

MOHAVE COUNTY COURTS POLICY AND PROCEDURE

TITLE: 4.03 LANGUAGE ACCESS PLAN

EFFECTIVE DATE: 12/01/2011

REVISED DATE: 05/10/2021

I. Legal Basis and Purpose

The Language Access Plan (LAP) policy for the Courts of Mohave County, including the Probation Department, outlines the services provided to persons with limited English proficiency (LEP) 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). LEP individuals are persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. The purpose of this policy is to provide a framework for the provision of timely and reasonable language assistance, and to ensure meaningful access to court and probation services for LEP individuals who come in contact with the Courts of Mohave County.

Although court interpreters are provided for persons with a hearing loss, those services are covered under the Americans with Disabilities Act rather than Title VI of the Civil Rights Act, and therefore will not be addressed in this policy.

II. Needs Assessment

A. Statewide

The State of Arizona provides court services to a wide range of people, including those who speak limited or no English. From a statewide perspective, the following languages were listed with the greatest number of speakers who spoke English less than “Very Well” in Arizona (according to the American Community Survey estimate report from the U.S. Census Bureau dated April 2017):

- Spanish
- Navajo
- Chinese
- Vietnamese

B. Courts of Mohave County

The Courts of Mohave County will make every effort to provide services identified in this policy to all LEP individuals. The following list shows the foreign languages that are most frequently used in the court’s geographic area, which is based upon data collected from the Limited Jurisdiction Courts and Superior Court Administration of Mohave County:

- Spanish
- Mandarin
- Vietnamese
- Cantonese

III. Language Assistance Services in the Courtroom

A. Determining the Need for an Interpreter in the Courtroom

The Courts of Mohave County may determine whether a court customer has limited English proficiency in various ways. The need for a court interpreter may be identified prior to a court proceeding by the LEP individual, or on the LEP individual’s behalf by court staff, security staff, or outside justice partners such as probation/parole officers, attorneys, social workers or

correctional facilities staff. Efforts are made to identify language needs at the earliest point of contact with the Court.

Signage throughout court buildings indicating interpreter services are available may also help to identify LEP individuals. Each Court location has signs near entry points into the court, near public counters and in common waiting areas, where applicable.

The need for an interpreter may also be made known in the courtroom at the time of the proceeding. In a case where the 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, the case will be postponed and continued to a date when an interpreter can be provided.

B. Providing Interpreters in the Courtroom

In the Courts of Mohave County, interpreters will be provided in all courtroom proceedings at no cost to all LEP witnesses; litigants; victims; parents, guardians, and family members of minor witnesses, victims, and/or litigants; as well as any other person whose presence or participation is necessary or appropriate as determined by the judicial officer.

The Courts of Mohave County are committed to providing qualified interpreters in accordance with Arizona Supreme Court Administrative Order 2016-02, to help ensure meaningful access for LEP individuals. The Courts employ interpreters in the courtroom as follows:

- Language Line service
- On-site interpretation list of qualified interpreters kept by Court Administration
- Foreign Language Service (Phoenix, AZ)
- State of Arizona Interpreter Registry

It is the responsibility of the private attorney, Public Defender or County Attorney to provide qualified interpretation and translation services for witness interviews, pre-trial transcriptions and translations, and attorney/client communications during out of court proceedings. The Court will offer assistance as requested.

Interpreters present at court hearings are expected to provide sight translations of court documents and correspondence associated with the case.

C. Court Interpreter Resources

The AOC maintains a statewide registry of individuals who indicate they have interpreting experience and have expressed interest in working in the courts. This registry includes information on the individuals' credentialing status with the Arizona Court Interpreter Credentialing Program (ACICP). The court using interpreting services will determine the competence of the persons listed and their suitability for a given assignment. The registry is available to court staff on the Internet at <https://apps.azcourts.gov/Registry>.

Mohave County Superior Court also maintains a list of local interpreters which is available to all courts in Mohave County by contacting court administration at extension 4391. The AOC maintains a public list called the Arizona Roster of Credentialed Court Interpreters. The roster lists the name, language, credential level, and contact information for ACICP credentialed interpreters

consenting to the public listing. The roster is available on the Arizona Judicial branch website at <https://www.azcourts.gov/interpreter/>.

Additionally, the AOC created a statewide listserv to allow courts to communicate via email on court interpreter-related matters. The listserv is an excellent resource to locate referrals for specific language needs. Access codes and instructions to join the listserv may be obtained from the AOC Language Access contact person.

Video remote interpreting (VRI) is available as a resource. The AOC has installed video conferencing equipment at the State Courts building that will allow courts with compatible technology to remotely conference an interpreter from the Phoenix metro area, or from another court jurisdiction, into their court to improve resource allocation and reduce time and costs associated with interpreter travel. Contact the AOC LAP contact for information on VRI connectivity and a checklist for court proceedings most appropriate for video.

