



## **I. LEGAL BASIS AND PURPOSE**

This document serves as the plan for Hennepin County District Court to provide services to LEP individuals in compliance with Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq; and 28 C.F.R. § 42 et seq. The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with Hennepin County District Court.

This LEP Plan was developed to ensure equal access to court services for persons with limited English proficiency and hearing impaired persons. Although deaf and hard of hearing individuals are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act, they have been included in this plan insofar as they relate to the Minnesota Judicial Branch Court Interpreter Program.

## **II. NEEDS ASSESSMENT**

### **A. Statewide**

The State of Minnesota provides court services to a wide range of persons, including people who do not speak English or who are hearing impaired. Service providers include the Minnesota Supreme Court, the Court of Appeals and trial courts in the ten judicial districts.

According to the Minnesota Court Interpreter Program, which tracks court interpreter usage, the most widely used languages for interpreters in Minnesota courts in 2007 were (in descending order of frequency):

1. Spanish
2. Somali
3. Hmong
4. American Sign Language
5. Vietnamese

### **B. Hennepin County District Court**

Hennepin County District Court will make every effort to provide service to all LEP persons. However, the following list shows the foreign languages that are most frequently used in the area.

- Spanish
- Somali
- Hmong
- Oromo

- Russian

This information is based on data through September 2007 from the Minnesota Court Interpreter Program and the Hennepin County District Court Interpreter Unit.

### **III. LANGUAGE ASSISTANCE RESOURCES**

#### **A. Interpreters Used In the Courtroom**

By Minnesota statute, it is “the policy of this State that the constitutional rights of persons disabled in communication cannot be fully protected unless qualified interpreters are available to assist them in legal proceedings.” Minn. Stat. § 611.30 (2006). A person “disabled in communication” is one who, because of difficulty in speaking or comprehending the English language, is unable to fully understand the proceedings in which the person is required to participate, or when named as a party to a legal proceeding, is unable by reason of the deficiency to obtain due process of law. Minn. Stat. §§ 546.42; 611.31 (2006).

In Hennepin County District Court, sign language interpreters will be provided at court expense for all deaf court customers in compliance with the Americans with Disabilities Act. Spoken language interpreters will be provided at no cost to the court customers who are “disabled in communication” under the following circumstances:

- Interpreters will be provided at no cost for litigants and witnesses in criminal hearings;
- Interpreters will be provided at no cost for litigants and witnesses in civil hearings including probate/mental health;
- Interpreters will be provided at no cost for litigants and witnesses in juvenile hearings; and
- Interpreters will be provided at no cost for litigants and witnesses in child support hearings.

Alternatively, Minnesota Statutes Section 611.33, subd. 3 requires that “[p]ayments for any activities requiring interpreter services on behalf of law enforcement, the board of public defense, prosecutors, or corrections agents other than court appearances is the responsibility of the agency that requested the services.”

#### **1. Determining the Need for an Interpreter in the Courtroom**

There are various ways that Hennepin County District Court will determine whether an LEP court customer needs an interpreter for a court hearing. First, the LEP person may request an interpreter. Hennepin County District Court displays a sign translated into Minnesota’s eleven most frequently used languages which states: “*You may have the right to a court-appointed interpreter in a court case. Please ask someone at the court information desk.*” Hennepin County District Court displays this sign at all major public intake locations.

Second, court personnel and judges may determine that an interpreter is appropriate for a court hearing. Many people who need an interpreter will not request one because they do not realize that interpreters are available, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. Therefore, when it appears

that an individual has any difficulty communicating, the court administrator or judge should err on the side of providing an interpreter to ensure full access to the courts.

Third, the Minnesota Court Information System (MNCIS), which is the statewide case management system, will track interpreter needs through case records and party records. Case record interpreter flags will assist staff in making sure that they know an interpreter is needed for the next hearing on a particular case. Party record interpreter information stays with the party and would be available statewide for future filings and party search results for that same individual.

Finally, outside agencies such as probation, attorneys, social workers or correctional facilities may notify the court about an LEP individual's need for an interpreter for an upcoming a court hearing. The divisions of Hennepin County District Court have structured internal systems, through a divisional contact, to efficiently communicate the need for interpreter services. These needs can be communicated to the Interpreters Scheduling Unit via email, telephone or through the use of written interpreter request forms. Additionally, Hennepin County District Court provides its agencies with notification forms so that agencies can signal the need for ADA accommodations or Sign Language Interpreters in upcoming court proceedings.

