41st Judicial District
LANGUAGE ACCESS PLAN

Section I. Legal Basis and Purpose

This Language Access Plan (LAP) is the plan for the judicial district to ensure meaningful access to court services for persons with limited English proficiency (LEP) or deaf or hard of hearing in compliance with Title VI of the Civil Rights Act of 1964[1], the Omnibus Crime Control and Safe Streets Act,[2] the Pennsylvania Interpreter Act,[3] and the Administrative Regulations Governing Court Interpreters for Persons With Limited English Proficiency and for Persons Who Are Deaf or Hard of Hearing.[4] A limited English proficient person is a person who does not speak English as his or her primary language, and who has a limited ability to read, write, speak, or understand English, and therefore may be unable to understand and meaningfully participate in the court process. 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 Pennsylvania Interpreter Act and the Administrative Office of Pennsylvania Courts' (AOPC) Interpreter Certification Program Regulations.[5]

The purpose of the plan is to provide a framework for the provision of timely and effective language assistance to LEP persons and deaf and hard of hearing persons who come in contact with the judicial district.

The judicial district has appointed a language access coordinator

Name: Christina L. Zook

Title: District Court Administrator

to be a contact person for the public, court staff, and the AOPC concerning this plan and its implementation. The language access coordinator may be contacted through:

Address: P.O. Box 668

New Bloomfield, PA 17068

Phone #: 717-582-5143, option 5

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[1] 42 U.S.C. § 2000d *et seq.*; *see also* 45 C.F.R. § 80 *et seq.*; 28 C.F.R. § 42 *et seq.*
[2] 42 U.S.C. § 3789d(c)(1).
[3] Act 172 of 2006, 42 Pa. Cons. Stat. § 4401, *et seq.*
[4] 204 Pa. Code § 221.101 *et seq.*
[5] 204 Pa. Code 221.

Email: czook@perryco.org

Section II. Needs Assessment

A. Statewide Survey

The judicial district will make every effort to provide service to all LEP and deaf or hard of hearing persons in the court's service area. According to the 2010 AOPC survey of the district court administrators of Pennsylvania, the most widely used languages requiring interpreters in Pennsylvania's judicial districts were (number of counties in which the language is used regularly):

1. Spanish (67)
2. American Sign Language (51)
3. Mandarin Chinese (25)
4. Russian (20)
5. Vietnamese (14)
6. Arabic (14)
7. Korean (11)
8. Polish (10)
9. Italian (10)
10. French (10)

B. Judicial District Data

The following list shows the non-English languages, including American Sign Language, ("ASL"), most frequently spoken in this judicial district's physical jurisdiction, based on census data compiled by the Penn State Data Center:

1. Other West Germanic languages
2. Spanish
3. German
4. French
5. Other Asian languages

During 2012 and 2013, the most common languages, including ASL, for which interpreters were provided in the 41st Judicial District were:

1. Spanish
2. Russian

C. Identification of LEP Persons

Court staff use the following methods to identify LEP persons:

X "I Speak" cards
☐ "I Speak" poster
☐ Signage in non-English languages
X Other: communicating with an English-speaking friend or relative

Section III. Language Assistance Resources

A. Interpreters Used In Judicial Proceedings

The judicial district will offer assistance to LEP and deaf or hard of hearing persons during judicial proceedings by providing foreign language interpreters as required by Title VI of the federal Civil Rights Act, the Pennsylvania Interpreter Act, and its regulations. As defined by the Pennsylvania Interpreter Act, it is "the policy of this Commonwealth to secure the rights, constitutional and otherwise, of persons who because of a non-English speaking cultural background or because of an impairment of hearing or speech are unable to understand or communicate adequately in the English language when they appear in court or are involved in judicial proceedings."[6] Pursuant to the regulations under Act 172, the Pennsylvania Interpreter Act, specific persons are required to give notice to the court of the need for an interpreter in certain types of cases, but "anyone with knowledge of a principal party in interest, witness or direct victim's need for an interpreter may give notice of that need to the presiding judicial officer or the Appellate Court Prothonotary/District Court Administrator or his or her designee . . . ."[7]

The 41st Judicial District provides interpreters for judicial proceedings in compliance with the rules and policies set forth in the Pennsylvania Interpreter Act and regulations, the AOPC Interpreter Certification Program regulations,[8] and the Guidelines for the Procurement and Appointment of Interpreters issued by the AOPC. Interpreter request and waiver forms are available on the Interpreter Certification Program page of the UJS website.[9]

The Pennsylvania Interpreter Certification Program ("ICP") maintains a statewide roster of certified, otherwise qualified, and registered interpreters who may work in the courts, which is available to court staff and the public online.[10] The Judicial Districts must give preference to the appointment of a certified interpreter, unless a certified interpreter is not available.

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[6] 42 Pa. Cons. Stat. § 4401.
[7] 204 Pa. Code §221.201(a)(4).
[8] 204 Pa. Code §221.
[9] http://www.pacourts.us/judicial-administration/court-programs/interpreter-program
[10] http://www.pacourts.us/judicial-administration/court-programs/interpreter-program/interpreter-roster

The court may appoint otherwise qualified interpreters when certified interpreters are unavailable. Otherwise qualified interpreters should be selected from the statewide roster. If the Judicial District is unable to locate a certified, otherwise qualified, or registered interpreter on the statewide roster, then the Judicial District should contact AOPC ICP staff for guidance.

