

LANGUAGE ASSISTANCE PLAN (LAP) for the BENTON COUNTY CLERK AND SUPERIOR COURT

I. LEGAL BASIS AND PURPOSE

This document serves as the LAP for the Benton County Clerk and Superior Court in order 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 Benton County Clerk and Superior Court.

This LAP was developed to insure 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. Benton County Clerk and Superior Court

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

Spanish
Russian
Vietnamese
Laotian
Arabic

This information is based on input from interpreter billing records and personal experience with LEP/deaf/hearing impaired clients at the courthouse. In compiling this information on local language needs, the following individuals and groups were consulted:

Family Court Services Coordinator (Karen Kirk)
Office of Public Defense (Ray Gonzalez and Judy Paxton)
Columbia Legal Services (Diana Garcia)
Northwest Justice Project (publication)
State Interpreter Commission (publication)

The Benton County Clerk and Superior Court has identified the following additional language assistance needs among court users in the area:

American Sign Language
Serb-Croatian/Bosnian
Albanian/Ukrainian
Jin Mondri/Hini/Farsi

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Columbia Legal Services (Diana Garcia)
Northwest Justice Project (publication)
State Interpreter Commission (publication)
Benton-Benton County Legal Aid Office (Barb Otte)
Superintendent of Public Instruction website

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, paternity proceedings, 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 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 no certified or registered interpreters are available, the appointing authority shall appoint a qualified interpreter as defined in RCW 2.43.020(2).

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 Benton County Clerk and Superior Court 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 Benton County Clerk and Superior Court Administrator offices display a sign translated into this area's five most frequently used languages that states: "*You may have the right to a court-appointed interpreter in a court proceeding. Please ask someone at the Superior Court Administrator's office.*" The Benton County Clerk and Superior Court Administrator display this sign at the following location: Front Counter.

Court personnel and/or 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/commissioner should err on the side of providing an interpreter to ensure full access to the courts.

Outside agencies such as probation, attorneys, social workers or correctional facilities may notify the court regarding an LEP, deaf or hearing impaired individual's need for an interpreter for an upcoming court hearing by filing a "Request for Interpreter Services" form with the County Clerk and/or notifying the Court Administrator of upcoming court dates scheduled so that an interpreter can be secured.

2. Court Interpreter Qualifications

The Superior Court Administrator hires 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 Benton County Superior Court 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 Benton County Superior Court 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 many times they will have to assist LEP, deaf or hearing impaired individuals without an interpreter present. LEP, deaf or hearing impaired individuals may come in contact with court personnel via the phone, TTY / TDD, in the hallway, at the front counter, or by written correspondence. To that end, the Benton County Clerk and Superior Court has the following resources to help LEP, deaf or hearing impaired individuals and court staff communicate with each other:

The Benton County Clerk and Superior Court has bilingual employees in the following language: Spanish. When LEP/deaf/hearing impaired individuals seek out assistance outside the courtroom we first try to meet their needs by using the language and written skills of our employees.

For face-to-face encounters, as well as telephone conversations, the Benton County Superior Court may use the Language Line when interpreters are not immediately available.

When court staff does not know what language a customer is speaking, they use “I Speak” cards.

In order to meet simple immediate communicative needs, court staff may use free online translating services. This will help in translating an English statement into a foreign language in written form.

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 Benton County Clerk and Superior Court currently uses listed documents that have been translated for statewide use by the Administrative Office of the Courts available on the website at www.courts.wa.gov/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 Benton County Clerk and Superior Court include:

- a. “Staff is instructed about LAP policies and procedures, as described in this LAP Plan, on an annual basis.”
- b. “Front-line staff is required to annually review “Breaking Down the Language Barrier,” a video training tool provided by the Department of Justice.”
- c. Staff is instructed regarding cultural diversity by local individuals trained in the field of cultural diversity on an annual basis.
- d. When training becomes available staff will be sent based on funding and/or staffing levels at the court level.

V. PUBLIC NOTIFICATION AND EVALUATION OF LAP PLAN

A. LAP Plan Approval & Notification

The Benton County Clerk and Superior Court’s LAP has been approved by the Court Administrator and the 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 Benton County Clerk and Superior Court’s LAP will be provided upon request. In addition, Benton County will post this plan on its own and AOC’s websites.

B. Annual Evaluation of the LAP Plan

The Benton County Clerk and Superior Court will conduct an annual needs assessment to determine whether changes to the LAP 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 LAP 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. 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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The effective date of this LAP plan is January 1, 2008.