



September 5, 2007

**TO: ALL COURTS**

**FROM: SHIRLEY BONDON, SENIOR COURT PROGRAM ANALYST,  
ADMINISTRATIVE OFFICE OF THE COURTS**

**RE: GR 33, REQUEST FOR ACCOMMODATION BY PERSONS WITH  
DISABILITIES**

The Washington State Administrative Office of the Courts (AOC) and the Access to Justice (ATJ) Board are pleased to inform you that General Rule 33, Requests for Accommodation by Persons with Disabilities, adopted by the Washington State Supreme Court took effect September 1, 2007. This rule creates a uniform process by which individuals with disabilities can obtain accommodations and access to the justice system at all court levels in the State of Washington. The rule also accelerates development of a comprehensive access management system to ensure a clear, consistent, and effective approach to providing appropriate accommodations in Washington courts. The adoption and implementation of GR 33 is an important step toward securing the access rights of persons with disabilities as required by federal law (Americans with Disabilities Act of 1990, 104 Stat. 337, 42 U.S.C. §§ 12131-12165) and state law (RCW Ch. 49.60).

Addressing requests for accommodation in the court system involves a multi-step process consisting of notification, assessment, and, as appropriate, accommodation. First, the rule defines who is eligible to apply for and potentially receive an accommodation, and establishes a process for applicants to present accommodation requests at or after the beginning of a lawsuit or other court proceeding. This includes a procedure for the automatic sealing of medical and health information provided to assist in assessing the request. Second, the court must evaluate whether or not to grant the requested accommodation. Third, the court must enter an order granting or denying the application which must be provided to the applicant and appropriate court personnel. If granted, the court must specify the nature and duration of the accommodation to be provided. "Accommodation" is defined and examples of the types of accommodations the court may provide are listed. Duration of the accommodation may be indefinite or for a particular proceeding or appearance. If denied, reasons for the denial must be fully set forth in the decision and order.

To assist in the successful implementation of the rule, and to provide a practical guide for judicial officers and court staff in complying with this rule and other applicable federal, state, and local law, the ATJ Board's Impediments Committee has developed a guide for judicial officers and court staff, entitled *Ensuring Equal Access for People with Disabilities: A Guide for Washington Courts*, which was distributed to all courts in 2006. It is also available on the internet at <http://www.wsba.org/atj/ensuringaccessguidebook.pdf> . The Guide sets out options, devices, and services currently available to courts and other agencies to implement their duty to provide reasonable accommodations to persons with disabilities, including sign language interpreters, readers for people with visual impairments, personal assistants, appointment of counsel, and the like. Additional copies can be obtained by contacting the AOC.

To further assist with implementation, AOC prepared the attached forms. You are encouraged to personalize the forms by adding your court name, designated contact person name and contact information. Please print the **Request for Reasonable Accommodation Form** and display it where it is accessible to the public. We also encourage inclusion of the form and instructions in all juror summons, traffic ticket summons, court documents and informational brochures. Copies of completed forms, without confidential medical and health information should be maintained in the court record when an accommodation is provided for participants in a specific case, otherwise forms should be maintained in an administrative file. All forms should be maintained for future reference, data gathering and reporting. Smooth implementation of the process can also be achieved by educating all court personnel regarding the accommodation form and procedure. Finally, AOC requests that you complete the attached **ADA Designated Person Contact Form** and fax it to the number on the form.

If you have questions about the Access to Justice Board please contact Joan Fairbanks at (206) 727-8282 (direct) (800) 945-9722 or [joanf@wsba.org](mailto:joanf@wsba.org). For questions about GR 33 and its implementation contact Shirley Bondon, [shirley.bondon@courts.wa.gov](mailto:shirley.bondon@courts.wa.gov) 360.705.5302 at AOC.

Attachments

**STATE OF WASHINGTON**

1206 Quince Street SE • P. O. Box 41170 • Olympia, WA 98504-1170  
360-753-3365 • 360-586-8869 • [www.courts.wa.gov](http://www.courts.wa.gov)

## GENERAL RULES (GR)

### NEW RULE 33. Requests for Accommodation by Persons with Disabilities

**(a) Definitions.** The following definitions shall apply under this rule:

(1) "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, 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 qualified person with a disability.

(2) "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.

(3) "Court" means any court or other agency or body subject to the rulemaking authority of the Supreme Court.

(4) "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 *et seq.*, or other similar local, state, or federal laws. 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 an impairment, or is regarded as having such an impairment.

(5) "Qualified person with a disability" means a person with a disability who is otherwise entitled to participate in any program, service, or activity made available by any court.

**(b) Process for Requesting Accommodation.**

(1) An application requesting 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, to the presiding judge or officer of the court or his or her designee.