B. Language Services Beyond Judicial Proceedings

The judicial district is also responsible for taking reasonable steps to ensure that LEP persons have meaningful access to all court services, once LEP court users as been identified using the resources listed in section II(C), above. This is one of the most challenging situations facing court staff, because in most situations they will encounter LEP persons without an interpreter present. LEP persons may come in contact with court personnel via:

X Telephone

X Counter

☐ Information desk

☐ Other: _____

☐ Other: _____

Once court staff have identified LEP individuals utilizing the resources identified in II(C), court staff provide the following language assistance services in the situations listed directly above:

X Telephonic Interpretation Service (Both Perry and Juniata counties have a contract with Language Line. The service is available throughout all county offices including all Magisterial District Courts.)

☐ Video Remote Interpreting

☐ Bilingual employees

☐ Other [please specify]: _____

C. Forms & Documents

1. Statewide - The Administrative Office of Pennsylvania Courts (AOPC) makes select translated forms available to the courts on its website.[11]

2. Judicial District - The 41st Judicial District recognizes the importance of translating vital forms and documents so that LEP individuals have equal access to court services. To ensure consistency in the translation of vital documents and forms, the 41st Judicial District follows the guidelines established in

[11] http://www.pacourts.us/forms/for-the-judiciary/.

the National Center for State Courts' Guide to Translation Practices.[12] Additional translated forms available to court users include.

Translated documents:

- Guilty Plea Colloquy (Spanish)_____

Documents you intend to translate:

- Will periodically review demographics of court users for the district to determine whether document translation is necessary_____

Section IV. Training

The judicial district will work with the AOPC to ensure that all employees are trained on LEP policy and procedure. Judicial district staff will attend training to assist them to: identify and respond to LEP persons, increase awareness of the types of language services available, guide when and how to access those services, and effectively use language services. New employees, especially those who will have regular contact with the public, will be required to attend language access training.

Judicial district staff will attend and county clerks will be offered the following training regarding language access:

X Periodic training for new judicial district staff

X Periodic training for employees who have frequent contact with the public

□ Other **[please describe]**: _____

Section V. Public Notification and Evaluation of Language Access Plan

A. Language Access Plan Approval and Notification

The judicial district's LAP has been approved by the AOPC. The judicial district will post its LAP on its public website and/or public notification area within the courthouse and will make copies of the LAP available upon request. In addition, copies of the plan have been provided to all identifiable stakeholders in the LEP and deaf/hard of hearing communities, including but not limited to: the District Attorneys' Office, the Public Defenders' Office, and the local legal aid office.

[12] http://www.ncsc.org/education-and-careers/state-interpreter-certification/~/media/files/pdf/education%20and%20careers/state%20interpreter%20certification/guide%20to%20translation%20practices%206-14-11.ashx.

B. Evaluation and Review of the LAP

The judicial district will review this LAP six months from its inception, and biennially thereafter to assess whether the LAP needs updating. The LAP will remain in effect unless modified or updated. Review of the following areas may indicate a need to update the LAP:

- Increase in number of LEP and deaf or hard of hearing persons requesting court interpreters or language assistance
- Funding provided or available for languages services
- Current language needs to determine if additional services or translated materials should be provided
- Feedback from LEP and deaf or hard of hearing communities and stakeholders within the judicial district
- Court staff (turnover, new hires, etc.)
- Feedback from trainings provided by the judicial district or AOPC
- Viability of identified language services and resources
- Problem areas and corrective action strategies
- Updated census data

The language access coordinator for this judicial district ensures this plan is followed, advises the court on potential updates to this plan, and coordinates provision of language access services for the judicial district as they arise. The name and contact information of the language access coordinator is: **Christina L. Zook, District Court Administrator; czook@perryco.org.** The judicial district will notify the AOPC of any changes to the language access coordinator's contact information, or if a new language access coordinator is named. Any revisions to the language access plan will be communicated to all court personnel, and an updated version of the plan will be posted on the court's website and in a public notification area in the courthouse, as well as distributed to all relevant stakeholders.

Section VI. Grievance Procedure

Any LEP, deaf or hard of hearing individual has the right to file a complaint against the 41st Judicial District when he or she believes that the 41st Judicial District did not provide the necessary LEP or sign language services. The Language Access Coordinator shall take reasonable steps to inform LEP, deaf or hard of hearing court users about the availability of complaint forms.

The Language Access Coordinator shall:

- Utilize the attached complaint procedure and form
- Publish and make the complaint procedure and form readily available
- Post the complaint procedure prominently in the court facilities and on the court's website

All complaints regarding this LAP should be forwarded to:

Name: Christina L. Zook_____

Language Access Coordinator

41st Judicial District

Street Address: 2 East Main Street

P.O. Box 668

City, State, Zip: New Bloomfield, PA 17068

Phone Number: 717-582-5143, option 5

Fax Number: 717-582-5144

Email Address: czook@perryco.org

The Language Access Coordinator or his/her designee will investigate any complaints that allege noncompliance with this LAP. If the investigation results in a finding of compliance, the Language Access Coordinator will inform the LEP individual in writing of this determination, including the basis for determination. If the investigation results in a finding of noncompliance, the Language Access Coordinator will inform the LEP person of the noncompliance in a letter that outlines the steps that will be taken to correct the noncompliance.

Effective Date: March 1, 2015

Date: 06/23/15 Language Access Coordinator Signature: Christina L. Zook

Date: 6-23-15 President Judge Signature: Kathy A. Morrison