

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

I. LEGAL BASIS AND PURPOSE

This document serves as the Language Assistance Plan (LAP) for the Walla Walla 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 the Americans with Disabilities Act. The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP and deaf or hard-of-hearing persons who come in contact with the Walla Walla County Clerk and Superior Court.

The use of court interpreters (both sign language and non-English spoken language) is instructed 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.

This LAP was developed to insure equal access to court services for persons with limited English proficiency and deaf and hard-of-hearing persons. 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 RCW 2.42 and 2.43.

It is the policy of the Walla Walla County Clerk and Superior Court to provide language access services to LEP and deaf or hard-of-hearing persons to ensure equal access to courts and to protect the constitutional rights of such persons. The Walla Walla County Clerk and Superior Court will make every effort to provide professional language services to all LEP and deaf or hard-of-hearing persons.

II. NEEDS ASSESSMENT

In order to be accessible to the community in which the court provides services, it is important to understand what languages are spoken in the community. Statewide data give some indication of what languages are spoken in our state; however, it is important to note the languages of individuals living in the area served by Walla Walla courts. Looking at both state and local data, as well as gathering anecdotal information, can help facilitate a deeper understanding of the languages spoken in our communities.

A. Statewide

Washington State courts provide vital services to the public, and the courts interact with a wide range of persons, including people who do not speak English or who are deaf or hard-of-hearing. According to 2010 U.S. Census data, the most widely used languages for interpreters in Washington State were (in descending order of frequency):

- | | |
|---------------|------------|
| 1. Spanish | 5. Somali |
| 2. Russian | 6. Chinese |
| 3. Vietnamese | 7. Korean |
| 4. Ukrainian | 8. Tagalog |

B. Walla Walla County

The following list shows the non-English languages most frequently used in Walla Walla County, according to U.S. Census Bureau 2009-2013 Community Survey 5-Year Estimates:

Spanish
Chinese
Russian
German
Japanese

The Office of Superintendent of Public Instruction (OSPI) provides data based on a home language survey of all students enrolled in public schools in Washington State. That data shows the Walla Walla School District reports serving families in the following languages:

Arabic
Chinese-Cantonese
Chinese-Mandarin
Chinese-Unspecified
Czech
French
German
Gujarati
Japanese
Korean
Lao
Palau
Pilipino/Filipino
Portuguese
Russian
Spanish
Thai
Tigrinya
Vietnamese

C. Walla Walla County Clerk and Superior Court

Locally, Spanish language interpretation is a primary and frequent need. In addition, the Walla Walla County Clerk and Superior Court have identified from interpreter billing records and personal experience with LEP/deaf/hard-of-hearing persons at the courthouse the following language assistance needs among court users in the area, on single or occasional basis:

American Sign Language
Punjabi
Mixtec
Serbian/Croatian/Bosnian
Korean
Portuguese
Amharic
Gujarati
Hindi
Somalian
Chinese/Cantonese

D. Sources.

The above information was compiled from the following individuals and organizations consulted:

Court Services Department Director (Mike Bates)
Human Resources Coordinator (Dena Schueler)
County Personnel/Risk Manager (formerly Lucille Schwallie, now Sheila Eslinger)
Blue Mountain Action Council (Katharine Nyden)
Court Reporter/Administrator Dept. 1 Superior Court (Linda Latham)
Court Reporter/Administrator Dept. 2 Superior Court (Tina Driver)
State Interpreter Commission (publication)
Superintendent of Public Instruction website
YWCA of Walla Walla, Washington (Anne-Marie Schwerin)
Walla Walla County Sheriff (John Turner)
Northwest Justice Project Report of Language Access for State Court
Northwest Justice Project (formerly Jill Peitersen)
Walla Walla County Prosecuting Attorney (Jim Nagle)
Court Facilitator (Bridie Monahan-Hood)
Walla Walla and College Place Public School Districts

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters Used In the Courtroom

The Walla Walla County Clerk and Superior Court will make every effort to provide appropriate language services to all LEP, deaf and hard-of-hearing persons.

