

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF LANGUAGE
INTERPRETERS AND ACCESS TO
COURTS BY PERSONS WITH LIMITED
ENGLISH PROFICIENCY

ADMINISTRATIVE ORDER
No. 2016 - 034

The Superior Court in Maricopa County is dedicated to providing meaningful access to the courts and court services to all individuals, including those who are limited English proficient. In compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and Executive Order 13166, 65 FR 50121, the court has formally adopted a Limited English Proficiency Plan ("LEP Plan") and policies in place to implement the LEP Plan.

Impartiality is a cornerstone of any court. Currently, this Court provides interpretation and translation services to Maricopa County agencies in the form of interpretation of witness interviews and translation of documents which assist these agencies in developing their cases against or defenses for the very litigants whose cases this Court will decide. Having the Court provide interpretation and translation services for such purposes may bring the Court's impartiality into question and create an appearance of impropriety. To avoid this appearance and ensure that Court resources are available for the Court to comply with the law, the Court has revised its LEP Plan and related policies. The revisions include using court resources, including the Court Interpretation and Translation Services (CITS) and court funded contractors for only court proceedings, court ordered events, and court services for Superior Court, Justice Courts, Adult Probation, and Juvenile Probation. Other agencies that are not part of the Judicial Branch of Arizona in Maricopa County, such as the County Attorney, Public Defender, Legal Defender, Legal Advocate, Court Appointed Counsel, and Contract Counsel, will be required to arrange, provide, and pay for interpretation and translation services for witness interviews, pretrial transcriptions and translations, and anything else necessary to prepare their cases, as indicated in the attached Plan and policy. Therefore,

IT IS ORDERED:

1. The LEP Plan is hereby adopted and attached as Exhibit A.
2. Policy C-102A, *Language Interpreters and Access to Courts by Persons with Limited English Proficiency*, attached as Exhibit B is hereby adopted.
3. Language Access to Court Services Complaint Form (English and Spanish) is hereby adopted.

IT IS FURTHER ORDERED this Administrative Order supersedes Administrative Order No. 2014-114.

Dated this 14th day of April, 2016.

/s/ Janet E. Barton

Honorable Janet E. Barton
Presiding Judge

Original: Clerk of the Superior Court

Copies: Superior Court Judges and Commissioners
Maricopa County Justices of the Peace
Judicial Branch Employees
David Byers, Director, Administrative Office of the Courts
Tom Manos, County Manager
Hon. Mark Brnovich, Attorney General
Hon. Michael K. Jeanes, Clerk of the Court
Hon. William Montgomery, County Attorney
Hon. Joseph Arpaio, Sheriff
Jim Haas, Public Defender
Marty Lieberman, Legal Defender
James Logan, Office of Public Defense Services
Bruce F. Peterson, Legal Advocate
Raymond L. Billotte, Judicial Branch Administrator
Jeff Fine, Justice Courts Administrator
Barbara Broderick, Chief, Adult Probation Department
Eric Meaux, Chief, Juvenile Probation Department



**JUDICIAL BRANCH OF ARIZONA IN MARICOPA COUNTY
(Superior Court, Justice Courts, Adult Probation and Juvenile Probation)**

**LIMITED ENGLISH PROFICIENCY PLAN
FOR TITLE VI COMPLIANCE**

I. GENERAL LANGUAGE ACCESS POLICY

A. Policy Statement

- 1. It is the policy of the Judicial Branch of Arizona in Maricopa County (Judicial Branch) staff and judicial officers shall take reasonable steps to provide limited English proficient (LEP) individuals with meaningful access to all services, programs or activities conducted by the Judicial Branch and by entities receiving funding or under contract with the Judicial Branch.**
- 2. This policy is based on the principle that it is the responsibility of the Judicial Branch and not the LEP individual to take reasonable steps to ensure that communications between the Judicial Branch and the LEP individual is not impaired as a result of the limited English proficiency of the individual.**
- 3. Judicial Branch staff and judicial officers shall take reasonable steps to effectively inform the public of the availability of language access assistance.**

B. Purpose

This document serves as the Judicial Branch's Language Access PLAN ("Plan") to provide individuals with limited English proficiency ("LEP") services in compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., Executive Order 13166, 65 FR 50121. The Judicial Branch consists of Superior Court, Justice Courts, Adult Probation and Juvenile Probation. The purpose of the Plan is

to provide a framework for the provision of timely and reasonable language assistance to LEP individuals who come in contact with the Judicial Branch.

The Plan was developed to ensure meaningful access to Judicial Branch services for individuals with LEP. This includes, but is not limited to, all Judicial Branch events, all court-ordered events, all vital forms and notices, counter assistance and phone calls. It also includes assistance filling out translated forms. This does not include telling the LEP individual what to write. It only includes writing the English translation for a LEP individual who can't speak/write in English. Although court interpreters are provided for individuals with a hearing loss, access services for them 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 Plan, but through separate policies.

C. Definitions

1. *Interpretation.* The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
2. *Language Assistance Services.* Oral and written language services needed to assist LEP individuals to communicate effectively with staff, and to provide LEP individuals with meaningful access to, and an equal opportunity to participate fully in, services, events, activities, or other programs administered by the Judicial Branch.
3. *Limited English Proficient Individuals.* Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing.)
4. *Meaningful Access.* Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. ¹ For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed or inferior as compared to services and programs provided to English proficient individuals.
5. *Multilingual or bilingual staff or employee.* A staff individual or employee who has demonstrated proficiency in English and reading, writing, speaking, or understanding at least one other language as authorized by the Judicial Branch.
6. *Primary Language.* An individual's primary language is the language in which an individual most effectively communicates.
7. *Event, Service, Program or Activity.* The term event, service, program or activity means all operations of the Judicial Branch.
8. *Qualified Translator or Interpreter.* An in-house or contracted translator or interpreter who has demonstrated his or her competence to interpret or

¹ When federal rules or statutes allow for recovery of fees against a losing party to a court proceeding, it is the policy of the Judicial Branch not to seek recovery of costs for language assistance services if doing so would result in discriminating against LEP individuals.

translate through court certification or testing or is authorized to do so by contract with the Judicial Branch.

9. *Sight Translation.* Oral reading of written text into spoken language by an interpreter without change in meaning based on a visual review of the original text or document.
10. *Translation.* The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
11. *Vital Document.* Paper or electronic written material that contains information that is critical for accessing Judicial Branch services, program or activities, or is required by law.
12. *Transcription.* The process of making a written printed or typed copy of spoken words.

D. Scope of Policy/Staff Compliance.

Judicial Branch staff and judicial officers shall take reasonable steps to provide language assistance services to LEP individuals when they encounter or have reason to believe that they may encounter LEP individuals in the course of fulfilling their mission. Subject to guidelines set forth herein, Judicial Branch staff and judicial officers should take reasonable steps to provide language assistance services upon request by an LEP individual who wishes to access Judicial Branch programs or activities or to whom Judicial Branch staff and judicial officers wish to communicate.

II. LEGAL BACKGROUND INFORMATION

Guidelines developed by the U.S. Department of Justice ("DOJ") outline four factors that should be considered to determine when language assistance might be required to ensure meaningful access to the Judicial Branch, which are:

- A. The number or proportion of LEP individuals in the eligible service population;
- B. The frequency with which LEP individuals come into contact with the program;
- C. The importance of the program or activity to the LEP individual (including the consequences of lack of language services or inadequate interpretation and translation); and
- D. The resources available to the Judicial Branch and the costs.

