

Language Access Plan- St. Joseph County Courts

Introduction

This Language Access Plan (LAP) for the St. Joseph Superior, Circuit & Probate Courts, establishes the local operational plan, guidelines, and procedures for the provision of high-quality, meaningful language access to all limited English proficient (LEP) and deaf and hard of hearing individuals accessing the Court and its services. It does so pursuant to the Indiana Supreme Court's Language Access Plan, which guides the language access best practices and procedures for the trial courts throughout the state's ninety-two counties. This local LAP serves as a guidance tool as each county works toward achieving best practices.

This local LAP will be reviewed and updated every three years, and changes will be reported to the Indiana Judiciary so it may incorporate any necessary modifications to the Indiana Judicial branch's LAP in its own five-year update, if appropriate.

I. Legal Basis for the Provision of Language Access Services

As delineated under the Language Access Plan for the Indiana judicial branch, federal and state laws establish our Court's obligation to provide meaningful language access to all LEP and deaf and hard of hearing court users. Specifically, under the Indiana Constitution and Indiana statutory case law, together with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968, Department of Justice regulations, and the American with Disabilities Act of 1990, Indiana state courts must provide interpreters and language access to all LEP and deaf and hard of hearing individuals in civil and criminal court proceedings. The Indiana judicial branch's Rules of Court further address language access and interpreter provisions under the [Indiana Rules of Court interpreter Code of Conduct and Procedure & Disciplinary Process for Certified Court Interpreters & Candidates for Interpreter Certification](#).

II. Needs Assessment, Data Collection, and Early Identification

A. Local Contact Person

The staff persons designated to coordinate all language assistance services for the:

St. Joseph Superior Court:

Brigette Wasielewski, Administrator
BWasielewski@sjcindiana.com
101 S. Main St. South Bend, IN 46601
(574)235-9893

St. Joseph Circuit Court:

Lisa Plencner, Administrator
LPlencner@sjcindiana.com
101 S. Main St. South Bend, IN 46601
(574)235-5083

St. Joseph Probate Court

Jeff Ploense, Administrator

JPloense@JJCOnline.org

1000 S. Michigan St. South Bend, IN 46601

(574) 235-7836

State Contact Person

Lun Pieper, Attorney

Office of General Counsel

Lun.pieper@courts.in.gov

B. LEP Population Estimates for County

County Data					
Total county population	251,797	Total LEP county population	8,180	LEP county percentage	3.2%

Top languages spoken by individuals who identify as LEP in St. Joseph County
1. Spanish
2. American Sign Language

C. Early and Ongoing Identification of Language Needs

1. Points of Contact Between the Public and the Court

There are several points of contact between LEP and deaf and hard of hearing court users and the St. Joseph Superior, Circuit & Probate Courts. The most common points of contact are:

- Security screening at the courthouse entrance(s);
- Clerk’s office(s) and counter(s); and,
- Courtroom(s) at the following locations:
 - 101 S. Main St., South Bend, IN 46601
 - 129 S. Main St., South Bend, IN 46601
 - 112 S. Lafayette Blvd., South Bend, IN 46601
 - 1000 S. Michigan St., South Bend, IN 46601
 - 219 Lincolnway West, Mishawaka, IN 46544

2. Tools for Early Identification of Language Needs

The St. Joseph Superior, Circuit & Probate Courts have in place the following mechanisms for the identification of a court user's language access needs as early in the process as possible.

- Self-identification of needs:
 - [Language identification guides](#) at all points of contact in eighty languages as well as ten indigenous languages spoken in Mexico and Central America and twenty-five ethnic languages of Myanmar/Burma.
 - Multilingual signage to notify members of the public their right to request an interpreter or other language assistance during their contact with the Court.
 - A multilingual notice on the Court's website, informing LEP and deaf and hard of hearing persons of their right to language access services at any point during their contact with the Court.
- Court staff and judicial officer identification needs. For all court staff and judicial officers, when it appears that an individual has difficulty communicating due to a language barrier, the following are available:
 - Hard copies of the [language identification guides](#) booklets at their work locations
 - Ease of access to the online version of [language identification guides](#)
- Case management system tracking of needs. The St. Joseph Superior, Circuit & Probate Courts maintain case and party related records in the following manner:
 - An electronic court-wide case management system that allows tracking of a party's language needs identification within a case or proceeding and by individual, should he or she be involved in another case in the future.
 - An electronic court-wide case management system that permits the Court to share information with other courts employing the same management system to identify language needs of a court user in another court when necessary.

III. Language Access in Court Proceedings

The St. Joseph Superior, Circuit & Probate Courts are responsible for the provision of interpreters for LEP and deaf and hard of hearing individuals involved in court proceedings. As such, the St. Joseph Superior, Circuit & Probate Courts schedule and pay for interpreter services using:

- Funds from the county and

- Indiana Supreme Court Grant Funds.

Court interpreters used by the Court include:

- Freelance interpreters who contract directly with the Court,
- Freelance interpreters provided through language service agencies who contract with the Court,
- LanguageLine telephonic interpreters, paid for under the Indiana Supreme Court's master contract

When necessary or convenient the Courts access the Supreme Court's online [Certified or Qualified Interpreter Registry](#) to locate credentialed interpreters.

