

**CIRCUIT COURT OF Vernon COUNTY
LANGUAGE ASSISTANCE PLAN
DEMOGRAPHICS AND INITIAL DATA**

Please fill in the following information for this county:

1. Demographics.

For this county:

- A. The Hispanic population is 186 , or 7 % of the county population.
- B. The Hmong population is 0 , or 0 % of the county population.
- C. Other common languages include: _____
- D. The number of people age 5 and older who speak English less than "very well" is _____, or 4.7 % of the county population.

2. Service information.

A. The courts need interpreters primarily for these types of cases (check all that apply):

- criminal juvenile traffic CHIPS small claims
 civil probate family restraining orders

B. The courts need Spanish interpreters:

- daily weekly monthly rarely

C. The courts need Hmong interpreters:

- daily weekly monthly rarely

D. The courts need sign language interpreters:

- daily weekly monthly rarely

E. The courts need other interpreters:

- daily weekly monthly rarely

languages (check all that apply):

- | | | |
|---|--|----------------------------------|
| <input type="checkbox"/> Albanian | <input type="checkbox"/> Chinese-Cantonese | <input type="checkbox"/> French |
| <input type="checkbox"/> Arabic | <input type="checkbox"/> Chinese-Mandarin | <input type="checkbox"/> Greek |
| <input type="checkbox"/> Bosnian-Serbian-Croatian | <input type="checkbox"/> Deaf Relay | <input type="checkbox"/> Hindi |
| <input type="checkbox"/> Bulgarian | <input type="checkbox"/> Farsi | <input type="checkbox"/> Italian |

- | | | |
|---|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> Japanese | <input type="checkbox"/> Portuguese | <input type="checkbox"/> Ukrainian |
| <input type="checkbox"/> Khmer | <input type="checkbox"/> Punjabi | <input type="checkbox"/> Urdu |
| <input type="checkbox"/> Korean | <input type="checkbox"/> Russian | <input type="checkbox"/> Vietnamese |
| <input type="checkbox"/> Lao | <input type="checkbox"/> Somali | |
| <input type="checkbox"/> Mai-Mai/Bantu | <input type="checkbox"/> Thai | |
| <input type="checkbox"/> Polish | <input type="checkbox"/> Tibetan | |
| <input type="checkbox"/> Other (specify): _____ | | |

3. Federally-funded programs:

- VAWA drug court CHIPS subgrant
 juvenile delinquency funding child support cooperative agreement
 law enforcement grant federal training grant x other: _____ see
attachment

4. Local language and cultural resources:

- Community groups:
- Social services agencies:
- Interpreting & translating agencies:
- Two-Year and Four-Year Colleges: Western Technical College
- Hospitals:

5. Evaluation measures:

- all court personnel who interact with the public will be informed of this plan
- all court personnel who work with the public, or who appoint or work with interpreters, will receive the two-page summary on effective use of interpreters
- signs will be posted in visible locations informing court users that interpreters are available
- clerk of court staff and intake staff will be given “I speak” cards for identifying language needs (available on court website)
- all staff who hire interpreters will be informed of the court interpreter roster and hire interpreters from it (available on court website)
- court staff will use translated material available from the state and locally (available on court website)
- this plan will be filed with the county administration and distributed to interested community groups and agencies as requested
- new staff will be informed of the plan as they are hired

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3. Federally-funded programs:

Law enforcement grant; Grant funds have been received in the past.
There are no open grants at this time.

Federal training grant; Grant funds have been received in the past.
There are no open grants at this time.

Other; Department of Human Services-state block grant.

6. Local contact person. The following person has been designated to coordinate language services with other county agencies and with the director's office:

_____ Kathy Buros, Clerk of Court _____

7. Effective date. The effective date of this language assistance plan is 10/18/08.

Michael J. Buros
Judge

**CIRCUIT COURT OF Vernon COUNTY
LANGUAGE ASSISTANCE PLAN
NARRATIVE**

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Section I. Legal basis and purpose

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

The purpose of the plan is to provide a framework for the provision of timely and effective language assistance to persons with limited English proficiency who come in contact with **Vernon County Circuit Court**. It is designed to be read in conjunction with the Wisconsin Director of State Courts Plan explaining the relevant federal law and guidance.

