

<p><b>CIRCUIT COURT OF _____ COUNTY</b>  <b>LANGUAGE ASSISTANCE PLAN</b>  <b>DEMOGRAPHICS AND INITIAL DATA</b></p>
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Please fill in the following information for this county:

**1. Demographics.**

For this county:

- A. The Hispanic population is \_\_\_\_\_, or \_\_\_\_\_% of the county population.  
 B. The Hmong population is \_\_\_\_\_, or \_\_\_\_\_% of the county population.  
 C. Other common languages include: \_\_\_\_\_  
 D. The number of people age 5 and older who speak English less than “very well” is \_\_\_\_\_, or \_\_\_\_\_% of the county population.

**2. Service information.**

A. The courts need interpreters primarily for these types of cases (check all that apply):

- criminal     juvenile     traffic     CHIPS     small claims  
 civil     probate     family     restraining orders

B. The courts need Spanish interpreters:

- daily     weekly     monthly     rarely

C. The courts need Hmong interpreters:

- daily     weekly     monthly     rarely

D. The courts need sign language interpreters:

- daily     weekly     monthly     rarely

E. The courts need other interpreters:

- daily     weekly     monthly     rarely

languages (check all that apply):

- |   |  |                                  |
|---|--|----------------------------------|
| <input type="checkbox"/> Albanian                 | <input type="checkbox"/> Chinese-Cantonese | <input type="checkbox"/> French  |
| <input type="checkbox"/> Arabic                   | <input type="checkbox"/> Chinese-Mandarin  | <input type="checkbox"/> Greek   |
| <input type="checkbox"/> Bosnian-Serbian-Croatian | <input type="checkbox"/> Deaf Relay        | <input type="checkbox"/> Hindi   |
| <input type="checkbox"/> Bulgarian                | <input type="checkbox"/> Farsi             | <input type="checkbox"/> Italian |

<input type="checkbox"/> Japanese	<input type="checkbox"/> Portuguese	<input type="checkbox"/> Ukrainian
<input type="checkbox"/> Khmer	<input type="checkbox"/> Punjabi	<input type="checkbox"/> Urdu
<input type="checkbox"/> Korean	<input type="checkbox"/> Russian	<input type="checkbox"/> Vietnamese
<input type="checkbox"/> Lao	<input type="checkbox"/> Somali	
<input type="checkbox"/> Mai-Mai/Bantu	<input type="checkbox"/> Thai	
<input type="checkbox"/> Polish	<input type="checkbox"/> Tibetan	
<input type="checkbox"/> Other (specify): _____		

### 3. Federally-funded programs:

<input type="checkbox"/> VAWA	<input type="checkbox"/> drug court	<input type="checkbox"/> CHIPS subgrant
<input type="checkbox"/> juvenile delinquency funding	<input type="checkbox"/> child support cooperative agreement	
<input type="checkbox"/> law enforcement grant	<input type="checkbox"/> federal training grant	<input type="checkbox"/> other: _____

### 4. Local language and cultural resources:

- Community groups:
- Social services agencies:
- Interpreting & translating agencies:
- Two-Year and Four-Year Colleges:
- Hospitals:

### 5. Evaluation measures:

- all court personnel who interact with the public will be informed of this plan
- all court personnel who work with the public, or who appoint or work with interpreters, will receive the two-page summary on effective use of interpreters
- signs will be posted in visible locations informing court users that interpreters are available
- clerk of court staff and intake staff will be given “I speak” cards for identifying language needs (available on court website)
- all staff who hire interpreters will be informed of the court interpreter roster and hire interpreters from it (available on court website)
- court staff will use translated material available from the state and locally (available on court website)
- this plan will be filed with the county administration and distributed to interested community groups and agencies as requested
- new staff will be informed of the plan as they are hired

**6. Local contact person.** The following person has been designated to coordinate language services with other county agencies and with the director's office:

\_\_\_\_\_

**7. Effective date.** The effective date of this language assistance plan is \_\_\_\_\_.

\_\_\_\_\_  
Judge

<p><b>CIRCUIT COURT OF _____ COUNTY</b>  <b>LANGUAGE ASSISTANCE PLAN</b>  <b>NARRATIVE</b></p>
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### **Section I. Legal Basis and Purpose**

This document serves as the plan for **[ENTER your circuit court name]** to help ensure access to court services for persons with limited English proficiency (LEP). It is designed to respond to Title VI of the Civil Rights Act of 1964, the requirements imposed by Executive Order 13166, and related guidance. It also covers interpreter services to deaf and hard of hearing persons under the Americans with Disabilities Act (ADA) and Wisconsin law.

