



King County Superior Court Administrative Policies and Procedures

Title Accommodation of Persons with Disabilities Policy	Document Code No. ADM-CA01-2013
Department/Issuing Agency King County Superior Court, Administrative Services	Effective Date 11/19/2013 Rev 9/22/2015
Approved Paul L. Sherfey, Chief Administrative Officer	

1.0 **SUBJECT TITLE:** **Accommodation of Persons with Disabilities**

1.1 **EFFECTIVE DATE:** November 19, 2013

1.2 **TYPE OF ACTION:** Administrative Policy

1.3 **KEY WORDS:** Policy; GR33; Accommodation; Disability

2.0 **PURPOSE:** To set forth administrative procedures consistent with GR33 adopted by the Washington State Supreme Court.

3.0 **ORGANIZATIONS AFFECTED:** King County Superior Court

4.0 **REFERENCES:**

Washington Court General Rule 33

Washington Law Against Discrimination, ch. 49.60 RCW, et seq.

Americans with Disabilities Act of 1990, 42 U.S.C. §§12101-12213

5.0 **DEFINITIONS:** The following definitions shall apply under this policy:

5.1 **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 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 person with a disability.

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

5.3 **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.

6.0 POLICY: All requests for accommodations must be processed according to GR33.

7.0 PROCEDURES:

- 7.1 **Application Procedures.** A request for accommodation may be presented ex parte in writing, or orally and reduced to writing, on a form approved by the Administrative Office of the Courts. 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 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.
- 7.2 **Accommodation Review.** Responses to requests for accommodation shall be consistent with GR33 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 a 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 accommodations that require an expenditure of funds higher than the threshold amount set by the court, shall be determined by the chief judge of the applicable department.
 - c. Requests for accommodations that require an expenditure of funds for appointment of counsel shall be determined by the chief judge of the applicable.
 - 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. 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's decisions on requests for accommodation may be appealed pursuant to Section 7.3 below. Decisions on requests for accommodations made by an assigned judge, judicial officer, or chief judge are not subject to appeal under Section 7.3.

- 7.3 **Administrative Appeal of Access Coordinator’s Denial.** The Designated Access Coordinator’s decision to deny all or a part of a request for accommodation may be appealed to the assigned judge, or if related to an unassigned proceeding, to the judicial officer presiding over the proceeding. If the assigned judge or presiding judicial officer declines to decide the appeal, it will be decided by the chief judge of the applicable department. Appeals shall be submitted in writing and include a detailed explanation of why the applicant believes the decision of the Access Coordinator was incorrect.
- 7.4 **Record Keeping.** The application and supporting documentation for, and the decision on an accommodation request shall be entered in the proceedings file or in the court’s administrative files if no related proceedings file by the officer rendering the decision. The court shall 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.
- 8.0 EXPENDITURE AUTHORIZATION THRESHOLD (For Accommodations Other Than Appointment of Counsel):
- 8.1 Expenditures for Communication Access Realtime Transcription (CART) services do not require formal authorization by the court if the services are performed by a court reporter who is a regular employee of King County Superior Court. If a non-employee provides the service, then approval will be in accordance with 8.2 below.
- 8.2 The Designated Access Coordinator for King County Superior Court is authorized to approve the expenditure of funds for accommodation requests covered by this policy up to \$2,000 per request, per calendar year.