

**FOURTH JUDICIAL CIRCUIT
STATE OF ILLINOIS**

LANGUAGE ACCESS PLAN

I. LEGAL BASIS AND PURPOSE

This document shall serve as the Language Access Plan (LAP) for the Fourth Judicial Circuit Court to provide services to limited English proficient (LEP) individuals, as required under Title VI of the Civil Rights Act of 1964. 45 C.F.R. Sec. 80 et seq; and 28 C.F.R. Sec. 42 et seq. The purpose of this LAP is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with the Fourth Judicial Circuit Court of Illinois, and ensure that LEP individuals within the jurisdiction of the Fourth Judicial Circuit are provided with meaningful and equal access not only to the courts themselves, but also to court services and court-annexed programs. This LAP has been prepared to highlight the language access services needs and services available in 2014.

II. DEMOGRAPHIC INFORMATION AND LANGUAGE ACCESS DATA COLLECTION

The Fourth Judicial Circuit Court will make every effort to provide services to all LEP persons. The following list includes the foreign languages that are most frequently used in this circuit's geographic area:

1. Spanish
2. French
3. Arabic

This information is based on data collected and maintained by county:

Christian County: Julie Mayer, Circuit Clerk
Clay County: Crystal Ballard, Circuit Clerk
Clinton County: Rod Kloeckner, Circuit Clerk
Effingham County: John Niemerg, Circuit Clerk
Fayette County: Kathy Emerick, Circuit Clerk
Jasper County: Jamie Blake, Circuit Clerk
Marion County: Ronda Yates, Circuit Clerk
Montgomery County: Holly Lemons, Circuit Clerk
Shelby County: Susan Arthur, Circuit Clerk

The Fourth Judicial Circuit Court will comply with the Administrative Office of the Illinois Courts (AOIC) language access data collection requirements. The Fourth

Judicial Circuit Court will collect the following data and submit a report to the AOIC on a quarterly basis:

- The number of court events and non-court events that included a limited English proficient party by case type and the language interpreted; and
- The type of interpreter used in court events and non-court events; certified or registered foreign language interpreter listed on the AOIC interpreter registry; a sign language interpreter listed on the AOIC interpreter registry; an unregistered interpreter; interpreter present via phone conference; or interpreter present via video conference.

The methods utilized to collect the individual case and party data required for compilation and completion of the report are the following:

The Court Interpreter Information Form will be distributed to all circuit clerks, probation chief managing officers, and mediators.

In the instance where the services of an interpreter are required for a court proceeding and the services of an interpreter are secured by the circuit clerk, the circuit clerk shall complete the Court Interpreter Information Form and submit it to the Chief Judge's office.

In the instance where the services of an interpreter are required by a probation department, the chief managing officer shall complete the Court Interpreter Information Form and submit it to the Chief Judge's office.

In the instance where the services of an interpreter are required for court ordered mediation, the mediator shall complete the Court Interpreter Information Form and submit it to the Chief Judge's office.

The Chief Judge's office will collect the individual case and party data from the Court Interpreter Information forms submitted and complete the AOIC Court Interpreter Data Collection Report. The Chief Judge's office will submit the Court Interpreter Data Collection to AOIC on a quarterly basis.

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters in the Courtrooms

1. Determining When an Interpreter is Needed

The Fourth Judicial Circuit Court strives to utilize three primary methods for ascertaining the necessity of an interpreter in a given proceeding.

First, the LEP individual may proactively request an interpreter, whether through counsel or pro se, to provide language assistance. Signs should be displayed at locations throughout every courthouse that refer litigants to where they can request assistance if LEP litigants require an interpreter. The notice will be displayed at the entrance to the courthouse, the front desk of the Circuit Clerk's office, the Self-Representation Help Desk location, on the County and Circuit's website and at each floor of the courthouse near the public elevators.

At this time, Clinton County displays a sign in multiple languages (Spanish, Chinese, Vietnamese, Russian/Serbian) to inform LEP persons they can request an interpreter. The remaining counties of the Fourth Judicial Circuit will display a notice in multiple languages which will state "You may have the right to a court-appointed interpreter in a court case. Please ask someone at the court information desk." All counties in the Fourth Judicial Circuit will also display the U.S. Department of Commerce's "Language Identification Flashcard".

Pursuant to the Fourth Judicial Circuit's Protocol Regarding Effective Communication for the Deaf and Hard of Hearing, all counties of the Fourth Judicial Circuit display a "Notice to Deaf and Hard of Hearing" directing persons where within the courthouse to request auxiliary aids and services.

