provided to Persons with Communication Disabilities as soon as possible after the conclusion of the proceeding. The original report will be forwarded to the Chief Deputy and a copy to the Financial Administrator.
- The Chief Deputy will maintain a district-wide file of all reports and will be responsible for transmitting quarterly reports to the AO (January 15, April 15, July 15, and October 15).

Resources:

Guide to Judiciary Policies and Procedures, Chapter III, Part H. Guidelines for Providing Services to the Hearing-Impaired and Other Persons with Communications Disabilities

District Court Clerk's Manual (for Court Interpreters)
J-Net Home Page (http://156.119.80.10/). Then click on the following:
Court Operations | dcad | geninfo | dccmanul | Chapter 14 | §14.03 Court Interpreters

National Court Interpreter Database (J-Net)
J-Net Home page (http://156.119.80.10/). Then click on the following:
Program Desk | District Court Administration Division | Services | Court Interpreting | Searchable Report/Listing.

Fees for Contract Court Interpreters (on J-Net) or
DCAD; Marijke van der Heide; (202) 502-1585

Deaf Adult Services, Inc. of Western New York
Jill Gregory, Dept. of Interpreting Services
665 Hertel Avenue
Buffalo, NY 14207
Tel: (716) 874-6011
TTY: (716) 874-6390
Fax: (716) 874-6173

U.S. District Court, WDNY
Doreen Griebel, Access Coordinator; Tel: 551-4211

United Way Agency List

Central Referral Service
www.freenet.buffalo.edu/sigs/links

Court Interpreters Act, 11 U.S.C. §§1827, 1828

Access to Disabilities Related Resources
www.dinf.org/disability

REPORT OF SERVICES PROVIDED TO PERSONS WITH COMMUNICATION DISABILITIES

Court: U.S. Bankruptcy Court
Western District of New York
☐ Buffalo ☐ Rochester Division

Type of court proceeding or activity: ☐ hearing ☐ trial ☐ Other - specify: _____
_____

Date(s) services provided: _____

Participant provided services: ☐ Debtor ☐ Defendant ☐ Plaintiff

☐ Witness ☐ Other - specify: _____

Description of services provided: _____

_____

_____

Cost (if any): _____

Special problems encountered: _____

_____

_____

Other comments: _____

Official submitting report: _____

Telephone number: _____

Please forward completed form to the Financial Department within three days of date service provided.