

Spokane County Superior/Juvenile Courts ADA ACCOMMODATIONS POLICY

Preamble:

Access to justice for all persons is a fundamental right. It is the policy of this court to assure that persons with disabilities have equal and meaningful access to the judicial system.

Application:

This policy shall apply to all employees of Spokane County Superior Court. In addition, any court or other agency or body subject to the rulemaking authority of the Supreme Court will be required to follow the procedural requirements set forth in this policy, when making requests of Spokane County Superior Court for accommodation of persons with a disability.

Purpose:

The purpose of this policy is to create a uniform process by which persons with disabilities can obtain reasonable accommodations and access to the justice system at all court levels. Specifically to outline how Spokane County Superior Court will carry out this purpose and to set forth a process by which requests for accommodation from individuals and agencies will be handled.

Responsibilities:

The three responsibilities under GR-33 include notification, assessment and accommodation:

First, this policy will define who is eligible to apply for an accommodation and will set forth a process for applicants to present accommodation requests.

Second, Spokane County Superior Court must assess whether or not to grant the requested accommodation under the definitions and rules contained in GR-33 and the Americans with Disabilities Act.

Third, Spokane County Superior Court will grant an accommodation unless the applicant has failed to meet the substantive requirements of GR-33, or the requested accommodation would create an undue burden or fundamentally alter the nature of the court service, program or activity or the accommodation would create a direct threat to the safety or well being of the applicant or others.

Definitions:

Accommodation – means measures to make each court service, program or activity, when viewed in it's entirety, readily accessible to and usable by an applicant who is a qualified person with a disability, and may include, but is not limited to:

- A) Making reasonable modifications in policies, practices and procedures.

- B) Furnishing, at no charge, auxiliary aids and services, including but not limited to equipment, devices, materials in alternative formats, certified or qualified interpreters or readers.
- C) As to otherwise unrepresented parties to the proceedings, representation by counsel, as appropriate or necessary to making each service, program or activity, when viewed in its entirety, readily accessible to and usable by a qualified person with a disability.

Applicant – means any lawyer, party, witness, juror or any other individual who has a specific interest in or is participating in any proceeding before any court.

Court – means any court or other agency or body subject to the rulemaking authority of the Supreme Court.

Person with a disability – means a person covered by the Americans with Disabilities Act of 1990 (& 42 U.S.C. 12101 et seq.), RCW 49.60 et seq., or other similar local, state or federal laws. This term includes but is not limited to an individual who has a physical or mental impairment that limits one or more major life activities, has a documented history of such impairment or is regarded as having such impairment.

Qualified person with a disability – means a person with a disability who is otherwise entitled to participate in any program, service or activity made available by any court.

Procedural Requirements:

I. Notification

All applications shall be made using the GR-33 approved “**Request for Reasonable Accommodation**” form. (This form is available in the Administrative Offices of the Court (3rd Floor Annex) or on the website:

<http://www.spokanecounty.org/superiorcourt/content.aspx?c=1065>).

- a) The form may be presented ex parte in writing or presented orally and reduced to writing.
- b) If a request for reasonable accommodation is made, directly by an applicant, to an employee of Spokane County Superior Court, the employee shall be responsible for ensuring that the Request for Reasonable Accommodation form is completed, either by having the applicant, or a person on their behalf, complete the form or by taking the information orally, completing the form themselves and forwarding the request to the ADA Coordinator or designee.
- c) If a request for reasonable accommodation is made to an employee of another agency or body subject to the rulemaking authority of the Washington State Supreme Court, that agency employee shall be responsible for ensuring that the Request for Reasonable Accommodation form is completed, either by having the requesting party or a person on their behalf complete the form or by taking the information orally, completing the form themselves and forwarding the request to the Spokane County Superior Court Designated ADA Contact Person.
- d) If an outside agency or body (e.g. prosecuting attorney, attorney general, private or assigned counsel, county clerk, other courts, court facilitators, probation offices, etc.) makes a request for reasonable accommodation to

