WRIGHT COUNTY DISTRICT COURT
FY11 LIMITED ENGLISH PROFICIENCY (LEP) PLAN

I. LEGAL BASIS AND PURPOSE

This document serves as the plan for WRIGHT County District Court to provide services to limited English proficiency (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 LEP persons who come in contact with WRIGHT County District Court.

This 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 **2009/2010** were (in descending order of frequency):

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

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1. Spanish
2. American Sign Language

[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.

3. Vietnamese
4. Hmong
5. Russian
6. Arabic-Standard
7. Lao
8. Somali

Source information: Court Interpreter Statistical Report Database, US census bureau quick facts webpage, MNCIS reports

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 (2009). 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 (2009).

In the WRIGHT 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
- 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 and other family type hearings.
- Interpreters will be provided at no cost for litigants and witnesses in probate court hearings; and

In addition

- Assisted hearing devices for public members wishing to observe court hearings are provided.
- Interpreter conferencing devices for litigants and witnesses appearing in all types of courts are available.
- Sign language interpreters will be provided at no cost for jurors.

Alternatively, Minnesota Statutes Section 611.33, subd. 3 requires that "payment 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 WRIGHT 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 WRIGHT 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 WRIGHT County District Court displays this sign at the following location: The sign is prominently posted on the bulletin board close to our public front counter. This location attracts attention because it displays other instructions related to doing business with the courts.

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, court administration/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.

Fourth, we utilize an outlook calendar to determine interpreter pre-scheduled attendance dates and best fit add on cases more quickly into the court system without unduly delaying the process to benefit the LEP participant. The outlook system is conveniently located on each computer for the best possibility of usage by staff working with each of our individual cases.

Fifth, Spanish interpreters make sure that there are no additional needs during the period that they are assigned in Wright County (within the two hour minimum). They do this by checking at the front counter prior to completing their assignment. This is an efficient means that assists LEP individuals in transacting their business on the day they come for court, without additional costs to the Court.

Finally, outside agencies such as probation, attorneys, victim advocates, social workers or correctional facilities notify the court about an LEP individual's need for an interpreter for an upcoming a court hearing. They do this by telephone or email contact when scheduling hearings. On "in custody hearings' this assists in not delaying the LEP individuals hearing due to language barriers. Specifically related to the juvenile division on child protection matters, our County Attorney notifies us of the language barriers promptly after receiving information from law enforcement, or social workers. Intermittent reminders to inter justice agencies stressing the importance of early notification to secure the appropriate services are initiated by Wright County Court Administration.

2. Court Interpreter Qualifications

The WRIGHT County District Court, through centralized unit representatives (currently Anoka County) hire 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 Minnesota Judicial Branch website. Interpreters on the roster have passed the court's ethics exam, attended an orientation session and signed a sworn affidavit of professional responsibility. Wright County directly hire interpreters on short notice requests, by following the same standards described in this paragraph.

In accordance with Rule 8, the WRIGHT County District Court, or Anoka County District Court Staff via the centralized process, appoint "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, Somali, Hmong, American Sign Language, Vietnamese, Russian and Mandarin Chinese. When the WRIGHT County District Court or Anoka County District Court have made a "diligent" effort to find a certified court interpreter and none are available, the WRIGHT/or Anoka County District Court then seeks a non-certified court interpreter who is on the statewide roster.

In compliance with Rule 8, the WRIGHT/or Anoka 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 WRIGHT 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.

B. Spoken Language Services Outside The Courtroom

The WRIGHT 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, including letters sent by mail. To that end, the WRIGHT County District Court has the following resources to help LEP individuals and court staff communicate with each other:

The following resources are available:

- Language Identification Card
- Multi-lingual employees
- Language Line
- Face to face interpreters
- Telecommunications Relay Service (TRS)
- On line translating services
- On line Spanish/English glossary
- Misc translating tools attached to this plan
- Remote Interpreter equipment (currently installed in Wright County but pilot process has not taken place)

Language Identification Card
The "Language Identification Card" is used to aid in identifying the language that the LEP individual speaks.

Multi-Lingual Employees
Court employees, or local county staff, 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 should 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.

Language Line
When face-to-face interpreting is not appropriate or unavailable for assisting the LEP individual, the Court employee may make use of the Office of Enterprise Technology (OET) Language Line. Each location of the following MJC offices has a unique 6-digit access codes for billing purposes.

