

**ELEVENTH JUDICIAL CIRCUIT COURT OF ILLINOIS
LANGUAGE ACCESS PLAN**

A. LEGAL BASIS AND PURPOSE

This document shall serve as the Language Access Plan (LAP) for the Eleventh 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. §80 et seq; and 28 C.F.R. §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 Eleventh Judicial Circuit Court of Illinois, and ensure that LEP individuals within the jurisdiction of the Eleventh 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 2015.

B. DEMOGRAPHIC INFORMATION

The Eleventh 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. Chinese

Other less frequently requested languages include Taglog, Arabic, Polish and French.

This information is based on data collected and maintained by the five Circuit Clerks within the judicial circuit, the five Directors of the respective Court Services offices, requests made directly to the Trial Court Administrator, and requests made to the Jury Commissioner of McLean County. The Circuit Clerks of Ford and Woodford County act as jury commissioners for those respective counties.

The Eleventh Circuit Court complies with the Administrative Office of the Illinois Courts (AOIC) language access data collection requirements. The Eleventh Circuit Court collects the following data and submits 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: Collection of language requests from the Circuit Court, Jury Commissioners, Circuit Clerks and Court Services offices within the Circuit.

C. LANGUAGE ASSISTANCE RESOURCES

Interpreters in the Courtrooms - Determining When an Interpreter is Needed

The Eleventh 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. Signs exist at the Circuit Clerk offices, and at two of the five Court Services/Probation offices. The posted signs read as follows: “Persons who need information or assistance in Spanish, please contact the Circuit Clerk’s office in Room 404”. The signs are posted in English and Spanish. The defendant (or family/friends) would self-report need.

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 will make an inquiry of the party, family and friends of the party and/or counsel appointed for the party about their ability to speak and understand English, including if the party can read or write English (if necessary). To appoint an interpreter, the judge makes an entry in court file record sheet. In certain instances, the defense counsel or prosecuting attorney would make the request (when known) of the need for an interpreter.

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.

State's Attorney, Public Defender, Private Counsel, Jail Staff, DCFS, LEA or Circuit Clerk staff may notify the court of need. Problems with interpreter scheduling usually arise when the individual is arrested, interviewed and booked without the need (or use) of an interpreter, but requires an interpreter to attend a court proceeding.

D. 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 numerous languages. After the AOIC receives results from the certification exams, the registry indicates which interpreters have achieved "certified" or "registered" status.

In accordance with Illinois Supreme Court 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 Eleventh 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 Eleventh Circuit Court then seeks a "registered" court interpreter that has met the requirements to be on the statewide interpreter registry. The Eleventh Circuit appoints an unregistered interpreter only when certified and registered interpreters are unavailable. Whenever an unregistered 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 Eleventh Circuit provides guidance for determining the qualifications of an unregistered interpreter.

The Eleventh Circuit also uses telephonic interpreter services through Language Line.

Livingston and McLean counties have made arrangements with local agencies for interpreter services for regularly reoccurring cases or dockets which may need interpreter services. The only language services available through these agencies is Spanish. In certain counties, the volume of the court docket allows an interpreter to be pre-scheduled for certain types of cases. For example, in McLean County, every Tuesday morning, a Spanish interpreter is present in the minor traffic (TR) court, and on alternating Friday mornings available in the Small Claims (SC) court. In Livingston County, the block scheduling of interpreter cases occurs approximately once a month within the minor traffic court.

E. Providing Interpreters for the Court

1. 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 Eleventh Circuit Court complies with the Illinois Criminal Proceeding 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.

All criminal proceedings where an interpreter would be needed for a party, victim or witness, one would be provided. Telephone interpreters would be used for languages not frequently encountered for the initial appearance, and every effort is made to secure in-person interpreter services thereafter.

2. 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. Supr. 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. Supr. Ct. R. 905.

All civil proceedings where an interpreter would be needed for a party or witness, one would be provided. Telephone interpreters would be used for languages not frequently encountered for the initial appearance, and every effort is made to secure in-person interpreter services thereafter.

3. Beyond the Courtroom: Services for LEP Individuals

The Eleventh 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.

There are a few forms and brochures available in Spanish and the legal assistance website: www.legalaidonline.org provides instruction and forms in Spanish.

All counties utilize the language line for assistance outside the courtroom in certain instances. The Circuit Clerk offices in Livingston and McLean Counties have personnel on staff who can speak Spanish. No other staff resources are available for interpretation services. The Court Services office in McLean Count has staff capable of translating materials in Spanish, and conversing with clientele in Spanish.

F. TRAINING OF COURT STAFF

The Eleventh 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 person 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 Eleventh 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.

G. PUBLIC NOTIFICATION AND ONGOING PLAN EVALUATION

a. LAP Approval and Publication

The Plan will be reviewed by the Chief Judge of the Eleventh Judicial Circuit. Upon approval by the Chief Judge, the Plan will be submitted to the AOIC. The Language Access Plan of the Eleventh Circuit is subject to review and approval by the AOIC Language Access Services Specialist. The Plans will be available to the public via the AOIC and each Chief Circuit Judge.

Any revisions to the plan must be submitted to the Language Access Services Specialist of the Administrative Office of the Illinois Courts.

b. Ongoing LAP Evaluation

The AOIC will review each 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.

H. STATE WIDE GOALS AND BEST PRACTICES

Ultimately, as identified by the Illinois Supreme Court 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 Eleventh 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 to 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.

I. CIRCUIT COURT GOALS AND ACTION STEPS

The Eleventh Circuit Court will strive to accomplish the following actions steps in the coming year to address language access:

1. Coordinate cases for the same defendant who needs an interpreter.
2. Begin tracking interpreter needs by language.
3. Determine the languages where it is difficult to obtain an in-person or “live” interpreter
4. Track the utilization of Language Line or similar telephone language interpretation services
5. Develop signage in Spanish and other languages for various offices/buildings

J. CONTACT INFORMATION

LAP Contact:

William J. Scanlon
Trial Court Administrator
McLean County Law & Justice Center RM 507
104 W. Front Street
Bloomington, IL 61701
309-888-5266
william.scanlon@mcleancountyil.gov

LAP Approval Conducted by:

Chief Judge Kevin P. Fitzgerald
Eleventh Judicial Circuit
McLean County Law & Justice Center RM 511
104 W. Front Street

Bloomington, IL 61701
309-888-5254
circuitcourt@mcleancountyil.gov

AOIC Language Access Services Specialist:

Sophia N. Akbar, J.D.
Language Access Services Specialist
Administrative Office of the Illinois Courts
222 N. LaSalle Street, 13th Floor
Chicago, IL 60601
(312) 793-2013 (phone)
(312) 793-1335 (fax)
sakbar@illinoiscourts.gov

K. EFFECTIVE DATE

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