BENTON COUNTY DISTRICT COURT
FY13-FY14 LANGUAGE ACCESS PLAN (LAP)

I. LEGAL BASIS AND PURPOSE

A. Federal

This Language Access Plan (LAP) serves as the plan for the Benton 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 Benton County District Court. This LAP 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.

B. State of Minnesota

For the purposes of sections Minn. Stat. § 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.

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. 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.

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[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.

II. ANNUAL UPDATE

A. Statewide

The Minnesota Judicial Branch provides court services to a wide range of persons, including people who do not speak English proficiently or who are deaf or hard of hearing.

According to the Minnesota Court Interpreter Program which tracks court interpreter usage, the most widely used languages for interpreters in Minnesota courts in **2012** were (in descending order of usage):

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

B. Benton County District Court

- French
- Spanish
- Somali
- Sign Language – American
- Vietnamese
- Arabic - Standard

II. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters Used In the Courtroom

In the Benton 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, Minn. Stat. § 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 Benton County District Court will determine whether an LAP court customer needs an interpreter for a court hearing.

First, the LAP person may request an interpreter. The Benton 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.*"

Second, court employees and judges may determine that an interpreter is appropriate for a court hearing. When it appears that an individual has difficulty communicating due to a language barrier, 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 LAP individual's need for an interpreter for an upcoming court hearing.

2. Court Interpreter Qualifications

The Benton 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 Benton 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 Benton County District Court has made a "diligent" effort to find a certified court interpreter and none is available, the Benton County District Court then seeks a non-certified court interpreter who is on the statewide roster.

In compliance with Rule 8, the Benton 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.

In certain circumstances, the Minnesota Judicial Branch may use technology to provide interpreter services from a remote location. Variances in local resources, technology, and procedure may determine how these services are implemented.

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.

B. Spoken Language Services Outside The Courtroom

The Benton County District Court is also responsible for taking reasonable steps to ensure that LAP 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 LAP individuals without an interpreter. LAP individuals come in contact with court employees in person, by telephone and through other means. The Minnesota Judicial Branch has the following resources to help LAP 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 State of Minnesota's Language Line (see below). Employees may use this document to help identify the language that an LAP individual speaks.

Multi-Lingual Employees
Court employees may be available to voluntarily assist in interpreting should an LAP 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 State of Minnesota Language Line to obtain a phone interpreter to assist an LAP individual outside the courtroom.

C. Translated Forms & Documents

The Minnesota Judicial Branch understands the importance of translating forms and documents so that LAP individuals have greater access to court services. The Minnesota Judicial Branch 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. A Court Forms Translation Workgroup has been created to consider and prioritize requests for form or document translation.

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

IV. TRAINING

The Benton County District Court is committed to providing LAP training opportunities. LAP 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 LAP training through the Judicial Branch's internal website (CourtNet).

The Benton County District Court provides periodic training on LAP 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 LAP

A. Public Notification

LAP plans are available to the public on the Minnesota Judicial Branch's public website. Copies of Benton County District Court's LAP are available upon request. In 2013, the Minnesota Judicial Branch partnered with ECHO MN (Emergency, Community, Health and Outreach) to create a video on "Going to Court in Minnesota" which is available by DVD and online in English, Hmong, Somali and Spanish.

B. Evaluation of the LAP

The Benton County District Court's LAP is approved by the District Administrator and forwarded to the State Court Administrator's Office. The LAP 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 LAP 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 LAP policies and procedures and how to carry them out
- Gathering feedback from LAP communities

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

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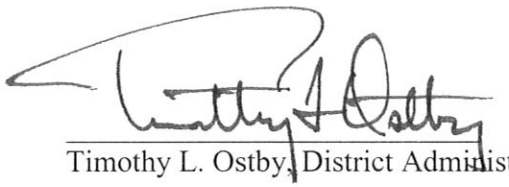

Timothy L. Ostby, District Administrator

The effective date of this LAP is August 1, 2013