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Pierce County Circuit Court
Language Access Plan

I. Purpose

This Language Access Plan (LAP) outlines how the Pierce 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 Pierce 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

The oral conversion from one language to another language.

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: 40,959.
2. Total LEP Population: 483.
3. LEP Population Percentage: 1.18%.
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. Chinese	163	.40%	33.75%
2. Spanish or Spanish Creole	151	.37%	31.26%
3. Portuguese or Portuguese Creole	65	.16%	13.46%
4. Hmong	54	.13%	11.18%
5. German	19	.05%	3.93%

B. County LEP Population Summary (Hearing Disability)

1. County Population with a Hearing Difficulty: 1263.
2. LEP County Percentage with a Hearing Difficulty: .03%.

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 frontline 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 advised 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. 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.
- ☒ ADA notices regarding how to request an accommodation are posted at public access points.
- ☐ 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://www.co.pierce.wi.us/Circuit%20Court/Circuit_Court_Main.htm
- ☐ 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: Kerry Feuerhelm
Title: Clerk of Court
Telephone: 715-273-6741
Email: Pierce.Clerk@wicourts.gov
Office Address: 414 W. Main St., Ellsworth, WI 54011
Office Responsibilities: Clerk of Court duties under Wis. Stat. 59.40
Other: Coordinate and schedule interpreters

Name: Katy Peavey
Title: Judicial Assistant
Telephone: 715-273-6741
Email: Katy.Peavey@wicourts.gov
Office Address: 414 W. Main St., Ellsworth, WI 54011
Office Responsibilities: Judicial Assistant
Other: Coordinate and schedule interpreters

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: Kerry Feuerhelm
Title: Clerk of Court
Telephone: 715-273-6741
Email: Pierce.Clerk@wicourts.gov
Office Address: 414 W. Main St., Ellsworth, WI 54011
Office Responsibilities: Clerk of Court duties under Wis. Stat. 59.40
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:
Parties may call or email the Clerk of Court office.

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/register in probate'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 may obtain language assistance with an agency or individual interpreter to provide remote interpreting services.
Name(s) of agency/agencies the court uses: SWITS
☐ 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 sheets 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_____

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: Cell phone app_____

☐ 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/register in probate's bilingual staff may 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 may 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 may use remote interpreting services to sight translate the non-English responses in to 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 may contact an advocacy organization for assistance.

☒ Other:

Cell phone app_____

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.

☒ The scheduler will use an agency to schedule an interpreter to provide either in-person or remote interpreting services.

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

☒ The scheduler will use interpreters from other states or jurisdictions either in-person or remotely.

☐ The scheduler will secure a Communication Access Realtime Transcription (CART) reporter for deaf or hard of hearing individuals, if appropriate.

☐ The scheduler will contact the CIP for assistance in locating an interpreter.

☐ Other:

_____

_____

_____

b. Short Notice

When the court has no advanced notice that an interpreter or other accommodation is needed, in addition to the procedures listed in a):

☒ The court's bilingual employee will be used to provide in-person interpreting services.

☐ A bilingual attorney will be used to provide either in-person or remote interpreting services.

☒ A bilingual advocate may be used to provide either in-person or remote interpreting services.

☒ An individual from a local community organization may be used to provide either in-person or remote interpreting services.

☐ An interpreter from a local hospital will be used to provide either in-person or remote interpreting services.

☒ An individual from a local college may be used to provide either in-person or remote interpreting services.

☒ A family member or friend may be used to provide either in-person or remote interpreting services.

☐ Other:

_____

c. Deaf Jurors

When a deaf or hard of hearing person receives a jury questionnaire, the court has developed a process for facilitating communication with the individual prior to appearance, during voir dire, and jury service:

☒ The juror questionnaire inquires if they have a disability and if so, the nature of the disability and the accommodation requested.

☐ The court will contact the deaf or hard of hearing individual to arrange an accommodation once the need is made known.

If a deaf individual is included in the jury panel, court staff will ensure a team of qualified sign language interpreters, a CART reporter, or other reasonable accommodation is provided.

If a deaf individual is chosen to serve as a juror, court staff will ensure a team of qualified sign language interpreters, a CART reporter, or other reasonable accommodation is provided during the trial including jury deliberations as requested.

