

# 39th Judicial District Franklin & Fulton Counties

## LANGUAGE ACCESS PLAN

### Section I. Legal Basis and Purpose

This Language Access Plan (LAP) is the plan for the 39<sup>th</sup> Judicial District to ensure meaningful access to court services for persons with limited English proficiency (LEP) or deaf or hard of hearing in compliance with Title VI of the Civil Rights Act of 1964<sup>1</sup>, the Omnibus Crime Control and Safe Streets Act,<sup>2</sup> the Pennsylvania Interpreter Act,<sup>3</sup> and the Administrative Regulations Governing Court Interpreters for Persons With Limited English Proficiency and for Persons Who Are Deaf or Hard of Hearing.<sup>4</sup> A limited English proficient person is a person who does not speak English as his or her primary language, and who has a limited ability to read, write, speak, or understand English, and therefore may be unable to understand and meaningfully participate in the court process. Although deaf and hard of hearing 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 the Pennsylvania Interpreter Act and the Administrative Office of Pennsylvania Courts' (AOPC) Interpreter Certification Program Regulations.<sup>5</sup>

The purpose of the plan is to provide a framework for the provision of timely and effective language assistance to LEP persons and deaf and hard of hearing persons who come in contact with the 39<sup>th</sup> Judicial District.

The 39<sup>th</sup> Judicial District has appointed a language access coordinator to be a contact person for the public, court staff, and the AOPC concerning this plan and its implementation. The Language Access Coordinator for the 39<sup>th</sup> Judicial District is:

**Name:** Gale Kendall  
**Title:** Deputy Court Administrator  
**Address:** 157 Lincoln Way East, Chambersburg, PA 17201  
**Phone #:** 717-261-3848  
**Fax #:** 717-261-3854  
**Email:** gakendall@franklincountypa.gov

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<sup>1</sup> 42 U.S.C. § 2000d *et seq.*; *see also* 45 C.F.R. § 80 *et seq.*; 28 C.F.R. § 42 *et seq.*

<sup>2</sup> 42 U.S.C. § 3789d(c)(1).

<sup>3</sup> Act 172 of 2006, 42 Pa. Cons. Stat. § 4401, *et seq.*

<sup>4</sup> 204 Pa. Code § 221.101 *et seq.*

<sup>5</sup> 204 Pa. Code 221.

## **Section II. Needs Assessment**

### **A. Statewide Survey**

The 39<sup>th</sup> Judicial District will make every effort to provide service to all LEP and deaf or hard of hearing persons in the court's service area. According to the 2010 AOPC survey of the district court administrators of Pennsylvania, the most widely used languages requiring interpreters in Pennsylvania's judicial districts were (number of counties in which the language is used regularly):

1. Spanish (67)
2. American Sign Language (51)
3. Mandarin Chinese (25)
4. Russian (20)
5. Vietnamese (14)
6. Arabic (14)
7. Korean (11)
8. Polish (10)
9. Italian (10)
10. French (10)

### **B. Judicial District Data**

The following list shows the non-English languages, including American Sign Language, ("ASL"), most frequently spoken in this judicial district's physical jurisdiction, based on census data compiled by the Penn State Data Center:

1. Spanish
2. Other West Germanic languages
3. German
4. Tagalog
5. French

The five most common languages for which interpreters were provided in the 39<sup>th</sup> Judicial District for years 2012 and 2013:

1. Spanish
2. American Sign Language
3. Haitian Creole
4. Mandarin Chinese
5. Vietnamese

### **C. Identification of LEP Persons**

Court staff use the following methods to identify LEP persons:

- "I Speak" cards

NOTE: "I Speak" cards are available via Court Administration and at all Magisterial District Court Offices within the 39<sup>th</sup> Judicial District.

### **Section III. Language Assistance Resources**

#### **A. Interpreters Used In Judicial Proceedings**

The 39<sup>th</sup> Judicial District will offer assistance to LEP and deaf or hard of hearing persons during judicial proceedings by providing foreign language interpreters as required by Title VI of the federal Civil Rights Act, the Pennsylvania Interpreter Act, and its regulations. As defined by the Pennsylvania Interpreter Act, it is "the policy of this Commonwealth to secure the rights, constitutional and otherwise, of persons who because of a non-English speaking cultural background or because of an impairment of hearing or speech are unable to understand or communicate adequately in the English language when they appear in court or are involved in judicial proceedings."<sup>6</sup> Pursuant to the regulations under Act 172, the Pennsylvania Interpreter Act, specific persons are required to give notice to the court of the need for an interpreter in certain types of cases, but "anyone with knowledge of a principal party in interest, witness or direct victim's need for an interpreter may give notice of that need to the presiding judicial officer or the Appellate Court Prothonotary/District Court Administrator or his or her designee . . . ."<sup>7</sup>

