Circuit Court of Jackson County
Language Access Plan

Section I. Policy Directive

It is the policy of the Circuit Court of Jackson County to provide meaningful access for all Limited English Proficient (LEP) persons who use the courts' services. The purpose of this policy is to establish effective guidelines consistent with Title VI of the Civil Rights Act of 1964, Executive Order 13166 and the Americans with Disabilities Act (ADA).

> Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d *et. seq,* provides that "No person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."
>
> Executive Order 13166 requires all agencies receiving federal funds to address the needs of persons who, due to limited English proficiency (LEP), cannot fully and equally participate in the agency's programs without language assistance.
>
> The Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008, 42 USC §§12101-12213, require that state and local government facilities, including courts, be accessible to individuals with disabilities and provide reasonable accommodations to qualified persons. The U.S. Department of Justice has published regulations implementing the ADA, found in 28 CFR Part 35. The regulations under ADA Title II require that courts and other public entities take "appropriate steps to ensure the communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others." (28 CFR 35.160(a)). State and local governments are required to "furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an opportunity to participate in, and enjoy the benefits of, a service, program, or activity." 28 CFR 35.160(b)(1).

In accordance with federal mandates and state requirements, this court and all its personnel shall provide free language assistance services to all LEP individuals who request such assistance. Members of the public shall be informed that language assistance services are available to qualified LEP individuals and that the circuit courts shall provide those services to them upon request.

Definitions

Limited English Proficiency or Limited English Proficient (LEP):

1. The inability, because of the use of a language other than English, to adequately understand or communicate effectively in English in a court proceeding.

2. The inability, due to a speech impairment, hearing loss, deafness, deaf-blindness, or other disability, to adequately hear, understand, or communicate effectively in English in a court proceeding. (See Wis. Stat. §885.38(1)(b)1-2))

Interpreting/interpretation: The oral conversion from one language to another language.

Machine translation: Internet-based technology (usually free) that automatically translates written material from one language to another without the involvement of a translator.

Remote interpreting: The provision of interpreting services using technology in a situation where the interpreter is at a location physically separate from the consumers of the interpreting service. Remote interpreting can be provided using audio or integrated audio and video technologies.

Sight translation/sight translate: The act of reading a document written in one language while converting it orally into another language.

Translating/translation: The written conversion of a document from one language to another language.

Section II. Implementation Plan

A. Local Contact Person

A staff member has been designated to coordinate all language assistance services for the courts [*or between county agencies and the courts*]. This person is responsible for identifying, scheduling and coordinating interpreters for both spoken and sign language; hiring translators if necessary; and responding to inquiries about language assistance services.

Name: Cheryl Olson **Title:** Judicial Assistant
Telephone: 715-284-0213 **Email: cheryl.olson@wicourts.gov**
Office Address: 307 Main St., Black River Falls, WI 54615
Responsibilities: Scheduling and coordinating interpreters for the spoken language.

Name: Jan Moennig **Title:** Clerk of Court
Telephone: 715-284-0208 **Email: jan.moennig@wicourts.gov**
Office Address: 307 Main St., Black River Falls, WI 54615
Responsibilities: scheduling for sign language, hiring translators, and responding to inquires about language assistance services.

Name: Jennifer Noack **Title:** Juvenile Clerk
Telephone: 715-284-0288 **Email: Jennifer.noack@wicourts.gov**
Office Address: 307 Main St., Black River Falls, WI 54615
Responsibilities: Scheduling and coordinating interpreters for the spoken language in juvenile cases.

Name: Heather Zak **Title:** Register in Probate
Telephone: 715-284-0286 **Email: heather.zak@wicourts.gov**
Office Address: 307 Main St., Black River Falls, WI 54615
Responsibilities: Scheduling and coordinating interpreters for the spoken language for probate, guardianship and mental commitments.

B. State Contact Person

For questions about interpretation and translation related issues at the state level contact Carmel Capati, Office of Court Operations, 110 East Main St. #410, Madison WI 53703. Phone: 608-266-8635; E-Mail: carmel.capati@wicourts.gov

C. Identification and Assessment of Limited English Proficiency (LEP) Communities

The LEP population in our county is identified by reviewing data from the US Census Bureau which is updated every ten years. Changes in the LEP population will be monitored using mid-census estimates and projections from the American Community Survey (ACS). Other data such as from the Department of Education, the Migration Policy Institute or other local or state agencies may be used.

