



Luzerne County

11th Judicial District

**Language Access Plan
(LAP)**

Adopted: February, 2015

**200 North River Street
Wilkes Barre, PA 18711**

The Goal of this Language Access Plan is to create a policy to ensure that the 11th Judicial District communicates effectively with Limited English Proficiency and deaf or hard of hearing individuals . This plan will generally address the dissemination of information regarding accessibility of interpretation services; training for staff members of the court; the collection/reporting of data and the continuous improvement process of service accessibility.

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Luzerne County
11th Judicial District
LANGUAGE ACCESS PLAN

Section I. Legal Basis and Purpose

This document is the Language Access Plan (LAP) for the 11th Judicial District. The plan is intended to ensure meaningful access to court services for persons with Limited English Proficiency (LEP) and or deaf or hard of hearing in compliance with Title VI of the Civil Rights Act of 1964¹, 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 11th Judicial District has appointed a language access coordinator to be a contact person for the public, court staff, and the AOPC concerning this plan and its implementation. The contact information regarding the language access coordinator is as follows:

Name: Marlene Marriggi
Title: Deputy Court Administrator
Human Resources
Address: Luzerne County Courthouse
200 North River Street
Wilkes-Barre, PA 18711-1001
Phone #: 570-830-5190
Email: marlene.marriggi@luzernecounty.org

Section II. Needs Assessment

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.

A. Judicial District Data

1. The Luzerne County population five years or older is estimated at 304,688 according to the U.S. Census Bureau, 2011-2013, 3-Year American Community Survey⁶. Within this total population, 3.8 percent reported speaking English “less than very well”. The 2011-2013 survey also estimates 9.4 percent of the population speaks a language other than English. Of this percentage, 6.3 percent speak Spanish or Spanish Creole, 2.2 percent speak other Indo-European Languages, and less than 1 percent speak Asian/Pacific Island languages and other languages combined. Finally, the data shows that 40 percent of those who do speak a language other than English do not speak English very well. (See Table 1).

**Table 1 - Characteristics of Population by Language Spoken at Home
Luzerne County, Pennsylvania**

Subject	Total	Margin of Error	Speaks English Well	Margin of Error	Not Speak English Well	Margin of Error
Population 5 Years and Over	304,688	+/-24	96.2%	+/-0.3	3.8%	+/-0.3
Speak Only English	90.60%	+/-0.4	(X)	(X)	(X)	(X)
Speak Language Other Than English	9.40%	+/-0.4	60.0%	+/-2.6	40.0%	+/-2.6
Spanish or Spanish Creole	6.30%	+/-0.3	54.9%	+/-3.5	45.1%	+/-3.5
Other Indo-European Languages	2.20%	+/-0.3	74.4%	+/-4.9	25.6%	+/-4.9
Asian and Pacific Island Languages	0.60%	+/-0.1	49.6%	+/-12.1	50.4%	+/-12.1
Other Languages	0.30%	+/-0.1	80.2%	+/-10.6	19.8%	+/-10.6

B. Frequency of Interpreter Services Requests

The 11th Judicial District had 797 requests for interpreter services in year 2013. Of those 797 requests, 95.5% required Spanish interpretation services and 3.7% required American Sign Language (ASL) services. Less than 1% of the requests for interpretation services provided were for Russian, Polish, Swahili and Farsi.

An increase of roughly 10% - 12% in requests for interpretation services is expected in year 2014. Year-to-Date records for year 2014 show that approximately 860 court hearings required interpreter services. Of that number, 98.6% of those hearings required Spanish interpretation services making Spanish the most predominant language of Limited English Proficiency individuals in the 11th Judicial District. Records show interpreter services relative to those requests for American Sign Language (ASL) services were at 1.3%. Finally the numbers also showed requests for Punjabi, Russian, Mandarin and Farsi; however, the numbers are comparatively negligible when compared to the number of requests in Spanish.

