

Dane County Circuit Court  
**2004 Language Assistance Plan**

**SECTION I: Legal Basis & Purpose**

This document serves as the plan for the Wisconsin circuit courts to help ensure access to court services for persons with limited English proficiency (LEP). It is designed to respond to Title VI of the Civil Rights Act of 1964, the requirements imposed by Executive Order 13166, and related guidance. It also covers interpreter services to deaf and hard of hearing persons under the Americans with Disabilities Act and Wisconsin law.

The plan provides a framework for the provision of timely and effective language assistance to persons with limited English proficiency that come in contact with the Wisconsin circuit courts. It is designed to be read in conjunction with the Wisconsin Director of State Courts Plan explaining the relevant federal law and guidance.

In Wisconsin, a number of counties receive federal funding for circuit court programs through the Violence Against Women Act, juvenile and drug court grants, child support cooperative agreements, federal training grants, and law enforcement sources. Counties that receive direct federal funding for court programs are required to submit a language assistance plan (LAP) to the director's office every two years. All counties are encouraged to review the requirements and submit plans, particularly counties with high LEP populations. Circuit courts may participate in county plans instead of using the model plan as long as the same elements are addressed.

*The only federally funded programs in the Dane County court system are a child support cooperative agreement and a law enforcement grant.*

The U.S. Department of Justice has the right to investigate complaints against any federally funded agency that does not provide free language services when necessary to participate in the program. An agency's federal funding may be withheld until the complaint is resolved.

Dane County Circuit Court  
**2004 Language Assistance Plan**

**SECTION II: Needs Assessment**

The circuit court of each county is responsible for conducting a needs assessment and developing a local LAP to meet the court-related needs. The circuit court should update its needs assessment biennially and determine whether changes to its LAP are required. This can include tracking the number of interpreters requested for each language, consulting new demographic information, observing trends in court usage, making sure the county is using the most-qualified interpreters available, reviewing translated materials, training staff, and finding out what new services are being offered. The LAP should consider the county’s demographics and language needs, the frequency with which LEP persons use the courts, the importance of the services offered, and a cost-benefit analysis.

**A. Demographics**

Language needs vary by county. Dane County’s population data from the 2000 US census is listed at the end of this plan, showing foreign language speakers and the number of speakers who speak English less than “very well.” The Wisconsin Population Laboratory publishes reports on the Hispanic and Hmong populations of Wisconsin with county-by-county demographic data. These reports are found at <http://www.ssc.wisc.edu/poplab/>.

***Dane County Demographics***

- *The Hispanic population is 14,387, or 3.4% of the county population.*
- *The Hmong population is 2,235, or .5% of the county population.*
- *Other common languages include: Cambodian, Chinese Mandarin, Khmer Cambodian, Laotian, Russian, and Vietnamese.*
- *The number of people age five and older that speak English less than “very well” is 16,207, or 3.8% of the county population.*

**B. Service Information**

Each court should be aware of the demand for interpreter services in court and in the offices of the clerk of court, juvenile clerk, and register in probate. The court should be aware of which languages are most often needed and in which types of cases. Courts should consider whether routine appointment of interpreters would speed the court’s business, such as a regular Spanish interpreter for traffic court.

***Dane County Service Information***

- *The courts need interpreters primarily for these case types: criminal, juvenile, traffic, CHIPS, small claims, civil, probate, family, and restraining orders.*
- *The courts need Spanish interpreters daily.*
- *The courts need Hmong and sign language interpreters monthly.*
- *The courts need other interpreters quarterly.*
- *Languages needed are Cambodian, Chinese Mandarin, Hmong, Khmer Cambodian, Laotian, Russian, Spanish, and Vietnamese.*

Dane County Circuit Court  
**2004 Language Assistance Plan**

**C. Nature of the Program**

Compulsory nature of a program is strong evidence of its importance. The courts are the only venue for resolution of criminal and juvenile cases, and for contested issues in family, civil, traffic, and other cases. The court should consider how serious the consequences may be if the court user is unable to participate effectively. If resources are limited, they should be directed to the most serious matters first. Where important rights (for example, child custody) or personal safety (for example, temporary restraining orders) are at stake, interpreters should be provided.