LEP Population Estimates for County

a. Total county population is: 19,302.
b. Total LEP county population is 340 .
c. LEP county percentage is 2%.
d. Top 5 languages spoken by individuals who identify as LEP:

Language	Total Speaking Language	Total Speaking English Less Than Very Well	% Speaking English Less than Very Well	% of County LEP
1. Spanish or Spanish Creole	287	111	38.7%	32.6%
2. German	425	100	23.5%	29.4%
3. Other West Germanic Languages	89	53	59.6%	15.6%
4. Other Native North American Language	323	28	8.7%	8.2%
5. Scandinavian Languages	33	21	63.6%	6.2%

e. Total LEP county population based upon a hearing disability is 760.
f. LEP county percentage based upon a hearing disability is 4%.

D. Responsibility to Provide Language Assistance Services

The clerk of court will ensure signage to the public on the availability of free language assistance services and the availability of translated forms is posted at visible and frequent points of contact throughout the courthouse. Interpreters for all in-court proceedings, counter interaction and other out-of-court approved activities will be provided on a continuing basis in accordance with state laws. (See Wis. Stat. §885.38(3)(a)(d) and (e))

1. **Frontline Counter Responsibilities.** It is important that all frontline court staff understand the importance of providing culturally competent assistance since they are often the first points of contact with all members of the public including LEP individuals and families. Deputy clerks of courts and other court personnel will be trained on the procedures for identifying persons with LEP, recommended procedures on how to obtain qualified language services, and other cultural competency issues. Training for court staff will also include requirements under the ADA and methods to address the needs of deaf and hard of hearing consumers. As new employees are hired, information on this Language Access Plan (LAP) will be included in their new employee orientation.

2. **Circuit Court Responsibilities.** The direct provision of spoken and sign language interpreters for all civil and criminal proceedings, which includes scheduling and payment, is the responsibility of the circuit courts. The obligation to identify and provide services to qualified LEP persons lies with the circuit courts under Wis. Stats. §§885.38(3)(a) and 885.38(8)(a). Initial identification may be done by the clerk of courts office, a judicial assistant, or other court staff. Interpreter needs may also be pointed out by the district attorney, public defender, private attorneys, community advocates, victim-witness coordinators, family members, or friends. The ultimate responsibility for appointment of an in-court interpreter belongs to the judge. Clerks of circuit court may appoint for interpreter services used in the clerk's office. (See Wis. Stat. §885.38(3)(d)).

   Court staff and judges are aware that many people who need an interpreter will not request one because they do not realize language assistance is available or because they do not recognize the high level of communication skills needed in court. When it appears an individual has difficulty communicating, it is the policy of this court to err on the side of providing an interpreter to ensure full access to the courts. Litigants can waive their right to an interpreter if the waiver is done knowingly and voluntarily in open court. (See §885.38(4)(a)).

3. **Director of State Court Responsibilities.** The Director of State Courts has made progress in improving court interpreter services statewide. The Supreme Court has supported this effort through requests for additional funding, statutory changes, and changes to court rules. The Director's office will continue its central role in training and testing interpreters, providing training for judges and court staff (judicial assistants and clerk of

court personnel), translating vital court forms, and pursuing statutory changes and additional funding as needed.

4. **Securing Funding to Ensure Language Assistance Services are Available.** The primary obligation to pay for court interpreter services rests with the county. The costs of interpreter services will be borne by the county and will not be charged to the court user, indigent or not. Counties are reimbursed by the state for qualified interpreter services under Wis. Stat. §885.38(8)(a) and in a manner determined by the Director of State Courts under Wis. Stat. §758.19.

