

27th JUDICIAL DISTRICT OF PENNSYLVANIA



COURT OF COMMON PLEAS OF WASHINGTON COUNTY

LANGUAGE ACCESS PLAN

I. Legal Basis and Purpose

This Language Access Plan (“LAP”) demonstrates the commitment of the Twenty-Seventh 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 1964¹, the Omnibus Crime Control and Safe Streets Act², the Pennsylvania Interpreter Act,³ and the Administrative Regulations Governing Court Interpreters for Persons with Limited English Proficiency and for Persons Who Are Deaf or Hard of Hearings.⁴

A person with LEP is defined as an individual for whom English is not the primary language, or who may have a limited ability to read, write, speak, or understand English. As such, a person with LEP 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, such individuals are included in this LAP insofar as required pursuant to the Pennsylvania Interpreter Act and Administrative Office of Pennsylvania Courts’ (“AOPC”) Interpreter Certification Program Regulations.⁵

The purpose of this LAP is to provide a framework for the provision of timely and effective language assistance to persons with LEP and persons who are deaf and hard of hearing that come in contact with the judicial district. Accordingly, this judicial district has appointed a language access coordinator, Sally Michalski, Deputy Court Administrator, to be a contact person for the public, court staff, and the AOPC concerning this plan and its implementation. The language access coordinator may be contacted as follows:

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

² 42 U.S.C. § 3789d(c)(1).

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

⁴ 204 Pa. Code § 221.101 *et seq.*

⁵ 204 Pa. Code 221.

Sally Michalski, Deputy Court Administrator
1 S. Main Street, Suite 2004
Washington, PA 15301
Tel: 724-228-6798
Fax: 724-228-6938
Sally.Michalski@washingtoncourts.us

II. Needs Assessment

A. Statewide Survey

This judicial district shall make every effort to provide service to all persons with LEP, and persons who are deaf or hard of hearing, in the service area of the judicial district. According to the 2010 AOPC survey of judicial districts in the Commonwealth of Pennsylvania, the most widely used languages requiring interpreters 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. Italian
3. German
4. Greek
5. Other Slavic languages

The most 5 common languages, including ASL, provided in the 27th Judicial District in 2012 and 2013 were:

1. Spanish
2. ASL
3. Russian
4. Vietnamese
5. Mandarin Chinese

C. Identification of Persons with LEP

Pursuant to this policy, the court staff of this judicial district utilizes the following method to identify LEP persons:

“I Speak _____” cards.

III. Language Assistance Resources

A. Interpreters Used in Judicial Proceedings

This judicial district shall offer assistance to persons with LEP, and persons who are deaf or hard of hearing, during judicial proceedings by providing foreign language interpreters as required by Title VI of the federal Civil Rights Act, the Pennsylvania Interpreter Act, and any other applicable law, regulation, or rule of court. 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.”⁶ Pursuant to the regulations issued under 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; however, “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 of the Appellate Court Prothonotary/District Court Administrator or his or her designee . . .”⁷

The 27th Judicial District provides interpreters for judicial proceedings in compliance with the rules and policies set forth in the Pennsylvania Interpreter Act and its regulations, the AOPC Interpreter Certification Program regulations,⁸ 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

⁶ 42 Pa. Cons. Stat. § 4401.

⁷ 204 Pa. Code §221.201(a)(4)

⁸ 204 Pa. Code §221.

Program page of the UJS website⁹ and interpreter request forms are also available on the 27th Judicial District's website at (www.washingtoncourts.us).

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.¹⁰ Preference shall be given to the appointment of a certified interpreter, unless a certified interpreter is not available for the proceeding, or otherwise impracticable. The court may appoint an otherwise qualified interpreter when a certified interpreter is not available, in which case such otherwise qualified interpreter shall be selected from the statewide roster. In the event that this judicial district is unable to locate a certified, otherwise qualified, or registered interpreter on the statewide roster, the AOPC ICP staff will provide guidance to the judicial district.

B. Language Services Beyond Judicial Proceedings

This judicial district is responsible for taking reasonable steps to ensure that persons with LEP, once identified, have meaningful access to all court services. It is recognized that court staff and personnel may encounter persons with LEP (without an interpreter) in many different settings, including, but not limited to, service counters, courtroom, judicial staff offices, the central information desk, and on the telephone. Once court staff has identified a person with LEP, language assistance service shall be made available using a telephonic interpretation service. This judicial district utilizes DT Interpreting, a service of Deaf-Talk, Inc. This service is available to all court offices as well as the magisterial district judges' offices and the county correctional facility.

C. Forms & Documents

1. Statewide – The AOPC makes select translated forms available to the court on its website.¹¹
2. Judicial District – This judicial district recognizes the importance of translating vital forms and documents so that individuals with LEP have equal access to court services. To ensure consistency in the translation of vital documents and forms, the 27th Judicial District follows the guidelines established in the National Center of State

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

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

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

Courts' Guide to Translation Practices.¹² Additional translated forms that will be available to court users in this judicial district include guilty plea colloquies.

D. Other Provisions

In an effort to provide LEP persons language access to court information, this judicial district plans to provide individuals with LEP language access to court information on its website, and by developing forms and signage.

Section IV. Training

The 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 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

This LAP has been approved by the AOPC, and is posted on judicial district's website at www.washingtoncourts.us. In addition, this LAP is posted in public and employee notification areas within the judicial district, and copies shall be made available upon request. Lastly, 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 Attorney's Office, the Public Defender's Office, and the Legal Aid Society of Southwestern Pennsylvania.

B. Evaluation and Review of the LAP

This LAP shall be reviewed six months from its inception, and biennially thereafter to assess whether it needs updating. The LAP shall remain in effect unless modified or updated. Review of the following areas may indicate a need to update the LAP:

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

- 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; and
- Updated census data.

The language access coordinator for this 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. The name and contact information of the language access coordinator is:

Sally Michalski, Deputy Court Administrator
 1 S. Main Street, Suite 2004
 Washington, PA 15301
 Tel: 724-228-6798
 Fax: 724-228-6938

Sally.Michalski@washingtoncourts.us

The AOPC shall be notified 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 shall be posted on the court's website and in a public notification area in the courthouse, as well as distributed to all relevant stakeholders.

VI. Grievance Procedure

Any LEP, deaf or hard of hearing individual has the right to file a complaint against the 27th Judicial District when he or she believes that the 27th Judicial District did not provide the necessary LEP or sign language services. The Language Access Coordinator shall take reasonable steps to inform LEP, and 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;

- Publish and make the complaint procedure and form readily available; and
- Post the complaint procedure prominently in court facilities and on the court's website.

All complaints regarding this LAP should be forwarded to:

Sally Michalski, Deputy Court Administrator
 Language Access Coordinator
 27th Judicial District
 1 S. Main Street, Suite 2004
 Washington, PA 15301
 Tel: 724-228-6798
 Fax: 724-228-6938

Sally.Michalski@washingtencourts.us

The Language Access Coordinator shall investigate any complaints that allege noncompliance with this LAP. If the investigation results in a finding of compliance, the Language Access Coordinator shall inform the complainant in writing of this determination, including the reasons for determination. If the investigation results in a finding of noncompliance, the Language Access Coordinator shall inform the LEP person of the noncompliance in a letter and outline the steps that will be taken to correct the noncompliance.

Effective date: _____

 Language Access Coordinator

 Date

 President Judge

 Date