COUNTY/DISTRICT/CIRCUIT LANGUAGE ACCESS PROTOCOL (LAP)

QUICK REFERENCE GUIDE

DO I HAVE THE RIGHT TO AN INTERPRETER IN COUNTY/DISTRICT/CIRCUIT?

There are four (4) ways to qualify for an interpreter in COUNTY/DISTRICT/CIRCUIT:

1. **If you are deaf or hard of hearing** and need to go to court, you most likely have the right to an interpreter at no cost. This generally includes any conversation you may need to have with anyone who works directly for the Court of Justice, even if that conversation happens outside of court.

2. **If you do not speak or understand English well** and need to go to court, you most likely have the right to an interpreter at no cost. This generally includes any conversation you may need to have with anyone who works directly for the Court of Justice, even if that interaction happens outside of court.

3. **If you have another disability** which would make it hard for you to understand what is going on in court, you most likely have the right to an interpreter if an interpreter would help you communicate more effectively. This generally includes any conversation you may need to have with anyone who works directly for the Court of Justice, even if that interaction happens outside of court.

4. **If you are an attorney who is deaf or hard of hearing** and are participating in a court proceeding or direct service, you have the right to an interpreter at no cost.

HOW CAN I REQUEST AN INTERPRETER IN COUNTY/DISTRICT/CIRCUIT?

If you are in one of the groups listed above, please contact the court as shown below:

1. METHOD OF CONTACT
2. METHOD OF CONTACT
3. Deaf or hard of hearing attorneys:

In addition to the notification protocols indicated above, eligible deaf or hard of hearing attorneys may request language access services directly by submitting an appropriate request to the Office of Language Access. Details regarding the appropriate protocol for requesting language access services for attorneys who are deaf or hard of hearing for use in court proceedings or direct services

can be found by accessing the Office of Language Access's webpage at http://courts.ky.gov/courtprograms/CIS/Pages/default.aspx.

COUNTY/DISTRICT/CIRCUIT LANGUAGE ACCESS PROTOCOL (LAP)

I. LEGAL BASIS AND PURPOSE

In accordance with Section 6(5) of the Kentucky Court of Justice Language Access Plan and Procedures, AP Part IX, this document shall serve as the Language Access Protocol (LAP) for COUNTY/DISTRICT/CIRCUIT to provide language access services to individuals with limited English proficiency or who are deaf or hard of hearing or otherwise disabled, as required under 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 LAP is to provide a framework for the provision of timely and reasonable language assistance to eligible persons who come into contact with COUNTY/DISTRICT/CIRCUIT and ensure that such individuals within the jurisdiction of COUNTY/DISTRICT/CIRCUIT are provided with meaningful and equal access not only to the courts themselves, but also to court services and programs as mandated by state and federal law. The Kentucky Court of Justice Language Access Plan and Procedures, AP Part IX, can be viewed in its entirety by accessing the Office of Language Access's webpage at
http://courts.ky.gov/courtprograms/CIS/Pages/default.aspx.

II. DEFINITIONS

(1) "Appointing/Requesting authority" means the Judge, Chief Judge, Circuit Court Clerk, Supreme Court Clerk, Clerk of the Court of Appeals, AOC Director, or designee, who determines the need for and authorizes or requests language access services for use in court proceedings or during direct services provided by a Court of Justice entity.

(2) "Contact person(s)" means the individual(s) designated in each county by the Chief Circuit Judge or Chief District Judge of the county who is responsible for submitting all requests for language access services to the Office of Language Access. The "contact person(s)" may be a judge's secretary, a court administrator, or any other Court of Justice employee designated by the Chief Circuit Judge or Chief District Judge of the county."

(3) "Court proceeding" means a civil, criminal, domestic relations, juvenile, traffic or other in-court proceeding, whether before a judge, trial commissioner, master commissioner, or domestic relations commissioner; or, a court-ordered proceeding in which court officials or Court of Justice personnel are directly involved. "Court proceeding" shall not be construed to include confidential, privileged, or otherwise private communication between non-Court of Justice entities and individuals with limited English proficiency or who are deaf or hard of hearing or otherwise disabled, even when such communication occurs during a court proceeding.