It is also the goal of the Walla Walla County Clerk and Superior Court that all LEP, deaf and hard-of-hearing persons will be informed that interpreter services will be provided prior to an in-court appearance, so that the LEP, deaf, or hard-of-hearing person will

know that he/she will not be required to provide an interpreter, thus avoiding the use of non-qualified interpreters (friends, family members, non-qualified court personnel) in the courts. The County Clerk staff will offer appropriate language services to LEP, deaf or hard-of-hearing persons who present at the Clerk's office.

When a deaf or hard-of-hearing 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 hard-of-hearing 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). Additionally, if the parent, guardian, or custodian of a juvenile brought before the court is hard-of-hearing, the appointing authority shall appoint and pay for a qualified interpreter to interpret the proceedings. See RCW 2.42.120(2), and where it is the policy and practice of a court of this state to appoint and pay counsel for persons who are indigent, the appointing authority shall appoint and pay for a qualified interpreter for hard-of-hearing persons to facilitate communication with counsel in all phases of the preparation and presentation of the case. See RCW 2.42.120(6).

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 by the Administrative Office of the Courts (AOC), unless "good cause" (as defined by RCW 2.43.030(1)(b)) is found and noted on the record. If no certified or registered interpreters are available, the appointing authority shall appoint a qualified interpreter as defined in RCW 2.43.020.

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.

B. Determining the Need for an Interpreter in the Courtroom

There are various ways that the Walla Walla 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 hard-of-hearing person may request an interpreter. The Walla Walla County Clerk and Superior Court will display a sign provided by AOC translated into at least 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 courtroom staff or someone at the County Clerk's office.*" The Superior Court will display this sign near the security checkpoint on the third floor of the Courthouse and in any room where individuals are regularly assisted by the Court Facilitator (for family law cases) and domestic violence advocates (for protection orders). The Walla Walla County Clerk will display this sign at or near the front counter in the Clerk's office.

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

The Superior Court staff and County Clerk staff shall be primarily responsible for the scheduling of interpreters after they are made aware of need by LEP, deaf or hard-of-hearing persons or any other personnel such as attorneys, Court Services staff, and any other outside agencies. These persons and outside agencies such as probation, attorneys, social workers or corrections officers should notify the court regarding an LEP, deaf or hard-of-hearing 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 by notifying the court reporter of upcoming court dates scheduled so that an interpreter can be secured.

Once identified in a court file, court staff should ensure that an interpreter is provided for each legal proceeding in the case.

C. Court Interpreter Qualifications

The Superior Court hires interpreters for all legal proceedings 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 http://www.courts.wa.gov/programs_orgs/pos_interpret/. Certified 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 State 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 must inquire into the interpreter's skills, professional experience, and potential conflicts of interest.

The Walla Walla County Superior Court may also use telephone interpreting if no interpreters are available in person pursuant to General Rule 11.3. Bilingual county employees who are not on the statewide roster are never used to interpret in court. However, they may assist in securing an interpreter if necessary.

D. Spoken Language Services outside The Courtroom

The Walla Walla County Clerk and Superior Court will also take reasonable steps to ensure that LEP, deaf and hard-of-hearing individuals have meaningful access to services outside the courtroom. LEP, deaf or hard-of-hearing persons may come in contact with court personnel via the telephone, in the hallway, at the front counter of the clerk's office, or by written correspondence. 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. When the LEP/deaf/hard-of-hearing person seeks out assistance outside the courtroom, court personnel will first try to meet their needs by using the language skills of employees, if available, and through telephonic interpreter services. The Walla Walla County Clerk and Superior Court currently have no bilingual employees; however, criteria for future staffing decisions will include Spanish language proficiency.

A certified Spanish interpreter will be available on the first and third Tuesday of each month in the Court Facilitator's office in Room 104 in the basement of the Courthouse at 1:30 PM.

In instances where a bilingual staff member or in-person interpreter services are not available to assist staff in communicating with LEP individuals, staff shall make efforts to identify the individual's language using the "I speak" booklets provided by AOC to initially attempt to identify the language which an individual speaks. Court staff shall then arrange for either telephonic or in person interpretation. Under no circumstances will LEP individuals be asked to bring their own interpreter or to utilize family or friends present at the time that services are requested. Because telephonic interpreter services will not be effective communication with deaf and hard-of-hearing individuals, court staff will identify ASL interpreter services in their area and establish mechanisms to request interpreters.

Staff shall not use on-line translation resources such as (but not limited to) Google Translate, which potentially offer poor or entirely incorrect translation of communications between court staff and the LEP individual.