This four factor analysis is a flexible and fact-dependent standard that is used to determine the appropriate language assistance services to ensure an LEP individual has meaningful access to Judicial Branch's services, programs and/or activities. DOJ guidelines also provide specific information regarding when courts should utilize interpreters for LEP individuals. At a minimum, every effort should be taken to ensure competent interpretation for LEP individuals during all hearings, trials, and motions

during which the LEP individual may be present. The DOJ further emphasizes that the court needs to provide language services free of cost to LEP individuals in a courtroom, administrative hearing, pre- and post-trial court proceedings, situations in which health, safety, or access to important benefits and services are at stake, or when credibility and accuracy are important to protect an individual's rights and access to important services.

Paragraphs (A) and (B) below outline the circumstances that provide a "safe harbor" for recipient/covered entities. A recipient/covered entity that provides written translations under these circumstances can be confident that it will be found in compliance with its obligation under Title VI regarding written translations. However, the failure to provide written translations under these circumstances will not necessarily mean noncompliance with Title VI.

The Judicial Branch will be in compliance with its Title VI obligation to provide written materials in non-English languages if:²

- A. The Judicial Branch provides translated written materials, including vital documents, for each eligible LEP language group that constitutes ten percent or 3,000, whichever is less, of the population of individuals eligible to be served or likely to be directly affected by the recipient/covered entity's program;
- B. Regarding LEP language groups that do not fall within paragraph (A) above, but constitute five percent or 1,000, whichever is less, of the population of individuals eligible to be served or likely to be directly affected, the Judicial Branch ensures that, at a minimum, vital documents are translated into the appropriate non-English languages of such LEP individual. Translation of other documents, if needed, can be provided orally; and
- C. Notwithstanding paragraphs (A) and (B) above, where the Judicial Branch has fewer than 100 individuals in a language group eligible to be served or likely to be directly affected, the Judicial Branch does not translate written materials, but provides written notice in the primary language of the LEP language group of the right to receive competent oral translation of written materials.

² The Office of Civil Rights will review the totality of the circumstances to determine the precise nature of a recipient/covered entity's obligation to provide written materials in languages other than English. If written translation of a certain document or set of documents would be so financially burdensome as to defeat the legitimate objectives of its program, or if there is an alternative means of ensuring that LEP persons have meaningful access to the information provided in the document (such as timely, effective oral interpretation of vital documents), OCR will not find the translation of written materials necessary for compliance with Title VI.

III. NEEDS ASSESSMENT

A. Arizona (Statewide) Data.

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 2013: 1) Spanish; 2) Navajo; 3) Chinese; and 4) Vietnamese.

B. Maricopa County Census Data.

According to the 2009-2013 American Community Survey through the United States Census, 73.7% of the County's population spoke "English only" at home. The remaining 26.3% of the population reported speaking a language other than English (down from 27.9% in 2009).

C. Court Interpreter and Translation Services ("CITS") Data.

The Judicial Branch is responsible to provide services identified in this Plan to all LEP individuals. However, the following list shows the foreign languages most frequently used in the Judicial Branch or its geographic area. CITS data indicates that Spanish and American Sign Language court interpreters are the most commonly requested interpreters in the Judicial Branch. During fiscal year 2015, there were 44,608 parties who needed a Spanish language interpreter, 2,867 parties who needed a lesser used language interpreter, and 781 parties who needed a sign language interpreter. This resulted in a decrease in Spanish parties needing an interpreter by 70 and an increase in lesser used language parties by 489.

The following data is a breakdown of the non-Spanish interpretation services during fiscal year 2015, with the following top lesser used languages*:

• American Sign Language	21.4%
• Arabic	17.0%
• Vietnamese	9.9%
• Mandarin	5.3%
• Somali	3.8%
• Russian	3.5%
• Swahili	2.7%

*Note: All other non-Spanish languages not listed total 36.4%

D. Identifying LEP Individuals. The Judicial Branch shall, at the first point of contact with an LEP individual, make reasonable efforts to conduct or arrange for

an initial assessment of the need for language assistance services and shall make reasonable efforts to obtain such services if needed to effectively communicate with an LEP individual. Judicial Branch staff can determine whether an individual needs language assistance in several ways:

1. Self-identification by the non-English speaker, LEP individual or companion;
2. Inquiring as to the primary language of the individual if they have self-identified as needing language assistance services;
3. Asking a multilingual or qualified interpreter to verify an individual's primary language;
4. Using "I Speak" language identification materials.

IV. Language Assistance Resources:

A. Interpreters Used in the Courtroom.

1. DETERMINING THE NEED FOR AN INTERPRETER IN THE COURTROOM

Identification of language needs at the earliest point of contact is highly recommended. The Judicial Branch may determine whether an LEP individual needs an interpreter for a court event in various ways. Interpreter needs may be identified prior to a court proceeding by the LEP individual or on the LEP individual's behalf by a family member or friend, counter staff, Law Library Resource Center staff, administrative or division staff, probation staff, judicial officer, or outside justice partners such as attorneys, social workers, etc.

The need for an interpreter may also be made known in the courtroom at the time of the proceeding. When it appears to judicial officers or court staff that an individual has difficulty communicating or understanding a court proceeding, the court should err on the side of providing interpretation assistance to ensure full access to court processes, services, and proceedings.

In a case where the Judicial Branch is mandated to provide an interpreter, but one is not available at the time of the proceeding, even after the Judicial Branch has made reasonable efforts to locate one (in person, remotely, or by phone), the case will be postponed and continued on a date when an interpreter can be provided.

When an interpreter need is identified and that individual also has a pending court case, court staff should immediately utilize the case management system to attach an interpreter flag to the individual in the case where it is known that language assistance will be required.

2. INTERPRETERS IN THE COURTROOM

In the Judicial Branch, interpreters will be provided in all courtroom proceedings at no cost to parties, witnesses, victims, parents, next of kin in victim cases, as well as any other individual whose presence or participation is necessary or appropriate as determined by the judicial officer. It is the responsibility of the private attorney, indigent defense including Public Defender, Legal Defender, Legal Advocate and contract counsel, County Attorney, and Attorney General to provide qualified interpretation and translation services for witness interviews, and pre-trial transcriptions and translations.

B. LANGUAGE SERVICES OUTSIDE THE COURTROOM.

1. The Judicial Branch is also responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to all Judicial Branch services and programs outside the courtroom. Services and programs include but are not limited to Law Library Resource Centers, Intake Officers, Cashiers, Clerk Filing Counters, Clerk Records Rooms and contact with court personnel via the phone, the public counter, and other means. The Judicial Branch is also responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to all court-ordered services and programs. Judicial Branch ordered services and programs include but are not limited to conciliation, mediation, probation, pretrial-services, arbitration, treatment or education programs provided by a Judicial Branch employee or a private vendor under contract with the Judicial Branch. Contracts with vendors that provide direct services to Judicial Branch users must include the requirement that the vendor provide language access services, including interpreters, for LEP individuals.
2. Court-Appointed or Supervised Individuals. The Judicial Branch shall ensure that court-appointed or supervised individuals, including but not limited to child advocates, guardians ad litem, court psychologists and doctors provide language assistance services, including interpreters or multilingual staff as part of their service delivery system to LEP individuals.