The purpose of the plan is to provide a framework for the provision of timely and effective language assistance to persons with limited English proficiency who come in contact with **[ENTER your circuit court name]**. It is designed to be read in conjunction with the Wisconsin Director of State Courts Plan explaining the relevant federal law and guidance.

Counties that receive federal funding for court programs are required to submit a language assistance plan to the director's office every two years. The U.S. Department of Justice has the right to investigate complaints against any federally-funded agency that does not provide free language services when necessary to participate in the program. An agency's federal funding may be withheld until the complaint is resolved.

**[COMMENT: All counties are encouraged to review the requirements and submit plans, particularly counties with high LEP populations. Circuit courts may participate in county plans instead of using this model plan as long as the same elements are addressed.]**

### **Section II. Needs Assessment**

The circuit court of each county is responsible for conducting a needs assessment and developing a local language assistance plan to meet the court-related needs of the county population.

**[COMMENT: The circuit courts may choose to coordinate with the county administration and other county offices in evaluating and providing language services. The circuit court should update its needs assessment biennially and determine whether changes to its language assistance plan are required. This can include tracking the number of interpreters requested for each language, consulting new demographic information, observing trends in court usage, making sure the county is using the most-qualified interpreters available, reviewing translated materials,**

*training staff, and finding out what new services are being offered. The language assistance plan should consider the county's demographics and language needs, the frequency with which LEP persons use the courts, the importance of the services offered, and a cost-benefit analysis.]*

## 1. Demographics.

The demographic data for **[ENTER your county name]** is listed below:

POPULATION	NUMBER	PERCENT OF COUNTY POPULATION
Hispanic	<b>[DIRECTIONS: provide information from Q1A Demographics]</b>	<b>[DIRECTIONS: provide information from Q1A Demographics]</b>
Hmong	<b>[DIRECTIONS: provide information from Q1B Demographics]</b>	<b>[DIRECTIONS: provide information from Q1B Demographics]</b>
Other(s): <b>[DIRECTIONS: provide information from Q1C Demographics]</b>		
Number of people age 5 and older who speak English less than "very well"	<b>[DIRECTIONS: provide information from Q1D Demographics]</b>	<b>[DIRECTIONS: provide information from Q1D Demographics]</b>

**[COMMENT: Language needs vary by county. Population data by county from the 2000 US census, showing foreign language speakers and the number of speakers who speak English less than "very well" is available. The Wisconsin Population Laboratory publishes reports on the Hispanic and Hmong populations of Wisconsin with county-by-county demographic data. These reports are found at <http://www.ssc.wisc.edu/poplab/>]**

## 2. Service information.

In **[ENTER your county name]**:

**[DIRECTIONS: provide information from Q2 Service Information indicating case type and frequency for each language listed]**

A. The courts need interpreters for these types of cases primarily: \_\_\_\_\_

B. The courts need Spanish interpreters \_\_\_\_\_.

C. The courts need Hmong interpreters \_\_\_\_\_.

D. The courts need sign language interpreters \_\_\_\_\_.

E. The courts need interpreters in the following languages (list language and frequency) \_\_\_\_\_

**[COMMENT: Each court should be aware of the demand for interpreter services in court and in the offices of the clerk of court, juvenile clerk, and register in probate. The court should be aware of which languages are most often needed and in which types of cases. Courts should**

*consider whether routine appointment of interpreters will speed the court's business, such as a regular Spanish interpreter for traffic court or consider hiring a staff interpreter.]*

### 3. Costs.

[ENTER *your county name*] will monitor the amount spent on court interpreter services and the amount reimbursed by the state. As the county LEP population increases, the number of interpreter appointments will necessarily increase. Since Wisconsin state laws changed requiring courts to provide interpreters in all cases, the need for interpreters will also likely increase.

