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. 2012-031

WHEREAS, the United States Department of Justice has issued a letter of guidance to all State Court Administrators regarding Title VI requirements, a copy of which is attached as Exhibit A; and

WHEREAS, Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and Executive Order 13166, 65 FR 50121 require that the Court have a Limited English Proficiency Plan ("LEP Plan") and policies in place to implement the LEP Plan; and

WHEREAS, the Americans with Disabilities Act requires access to court services for people with hearing impairments,

IT IS ORDERED:

1. The LEP Plan is hereby adopted and attached as Exhibit B.

2. Current interpreter policies C-102A, C-102B, and C-102C are rescinded.

3. Policy C-102A, *Language Interpreters and Access to Courts by Persons with Limited English Proficiency*, attached as Exhibit C is hereby adopted.

4. The LEP Plan and Policy C-102A apply to the Superior Court, the Justice Courts, Adult Probation, and Juvenile Probation and are effective immediately. The Clerk of the Superior Court shall adopt a separate LEP Plan.

Dated this 20th day of March, 2012.

_____
Norman J. Davis
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
David Smith, County Manager
Hon. Tom Horne, 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
Marcus Reinkensmeyer, Judicial Branch Administrator
James Vance, Justice Courts Administrator
Barbara Broderick, Chief, Adult Probation
Carol Boone, Interim Chief, Juvenile Probation

EXHIBIT A

U. S. Department of Justice

Civil Rights Division

Assistant Attorney General

Washington, D.C. 20530

August 16, 2010

Dear Chief Justice/State Court Administrator:

In the past decade, increasing numbers of state court systems have sought to improve their capacity to handle cases and other matters involving parties or witnesses who are limited English proficient (LEP). In some instances the progress has been laudable and reflects increased recognition that language access costs must be treated as essential to sound court management. However, the Department of Justice (DOJ) continues to encounter state court language access policies or practices that are inconsistent with federal civil rights requirements. Through this letter, DOJ intends to provide greater clarity regarding the requirement that courts receiving federal financial assistance provide meaningful access for LEP individuals.

Dispensing justice fairly, efficiently, and accurately is a cornerstone of the judiciary. Policies and practices that deny LEP persons meaningful access to the courts undermine that cornerstone. They may also place state courts in violation of long-standing civil rights requirements. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d *et seq.* (Title VI), and the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. § 3789d(c) (Safe Streets Act), both prohibit national origin discrimination by recipients of federal financial assistance. Title VI and Safe Streets Act regulations further prohibit recipients from administering programs in a manner that has the effect of subjecting individuals to discrimination based on their national origin. *See* 28 C.F.R. §§ 42.104(b)(2), 42.203(e).

The Supreme Court has held that failing to take reasonable steps to ensure meaningful access for LEP persons is a form of national origin discrimination prohibited by Title VI regulations. *See Lau v. Nichols*, 414 U.S. 563 (1974). Executive Order 13166, which was issued in 2000, further emphasized the point by directing federal agencies to publish LEP guidance for their financial assistance recipients, consistent with initial general guidance from DOJ. *See* 65 Fed. Reg. 50,121 (Aug. 16, 2000). In 2002, DOJ issued final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. 67 Fed. Reg. 41,455 (June 18, 2002) (DOJ Guidance). The DOJ Guidance and subsequent technical assistance letters from the Civil Rights Division explained that court systems receiving federal financial assistance, either directly or indirectly, must provide meaningful access to LEP persons in order to comply with Title VI, the Safe Streets Act, and their implementing regulations. The federal requirement to provide language assistance to LEP individuals applies notwithstanding conflicting state or local laws or court rules.

