

Language Assistance Plan (LAP)
Wahkiakum County Superior Court
ADOPTED April 24, 2018

Language Access Plan of Wahkiakum County Superior Courts

I. PURPOSE

This LAP sets forth the **Wahkiakum County Superior Court** policy and procedures for the provision of timely language access services that ensure access for all limited English proficient (LEP), deaf, hard of hearing, and deaf-blind (D/HH/DB) individuals who come in contact with Wahkiakum County Superior Court services and programs. Language access services include both interpretation and translation services for LEP and D/HH/DB individuals.

II. COURT POLICY REGARDING LANGUAGE ACCESS SERVICES

Under Washington state law (RCW 2.42 and 2.43), Title VI of the Civil Rights Act of 1964 (Title VI), the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act), the Americans with Disabilities Act (ADA), and the regulations implementing these federal laws, Washington courts are required to provide language access services to all LEP and D/HH/DB individuals in civil and criminal court proceedings and in all court-managed services and programs and to develop a written language access plan pursuant to RCW 2.43.090.

It is the policy of **Wahkiakum County Superior Court** to provide foreign language interpreter services at no cost to LEP parties, witnesses, victims, and others with an interest (e.g., parents, legal guardians, custodians) in all court proceedings and operations, both civil and criminal, other than when it is the responsibility of other government bodies pursuant to state law. It is also the policy of this court to provide sign language interpreting services at no cost to persons who are D/HH/DB as required under applicable state and federal statutes and regulations.

Wahkiakum County Superior Court will provide accessible information to LEP and D/HH/DB persons on how to request these language assistance services and vital documents as part of its notice to the public about its language access services.

Although D/HH/DB individuals are covered under the ADA and RCW 2.42 rather than Title VI and the Safe Streets Act, this plan covers language access services for both D/HH/DB and LEP individuals.

III. DATA COLLECTION AND NEEDS ASSESSMENT

A. Current Needs:

The **Wahkiakum County Superior Court Clerk's Office** has reviewed the demographic data regarding the language needs of its community, from sources such as the following:

County Clerk's Office; Juvenile Office, Schools, Law Enforcement, Health Department; Jail and Prosecuting Attorney Office

The most current language need identification efforts undertaken by **Wahkiakum County Superior Court** shows the following non-English languages, whether spoken or signed, that are most frequently used in our **geographic area** and court community:

- *Spanish (Mexican)*
- *Laotian*
- *Cambodian*
- *Vietnamese*
- *Russian*

***primary request may be different in Wahkiakum County*

B. Identified Future Needs (if any)

Wahkiakum County Superior Court has identified the following emerging and/or additional languages among court users in the area for which resources will be needed in the future:

- None identified

IV. LANGUAGE ASSISTANCE IDENTIFICATION AND RESOURCES

A. Designated Language Access Office

The **Wahkiakum County Superior Court** has designated **Wahkiakum County Superior Court Clerk's Office** as the office responsible for coordinating language access services and to whom requests for interpreters and other language access services may be addressed. This designated office is available to:

- Develop lists of interpreters and secure interpreter services
- Receive and track language assistance requests;
- Provide information to assist LEP and D/HH/DB individuals to secure language access services;
- Assist court staff with securing language access services; and
- Answer questions from LEP and D/HH/DB individuals, and the public at large, regarding the court's available language access services.

LEP and D/HH/DB individuals, attorneys, justice partners, or any other parties in need of language access services may contact:

**Wahkiakum County Superior Court Administration
Wahkiakum County Courthouse
64 Main Street
Cathlamet, WA 98612
360-795-3558**

B. Identification of Language Access Needs and Notice of Availability

LEP and D/HH/DB, individuals may come in contact with court personnel via the phone, TTY / TDD, in-person, or through other means. In addition, there are various points of contact within **Wahkiakum County Superior Court** where LEP individuals or persons who are D/HH/DB will be in contact with court staff. Sometimes people who need language access services, including translated documents, will not request these services because they do not realize that such services are available at no charge, or because they do not recognize the level of English-language proficiency or communication ability needed to effectively participate in the court program, court proceeding, or court services. The first step in providing language access services is to enable LEP individuals or persons who are D/HH/DB to properly identify their language needs.

As a first step towards ensuring that LEP and D/HH/DB individuals are able to properly identify their language needs and to request language access and assistance services, **Wahkiakum County Superior Court** has a legal obligation to provide accessible notice to the public of an individual's right to spoken and sign language interpreter services and to be provided vital documents in translated form whenever necessary to access court proceedings and court-managed programs.

