

## **19TH 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 19th 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 19th Judicial Circuit Court of Illinois, and ensure that LEP individuals within the jurisdiction of the 19th 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**

The 19th 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. Polish
3. Russian
4. Tagalog

This information is based on data collected and maintained by staff including the Spanish Language Coordinator and the Language Coordinator of Other Languages.

The 19th Circuit Court complies with the Administrative Office of the Illinois Courts (AOIC) language access data collection requirements. The 19th 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:

The majority of information is retrieved from the Clerk's case management system and compiled into reports by the staff interpreters. Additional information not available within the case management system is obtained from reports submitted by the interpreters or received from the vendor providing phone interpretation services for the circuit.

### III. LANGUAGE ASSISTANCE RESOURCES

#### A. Interpreters in the Courtrooms

##### 1. Determining When an Interpreter is Needed

The 19th 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 need for an interpreter may also be made known in the courtroom at the time of the proceeding. The Nineteenth Judicial Circuit Court of Lake County, Illinois will display a sign translated into the four most frequently used languages (Spanish, Polish, Russian and Tagalog) that states: "You may have the right a court-appointed interpreter in a court case. Please check with a court employee for assistance."

In a case where the Court is mandated to provide an interpreter, but one is not available at the time of the proceeding, even after the court has made all reasonable efforts to locate one as previously outlined in this plan, and telephonic interpreting is not deemed acceptable by the judge, the case will be postponed and continued on a date when an interpreter can be provided.

The Court will display this sign at the following locations:

- Entrances of the Lake County Courthouse
- Main entrance of the Lake County Adult Probation and Psychological Services
- Main entrance of the Robert W. Depke Juvenile Justice Complex
- Main entrance of the Park City Branch Court
- Main entrance of the North Branch Court
- Main entrance of the South Branch Court
- Court website

**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.

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The ways this is accomplished in the Circuit include:

Court interpreters to serve as permanent employees of the court

Contract interpreters to serve the needs of the court

Bilingual employees

Telephonic interpreter services

**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.

Notice can come from a variety of sources and the court will be mindful of those needs and take reasonable steps to assure language assistance needs are met.

## **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 will have 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 will indicate 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.

Applications are reviewed and promising candidates in the Spanish language are contacted by a full-time interpreter who speaks with the candidate in both Spanish and English in an effort to assess the individual's potential for success. If he or she determines that the individual is lacking skills in one language or the other, he or she will not offer them an interview. If the candidate appears competent, an interview is scheduled.

Our interview "team" consists of one full-time interpreter, and one or more administrators from Judicial Operations. In addition to asking questions of the candidate, we discuss the importance of confidentiality, reliability, ethics and explain that they will have to undergo a background check. A request for at least 3 non-relative references is also made if they have not already been provided.

The training program is basically a three-step program. Shadowing, Being Shadowed and Evaluation.

Initially, a candidate is scheduled to "shadow" one of our experienced interpreters. The experienced interpreter may be one of our staff interpreters or one of the more experienced contract interpreters in the branch (i.e. traffic) courts. When a potential candidate is shadowing, they will be orientated regarding proper interpreting etiquette by following an experienced interpreter as they work. We do not establish how many times a potential candidate may shadow an experienced interpreter but most are ready to progress to the next stage of training within 2 or 3 times of a 3 hour shadowing session. When shadowing, the potential candidate is not compensated.

When the potential candidate feels he or she is prepared to progress, they will then "be shadowed" by one of the experienced interpreters. The first time a potential candidate is being shadowed, they will alternate interpreting with the experienced interpreter. The experienced interpreters will counsel the potential candidate on what they did wrong and did right during breaks between interpretations. Our experience has been that giving immediate feedback to the potential candidate helps the candidate gain confidence and develops consistency in the manner interpretations are provided in the courts. Once again, these sessions are conducted in the branch courts and the court session lasts 3 hours.

The second time a candidate is being shadowed, the candidate is responsible for providing all of the interpreting services for that 3 hour court session. The experienced interpreter will again provide constructive criticism to the candidate. When being shadowed, candidates (as well as the experienced interpreters) are compensated for their time.

After the second session of being shadowed, the full-time staff interpreter will then schedule a time to follow the candidate and evaluate whether or not they are able to professionally, accurately and efficiently interpret. Candidates who are deemed "qualified", will then be added to the roster of Lake County interpreters.

Candidates who are deemed "not qualified", are invited to return to the first stage of orientation which will again be without compensation, or repeat the second stage of orientation if they are close to being "qualified". If they do not want to return to the first stage then we do not schedule them for any further court sessions. The determination

whether a candidate is “qualified” or “not qualified” rests within the discretion of our full-time staff member.

The county does not contract with or use any outside agencies for procuring interpreters but provides for them on an as needed 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 19th 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.

