



# Limited English Assistance Plan

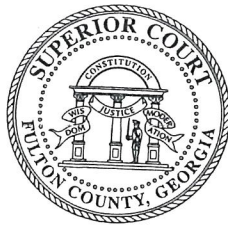
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2013

Superior Court of Fulton County

Atlanta Judicial Circuit





ATLANTA JUDICIAL CIRCUIT

## Limited English Proficiency Plan

### Superior Court of Fulton County

Administrative Order No. 05168/305-311

#### RE: LIMITED ENGLISH PROFICIENCY PLAN

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#### I. Legal Basis

This document serves as the plan for the Superior Court of Fulton County to provide services to persons with Limited English Proficiency (LEP), services that are in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.; 45 C.F.R. § 80.1 et seq.; and 28 C.F.R. § 42.101-42.112) and with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, 65 Fed. Reg. 50,121 (Aug.16, 2000).

##### Title VI of the Civil Rights Act of 1964

"No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance."

##### Executive Order 13166

"Improving Access to Services for Persons with Limited English Proficiency". Different treatment based upon a person's inability to speak, read, write, or understand English may be a type of national origin discrimination. Executive Order 13166 directs each Federal Agency that is subject to the requirements of Title VI of the Civil Rights Act of 1964 to publish guidance for its respective recipients and sub-recipients clarifying that obligation.

#### II. Purpose of the Plan

A Limited English Proficient individual is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English. The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP and hearing-impaired persons who have contact with the Superior Court of Fulton County.

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This Limited English Assistance Plan (LEAP) has been developed to ensure meaningful access to court services for persons with limited-English proficiency as well as hearing-impaired individuals. Although hearing-impaired individuals are covered under the Americans with Disabilities Act rather than Title VI of the Civil Rights Act, they have been included in this plan to ensure accessibility.

### **III. Needs Assessment**

The Superior Court of Fulton County will make every effort to provide services to all LEP individuals.

#### **A. Fulton County Language Demographics**

According to the U.S. Census Bureau's "American Community Survey 2009-2011," the most widely used or spoken foreign languages in Fulton County were (in descending order of frequency):

- |            |                      |
|------------|----------------------|
| 1. Spanish | 5. Hindi             |
| 2. Chinese | 6. Russian           |
| 3. Korean  | 7. African languages |
| 4. French  |                      |

#### **B. Superior Court of Fulton County**

The Superior Court of Fulton County will make every effort to provide services to all LEP persons. However, the following list shows the foreign languages that are most used in the Superior Court.

- |            |               |
|------------|---------------|
| 1. Spanish | 3. Vietnamese |
| 2. Korean  | 4. Chinese    |

### **IV. Language Assistance Resources**

#### **A. Interpreters Used in the Courtroom**

It is the intent of the Superior Court of Fulton County to provide spoken-language interpreters in court proceedings in accordance with both state and federal law.

##### **1. Providing Interpreters in Criminal Cases**

An interpreter shall be provided at no cost to any LEP person whenever the non-English speaking person is a party, has been subpoenaed or summoned, or has otherwise been compelled to appear in a criminal proceeding. Consultations with legal counsel, guardians, court psychologists, probation officers, doctors, or other individuals who are employed, paid, or supervised by the courts shall comply with Title VI of the Civil Rights Act of 1964.

## **2. Providing Interpreters in Civil Cases**

Each non-English speaking party shall have the right to an interpreter at each critical stage of a civil proceeding at no cost to the non-English speaking person. Consultations with legal counsel, guardians, court psychologists, probation officers, doctors, or other individuals who are employed, paid, or supervised by the courts shall comply with Title VI of the Civil Rights Act of 1964. Advance notice of the use of an interpreter shall be provided to all parties and to the decision maker.

## **3. Determining the Need for an Interpreter in the Courtroom**

The need for a court interpreter may be identified prior to a court proceeding by the LEP person or by anyone acting, with permission, on his or her behalf. The need for an interpreter also may be made known in the courtroom at the time of the proceeding. To the extent possible, advance notice of the need for an interpreter should be given to the Court and all parties, particularly the Court Administrator's Office for funding and scheduling purposes.

In addition, the judge may determine that it is appropriate to provide an interpreter for a court matter.

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. Although the Superior Court does not have funding to provide interpreters for non-mandated proceedings, the Court will make every effort to provide some assistance within existing funding allocations.

In a case where the Superior Court is mandated to provide an interpreter, but one is not available at the time of the proceeding, even after the Court has made all reasonable efforts to locate one as previously outlined in this plan, the case may be postponed and continued on a date when an interpreter can be provided.

## **4. Court Interpreter Qualifications**

The Superior Court of Fulton County utilizes interpreters for courtroom hearings in compliance with the rules set forth by the Georgia Supreme Court and the policies expressed by the Georgia Commission on Interpreters for Non-English Speakers.

## **5. Requesting an Interpreter**

The Superior Court of Fulton County has designated the Office of the Court Administrator as the primary point of contact for all LEAP services. All Superior Court Administration employees will be trained to direct anyone inquiring about LEAP services to that office.

Litigants, witnesses or attorneys who have a need for an interpreter should contact the Court Interpreter Office at 404-612-2912 as soon as reasonably practical to request an interpreter for a courtroom proceeding. Every effort will be made to ensure the presence of

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an interpreter for the proceeding as requested. If an interpreter is not available for the proceeding and telephonic interpreting services are not appropriate, the courtroom proceeding will be delayed until an interpreter is available.