1. Identifying Language Needs at Points of Access

Wahkiakum County Superior Court will identify language access needs at all points of contact with the court, such as the following:

- Telephone calls or in-person contact with Superior Court Clerk's Office
- Superior Courtroom

To ensure the earliest possible identification of the need for language access services, the **Wahkiakum County Superior Court** has established internal protocols with the various justice partners which routinely interact with this court in order for these partners to communicate to the appropriate court staff the needs of LEP or D/HH/DB participants who will be coming into contact with the court. While justice partners themselves may be under a separate legal obligation to provide language access services to their clients, the court will be notified of any services that fall under the responsibility of the court as early as possible so services may be provided in a timely and efficient manner.

Examples of justice partners include:

- Jail staff

- Domestic violence victim's advocate
- Attorney/public defender
- Law enforcement

2. Notice of the Availability of Language Access Services

In order to facilitate the ability of LEP and D/HH/DB individuals to request their need for language access services, the **Wahkiakum County Superior Court** shall provide notice of the availability of language access services translated into Washington State's most frequently used languages that states:

"You have the right to language access services at no cost to you. To request these services, please contact the Superior Court Clerk's Office, (contact name) 360-795-3558"

The **Wahkiakum County Superior Court** displays this notice on its website and at the following locations:

- Entrance to Superior Courtroom
- Clerk's Office
- Superior Courtroom

Additionally, **Wahkiakum County Superior Court** has Language Identification Cards available at its points of contact, including those listed above when appropriate, to help LEP and D/HH/DB and court staff communicate with each other.

When it appears that an individual has difficulty communicating due to a language barrier, **Wahkiakum County Superior Court** staff and **Wahkiakum County Clerk** staff must inform the LEP or D/HH/DB person of his or her right to have language access services provided by the courts at no cost to them, even if the LEP or D/HH/DB person has not made a request for the language access services.

V. LANGUAGE ACCESS SERVICES

Once the **Wahkiakum County Superior Court** staff has determined interpreter services are required for an LEP or D/HH/DB individual, court staff have access to the following procedures for securing an interpreter.

A. Language Access Services Inside the Court Room

1. Appointment of a Certified, Registered, or Qualified Interpreter for In Court Proceedings

The person responsible for appointing or securing the assistance of an interpreter at the Wahkiakum County Superior Court will comply with the following order of preference in appointing an interpreter in RCW 2.43.030:

RCW 2.43.030(1) (b)

An in-person Certified or Registered interpreter who has been credentialed by the Administrative Office of the Courts shall be appointed, whenever possible, unless good cause is found and noted by the appointing authority. "Good cause" includes, but is not limited to, a determination that:

- (i) Given the totality of the circumstances, including the nature of the proceeding and the potential penalty or consequences involved, the services of an in-person credentialed interpreter are not reasonably available to the appointing authority; or
- (ii) The current list of credentialed interpreters maintained by the Administrative Office of the Courts does not include an interpreter in the language spoken by the LEP.

RCW 2.43.030(2)

If good cause is found for using an interpreter who is not credentialed by the Administrative Office of the Court, the appointing authority shall make a preliminary determination that the proposed interpreter is able to interpret accurately all communications to and from such person in that particular proceeding. The appointing authority shall satisfy itself on the record that the proposed interpreter:

- (a) Is capable of communicating effectively with the court or agency and the person for who the interpreter would interpret; and
- (b) Has read, understands, and will abide by the code of ethics for language interpreters established by court rules.

In the event no in-person interpreter is available locally, the court or designated authority will weigh the need for moving forward with the proceeding against any possible negative consequences to the LEP or D/HH/DB person's ability to effectively participate in the proceedings through the use of a remote interpreter, as may be allowed by Washington court rule or law. When evidentiary matters are before the court, the court shall reschedule the hearing until an in-person interpreter is available and be made present at the hearing.

Wahkiakum County Superior Court will NOT appoint as interpreters anyone with a potential conflict of interest in the case, including the following: minors; friends and family of the LEP or D/HH/DB person; advocates and attorneys; justice partner bilingual staff; or anyone deemed unqualified after questioned by the court.

2. Practices in the Appointment and Use of Interpreters

In appointing interpreters, staff at **Wahkiakum County Superior Court**, will ensure that the interpreter and the LEP or D/HH/DB participant can effectively communicate. It is also the practice of **Wahkiakum County Superior Court** to:

- ❑ Only allow an LEP or D/HH/DB person to waive his or her right to the assistance of an interpreter if the waiver is knowing, voluntary, and on the record. The waiver of an interpreter may be rejected by the court or later revoked by the person.
- ❑ Require interpreters to provide sight translations for documents related to the court proceedings.
- ❑ Prohibit interpreters from assisting LEP or D/HH/DB with entering information on court forms without the involvement of court staff in the completion of such forms.
- ❑ Provide sign language interpreters for jurors who are D/HH/DB when such persons are called and selected for jury service

3. Calendaring and Scheduling of Interpreters for In-court and Out-of-court Contacts

Wahkiakum County Superior Court will provide interpreter services in a timely manner. In order to provide high quality language access services in an efficient manner, **Wahkiakum County Superior Court** employs the following practices:

- ❑ Batching of matters for which an interpreter for a specific language is needed so long as this does not cause unnecessary delays in access and loss of remedies available to litigants, such as, Criminal or Domestic Matters
- ❑ Coordinating calendars so an interpreter may be available for several matters in the same court location on the same day.
- ❑ Coordinating the use of interpreters so that when an interpreter is not busy in a courtroom proceeding he or she may be available in person or telephonically to assist in other services.

