

Language Access Plan of Kittitas County Superior Court

I. PURPOSE

This LAP sets forth the Kittitas County Superior Court policy and procedures for the provision of timely language access services that ensure access for all limited English proficient (LEP), deaf, hard of hearing, and deaf-blind (D/HH/DB) individuals who come in contact with Kittitas County Superior Court services and programs. Language access services include both interpretation and translation services for LEP and D/HH/DB individuals.

II. COURT POLICY REGARDING LANGUAGE ACCESS SERVICES

Under Washington state law (RCW 2.42 and 2.43), Title VI of the Civil Rights Act of 1964 (Title VI), the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act), the Americans with Disabilities Act (ADA), and the regulations implementing these federal laws, Washington courts are required to provide language access services to all LEP and D/HH/DB individuals in civil and criminal court proceedings and in all court-managed services and programs and to develop a written language access plan pursuant to RCW 2.43.090.

It is the policy of Kittitas County Superior Court to provide foreign language interpreter services at no cost to LEP parties, witnesses, victims, and others with an interest (e.g., parents, legal guardians, custodians) in all court proceedings and operations, both civil and criminal, other than when it is the responsibility of other government bodies pursuant to state law. It is also the policy of this court to provide sign language interpreting services at no cost to persons who are D/HH/DB as required under applicable state and federal statutes and regulations.

Kittitas County Superior Court will provide accessible information to LEP and D/HH/DB persons on how to request these language assistance services and vital documents as part of its notice to the public about its language access services.

Although D/HH/DB individuals are covered under the ADA and RCW 2.42 rather than Title VI and the Safe Streets Act, this plan covers language access services for both D/HH/DB and LEP individuals.

III. DATA COLLECTION AND NEEDS ASSESSMENT

The Court Administrator for Kittitas County Superior Court will, on an annual basis, compile demographic data regarding the language needs of its community. The court will initially review data from sources such as the following:

- Most recent and relevant U.S. Census and American Community Survey (ACS)
- Kittitas County Clerk
- Kittitas County Bar Association

Kittitas County Judges from all levels of court

This data will be analyzed annually to determine whether the court's allocation of language access resources is appropriate.

The Kittitas County Superior Court will make every effort to track requests for language access services by:

- Language preference (both spoken, written, and signed)
- Case type (e.g. family law, criminal, etc.)
- Proceeding (e.g. trial, arraignment, initial appearance, etc)
- Location of service request (e.g. court hearing, ADR, clerk's office, etc.)
- Whether the language access service requested was granted or denied
- Reason for denial (if applicable)

In addition to mechanisms discussed under the identification of language needs section below, the Kittitas County Superior Court will track this internal data in a case management system where available, and/or case files if case management is not automated. On a yearly basis, the court will analyze the data collected to identify whether services requested are in fact provided, assist in the allocation of language access resources, and identify gaps in the provision of services to address future needs.

The Kittitas County Superior Court will send the final data compilation and analyses in the form of a biennial report to the Washington State Court Interpreter Commission to assist the Commission in monitoring of the Court's Language Access Plan, identification of interpreter training and certification strategies, and other tools to assist the AOC and local courts in the provision of language access services.

A. Identified Current Needs

The most current language need identification efforts undertaken by Kittitas County Superior Court shows the following non-English languages, whether spoken or signed, that are most frequently used in our **geographic area**:

- Spanish
- Russian
- Arabic
- Cantonese
- ASL

The most current language need identification efforts undertaken by Kittitas County Superior Court shows the following foreign or sign languages that are most frequently used in our **court community**:

- Spanish
- Russian
- Arabic
- Cantonese
- ASL

B. Identified Future Needs

Kittitas County Superior Court has identified the following emerging and/or additional languages among court users in the area for which resources will be needed in the future:

- Chinese (Mandarin and Cantonese)

IV. LANGUAGE ASSISTANCE IDENTIFICATION AND RESOURCES

A. Designated Language Access Office

The Kittitas County Superior Court has designated the Kittitas County Superior Court Administrator as the person responsible for coordinating language access services and to whom requests for interpreters and other language access services may be addressed. This designated person is available to:

- Secure interpreter services
- Receive and track language assistance requests;
- Address gaps in interpreter services by conducting outreach as needed;
- Provide information to assist LEP and D/HH/DB individuals to secure language access services;
- Assist court staff with securing language access services; and
- Answer questions from LEP and D/HH/DB individuals, and the public at large, regarding the court's available language access services, including the court's language access resources such as translated materials, interpreter roster, language identification cards, and other resources identified in this Plan.

