

**23RD 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 23rd 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 23rd Judicial Circuit Court of Illinois, and ensure that LEP individuals within the jurisdiction of the 23rd 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.

II. DEMOGRAPHIC INFORMATION AND LANGUAGE ACCESS DATA COLLECTION

The 23rd 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

This information is based on data collected and maintained by Leanne Vesta, Deputy Court Administrator and Nicole Swiss, Court Administrator for the 23rd Circuit Court.

The 23rd Circuit Court complies with the Administrative Office of the Illinois Courts (AOIC) language access data collection requirements. The 23rd 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 interpreters in both the Kendall and DeKalb county courthouses compile the data based on their utilization each day. After they have compiled the data, they in turn give that data to the respective Court Administrators (Leanne Vesta in DeKalb County and Nicole Swiss in Kendall County). Nicole Swiss in Kendall County will compile both counties' data and submit it to AOIC. Nicole Swiss will also be responsible for maintaining the data.

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters in the Courtrooms

1. Determining When an Interpreter is Needed

The 23rd 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 entrance to the courthouse, the front desk of the Circuit Clerk's office, the Self-Representation Help Desk location, on the County's website and at each floor of the courthouse near the public elevators.

DeKalb and Kendall counties will display a notice translated into the most frequently used languages of our court that states "You may have the right to a court-appointed interpreter in a court case. Please check with a court employee for assistance". Kendall County only has the Notice of Rights of Persons Under Arrest, as well as the Notice of Deportation signs posted in Spanish in front of each courtroom. Kendall County will assess and update these signs within one (1) year.

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 judges with sample questions to assist with determining whether an individual is LEP.

If a judge believes that a court user may need an interpreter, the judge will ask a series of open-ended questions. To appoint an interpreter, the judge will often provide a written order. To appoint an interpreter in DeKalb County, the judge provides a written order. In Kendall County, the judge will provide a written order in most cases, with the exception of traffic cases which are often concluded in one (1) court appearance with the interpreter who is already available in the courtroom. In Kendall County, attorneys are also able to inform the judge if an interpreter is needed.

DeKalb County uses a staff court interpreter for Spanish and telephonic services for other languages on the first appearance. Kendall County has a contractual bilingual employee during business hours, and also uses Language Line.

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 all counties within the 23rd Circuit, the State's Attorney's office and police officers commonly notify the court if an interpreter may be needed. In DeKalb County, domestic violence advocates commonly notify the court of the need for interpreting services. In Kendall County, private attorneys and public defenders also commonly notify the court if an interpreter may be needed.

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

In accordance with the 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 23rd 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 23rd Circuit Court then seeks a "registered" court interpreter that has met the requirements to be on the statewide interpreter registry. The 23rd 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 23rd Circuit provides guidance for determining the qualifications of an unregistered interpreter.

DeKalb County contracts with an agency for interpreters on an as needed basis for whatever language is required. Kendall County contracts with an agency for interpreters.

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 23rd 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. Kendall and DeKalb County will use Language Line if it is appropriate.

In DeKalb County, full-time Spanish court interpreters are used to cover traffic and ordinance matters, including trials and juvenile court proceedings. The court uses both telephonic and contract interpreters for foreign languages that are not frequently used in the court. In Kendall County, contractual interpreters cover all courtrooms and proceedings as needed.

The 23rd circuit rarely encounters requests for non-Spanish interpreters, but when we do, they make arrangements with the agencies that serve the respective Courthouse.

b. 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.

In DeKalb County, a full time Spanish interpreter is available for all civil matters. In Kendall County, a contractual Spanish interpreter is available for all civil matters.

B. Beyond the Courtroom: Services for LEP Individuals

The 23rd 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.

In both Kendall and DeKalb Counties there are resources available such as Language Line available to assist with access to services outside of the courtroom. In addition the interpreters at

both the Kendall and DeKalb county Courthouses are also available to assist staff with interpreting to assist an LEP person in other court related activities.

IV. TRAINING OF COURT STAFF

The 23rd 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 23rd 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 Plan will be reviewed by the Chief Judge of the 23rd Judicial Circuit. Upon approval by the Chief Judge, the Plan will be submitted to the AOIC. The Language Access Plan of the 23rd 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.

VI. STATE WIDE GOALS AND BEST PRACTICES

Ultimately, as identified by the Illinois Supreme Court Language Access 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 23rd 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.

VII. CIRCUIT COURT GOALS AND ACTION STEPS

The 23rd Circuit Court will strive to accomplish the following actions steps in the coming year to address language access:

1. Post multilingual signs in entryway to courthouse, advising of the availability of Language Access services;
2. Post Language Access Plan on the circuit website;
3. Begin the process of translating most commonly used forms into Spanish;
4. Help staff better identify someone who needs language assistance.
5. Begin the process of translating the more permanent signs in the courthouse into Spanish (i.e directional signs, etc)
6. Begin the process of changing the signs with written words to signs with pictures for easier translation in any language.

VIII. CONTACT INFORMATION

LAP Contact:

Nicole Swiss, Court Administrator

807 West John Street, Yorkville, IL 60560

Office: (630) 553-4208, Fax: (630) 553-4533

E-Mail: nswiss@co.kendall.il.us

LAP Approval Conducted by:

Hon. Timothy McCann

807 West John Street, Yorkville, IL 60560

Office: (630) 553-4208, Fax: (630) 553-4533

AOIC Language Access Services Specialist:

Sophia N. Akbar, J.D.

Language Access Services Specialist

Administrative Office of the Illinois Courts

222 N. LaSalle St., 13th Floor

Chicago, IL 60601

(312) 793-2013 (phone)

(312) 793-1335 (fax)

sakbar@illinoiscourts.gov

IX. EFFECTIVE DATE

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