(2) An application for accommodation shall include a description of the accommodation sought, along with a statement of the impairment necessitating the accommodation. The 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 created by the Administrative Office of the Courts for use by applicants designated "SEALED MEDICAL AND HEALTH INFORMATION" and such information shall be sealed automatically. The court may order that such information be sealed if it has not previously automatically been sealed.

(3) An application for accommodation should be made as far in advance as practical of the proceeding for which the accommodation is sought.

**(c) Consideration.** A request for accommodation shall be considered and acted upon as follows:

(1) In determining whether to grant an accommodation and what accommodation to grant, the court shall:

(A) consider, but not be limited by, the provisions of the Americans with Disabilities Act of 1990 (§ 42 U.S.C. 12101 *et seq.*), RCW 49.60 *et seq.*, and other similar local, state, and federal laws;

(B) give primary consideration to the accommodation requested by the applicant;  
and

(C) make its decision on an individual- and case-specific basis with due regard to the nature of the applicant's disability and the feasibility of the requested accommodation.

(2) If an application for accommodation is filed 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 this rule to the accommodation requested, the accommodation shall be provided unless:

(A) it is impossible for the court to provide the requested accommodation on the date of the proceeding; and

(B) the proceeding cannot be continued without prejudice to a party to the proceeding.

(3) If an application for accommodation is filed fewer than five (5) court days prior to the scheduled date of the proceeding for which the accommodation is requested, and if the applicant otherwise is entitled under this rule to the accommodation requested, the accommodation shall be provided unless:

(A) it is impractical for the court to provide the requested accommodation on the date of the proceeding; and

(B) the proceeding cannot be continued without prejudice to a party to the proceeding.

(4) If a requested accommodation is not provided by the court under subsection (c)(2) or (c)(3) of this rule, the court must offer the applicant an alternative accommodation.

**(d) Denial.** Except as otherwise set forth in subsection (c)(2) or (c)(3) of this rule, an application for accommodation may be denied only if the court finds that:

(1) the applicant has failed to satisfy the substantive requirements of this rule;

(2) the requested accommodation would create an undue financial or administrative burden;

(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 the requested accommodation would create a direct threat to the safety or well-being of the applicant or others.

**(e) Order.** The court shall issue an order consistent with its decision. If the court denies a requested accommodation pursuant to section (d) of this rule, the order shall specify the reasons for the denial. If a requested accommodation is not provided by the court under subsection (c)(2) or (c)(3) of this rule, the court's order shall include a description of:

(1) the facts and/or circumstances that make the accommodation impossible under subsection (c)(2) or impractical under subsection (c)(3); and

(2) the reasons why the proceeding cannot be continued without prejudicing a party to the proceeding.

The court shall inform the applicant and the court personnel responsible for implementing accommodations that the request for accommodation has been granted or denied, in whole or in part, and the nature of the accommodation to be provided, if any.

**(f) Duration of Accommodation.** The accommodation ordered shall commence on the date set forth in the order granting the accommodation and shall remain in effect for the period specified in the order, which may be extended as the court deems appropriate. The court may grant an accommodation for an indefinite period or for a particular proceeding or appearance.

#### **Comment**

Access to justice for all persons is a fundamental right. It is the policy of the courts of this state to assure that persons with disabilities have equal and meaningful access to the judicial system. Nothing in this rule shall be construed to limit or invalidate the remedies, rights, and procedures accorded to any person with a disability under local, state, or federal law.

[Adopted effective September 1, 2007.]

## Request for Reasonable Accommodation for Persons with Disabilities

If you have a disability and you believe you may need an accommodation to fully and equally participate in a particular court proceeding or activity, you may request a reasonable accommodation.

To request a reasonable accommodation, complete the Request for Reasonable Accommodation Form and return to the [**presiding judge, officer of the court or designee**]. If you need assistance completing this form, contact the [**presiding judge, officer of the court or designee**].

Accommodation requests are granted to any qualified person with a disability for whom such accommodation is reasonable and necessary under the Americans with Disabilities Act of 1990 (ADA), other similar local, state, and federal laws and Washington State General Rule (GR) 33. A request will be granted unless:

- it is impossible for the court to provide the requested accommodation on the date of the proceeding; and the proceeding cannot be continued without prejudice to a party to the proceeding or;
- it is impractical for the court to provide the requested accommodation on the date of the proceeding; and the proceeding cannot be continued without prejudice to a party to the proceeding

You may be required to provide additional information for [*the court*] to properly evaluate your reasonable accommodation request. ***Medical and other health information submitted under form WPF All Cases 01.0300, Sealed Medical and Health Information (Cover Sheet) shall be sealed automatically. If medical and other health information is not submitted under form WPF All Cases 01.0300, Sealed Medical and Health Information (Cover Sheet), the submitter may ask the court to seal the documents later.***

Generally, five day advance notice is required to review reasonable accommodation requests. However, a response to an immediate need for accommodation will be considered to the fullest extent possible.