The 39<sup>th</sup> Judicial District provides interpreters for judicial proceedings in compliance with the rules and policies set forth in the Pennsylvania Interpreter Act and regulations, the AOPC Interpreter Certification Program regulations,<sup>8</sup> and the Guidelines for the Procurement and Appointment of Interpreters issued by the AOPC. Interpreter request and waiver forms are available on the Interpreter Certification Program page of the UJS website.<sup>9</sup> Under "Request an Interpreter", select and fill out the appropriate form; return to the language access coordinator at the Court Administrator's Office via email, or fax, or U.S. mail. Contact information for the language access coordinator is listed in Section I of this policy.

The Pennsylvania Interpreter Certification Program ("ICP") maintains a statewide roster of certified, otherwise qualified, and registered interpreters who may work in the courts, which is available to court staff and the public online.<sup>10</sup> The 39<sup>th</sup> Judicial Districts must give preference to the appointment of a certified interpreter, unless a certified interpreter is not available.

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<sup>6</sup> 42 Pa. Cons. Stat. § 4401.

<sup>7</sup> 204 Pa. Code §221.201(a)(4).

<sup>8</sup> 204 Pa. Code §221.

<sup>9</sup> <http://www.pacourts.us/judicial-administration/court-programs/interpreter-program>

<sup>10</sup> <http://www.pacourts.us/judicial-administration/court-programs/interpreter-program/interpreter-roster>

The court may appoint otherwise qualified interpreters when certified interpreters are unavailable. Otherwise qualified interpreters should be selected from the statewide roster. If the 39<sup>th</sup> Judicial District is unable to locate a certified, otherwise qualified, or registered interpreter on the statewide roster, then the judicial district will contact AOPC ICP staff for guidance.

## **B. Language Services Beyond Judicial Proceedings**

The 39<sup>th</sup> Judicial District is also responsible for taking reasonable steps to ensure that LEP persons have meaningful access to all court services, once LEP court users have been identified using the resource(s) listed in Section II (C) of this policy. This is one of the most challenging situations facing court staff because in most situations they will encounter LEP persons without an interpreter present. LEP persons may come in contact with court personnel via:

- Telephone
- Counter
- Information desk
- Attorneys
- Third-party referrals

Once court staff has identified LEP individuals utilizing the resources identified in Section II (C) of this policy, court staff provide the following language assistance services in the situations listed directly above:

- Telephonic Interpretation Service (e.g., Language Line)
  - NOTE: Court Administration and Magisterial District Courts are familiar with the functionality of this service and are available to provide assistance.
- Bilingual employees

## **C. Forms & Documents**

1. Statewide - The Administrative Office of Pennsylvania Courts (AOPC) makes select translated forms available to the courts on its website.<sup>11</sup>

2. Judicial District - The 39th Judicial District recognizes the importance of translating vital forms and documents so that LEP individuals have equal access to court services. To ensure consistency in the translation of vital documents and forms, the 39th Judicial District follows the guidelines established in the National Center for State Courts' Guide to Translation Practices.<sup>12</sup> Additional translated forms available to court users include:

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<sup>11</sup> <http://www.pacourts.us/forms/for-the-judiciary/>.

<sup>12</sup> <http://www.ncsc.org/education-and-careers/state-interpreter-certification/~media/files/pdf/education%20and%20careers/state%20interpreter%20certification/guide%20to%20translation%20practices%206-14-11.ashx>.

The list below reflects documents that the 39<sup>th</sup> Judicial District intends to translate in Spanish.

NOTE: The timeframe for these documents to be translated is the second quarter of 2015. Translated documents will be available online (for both Franklin and Fulton Counties) and/or for pick up via the Court Administrator's Office at the Courthouse (for Franklin County). For pick up in Fulton County, documents will be available via the Clerk's Office at the Courthouse.

- Summary Appeal – Motion for Continuance
- Motion to Withdraw Summary Appeal
- Motion for Scheduling – Trial term to Trial term
- Motion for Scheduling to Disposition
- Motion to Continue Mandatory Arraignment
- Waiver of Counsel
- Appeal from Denial of Public Defender
- Application for Parents of Juveniles through Children & Youth
- Interpreter Requests:
  - Civil
  - Criminal
  - MDJ
  - Juvenile
  - Waiver
- Divorcing Parenting Brochure & Letter
- Child Custody Packet for Pro Se Litigants

#### **D. Other Provisions**

In an effort to provide LEP persons language access to court information, the judicial district also provides the following:

Plans for making information available in languages other than English:

- Through the County Courts' Website in Spanish via Google translate tool

#### **Section IV. Training**

The 39<sup>th</sup> Judicial District will work with the AOPC to ensure that all employees are trained on LEP policy and procedure. Judicial district staff will attend training to assist them to: identify and respond to LEP persons, increase awareness of the types of language services available, guide when and how to access those services, and effectively use language services. New employees, especially those who will have regular contact with the public, will be required to attend language access training.

