

18th JUDICIAL CIRCUIT COURT OF ILLINOIS

LANGUAGE ACCESS PLAN

I. LEGAL BASIS AND PURPOSE

This document shall serve as the Language Access Plan (LAP) for the 18th 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 LAP provides a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with the 18th Judicial Circuit Court of Illinois. It also ensures that LEP individuals within the jurisdiction of the 18th Judicial Circuit Court are provided with meaningful and equal access to the courts, court services and court-annexed programs. This LAP has been prepared to highlight the language access services available in 2014 in the 18th Judicial Circuit Court and to identify the service needs which will be addressed in 2015.

II. DEMOGRAPHIC INFORMATION

The 18th Judicial Circuit Court makes 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. Polish

This information is collected and maintained by Caryl Doty, Interpreter Coordinator (Administrative Assistant).

The 18th Judicial Circuit Court understands the language access data collection requirements of the Administrative Office of the Illinois Courts (AOIC). Beginning January 1, 2015, the 18th Judicial Circuit Court will collect the required data and submit a report to the AOIC on a quarterly basis including:

- 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 Interpreter Coordinator will collect the individual case and party data required for compilation and completion of the report.

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Currently, the Court requests interpretive services from a sole source, Caryl Doty, Interpreter Coordinator (Administrative Assistant). Ms. Doty then secures the appropriate language service to meet the Court's needs. She records the required information regarding the interpretive needs on a daily basis and maintains it in a Microsoft database program. Additionally, the Court Interpreters record information on the cases in which they have assisted the Court. This information will be used to fulfill the data requirements of the AOIC in the quarterly report.

We have requested that the clerk in each courtroom document the need for interpretive services in the Court file. This information will ensure accuracy and will be readily accessible from the Clerk of the Circuit Court's data system. The goal is to provide complete and accurate information to the AOIC.

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters in the Courtrooms

1. Determining When an Interpreter is Needed

The 18th Judicial Circuit Court has multiple services available to address the needs of the LEP population. We recognize the value of in-person interpretive services and we currently employ three (3) full-time and four (4) part-time Spanish Court Interpreters to provide these services; they primarily provide interpretive services in the criminal courtrooms and the four remote traffic court sites. They are also available for civil matters if requested. We have two (2) contracted "stand by" Spanish interpreters to assist when the other interpreters are not available. We also have contractual agreements with multiple individuals and agencies which provide in-person interpretive services for other languages. Lastly, we use telephonic services when the other services are not available.

Currently, an interpreter is scheduled when the Interpreter Coordinator receives a court order from a judge. There are three primary methods for ascertaining the need for 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. Generally, these requests are met. In order to alert the LEP population to this service, signs are displayed at locations throughout the courthouse that refer litigants to where they can request assistance if they require an interpreter. There are signs posted in Spanish and Polish in the entryway of each criminal courtroom explaining that LEP persons are eligible for a free court interpreter. Notices are also in each criminal courtroom, posted on the courts website and at the main information and help desks in the building.

Second, a judge or other court employee may determine that an interpreter is appropriate for a certain proceeding. In situations where it appears that an individual is incapable, due to limited English proficiency, of understanding and communicating at the level

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required in a given proceeding, the judge or other court personnel 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.

We recognize the importance of identifying LEP individuals and support improving the skills of court personnel to accomplish this. The Court will coordinate with the Administrative Office of the Illinois Courts to provide training for judges and court personnel about the importance of providing interpretive services for the LEP population. In addition, bench cards, designed by the Administrative Office of the Illinois Courts, with sample questions to assist with determining whether an individual is LEP have been distributed to all judges of the 18th Judicial Circuit Court. The judges will be oriented on the use of these cards. We also have "I speak cards" which assist with identifying language interpretation needs. These cards have been re-distributed to every criminal courtroom and court personnel will be oriented on the use of these cards.

Third, in certain types of cases, other stakeholders in the court system notify the court that an interpreter will be needed for an upcoming proceeding. In the 18th Judicial Circuit Court, we accept requests for an interpreter from the State's Attorney's Office, the Probation Department and the Public Defender's Office. At times, a private attorney may make a request which we will generally try to meet.

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 Administrative Office of the Courts. Pursuant to its statutory authority, 705 ILCS 78, the Administrative Office of the Illinois Courts 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 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 18th Judicial Circuit Court will make reasonable efforts to appoint a "certified" interpreter if available, recognizing that the availability of "certified" interpreters may be limited in the initial phases of implementing

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the certification program. If a “certified” interpreter is not available, the 18th Judicial Circuit Court will then seek a “registered” court interpreter that has met the requirements to be on the statewide interpreter registry. The 18th Judicial Circuit will only appoint an unregistered interpreter, in the initial phase of implementation, when “certified” and “registered” interpreters are unavailable. In the rare situation when an unregistered interpreter is used in the courtroom, judges will be encouraged to inquire into the interpreter's qualifications, skills, and potential conflicts of interest. The judicial bench card, which will be distributed to all judges in the 18th Judicial Circuit, will provide guidance for determining the qualifications of an uncertified interpreter.