Counties that receive federal funding for court programs are required to submit a language assistance plan to the director's office every two years. The U.S. Department of Justice has the right to investigate complaints against any federally-funded agency that does not provide free language services when necessary to participate in the program. An agency's federal funding may be withheld until the complaint is resolved.

[COMMENT: All counties are encouraged to review the requirements and submit plans, particularly counties with high LEP populations. Circuit courts may participate in county plans instead of using this model plan as long as the same elements are addressed.]

Section II. Needs assessment

The circuit court of each county is responsible for conducting a needs assessment and developing a local language assistance plan to meet the court-related needs of the county population.

[COMMENT: The circuit courts may choose to coordinate with the county administration and other county offices in evaluating and providing language services. The circuit court should update its needs assessment biennially and determine whether changes to its language assistance plan are required. This can include tracking the number of interpreters requested for each language, consulting new demographic information, observing trends in court usage, making sure the county is using the most-qualified interpreters available, reviewing translated materials,

training staff, and finding out what new services are being offered. The language assistance plan should consider the county's demographics and language needs, the frequency with which LEP persons use the courts, the importance of the services offered, and a cost-benefit analysis.]

1. Demographics.

The demographic data for *Vernon County* is listed below:

POPULATION	NUMBER	PERCENT OF COUNTY POPULATION
Hispanic	186	7%
Hmong	0	0
Other(s):	0	0
Number of people age 5 and older who speak English less than "very well"		4.7%

[COMMENT: Language needs vary by county. Population data by county from the 2000 US census, showing foreign language speakers and the number of speakers who speak English less than "very well" is available. The Wisconsin Population Laboratory publishes reports on the Hispanic and Hmong populations of Wisconsin with county-by-county demographic data. These reports are found at <http://www.ssc.wisc.edu/poplab/>]

2. Service information.

In *Vernon County*:

[DIRECTIONS: provide information from Q2 Service Information indicating case type and frequency for each language listed]

A. The courts need interpreters for these types of cases primarily: criminal, traffic, family & restraining orders

B. The courts need Spanish interpreters rarely.

C. The courts need Hmong interpreters rarely.

D. The courts need sign language interpreters rarely.

E. The courts need interpreters in the following languages (list language and frequency) Indic (rarely)

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

3. Costs.

Vernon County will monitor the amount spent on court interpreter services and the amount reimbursed by the state. As the county LEP population increases, the number of interpreter appointments will necessarily increase. Since Wisconsin state laws changed requiring courts to provide interpreters in all cases, the need for interpreters will also likely increase.

Vernon County costs for interpreters and reimbursement:

[DIRECTIONS: provide information from quarterly reimbursement request forms and accounting records]

YEAR	AMOUNT COUNTY SPENT ON INTERPRETER SERVICES	AMOUNT STATE REIMBURSED COUNTY FOR INTERPRETER SERVICES	PERCENTAGE
2007	\$2,350	\$920	39%
2006	\$1,283	\$1,196	93%
2005	\$410	\$407	99%
2004	\$1,220	\$810	66%

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

Section III. Court responsibilities

State court responsibilities. The director of state courts office has made great progress in improving court interpreter services statewide. The supreme court has supported this effort through requests for additional funding, statutory changes, and changes to court rules. The director's office will continue its central role in training and testing interpreters, training judges and court staff, translating court materials, and pursuing statutory changes and funding. The state court interpreter program is described on the court's website at <http://www.wicourts.gov/circuit/CourtInterpreter.htm>.

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

The primary obligation to pay for court interpreter services also rests with the county. Counties may be reimbursed by the state from an annual appropriation to the director of state courts office,

under §885.38(8)(a) and §758.19. The criteria for state reimbursement are set by statute and are summarized in Attachment D. Reimbursement is provided for all in-court proceedings in all case types regardless of indigency and for some out-of-court services with court approval.
885.38(3)(e)

Interpreters or other services will be provided to deaf and hard-of-hearing court users covered by the Americans with Disabilities Act (ADA) when needed. The costs of these services will be borne by the county and will not be charged to the court user, indigent or not.

