CLEARWATER COUNTY DISTRICT COURT
FY12-FY13 LIMITED ENGLISH PROFICIENCY (LEP) PLAN

I. LEGAL BASIS AND PURPOSE

This document serves as the plan for Clearwater County District Court to provide services to limited English proficient (LEP) individuals in compliance with Federal law.[1] The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to those who come in contact with the Clearwater County District Court. This LEP plan was developed to ensure equal access to court services for persons with limited English proficiency and persons who are deaf or hard of hearing. Individuals who are deaf or hard of hearing are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act.

II. ANNUAL UPDATE

A. <u>Statewide</u>

The Minnesota Judicial Branch provides court services to a wide range of persons, including people who do not speak English or who are deaf or hard of hearing. Service providers include the Minnesota Supreme Court, the Minnesota 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 **2011** were (in descending order of usage):

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

[1] Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq; and 28 C.F.R. § 42 et seq.

B. Clearwater County District Court

a. None

III. LANGUAGE ASSISTANCE RESOURCES

For the purposes of sections 546.42 to 546.44, a person disabled in communication is one who, because of a hearing, speech, or other communication disorder, or 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.

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 (2011). A person "disabled in communication" is one who, "because of a hearing, speech, or other communication disorder, or 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 (2011).

In the Clearwater County District Court, accommodations will be provided for all deaf and hard of hearing customers including but not limited to sign language and/or deaf interpreters 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" in court proceedings.

Alternatively, Minnesota Statutes Section 611.33, subd. 3 requires that "[p]ayment 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 the Clearwater 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. The Clearwater County District Court displays a sign translated into Minnesota's 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*." The Clearwater County District Court displays this sign at the

following location: Clearwater County Courthouse, Clearwater County Court Administrator's Office, front counter.

Second, court employees 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 difficulty communicating, the court administrator or judge should offer the use of 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 court employees 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 is 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 notify the court about an LEP individual's need for an interpreter for an upcoming court hearing.

2. Court Interpreter Qualifications

The Clearwater 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 able to work in the courts. This roster is available on the Minnesota Judicial Branch public website. 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 Clearwater County 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, Somali, American Sign Language, Vietnamese, Russian, French, Mandarin and Lao. When the Clearwater County District Court has made a "diligent" effort to find a certified court interpreter and none is available, the Clearwater County District Court then seeks a non-certified court interpreter who is on the statewide roster.

In compliance with Rule 8, the Clearwater 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.

Multilingual employees who are not on the statewide roster are not used to interpret in court. However, they may assist in securing an interpreter if necessary.

More information on court interpreters is available to court employees in the "Best Practices Manual on Interpreters in the Minnesota State Court System," published and maintained by the State Court Administrator's Office.

B. Spoken Language Services Outside The Courtroom

The Clearwater 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 employees because in most situations, they are charged with assisting LEP individuals without an interpreter. LEP individuals come in contact with court employees in person, by telephone and through other means. The Clearwater County District Court has the following resources to help LEP individuals and court employees communicate with each other:

- Language Identification Card
- Multilingual employees
- Language Line

Language Identification Card
The "Language Identification Card" is a list of over 170 languages available on the Language Line (see below). Employees may use this document to help identify the language that an LEP individual speaks.

Multi-Lingual Employees
Court employees may be available to voluntarily assist in interpreting should an LEP individual require assistance. Employees on this list have offered their skills and are not required to provide interpretation as an additional responsibility to their jobs. They may offer their services only if it does not significantly interfere with their primary job duties. They should not interpret in situations requiring a language level superior to their own and are only permitted to provide legal assistance, not legal advice.

Language Line
Court employees may make use of the Office of Enterprise Technology (OET) Language Line to obtain a phone interpreter to assist an LEP individual outside the courtroom.

C. Translated Forms & Documents

The Minnesota Judicial Branch understands the importance of translating forms and documents so that LEP individuals have greater access to court services. The Clearwater County District Court has various forms translated into commonly used languages including Cambodian, Hmong, Lao, Oromo, Russian, Somali, Spanish and Vietnamese. Not all court forms are translated into all available languages. Translated forms and documents are updated and maintained on the Minnesota Judicial Branch public website.

When interpreters are hired for hearings, they are expected to provide sight translations of documentation to LEP individuals.

IV. TRAINING

The Minnesota Judicial Branch is committed to providing LEP training opportunities. LEP training is provided for new employees as a part of the New Employee Orientation; judges are trained on interpreter matters at the New Judge Orientation. All employees and judges may access LEP training through the Minnesota Judicial Branch internal website (CourtNet).

The Minnesota Judicial Branch provides periodic training on LEP resources available at the Judicial Branch such as:

- "Language Identification Card"
- Multilingual employees
- Language Line
- Face to face interpreters
- Deaf and hard of hearing accommodations
- Translated forms and documents
- Access to Self-Help Center for completing court forms

V. PUBLIC NOTIFICATION AND EVALUATION OF LEP PLAN

A. LEP Plan Approval & Notification

The Clearwater County District Court's LEP plan is approved by the District Administrator and forwarded to the State Court Administrator's Office who posts it on the Minnesota Judicial Branch's public website. Copies of Clearwater County District Court's LEP plan are available upon request.

B. Evaluation of the LEP Plan

The LEP Coordinator will review this plan on an annual basis and make any changes based on the review. The evaluation will include identification of any problem areas and development of required corrective action strategies. Elements of the evaluation may include:

- Assessing the number of LEP persons requesting court interpreters in Minnesota courts
- Assessing current language needs to determine if additional services or translated materials should be provided
- Assessing whether court employees adequately understand LEP policies and procedures and how to carry them out
- Gathering feedback from LEP communities

Any revisions made to the plan will be communicated by posting on the Minnesota Judicial Branch public website.

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