   The clerk of court will monitor the amount spent on court interpreter services and the amount reimbursed by the state. The clerk of court may need to ask for additional funding from the county board as needed and may consider cost-effective alternatives to providing language assistance services. Some of the options may include the use of remote interpreting for short, non-evidentiary hearings, block scheduling of interpreted cases, implementation of a county wide contract for interpreter services with an agency or individual, or hiring part-time or full-time staff interpreters.

E. Ensuring Quality Language Assistance Services

The circuit courts will strive to ensure quality language assistance services are being provided to LEP individuals at all times.

A certified interpreter will be the first choice for appointment for in-court proceedings whenever available. After a diligent effort has been made to locate a certified court interpreter and none is available, the court may appoint a non-certified court interpreter who is listed on the statewide roster. If neither a certified nor non-certified roster interpreter is available, the court may appoint an interpreter who is not listed on the statewide roster but who is otherwise deemed qualified. For hearings expected to last 2 hours or longer the court will schedule a team of two interpreters.

Sign language interpreters who work in court for compensation must hold legal certification or hold a license by the Wisconsin Department of Safety and Professional Services in accordance with state law. (See Wis. Stat. §440.032)

The court may use an interpreter remotely in appropriate circumstances. Remote interpreting will primarily be used if the hearing is short, if the distance an interpreter will have to travel is long, or if a rare language is needed. A well-qualified interpreter hired remotely is considered a better choice than a poorly-qualified local interpreter or a non-professional.

Court staff may use community resources to assist in locating interpreters or translators for rare languages and for emergency situations. These resources may include social service agencies, community based organizations and cultural centers, professional interpreting and translating agencies, college language departments, advocacy groups, local hospitals, and schools. The court understands that individuals from these sources may not necessarily

be trained in court interpreting and will be questioned carefully by the judges to determine their qualifications.

Translated forms will be made available to the public but will not be used to replace the need for an interpreter, any colloquies mandated by law, or the responsibility of the court and counsel to ensure LEP individuals fully comprehend their rights and obligations.

All interpreters who work regularly in court are expected to understand and abide by the Code of Ethics for Interpreters when performing their duties. (See SCR Ch. 63) It is expected that all interpreters who accept assignments regularly in this court will have participated in orientation training offered by the Court Interpreter Program (CIP), and will continue to take full advantage of continuing education training opportunities locally, nationally and internationally to further develop their professional skills.

F. Monitoring, Evaluating and Updating the LAP

The clerk of court will monitor, evaluate and update its LAP policy directives and implementation procedures periodically. The LAP and all revised versions shall be approved by the presiding judge of the circuit court or other designated judge and filed with the Director's CIP. This LAP and any future revisions shall be communicated to all employees.

1. **Monitoring.** The clerk of courts will monitor the effectiveness of this LAP by periodically surveying staff to determine if changes regarding language access services should be modified, through observation of interactions between frontline staff and LEP individuals, soliciting feedback from community organizations when appropriate, or collaborating with other agencies throughout the county to ensure high-quality, cost-effective use of language services.

2. **Evaluating.** The Director of State Courts will routinely coordinate efforts with the circuit courts to review its LAP, to identify any problems and recommend action if necessary. Elements of the evaluation will include:

   ♦ assessment of the number of LEP persons requiring interpreter services (in-court and out-of-court) within the county and statewide
   ♦ assessment of whether staff members adequately understand language assistance policies and are implementing procedures established by the court
   ♦ training court staff on working with LEP litigants in a culturally competent manner
   ♦ determination if additional services or translated materials should be provided

3. **Updating.** This LAP will be updated as needed to reflect changes to policies or procedures both locally, statewide and nationally. Changes may include but are not limited to demographic shifts, modification in the method language assistance services are provided or changes in the vendors who provide the services.

Section III. Language Access Implementation Procedures

Notice to the Public

Multilingual signs on the availability of language services are posted at visible points throughout of the courthouse, specifically at the counter and in all courtrooms. Signs on the availability of translated forms are posted at the counter and in all the courtrooms. A copy of the court's LAP is posted on the court's website and is available to the public upon request.

Out-of Court Situations

A. Encounters with LEP individuals over the telephone

When an LEP person contacts the court by telephone, court staff will first attempt to identify the language of the caller and make an initial determination of the service the caller is trying to access or information the caller is seeking.

