

**FIFTH 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 Fifth 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 Fifth Judicial Circuit Court of Illinois, and ensure that LEP individuals within the jurisdiction of the Fifth 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 Fifth 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. French

This information is based on data collected and maintained by county: Jill Layton, Court Reporter, Cumberland County; Becky Williams, Court Administrator, Coles County; Tammy Davis, Court Administrator, Vermilion County; Martha Irwin, Court Administrator, Edgar County and Sarah Wilhoit, Court Reporter, Clark County.

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

Clark, Coles, Cumberland, Edgar and Vermilion Counties will provide monthly reports to Rustye Cooley, Administrative Assistant to the Chief Judge. Rustye Cooley, Administrative Assistant will then prepare the quarterly report to be submitted to the Administrative Office of the Illinois Courts.

### III. LANGUAGE ASSISTANCE RESOURCES

#### A. Interpreters in the Courtrooms

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

The Fifth 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 in each county at the entrance to the courthouse, the front desk of the Circuit Clerk's office, and at each floor of the courthouse near the public elevators.

All counties have multilingual signs, as provided by the Administrative Office of the Illinois Courts, posted in multiple high traffic locations within the courthouses.

**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 currently communicate with attorneys representing the parties to determine if an interpreter is needed. When an interpreter is requested at any stage in a criminal proceeding, the Court provides one at no cost to the defendants and will notify the State's Attorney or court administrator depending on the type of case involved.

**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.

Counties in the 5<sup>th</sup> circuit will also communicate with the Clerk's Office, attorneys, law enforcement, or other court departments to determine if an interpreter is 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 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 Fifth 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 Fifth Circuit Court then seeks a "registered" court interpreter that has met the requirements to be on the statewide interpreter registry. The Fifth 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 Fifth Circuit provides guidance for determining the qualifications of an unregistered interpreter.

Vermillion County uses interpreters from the Administrative Office of the Illinois Courts (AOIC) Registry and have two interpreters they use on a regular basis. Coles, Cumberland, Edgar and Clark Counties will use interpreters from the AOIC Registry.

### **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 Fifth Circuit Court complies with the Illinois Criminal Proceeding Interpreters' Act and provides interpreters if needed for misdemeanor and felony proceedings. All counties within the 5<sup>th</sup> circuit will continue the case until an interpreter can be present.

When requests for non-Spanish interpreters are made, Coles County's Court Administrator or other court personnel will makes arrangements with a local university or use the Administrative Office of the Illinois Courts Registry to provide an interpreter. Vermilion County always has the front door monitored by the Sheriff's Department employees and know who to contact if an interpreter is needed. Cumberland County will provide a interpreter as determined by court

personnel. Edgar and Clark Counties will provide a interpreter in criminal cases in coordination with defense attorneys.

**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.

Courts in the 5<sup>th</sup> circuit will coordinate a hearing date when an interpreter can be present. In a pro se case, the hearing will be continued until an interpreter can be present.

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

The Fifth 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.

**IV. TRAINING OF COURT STAFF**

The Fifth 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 Fifth 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 Fifth Circuit is subject to review and approval by The LAP will be developed by the Court Administrator in cooperation with the Language Access Services Specialist from the Administrative Office of the Illinois Courts. The LAP will be reviewed by the Chief Judge of the Fifth Judicial Circuit. Upon approval, the Plan will be submitted to the AOIC. Any revisions to the plan will be submitted to The LAP will be developed by the Court Administrator in cooperation with the Language Access Services Specialist from the Administrative Office of the Illinois Courts.

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

1. Post multilingual notices in high traffic areas of the circuit courts and on their websites;
2. Improve standardization of data collection regarding the frequency of interpreting services by language;
3. Explore implementation of Language Line in counties that do not currently use telephone interpreting services;
4. Improve coordination of cases involving Spanish and cases involving less common languages;
5. Designate one or more individuals who will be responsible for identifying gaps in language assistance services;
6. Offer procedural training to all court offices, including State's Attorney's, public defender, circuit clerks, and probation; and
7. Ensure that the Fifth Circuit is in compliance with all standards promulgated by the Administrative Office of the Illinois Courts.

## **VIII. CONTACT INFORMATION**

### **LAP Contact:**

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### **LAP Approval Conducted by:**

The Honorable Craig H. DeArmond  
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**AOIC Language Access Services Specialist:**

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**IX. EFFECTIVE DATE**

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