(4) "Direct services" means out-of-court services provided by a Court of Justice entity which enables the entity to carry out its duties and responsibilities as directed by statute and/or rule of court.

(5) "Non-party" means any person:

a) Whose presence or participation in a court matter is necessary or appropriate, including but not limited to a parent or guardian of a juvenile and any of his or her family members involved in a juvenile proceeding, or a victim of crime or parent or guardian of a minor victim of crime; or

b) Who is a family member, friend, or associate of a party or person participating in a court proceeding, who, along with the party or person, is an appropriate individual with whom the court should communicate.

III. DEMOGRAPHIC INFORMATION AND LANGUAGE ACCESS DATA COLLECTION

COUNTY/DISTRICT/CIRCUIT will make every effort to provide services to all eligible individuals. The following list includes the foreign languages and services that are most frequently requested in COUNTY/DISTRICT/CIRCUIT's geographic area:

1. LANGUAGE/SERVICE
2. LANGUAGE/SERVICE
3. LANGUAGE/SERVICE

COUNTY/DISTRICT/CIRCUIT complies with the language access services request requirements outlined in the Kentucky Court of Justice Language Access Plan and Procedures, AP Part IX, by submitting all requests for language access services to the Office of Language Access, and the above information is based on data collected by the Office of Language Access upon receiving and processing said requests.

IV. INDIVIDUALS ELIGIBLE TO RECEIVE LANGUAGE ACCESS SERVICES

COUNTY/DISTRICT/CIRCUIT will provide language access services to the following individuals:

1. A party, juror, witness, or non-party in a court proceeding and to an individual receiving direct services who:
    a. Is deaf or hard of hearing, and
        i. Uses sign language such as pidgin, signed English, American Sign Language, or gestures; or
        ii. Is oral/aural and uses interpreters and assistive technology as his or her primary mode of communication;

2. A party, witness, or non-party in a court proceeding and to an individual receiving direct services who has limited English proficiency;

3. A party, juror, witness, or non-party in a court proceeding and to an individual receiving direct services who, in the opinion of the court or other appointing/requesting authority, has another type of disability which will prevent said person from properly understanding the nature of the proceedings or will substantially prejudice his or her rights, and for whom the provision of language access services will effectively assist in facilitating communication;

4. An attorney who is deaf or hard of hearing and who is participating in a court proceeding or direct service.

V. DETERMINING THE NEED FOR LANGUAGE ACCESS SERVICES

COUNTY/DISTRICT/CIRCUIT strives to utilize three primary methods for ascertaining the need for language access services for court proceedings and direct services.

First, eligible individuals and their counsel may proactively make the court aware of the need for language access services for an upcoming court proceeding or direct service. Notification of such a need may be made by the eligible individual or his/her counsel. Once the court becomes aware of such a need, the notification should be forwarded to the designated contact person for submission of an official request to the Office of Language Access for processing. In COUNTY/DISTRICT/CIRCUIT, eligible individuals or their attorneys should notify the court of the need for language access services in upcoming court proceedings or direct services as follows:

1. METHOD OF CONTACT
2. METHOD OF CONTACT
3. Deaf or hard of hearing attorneys:

In addition to the notification protocols indicated above, eligible deaf or hard of hearing attorneys may request language access services directly by submitting an appropriate request to the Office of Language Access. Details regarding the appropriate protocol for requesting language access services for attorneys who are deaf or hard of hearing for use in court proceedings or direct services can be found by accessing the Office of Language Access's webpage at http://courts.ky.gov/courtprograms/CIS/Pages/default.aspx.