LEP and D/HH/DB individuals, attorneys, justice partners, government agencies, and any other entities in need of language access services for court programs or activities or to acquire such services or information for themselves or their clients, may contact:

Kittitas County Superior Court Administrator
205 W 5th Ave, Ste 207, Ellensburg, WA 98926
Sarah.keith.sc@co.kittitas.wa.us (509) 962-7533

B. Identification of Language Access Needs and Notice of Availability

LEP and D/HH/DB, individuals may come in contact with court personnel via the phone, TTY / TDD, in-person, or through other means. In addition, there are various points of contact within Kittitas County Superior Court where LEP individuals or persons who are D/HH/DB will be in contact with court staff. Sometimes people who need language access services, including translated documents, will not request these services because they do not realize that such services are available at no charge, or because they do not recognize the level of English-language proficiency or communication ability needed to effectively participate in the court program, court proceeding, or court services. The first step in providing language access services is to enable LEP individuals or persons who are D/HH/DB to properly identify their language needs.

As a first step towards ensuring that LEP and D/HH/DB individuals are able to properly identify their language needs and to request language access and assistance services, Kittitas County Superior Court has a legal obligation to provide accessible notice to the public of an individual's right to spoken and sign language interpreter services and to be provided vital documents in translated form whenever necessary to access court proceedings and court-managed programs.

1. Identifying Language Needs at Points of Access

Kittitas County Superior Court will identify language access needs at all points of contact with the court, such as the following:

Telephone calls to court staff.
Clerks' Offices at the Kittitas County Courthouse
Courtrooms at the Kittitas County Courthouse

To ensure the earliest possible identification of the need for language access services, the Kittitas County Superior Court has established internal protocols with the various justice partners which routinely interact with this court in order for these partners to communicate to the appropriate court staff the needs of LEP or D/HH/DB participants who will be coming into contact with the court. While justice partners themselves may be under a separate legal obligation to provide language access services to their clients, the court will be notified of any services that fall under the responsibility of the court as early as possible so services may be provided in a timely and efficient manner. Examples of justice partners to be notified include:

Jail staff
Domestic violence victim's advocate
Attorney/public defender
Law enforcement

2. Notice of the Availability of Language Access Services

In order to facilitate the ability of LEP and D/HH/DB individuals to request their need for language access services, the Kittitas County Superior Court shall provide notice of the availability of language access services translated into Washington State's most frequently used languages that states:

"You have the right to language access services at no cost to you. To request these services, please contact:

*Kittitas County Superior Court Administrator
205 W 5th Ave, Ste 207, Ellensburg, WA 98926
Sarah.keith.sc@co.kittitas.wa.us; 509-962-7533*

The Kittitas County Superior Court displays this notice on its website.

Additionally, Kittitas County Superior Court has the following resources available at its points of contact, including those listed above when appropriate, to help LEP and D/HH/DB and court staff communicate with each other:

Multi-lingual notices at all appropriate points of contact including the Clerk's Office, the hallway to the Clerk's Office and Court Administration, and in all restrooms on the same floor as the courtrooms, Clerk's Office and Court Administration notifying members of the public of their right to request an interpreter or other language assistance at any point during their contact with the court.

When it appears that an individual has difficulty communicating due to a language barrier, Kittitas County Superior Court staff must inform the LEP or D/HH/DB person of his or her right to have language access services provided by the courts at no cost to them, even if the LEP or D/HH/DB person has not made a request for the language access services.

Staff in the Kittitas County Superior Court shall create an excel spreadsheet which tracks all requests for assistance which contains the following data: Date request made; language; cause number; proceeding type; hearing date; location of request; whether granted or denied and denial reason, if appropriate; and the interpreter used.

V. LANGUAGE ACCESS SERVICES

Once the Kittitas County Superior Court staff has determined interpreter services are required for an LEP or D/HH/DB individual, court staff have access to the following procedures for securing an interpreter.

A. Language Access Services Inside the Court Room

1. Appointment of a Certified, Registered, or Qualified Interpreter for In Court Proceedings

The person responsible for appointing or securing the assistance of an interpreter at the Kittitas County Superior Court will comply with the following order of preference in appointing an interpreter in RCW 2.43.030:

An in-person Certified or Registered interpreter who has been credentialed by the Administrative Office of the Courts shall be appointed, whenever possible, unless good cause is found and noted by the appointing authority. "Good cause" includes, but is not limited to, a determination that:

(i) Given the totality of the circumstances, including the nature of the proceeding and the potential penalty or consequences involved, the services of an in-person credentialed interpreter are not reasonably available to the appointing authority; or

(ii) The current list of credentialed interpreters maintained by the Administrative Office of the Courts does not include an interpreter in the language spoken by the LEP.
RCW 2.43.030(2)

If good cause is found for using an interpreter who is not credentialed by the Administrative Office of the Court, the appointing authority shall make a preliminary determination that the proposed interpreter is able to interpret accurately all communications to and from such person in that particular proceeding. The appointing authority shall satisfy itself on the record that the proposed interpreter:

- (a) Is capable of communicating effectively with the court or agency and the person for who the interpreter would interpret; and
- (b) Has read, understands, and will abide by the code of ethics for language interpreters established by court rules.