## **2. Court Interpreter Qualifications**

Hennepin County District Court hires interpreters for courtroom hearings in compliance with the rules and policies set forth by the Minnesota Court Interpreter Program (CIP) and Rule 8 of the General Rules of Practice for the District Courts. The CIP maintains a statewide roster of interpreters who may work in the courts. This roster is available to court staff on CourtNet and the Supreme Court's web site. Interpreters on the roster have passed the court's ethics exam, attended an orientation session and signed a sworn affidavit of professional responsibility. In accordance with Rule 8, the Fourth Judicial District Court appoints "certified" interpreters when available. To be certified, an interpreter must first meet the requirements to be on the roster, and secondly must pass a rigorous exam testing linguistic and interpreting skills. Minnesota court certified interpreters are currently available in the following languages: Spanish, Hmong, American Sign Language, Vietnamese, Russian, Mandarin Chinese, French and Lao. When Hennepin County District Court has made a "diligent" effort to find a certified court interpreter and none is available, the Court then seeks a non-certified court interpreter who is on the statewide roster.

In compliance with Rule 8, Hennepin County District Court appoints non-certified interpreters who are not listed on the roster only when certified and rostered interpreters are unavailable. Whenever a non-certified interpreter is used in the courtroom, judges are encouraged to inquire into the interpreter's skills, professional experience, and potential conflicts of interest.

As a last resort, Hennepin County District Court may also use interactive television (ITV) or telephone interpreting if no interpreters are available in person. Bilingual staff members who are not on the statewide roster are never used to interpret in court. However, they may assist in securing an interpreter if necessary.

More information on court interpreters is available to court personnel in the “Best Practices Manual on Interpreters in the Minnesota State Court System,” published and maintained by the State Court Administrator’s Office, available at <http://www.mncourts.gov/?page=463>

**B. Spoken Language Services Outside The Courtroom**

Hennepin County District Court is also responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to services outside the courtroom. This is perhaps the most challenging situation facing court staff, because in most situations they are charged with assisting LEP individuals without an interpreter. LEP individuals may come in contact with court personnel via the phone, counter or other means. To that end, Hennepin County District Court has the following resources to help LEP individuals and court staff communicate with each other:

- Interpreter Services
- Spanish Hotline (612) 596-9275
- Bilingual Staff Roster and Policy (Available languages: Spanish, Hmong, Somali, Italian, French and Hebrew)
- Self-Help Center Somali Liaisons
- Translated Right to Court Appointed Interpreter Signs
- Translated directional signs
- Instructions for “How to Request an Interpreter for a Court Hearing”
- Telephone Interpreter Services
- Closed captioned jury video
- Assisted listening devices
- Language identification flashcards in 38 languages
- “I need an Interpreter” cards in 10 foreign languages commonly spoken in Minnesota
- English/Spanish Court Terminology Glossary
- Tips for Serving Deaf Court Customers
- English/American Sign Language Glossary
- Online communication aids, including translation services and glossaries

**C. Translated Forms & Documents**

The Minnesota Courts understand the importance of translating forms and documents so that LEP individuals have greater access to the courts’ services. The Fourth Judicial District has worked collaboratively with the State Court Administrator’s office to translate a variety of forms and other documents. The State of Minnesota currently has the following translated forms and documents:

<b><u>Department</u></b>	<b><u>Form</u></b>	<b><u>Languages</u></b>
Civil	Affidavit for Proceeding In Forma Pauperis	Hmong, Spanish, Somali
	Information Sheet on Waiver of Court Fees and Costs	Hmong, Spanish, Somali
	Some Guidelines When Completing the Statement of Claim and Summons	Hmong, Spanish, Somali
	Eviction Action Answer	Hmong, Spanish, Somali
	Notice of Motion and Motion for Expungement of Eviction Record	Hmong, Spanish, Somali

Criminal	Felony, Gross Misdemeanor, Misdemeanor, and Petty Misdemeanor Statements of Rights	Cambodian, Hmong, Lao, Russian, Somali, Spanish and Vietnamese
	Gross Misdemeanor DUI Statement of Rights	Cambodian, Hmong, Lao, Russian, Somali, Spanish and Vietnamese
	Petition to Enter Guilty Plea (Felony and Gross Misdemeanor)	Cambodian, Hmong, Lao, Russian, Somali, Spanish and Vietnamese
	Petitioner’s Instruction for Expungement (Sealing) of Criminal Records	Hmong, Spanish, Somali
Family	Probation Violation Statement of Rights	Cambodian, Hmong, Lao, Russian, Somali, Spanish and Vietnamese
	Expedited Child Support Process: Motion to Modify Support	Hmong, Spanish, Somali
	Appendix A, Summary Dissolution Procedure	Hmong, Spanish, Somali
	A Parental Guide to Making Child-Focused Parenting Time Decisions	Hmong, Spanish, Somali
	Notice of Motion and Motion to Stop Cost of Living Adjustment (COLA)	Hmong, Spanish, Somali
Juvenile	Statement of Rights for First Court Appearance on Paternity Proceedings	Cambodian, Hmong, Lao, Russian, Somali and Spanish
	Notice of Filing of Order	Hmong, Spanish, Somali
Self –Help	What Court Staff Can and Cannot Do for You	Hmong, Spanish, Somali

These translated forms are available on CourtNet for internal use, and available to the general public at: <http://www.mncourts.gov/?page=513>. When interpreters are hired for hearings, they are expected to provide sight translations for corresponding documentation to LEP individuals.

