52nd Judicial District
LANGUAGE ACCESS PLAN

Section I. Legal Basis and Purpose

This Language Access Plan (LAP) is the plan for the 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 1964[1], the Omnibus Crime Control and Safe Streets Act,[2] 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 Hearing.[4] A limited English proficient person is a person who does not speak English as his or her primary language, and who has a limited ability to read, write, speak, or understand English, and therefore 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, they have been included in this plan insofar as they relate to the Pennsylvania Interpreter Act and the Administrative Office of Pennsylvania Courts' (AOPC) Interpreter Certification Program Regulations.[5]

The purpose of the plan is to provide a framework for the provision of timely and effective language assistance to LEP persons and deaf and hard of hearing persons who come in contact with the judicial district.

The judicial district has appointed a language access coordinator

Name: Leslie Fillak
Title: 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 through:

Address: 400 S. Eighth Street, Room 311
Lebanon, PA 17042

Phone #: (717) 228-4440

Email: lfillak@lebcnty.org

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[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.

Section II. Needs Assessment

A. Statewide Survey

The judicial district will make every effort to provide service to all LEP and deaf or hard of hearing persons in the court's service area. According to the 2010 AOPC survey of the district court administrators of Pennsylvania, the most widely used languages requiring interpreters in Pennsylvania's judicial districts 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. Other West Germanic languages
3. German
4. Russian
5. Vietnamese

Please list the 5 most common languages, including ASL, for which interpreters were provided in your district for years 2012 and 2013.

1. Spanish
2. American Sign Language
3. Vietnamese
4. Arabic
5. Russian

C. Identification of LEP Persons

Court staff use the following methods to identify LEP persons:

"I Speak" cards
"I Speak" poster
Signage in non-English languages
Other: Informed by Attorney

Section III. Language Assistance Resources

A. Interpreters Used In Judicial Proceedings

The judicial district will offer assistance to LEP and deaf or hard of hearing persons during judicial proceedings by providing foreign language interpreters as required by Title VI of the federal Civil Rights Act, the Pennsylvania Interpreter Act, and its regulations. 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 under Act 172, 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, but "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 or the Appellate Court Prothonotary/District Court Administrator or his or her designee . . . ."[7]

The 52nd Judicial District provides interpreters for judicial proceedings in compliance with the rules and policies set forth in the Pennsylvania Interpreter Act and 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 Program page of the UJS website.[9] **Lebanon County** intends to include interpreter request forms on the County website.

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] The Judicial Districts must give preference to the appointment of a certified interpreter, unless a certified interpreter is not available.

The court may appoint otherwise qualified interpreters when certified interpreters are unavailable. Otherwise qualified interpreters should be selected from the statewide roster. If the Judicial District is unable to locate a certified, otherwise qualified, or registered interpreter on the statewide roster, then the Judicial District should contact AOPC ICP staff for guidance.

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[6] 42 Pa. Cons. Stat. § 4401.
[7] 204 Pa. Code §221.201(a)(4).
[8] 204 Pa. Code §221.
[9] http://www.pacourts.us/judicial-administration/court-programs/interpreter-program
[10] http://www.pacourts.us/judicial-administration/court-programs/interpreter-program/interpreter-roster

B. Language Services Beyond Judicial Proceedings

The judicial district is also responsible for taking reasonable steps to ensure that LEP persons have meaningful access to all court services, once LEP court users have been identified using the resources listed in section II(C), above. This is one of the most challenging situations facing court staff, because in most situations they will encounter LEP persons without an interpreter present. LEP persons may come in contact with court personnel via:

Telephone

Counter

Information desk

Once court staff have identified LEP individuals utilizing the resources identified in II(C), court staff provide the following language assistance services in the situations listed directly above:

Telephonic Interpretation Service (e.g., Language Line, or similar service)

Video Remote Interpreting

Bilingual employees

Other [please specify]: Use of AOPC approved interpreters

C. Forms & Documents

1. Statewide - The Administrative Office of Pennsylvania Courts (AOPC) makes select translated forms available to the courts on its website.[11]

2. Judicial District - The 52nd Judicial District recognizes the importance of translating vital forms and documents so that LEP individuals have equal access to court services. To ensure consistency in the translation of vital documents and forms, the 52nd Judicial District follows the guidelines established in the National Center for State Courts' Guide to Translation Practices.[12] Additional translated forms available to court users include:

Translated documents:

- Waiver of Counsel
- Waiver of Arraignment
- Waiver of Jury Trial
- Rule 600 Continuance Form

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[11] http://www.pacourts.us/forms/for-the-judiciary/.