Second, a judge or other court employee may determine that an interpreter is appropriate for a certain proceeding. Where it appears that an individual is incapable, due to limited English proficiency, of understanding and communicating at the level required in a given proceeding, the judge or other court personnel should offer the appointment of an interpreter. Many individuals who come into contact with the court system are unaware of the availability of interpreters and similarly lack knowledge of the level of English proficiency required to meaningfully participate in court proceedings, and as such, it is imperative that judges and court personnel play an active role in identifying LEP individuals. The AOIC distributed a bench card to all circuit judges with sample questions to assist with determining whether an individual is LEP.

Judges currently communicate in the courtroom with LEP individuals or attorneys representing the parties to determine if an interpreter is needed. When an interpreter is requested at any stage in a criminal proceeding, the court provides one at no cost to the defendants.

The counties of the Fourth Judicial Circuit have the following criminal/traffic court forms translated into Spanish: Waiver of Preliminary Hearing; Appearance, Plea of Guilty, Waiver of Jury and Lawyer; Your Rights in Traffic Court; Certificate of Trial in Abstentia Admonition; Plea of Guilty, Waiver of Jury Trial.

Third, in certain types of cases, other stakeholders in the court system should be able to notify the court that an interpreter will be needed for an upcoming proceeding. For example, an attorney involved in the case; a social worker; a probation officer; or an

official from a correctional facility might contact the court on behalf of an LEP individual.

In all counties within the Fourth Judicial Circuit, the State’s Attorney’s office, Public Defender’s office, attorneys, litigants (or their relatives), or personnel from any court-related department commonly notify the Court of the need for interpreting services.

2. Court Interpreter Qualifications

In the Foreign Language Court Interpreter Act, the Supreme Court was given the authority to establish and administer a program of testing and certification for foreign language interpreters through its AOIC. 705 ILCS 78. Pursuant to its statutory authority, the AOIC has created a statewide certification program. In order to receive certified status in Illinois, an interpreter has to pass rigorous written and oral examinations that test for skills, vocabulary, ethics and court procedural knowledge. The AOIC maintains a statewide registry of interpreters that is distributed to the circuit courts and contains contact information for interpreters in several languages. After the AOIC receives results from the certification exams, the registry indicates which interpreters have achieved “certified” or “registered” status.

In accordance with the Illinois Supreme Court Language Access Policy, the decision to provide an interpreter for any legal proceeding is left to the discretion of the judge, who must decide whether a party or witness has a limited ability to speak and understand English. Pursuant to Supreme Court Policy, the Fourth Judicial Circuit Court will make diligent efforts to appoint a “certified” interpreter if available, recognizing that the availability of certified interpreters may be limited in the initial phases of implementing the certification program. If a certified interpreter is not available, the Fourth Judicial Circuit Court then seeks a “registered” court interpreter that has met the requirements to be on the statewide interpreter registry. The Fourth Judicial Circuit appoints an unregistered interpreter only when certified and registered interpreters are unavailable. Whenever a non-certified interpreter is used in the courtroom, judges are encouraged to inquire into the interpreter’s qualifications, skills, and potential conflicts of interest. The judicial bench card distributed to all judges in the Fourth Judicial Circuit provides guidance for determining the qualifications of an unregistered interpreter.

The Chief Judge’s Office refers court personnel to the AOIC Court Interpreter Registry at <http://www.illinoiscourts.gov/CivilJustice/LanguageAccess/default.asp> for contact information of interpreters. The Fourth Judicial Circuit uses interpreters on a per diem basis only. Counties in the Fourth Judicial Circuit may from time-to-time contract with an outside agency for interpreter services on a case-by-case basis.

3. Providing Interpreters for the Court

a. For Felony, Misdemeanor, Traffic and Juvenile Matters

Pursuant to the Illinois Criminal Proceeding Interpreters’ Act, an interpreter must be provided, at no cost to the accused, to all defendants charged with misdemeanors or

felonies, who, due to limited English proficiency, are unable to understand the proceedings or express themselves in a manner that is clearly understood by counsel, court, and jury. 725 ILCS 140/1.

The Fourth Judicial Circuit Court complies with the Illinois Criminal Proceedings Interpreters' Act and provides interpreters if needed for misdemeanor and felony proceedings. If an interpreter is needed but one is not available, the judge stays the proceeding until an interpreter is available.

Should interpreting services be needed at any stage of a criminal proceeding, the court arranges for an interpreter or other interpreting services. These services include both in-person interpreters or telephonic interpreting services for those languages not commonly used in court.