⁶ Source: U.S. Census Bureau, 2011-2013 3-Year American Community Survey

C. Identification of Limited English Proficiency (LEP) Individuals

Court staff members and officers are sensitive to the needs of Limited English Proficiency (LEP) individuals. The following methods will be utilized during the upcoming year within the 11th Judicial District in order to assist in the identification of Limited English Proficiency persons:

- ✓ "I Speak" Cards
 - If a person appears at a court proceeding with no interpreter present and it is unclear what language the person speaks, court personnel will use "I Speak" cards to assist in identifying the language spoken. These cards contain the sentence "I Speak (language)" translated from English into multiple different languages and will be found in common/public areas and the Common Pleas and Magisterial Courtrooms. Original copies of the "I Speak" cards will be kept by Court Administration in order that additional copies can be made and distributed as needed. (See Attachment A)

- ✓ "I Speak" Poster
 - This "I Speak" poster will serve to assist individuals who are not proficient in English and guide the individual to select a preferred language. These posters will be displayed in public and court areas and will assist Limited English speakers to self-identify their language easily by pointing to it. (See Attachment B – Sample)

- ✓ Signage in Non-English languages
 - Signage in English with a Spanish translation will be displayed in various offices, courtrooms and public areas. Staff in those areas will be trained to assist individuals needing access to interpretation services. Further information in this plan will outline the services and the processes available to provide language assistance.

Required staff members of the court system will be trained to assist in the identification of individuals that may need interpretation services. Training will consist of meeting sessions conducted by the internal Language Access Plan Stakeholder Team in order to review, reiterate and update the staff members on the procedures.

Section III. Language Assistance Resources

A. Interpreters Used In Judicial Proceedings

Interpretation services will be offered for Criminal and Civil matters at the Court of Common Pleas and Magisterial Courts levels, including Family/Juvenile Courts, Court Administration and will be available at general public areas. Further, Court sponsored

programs and diversion programs such as Drug Court, Mental Health Court, etc. will also be offered access to interpretation services.

The 11th Judicial District will offer assistance to Limited English Proficiency 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.”⁷ 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”⁸

The 11th 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,⁹ 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.¹⁰ Additionally, interpreter request and waiver forms are attached to the Language Access Plan and hard copies of the forms will be distributed throughout the court system. (See Attachments C and D). These forms will be available in the Court of Common Pleas and Magisterial Courtrooms and in the Court Administration office.

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.¹¹ 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 will contact AOPC ICP staff for guidance.

⁷ 42 Pa. Cons. Stat. § 4401.

⁸ 204 Pa. Code §221.201(a)(4).

⁹ 204 Pa. Code §221.

¹⁰ <http://www.pacourts.us/judicial-administration/court-programs/interpreter-program>

¹¹ <http://www.pacourts.us/judicial-administration/court-programs/interpreter-program/interpreter-roster>

B. Language Services Beyond Judicial Proceedings

The 11th Judicial District is also responsible for taking reasonable steps to ensure that LEP persons have meaningful access to all court services, once Limited English Proficiency individuals have been identified using the resources listed in section II(C) above. In many situations, court staff may encounter LEP persons without an interpreter present at general public areas such as Court Administration, Information Desks, etc. Once court staffs have identified LEP individuals needing assistance, the court staff will offer language assistance services through a Certified Interpreter, if available, or through a Language Line service provider. Additionally, assistance may be provided should bilingual employees (Spanish speaking) be available in the particular area. At the present time, a bilingual staff member is located at one of the Magisterial offices to handle the volume of requests and can be available to other areas by phone, schedule permitting. If said staff member is not available, the language line can be utilized.

C. Forms & Documents

From a Statewide perspective, the Administrative Office of Pennsylvania Courts (AOPC) makes select translated forms available to the courts on its website.¹² The 11th Judicial District recognizes the importance of translating vital forms and documents in order that LEP individuals have equal access to court services. To ensure consistency in the translation of vital documents and forms, the 11th Judicial District follows the guidelines established in the National Center for State Courts' Guide to Translation Practices.¹³ Currently, the 11th Judicial District has translated the following documents and forms into Spanish and they are available to court users. These translated documents will be available in Court Administration offices and will also be distributed throughout the Court of Common Pleas and Magisterial Courtrooms.

Translated documents: (English to Spanish)

- ❖ Application for Public Defenders and Instruction Sheet
- ❖ Guilty Plea Colloquy
- ❖ Request to be Determined Eligible for In Forma Pauperis (IFP) Status
- ❖ Change of Address Form
- ❖ Waiver of Extradition Form
- ❖ To Start a Custody Matter
- ❖ Custody Modification Form

¹² <http://www.pacourts.us/forms/for-the-judiciary/>.

¹³ <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>.