Judicial district staff will attend and county clerks will be offered the following training regarding language access:

- Periodic training for new judicial district staff
- Periodic training for employees who have frequent contact with the public

**Section V. Public Notification and Evaluation of Language Access Plan**

**A. Language Access Plan Approval and Notification**

The 39<sup>th</sup> Judicial District’s LAP has been approved by the AOPC. The judicial district will post its LAP on its public website and/or public notification area within the courthouse and will make copies of the LAP available upon request. In addition, copies of the plan have been provided to all identifiable stakeholders in the LEP and deaf/hard of hearing communities, including but not limited to: the District Attorneys' Office, the Public Defenders' Office, and the local legal aid office.

The judicial district consulted with the following members of the community in creating its LAP:

- Court Departments
  - o Adult Probation
  - o Juvenile Probation
  - o Domestic Relations
- County Departments
  - o Drug & Alcohol
  - o Mental Health
  - o Children & Youth
  - o Franklin County Jail
  - o Day Reporting Center

**B. Evaluation and Review of the LAP**

The 39<sup>th</sup> Judicial District will review this LAP six months from its inception, and biennially thereafter to assess whether the LAP needs updating. The LAP will remain in effect unless modified or updated. Review of the following areas may indicate a need to update the LAP:

- Increase in number of LEP and deaf or hard of hearing persons requesting court interpreters or language assistance
- Funding provided or available for languages services
- Current language needs to determine if additional services or translated materials should be provided
- Feedback from LEP and deaf or hard of hearing communities and stakeholders within the judicial district

- Court staff (turnover, new hires, etc.)
- Feedback from trainings provided by the judicial district or AOPC
- Viability of identified language services and resources
- Problem areas and corrective action strategies
- Updated census data

The language access coordinator for the 39<sup>th</sup> Judicial District ensures this plan is followed, advises the court on potential updates to this plan, and coordinates provision of language access services for the judicial district as they arise. Gale Kendall, Deputy Court Administrator for the 39<sup>th</sup> Judicial District is the Language Access Coordinator and her contact information is listed in Section I of this policy.

The 39<sup>th</sup> Judicial District will notify the AOPC of any changes to the language access coordinator’s contact information, or if a new language access coordinator is named. Any revisions to the language access plan will be communicated to all court personnel, and an updated version of the plan will be posted on the court's website and in a public notification area in the courthouse, as well as distributed to all relevant stakeholders.

**Section VI. Grievance Procedure**

Any LEP, deaf or hard of hearing individual has the right to file a complaint against the 39<sup>th</sup> Judicial District when he or she believes that the 39<sup>th</sup> Judicial District did not provide the necessary LEP or sign language services. The Language Access Coordinator shall take reasonable steps to inform LEP, deaf or hard of hearing court users about the availability of complaint forms.

The Language Access Coordinator shall:

- Utilize the attached complaint procedure and form (Attachment A)
- Publish and make the complaint procedure and form readily available
- Post the complaint procedure prominently in the court facilities and on the court's website

All complaints regarding this LAP should be forwarded to:

**Name:** Mark Singer  
**Title:** District Court Administrator for 39<sup>th</sup> Judicial District  
**Address:** 157 Lincoln Way East, Chambersburg, PA 17201  
**Phone #:** 717-261-3848  
**Fax #:** 717-261-3854  
**Email:** msinger@franklincountypa.gov

The District Court Administrator for the 39<sup>th</sup> Judicial District will investigate any complaints that allege noncompliance with this LAP. If the investigation results in a finding of compliance, the District Court Administrator will inform the LEP individual in writing of this determination, including the basis for determination. If the investigation results in a finding of noncompliance, the District Court Administrator will inform the LEP person of the noncompliance in a letter that outlines the steps that will be taken to correct the noncompliance.

Effective Date: Entered this 15<sup>th</sup> Day of MAY, 2015

Date: 5-8-15 Language Access Coordinator Signature:   
Gale Kendall

Date: 5-8-15 District Court Administrator Signature:   
Mark Singer

Date: 5-8-15 President Judge Signature:   
The Honorable Carol L. Van Horn