☐ The court's bilingual staff person will attempt to assist the caller. Bilingual court staff is available in the following language(s):
☐ Spanish ☐ Hmong ☐ Other, specify language:

☐ The court's staff interpreter will attempt to assist the caller. A staff interpreter is available in the following language(s):
☐ Spanish ☐ Other, specify language:

☐ A contract interpreter who is working in the court will be called to assist if available.

√ Staff will initiate a three-way call with a commercial language line company and/or interpreting agency.

☐ Written procedures for how to conduct a three-way call are available to staff.

The court uses the following commercial language line company and/or interpreting agency to provide remote interpreting services:
Swits

☐ Staff will initiate a three-way call with a contract interpreter from the Director of State Court's Roster to provide remote interpreting services.

☐ Other (describe the procedure staff uses, attach additional sheet if necessary):

If the caller is deaf and is calling through a Video Relay Service (VRS) or TTY:

√ Any available court staff person will assist the caller as needed.

☐ Other (describe the procedure staff uses, attach additional sheet if necessary):

_____

_____

_____

B. Encounters with LEP individuals in-person

When an LEP person appears in-person at the clerks counter, court staff will first attempt to identify the language of the individual and make an initial determination of the service he/she is trying to access or information being sought. (e.g. obtain general information, fill out a court form, pay a fine, file a petition, etc.) If staff cannot readily determine the language, Language ID cards which are available at the counter will be used to allow the individual to point to the language he/she speaks.

√ Staff will initiate communication with the individual's friend of family member who is accompanying him/her.

☐ Staff will attempt to convey very basic information using a machine translation service such as Google Translate.

☐ The court's bilingual staff person will attempt to assist the individual.

☐ The court's staff interpreter will attempt to assist the individual.

☐ A contract interpreter who is working in the court will be called to assist if available.

√ Staff will obtain a spoken language interpreter remotely for a telephonic interpreted session.

√ Appropriate technology is available to facilitate interpretation at the counter (e.g. telephone with speaker capabilities at the Clerk of Court's office)

☐ Written procedures for how to obtain a spoken language interpreter remotely are available to staff.

The court uses the following commercial language line company and/or interpreting agency to provide remote interpreting services:
Swits

_____

☐ Other (describe the procedure staff uses, attach additional sheet if necessary):

_____

_____

_____

If the individual is deaf:

√ Staff will attempt to convey very basic information through the exchange of simple written notes.

√ Staff will initiate communication with the individual's friend of family member who is accompanying him/her.

☐ Staff will obtain a sign language interpreter remotely for a video interpreted session.

☐ Appropriate technology is available to facilitate interpretation at the counter (e.g. video equipment)

☐ Written procedures for how to obtain a sign language interpreter remotely are available to staff.

The court uses the following commercial language line company and/or interpreting agency to provide remote interpreting services:

_____

_____

☐ Other (describe the procedure staff uses, attach additional sheet if necessary):

_____

_____

_____

C. Documents submitted to the court in a language other than English

Wis. Stat. §757.18 requires all writs, process, proceedings and records in any court within this state to be in the English language. The court may order the party to pay for a translation of the document that will be submitted as evidence under Wis. Stat. §901.09.

When a document will first attempt to identify the nature of the document and the language in which it is written.

If the document is a letter, email, or other (e.g. birth certificate, will, etc. to the court):

√ In very limited circumstances a machine translation service such as Babelfish or Google Translate will be used to ascertain the general meaning of the text in order for staff to follow up appropriately.

☐ The court's bilingual staff person or staff interpreter will translate the document into English.

√ The court will obtain a translation of the document into English by an outside interpreter or translator.

☐ The court will require the submitting party to translate the document into English before receiving it.

☐ Other (describe the procedure staff uses, attach additional sheet if necessary):

_____

_____

_____

If the document is a court form with responses in a language other than English:

√ The court will require the submitting party to translate the non-English responses into English.

☐ Staff will use in-person interpreting services to sight translate the non-English responses to English. Staff will record the interpreted English responses on the form.