IV. Resources available.

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

To take full advantage of the state programs:

- All interpreters who work regularly in the courts should attend court training programs. Court staff will inform local interpreters about training opportunities.
- Court staff will make state-translated forms available to appropriate court users. Courts will evaluate requested local materials and consider having them translated by accredited professional translators. State-translated forms are available on the court website at <http://wicourts.gov/forms1/circuit.htm>
- Courts will use "I speak" cards to help identify which language a court user speaks.
- Courts will post signs in visible locations informing court users of the right to an interpreter.

Appointing an interpreter.

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

When a person appears in-court needing an interpreter a telephone language line service is used. Cards are posted in each courtroom to identify the language spoken.

Prior to the next hearing, a certified interpreter is contacted from the roster. A notice of hearing is sent to the interpreter. Certified interpreters are the first choice, if none is available, a non-certified court interpreter is appointed. The state roster is used exclusively. Translated materials are provided to the interpreter and the individual.

When a person comes to the clerks counter for assistance a telephone language line service is used. A card is posted to identify the language spoken.

Videoconferencing and real-time reporting are available.

Situations to consider: In-Court

- when a person appears in-court needing an interpreter what happens if no interpreter is readily available for the hearing; how is the court file “flagged” that an interpreter is needed; are CCAP interpreter maintenance codes used and if so, who enters that information and when; how do you ensure an interpreter will be there at the next hearing; do you send an interpreter a hearing notice; who is the person responsible for locating an interpreter; is real-time reporting available; is video-conferencing available in the courtroom; do you use the roster or some other list

Situations to consider: Out-of-Court

- when a Hmong or Spanish-speaking person comes to the clerks counter looking for assistance what happens (to pay a fee, file a petition, etc.); are bilingual staff available to assist; do you use the roster to contact someone via telephone; how are translated materials made available

- when a deaf or hard of hearing person comes to the clerks counter looking for assistance what happens (to pay a fee, file a petition, etc.); are there video capabilities

- when a person who speaks a more rare language comes to the clerks counter looking for assistance; do you have a telephone language line account set up with a provider; are “I speak” cards available to identify the language spoken;

RECOMMENDED PRACTICE: A certified interpreter should be the first choice for appointment if available. When a diligent effort has been made to find a certified court interpreter and none is available, the court may appoint a non-certified court interpreter who is on the statewide roster. If neither a certified nor roster interpreter is available, the court may appoint a non-certified interpreter who is not listed on the statewide roster and who is otherwise qualified.

RECOMMENDED PRACTICE: The court may also use a video or telephone interpreter in appropriate circumstances. Telephone interpreting can be a good choice if the hearing is short, if the distance an interpreter will have to travel is long, or if a rare language is needed. A well-qualified interpreter hired over the phone is a better choice than a poorly-qualified local interpreter or a non-professional

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

Local resources. Community resources may be of assistance in finding interpreters or translators. They include social services agencies, community groups and cultural centers, professional interpreting and translating agencies, college language departments, local hospitals,

and schools. Courts understand that interpreters from these sources are not necessarily prepared to do court work and will be questioned carefully about their qualifications. Court interpreters will be hired from the roster whenever possible.

Section V. Public input

A copy of this LEP is posted on this court's website and can be found at www.vernoncounty.org. Copies of state and local language assistance plans may be available to the public upon request.

Complaints regarding language access and services may be brought to the attention of the district court administrator and to the director's office for review. Complaints about interpreters who have allegedly engaged in unethical or unprofessional conduct in the course of performing their interpreter duties should be similarly reported. A grievance procedure for filing complaints against interpreters was developed and is posted on the court's website at <http://wicourts.gov/services/public/interpretercomplaint.htm>

Patrick Brummond, District Court Administrator, 333 Vine St, Room 3504, LaCrosse, WI 54601-3296

Section VI. Training

Circuit court staff training.

