

JOINT YAKIMA COUNTY COURTS AND YAKIMA COUNTY CLERK

LANGUAGE ASSISTANCE PLAN (LAP)

I. LEGAL BASIS AND PURPOSE

This document serves as a unified and centralized plan for Yakima County Courts (Superior/Juvenile and District) and Yakima County Clerk to provide services to Limited English Proficient (LEP) and deaf or hearing impaired individuals in compliance with Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq.; 28 C.F.R. § 42 et seq.; and RCW 2.42 and 2.43. The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP, deaf and hearing-impaired persons who come in contact with Superior, Juvenile, and District Courts and the Yakima County Clerk. This also includes mental commitment or other hearings administered by the divisions of the Yakima Courts even if held at an off-site location such as a hospital or other facility.

It is the policy of these entities to adopt best practices for providing meaningful access to all persons that come into contact with our courts in order to promote fairness and to preserve the integrity of our judicial system. It is also the policy of these entities to reach out to municipal courts and other governmental entities to join us in a collaborative effort to pool resources in order to more efficiently and effectively provide meaningful access to governmental services to LEP and deaf and hearing impaired individuals.

This LAP plan will be administered by the administrative staff of the YAKIMA COUNTY COURTS. For a description of this program SEE YAKIMA COUNTY COURT INTERPRETER PROGRAM.

This LAP Plan was developed to provide specific guidance to Yakima Courts and the Yakima County Clerk to ensure equal access to court services for persons with limited English proficiency and deaf and hearing-impaired persons. Although deaf and hearing-impaired individuals are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act, they have been included in this plan insofar as they relate to RCW 2.42 and 2.43.

II. NEEDS ASSESSMENT

A. Statewide

Washington State provides court services to a wide range of persons, including people who do not speak English or who are deaf or hearing impaired. Service providers include the trial courts at the Superior, District and Municipal Court levels.

According to 2000 U.S. Census data, the most widely used languages for interpreters in Washington State were (in descending order of frequency):

1. Spanish
2. Russian
3. Vietnamese
4. Chinese

B. Yakima County Superior/Juvenile and District Court and Yakima County Clerk Combined Program

Yakima County Courts and Yakima County Clerk will make every effort to provide service to all LEP and deaf and hearing-impaired persons. The following list shows the non-English languages that are most frequently used in this area.

- Spanish

Yakima County Courts and Yakima County Clerk have identified the following additional language needs among court users in the area. These languages are

encountered infrequently, but an interpreter has been provided in the following languages on at least one occasion in the Yakima County Courts in 2005 or 2006:

- American Sign Language
- Russian
- Vietnamese
- Punjabi
- Korean
- Ukranian
- Arabic
- Mixtec, Juxtlahuaca
- Tagalog
- Mandarin
- Bulgarian
- Japanese

This information is provided based on data from the AOC Interpreter Survey conducted in June 2007. A total of 6360 interpreters were provided in Yakima County Courts in 2005 and 2006. 99% of the interpreters were for Spanish language interpretation (6297 of 6360 cases needing interpretation.) The remaining 1% of interpreters were used in order of highest (17 ASL cases) to lowest (2 Mixteco/other cases). Yakima County Courts and Yakima County Clerk consulted with local interpreters, deaf and hearing-impaired advocates, court personnel, domestic violence advocates, and other community members through informal consultations and through a public meeting.

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters Used In the Courtroom

The Yakima County Courts and Yakima County Clerk recognize the importance of developing knowledge and skills in working with interpreters and translators.

It is essential that employees utilize the following concepts and receive training in how to work with interpreters and translators. Interpreting is the term used to refer to oral interpretation of one language into another; translating is the term used for written interpretation. When working with an interpreter/translator, it is

important to keep in mind that good interpreting is a highly skilled activity that differs greatly from the informal kinds of interpreting found in conversations between two people that do not speak the same language. Informal interpreting often includes summaries, additions/deletions of material, and advocacy by the interpreter on behalf of one of the parties. It does not involve any of the protections of confidentiality and may not include ethical guidelines either. By contrast, formal interpreting usually consists of a word-for-word interpretation of all communication (including non-verbal) between two parties by a trained interpreter who acts purely as a confidential conduit of information. The use of court interpreters (both sign language and non-English spoken language) is guided by two state statutes – RCW 2.42 and 2.43, respectively.