Second, an appointing/requesting authority or his/her designee(s) may recognize the need for and determine that language access services are appropriate for a court proceeding or direct service. Where it appears that an individual with limited English proficiency, or who is deaf or hard of hearing or otherwise disabled, will be unable to fully participate in a court proceeding or direct service due to an inability to speak and understand English, the appointing/requesting authority or designee should offer to arrange for language access services. Many individuals who come into contact with the court system are unaware of the availability of

language access services and similarly lack knowledge of the level of English proficiency required to meaningfully participate in court proceedings and direct services. As such, it is imperative that appointing/requesting authorities and their designee(s) play an active role in recognizing and identifying the need for language access services. Once the appointing/requesting authority or designee becomes aware of such a need, the notification should be forwarded to the designated contact person for submission of an official request to the Office of Language Access for processing.

Third, other judicial stakeholders may notify the court that language access services will be needed for an upcoming court proceeding or direct service. For example, an attorney involved in the case; a social worker; a pretrial officer; a court designated worker; or an official from a correctional facility may contact the court on behalf of an individual with limited English proficiency or who is deaf or hard of hearing or otherwise disabled to inform the court of the need for language access services in a court proceeding or direct service. Once the court becomes aware of such a need, the notification should be forwarded to the designated contact person for submission of an official request to the Office of Language Access for processing. In COUNTY/DISTRICT/CIRCUIT, judicial stakeholders should notify the court of the need for language access services in upcoming court proceedings or direct services as follows:

METHOD OF CONTACT

VI. REQUESTING LANGUAGE ACCESS SERVICES

Regardless of the method used to notify the court of the need for language access services, the appointing/requesting authority or his/her designee(s) will forward the notification to the designated contact person for submission of an official request to the Office of Language Access for processing. In accordance to Section 6(2) of the Kentucky Court of Justice Language Access Plan and Procedures, AP Part IX, at least one contact person must be designated in each county, district, or circuit to be responsible for submitting all requests for language access services to the Office of Language Access. The contact person(s) may be a judge's secretary, a court administrator, or any other Court of Justice employee designated by the Chief Circuit Judge or Chief District Judge of the county, district, or circuit. See below for the contact information for the designated contact person(s) for COUNTY/DISTRICT/CIRCUIT:

1. NAME
    a. CONTACT INFORMATION
2. NAME
    a. CONTACT INFORMATION
3. NAME
    a. CONTACT INFORMATION

The appropriate protocol for designated contact persons to request language access services for eligible individuals for use during court proceedings or direct services can be found by accessing

the Office of Language Access's webpage at
http://courts.ky.gov/courtprograms/CIS/Pages/default.aspx.

VII. CANCELLATION OF LANGUAGE ACCESS SERVICES

An eligible individual or his or her attorney shall notify the designated contact person as soon as it becomes apparent that language access services are no longer needed. The failure to timely notify the contact person that language access services are no longer needed for a court proceeding or direct service may be grounds for the court to require the eligible individual or his or her attorney to reimburse all or part of the actual expenses incurred by the Administrative Office of the Courts for securing unused or cancelled language access services. Circumstances under which the court may order reimbursement include, but are not limited to:

1. The matter was settled before language access services were needed and the eligible individual requesting the services, or his or her attorney, had reasonable advance notice of settlement but failed to timely notify the court; or
2. The eligible individual requesting language access services, or his or her attorney, failed to appear for the court proceeding or direct service and had no reasonable grounds for the failure to appear.

Matters involving self-represented parties will be considered on a case by case basis taking into account the facts and circumstances of each case, including whether the party has the ability to pay.

VIII. ADDITIONAL LANGUAGE ACCESS RESOURCES, PROTOCOLS, AND PROCEDURES IN COUNTY/DISTRICT/CIRCUIT

In addition to the information provided above, COUNTY/DISTRICT/CIRCUIT has taken the following steps to better meet the needs of litigants with limited English proficiency or who are deaf or hard of hearing or otherwise disabled:

1. Language Line is available for use as needed by all Court of Justice entities within COUNTY/DISTRICT/CIRCUIT
2. Multilingual signs pointing individuals with limited English proficiency to language access services are posted in at least one key spot in every courthouse in COUNTY/DISTRICT/CIRCUIT.
3. RESOURCE/PROTOCOL/PROCEDURE
4. RESOURCE/PROTOCOL/PROCEDURE
5. RESOURCE/PROTOCOL/PROCEDURE

IX. TRAINING OF COURT STAFF

COUNTY/DISTRICT/CIRCUIT is committed to the training of court staff and to increasing awareness of language access issues and responsibilities among court staff and other professionals who regularly come into contact with the courts. One critical component of language access is the

identification of a person who needs language assistance, whether the situation is presented during a courtroom proceeding or other court-related activity or function. Education and training concerning the rights of, and procedures regarding, such individuals should be provided on a regular basis for all courthouse personnel, including courtroom clerks, deputies, and all filing and records staff. All personnel should be reasonably capable of identifying an individual in need of language assistance and of directing that individual to the appropriate resources (*e.g.*, the designated contact person, the Office of Language Access, translated forms and brochures, etc.).

The Office of Language Access will be responsible for ensuring that judges and other court personnel are provided with quality ongoing training about the provision of language access services. This includes providing all judges, court personnel, and court-appointed professionals with training on the following: legal requirements for language access; court policies and rules; language services provider qualifications; the role of the sworn proceedings interpreter; court interpreting ethics; effective techniques for working with language services providers; appropriate use of translated materials; and cultural competency.

At a minimum, with very little cost or specialized training, mandatory education concerning the need for language access services should be provided on an ongoing basis to judges and courtroom personnel so that they are able to perform the following tasks within the courtroom:

- Identify individuals with limited English proficiency or who are deaf or hard of hearing or otherwise disabled
- Ascertain the native language of the person with limited English proficiency
- Access language assistance tools and interpreter services offered by the Office of Language Access
- Submit requests for language access services to the Office of Language Access
- Inform individuals with limited English proficiency or who are deaf or hard of hearing or otherwise disabled of available language services and reference materials
- Provide "Need Language Assistance?" signs or forms near or within the courtroom
- Use a language identifier sheet or bench card
- Note in the docket and/or order that language assistance was required and provided

COUNTY/DISTRICT/CIRCUIT will work in collaboration with the Office of Language Access to ensure that all judges and court personnel receive relevant language access trainings and have the adequate support to provide language access services as needed.

X. ONGOING LAP EVALUATION

The Office of Language Access will review each county's LAP on an annual basis to ensure that it reflects both the status of language access services available as well as the need for such services. During the process of evaluation, the following will be among the considerations: (1) the demand for language access services throughout the state by language; (2) the need for documents or other services in languages other than English; (3) the level of awareness and understanding of language access policies among court personnel; and (4) feedback from the users of language access

services in COUNTY/DISTRICT/CIRCUIT. 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. An annually revised version of this LAP will be made available through the Office of Language Access.

XI. CONTACT INFORMATION

COUNTY/DISTRICT/CIRCUIT **LAP Contact Responsible for the Creation of this Plan:**

NAME OF COUNTY/DISTRICT/CIRCUIT CONTACT Jeree Gilbert
Lincoln Circuit/District Courts Angelia Napier

Office of Language Access

Aimara Liste-Gonzalez, J.D., FCCI
Manager, Office of Language Access
Administrative Office of the Courts
1001 Vandalay Drive
Frankfort, KY 40601
502-573-2350

XII. EFFECTIVE DATE

This LAP shall be effective as of DATE.

All policies, procedures, and forms approved by the Kentucky Supreme Court relating to language access, including AP Part IX, Kentucky Court of Justice Language Access Plan and Procedures, and all AOC-INT forms published by the AOC, are incorporated herein by reference.

The above Language Access Protocol is adopted by all judges in the county/district/circuit:

_____ / Date 6-4-18
Judge's Name
Judge's Title

_____ Cir. Judge / Date 6/22/18
Judge's Name
Judge's Title

_____ / Date 6/28/18
Judge's Name
Judge's Title

_____ 7/6/18