V. RESOURCE OPTIONS FOR LANGUAGE ASSISTANCE SERVICES

- A. The Judicial Branch is responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to court proceedings and services both inside and outside of the courtroom. A variety of language assistance mechanisms or services may be used, depending on the circumstances, to provide services to LEP individuals:
 1. Staff or Contract Qualified Interpreters
 2. Multilingual Employees or Volunteers. The Judicial Branch has bilingual employees in the following languages: Spanish, French, German, (others).

When LEP customers seek assistance outside the courtroom, the Judicial Branch first tries to meet their needs by using the language skills of employees. The Judicial Branch is working on an internal phone list of qualified bilingual staff that may provide assistance to LEP individuals when no bilingual staff is available to provide assistance.

3. *"I Speak"* materials are useful to make initial determinations regarding which language a Judicial Branch customer is speaking. Such materials are available and visible at customer service counters with courtroom staff, and on the Judicial Branch internal website. Additional *"I Speak"* materials can be obtained by contacting the CITS Manager.
4. Signage will be placed within the Judicial Branch to provide visible notice to LEP individuals that language assistance is available to them and must be provided. Signage shall include at a minimum the following language: "The Judicial Branch provides individuals with limited English proficiency with language assistance. Language assistance can be obtained for Judicial Branch services by asking any staff member for such service". CITS and Court Facilities are responsible for delivering and posting appropriate signage.
5. Remote Interpretation and telephone services, such as Language Line, can be utilized when in-person interpreters are not available, if appropriate, for the particular circumstance or situation. It also can be used when bilingual staff is not available to assist litigants at the front counter, CITS can assist with Language Line services.
6. Vital forms and documents, such as forms routinely used in the courtroom, have been translated to assist LEP individuals, and are available through the Self-Service Center or the Internet.
7. A public court phone line with key instructions provided in English and Spanish to request court services.
8. Contract terms with vendors that require vendor to provide language access assistance.
9. Arizona Administrative Office of the Courts (AOC) Resource Services.
 - i. Court Interpreter Registry and Listserv. The AOC maintains a statewide roster of individuals who indicate they have interpreting experience and have expressed interest in working in the courts. The court using interpreting services from this site will determine competence of the individuals listed. This roster is available to court staff on the Internet at <https://apps.azcourts.gov/registry>. Additionally, AOC created a statewide listserv to allow courts to communicate via email on court interpreter-related matters. The list serve 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 individual.
 - ii. Video Remote Interpreting (VRI). 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. These services are available by contacting the AOC

Language Access individual for more information on VRI connectivity and a checklist for court proceedings most appropriate for VRI.

- B. To provide linguistically accessible services for LEP individuals, the Judicial Branch provides the following:
1. Law Library Resource Centers that include: multilingual staff, telephonic language assistance and volunteers that provide self-help services to LEP individuals in their primary language.
 2. Workshops regarding Family Court and Probate Court matters.
 3. Written informational and educational materials and instructions in English and Spanish.
 4. Multilingual court staff such as probation officers, self-help staff, mediators, conciliators.
 5. A website with forms, instructions and procedures in English and Spanish, information on locations and how to obtain an interpreter, and the Judicial Branch's Plan and complaint form and procedure.

The Judicial Branch has requested each of its departments to forward all vital forms and documents to CITS for translation and currently has an electronic index of all forms that have been translated. The Judicial Branch will continue working to identify vital forms and documents for interpretation in connection with court proceedings.

VI. DELIVERY OF LANGUAGE ASSISTANCE SERVICES

The Judicial Branch uses several delivery methods to provide language assistance services. A description of those delivery methods follows:

A. Court Interpretation and Translation Services

CITS provides interpretation services in person, over the phone, and via remote interpretation. CITS utilizes qualified staff translators and interpreters and contract interpreters and translators to provide interpretation and translation services in compliance with court rules and court orders. All CITS staff and contract interpreters and translators are qualified via a testing process to ensure their competence to provide interpretation/translation services in their respective foreign languages so long as testing exams exist for the foreign language. All requests for interpretation/translation services are submitted to CITS staff, who schedule interpreters/translators for specific court assignments.

B. Law Library Resource Center and Translation of Vital Forms and Documents

The Law Library Resource Center is a Judicial Branch program to assist self-represented parties in preparing their own legal forms and documents for use in court proceedings. The Center maintains information and a wide selection of court forms and documents that can be obtained in person for a nominal fee at various court locations or for free through the Internet at www.superiorcourt.maricopa.gov/

Superior Court/Self-Service Center. All forms and instructions are available in English and Spanish, including the following types of Judicial Branch matters:

- Civil
- Domestic Violence
- Probate
- Criminal
- Family Court
- Property Tax
- Deferral of Court Fees
- Juvenile
- Service of Process

In addition, the Law Library Resource Center has bilingual staff available to assist LEP individuals with questions about legal forms or court procedures. The Judicial Branch has also produced a video on how to obtain language assistance. The video is on the Superior Court website.

The court has translated various VITAL documents into other languages.

C. Signage and Informational Materials

"I Speak" materials have been implemented throughout the Judicial Branch to facilitate the identification of LEP individuals in need of language assistance. These materials are placed in areas where individuals routinely make their first contact with the judicial system. Initial points of contact include, but are not limited to:

- Clerk of the Court filing counters
 - Judicial Branch department information counters
 - Judicial Branch security screening stations
 - Judicial Division staff, such as judicial assistants, bailiffs, and courtroom clerks
 - Self-Service Center locations
 - Family Violence Prevention Centers
1. Signage placed within the Judicial Branch provides visible notice to LEP individuals that language assistance is available and must be provided to them. Signage includes at a minimum the following language: "The Judicial Branch provides individuals with limited English proficiency with language assistance. Language assistance can be obtained for Judicial Branch services by asking any staff member for such service." CITS and Facilities are responsible for delivering and posting appropriate signage.

D. Bilingual Staff

The Judicial Branch is an equal opportunity employer and recruits and hires bilingual staff to serve LEP individuals. Hiring of bilingual staff for direct contact positions facilitates in-person communication with LEP individuals. Bilingual staff is trained and has demonstrated competence to provide such interpretation services. Bilingual Staff for Adult Probation, Juvenile Probation and Justice

Courts are currently tested to determine if they are qualified. The Superior Court has previously tested bilingual staff and may contemplate offering this in the future.

E. Websites/Online Access. The court's website has a notice about the availability of language services on its homepage.

VII. TRANSLATING VITAL DOCUMENTS:

The Judicial Branch understands the importance of translating forms and documents so that LEP individuals have greater access to its services. The Judicial Branch prioritizes translation of vital documents. Classification of a document as "vital" depends on the importance of the program, information, encounter, or service involved, and the consequence to the LEP individual if the information in question is not provided accurately or in a timely manner.

