

2024

LANGUAGE ACCESS PLAN

Contents

I. Purpose 2

II. Policy Directive..... 2

III. Definitions..... 2

IV. Identification and Assessment of LEP Communities 3

V. Language Access Policy 3

 A. Responsibility to Provide Language Services or Reasonable Accommodations 3

 B. Ensuring Quality Services..... 4

 C. Translations..... 5

 D. Staff Training and Resource Sharing 5

 E. Public Notice and Other Signage 5

 F. Complaint Procedure 5

 G. Monitoring, Evaluating, and Updating..... 5

VI. Language Access Policy Implementation 6

 A. Public Notices and Signage..... 6

 B. Responsible Staff 6

 C. Procedures for Serving LEP Court Users..... 7

 1. Requesting Language Assistance or Accommodation..... 7

 2. Out-of-Court Situations 7

 3. In-Court Situations..... 9

 4. Remote Interpreting 11

 5. Scheduling 11

 D. Tracking and Recording LEP Data 12

 E. Training..... 12

 F. Resources 12

 G. Translations..... 13

 H. Complaints 13

 I. Public Input..... 13

Dunn
County Circuit Court
Language Access Plan

I. Purpose

This Language Access Plan (LAP) outlines how the Dunn County Circuit Court effectively allocates and regulates its resources, services, and administrative operations to maintain compliance with federal and state language access requirements.

II. Policy Directive

The Dunn County Circuit Court is dedicated to providing limited English proficient (LEP) individuals with timely and meaningful access to all court activities and programs in accordance with federal and state mandates. Specific federal laws include Title VI of the Civil Rights Act of 1964 ("Title VI"), Executive Order 13166, the Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA) of 2008.

Section 601 of Title VI, 42 U.S.C. Section 2000d *et. seq.* states:

"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 financial assistance."

III. Definitions

Limited English Proficiency (LEP)

1. The inability, because of the use of a language other than English, to adequately understand or communicate effectively in English in a court proceeding.
2. The inability, due to a speech impairment, hearing loss, deafness, deaf-blindness, or other disability, to adequately hear, understand, or communicate effectively in English in a court proceeding. (Wis. Stat. §885.38(1)(b)1-2))

Interpreting/Interpretation

Language interpretation specifically refers to the process of orally converting spoken or signed language from one language into another.

Qualified Interpreter

A person who is able to do all of the following:

1. Readily communicate with a person who has LEP.
2. Orally transfer the meaning of statements to and from English and the language spoken by a person who has limited English proficiency in the context of a court proceeding.
3. Readily and accurately interpret for a person who has LEP, without omissions or additions, in a manner that conserves the meaning, tone, and style of the original statement, including dialect, slang, and specialized vocabulary. (Wis. Stat. 885.38(1)(c))

Remote Interpreting (RI)

Providing interpreting services using technology where the interpreter is at a location physically separate from the consumers of the interpreting service. Remote interpreting can be provided using audio only or audio and video technologies.

Sight Translation/Sight Translate

The act of reading a document written in one language while converting it orally into another language.

Translating/Translation

The written conversion of a document from one language to another language.

IV. Identification and Assessment of LEP Communities

The LEP population in this county is identified by reviewing data from the US Census Bureau, which is updated every ten years. Changes in the LEP population will be monitored using mid-census estimates and projections from the American Community Survey (ACS). Other data such as from the Department of Education, the Migration Policy Institute or other local or state agencies may be used to obtain accurate data.

A. County LEP Population Summary

1. Total County Population: 45,221
2. Total LEP Population: 1,178
3. LEP Population Percentage: 2.60%
4. Top 5 languages spoken by individuals who identify as LEP (see table below):

| Language | Number of People Speaking English Less than Very Well | Percentage of People Speaking English Less than Very Well | Percentage of County LEP Population |
|---|---|---|-------------------------------------|
| 1. Other Asian and Pacific Island Languages | 551 | 46.8% | 1.22% |
| 2. Chinese (incl. Mandarin, Cantonese) | 255 | 21.6% | .56% |
| 3. Spanish | 223 | 18.9% | .49% |
| 4. Other and unspecified languages | 55 | 4.7% | .12% |
| 5. Arabic | 55 | 4.7% | .12% |

B. County LEP Population Summary (Hearing Disability)

1. County Population with a Hearing Difficulty: 1,593
2. LEP County Percentage with a Hearing Difficulty: 3.52%

V. Language Access Policy

A. Responsibility to Provide Language Services or Reasonable Accommodations

It is the responsibility of this court to provide and pay for language assistance services and other reasonable accommodations for LEP individuals during all court proceedings, clerks counter interactions, and other out-of-court approved activities in accordance with state and federal laws.