In the branch court, the interpreters cover traffic and ordinance matters including trials. Services provided at the juvenile courthouse include a variety of hearings including adjudicatory, custody, detention, dispositional, and permanency hearings. They also provide services for bench trials in the juvenile courts.

The court uses both telephonic and contract interpreters for foreign languages that are not frequently used in the Court.

#### **b. For Civil and Family Matters**

The Illinois Supreme Court Language Access 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.

A full-time Spanish court interpreter is provided for all civil and family cases at the presiding judge’s discretion. In particular, the interpreter is available for Mortgage Foreclosure, Small Claims, Forcible Entry and Detainer and Dissolution Prove-up

matters. If there is an interpreter available for a longer period of time, they will also do (civil) trials and extended hearings

In addition to the full-time Spanish interpreter, an additional Spanish interpreter is also provided for the IV-D Child Support cases. The court also provides Spanish speaking mediators for parties referred to the Access and Visitation program as well as for the foreclosure mediation program.

Consistent with Supreme Court Rule 905, in cases 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.

If a different language interpreter (i.e. Polish, Russian, Korean, etc.) is needed for a case, every attempt is made to coordinate the civil case to be on the same day as the different language interpreter is going to be in the courthouse on a criminal matter. Alternatively, telephonic interpreting remains a viable alternative for the hearings.

## **B. Beyond the Courtroom: Services for LEP Individuals**

The 19th 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.

For mandated court services (i.e. Adult Probation, Juvenile Probation, Psychological Services), interpreting services shall be made available the same as if the individual in need of language assistance was in the courtroom. These services include intake appointments, pre-sentence investigation reports, psychological evaluations and fitness interviews.

The Nineteenth Judicial Circuit shall also provide dual two-way handsets available for use by probation officers. The dual two-way handset can accommodate communication barriers with the probationer or in the case of juveniles involved in the system, with their family.

The Nineteenth Judicial Circuit shall also contract with treatment and educational agencies which offer services in other languages.

To facilitate communication between LEP individuals and court staff, the Court uses the following resources to the degree that resources are available:

Staff court interpreters or independent interpreter contractors

Bilingual employees

Telephonic interpreter services

#### **IV. TRAINING OF COURT STAFF**

The 19th 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, is 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 19th 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.

Training and learning opportunities currently offered will be expanded or continued as need. Those opportunities include:

- Interpreter coordinator training
- Scheduled diversity training
- New employee orientation training
- Judicial officer orientation on the use of court interpreters and competency

To communicate with the court's LEP constituents on various legal issues of importance to the community and to make them aware of services available to all language speakers, the Nineteenth Judicial Circuit Court of Lake County, Illinois may develop and provide community outreach and education and seek input from its LEP constituency to further improve services.

## **V. PUBLIC NOTIFICATION AND ONGOING PLAN EVALUATION**

The Language Access Plan of the 19th Circuit is subject to review and approval by The Chief Judge and the Executive Director. Upon approval, the Plan will be submitted to the AOIC. Any revisions to the plan will be submitted to The Chief Judge and the Executive Director for approval, and then forwarded to the AOIC.

The AOIC's Language Access Services Specialist will coordinate and facilitate the Supreme Court's approval of the various circuits' Language Access Plans. Additionally, the plans will be available to the public via the AOIC and each Chief Circuit Judge.

## **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. As such, the 19th 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 Lake County.
- Court personnel in every courthouse in Lake County 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 this circuit.



- 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.
- 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.
- This plan is reviewed regularly by administrative staff to ensure that it accurately reflects and addresses the needs of the LEP populations it serves.

## **VII. CIRCUIT COURT GOALS AND ACTION STEPS**

The 19th Circuit Court will strive to accomplish the following actions steps in the coming year to address language access:

- Designate one or more individuals who will be responsible for conducting an annual assessment.
- Annually consult internal experts, advocacy organizations, individuals with LEP, subject matter experts, and applicable research to determine effective practices for assessing and implementing best practices, to include customer service, marketing, outreach, technical assistance and other methods for delivering excellent, professional service.
- Consult with external experts such as the Administrative Office of the Illinois Courts and national leaders to identify existing capacity to provide language assistance services, such as bilingual and multilingual staff, qualified to serve as interpreters and the availability of contract interpreters and translation services.
- Identify gaps where language assistance services are inadequate to meet need and identify and take specific steps at all court locations to enhance language assistance services.
- Research new procedures and practices proven to enhance the provision of more efficient language assistance services and implement changes as funding is made available.
- Append or refine as needed language needs to divisional access plans that will help strengthen the overall court Plan.
- Coordinate with the Clerk of the Circuit Court to insure that services are provided for all individuals in need of language assistance.

## **VIII. CONTACT INFORMATION**

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## **IX. EFFECTIVE DATE**

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