Essentially, there are two distinct types of vital documents – those that are meant for the general public or a broad audience, and those that are specific communications regarding a case or matter between an individual and the Judicial Branch. The Judicial Branch ensures that all translations are completed by qualified translators. Documents that may be considered "vital" may include, but are not limited, to certain:

- Complaints, release, or waiver forms
- Claim or application forms
- Letters of Findings
- Public outreach or educational materials (including web-based material)
- Letters or notices pertaining to statutes of limitations, referrals to other agencies, closure of a case or matter
- Written notices of rights, denial, loss or decreases in services or other hearings
- Forms or written material related to individual rights
- Notices of community meetings or other case-related community outreach
- Notices regarding the availability of language assistance services provided by the Judicial Branch at no cost to LEP individuals
- Certain consent orders, decrees, memoranda of agreement, or other types of pleadings or litigation materials, within the discretion of the Judicial Branch

Under most circumstances, materials primarily directed to attorneys, advocates, law enforcement, or other professionals will not be considered "vital" for these purposes.

VIII. QUALITY CONTROL. Ensuring the quality and accuracy of language assistance provided by the Judicial Branch is critical to providing LEP individuals with meaningful access to Judicial Branch events, programs, services and/or activities. The Judicial Branch takes reasonable steps to ensure that all staff or contracted individuals who serve as translators and/or interpreters are competent to do so. Qualified translators and interpreters have done the following:

- A. Demonstrated proficiency in and ability to communicate information accurately in both English and the other language.
- B. Knowledge in both languages of specialized terms or concepts particular to Judicial Branch events, services, programs and/or activities and any particularized vocabulary used by the LEP individual.
- C. The ability to identify and employ the appropriate mode of interpreting (e.g. consecutive, simultaneous, or sight translations), translating, or communicating fluently in the target language.
- D. The ability to understand and follow applicable confidentiality, impartiality, and ethical rules.
- E. The ability to understand and adhere to their role as interpreters, translators, and/or multi-lingual staff.

The Judicial Branch shall also take reasonable steps to ensure that all staff or contracted individuals who serve as translators are briefed by Judicial Branch staff on the context and intended audience for the translated text.

Absent exigent circumstances, the Judicial Branch shall avoid using family members (including children), neighbors, friends, acquaintances, and bystanders to provide language assistance services. Likewise the Judicial Branch shall avoid using individual opposing parties, adverse witnesses, or victims to a dispute as interpreters. Using family, friends, bystanders, or parties to a dispute could result in a breach of confidentiality, a conflict of interest, inadequate or ineffective interpretation. Absent exigent circumstances, the Judicial Branch should avoid using bilingual staff (non-trained interpreters) for court matters.

IX. TRAINING

The Judicial Branch is committed to providing language access training opportunities for all judicial officers and staff members. Training and learning opportunities currently offered will be expanded. Some years ago, the Judicial Branch prepared a video segment on Title VI conducted by consultant Bruce Adelson, which training was a mandatory COJET requirement for all court staff and judicial officers when it was released. Now new judicial officers and staff are trained on the importance of proper language access when they begin their employment with the court. In addition, AOC has a DVD on Language Access in the Courtroom and has on-line language access training videos. The Judicial Branch is also working to increase awareness of LEP issues with those agencies who partner with the Judicial Branch to provide services for all individuals who interact with the Judicial Branch. Courses are available on cultural competency, diversity, personalities, listening and other topics. The Judicial Branch will continue to evaluate and develop additional training materials and classes as necessary to maintain awareness of LEP issues and the availability of resources to assist LEP individuals.

Training may include, but is not limited to: 1) language access policies, procedures and the Plan; 2) identifying the language needs of an LEP individual; 3) working with an interpreter in person or on the telephone; 4) requesting documents for translation; 5)

accessing and providing language assistance services through multilingual/bilingual employees, in-house interpreters and translators, or contracted individuals including remote and telephonic interpretation; 6) duties of professional responsibility with respect to LEP individuals; 7) interpreter ethics; 8) tracking the use of language assistance services; and 9) tips on providing effective assistance to LEP individuals.

X. PUBLIC NOTIFICATION AND PLAN EVALUATION

To communicate with the Judicial Branch's constituents on various legal issues of importance to the community and to make them aware of services available to all language speakers, the Judicial Branch provides community outreach and education and seeks input from its LEP constituency to further improve services. This section pertains to the development of effective methods for notifying LEP individuals regarding their right to language assistance and the availability of such assistance free of charge. These methods include but are not limited to:

A. Language identification cards ("I Speak").

B. Signage. The Judicial Branch will post and maintain signs in regularly encountered languages other than English in waiting rooms, reception areas, and other initial points of entry. The signs will inform LEP individuals of their right to free language assistance services and invite them to identify themselves as individuals needing such services.

C. Translation of materials. The Judicial Branch proactively provides an extensive number of forms, applications, pleadings, and instructional or informational materials to Judicial Branch users through the use of competent professional translators from English into Spanish. For LEP individuals whose language is other than Spanish or English, assistance can be provided, as needed, through CITS. Currently, the website provides locations and forms, instructions and procedures in Spanish. The Judicial Branch will continue to have the remaining sections translated as needed.

D. Uniform communication procedures. Uniform procedures for timely and effective telephone communication between staff and LEP individuals include instructions for English-speaking employees to obtain assistance first from bilingual staff when receiving calls from or initiating calls to LEP individuals. If bilingual staff is not available, procedures require staff to contact Language Line for assistance.

E. Partnerships and collaborations. Develop programs with community service centers, bar associations, governmental agencies, social service providers, volunteer organizations, and public libraries to provide a Judicial Branch presence in the LEP community. The Judicial Branch has and will continue to solicit input from the LEP community and its representatives and will seek to inform community service organizations on how LEP individuals can access Judicial Branch services.

The Judicial Branch has also added language in all of its contracts with providers reinforcing the requirement to provide an interpreter.

XI. FORMAL COMPLAINT PROCESS. If a LEP Judicial Branch customer believes meaningful access to the Judicial Branch was not provided to them, they may choose to file a complaint with the Judicial Branch Language Access Plan Coordinator. The Judicial Branch has developed a complaint form and process in English and Spanish, a copy of which is attached. The process includes the statement requirement that the Judicial Branch will respond to any complaint within thirty (30) days and records will be maintained. The complaint form and instructions also indicate how to file a complaint and to whom the complaint is to be directed.

XII. PUBLIC NOTIFICATION AND EVALUATION OF THE PLAN. This Plan was approved by the presiding judge and court executive officer. Upon approval, it was forwarded to the AOC Court Services Division. Any revisions to the plan are submitted to the presiding judge and court executive officer for approval, and then forwarded to the AOC. Copies of the Plan are provided to the public upon request and posted on the website. In addition, all judicial officers and staff have been notified of the Plan and will be notified of revisions to the Plan via email.

XIII. PROCUREMENT. The Judicial Branch makes reasonable efforts to ensure that Requests for Proposals or Contracts for Language Assistance Services specify responsibilities, assign liability, set pay rates, and provide dispute resolution. Contracted language assistance service providers should have: 1) Qualified and competent translators and interpreters, including second checks for translations; 2) Mechanisms to ensure confidentiality and avoid conflicts of interest; 3) Ability to meet the Judicial Branch's demand for interpreters/translators; 4) Ability to meet the Judicial Branch's demand for translation, including the delivery of the translation in editable electronic or other required formats; 5) Reasonable cancellation fees; 6) On-time service delivery; 7) Acceptable emergency response time; 8) Rational scheduling of qualified interpreters; 9) Requirements for tracking usage; 10) Effective complaint resolution when translation or interpretation errors occur; and 11) A quality control process for all deliverables.