In the event no in-person interpreter is available locally, the court or designated authority will weigh the need for moving forward with the proceeding against any possible negative consequences to the LEP or D/HH/DB person's ability to effectively participate in the proceedings through the use of a remote interpreter, as may be allowed by Washington court rule or law. When evidentiary matters are before the court, the court shall reschedule the hearing until an in-person interpreter is available, whether located in-state or out-of-state, and be made present at the hearing.

Kittitas County Superior Court will NOT appoint as interpreters anyone with a potential conflict of interest in the case, including the following: minors; friends and family of the LEP or D/HH/DB person; advocates and attorneys; justice partner bilingual staff; or anyone deemed unqualified after voir dire by the court.

2. Practices in the Appointment and Use of Interpreters

In appointing interpreters, staff at Kittitas County Superior Court will ensure that the interpreter and the LEP or D/HH/DB participant can effectively communicate. It is also the practice of Kittitas County Superior Court to:

Make a determination of the appropriate number of interpreters that may be required for the proceeding. When the proper administration of justice so requires the court will appoint multiple or separate interpreters.

For long hearing sessions or trials, appoint a team of two interpreters or if no second interpreter is available, allow the interpreter to have frequent breaks to avoid interpreting fatigue, ensure accuracy, and avoid subsequent errors.

Only allow an LEP or D/HH/DB person to waive his or her right to the assistance of an interpreter if the waiver is knowing, voluntary, and on the record. The waiver of an interpreter may be rejected by the court or later revoked by the person.

Require interpreters to provide sight translations for documents related to the court proceedings.

Prohibit interpreters from assisting LEP or D/HH/DB with entering information on court forms without the involvement of court staff in the completion of such forms.

Provide sign language interpreters for jurors who are D/HH/DB when such persons are called and selected for jury service

3. Calendaring and Scheduling of Interpreters for In-court and Out-of-court Contacts

Kittitas County Superior Court will provide interpreter services in a timely manner. In order to provide high quality language access services in an efficient manner, Kittitas County Superior Court employs the following practices:

Batching of matters for which an interpreter for a specific language is needed so long as this does not cause unnecessary delays in access and loss of remedies available to litigants.

Coordinating calendars so an interpreter may be available for several matters in the same court location on the same day.

4. Remote Interpreting

For short non-evidentiary hearings the Kittitas County Superior Court uses the following remote interpreting technologies:

Telephonic interpreting agencies

The policy or practice of the court with regard to the use of remote interpreting services is as follows:

Telephonic interpreting use will be consistent with GR 11.3 and will be used with caution. Generally, in-person interpreters are preferred.

Telephonic interpreting will be a last resort for courtroom proceedings, and reserved for brief non-evidentiary proceedings such as continuances, given that non-verbal cues – not visible when on the telephone – are critical for communication. Telephonic interpreting can be particularly problematic in some circumstances such as for individuals who are deaf or hard of hearing, the elderly, those struggling with mental illness, quiet or nonverbally communicative individuals, and others.

B. Language Services Outside the Courtroom

The Kittitas County Superior Court is responsible for taking reasonable steps to ensure that LEP, deaf and hearing impaired individuals have meaningful access to services outside the courtroom. It is the practice of the court to provide interpreters for court-managed services, programs and operations consistent with state and federal language access mandates. In compliance with such mandates, the court shall provide language access services at:

CASA Programs
Guardians Ad Litem
Information counters
Juvenile detention
Juvenile diversion programs

Probation offices

Programs required by a judgment and sentence

Court staff shall receive, track requests and provide for language assistance when requested from social workers, attorneys, guardian ad litem, juvenile probation officers, and staff in the Clerk's Office. Notices will be posted on our website, court corridors and restrooms.

The court, in compliance with federal and state civil rights laws and regulations, shall provide the most appropriate language access service for these programs and services, including qualified interpreters, bilingual staff, and translated materials and information. When the most appropriate language access service is the appointment of a qualified interpreter, the court shall follow the guidelines described for the appointment of interpreters.

