

# **Sixteenth Judicial Circuit Court of Kane County, Illinois Language Access to Justice Plan (LAJP)**

## **I. Legal Basis and Purpose**

This document serves as the plan for the Sixteenth Judicial Circuit Court of Kane County, Illinois to provide to persons with limited English proficiency (LEP) services that are in compliance with Title VI of the Civil Rights Act of 1964. 45 C.F.R. § 80 et seq; and 28 C.F.R. § 42 et seq. The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with the Sixteenth Judicial Circuit Court of Kane County, Illinois.

This LAJP plan was developed to ensure meaningful access to court services for persons with limited English proficiency. Although court interpreters are provided for persons with a hearing loss, access services for them are covered under the American with Disabilities Act rather than Title VI of the Civil Rights Act, and therefore will not be addressed in this plan.

## **II. Needs Assessment**

### **A. Statewide**

The Administrative Office of Illinois Courts (AOIC) provides court services to trial courts to aid a wide range of persons, including individuals who are: LEP; deaf; and hard of hearing. According to a 2012 survey of Illinois trial court Chief Judges, interpreters were most frequently called upon to interpret proceedings for individuals fluent in the following languages:

1. Spanish
2. Chinese
3. French

It should be noted that, according to data from Migration Policy Institute, the languages most frequently spoken by LEP individuals within the state of Illinois are:

1. Spanish
2. Polish
3. Chinese
4. Korean
5. Tagalog
6. Russian

## **B. Sixteenth Judicial Circuit Court of Kane County, Illinois**

The Sixteenth Judicial Circuit Court of Kane County, Illinois will make every effort to provide services to all LEP persons. However, the following list shows the foreign languages that are most frequently used in this Circuit's geographic area.

1. Spanish
2. Polish
3. Russian
4. Laotian

This information is based on data collected and maintained by the Court's interpreter coordinator.

## **III. Courthouse Logistics**

There are seven courthouses in the Sixteenth Judicial Circuit Court.

### **Criminal, Civil, Juvenile Courts**

Kane County Judicial Center, St. Charles, IL 60175  
Kane County Courthouse, Geneva, IL 60134  
Juvenile Justice Center, St. Charles, IL 60175

### **Branch Courts**

Kane Branch Court, St. Charles, IL 60174  
Elgin Branch Court, Elgin, IL 60120  
Aurora Branch Court, Aurora, IL 60505  
Carpentersville Branch Court, Carpentersville, IL 60110

## **IV. Language Assistance Resources**

### **A. Interpreters Used in the Courtroom**

#### **1. Providing Interpreters for the Court**

##### **a. For Felony, Misdemeanor, Traffic and Juvenile Matters**

Pursuant to the Illinois Criminal Proceeding Interpreters' Act, an interpreter must be provided, at no cost to the accused, to all defendants charged with misdemeanors or felonies, who, due to limited English proficiency, are unable to understand the court proceedings or express themselves in a manner that is clearly understood by counsel, court, and jury. 725 ILCS 140/1.

In the branch court, the interpreters cover misdemeanor, traffic and ordinance matters including trials. Services provided at the juvenile courthouse include a variety of hearings including adjudicatory, custody, detention, dispositional, and permanency hearings. They also provide services for bench trials in the juvenile courts.

The court uses both telephonic and contract interpreters for LEP persons needing access to the courts.

Additionally, effective March 1, 2013, Illinois law requires that where a judicial circuit chooses to implement a mortgage foreclosure mediation program, it must provide resources for "meaningful language access for program participants." Ill. Supr. Ct. R 99.1 (d)(iv).

#### **b. For Civil and Family Matters**

A full-time Spanish court interpreter is provided for all civil and family cases according to the requirements set forth in HB3620 effective January 1, 2016. In particular, the interpreter is available for Mortgage Foreclosure, Small Claims, Forcible Entry and Detainer and Dissolution Prove-up matters. Civil trials and extended hearings interpreter request are set by court order.

If a different language interpreter (i.e. Polish, Russian, Korean, etc.) is needed for a case, every attempt is made to coordinate the civil case to be on the same day as the different language interpreter is going to be in the courthouse on a criminal matter. Alternatively, telephonic interpreting remains a viable alternative for the hearings.

#### **c. Sign Language**

When a deaf person is a party to any legal proceeding, chosen as a juror, called as a witness, or is involved in court business, a qualified, state licensed interpreter of sign language shall be made available to interpret for the individual. In the case of a deaf juror, the interpreter shall be available throughout the actual trial and may accompany and communicate with the juror throughout any period during which the jury is sequestered or engaged in its deliberations.