XIV. EVALUATING, MONITORING AND UPDATING THE PLAN

It is important to monitor language assistance at least annually to assess the current LEP makeup of the Judicial Branch service area, the current communication needs of LEP individuals, whether existing assistance is meeting the needs of such individuals, whether staff is knowledgeable about policies and procedures and how to implement them, and whether sources of and arrangements for assistance are still current and viable. The Judicial Branch routinely assess whether changes to the Plan are needed. The Plan may be changed or updated at any time but reviewed not less frequently than once a year.

CITS shall be responsible for the maintenance, implementation and periodic assessment of this Plan under the supervision of the Superior Court Presiding Judge and Judicial

Branch Administrator. A copy of the final Plan and any future modifications to the Plan shall be submitted to the Administrative Office of the Supreme Court.

The Judicial Branch currently analyzes language access data collected by CITS on an annual basis, reviews census data as produced, and surveys court users on an annual or every other year basis.

Several factors may be considered in assessing whether the steps taken by the Plan actually provide meaningful access. Those factors include:

- A. The size of the Judicial Branch's eligible LEP population.
- B. The nature of the program or services provided.
- C. The objectives of the program.
- D. The total resources available.
- E. The frequency with which particular languages are encountered.
- F. The frequency with which LEP individuals come into contact with the program.

The Judicial Branch will identify the specific data elements and measurable components that will be used to assess the scope and effectiveness of its LEP Plan on an annual basis, and will determine how this data will be routinely collected and analyzed. Elements of the annual evaluation may include the following:

- A. Number of LEP individuals requesting a court interpreter and/or language assistance.
- B. Assessment of current language needs to determine if additional services or translated materials should be provided.
- C. Solicitation and review of feedback from individuals who have used LEP court interpretation or translation services and the LEP communities within the county.
- D. Review feedback from court training sessions.
- E. Customer satisfaction feedback as indicated on the access and fairness survey if administered by the Judicial Bench during this time period.
- F. Review of any language access complaints received during this time period.

To evaluate the specific data elements, staff is required to document each LEP request for service, including date of the request, date of service, and the language provided. CITS will work with the various departments to design a system to collect this data.

Judicial Branch Language Access Plan Coordinator:

Brian Bledsoe
Manager, Court Interpretation and Translation Services
175 W. Madison Street, 12th Floor
Phoenix, AZ 85003
602-506-3220
bledsoeb@superiorcourt.maricopa.gov

AOC Language Access Contact

Amy Wood
Court Services Division
Administrative Office of the Courts
1501 West Washington Street, Suite 410
Phoenix, AZ 85007
602-452-3337
AWOOD@courts.az.gov

SUPERIOR COURT OF ARIZONA IN MARICOPA 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:

**Department Manager, Court Interpretation and Translation Services
Superior Court of Arizona in Maricopa County
175 W. Madison Street, 12th Floor
Phoenix, AZ, 85006**

*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 601 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."

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

**FORMULARIO DE QUEJA
Servicios de Traducción e Interpretación**

Para garantizar la participación en las diligencias y los servicios judiciales, se le proveerá un intérprete sin costo alguno a las personas tales como litigantes, víctimas, ofendidos y testigos que no hablen el inglés como idioma principal o a aquellos que no sepan escribir, leer, entender o hablar el inglés. Si Ud. cree que no le han facilitado servicios de interpretación en el tribunal, o para gozar de los servicios de régimen a prueba, por favor, llene este formulario y envíelo a:

**Department Manager, Court Interpretation and Translation Services
Superior Court of Arizona in Maricopa County
175 W. Madison Street, 12th Floor
Phoenix, AZ, 85006**

*Ninguna causa pendiente se verá afectada por haber sometido una queja.
Este tribunal tratará de abordar su queja en un plazo de 30 días después de haberla sometido.*

PUEDE OBTENER ESTE FORMULARIO EN OTROS IDIOMAS SI LO SOLICITA.

LLENE LOS ESPACIOS EN BLANCO:

Fecha: _____

Nombre: _____

Apellido(s): _____

Dirección: _____

Ciudad/Estado/C.P.: _____ / _____ / _____

Teléfono: (_____) _____ - _____

Celular: (_____) _____ - _____

Correo electrónico: _____

Idioma principal: _____

¿En qué fecha sucedió el incidente? _____

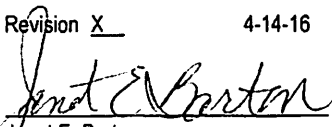
Explique cuál fue el problema:

- El tribunal no me proporcionó un intérprete
- El intérprete no interpretó de manera adecuada o no hablaba mi idioma.
- Otro motivo; anote los detalles:

La fracción 601 del Título VI de la Ley de Derechos Civiles de 1964, 42 U.S.C. 2000d reza lo siguiente: "A ninguna persona presente en los Estados Unidos se le privará del derecho de participar, ni se le negarán beneficios, ni estará sujeta a la discriminación debido a su raza, etnia u origen, de ningún programa o actividad que reciba fondos federales."

EXHIBIT B

SUPERIOR COURT OF MARICOPA COUNTY

Section: <u>C-102A</u>	Pg 1 of 11	Attachments _____	Original Date: <u>3/20/2012</u>
Subject: LANGUAGE INTERPRETERS AND ACCESS TO THE COURTS BY PERSONS WITH LIMITED ENGLISH PROFICIENCY			New ___ Additional _____
Policy <u>X</u>	Procedure <u>X</u>	Information _____	Revision <u>X</u> 4-14-16
Policy Authority: Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq., Executive Order 13166 of 2000, Improving Access to Services for Persons with Limited English Proficiency, the Americans with Disabilities Act of 1990, Title 11, 28 CFR Part 35 and Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794, where applicable.			 Janet E. Barton Presiding Judge

This policy is created to establish clear directives regarding the utilization and payment of language interpreters provided and arranged for by the Judicial Branch in Maricopa County including Superior Court, Justice Courts, Adult Probation and Juvenile Probation (hereafter "Judicial Branch") and to govern meaningful access to court proceedings, court operations and court-ordered events by persons with Limited English Proficiency ("LEP"). In following this policy, remember it is the Court Interpretation and Translation Services' ("CITS") mission to provide everyone the resources they need. The only times this may not occur is when no qualified interpreter is available or there has been lack of proper notice in scheduling an interpreter.

I. DEFINITIONS (in alphabetical order)

- A. **Authorized Interpreter** – A professionally qualified language interpreter who is approved by the Court Administrator to work as an independent contractor or as a classified employee, and is listed on an active roster maintained by CITS and made available according to court interpreter guidelines.
- B. **Bilingual Staff** – An employee of the Judicial Branch other than a classified staff language interpreter who has demonstrated proficiency in English and a second language in accordance with standards set by the CITS and is authorized to conduct court operations business directly with limited English proficient persons in a language other than English, but will not interpret among parties and counsel or in a courtroom setting.
- C. **Classified Staff Language Interpreter** – An employee whose employment is governed by the Judicial Branch Personnel Rules and whose job classification falls within the Judicial Branch's classification and compensation plan.
- D. **Court Interpretation and Translation Services ("CITS")** – The Court department responsible for providing interpreters and translators, interpretation and translation.
- E. **Court Ordered Event** – Any event that any party to a court case is required to attend by the court. All contract providers (such as doctors, parent information program providers, psychologists, diversion program providers) are required to provide their own interpreters and all contracts should contain language requiring the contractor to provide a qualified interpreter

and/or bilingual staff for LEP individuals. However, if an interpreter is not provided by the contractor, the Judicial Branch must still provide an authorized interpreter or bilingual staff.