As noted in the policy interpretation section earlier, RCW 2.42 requires that courts provide interpreters for persons who are D/HH/DB when they are required to attend court ordered-programs or services. In addition to the provision of qualified interpreters in all proceedings where required, court's bilingual staff may assist with language needs outside of court proceedings. Bilingual staff shall be trained to understand their role, how it differs from the role of an interpreter, and that staff are only used for basic communications.

C. Translated Forms and Documents

Kittitas County Superior Court has not translated any local forms and relies solely on translated general pattern forms provided by the AOC. When translated forms are not available, this court may:

Have an in-person interpreter sight translate the form

Provide sight translation of the form using bilingual staff

Use telephonic interpreting

Provide information regarding the content of the form using bilingual staff.

Refer LEP party to a community resource

An LEP and D/HH/DB individual shall notify court staff, their attorney, advocate, probation officer, social worker or guardian ad litem that they are having trouble understanding any written material provided by the court and said person will contact the Kittitas County Superior Court to request assistance in having the materials translated using the above-referenced services in the following languages:

- Spanish
- Russian
- Arabic
- Cantonese
- ASL

The Court shall use a qualified written translator, when available, to translate the forms. The Court will not rely on machine translation services.

D. Providing Emergency Information to LEP Court Customers

The Kittitas County Superior Court is responsible for taking reasonable steps to ensure that LEP and D/HH/DB individuals have meaningful access to emergency information should an emergency situation arise. The court provides such information in the following ways:

There are universally understood emergency signs located in the strategic places throughout the courthouse building;
Emergency exits are clearly marked;
Bilingual staff is informed and trained to provide emergency information.

VI. TRAINING

Kittitas County Superior Court is committed to providing training yearly for all judicial and court staff members who come in contact with LEP and D/HH/DB individuals in order to ensure the successful delivery of language access services. The court will provide staff training on all requirements in this Language Access Plan. Additional training opportunities will include:

Role of an interpreter, modes of interpreting, and interpreter ethics and professional standards
Courtroom management when interpreters are used
Use of remote technologies for interpreting

The Kittitas County Superior Court shall work with interpreters to establish best practices for interpretation services and to determine that all parties using interpreter services are able to communicate freely with their appointed interpreter. If either the party or the interpreter indicates there may be an issue, that will be brought to the attention of the Judge or Court Administrator to resolve and in the event unable to reach a resolution, a new interpreter will be assigned.

Resources and information regarding language access services, policies and procedures and tools for providing language assistance (such as bench cards, language identification guides, brochures, etc.) are available to all court staff and decision makers at:

The court's Language Access Coordinator/Interpreter Coordinator

VII. COMPLAINT PROCESS FOR NON-COMPLIANCE

1. Complaints

This specific complaint process is designed to bring to the attention of the local court allegations filed by LEP or D/HH/DB parties that the local court is out of compliance with the its own Language Access Plan, any applicable federal statutes or regulations, state statutory provisions, such as RCW 2.42 or 2.43 and/or any applicable state or local court rules. This is an informal process. The local court complaint rules are as follows:

A. Local Court Complaint Process

1. Complainant is required to state his or her complaint in writing on a form provided by the court and available on the court's website. The complaint form is attached to the Language Assistance Plan. Complainant is urged to be specific when stating the facts underlying his or her complaint. The Court's website is:

<https://www.co.kittitas.wa.us/courts/superior/default.aspx>

2. Complainant shall submit their complaint to the Court Administrator at:

*Kittitas County Superior Court Administrator
205 W 5th Ave, Ste 207
Ellensburg, WA 98926*

3. The Presiding Judge shall promptly review the complaint and take such remedial action as the Presiding Judge deems appropriate.

4. The Court Administrator shall provide the Complainant with a copy of the Presiding Judge's response within twenty (20) days of Complainant's initial filing.

B. Complaint Filed with the Court Interpreter Commission

1. Except in extraordinary circumstances, the complaint must be filed with the Interpreter Commission by an aggrieved party within 60 days from the date of the events on which the complaint is based.

Within 3 business days of the receipt of the complaint against a local court, Commission staff will inform complainant, using the contact information provided by complainant, of their option to file their complaint with the Department of Justice and of the need to file such complaint within 180 days from the date of the alleged discrimination.

2. Complaints filed with the Court or the AOC must be in writing and must be signed. The complaint must include the following information:

a.) A clear and brief description of the complaint and any evidence upon which the allegation is based, with relevant supporting documentation. The description and supporting evidence should include relevant facts that support the complaint that the court did not provide language access services;

b.) If possible, the complaint should identify the section(s) of the court's plan, statutes or regulations alleged to have been violated and the time frame in which the lack of compliance is alleged to have occurred;

c.) Disclosure of any other channels the complainant is pursuing, including legal action; and

d.) A statement authorizing the Interpreter Commission to send a copy of the complaint to the court that is the subject of the complaint.