The St. Joseph Superior, Circuit & Probate Courts local policy for the provision of court interpreters in court proceedings is as follows:

- We prioritize the appointment of a certified or otherwise qualified court interpreters whenever possible and, only after reasonable efforts have been made and have been unsuccessful, appoint a non-qualified interpreter.

Regarding the provision of interpreters at the Court's cost or the cost of the LEP or deaf and hard of hearing party (or witness), the St. Joseph Superior, Circuit & Probate Courts

- Appoint court interpreters for all LEP and deaf and hard of hearing litigants and witnesses at no cost to the party for both proceeding interpreter and defense interpreter.

The St. Joseph Superior, Circuit & Probate Courts follow the guidance provided by the Indiana Supreme Court through its [Interpreter Services for Courts](#) page, including policies regarding (1) when to request an interpreter; (2) proceedings for which a telephonic interpreter may be appropriate; (3) the use of qualified interpreters and avoidance of non-qualified individuals, such as family members, friends, minors, and bilingual staff or attorneys; and (4) payment of interpreters. To that end, in court proceedings, the policy for the St. Joseph Superior, Circuit & Probate Courts is to:

- Conduct a voir dire of an LEP or deaf and hard of hearing litigant or witness to ascertain, through open-ended questions in English, whether an interpreter may be required.
- Provide in-person interpreters for more complex or evidentiary proceedings, including trials and guilty plea hearings.
- Avoid the appointment of family members, friends, minor children, and bilingual staff or attorneys to interpret for a party or witness.
- Appoint neutral persons who do not know the parties to interpret.

The St. Joseph Superior, Circuit & Probate Courts abide by the [Interpreter Code of Conduct and Procedure & Disciplinary Process for Certified Court Interpreters & Candidates for Interpreter](#)

Certification, of the Indiana Rules of Court. Therefore, if interpreter disciplinary or egregious performance issues arise, the St. Joseph Superior, Circuit & Probate Courts must refer any matter involving a credentialed interpreter, or candidate for credentialing, to the Indiana Office of Judicial Administration (IOJA) within 180 days of the alleged misconduct. See Section VIII for more details on the handling of interpreter and other language access-related complaints.

IV. Language Access Outside Court Proceedings

With respect to points of contact with the Courts outside of court proceedings the St. Joseph Superior, Circuit & Probate Courts provide interpreters for deaf and hard of hearing court users when requested, through sign language interpreters, Certified Deaf Interpreters (CDI), or by providing assistive listening or other communication devices, as appropriate.

For LEP court users, the Court provides the following language access services:

- **Language Identification guides**, as referenced above.
- LanguageLine access for telephonic interpretation services.
- Consideration by judicial officers of the language needs of a party before requiring, as part of a court order, participation in a non-court-operated program.
- Certain translated information and court forms, other than those provided on the Indiana Legal Help web page, whether in writing, web-based, or audio/visual.

V. Training for Court Staff and Judicial Officers

The St. Joseph Superior, Circuit & Probate Courts provide the following training for its judicial officers, court employees, and court administrators, as a critical component of any language access plan and efforts to ensure meaningful language access for LEP and deaf or hard of hearing individuals to the Court:

- Indiana judicial branch language access policies and procedures
- Proper appointment of certified or qualified interpreters for all court proceedings
- Courtroom management when interpreters are used
- Use of remote technology for interpreting

VI. Public Notice, Outreach, and Dissemination

This language plan is publicly available on the Court's website at: www.sjcindiana.com

The St. Joseph Superior, Circuit & Probate Courts has provided notice of this LAP to all relevant stakeholders, justice partners, attorneys, and the public by posting the LAP on the St. Joseph County website under the Courts page.

The St. Joseph Superior, Circuit & Probate Courts will continue to communicate on an ongoing basis with stakeholders, including LEP and deaf and hard of hearing persons, attorneys, justice partners, community-based organizations, and other interested organizations, about its provisions of language access services.

To this end the court will:

- Collaborate with local bar associations, justice partners, and other relevant organizations to ensure distribution of information.
- Translate outreach materials into Spanish

VII. Language Access Plan and Services Monitoring

In order to ensure the appropriate and successful implementation of this LAP, the St. Joseph Superior, Circuit & Probate Courts have established the following systems for monitoring the Court's effectiveness in providing language access services to its LEP and deaf and hard of hearing users, and for identifying the need for adjustments and improvements:

On an annual basis, the St. Joseph Superior, Circuit & Probate Courts will monitor the LAP's implementation by:

- Gathering data regarding the provision of interpreters, interpreter hours, and interpreter billing, by case type and proceeding, and comparing it to prior usage.
- Gathering data regarding the use of qualified interpreters and non-qualified interpreters to assess and improve, if necessary, the prioritization and use of qualified interpreters.
- Soliciting feedback from justice partners, legal services programs, attorneys, bar associations, community-based organizations, representatives from immigrant and refugee communities, and the public at large regarding the implementation of the LAP.
- Identifying areas for improvement (e.g. provision of interpreters, translations, the addition of bilingual staff, better communication to stakeholders regarding policies, better staff training, etc.) and for assistance from the IOJA and the Language Access Advisory Committee (such as translation assistance for statewide information, areas where interpreter orientations or certification requirements may be improved, language access planning, etc.).