IV. Language Assistance Services outside the Courtroom

The Courts of Mohave County are also responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to all court services and programs outside the courtroom. Court services and programs include but are not limited to self-help centers; clerk offices; intake officers; records rooms; cashiers; law library services; and probation.

A. Assistance to understand court procedures and policies

Services offered by the court generally to English-speaking customers pursuant to the employee code of conduct (ACJA §1-303) will also be provided to LEP litigant individuals in their language.

B. Assistance to complete required court forms and pleadings

Should an LEP individual be unable to complete a required court form, either alone or with the assistance of another competent adult proficient in English who is able to render assistance in a timely manner, the Courts of Mohave County will make arrangements to assist the LEP individual in completing the forms in English to the same extent that the Court offers such assistance to anyone who is unable to complete a form on their own, in keeping with the ACJA §1-303.

PLEASE NOTE – While the Court will provide translation assistance to LEP individuals who need help reviewing forms, it is required that all documents and forms submitted to the Court are written in English.

C. Court Ordered Services and Programs

The Court is also responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to all court-ordered services and programs. Court-ordered services and programs include but are not limited to conciliation, mediation, arbitration, treatment or educational programs provided by a court employee or a private vendor under contract with the Court. Contracts with vendors that provide direct services to court users must include the requirement that the vendor provide language services, including interpreters, for all LEP individuals.

The Court uses the following resources to facilitate communication with LEP individuals and court staff or providers of court-ordered services:

- Independent interpreter contractors;
- Bilingual employees;
- Bilingual volunteers;
- “I Speak” cards, to identify the individual’s primary language;
- Written information in Spanish on how to access and navigate the court;
- Multilingual interpreter services signage throughout courthouse locations in Spanish, Chinese, and Vietnamese;
- Forms translated into Spanish and other languages on the mohavecourts.az.gov webpage;
- Telephonic / video interpreter services (from contract interpreters or an agency);
- Video remote interpreting services (where available);
- Links from the Court’s website to the Supreme Courts Spanish translated webpage;

To provide linguistic accessibility services for LEP individuals, the Courts of Mohave County provides the following:

- Self-help center has informational pamphlets in Spanish and information for Community Legal Services in Spanish;
- Interpreters for family court services, including mediations for custody and visitation matters;
- Written informational and educational materials and instructions in Spanish
- Website links from court’s website to the Supreme Court’s Spanish translated webpage for court forms and instructions and other language access related resources, such as the court’s LAP and complaint form process.

D. Court Appointed or Supervised Personnel

The Courts of Mohave County shall ensure that court appointed or supervised personnel, including but not limited to child advocates, guardians’ ad litem, court psychologists and doctors, provide language services including interpreters as part of their service delivery system to LEP individuals.

E. Translated Forms and Documents

The Arizona courts understand the importance of translating forms and documents so that LEP individuals have greater access to the Courts’ services. The Courts of Mohave County currently use online forms and instructional materials translated into Spanish. These documents are located on the web at the following websites:

- The Arizona Supreme Court’s Spanish-translated webpage is provided at www.azcourts.gov/elcentrodeautoservicio/;
- The Courts of Mohave County notice regarding availability of language services and translated documents webpage is: www.mohavecourts.az.gov select the hyperlink Español at the top of the page;
- The Maricopa Superior Court webpage for Spanish translation forms: http://www.superiorcourt.maricopa.gov/Espanol/elCentroDeAutoServicio/SSC_formsSP.asp

The Court will provide translation assistance so LEP individuals may understand court-issued documents provided in English through sight translation or other reasonable means. The Court also has general information for LEP individuals which can be obtained at the law library regarding translation services.

V. Court and Probation Staff Recruitment

A. Recruitment of Bilingual Staff for Language Access

The Courts of Mohave County are an equal opportunity employer and recruits and hires bilingual staff to help serve its LEP individuals in all areas of court operations.

- Court interpreters to serve as regular full-time or part-time employees or regular interpreter contractors of the court;
- Bilingual staff to serve at public counters and or self-help centers; and
- Bilingual staff available on call to assist with contacts from LEP individuals, as needed.

VI. Judicial and Staff Training

The Courts of Mohave County are committed to providing language access training opportunities for all judicial officers and staff members. Staff will be trained so they know how and when to access language assistance services. Training and learning opportunities currently offered will be expanded or continued as needed.

Those opportunities include:

- Diversity training;
- Cultural competency training;
- Language Access in our Courts training for all staff;
- New employee orientation training;
- Judicial officer orientation on the use of court interpreters and language competency;
- AOC's Language Access in the Courtroom Training DVD; and
- AOC's Language Access online training videos.