It is the policy/law of Washington State to secure the constitutional rights of deaf persons and of other persons who, because of impairment of hearing or speech, are unable to readily understand or communicate the spoken English language and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them. See RCW 2.42. It is also the policy/law of Washington State to secure the rights, constitutional or otherwise, of persons who, because of a non-English speaking cultural background, are unable to readily understand or communicate in the English language and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them. See RCW 2.43.

When a deaf or hearing impaired person is a party or witness at any stage of a judicial or quasi judicial proceeding in the state or political subdivision, including but not limited to civil and criminal court proceedings, grand jury proceedings, proceedings before a magistrate, juvenile proceedings, adoption proceedings, mental health commitment proceedings and any proceeding in which a deaf or hearing impaired person may be subject to confinement or criminal sanction, the appointing authority shall appoint and pay for a qualified interpreter. See RCW 2.42.120(1). When a non English speaking person is a party to a legal proceeding or is subpoenaed or summoned by an appointing authority or is otherwise compelled by an appointing authority to appear at a legal proceeding, the appointing authority shall appoint the services of only those language interpreters who have been certified or registered by the Administrative Office of the Courts (AOC). See RCW 2.43.030(1) (b). If the current list of certified and

registered interpreters maintained by AOC does not include an interpreter certified or registered in the language spoken by the non English speaking person, the appointing authority shall appoint a qualified interpreter as defined in RCW 2.43.020(2).

Selecting and scheduling interpreters in a timely and efficient manner for court business is the responsibility of the Yakima Court Interpreter Program which is charged with adopting best practices for carrying out our LAP. For more detailed information about these internal practices, please see Yakima County Courts Interpreter Program Services Guide.

1. Determining the Need for an Interpreter in the Courtroom

There are various ways that Yakima County Courts and the Yakima County Clerk will determine whether an LEP, deaf or hearing-impaired court customer needs an interpreter for a court hearing. First, the LEP or deaf or hearing-impaired person may request an interpreter. In Yakima County, our primary language need is in the Spanish language. The Yakima County Courts and Yakima County Clerk display a sign in English that states: *“Need an Interpreter for Court business? If you need an interpreter, go to Room number 323 or 314, located on the 3rd floor of the County Courthouse.”* Other laminated signs in Spanish and English are posted for litigant use in wall pockets and say *“I speak Spanish.* Equivalent signs have been posted in juvenile court, and will be posted in Grandview District Court, both of which are located in separate facilities from the Yakima County Courthouse. Additional signs will be posted in Russian in the same locations indicating: *“You may have the right to a court-appointed interpreter in a court case. Please ask someone at the court information desk.”* “I Speak” cards will be displayed to assist litigants in other languages.

When the need for an interpreter has been identified by the litigant or by court, judicial or clerk’s office personnel, the clerk’s office and court personnel will advise the litigants of the need to fill out an interpreter request form and will provide that litigant with assistance in filling out the form and delivering it to the Yakima County Clerk’s office. The form has been translated into English/Spanish (SEE ATTACHED) and an interpreter will be provided if

necessary in order to properly fill out this form. More information about the internal systems utilized by the Yakima County Courts and Yakima County Clerk for identifying and tracking language assistance needs in civil and criminal cases is provided in the Yakima County Court Interpreter Program guide.

All requests for language assistance directed to the Yakima County Interpreter Program shall be made by county court judicial, court and clerk's office personnel.

Second, court personnel and judges may determine that an interpreter is appropriate for a court hearing. Many people who need an interpreter will not request one because they do not realize that interpreters are available, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. Therefore, when it appears that an individual has any difficulty communicating, the court or clerk personnel or judge should err on the side of caution by providing an interpreter to ensure full access to the courts. In order to provide an interpreter, the judge, court administrator, or court personnel will contact the YAKIMA COUNTY COURT INTERPRETER PROGRAM to make arrangements for appropriate language assistance. Court, judicial, and Clerk's office personnel will assist the litigant in filling out an Interpreter Request form so that in the future, the need for language assistance will be identified in advance of court hearings.

Finally, outside agencies such as probation, attorneys, social workers, domestic violence advocates, court house facilitators, family court investigators, or correctional facilities may notify the court about an LEP or deaf or hearing-impaired individual's need for an interpreter for an upcoming court hearing. Litigants shall not be required to provide their own interpreters in order to proceed.

