SHERBURNE COUNTY DISTRICT COURT
LIMITED ENGLISH PROFICIENCY (LEP) PLAN

I. LEGAL BASIS AND PURPOSE

This document serves as the plan for SHERBURNE 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 SHERBURNE 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 Minnesota Judicial Branch 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 2010 were (in descending order of frequency):

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

B. SHERBURNE County District Court

SHERBURNE 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
- Sign Language – American
- Russian
- Somali

This information is based on data from the Minnesota Court Interpreter Program.

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 handicapped in communication cannot be fully protected unless qualified interpreters are available to assist them in legal proceedings." Minn. Stat. § 611.30. A person "handicapped 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

In the SHERBURNE 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 "handicapped 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 juvenile hearings;
- Interpreters will be provided at no cost for litigants and witnesses in child support hearings; and
- Interpreters will be provided at no cost for litigants and witnesses in civil 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."

In addition, SHERBURNE County District Court provides assisted hearing devices for public members wishing to observe court hearings. Interpreter conferencing devices for litigants and witnesses appearing in all types of court are also provided.

SHERBURNE County District Court has Remote Interpreter equipment installed in the Courtroom which can be used when an interpreter is not available on site.

1. Determining the Need for an Interpreter in the Courtroom

There are various ways that the SHERBURNE 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 SHERBURNE 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.*"

The SHERBURNE County District Court displays this sign at the following location: Staging area where all people check in before going to court.

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 jail and/or prosecutor may contact us in the morning if they are aware that a defendant needs an interpreter for a hearing.

2. Court Interpreter Qualifications

The SHERBURNE 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 SHERBURNE 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, American Sign Language, Vietnamese, and Russian. When the SHERBURNE County District Court has made a "diligent" effort to find a certified court interpreter and none is available, the SHERBURNE County District Court then seeks a non-certified court interpreter who is on the statewide roster.

In compliance with Rule 8, the SHERBURNE 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, the SHERBURNE County District Court may also use interactive television (ITV) or telephone interpreting if no interpreters are available in person. Bilingual staff that 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.

B. Spoken Language Services Outside The Courtroom

The SHERBURNE 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, the SHERBURNE County District Court has the following resources to help LEP individuals and court staff communicate with each other:

- When court staff do not know what language a customer is speaking, they use "I Speak" cards which are available in forty languages.

- In order to meet simple immediate communicative needs, court staff may use free online translating services. This will help in translating an English statement into a foreign language in written form.

- For staff who have some knowledge of the Spanish language, they may consult the Spanish/English glossary developed by the North Carolina courts.

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 SHERBURNE County District Court currently has the following forms translated into commonly used languages:

- Criminal Court Forms have been translated into Cambodian, Hmong, Lao, Russian, Somali, Spanish and Vietnamese. These forms include Rule 15 Plea Petitions (Felony and Gross Misdemeanor); Felony, Gross Misdemeanor, Misdemeanor, and Petty Misdemeanor Statements of Rights; Gross Misdemeanor DUI Statement of Rights; Probation Violation Statement of Rights

- Statement of Rights for First Court Appearance on Paternity Proceedings: Cambodian, Hmong, Lao, Russian, Somali and Spanish

- Domestic Abuse forms have been translated into Spanish, Somali, Hmong, Vietnamese, Russian, Lao, Arabic, Oromo and Khmer. These include: Instructions to Apply for an Order for Protection; Petitioner's Affidavit and Petition for Order for Protection; Notice to Petitioner; Petitioner's Information Sheet; Law Enforcement Information Sheet; Domestic Abuse Instruction Sheet; Respondent's Petition for Hearing; Affidavit and Motion to Modify Order for Protection; and Application for Extension of Order for Protection; Notice of Change of Address.

These translated forms are available on CourtNet for internal use, and available to the general public at: http://www.courts.state.mn.us/forms/Default.aspx?pageID=9007&activeLink=138

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

IV. TRAINING

The Minnesota Courts are committed to providing LEP training opportunities for all staff members who come in contact with LEP individuals. Training opportunities specifically provided in the SHERBURNE County District Court include:

- Staff are instructed about LEP policies and procedures, as described in the LEP Plan.
- Staff are required to view "Breaking Down the Language Barrier," a video training tool provided by the Department of Justice.
- Staff attend training that is offered by the Educational and Organizational Development Department on ways to better identify LEP individuals, identify linguistic needs, and communicate despite language barriers.

V. PUBLIC NOTIFICATION AND EVALUATION OF LEP PLAN

A. LEP Plan Approval & Notification

The SHERBURNE 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 SHERBURNE County District Court's LEP plan will be provided upon request. In addition, SHERBURNE 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

The SHERBURNE 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.

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.

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.

LEP Contact Person

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The effective date of this LEP plan is August, 2010.

Michael O'Malley
Judicial District Administrator
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