

Circuit Court of the 22nd Judicial Circuit McHenry County, Illinois

LANGUAGE ACCESS PLAN

I. LEGAL BASIS AND PURPOSE

This document shall serve as the Language Access Plan (LAP) for the Circuit Court of the 22nd Judicial Circuit for McHenry County, Illinois, and 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 Circuit Court of the 22nd Judicial Circuit, and ensure that LEP individuals within the jurisdiction of the 22nd Judicial 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 Circuit Court of the 22nd Judicial Circuit for McHenry County, Illinois, is a single county circuit; identified as a northwest suburb of Chicago. The Circuit Court will make reasonable efforts to provide services to all LEP persons, regardless of language. The following list includes the foreign languages which are most frequently used in this circuit's geographic area:

1. Spanish
2. Polish
3. American Sign Language (ASL)

This information is based on data collected and maintained by Marisela Foley, Deputy Court Administrator, of the Circuit Court of the Twenty Second Judicial Circuit for McHenry County, Illinois.

The 22nd Judicial Circuit Court complies with the Administrative Office of the Illinois Courts (AOIC) language access data collection requirements. The 22nd Judicial 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:

Interpreters employed by the 22nd Judicial Circuit are able to use the court's Integrated Court Information System (ICIS) to modify, track and report, litigant's language needs. Additionally, this information can be tracked and reported via electronic query. This information can be utilized for reporting purposes for the Administrative Office of the Illinois Court, as well as, serve as a calendaring function for interpreters.

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters in the Courtrooms

1. Determining When an Interpreter is Needed

The 22nd Judicial 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.

Currently, signage is posted at each entrance of the courthouse and in the vestibule of the criminal courtrooms and states in Spanish: "We offer Spanish interpretation for all criminal court proceedings. This service is free. Please see the CSO in the courtroom assigned to you to receive this service." Additional multilingual signage will be displayed upon receiving signage from the AOIC.

This notice is displayed at each entrance to the court house. Court Administration has three full time Spanish court interpreters that also assist all other county departments within the courthouse.

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.

The sign posted in the vestibule of each criminal courtroom directs the court user/defendant to check in with the court security officer (CSO). The CSO has a sign-up

sheet (see attached) where the court user/defendant will sign in. If the court user is represented by an attorney, the attorney signs in the court user/defendant, once the party is signed in the CSO calls the court administration office to request a court interpreter. This procedure is used in all routine, status, continuances and short trials/hearings. Requests for lengthy hearings, bench and jury trials are requested in writing, by way of court order (see attached) or e-mail from the court user's attorney to the court administration office.

For all other languages other than Spanish, the judge or the attorney representing the client user/defendant will prepare a written court order and a copy of said order is dropped off in the court administration office, pursuant to local court rule 10.14 Assignment of Court Interpreters.

McHenry County uses the attached to help identify the language that is needed.

McHenry County uses the following resources to facilitate communication if available: As of January 2014 we will have 3 full-time Spanish court interpreters (job description attached); bilingual employees are available in Spanish and Polish; several translated documents in Spanish language only; both telephonic and video interpreting services are available; Headsets for hearing impaired.

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.

In McHenry County, attorneys (prosecuting and defense), court services/probation department, police officers and domestic violence advocates commonly request the assistance of an interpreter.

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 22nd Judicial Circuit Court will make reasonable efforts to appoint a "certified" interpreter if available, for any contested hearings/trial court proceeding; 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 22nd Judicial Circuit Court will seek a "registered" court interpreter that has met the requirements to be on the statewide interpreter registry. The 22nd Judicial Circuit appoints an unregistered interpreter only when certified and registered interpreters are unavailable; or for matters which do not involve contested hearings/trial proceedings. Whenever a non-certified 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 22nd Judicial Circuit provides guidance for determining the qualifications of an unregistered interpreter.

The McHenry County Human Resource Department (HR) assists with posting the interpreter position on the county website. HR assists with screening the applicants. HR forwards all of the qualified applicants to court administration. A copy of the job posting is attached. The applicant must perform simultaneous interpretation and prior court interpreting experience is required. During the interview, a test is given (see attached) to determine if the applicant is able to perform simultaneous interpretation, legal terminology and accuracy.