The following steps will be taken in order to improve identification of LEP and deaf or hearing impaired language assistance needs:

1. Propose adoption of a local court rule relating to requests for interpreters in order to raise awareness among attorneys of the need to identify language access needs of their clients and pro se litigants and to establish a clear local

practice for identifying the need. A local court rule will be proposed by May 1, 2008.

2. Provide training to local county bar, family law bar, and community stakeholders about the need for identifying language access needs of litigants and others that have business with the courts. Yakima Court Interpreter Program will provide written notification to the Yakima County Bar Association about new procedures adopted relating to use of interpreters in the court room in civil cases. In addition, Yakima Court Interpreter Program will request an opportunity to address the Yakima County Bar Association, the local family law bar and will request to participate or offer a workshop to the community on our LAP plan.

3. Publish LAP policy, instructions and materials relating to language access issues on court and clerk websites.

4. Post signs to encourage those with language access needs to identify such needs to appropriate court personnel (Spanish signs already posted, Additional signage including "I Speak....")

2. Court Interpreter Qualifications

The Yakima County Court Interpreter Program is responsible for providing interpreters for courtroom hearings in compliance with the rules and policies set forth in RCW 2.42 and 2.43 as well as General Rule 11.0; 11.1; 11.2; and 11.3. Yakima Superior and District Courts currently employ 4 FTE interpreters certified in Spanish. When the in-house interpreters cannot meet the needs presented, the Yakima county Court Interpreter Program will make arrangements for contracts with any available certified interpreters. For languages other than Spanish, the Yakima County Court Interpreter Program will make arrangements for certified, registered, or qualified interpreters in court proceedings. The Washington State Court Interpreter Program maintains a statewide roster of Certified and Registered interpreters who may work in the courts. This roster is available to court staff and the public at www.courts.wa.gov/programs&orgs. Certified and Registered interpreters on the roster have passed a written examination, oral examination, undergone a criminal background check, signed an oath and attended an orientation.

- Qualified interpreters for deaf or hearing-impaired individuals will be made through the Yakima County Court Interpreter Program.

Washington State currently certifies the following languages: Arabic, Cantonese, Korean, Laotian, Mandarin, Russian, Somali, Spanish, Vietnamese and American Sign Language (ASL).

Washington also offers testing in the Registered Category in the following languages: Afrikaans, Albanian, Amharic, Baluchi, Bengali, Bulgarian, Cebuano, Chavacano, Croatian, Czech, Dari, Dutch, Egyptian, Filipino, French, German, Haitian Creole, Hebrew, Hilgaynon, Hindi, Hmong, Ilonggo, Indonesian, Italian, Japanese, Javanese, Khmer, Malay, Norwegian, Pashto, Persian Farsi, Polish, Portuguese, Punjabi, Romanian, Serbian, Slovak, Swahili, Swedish, Tausug, Thai, Turkish, Urdu and Visayan.

The court may appoint non-certified and non-registered interpreters who are not listed on the statewide roster only when certified and registered interpreters are unavailable. Whenever non-certified and non-registered interpreters are used in the courtroom, judges are encouraged to inquire into the interpreter's skills, professional experience, and potential conflicts of interest.

Finally, with respect to indigenous languages of Mexico and Guatemala such as Kanjobal, Mixteco, and Mam, the Yakima County Court Interpreter Program may consult a list of Interpreters of Mexican and Guatemalan Indigenous Languages, compiled by the Oregon Judicial Department and the Oregon Law Center. This information may be updated by contacting the Oregon Court Interpreter Certification Program 1163, State Street, Salem, OR 97301 503-986-5697 503-986-5866 (fax) or www.ojd.state.or.us/osca/cpsd/interpreter.

The Yakima County Courts and Yakima County Clerk' may also use telephone interpreting if no interpreters are available in person pursuant to General Rule 11.3.

Bilingual staff who are not on the statewide roster are never used to interpret in court proceedings. They may assist in interpreting for parties not involved in the proceedings or in securing an interpreter if necessary; however, under emergent

situations, as approved by the Judge, may be utilized to assist litigants as needed. Under no circumstances will the Courts use the Office of Immigration and Customs Enforcement of the Department of Homeland Security as an interpreter.

