

**Thurston County District, Superior and Juvenile Courts
Municipal Court of Olympia**

LANGUAGE ASSISTANCE PLAN (LAP)

I. LEGAL BASIS AND PURPOSE

This document serves as the plan for the District, Superior and Juvenile Courts of Thurston County and the Municipal Court of Olympia (afterward referred to as courts) to provide services to Limited English Proficient (LEP), 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 or hearing-impaired persons who come in contact with the Courts.

This LAP Plan was developed 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 all 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. Thurston County District, Superior and Juvenile Courts and Municipal Court of Olympia

The courts will make every effort to provide service to all LEP, deaf and hearing-impaired persons. However, the following list shows the non-English languages that are most frequently used in the area.

- Spanish
- Korean
- German
- Vietnamese

This information is based on data from the **OFM Census 2000 Data**. In compiling this information on local language needs, the following individuals and groups were consulted: Thurston County Clerk's Office, Safeplace, The Refugee Center, Thurston County Office of Assigned Counsel, Thurston County District Court, Thurston County Superior Court, the Thurston County Juvenile Court and the Municipal Court of Olympia.

The courts have identified the following additional language assistance needs among court users in the area.

- Chinese
- Russian
- Cambodian
- American Sign Language
- Tagalog

This information is based on input from the Thurston County Clerk's Office, Thurston County District Court, Thurston County Superior and Juvenile Courts, Municipal Court of Olympia, Safeplace, and The Refugee Center. In compiling this information on local language needs, the following individuals and groups were consulted: Same as above.

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters Used In the Courtroom

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 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 use 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).

1. Determining the Need for an Interpreter in the Courtroom

There are various ways that the Thurston County District, Superior and Juvenile Courts will determine whether an LEP, deaf or hearing-impaired court customer needs an interpreter for a court hearing. First, the LEP, deaf or hearing-impaired person may request an interpreter. The Thurston County District, Superior and Juvenile Courts will display signs translated into Washington State's six most frequently used languages that states: "*You may have the right to a court-appointed interpreter in a court case. Please ask someone at the court information desk.*" The Thurston County District, Superior and Juvenile Courts will display these signs in locations at each of the three courthouses that are easily seen by visitors to the courthouses – primarily just inside the doors on lobby walls and adjacent to business counters and offices.

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 administrator or judge should err on the side of providing an interpreter to ensure full access to the courts.

Finally, outside agencies such as probation, attorneys, social workers or correctional facilities may notify the court about an LEP, deaf or hearing-impaired individual's need for an interpreter for an upcoming court hearing.

2. Court Interpreter Qualifications

The courts hire 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. 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.

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.

The courts 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. However, they may assist in securing an interpreter if

necessary.

B. Spoken Language Services outside The Courtroom

The courts are 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, deaf or hearing-impaired individuals without an interpreter. LEP, deaf or hearing-impaired individuals may come in contact with court personnel via the phone, TTY / TDD, counter or other means. To that end, the courts have the following resources to help LEP, deaf or hearing-impaired individuals and court employees communicate with each other.

- County phone system is TDD supported
- Handheld listening device for the hearing impaired provided in the courtrooms

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. The courts currently do not have the following forms translated into commonly used languages. The courts rely on the interpreter services to explain and translate processes and forms.

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

Local courts are committed to providing training opportunities for all judicial and court staff members who come in contact with LEP, deaf or hearing-impaired individuals. Training opportunities specifically provided in the courts.

- Our TDD phone line is printed on court stationary and certain commonly used forms for access to those hard of hearing in need of services.
- The courts quickly identify those in need of services and communicate that need to other individuals working with them.
- Thurston County's training and development program currently offers periodic classes in "Spanish Speaking at Work" that several staff members have been able to take and others are encouraged to attend.

- Two conversationally fluent Spanish speaking employees, one located in our Juvenile Court Probation Office and one in Court Administration, available to interpret for all Spanish speaking visitors to the Family Juvenile Court.
- All court staff will be provided training opportunities in LAP policies and procedures, and encouraged to use community resources for other than court proceedings.

V. PUBLIC NOTIFICATION AND EVALUATION OF LAP PLAN

A. LAP Plan Approval & Notification

The court's LAP Plan has been approved by the Court Administrators of the District, Superior, Juvenile Courts and the Municipal Court of Olympia, 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 the court(s) LAP plan will be provided upon request. In addition, Thurston County District, Superior and Juvenile Courts will post this plan on its own websites.

B. Annual Evaluation of the LAP Plan

The courts 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.

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 court's web site. 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 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

State Contact:

Katrin Johnson
AOC Interpreter Program
1206 Quince Street SE
PO Box 41170
Olympia, WA 98504-1170
katrin.johnson@courts.wa.gov
(360) 704-4062 Direct Line
(360) 753-3365 Fax

Local Contact:

Marti Maxwell, Administrator
Superior Court of Washington for
Thurston County
2000 Lakeridge Drive SW
Olympia, WA 98502
maxwellm@co.thurston.wa.us
(360) 786-5559
(360)754-4060

The effective date of this LAP plan is November 19,2009 .