- Spokane County Superior Court, then that agency or body is responsible for completing and forwarding the Request for Reasonable Accommodation form to Spokane County Superior Court designated ADA contact person.
- e) The Request for Reasonable Accommodation form shall include a description of the accommodation sought, along with a statement of the impairment necessitating the accommodation.
 - f) Spokane County Superior Court may require the applicant to provide additional information about the qualifying impairment to help assess the appropriate accommodation. Medical and other health information shall be submitted under a cover sheet designated "Sealed Medical and Health Information", and such information shall be sealed automatically. Such information is confidential and shall only be used by the person(s) responsible for evaluating and arranging for the accommodation.
 - g) An application for accommodation should be made as far in advance as practical for the proceeding for which the accommodation is sought, but not less than 5 days prior to the proceeding, except for emergency set proceedings.

II. Assessment:

- a) In determining whether to grant an accommodation, Spokane County Superior Court will consider the following things:
 - i) The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and RCW 49.60, and other similar local, state and federal laws.
 - ii) Give primary consideration to the accommodation requested by the applicant.
 - iii) Make the decision on an individual and case specific basis with due regard to the nature of the applicants disability and feasibility of the requested accommodation.
- b) If an application for accommodation is presented to Spokane County Superior Court five (5) or more court days prior to the scheduled date of the proceeding for which the accommodation is sought, and if the applicant otherwise is entitled under GR-33 to the accommodation requested, an accommodation shall be provided unless:
 - i) It is impossible for the court to provide the requested accommodation on the date of the proceeding, AND the proceeding cannot be continued without prejudice to a party to the proceeding.
- c) If an application for accommodation is presented to Spokane County Superior Court fewer than five (5) court days prior to the scheduled date of the proceeding for which the accommodation is requested, and if the applicant is otherwise entitled under GR-33 to the accommodation requested, an accommodation shall be provided unless:
 - i) It is impractical for the court to provide the requested accommodation on

the date of the proceeding, AND the proceeding cannot be continued without prejudice to a party to the proceeding.

- d) Except as otherwise set forth above, an application for accommodation may be denied only if Spokane County Superior Court finds one or more of the following:
 - i) The applicant has failed to satisfy the substantive requirements of GR-33.
 - ii) The requested accommodation would create an undue financial or administrative burden.
 - iii) The requested accommodation would fundamentally alter the nature of the court service, program or activity.
 - iv) Permitting the applicant to participate in the proceeding with the requested accommodation would create a direct threat to the safety or well-being of the applicant or others.

III. Accommodation or Denial

- a) Spokane County Superior Court will render a decision in writing on the GR-33, entitled: “Order Re: Requested Accommodation”. This form shall be completed by the ADA Designated Contact Person upon receipt of the “Request for Reasonable Accommodation Form”.
- b) If Spokane County Superior Court denies an accommodation pursuant to GR-33, the Review and Action by the Court Form shall specify the reasons for denial and a description of the facts or circumstances that make an accommodation impossible (5 days notice) or impractical (less than 5 days notice) under GR-33 and the reasons why the proceeding cannot be continued without prejudicing a party to the proceeding.
- c) If the request is granted the ADA Coordinator, or his/her designee, must inform the applicant and any other court employees responsible for implementing accommodations as to the nature of the accommodation to be provided.

IV. Record Keeping

The ADA Designated Contact Person shall be responsible for maintaining copies of all Requests for Reasonable Accommodations made to Spokane County Superior Court and copies of all Order Re: Requested Accommodations. All employees of Spokane County Superior Court are responsible for forwarding copies of the Request for Reasonable Accommodation Forms to the ADA Designated Contact Person within one business day of receipt.

ADA ACCOMMODATIONS CONTACT
Superior Court Administrator Office
1116 W Broadway Ave
3rd Floor Annex
Spokane WA 99260
509-477-4402