

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**  
**ADMINISTRATIVE GOVERNING BOARD**

---

**No. 7 of 2024**

---

**ADMINISTRATIVE ORDER**

*In re: Addendum to Americans with Disabilities Act (Title II) Policy*

**ORDER**

AND NOW, this 15<sup>th</sup> day of July, 2024, it is hereby **ORDERED and DECREED** that the First Judicial District's Americans with Disabilities Act (Title II) Policy, and Americans with Disabilities Act (Title II) Grievance Procedure adopted by Administrative Order No. 2 of 2024, are hereby supplemented by the attached addendum.

This Order and the attached addendum shall be filed with the Office of Judicial Records in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. The Order and addendum shall be submitted to the Pennsylvania Bulletin for publication. Copies shall also be submitted to the Administrative Office of Pennsylvania Courts, The Legal Intelligencer, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and shall be posted on the website of the First Judicial District of Pennsylvania: <http://www.courts.phila.gov/>.

**BY THE COURT:**

/s/ Nina Wright Padilla

---

**HONORABLE NINA WRIGHT PADILLA**  
**Chair, Administrative Governing Board**  
**First Judicial District of Pennsylvania**  
**President Judge, Court of Common Pleas**  
**Philadelphia County**

## **Addendum ADA Policy for the First Judicial District**

This Addendum applies to case participants and not employees. For this Addendum to the ADA policy, “individuals” referenced in the policy are defined as case participants and not employees.

It is the policy of the First Judicial District to prohibit discrimination against all individuals—including those with substance use disorder—in accessing or participating in judicial proceedings or other Court services, programs, or activities.

Absent an individualized determination, as more fully described below, no judge, unit, or member of this judicial district may prohibit or otherwise limit an individual’s use of medication that they have been lawfully prescribed, and that they are taking as prescribed, to treat substance use disorder.

Decisions about whether a person should be prescribed medication, and about medication type and dosage, are to be made only by a licensed prescriber on an individualized basis.

No judge, unit, or member of this judicial district will interfere with a licensed prescriber’s decisions about an individual’s appropriate medication and treatment regimen.

No judge, unit, or member of this judicial district will express a preference for, or mandate, one medication over another nor in any way penalize or restrict an individual participating in a court proceeding or program from taking their medication as prescribed.

No judge, unit, or member of this judicial district will condition admission to, participation in, or successful completion of a Problem-Solving Court or other court program, service, or activity on reducing, weaning off, or abstaining from taking prescribed medication.

No judge, unit, or member of this judicial district will rely upon prior illicit use of medication for substance use disorder as grounds for prohibiting current use of medication for substance use disorder that comes from a licensed prescriber.

Individuals with substance use disorder who are participating in a court proceeding or program may be required to comply with the treatment recommendations of a licensed prescriber.

This Policy is not intended to interfere with appropriate exercises of judicial discretion in individual cases. To that end, nothing in this Policy limits a judge’s discretion to order that an individual be evaluated for medical treatment or comply with a treatment plan as a condition of release, probation, supervision, or participation in a Problem-Solving Court or other court or probation program. In issuing such an order, a judge should make an individualized determination, based on the information available, which may include an individual’s criminal, medical, and probation history. An individual’s previous illicit use of a medication is not grounds for prohibiting their use of that medication going forward as directed by their licensed provider.

Judges have the authority to monitor medication compliance in the context of a term of probation, supervision, or condition of release and to further the court’s public safety obligation. When a judge is concerned about an individual’s use or misuse of medication, the judge may act

to mitigate and reduce the risk of abuse, misuse, and diversion of medication. In many cases, appropriate action will include, among other things, communication with the prescriber by a probation officer or other UJS personnel as directed by the judge.

Compliance with the ADA does not require that a court allow an individual to participate in, or benefit from, its services or programs if the person poses a “direct threat to the health or safety of others.” 28 C.F.R. § 35.139. A determination that an individual poses a direct threat must be grounded in current medical knowledge or the best available objective evidence to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk. *Id.* A court may not conclude that an individual prescribed medication poses a “direct threat” based on generalizations or scientifically unsupported assumptions about medications or persons who are prescribed medication.

Individuals who believe there has been a violation of this Policy may file a complaint pursuant to the Complaint Procedure of the First Judicial District, a copy of which may be accessed by the attached link <https://www.courts.phila.gov/ada/>