Despite efforts to bring courts into compliance, some state court system policies and practices significantly and unreasonably impede, hinder, or restrict participation in court proceedings and access to court operations based upon a person's English language ability. Examples of particular concern include the following:

1. Limiting the types of proceedings for which qualified interpreter services are provided by the court. Some courts only provide competent interpreter assistance in limited categories of cases, such as in criminal, termination of parental rights, or domestic violence proceedings. DOJ, however, views access to *all* court proceedings as critical. The DOJ Guidance refers to the importance of meaningful access to courts and courtrooms, without distinguishing among civil, criminal, or administrative matters. *See* DOJ Guidance, 67 Fed. Reg. at 41,462. It states that "every effort should be taken to ensure competent interpretation for LEP individuals during *all* hearings, trials, and motions," *id.* at 41,471 (emphasis added), including administrative court proceedings. *Id.* at 41,459, n.5.

Courts should also provide language assistance to non-party LEP individuals whose presence or participation in a court matter is necessary or appropriate, including parents and guardians of minor victims of crime or of juveniles and family members involved in delinquency proceedings. Proceedings handled by officials such as magistrates, masters, commissioners, hearing officers, arbitrators, mediators, and other decision-makers should also include professional interpreter coverage. DOJ expects that meaningful access will be provided to LEP persons in all court and court-annexed proceedings, whether civil, criminal, or administrative including those presided over by non-judges.

2. Charging interpreter costs to one or more parties. Many courts that ostensibly provide qualified interpreters for covered court proceedings require or authorize one or more of the persons involved in the case to be charged with the cost of the interpreter. Although the rules or practices vary, and may exempt indigent parties, their common impact is either to subject some individuals to a surcharge based upon a party's or witness' English language proficiency, or to discourage parties from requesting or using a competent interpreter. Title VI and its regulations prohibit practices that have the effect of charging parties, impairing their participation in proceedings, or limiting presentation of witnesses based upon national origin. As such, the DOJ Guidance makes clear that court proceedings are among the most important activities conducted by recipients of federal funds, and emphasizes the need to provide interpretation free of cost. Courts that charge interpreter costs to the parties may be arranging for an interpreter's presence, but they are not "providing" the interpreter. DOJ expects that, when meaningful access requires interpretation, courts will provide interpreters at no cost to the persons involved.

3. Restricting language services to courtrooms. Some states provide language assistance only for courtroom proceedings, but the meaningful access requirement extends to court functions that are conducted outside the courtroom as well. Examples of such court-managed offices, operations, and programs can include information counters; intake or filing offices; cashiers; records rooms; sheriff's offices; probation and parole offices; alternative dispute resolution programs; *pro se* clinics; criminal diversion programs; anger management classes; detention facilities; and other similar offices, operations, and programs. Access to these points of public contact is essential to the fair administration of justice, especially for unrepresented LEP persons. DOJ expects courts to provide meaningful access for LEP persons to such court operated or managed points of public contact in the judicial process, whether the contact at issue occurs inside or outside the courtroom.

4. Failing to ensure effective communication with court-appointed or supervised personnel. Some recipient court systems have failed to ensure that LEP persons are able to communicate effectively with a variety of individuals involved in a case under a court appointment or order. Criminal defense counsel, child advocates or guardians *ad litem*, court psychologists, probation officers, doctors, trustees, and other such individuals who are employed, paid, or supervised by the courts, and who are required to communicate with LEP parties or other individuals as part of their case-related functions, must possess demonstrated bilingual skills or have support from professional interpreters. In order for a court to provide meaningful access to LEP persons, it must ensure language access in all such operations and encounters with professionals.

DOJ continues to interpret Title VI and the Title VI regulations to prohibit, in most circumstances, the practices described above. Nevertheless, DOJ has observed that some court systems continue to operate in apparent violation of federal law. Most court systems have long accepted their legal duty under the Americans with Disabilities Act (ADA) to provide auxiliary aids and services to persons with disabilities, and would not consciously engage in the practices highlighted in this letter in providing an accommodation to a person with a disability. While ADA and Title VI requirements are not the same, existing ADA plans and policy for sign language interpreting may provide an effective template for managing interpreting and translating needs for some state courts.