☐ Staff will use remote interpreting services to sight translate the non-English responses to English. Staff will record the interpreted English responses on the form. Staff may need to scan or fax a copy of the document to the remote interpreter.

☐ Other (describe the procedure staff uses, attach additional sheet if necessary):

_____

_____

_____

D. Tracking and Recording LEP data

The clerk of court tracks the following information on LEP individuals in our service area:

☐ Language
☐ Who used the interpreting services
☐ Frequency of encounters with LEP individuals
☐ Types of cases where interpreters were used
☐ Interpreter hours

☐ Other (describe other data staff may record):

_____

_____

_____

The clerk of courts or other staff tracks and records LEP data:
☐ Daily ☐ Weekly ☐ Monthly ☐ Yearly

√Our courts do not maintain this information

In-Court Situations
Coordination and cooperation between judicial staff and clerk of court staff is required at all times in order to ensure the timely provision of language assistance services.

The person responsible for scheduling an interpreter for the courts is:

☐ Interpreter Coordinator or Scheduler

√ Judicial Clerk

☐ Clerk of Court Staff

☐ Other, provide responsible person:

☐ The county or the court has a contract with an interpreting agency to schedule and provide all interpreting services; provide agency:

E. Advanced Notice
When advanced notice is given that an interpreter is required for an in-court proceeding:

☐ The court's staff interpreter will be scheduled.

√ Staff will use the Director of State Courts' Roster to schedule an interpreter to provide either in-person interpreting services or remote interpreting services when appropriate. A certified interpreter will be the first choice for appointment and will be scheduled whenever available.

☐ Staff will use an interpreting agency to schedule an interpreter to provide either in-person interpreting services or remote interpreting services when appropriate. A certified interpreter will be the first choice for appointment and will be requested whenever available

☐ Staff will use a commercial language line company to schedule an interpreter to provide remote interpreting services when appropriate.

☐ Staff will use interpreters from other states or jurisdictions either in-person or remotely.

☐ Staff may contact the court interpreter program for assistance in locating an interpreter.

☐ Staff uses the CCAP calendaring system to schedule interpreters.

☐ Staff uses scheduling software to schedule interpreters.

☐ The following software is used: Click here to enter text.

☐ Staff uses block scheduling of interpreted cases

☐ Other (describe the procedure staff uses, attach additional sheet if necessary):

_____

_____

_____

F. Short Notice

When little or no advanced notice is given that an interpreter is required for an in-court proceeding:

√ Staff will use the Director of State Courts' Roster to schedule an interpreter to provide either in-person interpreting services or remote interpreting services when appropriate. A certified interpreter will be the first choice for appointment and will be scheduled whenever available.

√ Staff will use a commercial language line company, interpreting agency or individual not on the Roster to provide remote interpreting services (spoken and sign language).

☐ The court's staff interpreter will be used to provide in-person interpreting services.

☐ The court's bilingual employee will be used to provide in-person interpreting services.

☐ A bilingual attorney will be used to provide in-person interpreting services.

☐ A bilingual advocate will be used to provide in-person interpreting services for temporary restraining order hearings or other emergency hearings.

☐ An individual from a local community organization will be used to provide in-person interpreting services.

☐ An interpreter from a local hospital will be used to provide in-person interpreting services.

☐ An individual from a local college will be used to provide in-person interpreting services.

☐ A family member or friend will be used to provide in-person interpreting.

☐ Real-time reporting will be used (deaf and hard-of-hearing litigants).

☐ Staff may contact the court interpreter program for assistance in locating an interpreter.

☐ Other (describe the procedure staff uses, attach additional sheet if necessary):

_____

_____

_____

G. Ensuring an Interpreter is Provided for Subsequent Hearings

In order to ensure an interpreter is scheduled for all subsequent hearings:

☐ Staff uses the CCAP calendaring system to indicate an interpreter is needed throughout the pendency of the case.

☐ The judicial clerk provides a hearing notice to the interpreter in-court to ensure he/she provides services during all subsequent hearings.

☐ The judicial clerk or clerk of court staff will send a hearing notice to the interpreter or agency by US mail or e-mail.

√ Other (describe the procedure staff uses, attach additional sheet if necessary):
We use block scheduling for interpreter needed hearings.