Our current employees, three (3) full-time and four (4) part-time Spanish Court Interpreters, were chosen following an extensive interview process which required them to demonstrate proficiency in Spanish and English. In order to maintain their employment, these employees will be required to test and obtain the necessary certification in 2015.

DuPage County uses approximately six (6) different agencies and multiple individuals for a variety of languages. We have a contractual agreement with all of these parties. They have been informed that they must test and obtain the necessary certification in order to maintain their status as contractual interpreters with this Circuit.

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 18th Judicial Circuit Court complies with the Illinois Criminal Proceeding Interpreters' Act and provides interpreters, when needed, for misdemeanor and felony proceedings. This is accomplished using three (3) full-time Spanish Court Interpreters and one (1) Polish contractor to cover all criminal cases in the main courthouse and four (4) part-time Spanish Court Interpreters to cover the four (4) traffic court sites. Interpretive services for all other languages are supplied by private agencies or individuals which have contractual agreements with the Court. Every effort is made to supply an interpreter for all languages when court ordered by a judge. In situations requiring a language which is not interpreted by our employees or independent contractors, searches are conducted to find an agency to provide telephonic interpreting. Telephonic interpreting is also used in Bond Court and in cases which require a continuance in order to obtain the services of an on-site interpreter.

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b. For Civil and Family Matters

The Illinois Supreme Court Language Access Policy provides that courts 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.

Recognizing the importance of interpretive services for these cases, the 18th Judicial Circuit provides interpretive services in cases involving civil and family matters when an interpreter is available. If necessary, additional funds will be requested to address the interpretive needs.

B. Beyond the Courtroom: Services for LEP Individuals

The 18th Judicial Circuit Court takes reasonable steps to ensure that LEP persons have meaningful access to services outside of the courtroom. We are aware that LEP individuals might never make it to the courtroom without the assistance of court staff and other personnel. These situations present challenges for court employees that are not bilingual as they try to assist LEP persons without an interpreter. Identified LEP persons are directed to the Chief Judge’s Office for assistance. As stated previously, there are full-time Spanish Court Interpreters and Spanish speaking employees who can assist with a Spanish speaking LEP individual. For all other languages, the Chief Judge's Office uses language line to assist an LEP person.

IV. TRAINING OF COURT STAFF

The 18th Judicial Circuit Court recognizes the need and is committed to training court staff on LEP issues. 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 will be provided on a regular basis for all courthouse personnel, including courtroom clerks, deputies, and all filing and records staff. All court personnel will develop competency in identifying an LEP individual in need of language assistance and of directing that individual to the Chief Judge’s Office for assistance.

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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 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.

In 2015, the 18th Judicial Circuit will work in collaboration with the AOIC to provide mandatory education on an ongoing basis to judges and courtroom personnel concerning the needs of LEP persons 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 provide reference materials in other languages
- Use a language identifier sheet or bench card
- Note in the court file that language assistance was required and provided

V. PUBLIC NOTIFICATION AND ONGOING PLAN EVALUATION

A. LAP Approval and Publication

The Language Access Plan of the 18th Circuit Court has been reviewed by the Chief Judge of the 18th Judicial Circuit Court, Kathryn E. Creswell and she has approved the contents. We are submitting the plan to the Administrative Office of the Illinois Courts for approval. We are aware that this plan is subject to review and approval by the AOIC Language Access Services Specialist. We are also aware that this plan will be available to the public via the AOIC and each Chief Circuit Judge. Any revisions to the plan will be submitted to the Language Access Services Specialist of the Administrative Office of the Illinois Courts for approval.

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;

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(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. 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. The 18th Judicial Circuit Court supports the goal of the Supreme Court and will take the necessary steps in 2015 to ensure we are complying with the identified best practices outlined below:

- 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 an ethics screening and a test of their interpreting skills in a legal setting.
- 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.

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- 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 18th Judicial Circuit Court will strive to accomplish the following actions steps in order to meet the Supreme Court’s goal that every LEP individual in Illinois will have meaningful access to the justice system:

- More signage will be placed in high traffic areas and the Court’s website will be improved to address the needs of LEP persons.
- Court personnel will be trained and will demonstrate competency in identifying LEP individuals and will have knowledge of available services to assist LEP persons.
- “Certified” and “registered” interpreters will be provided at no cost to the litigant in criminal and civil matters when an individual is unable to understand and communicate effectively in a court proceeding due to limited English proficiency.
- Communication between law enforcement officials and court personnel will occur in order to ensure that LEP persons will be identified and noted prior to their first court appearance, reducing delays in the court process.
- An LEP person’s status will be noted within the court file for all civil and criminal cases.
- Official court documents will be translated in the languages most commonly understood by LEP persons; initially this will be Spanish and Polish.
- LEP services will be made available for all court programs.
- The Language Access Plan will regularly be reviewed to ensure it accurately reflects and addresses the needs of the LEP population we serve.

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VIII. CONTACT INFORMATION

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IX. EFFECTIVE DATE

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