Language services expenses should be treated as a basic and essential operating expense, not as an ancillary cost. Court systems have many operating expenses – judges and staff, buildings, utilities, security, filing, data and records systems, insurance, research, and printing costs, to name a few. Court systems in every part of the country serve populations of LEP individuals and most jurisdictions, if not all, have encountered substantial increases in the number of LEP parties and witnesses and the diversity of languages they speak. Budgeting adequate funds to ensure language access is fundamental to the business of the courts.

We recognize that most state and local courts are struggling with unusual budgetary constraints that have slowed the pace of progress in this area. The DOJ Guidance acknowledges that recipients can consider the costs of the services and the resources available to the court as part of the determination of what language assistance is reasonably required in order to provide meaningful LEP access. *See id.* at 41,460. Fiscal pressures, however, do not provide an exemption from civil rights requirements. In considering a system's compliance with language access standards in light of limited resources, DOJ will consider all of the facts and circumstances of a particular court system. Factors to review may include, but are not limited to, the following:

- The extent to which current language access deficiencies reflect the impact of the fiscal crisis as demonstrated by previous success in providing meaningful access;
- The extent to which other essential court operations are being restricted or defunded;
- The extent to which the court system has secured additional revenues from fees, fines, grants, or other sources, and has increased efficiency through collaboration, technology, or other means;
- Whether the court system has adopted an implementation plan to move promptly towards full compliance; and
- The nature and significance of the adverse impact on LEP persons affected by the existing language access deficiencies.

DOJ acknowledges that it takes time to create systems that ensure competent interpretation in all court proceedings and to build a qualified interpreter corps. Yet nearly a decade has passed since the issuance of Executive Order 13166 and publication of initial general guidance clarifying language access requirements for recipients. Reasonable efforts by now should have resulted in significant and continuing improvements for all recipients. With this passage of time, the need to show progress in providing all LEP persons with meaningful access has increased. DOJ expects that courts that have done well will continue to make progress toward full compliance in policy and practice. At the same time, we expect that court recipients that are furthest behind will take significant steps in order to move promptly toward compliance.

The DOJ guidance encourages recipients to develop and maintain a periodically-updated written plan on language assistance for LEP persons as an appropriate and cost-effective means of documenting compliance and providing a framework for the provision of timely and reasonable language assistance. Such written plans can provide additional benefits to recipients' managers in the areas of training, administrating, planning, and budgeting. The DOJ Guidance goes on to note that these benefits should lead most recipients to document in a written LEP plan their language assistance services, and how staff and LEP persons can access those services. In court systems, we have found that meaningful access inside the courtroom is most effectively implemented in states that have adopted a court rule, statute, or administrative order providing for universal, free, and qualified court interpreting. In addition, state court systems that have strong leadership and a designated coordinator of language services in the office of the court administrator, and that have identified personnel in charge of ensuring language access in each courthouse, will more likely be able to provide effective and consistent language access for LEP

individuals. Enclosed, for illustrative purposes only, are copies of Administrative Order JB-06-3 of the Supreme Judicial Court of Maine, together with the September 2008 Memorandum of Understanding between that court and DOJ. Also enclosed for your information is a copy of "Chapter 5: Tips and Tools Specific to Courts" from DOJ, *Executive Order 13166 Limited English Proficiency Document: Tips and Tools from the Field* (2004).

The Office of Justice Programs provides Justice Assistance Grant funds to the states to be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and criminal justice information systems that will improve or enhance criminal justice programs including prosecution and court programs. Funding language services in the courts is a permissible use of these funds.

DOJ has an abiding interest in securing state and local court system compliance with the language access requirements of Title VI and the Safe Streets Act and will continue to review courts for compliance and to investigate complaints. The Civil Rights Division also welcomes requests for technical assistance from state courts and can provide training for court personnel. Should you have any questions, please contact Mark J. Kappelhoff, Acting Chief, Federal Coordination and Compliance Section (formally known as Coordination and Review Section) at (202) 307-2222.