For interpreting services of languages other than the most common, the Fourth Judicial Circuit Court endeavors to obtain an in-person interpreter. Should one be unavailable, the court uses a telephonic interpreting service.

Effingham County schedules a language day with a Spanish interpreter every third Thursday of the month at 1:00 p.m. Marion County and Montgomery County schedule language interpreter days monthly as needed. The remaining counties of the Fourth Judicial Circuit schedule interpreters as needed at the judge's discretion.

b. For Civil and Family Matters

The Illinois Supreme Court Policy provides that courts should appoint an interpreter for any legal proceeding, including civil cases and court-annexed proceedings. Recognizing the limited resources for language access, funding priority should be given to providing interpreter services to low and moderate income persons.

Language access has also been incorporated into Supreme Court Rules in mediation settings. Illinois law requires that, where a judicial circuit chooses to implement a mortgage foreclosure mediation program, it must provide resources for "meaningful language access for program participants." Ill. Sup. Ct. R. 99.1(d)(iv). Illinois law also requires that, "where a litigant can only communicate in a language other than English, the court will make a good-faith effort to provide a mediator, and a pro bono attorney where applicable, and/or an interpreter who speaks the language of the litigant who needs English assistance." Ill. Sup. Ct. R. 905.

There are no foreclosure mediation programs in the Fourth Judicial Circuit. During other civil matters, interpreters will be provided at the judge's discretion at no cost to the participant.

B. Beyond the Courtroom: Services for LEP Individuals

The Fourth Judicial Circuit Court is also responsible for taking reasonable steps to ensure that LEP persons have meaningful access to services outside of the courtroom. LEP individuals might never make it to the courtroom in the first instance without the assistance of court staff and other personnel. This presents challenges for court employees that are not bilingual and must assist LEP persons without an interpreter.

If a circuit clerk of the Fourth Judicial Circuit determines an interpreter is needed for the circuit clerk's office to communicate with an LEP person, the circuit clerk will make arrangements to provide either in-person or telephonic interpretation using the AOIC Interpreter Registry at <http://www.illinoiscourts.gov/CivilJustice/LanguageAccess/default.asp>.

All probation departments in the Fourth Judicial Circuit will make arrangements to provide interpreter services for LEP persons using the AOIC Interpreter Registry at <http://www.illinoiscourts.gov/CivilJustice/LanguageAccess/default.asp>.

Clinton County provides in-person interpreting services in Spanish. An employee of the circuit clerk offers her language skills as a courtesy and is not required to perform interpreter services as part of her job duties. Non-attorneys are not permitted to offer legal advice. When requests for non-Spanish interpreters are made, Clinton County makes arrangements for a telephone interpreter.

IV. TRAINING OF COURT STAFF

The Fourth Judicial Circuit Court is committed to the training of court staff and to increasing awareness of LEP issues and responsibilities among court staff and other professionals who regularly come into contact with the courts. One critical component of language access is the identification of an LEP person who needs language assistance, whether the situation is presented during a courtroom proceeding or other court-related activity or function. Education and training concerning the rights of, and procedures regarding LEP individuals should be provided on a regular basis for all courthouse personnel, including courtroom clerks, deputies, and all filing and records staff. All personnel should be reasonably capable of identifying an LEP individual in need of language assistance and of directing that individual to the appropriate resources (e.g., interpreter services, help desks, translated forms and brochures).

The AOIC, in coordination with the Illinois Supreme Court Commission on Access to Justice and the Illinois Judicial Conference Committee on Education, will be responsible for ensuring that judges and other personnel of the court are provided with quality ongoing training about the provision of services to the LEP population.

This includes providing all judges, court personnel, and court-appointed professionals with training on the following: legal requirements for language access; court policies and rules; language services provider qualifications; ethics; effective techniques for working with language services providers; appropriate use of translated materials; and cultural competency.

At a minimum, with very little cost or specialized training, mandatory education concerning the needs of LEP persons should be provided on an ongoing basis to judges and courtroom personnel so that they are able to perform the following tasks within the courtroom:

- Identify LEP persons
- Ascertain the native language of the LEP person
- Access language assistance tools and interpreter services
- Inform LEP persons of language assistance services and reference materials available
- Provide “Need Language Assistance?” signs or forms near or within the courtroom
- Use a language identifier sheet or bench card
- Note in the docket and/or order that language assistance was required and provided

The Fourth Judicial Circuit will work in collaboration with the AOIC to ensure that all judges and court personnel receive relevant language access trainings and have the adequate support to provide language access services as needed.