1. Clerks Counter Interactions

Since front line counter staff are often the first points of contact with members of the public including LEP individuals, all clerks of court, deputy clerks, and other court staff will use culturally competent procedures to identify LEP persons who are trying to access the courts and assist them with qualified language assistance services. Clerks of circuit court are authorized to appoint for interpreter services used at the clerk's office under Wis. Stat. §885.38(3)(d).

2. Court Proceedings and Out-of-Court Events

The ultimate determination whether to provide language assistance or other reasonable accommodation during a circuit court proceeding belongs to the judge. If the court determines that a qualified individual has limited English proficiency and assistance is necessary, the court shall advise the person that they have the right to a qualified interpreter and that one will be provided at the court's expense under Wis. Stat. §885.38(3)(a).

The county may provide and pay for language assistance services to LEP individuals for any additional out-of-court events as deemed appropriate by the clerk of court or at the discretion of the court.

3. Director of State Courts Responsibilities

The Director of State Courts Office ("DSCO") monitors language assistance services statewide through its Court Interpreter Program (CIP). Through the CIP, the DSCO maintains a central role in training and testing interpreters, providing training for judges and court staff (judicial assistants and clerks of court personnel), translating statewide vital court forms, and pursuing statutory changes and additional funding as needed. This court will incorporate recommendations for ensuring the best procedures are being used to provide quality assistance to LEP court users.

4. Funding

The primary obligation to pay for services for qualified LEP individuals rests with the county. The cost for providing such services will not be charged to the LEP individual. The DSCO issues biannual payments to counties for language assistance services as part of circuit court support funding in accordance with Wis. Stat. §758.19(5)(b).

B. Ensuring Quality Services

This circuit court strives to ensure quality in-person or remote language assistance services are provided to LEP individuals at all points of contact. A certified interpreter will be the first choice for appointment and will be scheduled whenever one is readily available. After a diligent effort has been made to locate a certified court interpreter and none is available, the court may appoint a non-certified court interpreter who is listed on the DSCO's Roster of Interpreters ("Roster"). If neither a certified nor a non-certified interpreter on the Roster is available, the court may appoint an interpreter who is otherwise qualified. Court staff may use community resources to assist in locating interpreters or translators for rare languages and for emergency situations.

Sign language interpreters who work in court for compensation must hold a license by the Wisconsin Department of Safety and Professional Services (WDSPS) in accordance with Wis. Stat. §440.032. This court will appoint more than one qualified interpreter when necessary under Wis. Stat. §885.38(3)(b).

All interpreters who work in this court will understand and abide by the Code of Ethics for Court Interpreters found under Wisconsin SCR Chapter 63. It is expected that interpreters who routinely accept assignments in this court will be registered with the CIP or will have participated in orientation training offered by the CIP and will comply with continuing education requirements to further develop their professional skills.

In the event this courthouse is inaccessible to judges, court staff, or members of the public, remote interpreting will be used to ensure timely language assistance services is provided to LEP individuals for all court events and activities.

C. *Translations*

The clerk of court will make copies of statewide translated forms available to the public as needed, but will not use these translated forms to replace the need for an interpreter, any colloquies mandated by law, or the responsibility of the court and counsel to ensure LEP individuals fully comprehend their rights and obligations. The clerk of court may translate local vital forms used frequently in languages that reflect the county's LEP population. Wis. Stat. §757.18 requires all writs, process, proceedings and records in any court within this state to be in the English language.

D. *Staff Training and Resource Sharing*

The clerk of court will ensure new and existing staff are aware of the policies and procedures set forth in this LAP and will encourage staff to attend relevant local and statewide trainings offered to enhance their skills when serving all court users, in particular LEP individuals. The clerk of court will share resources developed by the DSCO and CIP to inform staff of language access best practices and recommendations.