Sincerely,

Thomas E. Perez
Assistant Attorney General

Enclosures

EXHIBIT B

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. PURPOSE

This document serves as the Judicial Branch of Arizona in Maricopa County plan ("Plan") to provide persons 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 of Arizona in Maricopa County consists of Superior Court, Justice Courts, Adult Probation and Juvenile Probation ("Judicial Branch"). The purpose of the Plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with the Judicial Branch.

The Plan was developed to ensure meaningful access to Judicial Branch services for persons 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. Although court interpreters are provided for persons 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.

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 persons 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 person (including the consequences of lack of language services or inadequate interpretation and translation); and

D. The resources available to the recipient and the costs.

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 persons in a courtroom, administrative hearing, pre- and post-trial 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[1]:

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 persons 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 persons 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 persons. Translation of other documents, if needed, can be provided orally; and

[1] 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.

C. Notwithstanding paragraphs (A) and (B) above, where the Judicial Branch has fewer than 100 persons 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.

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 2010 United States Census Report: 1) Spanish; 2) Navajo; 3) Chinese; 4) Vietnamese; and, 5) Arabic.

B. Maricopa County Census Data.

According to the 2005-2009 American Community Survey through the United States Census, 72.1% of the County's population spoke "English only" at home. The remaining 27.9 percent of the population reported speaking a language other than English (up from 25.9% in 2000), of which 13.9% spoke English "less than very well" (up from 11.4% in 2000).

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

CITS data indicates that Spanish and American Sign Language court interpreters are the most commonly requested interpreters in the Judicial Branch. During fiscal year 2011, there were 35,278 parties who needed a Spanish language interpreter, 2,056 parties who needed a lesser used language interpreter, and 237 parties who needed a sign language interpreter.

The upward trend for non-Spanish interpretation services continued during fiscal year 2011, with the following top six lesser used languages:

- Vietnamese 13.9%
- American Sign Language 12.6%
- Arabic 11.2%
- Somali 6.6%
- Russian 5.4%
- Korean 3.4%

IV. DETERMINING THE NEED FOR AN INTERPRETER IN THE COURTROOM

The Judicial Branch may determine whether an LEP person needs an interpreter for a court event in various ways. Interpreter need may be identified prior to a court proceeding by the LEP person or on the LEP person's behalf by a family member or friend, counter staff, self-service 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 person also has a pending court case, court staff should immediate utilize the iCIS database system to attach an interpreter flag to the person in the case where it is known that language assistance will be required.

V. INTERPRETERS IN THE COURTROOM

In the Judicial Branch, interpreters will be provided at no cost to parties, witnesses, victims, next of kin in victim cases, and in loco parentis in all court proceedings. It is the responsibility of the private attorney, Public Defender, County Attorney, and Attorney General to provide qualified interpretation and translation services for witness interviews, and pre-trial transcriptions and translations, unless the Judicial Branch has agreed to provide these services through an Intergovernmental Agreement with the agency.

VI. LANGUAGE SERVICES REGARDING NON-COURTROOM CONTACTS IN THE JUDICIAL BRANCH

The Judicial Branch is also responsible for taking reasonable steps to ensure that LEP persons have meaningful access to services outside the courtroom, such as contact with court personnel via the phone, the public counter, and other means. Judicial staff is required to ensure that all LEP persons requesting Judicial Branch services receive language assistance. Language assistance can be provided by staff that has successfully passed a language proficiency test, or through Language Line or other telephonic interpretation agency.

VII. METHODS OF LANGUAGE ASSISTANCE SERVICES

The Judicial Branch is responsible for taking reasonable steps to ensure that LEP persons 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 persons:

A. *"I Speak"* cards are useful to make initial determinations regarding which language a Judicial Branch customer is speaking. Such cards must be available and visible at customer service counters and with courtroom staff. Additional "I Speak" cards can be obtained by contacting the CITS Manager.

B. Signage placed within the Judicial Branch provides visible notice to LEP persons that language assistance is available to them and must be provided. Signage shall include at a minimum the following language: "The Judicial Branch provides persons with limited English proficiency with language assistance. Language assistance can be obtained for Judicial Branch services by asking for such service". CITS and Court Facilities is responsible for delivering and posting appropriate signage.