V. PUBLIC NOTIFICATION AND ONGOING PLAN EVALUATION

A. LAP Approval and Publication

The Language Access Plan will be reviewed by the Chief Judge of the Fourth Judicial Circuit. Upon approval by the Chief Judge, the Language Access Plan will be submitted to the AOIC for review and approval by the AOIC Language Access Services Specialist. Any revisions to the plan must be submitted to the Language Access Services Specialist of the Administrative Office of the Illinois Courts. The plan will be available to the public via the AOIC and the Office of the Chief Judge of the Fourth Judicial Circuit. In addition, a copy of the plan will be posted on the Fourth Judicial Circuit website: www.fourthcircuitil.com.

B. Ongoing LAP Evaluation

The AOIC will review each circuit or county’s LAP on an annual basis to ensure that it reflects both the status of services available to LEP individuals as well as the need for such services. During the process of evaluation, the following will be among the considerations: (1) the demand for interpretation services throughout the state by language; (2) the need for documents or other services in languages other than English; (3) the level of awareness and understanding of LEP policies among court personnel; and (4) feedback from the various LEP communities served by the circuit courts. The evaluation will be meant to identify both strengths and weaknesses in the plan and its implementation as well as to determine strategies for strengthening identified areas. An

annually revised version of these LAPs will be made available through the AOIC's Language Access Services Specialist.

VI. STATEWIDE GOALS AND BEST PRACTICES

Ultimately, as identified by the Illinois Supreme Court Language Access Policy, it is the goal of the Illinois Supreme Court that every LEP individual in the state will have meaningful access to the justice system. As such, all courts in this State, including all courts in the Fourth Judicial Circuit will strive to ensure that:

- Signs pointing LEP persons to language assistance will be posted in at least one key spot in every courthouse in Illinois.
- Court personnel in every courthouse in Illinois will know how to identify an LEP individual and will have access to a language identification flashcard (or other relevant resources) in order to help the LEP individual obtain assistance; and then, will know where to direct that LEP party to get additional assistance.
- Certified, registered, or otherwise qualified interpreters are provided, at no cost to the litigant, in both criminal and civil matters any time an individual is unable to understand and communicate effectively in a court proceeding due to limited English proficiency.
- A statewide list of certified interpreters is available to the administrative staff of every circuit throughout the state.
- All interpreters who are listed as certified have, at a minimum, passed a written examination testing their English proficiency, ethics, and court procedural knowledge and an oral examination testing their interpreting skills.
- A statewide court interpreter certification program is created, including screening and a test of their interpreting skills in a legal setting, which uses the National Center for State Court (NCSC)'s written and oral exams.
- Avenues of communication are in place between law enforcement officials and court personnel so that an individual's status as an LEP individual is identified and noted prior to his or her first appearance in court, thereby reducing the likelihood of delay.
- A system is implemented whereby a person's status as LEP is noted within all civil case files, thereby reducing the likelihood of excessive delays.
- Official court documents are available in the languages most commonly understood by LEP persons.
- LEP persons are able to meaningfully participate in court-annexed programs, and that LEP services are available for all court, clerk and court-annexed programs.
- Each circuit develops and implements a comprehensive LAP that outlines the rights of LEP individuals as well as the ways in which LEP individuals within that circuit can obtain meaningful access to the courts and their ancillary services.
- LAPs for the Illinois courts are reviewed regularly to ensure that they accurately reflect and address the needs of the LEP populations they serve.

VII. CIRCUIT COURT GOALS AND ACTION STEPS

The Fourth Judicial Circuit Court will strive to accomplish the following action steps to address language access:

1. Post multilingual signs in high traffic areas of the court;
2. Establish a Language Access Committee to provide input into the development of the Language Access Plan;
3. Improve standardization of data collection regarding the frequency of interpreting services by language;
4. Explore implementation of Language Line in counties that do not currently use telephone interpreting services;
5. Improve coordination of cases involving Spanish and cases involving less common languages;
6. Create Spanish language flash cards with FAQs in order to communicate more effectively with LEP individuals seeking help;
7. Create Spanish/English bilingual forms most frequently used in court;
8. Offer procedural training to all court offices, including State's Attorney's public defender, circuit clerk, and probation; and
9. Ensure that the Fourth Judicial Circuit is in compliance with all standards promulgated by the AOIC.

VIII. CONTACT INFORMATION

LAP Contact:

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LAP Approval Conducted by:

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E-Mail:

Dated: _____

Michael D. McHaney, Chief Judge

IX. EFFECTIVE DATE

This LAP shall be effective as of July 1, 2015.