

IN THE TWENTY-FIFTH JUDICIAL CIRCUIT OF MISSOURI
COUNTIES OF MARIES, PHELPS, PULASKI AND TEXAS
ADMINISTRATIVE ORDER 2014-025
LANGUAGE ASSISTANCE PLAN (LAP)

(Effective April 2, 2014)

In order to assist in providing services to Limited English Proficient (LEP) individuals who come in contact with the courts of this Judicial Circuit, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

I. LEGAL BASIS AND PURPOSE

This document serves as the plan for the Twenty-Fifth Judicial Circuit of Missouri to provide services to Limited English Proficient (LEP) 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. The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with courts in Missouri.

This LEP Plan was developed to ensure equal access to court services for persons with limited English proficiency and hearing-impaired persons.

II. NEEDS ASSESSMENT

Missouri courts provide court services to a wider range of persons, including people who do not speak English. Service providers include the Missouri Supreme Court, Court of Appeals and circuit courts in the 45 judicial circuits.

According to Office of State Courts Administrator (OSCA) Missouri Court Access to Justice Program, which tracks court interpreter usage, the most widely used languages for interpreters in the State of Missouri were (in descending order of frequency):

1. Spanish
2. Vietnamese
3. Bosnian
4. Micronesia
5. Russian

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters Used In the Courtroom

By Section 476.803, RSMo, courts shall appoint qualified foreign language interpreters in all legal proceedings in which the non-English speaking person is a party or witness. Missouri's statutes (Section 476.806, RSMo) provide foreign language interpreters at no cost for litigants and witnesses in criminal proceedings. Said funds are appropriated from the legislature for such purpose.

Payment for foreign language interpreters for litigants and witnesses in civil proceedings are determined at the discretion of the officiating judge. The aforementioned statute allows the court to charge it as costs to the parties.

It is the law of Missouri to secure the constitutional rights of LEP persons by providing qualified interpreters when parties or witnesses are unable to readily understand or communicate the spoken English language. OSCA provides a list of certified interpreters who are qualified to interpret in court proceedings.

If the current list of certified and registered interpreters maintained by OSCA does not include an interpreter certified or registered in the language spoken by the non-English speaking person, the appointing authority should contact OSCA to request a certified interpreter from another state. When all efforts to find a certified interpreter are exhausted, the appointing authority may appoint a qualified interpreter.

1. **Determining the Need for an Interpreter in the Courtroom**

There are various ways that the courts of Missouri will determine whether an LEP individual needs an interpreter for a court proceeding. First, the LEP individual may request an interpreter. The courts of Missouri are provided a sign translated in Missouri's nine most frequently used languages which states: "Free interpreter services are available upon request. To conduct court business and to schedule an interpreter for hearings or trials contact the Circuit Clerk of this county." This person will be a local court staff person.

Second, court personnel and judges may determine that an interpreter is appropriate for a court proceeding. 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 judge should err on the side of providing an interpreter to ensure full access to the courts.

Third, the Missouri Court Information Center (a database of resources for court personnel), contains questions a judge can ask to determine a person's English language skills. This resource is available statewide on an intranet.

Fourth, the automated statewide case management system, JIS, tracks interpreter need through case and party records. Case record interpreter flags assist staff in making sure they know an interpreter is needed for the next hearing. Party record interpreter information stays with the party and is available circuit-wide for future filings and party search results for that same individual. In the future, this information will be available state-wide.

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

2. Court Interpreter Qualifications

Missouri courts schedule interpreters for courtroom proceedings as needed. OSCA maintains a statewide roster of interpreters who are certified to work in the courts. This roster is available to court staff on MCIC and the Supreme Court's website. Interpreters on the roster have attended an orientation session, passed the written examination and a rigorous interpreting skills examination, and signed a sworn affidavit of professional responsibility. When the court has made a diligent effort to find a certified court interpreter and none is available, OSCA seeks a certified court interpreter in another state by using contacts from the Consortium. OSCA also utilizes these contacts to see interpreters for less common languages for which there is no certification.

Whenever a non-certified interpreter is used in the courtroom, judges are encouraged

to inquire into the interpreter's skills, professional experience, and potential conflicts of interest.