C. 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. CITS can assist with Language Line services.

D. Vital forms and documents, such as forms routinely used in the courtroom, must be translated to assist LEP persons, through Clerk of the Court, Court Administration, Self-Service Center, or through the Internet. The Judicial Branch emphasizes the importance of translating and providing essential forms and documents so that LEP persons have greater access to the Judicial Branch's services. Presently, all documents offered through the Judicial Branch's Self-Service Center are provided in Spanish.

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 and is in the process of adding information to all court orders, decrees, and judgments, instructing LEP persons to contact CITS if they need a translator to translate the document.

VIII. 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 utilizes staff and contract interpreters to provide translation services in compliance with court rules and court orders. All CITS interpreters are qualified via a testing process to ensure their competence to provide interpretation services in their respective foreign languages. All requests for interpretation services are submitted to CITS staff, who schedule interpreters for specific court assignments.

CITS provides interpretation services in person, over the phone, and via remote interpretation. For languages other than Spanish, CITS relies on independent contractors and agencies. CITS has a small team of staff translators that provide translation support to the entire Judicial Branch. They translate forms, brochures, correspondence, evidentiary material, and documents from English into Spanish and Spanish into English. For languages other than Spanish, CITS uses outside agencies and contractors.

B. Self-Service Center and Translation of Vital Forms and Documents

The Self-Service Center is a Judicial Branch program to assist self-represented parties in preparing their own legal forms and documents for use in court proceedings. Self-Service Center information and a wide selection of court forms and documents can be obtained in person at various court locations or through the Internet at www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter. All forms and instructions are available in English and Spanish, including the following types of Judicial Branch matters:

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

In addition, the Self-Service Center has bilingual staff available to assist LEP persons with questions about legal forms or court procedures. The Judicial Branch is also in the process of providing a link on its website on how to obtain language assistance.

C. Signage and Informational Materials

1. *"I Speak"* cards have been implemented throughout the Judicial Branch to facilitate the identification of LEP persons in need of language assistance. These cards 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

2. Signage placed within the Judicial Branch provides visible notice to LEP persons that language assistance is available and must be provided to them. The signage shall include at a minimum the following language: "The Judicial Branch provides persons with limited English proficiency with language assistance. Language assistance can be obtained for Judicial Branch services by asking for such service." CITS and Facilities are responsible for delivering and posting appropriate signage.

D. Hiring Bilingual Staff

Hiring of bilingual staff for direct contact positions facilitates in-person communication with LEP persons. Bilingual staff must be trained and have demonstrated competence to provide such interpretation services.

IX. TRAINING

The Judicial Branch prepared a video segment on Title VI conducted by consultant Bruce Adelson, which training has been a mandatory COJET requirement for all court staff and judicial officers. This training is also incorporated into the materials provided during all new employee and judicial officer orientation sessions. In addition, the Judicial Branch is working to increase awareness of LEP issues with those agencies who partner with the Judicial Branch to provide services for all persons who interact with the Judicial Branch and has made courses 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 persons.

XI. PUBLIC NOTIFICATION AND PLAN EVALUATION

This section pertains to the development of effective methods for notifying LEP persons 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. These signs must inform LEP persons of their right to

free language assistance services and invite them to identify themselves as persons 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 persons whose language is other than Spanish or English, assistance can be provided, as needed, through CITS The Judicial Branch is in the process of redesigning its website. Currently, the website provides locations and forms, instructions and procedures in Spanish. Once the website is redesigned, the Judicial Branch will continue to have the remaining sections translated.

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

E. Partnerships and collaborations 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 the requirement to provide an interpreter.

F. The Judicial Branch has also developed a complaint form and process, a copy of which is attached as “Exhibit A.”

XII. 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 persons, whether existing assistance is meeting the needs of such persons, 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.

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.

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 persons 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 persons who have requested court interpreters.

