

**WASECA 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 Waseca 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 Waseca 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.

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. Waseca County District Court

Waseca County District Court will make every effort to provide service to all LAP persons. However, the following list shows the languages that are most frequently used in the area.

- Spanish
- American Sign Language
- Chinese-Mandarin

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

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters Used In the Courtroom

In the Waseca 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 Waseca 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 Waseca 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 Waseca County District Court displays this sign at the following location: Outside the Court Administrator's office at the main counter.

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 LAP individual's need for an interpreter for an upcoming a court hearing using the following methods: The Waseca Sheriff's Department informs the Court Administrator's Office of the need to for interpreters before in-custody individuals are transported to court.

2. Court Interpreter Qualifications

The Waseca County Scheduling Coordinator contacts the Interpreter Coordinator in the Third District to hire the interpreters for all court hearings or other court ordered appointments 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 Court Net 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, the Interpreter Coordinator in the Third District 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, Russian and Mandarin Chinese. When the

Interpreter Coordinator in the Third District has made a “diligent” effort to find a certified court interpreter and none is available, the Interpreter Coordinator in the Third District then seeks a non-certified court interpreter who is on the statewide roster.

In compliance with Rule 8, the Interpreter Coordinator in the Third District 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.

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, available at <http://www.mncourts.gov/?page=463>

B. Spoken Language Services Outside The Courtroom

The Waseca 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 staff, because in most situations they are charged with assisting LAP individuals without an interpreter. LAP individuals may come in contact with court personnel via the phone, counter or other means. To that end, the Waseca County District Court has the following resources to help LAP individuals and court staff communicate with each other:

- When court staff member do not know what language a customer is speaking, they use “I Speak” cards which are available in forty languages.
- In order to meet the needs of those who speak the applicable languages, court staff refers individuals with general questions to the Minnesota courts pro se website in foreign languages.
- Court staff will also schedule interpreters to meet with individuals before there next scheduled hearing.
- <http://courtnet.courts.state.mn.us/0/?page=3950>

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 Waseca 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 Waseca 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 Waseca 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, YouTube on online.

A. Evaluation of the LAP

The Waseca 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.

LAP Contact Person

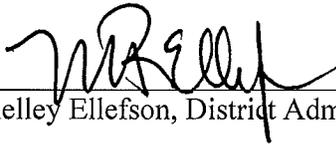
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The effective date of this LAP is July 29, 2013



Shelley Ellefson, District Administrator