The Circuit Court of the 22nd Judicial Circuit contracts with agency services for various languages (see attached) most contracted are, Chinese-Cantonese/Mandarin, Korean, Russian, Tagalog and Vietnamese. One of the requirements is that the interpreter performs simultaneous interpretation.

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 22nd Judicial Circuit Court complies with the Illinois Criminal Proceeding Interpreters' Act and provides interpreters if needed for misdemeanor and felony proceedings. If an interpreter is needed but one is not available, the judge stays the proceeding until an interpreter is available.

Full-time Spanish court interpreters are used to cover traffic, all criminal and juvenile court proceedings.

The court uses both telephonic and video interpreting for foreign languages that are not frequently used in the court for routine matters only. For contested hearings/trials, contract interpreters are used.

For requests in languages other than Spanish and for routine matters only, telephonic or video interpreting is available. For requests in languages other than Spanish for hearings and trials, arrangements are made with a local interpreting agency.

Sign language interpreters are provided in all court proceedings when required.

b. For Civil and Family Matters

The Circuit Court of the 22nd Judicial Circuit for McHenry County, Illinois provides full time Spanish Court interpreters to assist in all civil cases before the court. In addition; for languages other than Spanish, the Circuit Court provides at no cost to the litigant language access via telephonic or video interpreting services. In the event of a contested/trial proceeding, the court shall provide a contract interpreter to the litigant.

The Illinois Supreme Court Language Access Policy provides that courts should appoint an interpreter for any legal proceeding, including civil cases and court-annexed proceedings.

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.

Sign language interpreters are provided in all court proceedings when required.

B. Beyond the Courtroom: Services for LEP Individuals

The Circuit Court of the 22nd Judicial Circuit for McHenry County, Illinois is 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.

The Circuit Court utilizes employee interpreters, Language Line and Stratus Video Interpreting services as a means to offer language access to individuals beyond the courtroom.

IV. TRAINING OF COURT STAFF

The Circuit Court of the 22nd Judicial Circuit, McHenry County, Illinois 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 22nd Judicial 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.

One of our staff court interpreters is certified through NCSC; Texas certification requires 8 credit hours of continued education per year. All staff court interpreters attend NAJIT and/or ATA conferences.

V. PUBLIC NOTIFICATION AND ONGOING PLAN EVALUATION

A. LAP Approval and Publication

The Plan will be reviewed by the Chief Judge of the 22nd Judicial Circuit. Upon approval by the Chief Judge, the Plan will be submitted to the AOIC. The Language Access Plan of the 22nd Circuit is subject to review and approval by the AOIC Language Access Services Specialist. The Plans will be available to the public via the AOIC and each Chief Circuit Judge. Any revisions to the plan must be submitted to the Language Access Services Specialist of the Administrative Office of the Illinois Courts.

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 22nd Judicial 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 Circuit Court of the 22nd Judicial Circuit for McHenry County, Illinois has achieved the following goals:

1. Posted multi-lingual signs throughout the courthouse
2. Language access information/resources has been shared with other departments
3. Video interpreting services has been implemented thereby allowing greater language access to the civil courtrooms.

4. All employees of the Circuit Court of the 22nd Judicial Circuit, 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 know where to direct that LEP party to get additional assistance.

The Circuit Court will continue to monitor language access, evaluate and make any changes necessary to improve overall language access to the court.

VIII. CONTACT INFORMATION

LAP Contact:

Name: Marisela Foley

Position: Deputy Court Administrator

Circuit: 22nd Judicial Circuit

County: McHenry

Address: 2200 N. Seminary Ave. Woodstock, IL 60098

Phone/fax: Phone: 815-334-4381 Fax: 815-338-0248

Email: mxfoley@co.mchenry.il.us

LAP Approval Conducted by:

Name: James D. Wallis

Position: Court Administrator

Circuit: 22nd Judicial Circuit

County: McHenry

Address: 2200 N. Seminary Ave. Woodstock, IL 60098

Phone/fax: Phone: 815-334-4351 Fax: 815-338-0248

Email: jdwallis@co.mchenry.il.us

AOIC Language Access Services Specialist:

Sophia N. Akbar, J.D.

Language Access Services Specialist

Administrative Office of the Illinois Courts

222 N. LaSalle St., 13th Floor

Chicago, IL 60601

(312) 793-2013 (phone)

(312) 793-1335 (fax)

sakbar@illinoiscourts.gov

IX. EFFECTIVE DATE

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