[ENTER *your county name*] costs for interpreters and reimbursement:

**[DIRECTIONS: *provide information from quarterly reimbursement request forms and accounting records*]**

YEAR	AMOUNT COUNTY SPENT ON INTERPRETER SERVICES	AMOUNT STATE REIMBURSED COUNTY FOR INTERPRETER SERVICES	PERCENTAGE

**[COMMENT: *Title VI of the Civil Rights Act contemplates that interpreter services will be provided free of charge to the user whenever necessary to participate in a federally-funded program. The director's office recognizes that in the current budget situation it will be difficult for county boards to provide funding for all the services covered by Title VI. State and county budget constraints are an important part of the picture, but do not justify failure to make as much progress as possible with the money available. The clerk of circuit court should be aware of the procedures for seeking reimbursement for interpreter services under §758.19.*]**

### Section III. Court Responsibilities

**State court responsibilities.** The director of state courts office has made great 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, training judges and court staff, translating court materials, and pursuing statutory changes and funding. The state court interpreter program is described on the court's website at <http://www.wicourts.gov/circuit/CourtInterpreter.htm>.

**Circuit court responsibilities.** In Wisconsin, the direct provision of interpreter services, including scheduling and payment, is the responsibility of the circuit courts. The obligation to identify and provide services to 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, the public defender, community advocates, or others. 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. §885.38(3)(d).

The primary obligation to pay for court interpreter services also rests with the county. Counties may be reimbursed by the state from an annual appropriation to the director of state courts office, under §885.38(8)(a) and §758.19. The criteria for state reimbursement are set by statute and are summarized in Attachment D. Reimbursement is provided for all in-court proceedings in all case types regardless of indigency and for some out-of-court services with court approval. 885.38(3)(e)

Interpreters or other services will be provided to deaf and hard-of-hearing court users covered by the Americans with Disabilities Act (ADA) when needed. The costs of these services will be borne by the county and will not be charged to the court user, indigent or not.

#### **IV. Resources Available**

**Statewide resources.** Information about training, hiring, and using interpreters is on the court's website at <http://www.wicourts.gov/circuit/CourtInterpreter.htm>. The website contains statutes, court rules, and most of the case law applicable to court interpreters. Information about statewide resources is also contained in the director's language assistance plan.

To take full advantage of the state programs:

- All interpreters who work regularly in the courts should attend court training programs. Court staff will inform local interpreters about training opportunities.
- Court staff will make state-translated forms available to appropriate court users. Courts will evaluate requested local materials and consider having them translated by accredited professional translators. State-translated forms are available on the court website at <http://wicourts.gov/forms1/circuit.htm>
- Courts will use "I speak" cards to help identify which language a court user speaks.
- Courts will post signs in visible locations informing court users of the right to an interpreter.

#### **Appointing an interpreter.**

Court staff and judges should be aware that 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 high level of communication skills needed in court. When it appears an individual has difficulty communicating, the court should err on the side of providing an interpreter to ensure full access to the courts. The circuit courts are also responsible for providing assistance to LEP and deaf and hard of hearing individuals on the phone and at the clerks counter.

***[DIRECTIONS: This is the most important part of your LEP plan, so please be as detailed as possible. Explain the general procedure for determining need and then appointing an interpreter. Explain the process for what happens with in-court and out-of -court situations for Spanish, Hmong, more rare spoken languages and sign language.***

***Situations to consider: In-Court***

- when a person appears in-court needing an interpreter what happens if no interpreter is readily available for the hearing; how is the court file “flagged” that an interpreter is needed; are CCAP interpreter maintenance codes used and if so, who enters that information and when; how do you ensure an interpreter will be there at the next hearing; do you send an interpreter a hearing notice; who is the person responsible for locating an interpreter; is real-time reporting available; is video-conferencing available in the courtroom; do you use the roster or some other list