**Request for Reasonable Accommodation(\*\*\*\*)**

1. Case No: \_\_\_\_\_ Date: \_\_\_\_\_

Case Name: \_\_\_\_\_

2. Name of Person Requesting: \_\_\_\_\_

Address: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
*(Mailing Address)* *(Area Code, Phone Number)*

\_\_\_\_\_ Email: \_\_\_\_\_  
*(City, State, Zip Code)*

3. I am participating in a court proceeding/activity as a (check all that apply):

- Petitioner/Plaintiff     Defendant/Respondent     Attorney  
 Witness     Juror     Judicial Officer  
 Other (*Specify interest in or connection to proceeding, if any*)

\_\_\_\_\_

4. List all known dates/times the accommodation(s) are needed (specify):

\_\_\_\_\_  
\_\_\_\_\_

5. Why is an accommodation needed?

\_\_\_\_\_  
\_\_\_\_\_

6. What accommodation would you like? And why?

\_\_\_\_\_  
\_\_\_\_\_

7. Please provide any information that would help the court respond to your request.

\_\_\_\_\_  
\_\_\_\_\_

8. How do you want to be informed of the status of your request for accommodation?

Phone     Writing     E-mail     In person     Other (specify):

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Date: \_\_\_\_\_ at \_\_\_\_\_ (City, State)

\_\_\_\_\_  
(Type or Print Name of Person Requesting)

➤ \_\_\_\_\_  
(Signature of Person Requesting)

**Review and Action by the Court**

*(For Court Use Only- Copy of completed form should be maintained for future reference.)*

Request No.: \_\_\_\_\_  
*(Court, Sequential Number)*

Reasonable Accommodation Request Form received: \_\_\_\_\_  
*(Date)*

Additional information requested: \_\_\_\_\_  
*(Date)*

Additional information received: \_\_\_\_\_  
*(Date)*

Type of Proceeding       Criminal     Civil     Family     Probate     Juvenile

Proceedings include but are not limited to: bail hearing, preliminary hearing, trial, sentencing hearing.

**Requested Accommodation Denied:** \_\_\_\_\_  
*(Date)*

- fails to satisfy the requirements of GR 33 (specify)
- creates an undue burden on the court
- fundamentally alters the nature of the service, program or activity
- permitting the applicant to participate in the proceeding with the requested accommodation creates a direct threat to the safety or well-being of the person requesting or others.

**Basis for Finding:** \_\_\_\_\_  
\_\_\_\_\_

**Requested Accommodation Granted:** \_\_\_\_\_  
*(Date)*

- In whole                       In part *(specify)*                       alternative *(specify)*

\_\_\_\_\_

Dates accommodation will be provided:  
\_\_\_\_\_

Person Requesting Notified on: \_\_\_\_\_  
*(Date)*

- Notification Achieved via:
- Phone     Writing     E-mail     In person     Other (specify):
- \_\_\_\_\_

\_\_\_\_\_  
*(Type or Print Name of Court Official)*

➤ \_\_\_\_\_  
*(Signature of Court Official)*

Date: \_\_\_\_\_

**INSTRUCTIONS FOR COMPLETING  
REQUEST FOR REASONABLE ACCOMMODATION FORM**

To request a reasonable accommodation, you must complete the **Request for Reasonable Accommodation Form** and return it to the [*presiding judge, officer of the court or designee. Location or contact information*]. This provides help on how to complete the form.

If you need help completing the form, contact the [*presiding judge, officer of the court or designee*].

**Steps for Completing the Form:**

1. **Line No. 1:** Fill in the Case Number and Name if known.
2. **Line No. 2** Fill in your name, address (street, city, state, and zip code), phone number and email, if you have one.
3. **Line No. 3** Identify your specific interest or participation in the proceeding, court service, program or activity for which you need an accommodation.
  - a. If you are the person initiating or starting a case, then you are a "petitioner/plaintiff" and should check the "Petitioner/Plaintiff" box.
  - b. If you are the person against which the case or action is brought or the accused you are a "defendant/respondent" and should check the "Defendant/Respondent" box.
  - c. If you are not a participant in a case, check the "Other" box and state your specific interest or connection to the proceeding. ("Other" includes but is not limited to court observer, interested persons such as guardian ad litem, guardian, and interpreter).
4. **Line No. 4:** If you know the date(s) of the proceeding(s), list them. If not known, once a hearing is scheduled, you should complete a new form or to otherwise advise the court.
5. **Line No. 5:** You must explain why the accommodation is needed. You should state the nature of your disability and how it prevents you from participating in the court proceeding(s) unless you are provided with an accommodation. If you are unsure, state the disability as best you can and describe how it affects you. For example, if you have a problem remembering information, or understanding the proceedings due to a learning disability, you need to explain this on the Line No. 5.