Selection and scheduling of all in-court interpreters shall be made through the Yakima County Court Interpreter Program. All requests for language assistance directed to the Yakima County Interpreter Program shall be made by county court judicial, court and clerk's office personnel. All court, judicial and clerk's office personnel will be trained through our Court Interpreter Program on procedures for selecting and scheduling interpreters for LEP and Deaf and Hearing Impaired persons. More specific procedures are outlined in the Yakima County Court Interpreter Program Plan. This includes:

- training on how to use pagers to immediately contact the Court Interpreter Program when needed in an emergency situation

- training on how to use the Yakima County language access tracking system to identify language access needs in a court case

- training on how to use Outlook public folders to facilitate scheduling interpreter time and locating interpreters as these folders identify the daily need for Spanish and other interpreters in the Yakima Superior/Juvenile and District Courts.

3. Court Interpreters Must Comply with the Code of Ethics for Court Interpreters

All certified and registered interpreters are tested on the Code of Ethics for Court Interpreters through the certification / registration examination process. Regardless of an interpreter's credentials, all interpreters in court are expected to be familiar with and follow the Code of Ethics (which is the same as the Code of Conduct for Court Interpreters in GR 11.2).

RCW 2.43.080 Code of Ethics

All language interpreters serving in a legal proceeding, whether or not certified or qualified, shall abide by a Code of Ethics established by

Supreme Court rule.

Washington State certified and registered interpreters have been trained and tested on GR 11.2, the Code of Conduct. Further, they have access to comments on the Code of Conduct.

B. Spoken Language Services outside the Courtroom

The Yakima County Court Interpreter Program is also responsible for taking reasonable steps to ensure that LEP, deaf and hearing-impaired individuals have meaningful access to services outside the courtroom. This is one of the most challenging situations facing court staff, because in most situations they are charged with assisting LEP and deaf or hearing-impaired individuals without an interpreter. LEP and deaf or hearing-impaired individuals may come in contact with court personnel via the phone, TTY / TDD, counter or other means- such as contact with our court house facilitator and family court investigators. To that end, Yakima County Court Interpreter Program has the following resources to help LEP, deaf or hearing-impaired individuals and court staff communicate with each other:

- The Yakima Superior and District Courts employ 4 certified interpreters in the Spanish language. If and when certified interpreters are available, they will be requested to respond to interpret or translate for LEP Spanish speakers. In addition, Yakima County Courts and the Yakima County Clerk employ several bilingual employees. Bilingual employees are almost always available in the court and clerk's offices to respond in-person and by phone. Bilingual employees are also available to assist family law litigants in communicating with the family court house facilitator and with family court investigators. When bilingual staff is not available, every effort will be made to arrange for an interpreter, or to schedule the appointment when an interpreter is available. In addition to providing training to court and clerk personnel on use of TTY/TDD equipment, written communication will be used for in-person contact with deaf and hearing impaired persons who are literate. If personnel are unable to communicate through TTY/TDD or written communication, the Yakima County Court Interpreter Program will be contacted to arrange for an ASL or other appropriate interpreter.

- For face-to-face encounters, as well as telephone conversations in languages other than Spanish, the Courts may use the Language Line if an interpreter is not immediately available.
- When court or clerk personnel do not know what language a customer is speaking, they use “I Speak” cards which are available in 38 languages. SEE www.lep.gov/ISpeakCards2004.pdf
- Finally as a last resort, in order to meet simple immediate communicative needs, court staff may use free online translating services to translate an English statement into a foreign language in written form, i.e. “Please wait while we look for an interpreter.” These resources will be provided to court and clerk personnel through the CIP.

C. Translated Forms & Documents

The Administrative Office of the Courts understands the importance of translating forms and documents so that LEP individuals have greater access to the courts’ services.

When interpreters are hired for hearings, they are expected to provide sight translations for corresponding documentation to LEP individuals, as well as for deaf or hearing-impaired individuals when necessary.

