

YAKIMA COUNTY SUPERIOR COURT, JUVENILE COURT, AND PRETRIAL SERVICES

ADA ACCOMMODATION POLICY

Access to justice for all people is a fundamental right. It is the policy of the Yakima County Courts to ensure that people with disabilities have equal and meaningful access to the judicial system.

Application:

This policy shall apply to all employees of Yakima County Courts (Superior Court, Juvenile Court, and Pre-Trial Services).

Purpose:

Consistent with GR 33, the purpose of this policy is to create a uniform process by which persons with disabilities can obtain reasonable accommodation and access to the justice system in Yakima County.

This policy defines who is eligible to apply for accommodation and sets forth a process for applicants to present accommodation requests. It is the responsibility of the Yakima County Courts to assess whether to grant the requested accommodation under the definitions and rules contained in GR 33 and 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.

Yakima County Courts will grant 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 requests as used in this policy refer to those requests that are routine and common, and for which resources are readily available. An example would be a hearing assisted device.

Formal accommodation requests as used in this policy refer to 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 Courts. This term includes but is not limited to an individual who has 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 GR33 approved "Request for Reasonable Accommodation" form. The form is available on the Yakima County Courts website or by contacting the Court ADA Designated Contact Person for each court division. 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 Courts, 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 Contact 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 Yakima County Courts 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 Courts, then that agency or body is responsible for completing and forwarding the Request for Reasonable Accommodation form to Yakima County Courts 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 Superior Court may require the applicant to provide additional information about qualifying for 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 accommodation, Yakima County Superior Court will consider the following:
 - 1) 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.
 - 2) Give primary consideration to the accommodation requested by the applicant; and
 - 3) 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 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 is entitled under GR 33 to the requested accommodation, accommodation shall be provided unless:

- 1) It is impossible for the court to provide 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 Courts 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 GR33 to the accommodation requested, accommodation shall be provided unless:
- 1) It is impractical for the court to provide reasonable 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 Yakima County Courts finds one or more of the following:
- 1) The applicant has failed to satisfy the substantive requirements of GR 33; or
 - 2) The requested accommodation would create an undue financial or administrative burden; or
 - 3) The requested accommodation would fundamentally alter the nature of the court service, program, or activity; or
 - 4) Permitting the applicant to participate in the proceeding with 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 Courts 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 files held by the Yakima County Court Administrator.
- b) If Yakima County Courts denies 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, they will inform the applicant and any other court employees responsible for implementing accommodation as to the nature of the accommodation to be provided.

IV. Record Keeping

All employees of Yakima County Superior Court are responsible for forwarding copies of the Request for Reasonable Accommodation forms to the ADA Designated Contact Person for each division within one business day of receipt. The ADA Designated Contact Person for each court division shall be responsible for forwarding copies of all Requests for Reasonable Accommodations and subsequent documentation related to the requests to the Court Administrator by the end of each month.

ADA CONTACT INFORMATION FOR THE COURTS

| Yakima County Superior Court | Yakima County Pretrial Services | Yakima County Juvenile Court |
|--|--|--|
| John Franklin, ADA Contact 128 N. 2nd St., Room 314 Yakima, WA 98901 (509) 574-1796 or (509) 574-2710 John.franklin@co.yakima.wa.us | Jennifer Wilcox, ADA Contact 128 N. 2nd St., Room 200 Yakima, WA 98901 (509) 574-1872 jennifer.wilcox@co.yakima.wa.us | Jolene Pleasant, ADA Contact 1728 Jerome Avenue Yakima, WA 98902 (509) 574-2090 or 574-2050 jolene.pleasant@co.yakima.wa.us |

A link to the Court ADA Website can be found here:

<http://www.yakimacounty.us/1437/5753/ADA-Accessibility?activeLiveTab=widgets>

Jessica Humphreys
Superior Court Director
128 N. 2nd Street, Room 300
Yakima, WA 98901
(509) 574-2736

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

ADA Coordinator for Yakima County, Elise Benitez
Judy Kendall, Human Resources Director
Yakima County Human Resources
128 N. 2nd Street, Room B27
Yakima, WA 98901
Phone: (509) 574-2210
Fax Number: (509) 574-2211
E-Mail Address: judy.kendall@co.yakima.wa.us

For more information about ADA, please refer to the Yakima County Website:

<http://www.yakimacounty.us/1437/5753/ADA-Accessibility?activeLiveTab=widgets>