- F. **Court Operations** – Offices of the courts, services, and programs managed or conducted by the courts and probation, not including court proceedings, which involve contact with the public or parties in interest.
- G. **Court Proceeding** – Any hearing, trial or other appearance before any Superior or Justice Court in an action, appeal, or other proceeding, including any matter conducted by a judicial officer.
- H. **Independent Contract Language Interpreter** – An authorized language interpreter who is an independent contractor pursuant to contract or as defined by IRS Revenue ruling 87-41.
- I. **Interpretation** – The accurate and complete transfer of an oral message from one language to another with only a slight delay.
- J. **Judicial Officer** – A judge, commissioner, hearing officer, water master, or pro tem judicial officer authorized to preside over a court proceeding.
- K. **Language Services** – The facilitation of access to court services through the assistance of an interpreter, bilingual staff, or by means of translation.
- L. **Lesser Used Language (“LUL”) Interpreter** – An interpreter of a language other than Spanish who interprets from and to English and a language other than Spanish or a signed language interpreter for the deaf.
- M. **Limited English Proficient (“LEP”)** – Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
- N. **Meaningful Access to Programs and Services** – The standard of access required by Title VI language access requirements. LEP persons must be able to reasonably access available resources, services, and activities at no additional cost.
- O. **Party in Interest** – A party to a case; a victim; a witness; the parent, legal guardian, or custodian of a minor party; and the legal guardian or custodian of an adult party. Party in interest can also include a person that may be added to the lawsuit in the future, such as a grandparent in a juvenile dependency case.
- P. **Professionally Qualified Interpreter** – A language interpreter who has met training and minimum oral certification exam score requirements to be considered for court interpreting assignment. Professionally qualified interpreters are listed on the active professionally qualified interpreter roster maintained by the CITS Manager. Arizona currently does not require interpreters to be certified.

- Q. **Remote Interpreting** – A process in which an interpreter assists in a court proceeding, court operation or court-ordered event without being physically present, through the use of audiovisual hardware and/or software. (This includes internal and external resources.)
- R. **Sign Language Interpreter** – An interpreter holding a valid license of competency from the Arizona Commission for the Deaf and the Hard of Hearing (ACDHH) pursuant to A.R.S. sections 12-232 and 13-1946 and acts as a linguistic intermediary between hearing-impaired or deaf individuals and English-speaking officials, counsel or parties by means of a signed language.
- S. **Sight Translation.** A mode of interpreting by which the interpreter renders an oral transfer of meaning from a written source from one language to another.
- T. **Translation** – The accurate and complete transfer of a written message from one language to another in written form that may not be rendered immediately.
- U. **Victim** – Any person who is a victim of an alleged criminal act; such person's designee, legal guardian, caretaker, or surviving immediate family member if such person is deceased; and the parent, legal guardian, or caretaker if such person is a minor or incapacitated.

II. APPOINTMENT OF LANGUAGE INTERPRETERS

- A. **Court Proceedings** – Consistent with Title VI of the Civil Rights Act of 1964 ("Title VI"), the Omnibus Crime Control and Safe Streets Act of 1968 ("Safe Streets Act"), and Executive Order 13166, 65 Fed. Reg. 50121 (August 16, 2000), the courts shall assign and pay for language interpretation for all parties in interest during or ancillary to a court proceeding, including:

Facilitation of communication outside of the judicial officer's presence to allow a court proceeding to continue as scheduled, including pre-trial conferences between defendants and prosecuting attorneys to relay a plea offer immediately prior to a court appearance or to discuss a continuance;

Facilitation of communication with parties in interest in court-ordered programs including, without limitation, family court facilitations and mediations; and completion of evaluations and investigations ordered by and performed for the purpose of aiding the court in making a determination;

Court interpreters shall not provide interpretation services, translation or verification of translation and out-of-court attorney-client or witness interview services to users other than the judges and staff of the Judicial Branch in Maricopa County or pursuant to Intergovernmental Agreement unless by court order or permission of CITS Administrator. This limitation extends to all meetings between attorneys and their LEP clients. These limitations also extend to out-of-court (non-court originated) translations or verifications of video or audio recordings, transcripts and attorney-client conversations, witness interviews and letters needing translation by any legal office, including the County Attorney, Attorney General, Public Defender, Legal Advocate, Legal Defender, and contract/appointed counsel.

- B. **Interpreter Role** – The interpreter shall position him/herself in the courtroom to have optimum visual and aural access to the proceeding while interpreting. Interpreters provide official communication between interpreted subjects and officers of the Court, including judicial officers, lawyers, juvenile and adult probation officers, juveniles and relatives of juveniles, criminal defendants, victims, witnesses, and investigators, civil, probate, mental health and family law litigants, whether in the courtroom or outside of it, in preparation for the judicial event. Interpreters are appointed as a linguistic conduit only. Interpreters do not serve in an advocacy or clerical role for interpreted subjects, and ethical rules prohibit direct conversations with subjects regarding the facts of their cases. The attorney-client privilege extends to the interpreter when the interpreter is acting as such in any privileged communication. Therefore, the interpreter may not divulge the content of the privileged communication unless: (1) the subject waives the privilege; (2) the Court determines that the privilege has been waived; or (3) the Court determines that the privilege does not apply.
- C. **Non-Parties in Interest** - The court may, at its discretion, provide and pay for language interpretation for limited English proficient persons other than parties in interest directly impacted by a court proceeding. However, before any court order is entered regarding this matter, the court should consult with the CITS Manager to determine whether interpreter resources, including funding, are available.
- D. **Court Operations** – Court personnel shall provide access to language services for persons with limited English proficiency who seek access to court operations as defined in this policy, through the use of bilingual staff or authorized language interpreters appearing either in person or by way of remote interpreting. Language services shall be consistent with CITS standards that account for the nature, means, importance, and duration of the communication.

CITS may take the following issues into account in assigning the interpreter: availability of an interpreter competent to interpret at a specific event; the estimated length of the proceeding; and practical concerns such as advance notice and distance to be travelled by the interpreter.

- E. **Orders Appointing CITS** – In general, CITS becomes involved in a matter when the Court issues an order of appointment. If an individual appearing before the Court is unable to speak, hear or understand English sufficiently well to communicate with and be understood by the Court, counsel and jury, the Court will determine that an interpreter is required.

To determine whether an interpreter is needed, and what type is needed, the Court may inquire of the subject as to such matters as his or her native country, native language, length of time in the United States, amount of schooling and country of schooling. In the case of a hearing-impaired subject, the court may inquire as to the type of visual language interpreter required.

Any judicial officer, upon determining language need, shall issue an order appointing CITS to provide an interpreter on a specific matter before the Court. The order should specify the identity of the subject needing an interpreter, the role of the subject in the matter, the required language, and the date and time of the next proceeding. The court shall endorse CITS on all future minute entries issued in the case as long as CITS is involved and should include the name of the interpreter appearing before the Court.

If translation of documents or materials is required for a court case, the judicial officer, after determining language need, shall issue an order appointing CITS to provide translation. The order should specify the documents/materials to be translated, the required language, and the date and time of the next proceeding. The court shall endorse CITS on all future minute entries issued in the case as long as CITS is involved.