VII. Public Outreach and Education

A. General

One of the goals of the public outreach program is to communicate with LEP individuals new court programs, and to make them aware of services available to all language speakers. The Courts of Mohave County provide community outreach and education information while seeking input from participants to further improve our services. Outreach and education efforts may include the following:

- Partnerships and collaborations with the local Bar association, the Community Legal Services office and the Criminal Justice Coordinating Council.
- The Court will conduct outreach by seeking to inform community service organizations on how LEP individuals can access court services and forms.

B. Videos, Webinars, On-Line or In-Person Instructional Methods

New public-facing videos designed to assist litigants or the public more broadly, shall be in English and Spanish. Those videos, webinars, and instructional materials currently in existence which

are deemed to be “vital” shall be made available in Spanish. The court will determine whether any existing videos, webinars, and instructional materials should be made available in languages other than English and Spanish by considering the Department of Justice’s four-factor analysis.

VIII. Formal Complaint Process

If an LEP individual believes meaningful access to the courts was not provided to them, they may choose to file a complaint with the Court Administrator. The court’s complaint process includes the following:

- The court will respond to any complaint in English and in the complainant’s language, within 30 days and the records will be maintained as public records.
- The court will ensure that translated versions of the complaint forms are available in multiple locations, including, but not limited to:
 - Forms posted on the court’s website and
 - Hard copy forms available at public counters
 - Forms in Arabic, Chinese, Spanish, and Vietnamese are available for download from <http://www.azcourts.gov/selfservicecenter/Self-Service-Forms#ComplaintForm> .

IX. Public Notification and Evaluation of LAP

A. LAP Approval and Notification

The LAP Policy is subject to approval by the Presiding Judge of the Mohave County Superior Court. Any revisions to the policy will be submitted to the Presiding Judge and Court Administrator for review and approval, then forwarded to the AOC Court Services Division. Copies will be provided to the public on request and may be posted on the Court’s webpage.

B. Evaluation of LAP Policy

The Courts of Mohave County will routinely assess whether changes to the LAP are needed. Court administration will review the effectiveness of the Court’s LAP and update it as necessary. The evaluation will include identification of any problem areas and development of corrective action strategies. From time to time, the Court may consider using a survey sampling of data collection for a limited period of time which involves assessing language access requests to assist in the evaluation of the LAP. Elements of the evaluation will include:

- Number of LEP individuals requesting court interpreters or language assistance, the languages requested and how the court met the request;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Assessment of whether court staff adequately understand the LAP policy and steps to ensure compliance with the policy;
- Review of feedback from court employee training sessions;
- Review feedback from Division directors and court managers;
- Customer satisfaction feedback received during the access and fairness survey, if administered by the court during this review period; and,
- Review any language access complaints received during this review period.

C. Mohave County Courts Language Access Plan Coordinator:

Kip Anderson, Court Administrator
Mohave County Superior Court
415 E. Spring Street
P.O. Box 7000
Kingman, AZ 86402
(928) 753-0790 x4150

D. AOC Language Access Contact:

David Svoboda
Court Services Division
Administrative Office of the Courts
1501 W. Washington Street, Suite 410
Phoenix, AZ 85007
(602) 452-3965, dsvoboda@courts.az.gov

E. LAP Revised Effective date: 05/10/2021

F. Approved by:

A/Svoboda

Presiding Judge:

Steve Moss
Honorable Steve Moss

Date:

5/11/21

Court Administrator:

Kip Anderson
Kip Anderson

Date:

5/11/21

Superior Court of Arizona, Mohave County

Language Access to Court Services Complaint Form

The court may be required to provide interpreters at no cost for court users, including litigants, victims, and witnesses who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English. If you believe you have not been provided effective language assistance for any court or probation proceeding or other service provided by the court, please complete this form and return it to: **415 East Spring Street, P.O. Box 7000 Kingman, AZ 86402**

*The submission of a complaint will NOT affect the outcome of any court matter.
The court will address your concerns within a reasonable time not exceeding 30 days after submission of this form.*

THIS FORM IS AVAILABLE IN OTHER LANGUAGES UPON REQUEST.

PLEASE COMPLETE:

Today's Date: _____

First Name: _____

Last Name: _____

Address: _____

City/State/Zip: _____ / ____ / _____

Home Telephone: (_____) _____ - _____

Mobile Phone: (_____) _____ - _____

Email Address: _____

Primary Language: _____

Date of Incident: _____

What problem did you have with language assistance?

- The court did not provide an interpreter
- The interpreter did not interpret correctly or did not speak my language
- Other- please describe:

Section 602 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d states that "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."