

**KING COUNTY DISTRICT COURT
KING COUNTY, STATE OF WASHINGTON
OFFICE OF THE PRESIDING JUDGE**

**GENERAL ADMINISTRATIVE ORDER
NO: 20-01**

**ADOPTION OF ADMINISTRATIVE
PROCEDURES FOR PROVIDING
ACCOMMODATIONS FOR INDIVIDUALS WITH
DISABILITIES and REPEALING OPR 2000-5**

In 1973, the Washington Law Against Discrimination (WLAD) was amended to include disability as an additional protected classification. WLAD declares that full enjoyment of accommodations, advantages, facilities, or privileges of any public institution is a civil right and must be free from discrimination

In 1990, the Americans with Disabilities Act (ADA) was adopted, and under Title II, specific federal guidelines were established for public entities, including the court system, to be followed in order to end discrimination against individuals with disabilities. Furthermore, the law requires affirmative steps to implement accommodations must be made so that all services are equally available to people with disabilities.

In 2007, the Washington Supreme Court adopted General Rule (GR) 33, and later amended in 2010 and 2014. The rule clarifies that a person with a disability is qualified to receive an accommodation regardless of how they participate in court activities.

DEFINITIONS: The following definitions shall apply under this policy

- 1.1 **Accommodation** means measures to make each court service, program, or activity when viewed in its entirety, readily accessible to and usable by a 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, qualified interpreters, or readers; and
 - c. as to otherwise represented 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 person with a disability

- 1.2 **Designated Access Coordinator** for King County District Court is the Deputy Chief Administrative Officer or his/her designee.

- 1.3 **Person with a disability** means a person with a sensory, mental or physical disability as defined by the Americans with Disabilities Act of 1990 (42 U.S.C. §§12101-et.seq.), the Washington Law Against Discrimination (RCW 49.60 et seq.), or other similar local, state, or federal laws.

2.0 POLICY: All requests for accommodations must be processed according to GR 33.

3.0 PROCEDURES:

- 3.1 **Application Procedures.** A request for accommodation may be presented ex parte in writing, or orally and reduced to writing. The request may be directed to the Designated Access Coordinator, or when in relation to a particular case, the judicial officer presiding over the matter. The request shall include a description of the accommodation sought, along with a statement of the disability necessitating the accommodation. The court may require the applicant to provide additional information about the qualifying disability to help assess the appropriate accommodation. Such information may include documentation by a qualified healthcare professional regarding the applicant's existing condition or disability, and how the disability interferes with or limits the applicant's activity as it may be applicable to the court process. Documentation from Division of Vocational Rehabilitation, Social Security, Department of Social and Health Services, and Labor and Industries may also be of assistance.
- 3.2 **Accommodation Review.** Responses to requests for accommodation shall be consistent with GR 33 and shall be reviewed and processed as follows:
- a. The Designated Access Coordinator shall respond to requests for accommodation that involve an expenditure of funds equal to or lower than the threshold amount set by the court, such amount to be revised by the court from time to time. In the event the Designated Access Coordinator denies all or part of a request for accommodation, he/she shall inform the Applicant in writing of the procedure for appealing the denial as set forth in Section 7.3 below.
 - b. Requests for accommodation that require an expenditure of funds higher than the threshold amount set by the court, shall be determined by the Chief Presiding Judge.
 - c. Requests for accommodations that require an expenditure of funds for appointment of counsel shall be determined by the Executive Committee.
 - d. Requests for accommodations that affect court proceedings and time schedules, such as adjustments to the case schedule, time requirements, and management of a trial or hearing shall be determined by the assigned judge, or if related to an unassigned proceeding, the judicial officer presiding over the proceeding

The applicant shall be informed in writing or on the record that the request for accommodation has been granted or denied, in whole or in part, and the nature and scope of the accommodation to be provided, if any. If a request is denied, the decision shall specify the reasons for the denial per GR 33. In the event of a denial, in part or in whole, the court shall also ensure the person requesting the accommodation is informed of his or her right to file an ADA complaint with the United States Department of Justice Civil Rights Division.

The Designated Access Coordinator or judicial officer's decision on a request for accommodation may be appealed pursuant to Section 3.3 below. Decisions on requests for accommodations made by the Presiding Judge are not subject to appeal under Section 3.3.

3.3 **Administrative Appeal of a Denial.** An initial decision to deny all or a part of a request for accommodation may be appealed to the Presiding Judge within 30 days of the issuance of the denial. Appeals shall be submitted in writing or orally and reduced to writing and include a detailed explanation of why the applicant believes the denial was incorrect.

3.4 **Record Keeping.** The application and supporting documentation for, and the decision on an accommodation request shall be entered in the court's administrative file by the officer rendering the decision. A district court judge shall then determine whether or not the decision should be sealed. Medical and other health information shall be submitted under a cover sheet created by the Administrative Office of the Courts for use by applicants designated "SEALED MEDICAL AND HEALTH INFORMATION" and such information shall be accessible only to the court and the person requesting accommodation unless otherwise expressly ordered.

4.0 EXPENDITURE AUTHORIZATION THRESHOLD (For Accommodations Other Than Appointment of Counsel):

4.1 The Designated Access Coordinator for King County District Court is authorized to approve the expenditure of funds for accommodation requests covered by this policy up to \$1,500 per request, per calendar year

IT IS HEREBY ORDERED that effective immediately, the Court will adopt the provisions listed above which sets forth administrative procedures consistent with GR 33. In accordance with the strong recommendations by the Washington Supreme Court, King County District Court will establish an internal process for appeal on any accommodation request that is denied.

IT IS FURTHER ORDERED that OPR 2000-5 is hereby rescinded.

DATED this 4 of Feb, 2020.



Donna K. Tucker, Presiding Judge
King County District Court

**KING COUNTY DISTRICT COURT
STATE OF WASHINGTON**

East Division, Bellevue Courthouse

STATE OF WASHINGTON
COUNTY OF KING
CITY OF _____,
Plaintiff,

v.

Defendant.

No. _____

**SEALED MEDICAL AND HEALTH
INFORMATION COVER SHEET
UNDER GR 33 (SMHI)**

Clerk's Action Required:
*Only the Court and person requesting
accommodation may have access to this
information without a Court order*

(File in the proceedings file, if there is one, or the administrative file.)

Sealed Medical and Health Information

Attached are documents that contain information about the physical or mental health condition of a person requesting an accommodation under GR 33.

Submitted by:

Signature

Print Name