E. *Public Notice and Other Signage*

The clerk of court will ensure public notice and signage regarding the availability of free language assistance services and the process for requesting accommodations under the ADA are posted at all visible and frequent points of contact throughout the courthouse and on the court's website. The clerk of court will determine whether and into which languages signage will be translated.

F. *Complaint Procedure*

The clerk of court has established a process for an individual to file a complaint regarding the quality of language assistance services or accommodation provided.

G. *Monitoring, Evaluating, and Updating*

The clerk of court will monitor, evaluate, and update its LAP policy directives and implementation procedures periodically. The LAP and all revised versions shall be approved by the presiding judge of the circuit court or other designated court official, filed with the CIP, and communicated to appropriate staff.

1. *Monitoring*

The clerk of courts will monitor the effectiveness of this LAP by periodically surveying staff to determine if changes regarding language assistance services should be modified, through observation of interactions between court staff and LEP individuals, soliciting feedback from community organizations when appropriate, or collaborating with other agencies throughout the county to ensure high quality, cost-effective use of language services.

2. *Evaluating*

The DSCO through the CIP will coordinate efforts with the clerk of court to review this LAP and revise as needed. Elements of the evaluation will include:

- a. Assessment of the number of LEP persons requiring language assistance services (in-court and out-of-court) within the county and statewide.

- b. Assessment of whether staff members adequately understand language assistance policies and are implementing procedures established by the court.
- c. Training court staff on working with LEP court users in a culturally competent manner.
- d. Determining if additional services or translated materials should be provided.

3. Updating

This LAP will be updated as needed to reflect changes to policies or procedures both locally, statewide, and nationally. Updates may include but are not limited to demographic shifts, modification in the methods language assistance services are provided, or changes in the vendors who provide the services.

VI. Language Access Policy Implementation

The procedures in this section outline the manner in which this court implements the language access policies set forth in the previous section.

A. Public Notices and Signage

Members of the public are notified of the availability of free language assistance services or the process for requesting an accommodation through the following means:

- Multilingual signs regarding how to request language assistance services are posted at public access points throughout of the courthouse.
- ADA notices regarding how to request an accommodation are posted at public access points throughout the courthouse.
- The court’s website provides information on how to request language assistance services.
- The court’s website provides information on how to request an accommodation.
- The court’s website or portions of the website have been translated into _____
- This Language Assistance Plan (LAP) is posted on the court’s website at the following link:
<https://dunncountywi.gov/clerkofcourts>
- Other:

B. Responsible Staff

1. Interpreter Scheduler

The staff member(s) below is responsible for coordinating all language assistance services for the court which include identifying, scheduling, and coordinating services for both spoken and sign languages; hiring translators if necessary; and responding to inquiries about language assistance services.

| | |
|--|---|
| Name: Katie M. Schalley | Title: Clerk of Circuit Court |
| Telephone: 715-231-6621 | Email: Katie.Schalley@wicourts.gov |
| Office Address: 615 Stokke Parkway, Suite 1500, Menomonie, WI 54751 | |
| Office Responsibilities: Clerk of Circuit Court | |
| Other: | |

| | |
|----------------------------|----------------------------|
| Name: Mariah Werner | Title: Deputy Clerk |
|----------------------------|----------------------------|

| | |
|---|----------------------------------|
| Telephone: 715-231-6620 | Email: maria.werner@wicourts.gov |
| Office Address: 615 Stokke Parkway, Suite 1500, Menomonie, WI 54751 | |
| Office Responsibilities: Deputy clerk for Civil, Jury, and Schedules Interpreters | |
| Other: | |

2. ADA Coordinator

The staff member below serves as the ADA coordinator for the courts and is responsible for addressing matters arising under the ADA which may include scheduling sign language interpreter services or ensuring reasonable accommodations are provided to qualified individuals who request them.

| | |
|---|------------------------------------|
| Name: Katie M. Schalley | Title: Clerk of Circuit Court |
| Telephone: 715-231-6621 | Email: Katie.Schalley@wicourts.gov |
| Office Address: 615 Stokke Parkway, Suite 1500, Menomonie, WI 54751 | |
| Office Responsibilities: Clerk of Circuit Court | |
| Other: | |