#### **d. Telephonic Interpreting**

Telephone interpreting is a service that connects interpreters via telephone to individuals who wish to speak to each other but do not share a common language. The telephone interpreter converts the spoken language from one language to another, enabling listeners and speakers to understand each other.

Telephonic interpreting is available in all courtrooms in the Sixteenth Judicial Circuit. The court contracts with a company that provides interpreters in over 200 languages.

## **2. Determining the Need for an Interpreter in the Courtroom**

The Sixteenth Judicial Circuit Court of Kane County, Illinois may determine whether an LEP court customer needs an interpreter for a court hearing in various ways.

The need for a court interpreter may be identified prior to a court proceeding by the LEP person or on the LEP person's behalf by information center counter staff, self-help center staff, or outside justice partners such as law enforcement, probation officers, attorneys, social workers, correctional facilities, the Kane County State's Attorney Office, or the Kane County Public Defender's Office.

A judge or other court employee may determine that an interpreter is appropriate for a certain proceeding. Where it appears that an individual is incapable, due to limited English proficiency, to understand and communicate at the level required in a given proceeding, the judge or other court personnel should offer the appointment of an interpreter. Many individuals who come into contact with the court system are unaware of the availability of interpreters and similarly lack knowledge of the level of English proficiency required to meaningfully participate in court proceedings, and as such, it is imperative that judges and court personnel play an active role in identifying LEP individuals.

In a case where the Court is mandated to provide an interpreter, but one is not available at the time of the proceeding, even after the court has made all reasonable efforts to locate one, as previously outlined in this plan and telephonic interpreting is deemed not acceptable by the judge, the case will be postponed and continued on a date when an interpreter can be provided.

### **B. Language Services Outside the Courtroom**

The Sixteenth Judicial Circuit Court of Kane County, Illinois is also responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to services outside the courtroom. This is perhaps the most challenging situation facing the court staff, because in most situations they are charged with assisting LEP individuals without an interpreter present. LEP individuals may come in contact with court personnel via the phone, the information center, or other means.

For mandated court services (i.e. Adult Probation, Juvenile Probation, Psychological Services), interpreting services shall be made available the same as if the individual in need of language assistance was in the courtroom. These services include intake appointments, pre-sentence investigation reports, psychological evaluations and fitness interviews.

The Sixteenth Judicial Circuit shall also contract with treatment and educational agencies which offer services in other languages.

To facilitate communication between LEP individuals and court staff, the Court uses the following resources to the degree that resources are available:

- Staff court interpreters or independent interpreter contractors
- Bilingual employees
- "I Speak" cards, to identify the individual's primary language
- Written information in Spanish on how to access and navigate the courthouse
- A court website with key items translated into Spanish
- Telephonic Interpreter Service

To provide linguistically accessible services for LEP, the Court provides the following:

- Written informational and educational materials and instructions in Spanish

#### **C. Translated Forms and Documents**

The Illinois courts recognize the importance of translating forms and documents so that LEP individuals have greater access to the courts' services. The Sixteenth Judicial Circuit Court of Kane County, Illinois currently uses forms and instructional materials translated into Spanish. These documents are located in the Law Library. The Interpreters at court hearings are expected to provide sight translations of court documents and correspondence associated with the case when approved to do so by the judge presiding over the case.

#### **D. Court Interpreter Qualifications**

AOIC is taking steps to significantly improve the availability and quality of interpreter services to LEP individuals throughout the state. As a central component of this initiative, AOIC has appointed a Language Access Services Specialist, who will establish a system for certification of interpreter language skills and court procedural knowledge; compile the list of certified/registered interpreters throughout the state; make sure that all of the circuits have access to certified/registered interpreters; and engage in ongoing quality monitoring of the interpreters. In addition, the Illinois Supreme Court Commission on Access to Justice Language Access Committee will work with AOIC Language Access Coordinator to ensure that meaningful language access services are available to LEP individuals in the Court.