4. Remote Interpreting

For brief non-evidentiary hearings the **Wahkiakum County Superior Court** uses telephonic interpreting provided by credentialed interpreters

B. Language Services Outside the Courtroom

The **Wahkiakum County Superior Court** is responsible for taking reasonable steps to ensure that LEP, deaf and hearing impaired individuals have meaningful access to court managed services outside the courtroom. The court, in compliance with federal and state civil rights laws and regulations, shall provide the most appropriate language access service for court managed services, including qualified interpreters, and translated materials and information. When the most appropriate language access service is the appointment of a qualified interpreter, the court shall follow the guidelines

described for the appointment of interpreters.

C. Translated Forms and Documents

The **Wahkiakum County Superior Court** understands the importance of translating forms, documents, and electronic materials into non-English languages, so that LEP individuals have greater access to the courts' services.

State forms which have been translated are available at www.courts.wa.gov/forms. Additional informational resources translated into Spanish include:

- [A Guide to Washington State Courts / Guía de los Tribunales del Estado de Washington](#)
- [Self-Represented Persons in District Court / Personas que se representan a sí mismas en el Tribunal de Distrito](#)
- [Self-Represented Persons in Municipal Court / Personas que se auto representan en los Tribunales Municipales](#)
- [Self-Represented Persons in Superior Court Civil Proceedings / Personas que se auto representan en procedimientos civiles en el Tribunal Superior](#)
- [An Introduction to Small Claims Court / Una Introducción Al Juzgado De Demandas De Cuantía Menor](#)

The court shall make available such forms on the court's website.

Wahkiakum County Superior Court has not translated any local forms and relies solely on translated general pattern forms provided by the AOC. When translated forms are not available, this court may:

- Have an in-person interpreter sight translate the form
- Refer LEP (Limited English Proficiency) party to a community resource (local non-certified interpreters)

VI. TRAINING

The **Wahkiakum County Superior Court** is committed to providing training for all judicial and court staff members who come in contact with LEP and D/HH/DB individuals in order to ensure the successful delivery of language access services. The court will provide staff training on all requirements in this Language Access Plan.

Training efforts will include an initial training for new staff on the requirements of the current Language Access Plan and an annual training for existing court personnel that addresses any revisions made to the Plan.

Resources and information regarding language access services, policies and procedures and tools for providing language assistance (such as bench cards, language identification guides, brochures, etc.) are available to all court staff and decision makers at the Superior Court's Webpage, Administration Office and Clerk's Office.

VII. COMPLAINT PROCESS FOR NON-COMPLIANCE

1. Complaints Against Local Court

This specific complaint process is designed to bring to the attention of the local court, allegations filed by LEP or D/HH/DB parties that the local court is out of compliance with the its own Language Access Plan, any applicable federal statutes or regulations, state statutory provisions, such as RCW 2.42 or 2.43 and/or any applicable state or local court rules.

Local Court Complaint Process

Within 30 days of specific event, a letter to the Judge of the Superior Court providing details of the complaint including date and specific failures of court personnel or interpreter to follow language plan and provide required services.

III. PUBLIC NOTIFICATION AND EVALUATION OF LAP

A. LAP Approval & Notification

Wahkiakum County Superior Court LAP has been approved by the Superior Court Judge Douglas E Goelz. Copies of **Wahkiakum County Superior Court** LAP shall be provided upon request. In addition, the court shall post its LAP on its own website at:*(insert Court's URL)*

B. Annual Evaluation of the LAP

Wahkiakum County Superior Court will conduct a bi-annual needs assessment to determine whether changes to the LAP are needed. To this end, the court will continue to communicate on an ongoing basis with Courthouse staff, LEP and D/HH/DB persons, attorneys, and the public in the following manner(s):

Notice of Annual Assessment and Request for Input

Posted in the Courthouse and Published on Superior Court Website

This assessment will be done by reviewing various areas in which the court provides language access services, taking into consideration the number of interpreters requested by language in the courts and the identification of emerging changes in the languages spoken or signed. Elements of the assessment evaluation shall include

- Number of LEP or D/HH/DB persons requesting court interpreters;
- Assessment of current language;
- Assessing whether staff members adequately understand LAP policies and procedures and how to carry them out; and

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.

LAP Contact Person

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The effective date of this LAP plan is April 24, 2018