- ❖ Notice to Grandparents or Persons Other than Parents Requesting Legal, Physical or Partial Custody Of Children (Custody Court)
- ❖ Criminal Record/Abuse History Verification (Custody Court)
- ❖ Procedures for Requesting Court Approved Relocation (Custody Court)
- ❖ Petition and Notice for Relocation (Custody Court)
- ❖ Your Guide to Juvenile Court
- ❖ Important Information for Non-Custodial Parents (Domestic Relations)
- ❖ Notice to Persons Filing for Support through Luzerne County Domestic Relations Office (Domestic Relations)
- ❖ ARD Instructions (Adult Probation)
- ❖ PSI Forms (Pre-Sentence Investigation Forms)
- ❖ IPP Application (Intermediate Punishment Program)
- ❖ Court's Foreclosure Diversionary Program (Civil Matters)
- ❖ Involuntary Commitment of a Minor (Family Court)

From time to time, additional documents and forms are requested by judicial officers and court staff to be translated. Those requests are reviewed and prioritized for translation. The documents currently scheduled to be translated are as follows:

Documents to be translated from English to Spanish over the next year are as follows:

- ❖ Admission Form Colloquy (Juvenile Court)
- ❖ Sexual Offender's Registration Notification (DA's Office)
- ❖ Civil Complaint Form
- ❖ Private Criminal Complaint
- ❖ Request for Order of Possession
- ❖ Landlord/Tenant Complaint
- ❖ Request for Order of Execution

Translated forms will be available in one of two ways. Either the Spanish version of the document will be attached to the English document or the preferred manner: the Spanish translation will appear along with English on the same document. These translated documents will be available in Court Administration offices and will also be distributed throughout the Court of Common Pleas and Magisterial Courtrooms. Further a master directory of translated forms will be kept in Court Administration. Court Administration will act as the "central gatekeeper" of the master forms in order to manage "version control" and to produce standard copies for distribution throughout the court system as required. Additionally the master directory will also be readily available for review and updating as required.

D. Outreach

In an effort to provide LEP persons language access to court information, the judicial district also provides general signage in English with a Spanish translation regarding the availability of interpreters. This signage can be found in all MDJ courts including the three Hazelton MDJ courts most heavily-utilized by Spanish-speaking court users. Additionally, this signage is found in various public areas. Court Administration is reviewing the feasibility of providing accessibility to its website in Multiple Foreign Languages and adding select translated forms to its general website. The plan will be to gradually upload essential documents to the website and to test various translation software for installation on the website.

Finally, it is intention of the 11th Judicial District to participate in community and civic meetings, forums, conferences and workshops when available. This effort will allow the judicial district to collect and monitor feedback and to evaluate the need for changes in Limited English Proficiency services to be provided by the courts.

E. Role of the Language Access Coordinator

The Language Access Coordinator will serve as the central point of contact for the Language Access Plan. Specific responsibilities will include the following:

- ✓ Monitor and provide oversight for the Language Access Plan.
- ✓ Manage the Grievance Process and associated responsibilities as listed in Section VII of this document.
- ✓ Coordinate staff training throughout Court system.
- ✓ Perform compliance reviews and potential site visits (Magistrate Offices, Common/Public Areas, etc.)
- ✓ Monitor the collection and reporting of data relative to number of service requests for interpreters, languages requested, etc.
- ✓ Create an internal Language Access Plan Stakeholder Team. This team will consist of staff members from various areas such as Court Administration; Counsel; the Court of Common Pleas and the Magisterial Courts. In addition, the team will include the Interpreter Services Coordinator, a Certified Interpreter, and a representative from the Clerk of Courts and/or Prothonotary areas.

- ✓ The primary responsibility of the internal Language Access Plan Stakeholder Team will be to assist the Language Access Coordinator in the communication of the plan, assist in staff training needs and assess the strengths and weaknesses of the plan.
- ✓ The Language Access Coordinator will convene the internal Language Access Plan Stakeholder Team at regular intervals to review, modify/update plan policies and procedures, and jointly make recommendations for the betterment and advancement of the plan.

In summary, the language access coordinator for the 11th Judicial District ensures the Language Access 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 found on Page One (1) and again listed below on Page Eleven (11). The 11th 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 court personnel, and an updated version of the plan will be posted in a public notification area in the courthouse, as well as distributed to relevant stakeholders.

Section IV. Training

The 11th Judicial District will work with the AOPC throughout the year to ensure that required employees are trained on LEP policy and procedure. Additionally, the internal Language Access Plan Stakeholder Team will assist the Plan Coordinator in assessing training needs; conducting training sessions and/or developing/distributing materials regarding the Language Access Plan. 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. Employees, specifically those who will have regular contact with the public, will be required to attend language access training.

