

# YAKIMA COUNTY DISTRICT COURT

## ADA ACCOMMODATION POLICY

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Access to justice for all persons is a fundamental right. It is the policy of the Yakima County District 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 Yakima County District Court and Probation Services. And is equally applicable to the contracted courts we provide services for.

### **Purpose:**

Consistent with GR 33, 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 in Yakima County District Court.

This policy defines who is eligible to apply for an accommodation and sets forth a process for applicants to present accommodation requests. It is the responsibility of the Yakima County District Court to assess whether or not to grant the requested accommodation under the definitions and rules contained in GR33 and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), Washington State Law Against Discrimination, and other applicable local, state and federal laws that govern Yakima County District Court.

Yakima County District 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 wellbeing of the applicant or others.

### **Definitions:**

**Accommodation** means measures to make each court service, program or activity, when viewed in its 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.

**Informal accommodation request** as used in this policy means those requests that are routine and common, and for which resources are readily available. An example would be a hearing assisted device.

**Formal accommodation request** as used in this policy means those requests that are not routine, common or readily available and as such will require the allocation of resources to acquire. An example might be a Braille or large print document reader.

**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, Washington State Law Against Discrimination, and other applicable local, state and federal laws that govern Yakima County District Court. 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.

## **Procedural Requirements:**

### **I. Notification**

Except for informal accommodation requests, all applications for a reasonable accommodation shall be made using the GR 33 approved “Request for Reasonable Accommodation” form. The form is available on the Yakima County District Court website or by contact the Court ADA Designated Contact Person. Links and contact information are available at the end of this document.

- A) The form may be presented 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 Yakima County District 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 information orally, completing the form themselves and forwarding the request to the ADA Contact or designee.
- C) If a request for a 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 Yakima County District Court ADA Designated 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 officers, etc.) makes a request for reasonable accommodation to Yakima County District Court, then that agency or body is responsible for completing and forwarding the Request for Reasonable Accommodation form to the ADA Designated 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) Yakima County District 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, Yakima County District Court will consider the following:
  - i) The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), RCW 49.60, Washington State Law Against Discrimination, and other applicable local, state and federal laws that govern Yakima County courts.
  - ii) Give primary consideration to the accommodation requested by the applicant; and
  - iii) Make the decision on an individual and case specific basis with due regard to the nature of the applicant's disability and feasibility of the requested accommodation.
- B) If an application for accommodation is presented to Yakima County District 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 requested accommodation, an accommodation shall be provided unless:
  - i) It is impossible for the court to provide a reasonable 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 Yakima County District 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 a reasonable accommodation on the date of the proceeding, AND the proceeding cannot be continued without prejudice to a party to the proceedings.
- D) Except as otherwise set forth above, an application for accommodation may be denied only if Yakima County District Court finds one or more of the following:
  - i) The applicant has failed to satisfy the substantive requirements of GR 33; or
  - ii) The requested accommodation would create an undue financial or administrative burden; or
  - iii) The requested accommodation would fundamentally alter the nature of the court service program or activity; or
  - iv) Permitting the application to participate in the proceeding with an accommodation would create a direct threat to the safety or well-being of the applicant or others.

## **III. Granting or Denying an Accommodation Request**

- A) Yakima County District Court will render a decision about the requested accommodation. If the request for accommodation made pursuant to this policy was made to a Judge in the context of a court proceeding, the Judge will enter a "Review and Decision by the Court" that will be filed in the court proceeding file. If the request for accommodation was made requesting reasonable accommodation pursuant to this policy for assistance in conducting other court business, the ADA Designated Contact Person will render a decision on the request on the form entitled "Review and Action by Court Administration." This form shall be maintained in the administrative field held by the Yakima County District Court Manager.
- B) If Yakima County District Court denies an accommodation pursuant to GR 33, the Review and Action by the Court Form shall specify the reasons for denial.

- C) If the request is granted the ADA Designated Contact Person, or his/her designee, will 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

All employees of Yakima County District 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. The ADA Designated Contact Person shall be responsible for forwarding copies of all Requests for Reasonable Accommodations and subsequent documentation related to the requests to the District Court Manager by the end of each month.

#### ADA CONTACT INFORMATION FOR YAKIMA COUNTY DISTRICT COURT AND PROBATION SERVICES

<b>Yakima County District Court</b> Kelly Hayes, ADA Contact 128 N. 2 <sup>nd</sup> St., Room 225 Yakima, WA 98901 (509) 574-1852 <a href="mailto:Kelly.Hayes@co.yakima.wa.us">Kelly.Hayes@co.yakima.wa.us</a>	<b>District Court – Grandview</b> Kami Dominguez, ADA Contact 1313 W. Wine Country Road Grandview, WA 98930 (509) 574-1839 <a href="mailto:Kami.Dominguez@co.yakima.wa.us">Kami.Dominguez@co.yakima.wa.us</a>	<b>District Court Probation</b> John Campos 128 N. 2 <sup>nd</sup> St., Room 200 Yakima, WA 98901 (509) 574-1889 <a href="mailto:John.Campos@co.yakima.wa.us">John.Campos@co.yakima.wa.us</a>
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A link to the District Court ADA Website can be found here: <https://www.yakimacounty.us/412/District-Court>

Therese Murphy  
District Court Manager  
128 N. 2<sup>nd</sup> Street, Room 225  
Yakima, WA 98901  
(509) 574-1874

***NOTE: THE POLICY ABOVE PERTAINS COURT SERVICES ONLY. FOR NON-COURT RELATED REQUESTS SUCH AS EMPLOYEE ISSUES, ADA REQUESTS FOR OTHER COUNTY DEPARTMENTS ETC., PLEASE CONTACT THE YAKIMA COUNTY ADA COORDINATOR BELOW:***

ADA Coordinator for Yakima County  
Judy Kendall, Director  
Yakima County Human Resources  
128 N. 2<sup>nd</sup> Street, B27  
Yakima, WA 98901  
Phone: (509) 574-2215  
Fax: (509) 574-2211  
Email Address: [judy.kendall@co.yakima.wa.us](mailto:judy.kendall@co.yakima.wa.us)  
County Website: <https://www.yakimacounty.us/1437/ADA-Accessibility>