C. Procedures for Serving LEP Court Users

1. Requesting Language Assistance or Accommodation

In addition to self-identification by the LEP individual, the request for language services or a reasonable accommodation may be made by the district attorney, public defender, private attorney, advocate, victim-witness coordinator, family member, or companion. The following methods are used to notify the court that assistance is needed:

- Interpreter request made at time of filing (e-filing or paper filing)
- GF-149 Interpreter Request Form
- GF-153 ADA Accommodation Request
- Other:

2. Out-of-Court Situations

a. Oral Communication: Telephone or Video Relay Service (VRS)

When an LEP individual contacts the courthouse by telephone or VRS, any available staff will attempt to assist by first identifying the language of the caller and making a determination of the service the person is trying to access or the information they are seeking. Staff will provide assistance using the following methods:

- The clerk of court's bilingual staff will attempt to assist the caller. Bilingual staff is available in the following language(s):
 - Spanish Hmong Other, specify language: _____
- The clerk of court's staff interpreter will attempt to assist the caller. A staff interpreter is available in the following language(s):
 - Spanish Other, specify language: _____
- A freelance interpreter working in the court will assist, if available.

The clerk of court's staff will obtain language assistance with an agency or individual interpreter to provide remote interpreting services.

Name(s) of agency/agencies the court uses: SWITS, Ltd.

Other:

b. Oral Communication: In-Person

When an LEP individual appears in-person at the courthouse, any available staff will attempt to assist by first identifying the language and making an initial determination of the service the person is trying to access or information they are seeking. In addition to methods indicated in a), staff will provide assistance using the following methods:

Language identification ("I speak") cards are available at the front counter to allow the individual to point to the language he/she speaks.

The clerk of court's staff will initiate communication with the individual's friend or family member who is accompanying them.

The clerk of court's staff will attempt to convey very basic information using a machine translation service.

The clerk of court's staff will attempt to convey very basic information through the exchange of simple written notes (if the individual is deaf).

The clerk of court's staff will obtain language assistance with an agency or individual interpreter to provide remote interpreting services.

Name(s) of agency/agencies the court uses: SWITS, Ltd.

The following equipment is available at the front counter:

Telephone with speaker capabilities

Tablet or I-Pad

Laptop computer with built-in or external camera

Other equipment: _____

Other:

c. Written Communication: Documents in a language other than English

When an LEP individual submits a form of written communication to the court in a language other than English, any available staff will attempt to first identify the nature of the document and the language in which it is written.

1) Correspondence to the court (e.g. email, letter, fax)

When the court receives written communication in a language other than English such as correspondence seeking general or case-specific information, staff will provide assistance using the following methods:

- The clerk of court's bilingual staff will translate the document into English.
- The clerk of court's staff interpreter will translate the document into English.
- The clerk of court's staff will attempt to use a machine translation service to understand the purpose of the correspondence.
- The clerk of court's staff will obtain a translation of the document into English by an outside interpreter or translator.
- Other:

2) Court Form

When the court receives a petition or a form with responses in a language other than English, staff will provide assistance using the following methods:

- The clerk of court's staff will use in-person interpreting services to sight translate the non-English responses into English. Staff will transcribe the interpreted English responses on the form.
- The clerk of court's staff will use remote interpreting services to sight translate the non-English responses into English. Staff will transcribe the interpreted English responses on the form. Staff will scan a copy of the document to the remote interpreter.
- The clerk of court's staff will contact an advocacy organization for assistance.
- Other:

3) Other Documents (e.g. birth certificate, marriage certificate, will)

When the court receives other documents that may be included as evidence, staff will provide assistance using the following methods:

- The court will direct the party to provide a translation of the document into English pursuant to Wis. Stats. §901.09 and §757.18.
- The clerk of court's staff will obtain a translation of the document into English by an outside interpreter or translator.
- Other:

3. In-Court Situations

a. Advanced Notice

When the court has advanced notice that an interpreter or other accommodation is needed:

- The clerk of court's staff interpreter will be scheduled.
- The scheduler will use the DSCO's Roster to schedule an interpreter to provide either in-person or remote interpreting services.