For face-to-face encounters, as well as telephone conversations, whenever interpreter services are not immediately available the Walla Walla County Clerk and Superior Court shall use the telephonic interpreter service contact.

E. 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 Walla Walla 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. In instances of telephonic interpretation, the court

will read the document to the interpreter for interpretation, as prescribed in General Rule 11.3.

When court personnel have reason to believe that an individual is LEP, the agency will respond to that LEP individual in a language that he or she understands. For example, a letter sent to a specific LEP person should be translated into the appropriate language for that individual to ensure effective communication. If parties to a case are contacted either by the Superior Court Clerk's office or judge/commissioner or other staff person of the court, any written correspondence will be translated into the native language of the contacted party/individual, to ensure that individual is able to understand and engage with the court.

F. TRAINING

Local courts are committed to providing training opportunities for judicial and court staff members who come in contact with LEP, deaf or hearing-impaired individuals. Training opportunities specifically provided in the Walla Walla County Clerk and Superior Court will include:

- a. Instruction of staff about LAP policies and procedures, as described in this LAP Plan, on a regular basis.
- b. Staff are required to view and review as needed "Breaking Down the Language Barrier," a video training tool provided by the Department of Justice.
- c. When training conferences or seminars occur staff will be sent based on funding availability and/or staffing levels at the court level.
- d. Staff will be trained in the specific procedure for securing an interpreter -- either in-person or telephonic.

III. PUBLIC NOTIFICATION AND EVALUATION OF LAP PLAN

A. LAP Plan Approval & Notification

The Walla Walla County Clerk and Superior Court's LAP has been approved by the Walla Walla County Superior Court judges 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 likewise be forwarded to the Interpreter Program Coordinator. Copies of Walla Walla County Clerk and Superior Court's LAP will be provided upon request. In addition, Walla Walla County will post this plan on its own and AOC's websites.

B. Ongoing Evaluation of the LAP Plan

The Walla Walla County Clerk and Superior Court will regularly reassess their needs and practices 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, the number of LEP and deaf or hearing-impaired individuals (and their spoken languages) who make contact with the court, or by other methods.

Elements of the evaluation will include:

- Consideration of the number of LEP, deaf, or hard of hearing persons requesting court interpreters in the Superior Court;
- Consideration of the number of LEP, deaf or hard of hearing persons requesting interpreter services outside of the courtroom and in the Clerk's office;
- Consideration of the number of interpreter service encounters provided by language -- both in-person and telephonic,
- Reassessment of community language needs to determine if additional services or translated materials will be provided;
- Reassessment of the monitoring and training protocols to insure that staff is trained on the policy and procedure for providing language services.
- Community feedback.

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 and AOC's public website.

The statewide AOC Court Interpreter Program Coordinator may be invited to coordinate with designated local court staff to review the effectiveness of the LAP from time to time. The evaluation may include identification of any problem areas and recommendations for corrective action.

C. LAP Contact Persons

State Contact:

Robert Lichtenberg
Language Access Coordinator
Administrative Office of the Courts
1206 Quince Street SE (Bldg. 1)
PO Box 41170
Olympia, WA 98504-1170
Robert.Lichtenberg@courts.wa.gov
(360) 305-5373 (via Video Relay Service)


Local Contacts:

Kathy Martin
County Clerk
315 West Main
Walla Walla, WA 99362
Clerk1@co.walla-walla.wa.us
(509) 524-2780

Linda Latham
Court Reporter/Administrator Dept. 1 Superior Court
315 West Main Street
Walla Walla, WA 99362
llatham@co.walla-walla.wa.us
(509) 524-2790

Tina Driver
Court Reporter/Administrator Dept. 2 Superior Court
315 West Main Street
Walla Walla, WA 99362
tdriver@co.walla-walla.wa.us
(509)524-2795

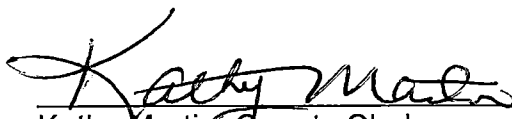
The effective date of this LAP plan is September 1, 2015.



John W. Lohrmann, Presiding Judge



M. Scott Wolfram, Judge



Kathy Martin, County Clerk