Face to Face Interpreters
If circumstances permit the use of a face to face interpreter, Court employees can access the Minnesota Interpreter Roster at the Minnesota Judicial Branch public website and the Intranet (CourtNet) for court proceedings.

Telecommunications Relay Service
Allows court employees to call a person who is deaf/hard of hearing/speech impaired by using the TRS special operator who relays information to the client and the client is able to type back a response which the operator reads aloud to the court employee. This service is toll free 24 hours a day.

On line Translating Services
These may be used for simple immediate communicative needs. These help in translating an English statement into a foreign language in written form.
www.freetranslation .com
http;//translation2.paralink.com
http;//world altavista.com
http;//www.worldlingo.com/en/products_services/worldlingo_translator.html
http://www.babelfish.com/

Spanish/English Glossary
http;/www.nccourts.org/Citizens/CPrograms/Foreigh/Documents/Clerks_manual.pdf

Translated Spanish Phrases
Attachment at the end of this plan, which contains commonly used phrases when conducting business with the courts.

Delayed hearing for interpreter translation document
Attachment at the end of this plan which is used to communicate to LEP client that their hearing will be rescheduled in order to obtain an interpreter.

Remote Interpreter Equipment
This equipment is anticipated to be used when short/or no notice interpreters are needed. When utilized the LEP client would not be delayed from conducting court business. The phone equipment is an alternative for both in the courtroom and counter service interpreting. As of the LEP plan period, testing has not taken place.

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 WRIGHT 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; Petitioners Information Sheet; Law Enforcement Information Sheet; Domestic Abuse Instruction Sheet; Respondents Petition for Hearing; Affidavit and Notion to Modify Order for Protection; and Application for Extension for Order for Protection; Notice of Change of Address.
- Delayed or rescheduled hearing forms are available in Amharic, Arabic, Chinese, Hmong, Khmer, Laotian, Oromo, Russian, Serbo-Croatian, Somali, Spanish and Vietnamese

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

IV. TRAINING

The Minnesota Judicial Branch is committed to providing LEP training opportunities for all employees who may come in contact with LEP individuals. The LEP Coordinator will work with the Education and Organizational Development division to ensure that new employees are trained on the LEP plan as part of the mandatory Judicial Branch New Employee Orientation. Additionally, judges are trained on interpreter issues at the New Judge Orientation.

The Minnesota Judicial Branch provides periodic training for front line staff to connect LEP individuals with the appropriate resources such as:

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

Training specifically provided in Wright County District Court Administration employees include

- Periodic viewing of "Breaking Down the Language Barrier" a video training tool provided by the Department of Justice
- Instruction on, and a personal copy of, the LEP Plan for each Court Administration staff member
- Opportunities to attend Cultural Diversity training sessions offered by EOD (A department of State Court Administration).
- Intermittent email instructions/training or staff meeting agenda items related to LEP topics.
- Intermittent training for staff on hearing impaired listening devices for courtroom litigants, jurors, or court employees. Point team members handle problem solving on the devices, to ensure quality assistance for the LEP clients.
- A copy of the Minnesota Judicial Branch Reference Guide for Interacting with Limited English Proficient (LEP) Individuals.

V. PUBLIC NOTIFICATION AND EVALUATION OF LEP PLAN

A. LEP Plan Approval & Notification

The WRIGHT 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 shall be submitted to the District Administrator for approval, and then forwarded to the SCAO. Copies of WRIGHT County District Court's LEP plan will be provided upon request. In addition, WRIGHT County District Court will post this Plan on its website, and the SCAO will post it on the Minnesota Judicial Branch's public website.

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 staff members 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 Judicial Branch public website.

LEP Contact Person
Melanie Larsen Sinouthasy
Diversity Specialist and LEP Coordinator
25 Rev. Dr. Martin Luther King Blvd.
Saint Paul, MN 55155
(651) 284-4343
melanie.sinouthasy@courts.state.mn.us

Local Contact:
Sharon Schubert
Court Operations Supervisor
Wright County Court Administration
10 2nd St NW Room 201
Buffalo MN 55313
763-682-7534
sharon.schubert@courts.state.mn.us

The effective date of this LEP plan is **September 15, 2010.**

Michael G Martin
Judicial District Administrator
8/31/10