Situations to consider: Out-of-Court

- when a Hmong or Spanish-speaking person comes to the clerks counter looking for assistance what happens (to pay a fee, file a petition, etc.); are bilingual staff available to assist; do you use the roster to contact someone via telephone; how are translated materials made available

- when a deaf or hard of hearing person comes to the clerks counter looking for assistance what happens (to pay a fee, file a petition, etc.); are there video capabilities

- when a person who speaks a more rare language comes to the clerks counter looking for assistance; do you have a telephone language line account set up with a provider; are “I speak” cards available to identify the language spoken;

**RECOMMENDED PRACTICE:** A certified interpreter should be the first choice for appointment if available. When a diligent effort has been made to find a certified court interpreter and none is available, the court may appoint a non-certified court interpreter who is on the statewide roster. If neither a certified nor roster interpreter is available, the court may appoint a non-certified interpreter who is not listed on the statewide roster and who is otherwise qualified.

**RECOMMENDED PRACTICE:** The court may also use a video or telephone interpreter in appropriate circumstances. Telephone interpreting can be a good choice 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 over the phone is a better choice than a poorly-qualified local interpreter or a non-professional

[**COMMENT:** Most professional interpreters are independent contractors or work for an independent interpreting agency. Any interpreter hired by the court should be a trained, neutral professional, not a family member or friend of the party, a social worker, lawyer or law enforcement officer. Use of non-professional interpreters such as these should be limited to simple proceedings such as a change of date, to emergencies where no neutral, professional interpreter can be found in person or on the telephone, and to situations where no other person can communicate with the LEP person.]

**Local resources.** Community resources may be of assistance in finding interpreters or translators. They include social services agencies, community groups and cultural centers, professional interpreting and translating agencies, college language departments, local hospitals, and schools. Courts understand that interpreters from these sources are not necessarily prepared to do court work and will be questioned carefully about their qualifications. Court interpreters will be hired from the roster whenever possible.

## Section V. Public Input

A copy of this LEP is posted on this court's website and can be found at [ENTER *link to website*]. Copies of state and local language assistance plans may be available to the public upon request.

Complaints regarding language access and services may be brought to the attention of the district court administrator and to the director's office for review. Complaints about interpreters who have allegedly engaged in unethical or unprofessional conduct in the course of performing their interpreter duties should be similarly reported. A grievance procedure for filing complaints against interpreters was developed and is posted on the court's website at <http://wicourts.gov/services/public/interpretercomplaint.htm>

[ENTER *name of district court administrator and contact information*]

## Section VI. Training

### Circuit court staff training.

Front line staff members are often the first points of contact with LEP individuals. Deputy clerks of courts and judicial assistants will be trained on ways to identify limited English proficiency, best practices on delivering services, and cultural issues. Staff will also be reminded of the requirements of the Americans with Disabilities Act (ADA). As new employees are hired, information on the language assistance plan and the ADA will be included in their new employee orientation.

[COMMENT: *The director's office and the office of judicial education can provide programs for judges, court staff, and others on how to use interpreters in court, how to communicate effectively with persons of limited English proficiency, and cultural understanding. Court staff should contact the director's office to request training.* ]

## Section VII. Evaluation

**Evaluation of the language assistance plan.** Biennially, the director's office will coordinate with the circuit courts to review the effectiveness of the plan, to identify problems and proposed action. Elements of the evaluation will include:

- number of LEP persons receiving court interpreters
- assessment of whether staff members adequately understand language assistance policies
- determination if additional services or translated materials should be provided
- feedback from community groups and individuals in the service area of each court.

Each county's language assistance plan shall be approved by the presiding judge or other judge and filed with the director's office. The first plan is due March 1, 2004. The plan and any future revisions should be communicated to all employees.

**Local contact person.**

A court staff member is designated to coordinate language services with other county agencies and with the director's office. This person is listed below:

**[ENTER *local person who coordinates language services with contact information.*]**

**State contact person.** For questions about interpretation and implementation of this plan, please 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](mailto:carmel.capati@wicourts.gov).

Attachments: Summary of demographic data  
Two-page summary on effective use of court interpreters