The Fourth Judicial District has the following translated forms and documents:

<b><u>Department</u></b>	<b><u>Form</u></b>	<b><u>Languages</u></b>
Civil	Conciliation Court General Information and Guide	Spanish, Somali
	Consider Mediation	Spanish, Somali, Hmong
	Housing Court Expungement – Notifying Tenant Screening Companies	Spanish, Somali, Hmong
	Housing Expungement Brochure	Spanish, Somali, Hmong
	How to File an Eviction Action	Spanish, Somali, Hmong
	Notice of Respondent’s Rights	Spanish, Somali
	Paying, Collecting and Appealing Your Judgment	Spanish
	PSL Brochure	Spanish
	PSL Court Information	Spanish, Somali, Hmong, Arabic, Laotian, Vietnamese, Russian
	Quick Guide to Conciliation Court	Spanish, Somali, Hmong
	Tenants: How to Respond to an Eviction Action	Spanish
	Your Day in Conciliation Court	Spanish
	Some Guidelines when Completing the Statement of Claim and Summons	Spanish, Somali, Hmong
	Criminal/Traffic	Appointment Cards
Complaint Forms		Spanish
Court Date Reminder Slips		Spanish
Defendant’s Rights Form		Spanish
Domestic Abuse Brochure		Spanish
Domestic Violence Court Brochure		Spanish, Somali, Hmong
Financial Affidavit for Public Defender		Spanish, Somali, Hmong
Eligibility/Payment Agreement		
Fines Collection Officer Referral		Spanish, Somali, Hmong

	Hearing Office Appointment Forms	Spanish
	Hearing Officer Appointment Reminder Slips	Spanish
	Hennepin County Adult Corrections Facility	Spanish, Somali, Hmong
	How to File a Motion to Re-open a Previously Paid Citation	Spanish, Somali, Hmong
	Payment Agreement	Spanish, Somali, Hmong
	Petition to Enter Guilty Plea	Spanish
	Report to Court Form	Spanish
	Summons Documents	Spanish, Somali, Hmong
DASC	Domestic Abuse Service Center Brochure	Spanish, Somali
	Domestic Abuse Service Center Welcome Letter	Spanish, Somali, Hmong, Russian, Vietnamese, Laotian
Family	Helpful Information About Domestic Abuse Hearings	Spanish, Somali, Hmong
	Welcome Letter: DASC	Spanish, Somali, Hmong
Juvenile	Petition to Admit: Petty Offense	Spanish, Somali, Hmong
	Summons and Notice	Spanish
PMH	Notice for Custody, Examination and Hearing Form	Somali
	Notice of Respondent's Rights	Somali
GAL	Guardian ad Litem Brochure	Hmong, Somali, Spanish
Psych Services (Psych tests)	Minnesota Multiphasic Personality Inventory (mmpi2 and mmpia – adolescent version)	Spanish
	Million Clinical Multiaxial Inventory II (mcmi II)	Spanish
	Multiaxial Inventory III (mcmi III)	Spanish
	Million Adolescent Clinical Inventory (maci)	Spanish
	Million Adolescent Personality Inventory (mapi)	Spanish
Self-Help Ctr	Domestic Violence Brochures	Spanish
	Hennepin County District Court Self-Help Center Disclosure	Spanish, Somali, Hmong
	Legal Separation vs. Divorce	Spanish
	Petition for Dissolution of Marriage	Spanish
	Real Estate and Marriage Dissolution	Spanish, Somali
	Self Help Center & Family Law Facilitator Brochure	Oromo
	Visitation Disputes	Somali
	What to Expect: Divorce in Minnesota	Spanish, Somali, Hmong

These translated forms are available on CourtNet for internal use, and available to the general public at: <http://www.mncourts.gov/district/4/?page=2759>

The Fourth Judicial District has the following translated brochures:

<b><u>Brochure</u></b>	<b><u>Language</u></b>
A Tenant's Rights to Privacy	Somali
Basic Information for Tenants	Somali
Becoming a U.S. Citizen	Somali
Child Protection	Somali
Conciliation Court	Russian, Spanish, Vietnamese
Emergency Repair Problem	Somali
Employment and Training Exemptions Under MFIP	Somali
Establishing Paternity and Deciding Child Custody	Cambodian, Hmong, Laotian, Russian, Somali, Spanish, Vietnamese
Getting a Harassment Restraining Order	Spanish
Getting an Order for Protection	Spanish