## **B. Language Services Outside the Courtroom**

The Superior Court of Fulton County has taken reasonable steps to ensure that LEP individuals have meaningful access to services outside the courtroom. This is perhaps the most challenging situation facing the Court's staff, because in most situations they are charged with assisting LEP individuals without an interpreter present. LEP individuals may come in contact with Superior Court personnel via the phone and the public counters.

The most common points of service outside the courtroom are at the Court's public counters. Bilingual assistance is provided at the public counters by the placement of bilingual staff as is practical. The Court also periodically calls on other bilingual staff from elsewhere in the court complex to assist at public counters.

Providing language services outside the courtroom entails both daily communications and interactions between staff and LEP individuals to provide accessibility of Court services, such as self-help and mediation services to LEP users.

To facilitate communication between LEP individuals and Court staff, the Superior Court of Fulton County will use the following resources to the degree that resources are available:

- Court interpreters, to the extent permitted under the active memorandum of understanding or independent interpreter contract
- Bilingual employees
- Bilingual volunteers
- Superior Court website with key pages translated into Spanish
- Written information in Spanish on how to access and navigate the Superior Court
- Basic Rules of Court Conduct (6 languages).

To provide linguistically accessible services for LEP individuals, the Superior Court of Fulton County will provide the following:

- Interpreter availability to assist in providing family Court services and mediations for custody and visitation matters
- Joint workshops between Court staff and community service providers serving LEP populations
- Written informational and educational materials in Spanish

### **C. Translated Forms and Documents**

The Superior Court of Fulton County understands the importance of translating forms and documents so that LEP individuals have greater access to the Courts' services. The Court currently use forms and instructional materials translated into commonly used languages. Interpreters at court hearings are expected to provide sight translations of court documents and correspondence associated with the case.

## **V. Court Staff and Volunteer Recruitment**

### **A. Bilingual Staff for Language Access**

The Superior Court of Fulton County is an equal opportunity employer and often hires bilingual staff to serve its LEP constituents. The Court currently employs three contract interpreters and one on-call interpreter to provide language services to court customers and litigants.

### **B. Volunteers for Language Access**

The Court also may attempt to use volunteers to assist with language access in the following areas:

- Provide interpretive services between staff and LEP individuals at public counters
- Provide directions to specific offices in the court complex when available, and
- Serve as interpreter trainees by helping LEP individuals, in the community, to develop skills in preparation for the certified interpreter examination.

## **VI. Judicial and Staff Training**

The Superior Court of Fulton County is committed to providing LEP training opportunities for all judicial officers and staff members. Training and learning opportunities currently offered by the Superior Court of Fulton County will be expanded or continued as needed. Those opportunities include:

- Diversity Training
- Cultural competency training
- LEAP training
- Staff attendance in Spanish training, provided by the Court in partnership with local colleges and institutions to offer classes on site to employees
- Statewide and national conferences on language access or conferences that include sessions dedicated to topics on language access
- New employee orientation training

- Judicial officer orientation on the use of court interpreters and language competency.

## **VII. Public Outreach and Education**

To communicate with the Court's LEP constituents on various legal issues of importance to the community and to make them aware of services available to all language speakers, the Superior Court of Fulton County provides community outreach and education and seeks input from its LEP constituency to improve services.

Outreach and education efforts include:

- Public service announcements in Spanish provided through local television/radio/newspapers. Examples of the type of announcements include radio spot announcement on court access issues, provided in Spanish; radio/print/flyers/mailers on the availability of self-help center services and public workshops
- Partnerships and collaborations with community organizations to provide a court presence in the LEP community. The Court will solicit input from the LEP community and its representatives and will seek to inform community service organizations on how LEP individuals can access Court services.

## **VIII. Public Notification and Evaluation of LEAP Plan**

### **A. LEAP Plan Approval and Notification**

The LEAP plan is subject to approval by the Superior Court of Fulton County. Any revisions to the plan will be submitted to the judiciary for approval. Copies of the Superior Court of Fulton County's LEAP plan will be provided to the public on request. In addition, the Superior Court of Fulton County will post this plan on its public Web site.

### **B. Evaluation and Review of the LEAP Plan**

The Superior Court of Fulton County will routinely assess whether changes to the LEAP plan are needed. The plan will remain in effect unless modified or updated.

The Superior Court of Fulton County will review the effectiveness of the LEAP plan periodically and update it as necessary. The evaluation may include identification of any problem areas and development of corrective action strategies. Elements of the evaluation may include:

- Number of LEP persons requesting court interpreters and language assistance
- Assessment of current language needs to determine if additional services or translated materials should be provided
- Review and incorporation of feedback from LEP communities within the county
- Assessment of whether Court staff adequately understand LEAP policies and

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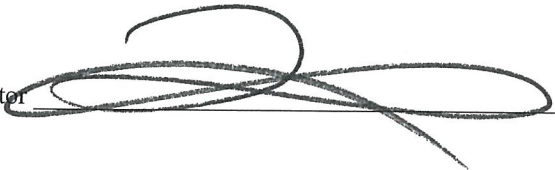
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procedures and how to execute requests for language assistance

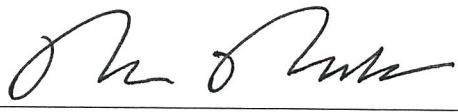
- Review of feedback from employee training sessions.

LEAP Plan Effective date: **February 1, 2013**

**Policy Confirmation:**

Court Administrator  Date 2/1/13

Chief Judge  Date 2/1/13

Deputy Court Administrator  Date 2/1/13