**D. Costs**

Counties should monitor the amount they spend on court interpreter services and the amount they are reimbursed by the state. As the county LEP population increases, the number of interpreter appointments will necessarily increase. The level of county services required by the federal guidance depends on in part on the size and proportion of the county LEP population. If funding for increased services is limited, agencies may provide services beginning with the most critical services and commonly used languages.

Title VI of the Civil Rights Act contemplates that interpreter services will be provided free of charge to the user whenever necessary to participate in a federally funded program. The director's office recognizes that in the current budget situation it will be difficult for county boards to provide funding for all the services covered by Title VI. State and county budget constraints are an important part of the picture, but do not justify failure to make as much progress as possible with the money available. The clerk of circuit court should be aware of the procedures for seeking reimbursement for interpreter services under §758.19.

***Dane County Costs & Reimbursement for Court Interpreters***

<i>Year</i>	<i>Actual Costs</i>	<i>Reimbursement</i>	<i>% Reimbursement</i>
2001	\$76,108	\$15,885	21%
2002	\$82,294	\$22,872	28%
2003	\$97,292	\$71,619	74%

*These costs include sign language interpreters, which range from 14% to 18% of the total annual cost. In 2003, 61% of the total cost was spent on Spanish interpreters.*

*It should also be noted that Dane County is again exploring a full-time Spanish interpreter position and has released a Request For Proposals to obtain sign language services in a cost-effective manner.*

Dane County Circuit Court  
**2004 Language Assistance Plan**

**SECTION III: Court Responsibilities**

**A. State Court Responsibilities**

The director of state courts office has taken the lead in the effort to improve court interpreter services statewide. The Supreme Court has supported this effort through requests for additional funding, statutory changes, and changes to the court rules. The director's office plays a central role in training and testing interpreters, training court staff, translating court materials, and pursuing statutory changes and funding.

**B. Circuit Court Responsibilities**

In Wisconsin, the direct provision of interpreter services, including scheduling and payment, is the responsibility of the circuit courts. The obligation to provide services to LEP persons lies with the circuit courts under Wis. Stats. §885.38(3)(a) and §885.38(8)(a). Initial identification may be done by the clerk of courts office, a judicial assistant, or other court staff. Interpreter needs may also be pointed out by attorneys, advocates, or others. The ultimate responsibility for appointment of an in-court interpreter belongs to the judge. Clerks of circuit court may appoint for interpreter services used within the clerk's office. §885.38(3)(d).

The primary obligation to pay for court interpreter services also rests with the county. Counties may be reimbursed by the state from an annual appropriation to the director of state courts office, under §885.38(8)(a) and §758.19. Reimbursement is currently limited to cases where the LEP person has been determined to be indigent. Reimbursement is specifically provided in criminal, juvenile, mental health, and child protection cases. Reimbursement is also allowed for other types of proceedings if ordered by the court. §885.38(3)(f).

It is important to understand that the state statutes do not set the limits of the court's obligation to use and pay for interpreters. Just because the court will not be reimbursed for an appointment does not mean appointment at public expense should be denied.

- Interpreters or other services must be provided to deaf and hard-of-hearing court users covered by the Americans with Disabilities Act when needed, no matter what kind of case is involved. The costs of these services must be borne by the county and cannot be charged to the court user, indigent or not.
- Interpreters should be provided when important rights are at stake, as with child custody, or when safety is at issue, as with restraining orders. Under the federal LEP guidance, failure to provide interpreter services in cases where the legal or personal consequences are serious may result in loss of funding. The Wisconsin appellate courts have not addressed the question of whether interpreters must be provided in civil and family cases in the interests of fairness and justice. Cf. State v. Neave, 117 Wis. 2d 359 (1984).