Complaints filed with the Interpreter Commission should be sent to:

*Washington State Interpreter Commission
c/o Interpreter Commission Staff
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170*

James Wells, AOC Language Access Program Supervisor at james.wells@courts.wa.gov

3. Interpreter Commission Complaint Review

a.) The Interpreter Commission shall determine whether the complaint alleges facts that raise issues relating to the court's compliance with its LAP, federal civil rights laws, RCW 2.42 and/or 2.43 or court rules.

This determination shall be made within 10 business days of receiving the complaint. The Interpreter Commission may request additional information from the complainant if appropriate. If the Interpreter Commission concludes that the complaint does not raise issues relating compliance with the LAP, Title VI of the Civil Rights Act, RCW 2.42 and/or 2.43, the matter will be closed and the complainant will be notified of the decision.

b.) If the Interpreter Commission determines that the complaint may raise possible compliance issues, the complaint shall be sent to the court and a response requested. The Interpreter Commission ordinarily will request the presiding judge of the court or their designee to respond within 30 days.

c.) If the response from the court establishes that the court is not out of compliance with respect to the matters raised in the complaint, the Interpreter Commission will close the matter.

If the court's response does not clearly establish that it is operating in compliance with the matters raised by the complaint, the Interpreter Commission may appoint a fact-finder to investigate the issues raised by the complaint and to report on the court's response, if necessary. The complaint, the court's response, and fact-finder's report, if any, shall be referred to the WA Supreme Court Interpreter Commission for any further action deemed necessary by the Commission.

d.) The person making the complaint will be notified promptly regarding the conclusion of the Commission's review.

VIII. PUBLIC NOTIFICATION AND EVALUATION OF LAP

A. LAP Approval & Notification

Kittitas County Superior Court LAP has been approved by the Presiding Judge, and a copy has been forwarded to Washington State's Administrative Office of the Courts Interpreter Program Coordinator. Any revisions to the Plan are to be submitted to the Presiding Judge for approval, and then forwarded to the Interpreter Program Coordinator. Copies of Kittitas

County Superior Court LAP shall be provided upon request. In addition, the court shall post its LAP on its own website at:

<https://www.co.kittitas.wa.us/courts/superior/default.aspx>

B. Outreach and Communication of Plan

The Kittitas County Superior Court shall inform the public of the existence of the LAP and to this end, the court will:

Collaborate with local bar associations, justice partners and other relevant organizations to ensure distribution of information.

Translate vital outreach materials into the following languages:

Spanish

Use ethnic media outlets (print, audio, TV, and digital media) to communicate regarding their language access policies and administrative policies.

Establish mechanisms for obtaining feedback from the public, attorneys and justice partners regarding the implementation and effectiveness of the administrative protocol and take this feedback into account at the yearly evaluation of the protocol.

C. Annual Evaluation of the LAP

Kittitas County Superior Court will conduct an annual needs assessment to determine whether changes to the LAP are needed. This will include evaluation of the spreadsheet used to track interpreters to determine what areas need improvements.

This assessment will be done by reviewing various areas in which the court provides language access services, taking into consideration, at a minimum, the number of interpreters requested by language in the courts and the identification of emerging changes in the languages spoken or signed within the court's local population as identified by any informational means or by other methods.

Any revisions made to the Plan will be communicated to all court personnel, and an updated version of the plan will be posted on the court's web site. In addition, the Kittitas County Superior Court will submit to the AOC a copy of any updated information contained in this LAP within 60 days of its approval by the Presiding Judge.

D. Ideas for Future Improvements in Language Access

Kittitas County Superior Court will review the results of its annual needs assessment and conduct the following activities:

Identify any challenges or trends your court is experiencing with providing language access services, sourcing of interpreters, document translation tasks, and website information that is accessible to LEP and D/HH/DB individuals.

Identify and implement changes or improvements identified by your court to improve language access services that are within the scope of this LAP.

KITTITAS COUNTY SUPERIOR COURT
LANGUAGE ACCESS PLAN
COMPLAINT FORM

DATE:

COMPLAINANT'S NAME (OPTIONAL):

COMPLAINANTS CONTACT INFORMATION:

ADDRESS:

PHONE:

EMAIL:

Please state with specificity why you believe the Court is out of compliance with the Kittitas County Superior Court Language Access Plan, any State or Federal Statute or any State or local Court Rule.

When completed, this complaint should be submitted to:

Kittitas County Superior Court Administrator
205 W 5th Ave, Ste 207
Ellensburg, WA 98926