

**17TH JUDICIAL CIRCUIT COURT OF ILLINOIS
LANGUAGE ACCESS PLAN**

I. LEGAL BASIS AND PURPOSE

This document shall serve as the Language Access Plan (LAP) for the 17th Judicial Circuit Court 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 17th Judicial Circuit Court of Illinois, and ensure that LEP individuals within the jurisdiction of the 17th 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 2015.

II. DEMOGRAPHIC INFORMATION

The following list includes the foreign languages that are most frequently used in this circuit's geographic area:

1. Spanish
2. Chinese
3. Vietnamese

This information is based on data collected and maintained by the 17th Circuit Court Administration Office.

The 17th Circuit Court complies with the Administrative Office of the Illinois Courts (AOIC) language access data collection requirements. The 17th 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:

Court staff in Winnebago County and Boone County keep track of events that included a limited English proficient party on a daily basis and then compile weekly and monthly language access statistical reports. All language access statistical reports are submitted to the attention of the Trial Court Administrator who is responsible for compiling all statistical information and completion of reports to the AOIC on a quarterly basis.

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters in the Courtrooms

1. Determining When an Interpreter is Needed

The 17th Circuit Court utilizes three primary methods for ascertaining the necessity of an interpreter for a court proceeding.

First, a LEP individual may proactively request an interpreter to provide language assistance for a court proceeding.

Multilingual signs are displayed at locations throughout every court facility informing individuals that language interpretation services are available. Additional information about language access resources, including a copy of this language access plan, is available on the 17th Circuit Webpage.

Second, a judge or other court employee may determine that an interpreter is appropriate for a court proceeding.

A judge or other court employee may believe that someone may require services of a court interpreter and ask questions of the possible LEP person to determine if the individual is capable of understanding and meaningful participation in the court proceeding. All judges are in possession of Judicial Bench Cards on Language Access that contain sample questions to assist in determining whether an individual is LEP. Judges and court bailiffs are in possession of “I Speak” cards that allow LEP persons to identify the language in which the LEP person is proficient. If a judge or other court employee determines that an interpreter is needed, notice will be provided to court administration staff authorized to assess and make arrangements to provide interpreter services.

Third, other stakeholders in the court system may notify the court that an interpreter will be needed for a court proceeding.

In both Winnebago County and Boone County, the court may receive notice about the need for an interpreter from correctional officers, probation officers, prosecutors, defense attorneys, circuit clerks and victim advocates. Such notifications, whether written or verbal, will be routed to court administration staff authorized to assess and make arrangement to provide interpreter services.

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 the Administrative Office of the Illinois Courts. 705 ILCS 78. Pursuant to its statutory authority, the Administrative Office of the Illinois Courts 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 Administrative Office of the Illinois Courts maintains a statewide registry of interpreters that is distributed to the circuit courts and contains contact information for interpreters in numerous languages. After the Administrative Office of the Illinois Courts 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 court 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 17th Judicial Circuit Court makes reasonable efforts to appoint a "certified" interpreter if available, 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 17th Circuit Court makes reasonable efforts to appoint a "registered" court interpreter that has met the requirements to be on the statewide interpreter registry will be sought. If neither a "certified" interpreter nor "registered" interpreter is available, the 17th Circuit Court will appoint an unregistered interpreter.

Whenever an unregistered interpreter is used in the courtroom, judges will inquire into the interpreter's qualifications, skills, and potential conflicts of interest. All judges have been provided with Judicial Bench Cards on Language Access that provides guidance on determining the qualifications of an unregistered interpreter.

3. Providing Interpreters for the Court

The 17th Circuit employs two Spanish language interpreters in Winnebago County and two Spanish language interpreters in Boone County. All Winnebago County and Boone County courtrooms and related court offices have access to telephonic interpretation services for multiple languages. The 17th Circuit has a contract with Language Line Solutions for access to telephonic interpretation services, and also uses the services of Southern Wisconsin Interpretation & Translation Services (S.W.I.T.S.) for language interpretation needs.

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 17th Circuit Court provides interpreters as necessary for felony, misdemeanor, traffic and juvenile proceedings. If an interpreter is unavailable, proceedings will be stayed until an interpreter is available.

b. For Civil and Family Matters

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.

If a judge determines that an interpreter is needed for a civil or family court proceeding, notice will be provided to court administration staff authorized to assess and make arrangements to provide either in-person or telephonic interpreter services.

The 17th Circuit Court has an established Family Law Mediation Program. From a list of court approved family law mediators, judges make reasonable efforts to assign mediators who speak the same language as LEP litigants. Interpreter services are available to program participants upon request.

The 17th Circuit Court has an established a Residential Mortgage Foreclosure Mediation Program. Interpreter services are available to program participants.

B. Beyond the Courtroom: Services for LEP Individuals

The 17th Circuit takes 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 17th Circuit Court makes available telephonic interpretation services for court departments and staff to aid in their assistance of LEP persons requiring interpretation outside of the courtrooms. Spanish versions of certain court forms and orders are utilized to facilitate comprehension for LEP individuals.

IV. TRAINING OF COURT STAFF

The 17th Circuit Court 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 17th Circuit will work in collaboration with the Administrative Office of the Illinois Courts to ensure that all judges and court employees receive relevant language access trainings and have the adequate support to provide language access services as needed.

V. PUBLIC NOTIFICATION AND ONGOING PLAN EVALUATION

A. LAP Approval and Publication

The Language Access Plan of the 17th Circuit is subject to review and approval by the Chief Circuit Judge. Upon approval, the Plan will be submitted to the Administrative Office of the Illinois Courts. Any revisions to the plan will be submitted to the Trial Court Administrator for review and approval by the Chief Circuit Judge, and then forwarded to the Administrative Office of the Illinois Courts.

The Administrative Office of the Illinois Courts’ Language Access Services Specialist will coordinate and facilitate the Supreme Court’s approval of the various circuits’ Language Access Plans. Additionally, the plans will be available to the public via the Administrative Office of the Illinois Courts and each Chief Circuit Judge.

B. Ongoing LAP Evaluation

The Administrative Office of the Illinois Courts 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 Administrative Office of the Illinois Courts’ 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 17th 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 17th Circuit Court will strive to accomplish the following actions steps in the coming year to address language access:

1. Improve multilingual signage in regards to interpretation services within each court facility.
2. Provide training and education to court personnel about the rights and resources available to LEP persons that visit the court or related programs, and how they can access such interpretation resources.
3. Improve language access data collection and tracking procedures to better measure interpreter utilization.

VIII. CONTACT INFORMATION

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LAP Approval Conducted by:

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IX. EFFECTIVE DATE

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