

THURSTON COUNTY SUPERIOR COURT

How to Request an Accommodation for Persons with Disabilities

If you have a disability and believe you need an accommodation to participate in or access a hearing or other activity at the Superior Court, you may request a reasonable accommodation.

To request a reasonable accommodation, you must complete the ***Thurston County Superior Court Request for Accommodation*** form. If you need assistance with the form, you can ask for help from the court's ADA Coordinator. Return the completed form to the ADA Coordinator by email, mail or in person at the addresses shown below.

Court Contact: Email: AccessibilitySuperiorCourt@co.thurston.wa.us

Mail: ADA Coordinator
Thurston County Superior Court
2000 Lakeridge Drive SW, Bldg. 2
Olympia, WA 98502

Phone: (360) 786-5560

ADA Information and Forms: <https://www.thurstoncountywa.gov/departments/superior-court/americans-disabilities-act-ada>

How to Complete the *Thurston County Superior Court Request for Accommodation* Form:

- Line 1:** Write the case number and name of the case that you want an accommodation for. If you do not know this information, or the request does not relate to a case, leave those lines blank and do your best to identify the court activity that requires an accommodation.
- Line 2:** Provide the name of the person requesting an accommodation. If you are filling out the form for someone else, you will enter your name on Line 8.
- Line 3:** Provide the date and time of the court proceeding or other activity when you want an accommodation. If you do not have a hearing date or know when the court activity will take place, please explain.
- Line 4:** Tell us how you will be participating in the court proceeding or activity. If you check "other," please give us some information about your interest at the court. For example, are you a court observer, guardian ad litem, guardian, or interpreter?

Line 5: Explain the nature of your disability and how your disability prevents you from participating in court unless you have an accommodation. Give us the best information you can.

➔ **Protect Your Privacy!** The things you write in this form or documents you submit with this form may become a public record. If you want medical and health information to be private, submit it with the ***Sealed Medical and Health Information Cover Sheet under GR 33 (SMHI)*** available for download at the [ADA Information and Forms webpage](#).

Line 6: Tell the court what accommodation you want and why it is needed. For instance, do you want a sign language interpreter, assistive listening device, a note taker, a reader, or removal of physical barriers?

Line 7: Tell us anything else you think the court should know about your request. You can submit additional pages if needed.

Line 8: Provide your email address, mailing address and a telephone number where you can be left a message. If you are filling out this form on behalf of someone else, tell us your name and relationship. Tell us the best way we can reach you.

Signature: Date and sign the form. If you are filling out the form online you can type in your name as your signature. Then give the form to the ADA Coordinator:

By email to: AccessibilitySuperiorCourt@co.thurston.wa.us

or

By regular mail or in person to: ADA Coordinator
Thurston County Superior Court
2000 Lakeridge Drive SW, Bldg. 2
Olympia, WA 98502

If your disability makes it hard to complete the form, the ADA Coordinator can also help you fill out the form. You can contact them at the email address above or by calling (360) 786-5560.

General Information:

- 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 cannot make changes to the law in granting an accommodation; it cannot extend the statute of limitations for filing an action because the person claims to have been delayed due to disability, nor can it provide accommodations that modify the terms of an agreement among parties.
- 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 accommodation requested by the person.

Process:

- The formal rules governing requests for accommodation are found in Washington State General Rule (GR) 33 and Thurston County Superior Court Local General Rule 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.
- Timing: Requests for accommodation should be made as far in advance as possible.
- The court may be able to provide some simple accommodations, such as an assisted listening device, without requiring the ***Thurston County Superior Court Request for Accommodation*** form. (For more information, ask the ADA Coordinator).

Procedure for Requesting Accommodation. To request an accommodation:

- Complete the ***Thurston County Superior Court Request for Accommodation*** form. If you cannot fill out the form or have questions, contact the ADA

Coordinator using the contact information provided above.

- Return your request form and any documents you want the court to consider to the ADA Coordinator.
- The ADA Coordinator may contact you for more information.

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

Requesting Documentation of Need for an Accommodation. The court may ask you for documentation from a qualified health care provider in order to fully and fairly evaluate your accommodation request. If you are asked for additional documentation, the request will be limited to documentation that:

- Establishes the existence of a disability;
- Identifies your functional limitations; and
- Describes how the requested accommodation addresses those limitations. The person requesting the accommodation is responsible for any costs associated with obtaining necessary documentation.

➔ **Sealed Medical Records:** If you provide medical and other health information, it should 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 (SMHI)***. If you use this cover sheet, only the court will have access to your information unless someone else gets 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 and Local General Rule 33 (including an assessment of your limitations or disability and the feasibility of the requested accommodation);
- 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;
- Permitting you to participate in the proceeding with the requested accommodation would create a direct threat to the health or safety or wellbeing of you or others; or

- 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).

If a requested accommodation is denied by the ADA Coordinator, the person requesting the accommodation may submit an internal grievance to the Court Administrator. If your initial grievance is denied, you may seek review by the Presiding Judge or their designee.

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 if you disagree with the denial.

Sealing Decision. The court will generally not seal the written decision without a written request or motion. Whether or not a decision is sealed, medical records and private information given directly to the ADA Coordinator will not be included in the public record. If you choose to file medical records in a case proceedings file through the clerk's office, you must use the *Sealed Medical and Health Information Cover Sheet under GR 33 (SMHI)* if you want to keep the records sealed.

If the decision impacts the case proceedings (e.g., a continuance) the court will enter the decision in the proceedings file. If the decision does not impact case proceedings or there is no proceedings file the decision will be retained in the court's administrative file for at least three years.

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