_____

_____

H. Deaf Jurors

When a deaf or hard of hearing person receives a jury summons, the court has developed a process for facilitating communication with the individual prior to service and during jury service.

☐ The juror summons form has a contact number and instructions on how the deaf or hard of hearing individual can contact the court (e.g. to report for jury duty or to request an accommodation).

√ The court will contact the deaf or hard of hearing individual to arrange an accommodation once the need is made known.

√ Other (describe the procedure staff uses, attach additional sheet if necessary):
The court has hearing assist devices available for hard of hearing individuals at jury trials.

_____

If a deaf individual will be included in the jury panel, staff will ensure a team of sign language interpreters, a real time reporter, or other reasonable accommodation is provided during voir dire as requested.

If a deaf individual is chosen to serve as a juror, court staff will ensure a team of sign language interpreters, a real time reporter, or other reasonable accommodation is provided during the trial including jury deliberations as requested.

I. LEP Jurors (not including deaf individuals)

In order to serve as a juror in Wisconsin, Wis. Stat. §756.02 requires individuals to be able to understand the English language. Individuals who appear for jury duty who cannot understand the English language (not due to a disability) are not qualified to sit for jury duty in accordance with state law. Court staff will convey this information to the individual using appropriate procedures.

Translated Forms

A. Translation of Statewide Court Forms

The court uses statewide forms that have been translated by the Director's Offce to assist the interpreter and to give the court user an opportunity to read along if he/she is able to read. Staff will provide copies of frequently used translated forms to interpreters and litigants.

√ Frequently used translated forms are available in each courtroom.

√ Frequently used translated forms are available at the counter.

☐ Other (describe the procedure staff uses, attach additional sheet if necessary):

_____

_____

_____

B. Translation of Local Informational Materials

√ The court has translated local materials into:

Provide language(s): Spanish

Describe information that has been translated: How to contact the State Public Defender

☐ The uses the following procedure to identify local documents to be translated and how a translation is obtained:

Frequency of need.

_____

_____

_____

☐ Our court has not translated local informational materials.

Complaints

A. Language access related complaints
Complaints regarding lack of language assistance services or the quality of language assistance provided will be handled on an individual basis and may be brought to the attention of the presiding judge, clerk of court, district court administrator, or other court employee.

√ A contact person has been designated to receive complaints regarding a lack of language assistance services or the quality of the language assistance provided:

Name: Jan Moennig **Title:** Clerk of Court
Telephone: 715-284-0208 **Email: jan.moennig@wicourts.gov**
Office Address: 307 Main St., Black River Falls, WI 54615
Responsibilities: Handle complaints regarding lack of language assistance or lack of quality of language assistance.

B. Interpreter related complaints
Complaints about interpreters who have allegedly engaged in unethical or unprofessional conduct in the course of performing their interpreter duties will be handled on an individual basis and may be brought to the attention of the presiding judge, clerk of court, district court administrator, or other court employee.

√ The court may refer the complaint to the Director's CIP which has developed a disciplinary policy for complaints against interpreters who appear on the roster.

Public Resources
A copy of the court's LAP is available to the public upon request and is posted on court's website. The link is: http://www.co.jackson.wi.us/vertical/sites/%7B4C09F8F2-A8A2-4929-9E2A-A836851B00CC%7D/uploads/Language_Access_Plan.tiff

If appropriate, the clerk of court may seek input from community based organizations or advocacy agencies whose clientele are affected by this LAP. The LAP may be modified to reflect suggestions or recommendations from such entities to improve language assistance services the court provides.

Information about the Director of State Courts CIP is available on the court's website at http://wicourts.gov/services/interpreter/certification.htm

Information on how to file a complaint against an interpreter is available on our court's website at http://wicourts.gov/services/public/interpretercomplaint.htm

Information on the Circuit Courts' ADA policy is available at the court's website at http://wicourts.gov/services/public/docs/adapublicnotice.pdf

The effective date of this plan is the 9 day of September, 2016.

By: _____
Hon. Anna L. Becker
Circuit Court Judge
Jackson County, WI