While the need for an interpreter is most commonly determined early in the process, the Court may appoint CITS whenever the need for an interpreter is identified. The judicial officer may make a determination based either upon examination of a person, avowal by counsel, motion by the parties, or upon information provided by CITS.

- F. **Communications beyond the Scope of Section II (A) and II (B) of this Policy** – Except as provided in Section II (A) and II (B), the court shall not arrange, provide or pay for language interpretation or translation during or ancillary to a court proceeding to facilitate communication with any attorneys or other parties related to a case involving LEP individuals for the purpose of gathering background information, investigation, trial preparation, witness interviews, or client representation at a future proceeding; or for any other communication which is not part of a court proceeding or ancillary thereto as delineated in Section II (B). All attorneys are expected to arrange for language interpretation for case preparation and general communication with parties, their clients, and any witnesses outside of court proceedings at their own expense.
- G. **Payment to Authorized Interpreters** – The court shall only pay for the services of authorized language interpreters that have been assigned by CITS or its designee.
- H. **Timing.** Every effort shall be made to provide for a qualified interpreter or bilingual staff (if legally permissible) at the time language assistance is requested or needed. LEP individuals who need a Spanish interpreter should never be turned away unless an interpreter is not available. If an interpreter is not available, Language Line or the Court's Remote Interpreter (if available) must be used. In languages other than Spanish, language line must be used unless the interpreter is required to be physically present by the Court. In that case, CITS, once notified of the need, shall make every reasonable effort to supply a lesser used language interpreter.

III. **QUALIFICATIONS OF LANGUAGE INTERPRETERS**

- A. The court shall not permit any person other than an authorized language interpreter to function as a language interpreter in any court proceeding or operation, regardless of the source by which the interpreter is compensated or the manner by which the interpreter appears. In isolated instances involving lesser used language, it is not possible to qualify and/or test the interpreter. In these limited cases, CITS will provide an interpreter to the division requesting the interpreter and the division may request qualifications and make a determination if the individual is qualified.

- B. The CITS Manager shall determine which interpreters are professionally qualified. CITS shall maintain current rosters of all authorized interpreters, including their level of qualification and availability.
- C. The court shall use its allocated professionally certified classified staff language interpreters when available in the required language for all court proceedings. When certified classified staff language interpreters are not available, the staff of CITS shall assign authorized independent contract language interpreters either in person or by remote interpreting.

IV. USE OF INTERPRETERS AND ELECTRONIC SIMULTANEOUS INTERPRETING EQUIPMENT

- A. The use of electronic simultaneous interpreting equipment is encouraged as best practice in all cases, particularly in proceedings exceeding two hours in length with multiple LEP parties in interest. Its use is also encouraged to allow victims and parents or guardians to be present at interpreted proceedings without the need for an additional interpreter.
- B. In proceedings with multiple LEP parties in interest requiring interpretation in one language, the interpreter not actively involved in providing simultaneous interpretation may interpret attorney-client communication when needed.
- C. If language interpretation is required for witness testimony in a proceeding with multiple LEP parties in interest, additional interpreters may be provided by the court for that purpose. Interpreters are bound by an oath of confidentiality and impartiality, and serve as officers of the court; therefore, the use of one interpreter by more than one party in interest in a case is permitted.

V. REMOTE INTERPRETING

- A. Remote interpreting, including telephonic and audiovisual interpreting, may be utilized to facilitate access to the courts by persons with limited English proficiency, subject to the conditions stated herein.
- B. A language interpreter that appears remotely must be authorized and subject to all other standards set forth in this policy.
- C. The court shall ensure that remote interpreting: (1) complies with CITS standards, including standards for confidential communication; (2) allows the judicial officer, parties, attorneys and witnesses to hear each other and the interpreter clearly; and (3) does not interfere with the court's electronic record.

VI. TRANSLATIONS

- A. The translation of forms commonly used in court proceedings, non-English written statements provided to the court, signage required in courthouses, and any other written communication required in the courts will be completed in accordance with CITS standards.

- B. The translation of documents into a foreign language by CITS staff or by a language-services contractor under the supervision of CITS shall be limited to court- or case-generated instruments used in the prosecution and defense of a cause before this court.
- C. Sight translations should be limited to non-technical and brief written documents either pre or post trial. Otherwise, written translation is the preferred mode.
- D. The foreign-language interpreter does not interpret recordings played in open court for the parties or the record. If the evidentiary material is in a foreign language, counsel is to move the court in a timely manner for the material to be transcribed and translated into English as provided in this policy. If the evidentiary material is in English, an English-language transcription is to be prepared prior to trial and then submitted in a timely manner to the Translation Unit of CITS for translation to the foreign language for use at trial.

VII. PAYMENT OF COURT INTERPRETERS AND TRANSLATORS

The payment of independent contract language interpreters and translators will be in accordance with CITS standards and/or contract language. No judicial officer or court personnel shall assess costs for services rendered pursuant to this policy to a party in interest nor require reimbursement to the court or the county for such costs from a party in interest, unless the order relates to sanctions.

VIII. DISQUALIFICATION OF A LANGUAGE INTERPRETER

- A. A judicial official shall disqualify a language interpreter from a proceeding and CITS shall disqualify a language interpreter from interpreting in a court operations assignment whenever the interpreter:
 - 1. Is unable to effectively communicate with court personnel, parties in interest, or other participants, including cases in which the interpreter self-reports such inability;
 - 2. Has a conflict of interest due to a relationship with a person involved in the matter or an interest in the outcome;
 - 3. Is acting in violation of the Model Code of Professional Responsibility for Interpreters in the Judiciary, developed by the National Center for State Courts and State Justice Institute; or
 - 4. Is no longer qualified to interpret in the assigned proceeding or court operation as a result of a change in qualifications or of action taken pursuant to the Judicial Merit System Resolution for the Judicial Branch of Arizona in Maricopa County, and Rules implemented thereof.
- B. The judicial official shall promptly notify CITS whenever a language interpreter is disqualified from a proceeding and explain the reason for the disqualification.

- C. Whenever a judicial official or CITS disqualifies an interpreter, the court shall provide a replacement language interpreter as quickly as possible.

IX. ROLES AND RESPONSIBILITIES FOR ENSURING ACCESS

- A. **Judicial Officers** shall ensure that the requirements of this policy are enforced in any proceeding and by their staff, including notification to the parties either in minute entry or court order that if language assistance is needed in translating the minute entry and/or order that they contact the CITS office at 602-506-3494.
- B. **Court Administrator** or designee shall manage the provision of language access to the courts by LEP individuals; establish and manage uniform requirements as to language data that court personnel should gather from parties in interest and court staff when cases are filed, gather language needs information from parties in interest and court personnel; schedule and coordinate language interpreter services for all court proceedings, facilitate language access to all other Judicial Branch operations and court ordered events, and ensure notice to all parties in interest as to the availability of language services.
- C. **Court and Judicial Staff** shall ensure that LEP persons are provided a bilingual staff or authorized interpreter.
- D. **CITS** shall make available to the court, court staff, interpreters and the public the policies and procedures related to the provision of language access.