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

- Nolo Contendere Plea
- Guilty Plea
- Important Post Sentence Information
- Conditions of Probation/Parole

Documents you intend to translate:

- IFP Petition
- Certificate of Trial Readiness
- Criminal Scheduling Form
- Transcript Request Form
- Custody Complaint
- Petition of Modification of Custody
- Order for Appointment of Conciliator
- Parenting Plan Form
- Criminal Record/Abuse History Verification
- Petition for Contempt
- Divorce Complaint
- Affidavit of Service
- Acceptance of Service
- Affidavit of Consent
- Waiver of Notice
- Praecipe to Transmit Record
- Affidavit of Nonmilitary Service
- Divorce Decree
- Motion for Appointment of Master
- SRL Handbook

D. Other Provisions

In an effort to provide LEP persons language access to court information, the judicial district also provides the following:

Telephone access (Language Line)

In person Spanish Interpreters

Forms in Spanish available on county website

Multi-lingual signage directing LEPs to Court Administration

I speak cards located in Court Administration and other offices throughout Courthouse

Message on main telephone line to Courthouse is in English and Spanish

Interpreter request/waiver forms in Court Administration and on the County website

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 the following training regarding language access:

Periodic training for new judicial district staff

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

The judicial district's LAP has been approved by the AOPC. The judicial district will post its LAP on its public website and/or public notification area within the courthouse and will make copies of the LAP available upon request. In addition, 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 Attorneys' Office, the Public Defenders' Office, and the local legal aid office.

The judicial district consulted with the following members of the community in creating its LAP:

Lebanon County Public Defender's Office

Lebanon County District Attorney's Office

Mid Penn Legal Services

Lebanon County Children & Youth Services

Lebanon County Area Agency on Aging

Lebanon County Office – Pennsylvania Department of Public Welfare

Lebanon County Office – Social Security Administration

School Districts within Lebanon County (Eastern Lebanon County School District, Annville/Cleona School District, Cornwall Lebanon School District, Lebanon City School District, Northern Lebanon School District, Palmyra School District)

B. Evaluation and Review of the LAP

The judicial district will review this LAP six months from its inception, and biennially thereafter to assess whether the LAP needs updating. The LAP will remain in effect unless modified or updated. Review of the following areas may indicate a need to update the LAP:

- 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
- 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: **Leslie Fillak,** 400 S. 8th Street, Room 311, Lebanon, Pennsylvania 17042 (717) 228-4440 or lfillak@lebcnty.org. The judicial district will notify the AOPC 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 will be posted on the court's website and in a public notification area in the courthouse, as well as distributed to all relevant stakeholders.

Section VI. Grievance Procedure

Any LEP, deaf or hard of hearing individual has the right to file a complaint against the 52nd Judicial District when he or she believes that the 52nd Judicial District did not provide the necessary LEP or sign language services. The Language Access Coordinator shall take reasonable steps to inform LEP, 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

- Post the complaint procedure prominently in the court facilities and on the court's website

All complaints regarding this LAP should be forwarded to:

Name: Leslie Fillak

Language Access Coordinator

52nd Judicial District

Street Address: 400 S. Eighth Street

City, State, Zip: Lebanon, PA 17042

Phone Number: (717) 228-4440

Fax Number: (717) 228-4457

Email Address: lfillak@lebcnty.org

The Language Access Coordinator or his/her designee will investigate any complaints that allege noncompliance with this LAP. If the investigation results in a finding of compliance, the Language Access Coordinator will inform the LEP individual in writing of this determination, including the basis for determination. If the investigation results in a finding of noncompliance, the Language Access Coordinator will inform the LEP person of the noncompliance in a letter that outlines the steps that will be taken to correct the noncompliance.

Effective Date: March 1, 2015

Date: 2/23/15 Language Access Coordinator Signature: Leslie Fillak

Date: 2/24/2015 President Judge Signature: