

21ST 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 21st 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 21st Judicial Circuit Court of Illinois, and ensure that LEP individuals within the jurisdiction of the 21st 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 21st 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. Sign
3. Chinese

This information is based on data collected and maintained by Adrienne Haley, Administrative Assistant. Ruthellen Ahlden is the person responsible for data collection in Iroquois County.

The 21st Circuit Court complies with the Administrative Office of the Illinois Courts (AOIC) language access data collection requirements. The 21st 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:

In Kankakee County, the full time Court interpreter and the part-time interpreters log their cases and interactions each day. On a monthly basis, those reports are submitted to the legal research clerk, Marla Coxey, who then files them with the Administrative Assistant, Adrienne Haley. Administrative Assistant Haley, or in her absence, Administrative Secretary Mary Lou Christy, will file the quarterly reports with the Administrative Office of the Illinois Courts.

In Iroquois County, interpreters submit claim forms to be paid for their time on a monthly basis, which are processed by Ruthellen Ahlden, Judge's Assistant and given to MaryAnn Molnar in the Computer Department for processing. Ruthellen Ahlden files the quarterly reports with Adrienne Haley, Administrative Assistant in Kankakee County, who then files with the Administrative Office of the Illinois Courts.

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters in the Courtrooms

1. Determining When an Interpreter is Needed

The 21st 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 notice will be displayed at the following locations: at the entrance of the courthouse by the x-ray monitoring system; at the bulletin board upon which the day's cases are listed; at the clerk's information counters; and on the court website.

We have a long-standing practice of providing interpretation upon request, and the clerks within each courtroom notify the scheduler, as well as the interpreters who get next court dates for the cases in which they assist.

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, courtroom clerks and courtroom bailiffs all may notice that an individual needs interpretation services. To appoint an interpreter, the judge, bailiff or his or her clerk will contact the scheduler. We also have a rotation of coverage for courtrooms and there is often an interpreter already in the courtroom when needed. Several judges routinely have the interpreter make an announcement that interpretation services are available. In Iroquois County, the need for an interpreter is determined by each judge in their own courtroom. If it appears that English may not be the primary language of the defendant or other party, the judge asks in English whether English is the primary language. If not, a new date is assigned and an interpreter is arranged for the next court hearing. The telephonic interpreter service, Language Line, is also utilized in Iroquois County.

Kankakee County also uses the following resources to facilitate communication if available: one full-time Spanish interpreter; two part-time Spanish interpreters who work two mornings per week; the telephonic interpreter service, Language Line; and, translated court documents in Spanish.

In Iroquois County, they use the services of a part-time court 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.

In Kankakee and Iroquois Counties, the State's Attorney's office, the Public Defender's office, probation officers, service providers such as Harbor House, Prairie State Legal Services and Catholic Charities as well as attorneys involved in the case all might contact the court on behalf of an LEP individual.

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 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 21st 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 the certification program. If a certified interpreter is not available, the 21st Circuit Court then seeks a "registered" court interpreter that has met the requirements to be on the statewide interpreter registry. The 21st Circuit appoints an unregistered interpreter only when certified and registered interpreters are unavailable. Whenever a non-certified 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 21st Circuit provides guidance for determining the qualifications of an unregistered interpreter.

The Circuit Court of Kankakee County takes the following steps to ensure its interpreters have minimum qualifications: Prospective interpreters are interviewed by current interpreters as well

as the court staff; there is a training period during which the prospective interpreter trains with an experienced interpreter of at least four weeks if not longer; a training book is provided to each interpreter for assistance and study.

Iroquois County has a part-time interpreter whom they have utilized for a number of years.

The 21st Circuit has no contract with outside agencies for interpretation services.

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 21st 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.

Full- and part-time interpreters are used to cover all criminal proceedings, including trials, hearings, settings and arraignments, probation meetings as well as juvenile court proceedings. The court uses both telephonic and freelance interpreters for foreign languages that are infrequently used in the courthouse.

Kankakee and Iroquois Counties rarely encounter requests for non-Spanish interpreters, but when we do, we contact providers from the AOIC Interpreter Registry or other free-lance interpreters with whom we have developed a relationship.

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.

Kankakee County provides a full-time and part-time Spanish interpreter every Monday and Friday morning for all civil and family law cases. Interpreters are provided for the following proceedings: mortgage foreclosure; small claims; forcible entry and detainer; Orders of

Protection and Civil No-Contact matters; weddings; and general courthouse inquiries. The court also provides Spanish speaking interpreters for mediation and parenting classes.

Iroquois County and Kankakee County rarely encounter requests for non-Spanish interpreters, but when requested, we first check the AOIC Interpreter Registry and attempt to find an interpreter and, if that is not feasible, we will utilize the telephonic interpretation service, Language Line.

B. Beyond the Courtroom: Services for LEP Individuals

The 21st 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.

The Circuit Court of the 21st Circuit provides the following resources for LEP persons: directions and general information; interpretation at the jail at the request of the attorney; at a public defender's office, at the request of the PD; signs in Spanish in the clerk's office. No interpreter provides legal advice, but interprets exactly what is said by the attorney or party.

IV. TRAINING OF COURT STAFF

The 21st 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 21st 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.

V. PUBLIC NOTIFICATION AND ONGOING PLAN EVALUATION

A. LAP Approval and Publication

The Language Access Plan of the 21st Circuit is subject to review and approval by the Chief Judge of the 21st Circuit. Upon approval, the Plan will be submitted to the AOIC. Any revisions to The Language Access Plan of 21st Circuit are subject to review and approval by the Chief Judge of the 21st Circuit, 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.

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.

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, all courts in this State, including all courts in the 21st 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 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 translation 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.

VII. CIRCUIT COURT GOALS AND ACTION STEPS

The 21st Circuit Court will strive to accomplish the following actions steps in the coming year to address language access:

1. Post multilingual signs.
2. The Administrative Secretary and the Administrative Assistant will work together to identify gaps in language assistance services.

3. The Administrative Secretary and Administrative Assistant will work together to improve data collection and tracking procedures to measure better the need for interpreters in Kankakee County over time and will also work together to track procedures to measure the need for interpreters in Iroquois County over time.
4. Work to improve the coordination of cases involving less common languages other than Spanish.

VIII. CONTACT INFORMATION

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LAP Approval Conducted by:

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Position: Chief Judge

Circuit: 21st Circuit

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IX. EFFECTIVE DATE

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