4. Remote Interpreting

The court uses the following audio and video platforms to provide remote interpreting for appropriate court events:

☒ Telephone

☒ Zoom

☐ WebEx

☒ Polycom

☐ Skype

☐ Other:

_____

5. **Scheduling**

a. **Ensuring Services for Subsequent Hearings**

Once the need for an interpreter or other accommodation has been made, the court ensures services are provided for all subsequent court events through the following methods.

☒ Staff uses the CCAP calendaring system to indicate services are needed throughout the pendency of the case.

☒ Staff provides GF-101 Notice of Hearing to the interpreter either in-person or via email to ensure he/she provides services during all subsequent hearings.

☒ Other:

Staff ensures that the correct language is specified for that individual in the case. ____

b. **Other Efficiencies**

In order to promote efficient use of the court's time and language assistance services, the following mechanisms are used:

☒ Staff uses scheduling software or centralized calendaring system to schedule interpreters.

Software or program used: CCAP_____

☐ Staff uses block scheduling of interpreted cases.

☐ The court has a contract with an agency.

☐ The court has a contract with an individual interpreter or interpreters.

☒ Other:

Certified Interpreters will be scheduled, if in person, as local as possible.

D. Tracking and Recording LEP Data

The clerk of court tracks the following information on LEP individuals within its service area:

☒ Language

☒ Who used the interpreting services

☒ Frequency of encounters with LEP individuals

☒ Types of cases where interpreters were used

☒ Interpreter hours

☐ Other:

_____

The clerk of courts or other staff tracks and records LEP data:

☐ Daily ☐ Weekly ☐ Monthly ☒ Yearly

E. Training

To improve service to the public and in particular, LEP individuals, new and existing court staff:

☒ Receive training on local procedures for securing language assistance services.

☒ Receive training on how to use Zoom or other video conferencing platform to provide remote interpreting services.

☒ View "Walking the Line" training video available on CourtNet.

☒ Attend relevant trainings offered by the DSCO.
☐ Other:

F. Resources

The following resources developed by the DSCO's CIP or other entities are available to judges and/or court staff:

☒ "Working with Interpreters in Wisconsin Courts Bench Card for Judges."
☒ "Language Access Requirements in Wisconsin Courts Quick Tips for Schedulers and Court Staff."
☒ "A Handbook for Court Interpreters Working in Teams."
☒ "Guidelines for recorded evidence and limited English proficiency (LEP)" practice paper.
☒ "Using telephonic interpreting in the courts" practice paper.
☐ Other:

G. Translations

The court uses statewide forms that have been translated by the DSCO to assist the interpreter and to give the LEP court user an opportunity to read along if he/she is able to read. Staff will provide copies of frequently used translated forms to interpreters and litigants in the courtroom and at the counter.

☐ The court has translated the following local materials into:_____

H. Complaints

All complaints will be handled on an individual basis and may be brought to the attention of the presiding judge, clerk of court, district court administrator, ADA coordinator, or other appropriate court staff. The following staff has been designated to receive complaints regarding a lack of language assistance services or accommodation or the quality of the assistance provided:

Name: Kerry Feuerhelm Title: Clerk of Court
Telephone: 715-273-6741 Email: Pierce.Clerk@wicourts.gov
Office Address: 414 W. Main St., Ellsworth, WI 54011
Office Responsibilities:
Other:

The specific procedures for filing a complaint include: Specific case and hearing cited in complaint.

The court may refer the complaint to the DSCO's CIP, which has developed a disciplinary policy for complaints against interpreters who have allegedly engaged in unethical or unprofessional conduct in the course of performing their duties

I. Public Input

If appropriate, the clerk of court may seek input from community based organizations or advocacy agencies whose clientele are affected by this LAP. The LAP may be modified to reflect suggestions or recommendations from such entities to improve language assistance services the court provides.

Information about the Director of State Courts CIP is available on the court's website at https://www.wicourts.gov/services/interpreter/certification.htm

Information on how to file a complaint against an interpreter is available on our court's website at https://www.wicourts.gov/services/public/interpretercomplaint.htm

Information on the Circuit Courts' ADA policy is available at the court's website at https://www.wicourts.gov/services/public/ada.htm

The effective date of this LAP is the 18th day of September, 2020. It supersedes any previous version(s).

By: _____
Presiding Judge of Pierce County Circuit Court