Dane County Circuit Court  
**2004 Language Assistance Plan**

**SECTION IV: Resources Available**

**A. Statewide Resources**

Information about training, hiring, and using interpreters is on the court's website at <http://www.wicourts.gov/circuit/CourtInterpreter.htm>. The website contains the statutes, court rules, and most of the case law applicable to court interpreters. Information about statewide resources is also contained in the director's language assistance plan. The state roster for court interpreters can be found at <http://www.wicourts.gov/circuit/CourtInterpreterRoster.htm>.

To take full advantage of the state programs:

- All interpreters who work regularly in the courts should attend court training programs. Court staff should inform local interpreters about training opportunities.
- Court staff should make state-translated forms available to appropriate court users. Courts should evaluate frequently requested local materials and consider having them translated by accredited professional translators. Translation of state forms will begin in late 2004.
- Courts should use "I speak" cards to help identify which language a court user speaks. Courts should post translated signs informing court users of the right to an interpreter.

**B. Appointing an Interpreter**

Most professional interpreters are independent contractors or work for an independent interpreting agency. Any interpreter hired by the court should be a trained, neutral, professional, not a family member or friend of the party, a social worker, lawyer or law enforcement officer. Use of nonprofessional interpreters such as these should be limited to simple proceedings such as a change of date, to emergencies where no neutral, professional interpreter can be found in person or on the telephone, and to situations where no other person can communicate with the LEP person.

A certified interpreter should be the first choice for appointment if available. If none is available, the court may appoint a non-certified court interpreter who is on the statewide roster. If neither a certified nor roster interpreter is available, the court may appoint a non-certified interpreter who is not listed on the statewide roster and who is otherwise qualified. The court may also use a video or telephone interpreter in appropriate circumstances. Telephone interpreting can be a good choice if the hearing is short, if the distance an interpreter will have to travel is long, or if a rare language is needed. A well-qualified interpreter hired over the phone is a better choice than a poorly qualified local interpreter or a nonprofessional. More information on telephone interpreting will be added to the court roster in 2004.

## Dane County Circuit Court 2004 Language Assistance Plan

Court staff and judges should be aware that many people who need an interpreter will not request one because they do not realize that interpreters are available or because they do not recognize the high level of communication skills needed in court. When it appears that an individual has difficulty communicating, the court should err on the side of providing an interpreter to ensure full access to the courts. The circuit courts are also responsible for providing assistance to LEP and deaf and hard of hearing individuals on the phone and at the clerks counter.

### ***Dane County Protocol:***

*The courts should always look first for interpreters on the state roster, and within the state roster look for those with the highest ratings after tests and exams. Selection of interpreters (for cost, travel and quality factors) can be balanced with the level of the hearing. A scheduling conference could use a more local and/or less skilled interpreter than a felony plea and sentencing or a termination of parental rights should be given. Not all languages are represented on the state roster, so other sources will still be necessary. When making arrangements for Spanish speaking interpreters, individuals on the state list should be contacted first, since they have attended and successfully completed statewide training.*

### **C. Local Resources**

Social services agencies, community groups and cultural centers, professional interpreting and translating agencies, college language departments, local hospitals, and schools can all be of assistance in providing interpretation. Courts should keep in mind that interpreters from these sources are not necessarily prepared to do court work and should be questioned carefully about their qualifications. Interpreters should be hired from the roster whenever possible.

### ***Dane County Local Language & Cultural Resources***

- ***Community Groups:*** None.
- ***Social services agencies:*** Centro Guadalupe, Centro Hispano, United Refugee Services, Vietnamese Multiple Services.
- ***Interpreting & translating agencies:*** Accuworld, Allegro Translations, Communication Link, CSD of Wisconsin, English – Spanish Interpreters, The Geo Group Corporation, Ger Lor G-X Asian Interpreting, Inlingua School of Languages, The Italian Game, Italink, International Institute of WI, Littana International, Inc., Professional Interpreting Enterprise, Inc., Southern WI Interpreting and Translations Services, Speakeasy, Urgent Translation LLC,
- ***Colleges:*** Alliance Francaise, Spanish Language Institute, UW Madison Language Department, WESLI.
- ***Hospitals:*** UW Hospital.