***As this information may become part of a public court record, you may disclose confidential information under form WPF All Cases 01.0300, Sealed Medical and Health Information (Cover Sheet) and refer the court to that information rather than stating it here.***

6. **Line No. 6:** What is it that you think you need to help you participate in the court proceedings? Examples of accommodations the court may be asked to provide include: Sign Language Interpreters, Assistive Listening Devices, Note takers, readers for persons with impaired eyesight, removal of barriers for persons with mobility impairments, guardians ad litem or appointed counsel for persons with mental impairments or cognitive disabilities.

***As this information may become part of a public court record, you may disclose confidential information under form WPF All Cases 01.0300, Sealed Medical and Health Information (Cover Sheet) and refer the court to that information rather than stating it here.***

7. **Line No. 7:** If there is other information that will help the court evaluate your request, include it on Line 7. If you have medical information that describes your disability and how it affects your ability to participate in the court process, you should provide it.

***Medical information that is filed under form WPF All Cases 01.0300, Sealed Medical and Health Information (Cover Sheet) or otherwise sealed by the court will not be included in the public court record and will be kept under confidential court seal unless there is a motion (written request to the court) for access that is granted after a hearing at which you will have the opportunity to appear.***

8. **Line No. 8:** Please check the box which indicates the best way to contact you.
9. **Print your name and sign and date and provide the City and State where you are signing the form. Give it to the court officer.**

## **INFORMATION FOR PERSONS WITH DISABILITIES WHO NEED ACCOMMODATIONS TO ACCESS THE COURTS**

**Who may receive an accommodation?** Anyone with a disability who needs assistance in order to participate in a court proceeding, service, program or activity. This form may be used by anyone. What is a disability is defined by federal and state laws, including the Americans with Disabilities Act and the Washington Law Against Discrimination and applicable regulations.

**What information does the court need?** Applicants must tell the court why they need an accommodation and what accommodation they would like. This information will allow the court to decide if the request may be granted. Medical records and medical information submitted under **form WPF All Cases 01.0300, Sealed Medical and Health Information (Cover Sheet)** shall be sealed automatically and will not be available to the public. If the court lacks enough information to decide, it may ask the applicant for more information.

**What accommodations may be requested?** Applicants may request accommodations that allow them to fully and meaningfully participate in a court proceeding. Applicants should request the accommodation that will best allow them to do that. A reasonable accommodation could be a sign language interpreter; changes to a courtroom's layout to improve lighting, hearing, or mobility; large print or high contrast documents and forms; hearings held by teleconference; extended time for hearings and recesses; or assistive listening and seeing devices; personal assistance or someone who can help present the case or claim to the court.

**When should the form be filed?** The form should be filed as soon as applicants know they need an accommodation. The court will usually need to receive the request at least five days before the accommodation is needed. Requests coming in later than that will be granted if they are possible.

**Who gets this information?** The request should be given to the court. The request is presented *ex parte*, but may be filed in the public court record file where the public and other participants may see it. Other participants or the public are not entitled to see any medical or health information that is filed under **form WPF All Cases 01.0300, Sealed Medical and Health Information (Cover Sheet)**.

**Must all requests be granted?** No. If, however, the applicant qualifies, the court will deny an accommodation request only if it would cause an undue burden, if it would fundamentally alter the court proceeding; or it would threaten someone's safety or well-being. The court must explain how the requested accommodation meets one of these criteria.

\_\_\_\_\_ **Court of Washington**  
**for** \_\_\_\_\_

In re:

Petitioner(s)/Plaintiff,  
and

Defendant(s).

Respondent(s)/

**No.**

**Sealed Medical and Health  
Information (Cover Sheet)  
(\*\*\*\*\*)**

**Clerk's Action Required:  
*Information Shall be Sealed  
Automatically under GR 33(b)(2)***

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**Sealed Medical and Health Information**

(Write "Sealed" at least one inch from the top of the first page of each document.)

Attached are records or correspondences that contain health information that relates to the past, present, or future physical or mental health condition of an individual and/or past, present, or future payments for health care.

Submitted by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

# ADA DESIGNATED PERSON CONTACT FORM

NAME

---

TITLE

---

COURT

---

PHONE #

---

EMAIL ADDRESS

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Please email or fax completed form to  
[sylvia.nelson@courts.wa.gov](mailto:sylvia.nelson@courts.wa.gov) or 360.586.8869