Getting Child Support	Spanish
Getting Landlord to Make Repairs	Somali
Housing Discrimination	Spanish
How to Get Education or Training Under MFIP	Somali
Landlords and Tenants	Spanish
MFIP for Victims of Domestic Abuse	Somali
Now I Have a Child Support Order	Spanish
Orders for Protection	Somali
Public Benefits for Non-citizens	Somali
Questions About Renting	Spanish
Security Deposits	Spanish
Understanding Visitation	Cambodian, Hmong, Laotian, Russian, Somali, Spanish, Vietnamese
Using Credit Wisely	Hmong, Laotian, Somali, Spanish, Vietnamese
What to Do If You Are Being Sued	Hmong, Laotian, Somali, Spanish, Vietnamese
Your Rights In an Eviction	Cambodian, Hmong, Laotian, Russian, Somali, Spanish, Vietnamese
Your Rights with Your Parents or Guardians	Somali

#### IV. TRAINING

The Minnesota Courts are committed to providing LEP training opportunities for all staff members who come in contact with LEP individuals.

The Fourth Judicial District Court provides training to inform staff of the court's responsibility to provide Americans with Disabilities Act (ADA) accommodations and interpreter services and to give staff the tools necessary to respond to such requests. The following is a list of training programs currently available in the Fourth Judicial District:

##### Equal Access Handbook

Supervisors distribute Equal Access Handbooks to new employees. The handbook includes a section on ADA which defines the Act and outlines the accommodation process.

##### Court Overview Panel

The Scheduling Division presents information to current employees about the court's responsibilities in providing interpreter services. This training serves as a refresher course and question/answer session on how to respond to individuals with hearing disabilities.

##### Dispelling the Myths: Deaf and Hard of Hearing Trends

This one-day training session is provided by staff of the Minnesota Department of Human Services, Deaf and Hard of Hearing Services Division. Trainers provide cultural information, identify specific needs of people who are deaf or hard of hearing and identify resources designed to enhance the lives of individuals who are deaf or hard of hearing.

##### MN Courts Interpreter Program

This is a half day training session that provides an overview of both the State Court Interpreter Program and the Fourth Judicial District Court Interpreter Program. Participants will learn about the role of the interpreter and how to best handle interpreter cases. In addition, there will be discussion on the differences between Sign Language and spoken language interpreter cases.

### L.E.P. Resources Seminar

Training presented by the members of the Fourth Judicial District's L.E.P. Project Team regarding the resources currently available to assist staff in working with limited English speaking individuals. This training outlines the various resources available to staff and explains where to find them and how to use them.

### Autonomous and Distance Learning Opportunities

The Education and Organization Development (EOD) Division offers downloadable video and course materials of previous ITV training sessions. Past topics of interest regarding the LEP plan include *Legal Matters- Hmong Perspective: Living in the US and Experience with MN Courts, Sign Language and ADA, Using Court Interpreters and Rule 11 Updates*. These materials can be obtained by visiting EOD's Education Center on CourtNET, located at the following address:

<http://courtnet.courts.state.mn.us/0/?page=2658>

## **V. PUBLIC NOTIFICATION AND EVALUATION OF LEP PLAN**

### **A. LEP Plan Approval & Notification**

Hennepin County District Court's LEP Plan has been approved by the District Administrator, and a copy has been forwarded to the State Court Administrator's Office (SCAO). Any revisions to the plan will be submitted to the District Administrator for approval, and then forwarded to the SCAO. Copies of Hennepin County District Court's LEP plan will be provided upon request. In addition, Hennepin County District Court will post this Plan on its website, and the SCAO will post it on the Supreme Court's public website.

### **B. Annual Evaluation of the LEP Plan**

Hennepin County District Court will conduct an annual needs assessment to determine whether changes to the LEP plan are required. This assessment may be done by tracking the number of interpreters requested by language in the courts, or by other methods.

Any revisions made to the Plan will be communicated to all court personnel, and an updated version of the plan will be posted on the court's web site. Additionally, it will be posted on the Supreme Court's public website.

Each year the statewide Court Interpreter Program Coordinator will coordinate with the judicial district interpreter liaisons to review the effectiveness of the LEP Plan. The evaluation will include identification of any problem areas and development of required corrective action strategies. Elements of the evaluation will include:

- Number of LEP persons requesting court interpreters in Minnesota Courts;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Assessing whether staff members adequately understand LEP policies and procedures and how to carry them out; and
- Gathering feedback from LEP communities around the state.

## **LEP Contacts**

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The effective date of this LEP plan is September 1, 2008.