



**HENNEPIN COUNTY DISTRICT COURT
FY 11 LIMITED ENGLISH PROFICIENCY (LEP) PLAN**

I. LEGAL BASIS AND PURPOSE

This document serves as the plan for Hennepin County District Court to provide services to limited English proficiency (LEP) individuals in compliance with Federal law¹. 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 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

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. 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

This information is based on data 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 (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 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 “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 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 hearings.

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 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 various information counters.

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 notify the court about an LEP individual's need for an interpreter for an upcoming a court hearing.

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 [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.

In accordance with Rule 8, Hennepin 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, Somali, Hmong, American Sign Language, French, Lao, Vietnamese, Russian and Mandarin. When Hennepin County District Court has made a "diligent" effort to find a certified court interpreter and none is available, the Hennepin County District 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.

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

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:

The following resources are available:

- Language Identification Card
- Multi-lingual employees
- Language Line
- Face to face interpreters

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 may be available to voluntarily assist in interpreting should an LEP individual require assistance.

These employees 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 AT&T Language Line.

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.

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. Hennepin County District Court 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:

<u>Department</u>	<u>Form</u>	<u>Languages</u>
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
	Probation Violation Statement of Rights	Cambodian, Hmong, Lao, Russian, Somali, Spanish and Vietnamese
Family	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
	Statement of Rights for First Court Appearance on Paternity Proceedings	Cambodian, Hmong, Lao, Russian, Somali and Spanish
Juvenile	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.

Hennepin County District Court has the following translated forms and documents:

<u>Department</u>	<u>Form</u>	<u>Languages</u>
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, Lao, 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, Lao
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	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

The Fourth Judicial District has the following translated brochures:

<u>Brochure</u>	<u>Language</u>
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, Lao, 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, Lao, Russian, Somali, Spanish, Vietnamese
Using Credit Wisely	Hmong, Lao, Somali, Spanish, Vietnamese
What to Do If You Are Being Sued	Hmong, Lao, Somali, Spanish, Vietnamese
Your Rights In an Eviction	Cambodian, Hmong, Lao, 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.

Hennepin County 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 Hennepin County District Court :

New Employee Orientation

The Human Resources and Scheduling/Interpreter divisions present information to new employees about the court's responsibilities in providing ADA accommodations and interpreter services. Employees are given the tools necessary to recognize and respond to the needs of individuals with disabilities.

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.

Serving a World of Customers

This course helps participants learn and apply skills for providing helpful, sensitive, and respectful service that is tailored to unique needs that may relate to a customer's physical ability, language, technology use, service expectations or many other factors.

Why Diversity Matters (ITV)

Rapidly changing demographics, globalization and an aging workforce are some of the trends that affect the work of the Minnesota Judicial Branch. This session explores the importance of understanding and valuing diversity and inclusion and why it matters in the Courts.

Working with Immigrant Clients in MN Courts (ITV)

Navigating the court's complex system can be challenging for any court user, but for people who have emigrated from another country, the challenges can be even greater. This presentation explores basic perceptions and understanding that influence the interaction between communities and the courts.

Amendments to The Americans Disabilities Act

This session challenges participants' perspective on the ADA. After nearly 20 years, why has the ADA not made the fundamental changes originally expected in the lives of people with disabilities?

Working with Vietnamese Clients in MN Courts (ITV)

This presentation highlights legal and communication issues from Vietnamese communities that help raise awareness.

Working with East African Clients in MN Courts (ITV)

This presentation highlights historical, cultural, and communication issues from East African communities that help raise awareness for this unique regional culture and its communities.

Understanding Hispanic and Latino Clients

This presentation highlights the Hispanic/Latino community's historical and cultural heritage and customs to help raise awareness for the community the court serves.

Helping Customers with Limited English Proficiency

The Fourth District Court is committed to providing meaningful access to all individuals who access its services. This includes full access to services for customers with limited English skills whether these services are sought at the counter or in the courtroom.

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 Minnesota Judicial Branch'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 by posting on the Judicial Branch [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.

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The effective date of this LEP plan is September 1, 2010.