B. Number of LEP persons who have requested language assistance related to Judicial Branch services.

C. Assessment of current language needs to determine if additional services or translated materials should be provided.

D. Solicitation and review of feedback from persons who have used LEP court interpretation or translation services.

E. Review and assessment of how well Judicial Branch staff and judicial officers understand current LEP policies and procedures, and provide access to LEP services when appropriate and warranted.

To evaluate the specific data elements, staff will be 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.

EXHIBIT C

SUPERIOR COURT OF MARICOPA COUNTY

Section: C-102A Pg 1 of 11 Attachments_____	Original Date: 3/20/2012
Subject: LANGUAGE INTERPRETERS AND ACCESS TO THE COURTS BY PERSONS WITH LIMITED ENGLISH PROFICIENCY	New X Additional _____
Policy X Procedure X Information _____	Revision _____
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.	Date: March 20, 2012 _____ Norman J. Davis 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. Previously issued policies C-102A, C-102B, and C-102C are vacated.

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-Use 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 between client and court-appointed counsel; 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 out-of-court (non-court originated) translations or verifications of video or audio recordings, transcripts and lawyer-client conversations, witness interviews and letters needing translation by any legal office.

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, juvenile 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), the court shall not arrange, provide or pay for language interpretation or translation during or ancillary to a court proceeding to facilitate communication with private 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 (A). Private attorneys are expected to arrange for language interpretation for case preparation and general communication with parties outside of court proceedings at their own expense; unless counsel is appointed by the court and the party to the case is indigent and has received a fee waiver or deferral.

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-use 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 CIP 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, a third interpreter 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 of a cause before this court, and to written communication between or among counsel, client, victim, witness or next of kin when generated by public attorneys or their offices.

C. The translation of documents from a foreign language into English by CITS or by a language services contractor under the supervision of CITS shall be limited to instruments deemed necessary to the prosecution of a cause before this court, or to be offered into evidence, and to written communication between or among counsel, client, victim, witness or next of kin when directed to public attorneys or their offices.

D. Sight translations should be limited to non-technical and brief written documents either pre or post trial. Otherwise, written translation is the preferred mode.

E. 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 proceedings 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 conduct 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 administrator the oath to all contract interpreters and lesser-use 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 pursuant to Intergovernmental Agreement (IGA)
- Adult Probation
- Juvenile Probation
- Superior and Juvenile Court
- Justice Courts
- County Attorney pursuant to IGA
- Public Defender pursuant to IGA
- Office of Legal Defender pursuant to IGA
- Office of Legal Advocate pursuant to IGA
- Office of Court Appointed Counsel pursuant to IGA
- Contract Defense Counsel Appointed by the Court
- Others if Court Ordered by the Judge

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, Justice Courts, Adult and Juvenile Probation
in Maricopa County
Office of Equal Opportunity Programs
Limited English Proficiency (LEP) Complaint Form

Section 602 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." One of the reasons this law was established is to ensure that persons who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English be afforded meaningful access to programs, services and/or activities and information provided by any entity receiving federal financial assistance.

If you feel you have not been provided meaningful access to any court or probation service and/or activity, please complete this form and return it to Superior Court, Office of the Court Administration, 125 W. Washington, 5th Floor, Phoenix, Arizona 85003.

PLEASE COMPLETE AND SIGN:

I. Complainant Information:

Name: _____

Contact or Home Address: _____ City/State/Zip: _____

Telephone #: Home ( ) _____ Alternate # ( ) _____

Primary Language: _____

II. Complaint Description:

Name or Department and/or Program/Service/Activity: _____

_____

Name of individual (s) involved if known: _____

Address where incident occurred: _____

Date of incident: _____

Describe how you were not provided meaningful access: (Be specific and attach additional pages if necessary)

_____

_____

_____

Signature _____ Date: _____

The Superior Court, Justice Courts, Adult Probation and Juvenile Probation in Maricopa County are committed to improve access to its programs, services and activities for persons who are Limited English Proficient.

This form is available in Spanish and is available on the reverse side.