## **V. Court Staff and Volunteer Recruitment**

The Sixteenth Judicial Circuit Court of Kane County, Illinois is an equal opportunity employer and recruits and hires bilingual staff to serve its LEP constituents. Primary examples include but are not limited to:

- Court interpreters to serve as long term contractors of the court
- Bilingual staff to serve at public counters
- Bilingual staff to serve in the courtrooms
- Bilingual staff available on call to assist with contacts from LEP individuals, as needed

## **VI. Judicial and Staff Training**

The Sixteenth Judicial Circuit Court of Kane County, Illinois is committed to the training of court staff and to increasing awareness of LEP issues and responsibilities among not only the court staff, but also other professionals who regularly come into contact with the courts. Training and learning opportunities currently offered will be expanded or continued as need. Those opportunities include:

- Interpreter coordinator training
- Scheduled diversity training
- New employee orientation training
- Judicial officer orientation on the use of court interpreters and competency

## **VII. Public Outreach and Education**

To communicate with the court's LEP constituents on various legal issues of importance to the community and to make them aware of services available to all language speakers, the Sixteenth Judicial Circuit Court of Kane County, Illinois may develop and provide community outreach and education and seek input from its LEP constituency to further improve services.

## **VIII. Public Notification and Evaluation of LAJP**

### **A. LAJP Approval and Publication**

The Sixteenth Judicial Circuit Court of Kane County, Illinois's LAJP is subject to approval by the chief judge and court administrator. Upon approval, a copy will be forwarded to the AOIC. Any revisions to the plan will be submitted to the chief judge and court executive director for approval, and then forwarded to AOIC.

The Judicial Branch of the State of Illinois, through the AOIC has appointed Ms. Sophia Akbar as the Language Access Services Specialist who will coordinate and facilitate the

Supreme Court's approval of the various circuits' LAP plans. Additionally, the Court's LAJP will be available to the public via the AOIC and the Sixteenth Judicial Circuit's Website.

## **B. Annual Evaluation of LAJP**

AOIC will review each circuit's plan on an annual basis to ensure that it reflects both the status of services available to LEP individuals as well as the need for such services. The evaluation will be meant to identify both strengths and weaknesses in the Plan and its implementation as well as to determine strategies for strengthening identified areas of weakness. During the process of evaluation, the following will be among the considerations:

- Demand for interpretation services throughout the state by language
- Need for documents or other services in languages other than English
- Level of awareness and understanding of LEP policies among court personnel
- Feedback from various LEP communities served by the circuit courts

An annually revised version of these LAP plans will be made available through the Illinois Language Access Services Specialist.

## **IX. Increased Awareness, Resources, and Services**

It is the goal of the Illinois Supreme Court to increase awareness of the needs and rights of LEP individuals among not only court staff, but also the legal community. Furthermore, the Supreme Court, through its AOIC, aims to provide an increasing scope of resources to judges and other court staff in order to better serve the LEP population as well as to increase the breadth of services provided to LEP individuals.

## **X. Goals**

Ultimately, it is the goal of the Illinois Supreme Court that every LEP individual in the state will have meaningful access to the justice system. As such, the Sixteenth Judicial Circuit Court in Kane County, Illinois will strive to ensure that:

- Signs pointing LEP persons to language assistance will be posted in at least one key spot in every courthouse in the circuit.
- Court personnel in every courthouse will know how to identify an LEP individual and will have access to a language identification flashcard in order to help the LEP individual to obtain assistance.
- Court personnel will know where to direct the LEP individuals to get additional assistance.

- Interpreters are provided, at no cost to the litigant, any time an individual is unable to understand and communicate effectively in a court proceeding due to limited English proficiency.
- All interpreters have, at a minimum, passed an ethics screening and a test of their translation skills in a legal setting.
- Avenues of communication are in place between law enforcement officials and court personnel so that an individual's status as an LEP individual is identified and noted prior to his or her first appearance in court, thereby reducing the likelihood of delay.
- A system is implemented whereby a person's status as LEP is noted within all civil case files, thereby reducing the likelihood of excessive delays.
- LEP persons are able to meaningfully participate in court-annexed programs, and that LEP services are available from all court, clerk, and court-annexed programs.
- This Plan is reviewed regularly to ensure that it accurately reflects and address the needs of the LEP population in Kane County, Illinois.

**XI. Trial Court Language Access to Special Project Coordinator:**

**Kathryn Seifrid**  
 16<sup>th</sup> Judicial Court  
 37W777 Rt. 38, Rm 149  
 St. Charles, IL 60175  
 630-232-3442

**XII. AOIC Language Access Services Specialist:**

**Sophia Akbar**  
 Language Access Specialist  
 Administrative Office of the Illinois Courts  
 312-793-2013

**XIII. LAJP Effective Date:**

February 10, 2016

**XIV. Approved by:**

Susan Clancy Boles, Chief Judge: *Susan Clancy Boles* Date: 2/10/16

Douglas J. Naughton, Court Administrator: *Douglas J. Naughton* Date: 10 Feb 16