X. SCHEDULING

- A. In all cases in which an interpreter is participating in a court proceeding or court ordered event, an interpreter approved and qualified by CITS shall be used. CITS' ability to provide language assistance requires that a case be scheduled in advance either through a notation on the case in iCIS or by contacting the CITS office by e-mail or phone and should only be set on the judge's interpreter day in those departments where there are designated interpreter days unless the circumstances absolutely require that the matter be set on a non-interpreter day. Arrangement for interpreter services for court proceedings should not be made directly with the interpreter. If more than one interpreter is needed in a court proceeding or a court-ordered event, it is very important to e-mail CITS and inform them of this additional need. (Currently iCIS does not capture information about the number of interpreters needed.) Due to limited resources and budget constraints, the case may be required to be scheduled around the interpreter's availability. If an interpreter approved by CITS cannot be obtained, then CITS shall assist in obtaining a qualified interpreter who will be present in person, via remote interpretation or telephonically. For departments with interpreter days, judicial officers and staff are encouraged to only set matters on interpreter days. Judicial officers who are bilingual should not conduct matters that require language assistance without a court-approved interpreter. In addition, all judicial officers and staff should be mindful of limited interpreter resources, and all interpreter matters should be concluded promptly so that the interpreter is able to go to the next scheduled event.

- B. In scheduling, take into consideration that cases requiring an interpreter generally take longer than cases without an interpreter.

XI. TIMELINESS OF SERVICE

In all cases where language assistance is needed, the Judicial Branch in Maricopa County shall provide the required language needs efficiently and promptly with available and qualified court personnel or CITS interpreters. If the Judicial Branch in Maricopa County cannot provide language assistance from either source, CITS shall assist in locating a court-approved interpreter.

XII. COUNTER OR PHONE ASSISTANCE

To improve court access and customer service, and due to the lack of qualified interpreters as well as budgetary resources, each department of the Judicial Branch in Maricopa County is encouraged to recruit and hire bilingual Spanish-speaking staff for front counter and phone assistance. Customer service in Spanish should be provided over the counter or over the phone by qualified bilingual departmental staff able to provide such assistance. However, prior to giving this assistance, staff must pass a proficiency language test given by the Human Resources Department. CITS shall keep a list of all qualified bilingual staff. Staff shall use departmental bilingual staff first before contacting CITS. If no qualified bilingual staff is available to assist the parties, CITS should be contacted; however, the parties are not to be directed to contact CITS directly either by telephone or to the CITS office. Staff must contact CITS directly and arrange for an interpreter either in person, by computer, or by phone. CITS will make arrangements to accommodate this request and services will be provided based on interpreter availability.

XIII. INTERPRETER OATHS

All staff interpreters have been administered an oath. The court should administer the oath to all contract interpreters and lesser used language interpreters at the interpreter's first appearance in the case. A copy of the oath is available by contacting the CITS Manager.

XIV. INTERPRETER BREAKS

The job of being an interpreter is much more demanding than one may think. Interpreters are often asked to assist counsel and/or LEP individuals during breaks. It is important to be mindful of this and assist in preventing interpreter fatigue. In addition, interpreters shall be given breaks when court reporters are given breaks pursuant to Administrative Order 2007-090.

XV. DETERMINING LANGUAGE SPOKEN

Judicial officers and judicial branch staff may use the previously distributed "I Speak" materials to determine the language need. The "I Speak" materials shall be available at every information desk and public counter, and is available on the court's website or by contacting the CITS Manager.

XVI. AGENCIES SERVED BY CITS AND AGENCY RESPONSIBILITY

- Board of Supervisors limited to the services required by any Intergovernmental Agreement (IGA) that is in effect at the time
- Adult Probation
- Juvenile Probation
- Superior and Juvenile Court
- Justice Courts

All determinations of language needs (interpreters for witnesses' or victims' testimony, attendance by LEP victims or translation of written materials to be offered at trial) must be made with enough advance notice (hence the request for same must be timely) so as to allow for calendaring and preparation. Even if the court has appointed the office (CITS) far in advance, it falls to counsel, not the division, to ensure that the interpreter is available and prepared for the court proceeding.

XVII. FORMS/WRITTEN MATERIALS/PHONE SCRIPTS/WEB MATERIALS

All vital judicial forms and written materials, phone scripts, and web materials shall be made available in Spanish. Judicial Branch department heads shall forward all vital judicial forms and written materials, phone scripts, and web materials to the CITS Manager for translation.

Court provided summons, orders to appear, and minute entries requiring attendance at a court hearing shall include the following language: "If you need language assistance for the court hearing, please contact the judicial division assigned to your case at least two weeks prior to the event or immediately upon receipt of the summons, order, minute entry to request an interpreter."

XVIII. COMPLAINT PROCESS

Any person aggrieved by an alleged violation of this directive may file a complaint with the Court Administrator or designee who shall forward the complaint to the Deputy Court Administrator who oversees CITS for investigation. The Deputy Court Administrator shall conclude the investigation and render a decision within fifteen (15) business days of filing of the complaint. Appeal of the decision can be made to the Presiding Judge of the Superior Court or his/her designee. Such appeal must be filed no later than ten (10) business days after the decision has been issued. Nothing herein shall be construed to bar a judicial officer from enforcing the directive during a proceeding or in any subsequent review of the proceeding in which a violation has occurred. (A copy of the Limited English Proficiency Complaint Form is attached.)

SUPERIOR COURT OF ARIZONA IN MARICOPA 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:

**Department Manager, Court Interpretation and Translation Services
Superior Court of Arizona in Maricopa County
175 W. Madison Street, 12th Floor
Phoenix, AZ, 85006**

*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 601 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."

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

**FORMULARIO DE QUEJA
Servicios de Traducción e Interpretación**

Para garantizar la participación en las diligencias y los servicios judiciales, se le proveerá un intérprete sin costo alguno a las personas tales como litigantes, víctimas, ofendidos y testigos que no hablen el inglés como idioma principal o a aquellos que no sepan escribir, leer, entender o hablar el inglés. Si Ud. cree que no le han facilitado servicios de interpretación en el tribunal, o para gozar de los servicios de régimen a prueba, por favor, llene este formulario y envíelo a:

**Department Manager, Court Interpretation and Translation Services
Superior Court of Arizona in Maricopa County
175 W. Madison Street, 12th Floor
Phoenix, AZ, 85006**

*Ninguna causa pendiente se verá afectada por haber sometido una queja.
Este tribunal tratará de abordar su queja en un plazo de 30 días después de haberla sometido.*

PUEDE OBTENER ESTE FORMULARIO EN OTROS IDIOMAS SI LO SOLICITA.

LLENE LOS ESPACIOS EN BLANCO:

Fecha: _____

Nombre: _____

Apellido(s): _____

Dirección: _____

Ciudad/Estado/C.P.: _____ / ____ / _____

Teléfono: (_____) _____ - _____

Celular: (_____) _____ - _____

Correo electrónico: _____

Idioma principal: _____

¿En qué fecha sucedió el incidente? _____

Explique cuál fue el problema:

- El tribunal no me proporcionó un intérprete
- El intérprete no interpretó de manera adecuada o no hablaba mi idioma.
- Otro motivo; anote los detalles:

La fracción 601 del Título VI de la Ley de Derechos Civiles de 1964, 42 U.S.C. 2000d reza lo siguiente: "A ninguna persona presente en los Estados Unidos se le privará del derecho de participar, ni se le negarán beneficios, ni estará sujeta a la discriminación debido a su raza, etnia u origen, de ningún programa o actividad que reciba fondos federales."