IV. TRAINING

The Yakima County Courts are committed to providing training opportunities for all judicial, court and clerk’s office staff members who come in contact with LEP and deaf or hearing-impaired individuals. We are also committed to offering these training opportunities and sharing our resources with all county departments and other local municipalities. Information will be provided to community members about our LAP and how community members can work with us to provide better access for LEP’s and deaf or hearing-impaired individuals. Training and coordination services will be provided by the Yakima Court Interpreter Program, a centralized and unified program of the Yakima County Courts and the Yakima Clerks Office. For more information SEE Yakima County Court Interpreter Program (CIP). Training opportunities specifically provided include:

- Court, judicial, and County Clerk office personnel will be informed of and will be encouraged to utilize existing training materials and resources already available through language access coordinators such as the Department of Justice at www.lep.gov, the Washington State Coalition for Language Access (WASCLA) www.wascla.org, the Administrative Office of the Courts at www.courts.wa.gov (Court Interpreters), and LEP Resource Guides such as the one available on the National Center for State Courts website at www.ncsconline.org/wc/CourTopics/ResrouceGuide
- Bilingual Spanish-speaking staff shall receive on-going training on interpretation and translation skill development and on ethical and cultural issues. Training shall be administered through the YAKIMA COUNTY COURT INTERPRETER PROGRAM. Yakima County Courts and the Yakima County Clerk will encourage the development of interpretation and translation skills of its employees both to improve the quality of service offered and to increase the pool of certified, registered, and qualified interpreters in our region.
- Training on our own LEP policies and LAP plan shall take place on an annual basis for all court, judicial, and clerk's office personnel. The Training shall be provided by the Yakima County Court Interpreter Program.
- Training on how to work with interpreters, cultural issues and other related issues will be offered to our court community which includes the Yakima County Bar Association, family law bar, public defender, Prosecutor's office, domestic violence and sexual assault victim advocates, advocates for the deaf and hearing-impaired, on a regular basis as issues develop. All county departments will be invited and encouraged to attend such trainings.
- A survey of training needs related to access for LEP and Deaf and Hearing-impaired communities will be conducted among court, judicial, clerk's office personnel and community stakeholders on an annual basis.

V. PUBLIC NOTIFICATION AND EVALUATION OF LAP PLAN

A. LAP Plan Approval & Notification

Yakima County Court's and Yakima County Clerk's LAP has been approved by the **Presiding Judges of Yakima County Superior and District Courts and the Yakima County Clerk**, and a copy has been forwarded to Washington State's Administrative Office of the Courts Interpreter Program Coordinator. Any revisions to the plan will be submitted to the Court Administrator for approval,

and then forwarded to the Interpreter Program Coordinator. Copies of Yakima County Courts and Yakima County Clerk LAP plan will be provided upon request. In addition, Yakima County Courts and Yakima County Clerk will post this plan on its own and AOC's websites.

B. Annual Evaluation of the LAP Plan

The Yakima County Courts and Yakima County Clerk will conduct an annual needs assessment to determine whether changes to the LAP plan are needed. This assessment may be done by tracking the number of interpreters requested by language in the courts, or by other methods. The newly formed LAP workgroup will monitor implementation of this LAP.

Any revisions made to the Plan will be communicated to all court personnel, and an updated version of the plan will be posted on the Yakima County Courts and Clerk web sites. Additionally, it will be posted on the AOC's public website.

Each year the statewide AOC Court Interpreter Program Coordinator will coordinate with designated local court staff and the LAP workgroup to review the effectiveness of the LAP Plan. The evaluation will include identification of any problem areas and development of required corrective action strategies. Elements of the evaluation will include:

- Number of LEP, deaf or hearing impaired persons requesting court interpreters in Washington State trial courts;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Assessing whether staff members adequately understand LAP policies and procedures and how to carry them out; and
- Gathering feedback from LEP, deaf and hearing-impaired communities around the state.

LAP Contact Person

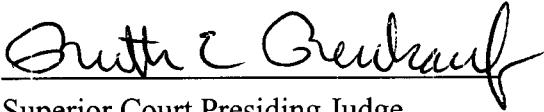
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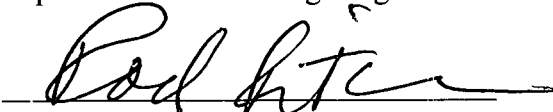
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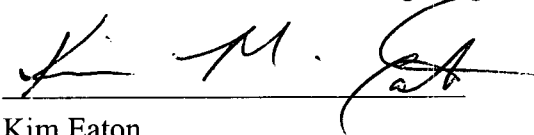
The effective date of this LAP plan is 04-14, 2008



Superior Court Presiding Judge



Yakima District Court Presiding Judge



Kim Eaton

Yakima County Clerk