

FINAL BILL REPORT

2SHB 2903

C 148 L 08

Synopsis as Enacted

Brief Description: Creating an access coordinator for the administrative office of the courts.

Sponsors: By House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Lantz, Rodne, McCoy, Wallace, Moeller, Williams, O'Brien and Goodman).

House Committee on Judiciary

House Committee on Appropriations Subcommittee on General Government & Audit Review

Senate Committee on Judiciary

Background:

The federal Americans with Disabilities Act of 1990 (ADA) and the state's law against discrimination prohibit discrimination by state and local government agencies based upon disability. In 2004 the United States Supreme Court ruled that courts have the affirmative obligation under the ADA to reasonably accommodate persons with disabilities.

Washington's Court Rule 33 (CR 33) provides a procedure for persons with disabilities to request accommodations from the court. The rule defines "person with a disability" as a person covered by the ADA, the state law against discrimination, or other similar local, state, or federal laws. The 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.

Under CR 33, if an applicant who is entitled to an accommodation files a request five or more court days prior to the date of the proceeding in which the accommodation is needed, the court will grant the request unless it is impossible for the court to provide it. If the applicant files less than five days before the proceeding, the court will grant the accommodation unless it is impractical. If the requested accommodation is not provided, the court must offer the applicant an alternative accommodation.

A request may only be denied if the court finds that:

- the applicant failed to satisfy the substantive requirements of the court rule;
- the accommodation would create an undue financial or administrative burden;
- the accommodation would fundamentally alter the nature of the court service, program, or activity; or
- permitting the accommodation would create a direct threat to the safety or well-being of the applicant or others.

Recently, the Impediments to Access to Justice Committee (created by the Access to Justice Board) developed a guide for courts that explains options, devices, and services currently available to courts and other agencies to implement their duty to provide reasonable accommodations to persons with disabilities.

Summary:

Washington courts are required to provide equal access to persons with disabilities. Subject to the availability of funds appropriated for the purpose, the Administrative Office of the Courts (AOC) must create the position of Court Access and Accommodations Coordinator (Coordinator). The Coordinator must:

- review the needs of courts statewide for training and other assistance required to provide access and accommodation for persons with disabilities;
- provide guidance and assistance upon request; and
- identify appropriate assistive devices and establish a system to improve courts' access to such devices.

In carrying out these duties, the Coordinator must consult with persons with disabilities and facilitate communication between the AOC and persons with disabilities and their representative groups.

Votes on Final Passage:

House	95	0
Senate	48	0

Effective: June 12, 2008