Dane County Circuit Court  
**2004 Language Assistance Plan**

**SECTION V: Public Input**

Copies of state and local language assistance plans should be provided to the public upon request. Courts that have their own website should post their plan there. The director's office will notify statewide language-related advocacy groups that the statewide plan is available. If appropriate, plans may be revised to reflect public comments and suggestions. Each circuit court should send a copy to any local community groups or advocacy organizations whose clients will be affected by the plan. Complaints regarding access and language services should be brought first to the attention of the district court administrator and then to the director's office for review. Complaints about interpreters who have allegedly engaged in unethical or unprofessional conduct in the course of performing their interpreter duties should be similarly reported.

**SECTION VI: Circuit Court Staff Training**

Front line staff is often the first point of contact with LEP individuals. Deputy clerks of courts and judicial assistants should be trained on ways to identify LEP, service delivery, and cultural issues. Staff should be reminded of the requirements of the ADA. As new employees are hired, information on the LAP and the ADA should be included in their orientation. The director's office and the office of judicial education can provide programs for judges, court staff, and others on how to use interpreters in court, how to communicate effectively with persons of limited English proficiency, and cultural understanding. Court staff should contact the director's office to request training.

Dane County Circuit Court  
**2004 Language Assistance Plan**

**SECTION VII: Evaluation**

**A. Evaluation of the Language Assistance Plan**

Biennially, the director's office will coordinate with the circuit courts to review the effectiveness of the plan, identify problems and proposed action. Evaluation includes:

- Number of LEP persons receiving court interpreters.
- Assessment of whether staff members adequately understand language assistance policies.
- Determination if additional services or translated materials should be provided.
- Feedback from the community in the service area of each court.

Each county's language assistance plan shall be approved by the presiding judge or other judge and filed with the director's office. The first plan is due March 1, 2004. The plan and any future revisions should be communicated to all employees.

***Dane County Evaluation Measures***

- *All court personnel will be informed of this plan. It will be posted on the departmental bulletin board, and emailed to Clerk of Court employees and other court-related agencies (Family Court Commissioner, etc.).*
- *All court personnel who work with the public, or who appoint or work with interpreters, will receive the two-page summary on effective use of interpreters.*
- *Signs will be posted informing court users that interpreters are available.*
- *Clerk of Court staff and intake staff will be given "I speak" cards for identifying language needs.*
- *All staff that hire interpreters will be informed of the court interpreter roster and hire interpreters from it.*
- *Court staff will use translated material available from the state and local sources. Statewide materials will be developed in 2004-05.*
- *This plan will be on the court's website, filed with county administration and distributed to interested community groups and agencies.*
- *New staff will be informed of the plan as they are hired; this plan will be listed on the New Employee Checklist.*



Dane County Circuit Court  
**2004 Language Assistance Plan**

**B. Local Contact Person**

Pat Bolch, Court Manager, has been designated to coordinate sign and foreign language services with other county agencies and with the Director's office. She can be contacted at (608) 266-4444 or at [Patricia.Bolch@wicourts.gov](mailto:Patricia.Bolch@wicourts.gov).

**C. State Contact Person**

For questions about interpretation and implementation of this plan, please contact Marcia Vandercook, Office of Court Operations, 110 East Main St. #410, Madison WI 53703. Phone 608-267-7335; e-mail [marcia.vandercook@courts.state.wi.us](mailto:marcia.vandercook@courts.state.wi.us).

**D. Effective Date**

The effective date of this Language Assistance Plan is June 7, 2004.

/s  
Chief Judge Michael Nowakowski