

When Your Client Needs an Accommodation to Access Court

GR 33

General Rule 33 (GR 33) governs requests for accommodation for individuals with disabilities in accessing Washington Courts. The rule provides that courts must offer accommodation to any person with a physical, mental or sensory disability¹ so that they may readily access and use each court service, program and activity. This may include making modifications to policies, practices and procedures, offering at no expense auxiliary aides and services, including equipment, qualified interpreters or readers.

The process to seek accommodation includes filing a written motion or request for accommodation with the court. Requests “should be made in advance whenever possible.” GR 33(2)(b)(2). The AOC developed a GR33² form that should be used for these requests. A motion can supplement it, but the form is pretty complete in terms of submitting information supporting the request, and the court has to document reasons for denial. Local procedures are allowed and procedures not inconsistent with GR 33 are encouraged. GR 33 (2)(b)(3).

Requests for accommodation should include a description of the accommodation sought, along with a statement of the disability necessitating the accommodation. GR 33(2)(b)(5). Courts should consider the ADA (42 U.S.C. 12101 et seq.), RCW 49.60 et seq. and other local, state and federal rules. Courts must make a decision on an individual, case specific basis with due regard to the disability and feasibility of the request.

The court may only deny a request for accommodation in limited circumstances, including the following: failing to satisfy the substantive requirement of GR 33; the court is unable to provide the accommodation and continuance would significantly prejudice a party; the requested accommodation poses a direct threat to the safety or well-being of the applicant or others; the request would result in undue financial or administrative burden on the court or would fundamentally alter the nature of the court service, program or activity. GR 33(c)(2).

The court must inform the person requesting accommodation of the decision in writing or on the record. If the decision is in writing, the court must determine whether to seal the decision. GR 33(d).

¹ Sensory impairment is when one of the senses sight, hearing, smell, touch, taste and spatial awareness is no longer normal. Types of sensory disabilities include autism spectrum disorder, blindness/low vision, hearing loss, and sensory processing disorder.

² <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=71>