Missouri currently certifies or registers in the following languages that have an oral examination available from the Consortium: Arabic, Cantonese, Chuukese, Bosnian/Croatian/Serbian, French, Haitian Creole, Hmong, Ilocano, Korean, Laotian, Mandarin, Marshallese, Polish, Russian, Somali, Spanish, Turkish and Vietnamese.

As a last resort, the courts of Missouri may also use interactive television (ITV) or telephone interpreting if no interpreters are available in person. Bilingual staff who are not on the statewide roster should not be used to interpret in court. However, they may assist in securing an interpreter if necessary and providing general customer services at the counter.

B. Spoken Language Services outside The Courtroom

The U.S. Department of Justice requires courts to take reasonable steps to ensure that LEP 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 individuals without an interpreter. LEP individuals may come in contact with court personnel via the phone, counter or other means. To that end, the courts have the following resources on MCIC to help LEP individuals and court staff communicate with each other:

- Telephone interpreting services
- Certified interpreters
- State of Missouri contracts with interpreting agencies

C. Translated Forms & Documents

The Missouri courts understand the importance of translating forms and documents so that LEP individuals have greater access to the courts' services. OSCA currently has the following forms translated into commonly used languages:

- Criminal court forms have been translated into Spanish: Statement of Rights Upon Guilty Plea; and Waiver of Preliminary Hearing
- Adult abuse/stalking and child abuse forms have been translated into Bosnian and Spanish. These include: Petition for Order of Protection; Family Access Forms; and Order of Protection.

These translated forms are available in the court clerk handbook and on MCIC for internal use.

When interpreters are scheduled for hearings, they are expected to provide sight translations for corresponding documentation to LEP individuals.

D. Providing Emergency Information to LEP Court Customers

The courts are responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to emergency information should an emergency situation arise. The court should provide LEP individuals with such information in the following ways:

- Universally understood emergency signs located in the strategic places throughout the courthouse building;
- Clearly marked emergency exits (possibly also in the most common for the area non-English languages);
- Evacuation maps located in visible points with an indication in common for the area non-English languages that those are the evacuation maps;
- Informed and trained bilingual staff, if available, to provide emergency information.

IV. TRAINING

OSCA is committed to providing LEP training opportunities/resources frequently for all staff members who come in contact with LEP individuals. Training and opportunities

specifically provided for the courts of Missouri include:

- Twice yearly Court Clerk College
- Twice yearly Judicial College
- “Cultural Diversity - It Takes All Kinds” Webinar
- Twice yearly Presiding Judges meeting
- Twice yearly Juvenile Officer business meeting
- Missouri Juvenile Justice Association educational conference
- Missouri Circuit Clerks’ Association conference

Attendees receive written documentation to take back to the court and share with other staff. OSCA staff also provide presentations and are available to answer questions participants may have. Some presentations are posted on MCIC for future reference.

V. PUBLIC NOTIFICATION AND EVALUATION OF LEP

PLAN A. Periodic Evaluation of the LEP Plan

OSCA will conduct a periodic needs assessment to determine whether changes to the LEP plan are recommended. This assessment may be done by tracking the number of interpreter payments or by other methods.

The statewide Access to Courts Specialist will review the effectiveness of the LEP Plan. The evaluation will include identification of any problem areas and development of corrective action strategies. Elements of the evaluation will include:

- Number of interpreter payments made by OSCA for Missouri courts;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Gathering feedback from stakeholders around the state.

LAP Contact Persons

Local Contacts:

Julie Fridley
Secretary to Presiding Judge
[tel. # and email]

Mark Buschmann
Maries County Circuit Clerk
[tel. # and email]

Sue Brown
Phelps County Circuit Clerk
[tel. # and email]

Rachelle Beasley
Pulaski County Circuit Clerk
[tel. # and email]

Marci Mosley
Texas County Circuit Clerk
[tel. # and email]

State Contact:

Lynette Ricks
Access to Courts Specialist
Office of State Courts Administrator
P.O. Box 104480
Jefferson City, MO 65110
Lynette.Ricks@courts.mo.gov
Tel: 573-751-4377

The effective date of this Language Assistance Plan is April 4, 2014

Date: _____

Honorable Gregory D. Warren
Presiding Judge