Judicial officers, court administration, and other court staff from various areas including, but not limited to, Clerk of Courts and Prothonotary Offices will be offered training regarding language access. Additionally, the Language Access Plan will be made readily available to be shared across various areas throughout the Court of Common Pleas and the Magisterial Courts.

The staff will be provided with "I Speak" cards and will receive information on how to contact the courts' language assistance vendor, Language Service Associates. A focus of training will be directed towards access and utilization of this language access service. The majority of the training will focus primarily on high volume walk-in public areas and at the Magistrate court levels. Training will focus on how to utilize the Language Service Associates line and how to work effectively with walk-ins needing access to assistance. In addition, training will be offered on how to respond to Limited English Proficiency callers. Access to the availability of training programs relative to the language access service provider will be examined throughout the year in order to be utilized in conjunction with in-house training.

Finally, the IT/Communications department will analyze, make recommendations and provide oversight with respect to the feasibility of installing phones/phone lines or better utilizing the existing phone service in the required public areas. This exercise is intended to determine the most efficient and cost effective manner in which to ensure that the public will have access to the Language Access Line.

Section V. Continuous Improvement

The 11th Judicial District will continue to monitor and make enhancements to its Language Access Plan. Directives will be prioritized and plans will be developed in order to continue the refinement of the plan based upon additional needs and requirements. A few enhancements in process are listed below:

- ✓ Continue the translation of required documents and forms
- ✓ Review the feasibility of adding Multiple Foreign Language Translation capabilities to existing court website
- ✓ Upload essential forms and documents to website
- ✓ Add the Grievance process and forms to website
- ✓ Gather and share data with community stakeholders

Section VI. Public Notification and Evaluation of Language Access Plan

A. Language Access Plan Approval and Notification

The 11th Judicial District's Language Access Plan (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 identifiable stakeholders in the LEP and deaf or hard of hearing communities, including but not limited to: the District Attorneys' Office, the Public Defenders' Office, North Penn Legal Services and Luzerne County Children and Youth Services.

The judicial district will consult with stakeholder members of the community in order to gather data and solicit feedback that will assist in the enhancement of its plan.

B. Evaluation and Review of the LAP

The 11th Judicial District will review this Language Access Plan six months from its inception, and biennially thereafter to assess whether the LAP needs updating. The Language Access Plan will remain in effect unless modified or updated. The 11th Judicial District will review, at a minimum, the following key areas as listed below. After analysis, should the information indicate a need to update the Language Access Plan, the LAP coordinator, along with the internal Stakeholder team, will make recommendations to the District County Administrator. Additionally, the 11th Judicial District will look to the AOPC for guidance and approval before any modifications become part of the original plan.

Key data to be reviewed:

- ✓ Analysis of Year to Date Interpreter Service Requests (Type of Requests, Increase in Languages other than Spanish, etc.)
- ✓ Number of Grievances and Complaint Resolution Instances
- ✓ Need for additional translated materials/forms
- ✓ Reports and information gathered by the internal Language Access Plan Stakeholder Team
- ✓ Feedback from LEP and deaf or hard of hearing communities and stakeholders within the judicial district
- ✓ Feedback from training provided in-house or through AOPC
- ✓ 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: Melissa Schatzel, Deputy Court Administrator. 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 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 relevant stakeholders.

Section VII. Grievance Procedure

Any LEP, deaf or hard of hearing individual has the right to file a complaint against the 11th Judicial District when he or she believes that the 11th Judicial District did not provide the necessary LEP interpretation 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 Grievance procedure and the forms will be available in court administration and it is the intent of this judicial district to make the Grievance procedure available on the courts website.

With respect to the Grievance Procedure, the Language Access Coordinator shall:

- Utilize the attached complaint procedures and forms - Attachment E (English) and Attachment F (Spanish)
- Publish and make the complaint procedures and forms readily available
- Post the complaint procedures prominently in the court facilities and/or on the court's website
- Keeps records and statistics on grievances filed
- Provides regular updates to District Court Administrator
- Make recommendations to Language Access Plan based upon any "learned" information from the Grievance process.

All complaints regarding this Language Access Plan should be forwarded to:

Name: Marlene Marriggi
Title: Deputy Court Administrator
11th Judicial District
Address: Luzerne County Courthouse
200 North River Street
Wilkes-Barre, PA 18711-1001
Phone #: 570-830-5135
Email: marlene.marriggi@luzernecounty.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: _____

Date: _____ Language Access Coordinator Signature: _____

Date: _____ President Judge Signature: _____