

YAKIMA COUNTY SUPERIOR COURT, JUVENILE COURT AND PRETRIAL SERVICES

Instructions and Information about Requests for Accommodation for Persons with Disabilities (ADA Requests)

Court Contact:

Name: John Franklin

Title: Senior Program Analyst, Superior Court _____

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Telephone: 509-574-1796 _____

Address: 128 N. 2nd St. Room 314 Yakima, WA 98901 _____

If no one is listed above, contact the presiding judge of the court.

Generally.

- Courts provide reasonable accommodation for persons with disabilities who require assistance to participate fully in a court proceeding or activity.
- Accommodation requests can be granted to any person with a disability for whom such accommodation is necessary under the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. §§ 12101-12213), the Washington Law Against Discrimination (RCW 49.60 et seq.), or other local, state, or federal laws.
- The court will make its decision in each case individually after considering the nature of the person's disability and the ability of the court to provide the requested accommodation.
- The court will give primary consideration to the type of accommodation the person requests.

Process.

- The formal procedure is in Washington State General Rule (GR) 33.
- Request for Accommodation: The court will promptly address requests for aids, modifications, and services to ensure access to courts, court programs, and court proceedings.

(Approved by the Washington State Administrative Office of the Courts Pursuant to GR 33 – 05/2015)

REQUEST FOR ACCOMMODATION BY PERSONS WITH DISABILITIES & REVIEW AND DECISION BY THE COURT

- Timing: Requests should be made as far in advance as possible.
- Local procedures allowed: A court may provide some simple accommodations, such as an assisted listening device, without requiring the Request for Accommodation form. (For more information, ask the court contact).

Procedure for Requesting Accommodation. To request an accommodation:

- Complete the **Request for Accommodation** form. If you cannot fill out the form or have questions, talk to the court contact listed above.
- Return your request form and any documents you want the court to consider to the court contact.
- The Court may contact you for more information.

You do not need to notify anyone in the case about your request for accommodation.

If you provide medical and other health information, it must be filed under seal so that only you and the court can read it. Attach it to the form called the:

Sealed Medical and Health Information Cover Sheet under GR 33

form number WPF All Cases 01.0300. No one else can have access to your information unless they get a court order that allows access.

Decision. The court will inform you of its decision to grant or deny the request for accommodation. Your request will be granted unless the court finds:

- You have failed to satisfy the substantive requirements of GR 33; or
- The court is unable to provide the requested accommodation on the date of the proceeding and the proceeding cannot be continued without significant prejudice to a party; or
- Permitting you to participate in the proceeding with the requested

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accommodation would create a direct threat to the health or safety or wellbeing of you or others.

- The requested accommodation would create an undue financial or administrative burden for the court; or would fundamentally alter the nature of the court service, program, or activity.
 - An accommodation may be denied based on a fundamental alteration or undue burden only after considering all resources available for the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion.
 - If a fundamental alteration or undue burden would result from fulfilling the request, the Court must still ensure that, to the maximum extent possible, you receive the benefits or services provided by the court.

Denial. If your requested accommodation is denied, the court must specify the reasons for the denial (including the reasons the proceeding cannot be continued without prejudice to a party). The court must also ensure that you are informed of your right to file an ADA complaint with the United States Department of Justice Civil Rights Division.

Sealing Decision. The court will determine whether or not to seal the written decision. The court will enter the decision in the proceedings file, if there is one. If there is no proceedings file, the decision will be entered in the court's administrative file.