Front line staff members are often the first points of contact with LEP individuals. Deputy clerks of courts and judicial assistants will be trained on ways to identify limited English proficiency, best practices on delivering services, and cultural issues. Staff will also be reminded of the requirements of the Americans with Disabilities Act (ADA). As new employees are hired, information on the language assistance plan and the ADA will be included in their new employee orientation.

[COMMENT: The director's office and the office of judicial education can provide programs for judges, court staff, and others on how to use interpreters in court, how to communicate effectively with persons of limited English proficiency, and cultural understanding. Court staff should contact the director's office to request training.]

Section VII. Evaluation

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

- number of LEP persons receiving court interpreters
- assessment of whether staff members adequately understand language assistance policies
- determination if additional services or translated materials should be provided
- feedback from community groups and individuals in the service area of each court.

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

Local contact person.

A court staff member is designated to coordinate language services with other county agencies and with the director's office. This person is listed below:

Kathy Buros, Clerk of Court, P.O. Box 426, Viroqua, WI 54665. Phone (608) 637-5340; e-mail kathleen.buros@wicourts.gov.

State contact person. For questions about interpretation and implementation of this plan, please contact Carmel Capati, Office of Court Operations, 110 East Main St. #410, Madison WI 53703. Phone 608-266-8635; e-mail carmel.capati@wicourts.gov.

Attachments: Summary of demographic data
Two-page summary on effective use of court interpreters

Court interpreters in Wisconsin

Limited English proficiency:

- means the inability to adequately hear, understand or communicate effectively in English in a court proceeding. Wis. Stats. §885.38(1)(c). Many people communicate at a basic level at work or in the community, but court participation requires more sophisticated skills.
- limited English proficiency may be due to a non-English native language or due to speech impairment, hearing loss, deafness or other disability.
- to participate effectively in court, a person must be able to describe events and conversations, request clarification, understand the implications of testimony, and understand the judgment & conditions imposed.
- to test for limited English proficiency, the court should ask open-ended questions that require complete sentences as answers, and ask about common legal terms that most native English speakers understand.

In all criminal and civil proceedings:

- if the person has limited English proficiency as defined above, or if court determines that the person needs an interpreter to communicate with counsel, understand English testimony, or be understood in English;
- then court shall advise person of right to a qualified interpreter. §885.38(3)(a). This determination does not require an elaborate hearing.
- an interpreter shall be appointed at public expense if the person is a party; a witness while testifying, a crime victim, a parent of a minor party, a legal guardian, or another person affected by the action if deemed necessary & appropriate by the court. §885.38(3)(a).

Other situations:

- the court may appoint an interpreter in additional proceedings. §885.38(3)(e)&(f).
- the court must appoint if the need for an interpreter is due to a disability under the Americans with Disabilities Act (ADA).
- the court should appoint if the court receives federal funds for court programs.
- the clerk of circuit court may appoint interpreters for questions at the counter. §885.38(3)(d).

A qualified interpreter:

- is able to readily communicate with the person of limited English proficiency.
- can orally transfer the meaning of statements between languages.
- can interpret without omissions or additions, conserving the meaning, tone, & style of the original statement, including dialect, slang, & specialized vocabulary. §885.38(1)(c).
- the court must establish interpreter's qualifications as an expert witness and swear the interpreter in. §906.04. The court should ask interpreters about their experience, training, and certification.

- good interpreters will know the code of ethics for court interpreters, will attend trainings offered by the court, and will pursue continuing education.
- a “certified” interpreter has passed a rigorous oral performance exam given by the director of state courts office, or has been granted reciprocity for passing a similar exam given by the federal courts, another state, or the Registry of Interpreters for the Deaf.

Court interpreter code of ethics:

- interpreters should review the file prior to court proceedings. SCR Ch. 63.
- interpreters should talk briefly with the person of limited English proficiency to be sure communication is established.
- interpreters should suggest the best position in courtroom.
- interpreters should clarify statements, correct mistakes, and check dictionaries.
- interpreters may not explain court procedures or documents. They can read documents but cannot explain or answer questions about them.
- interpreters may not act as advocates or advisers. The judge should instruct the parties, attorneys, and jurors on the role of the interpreter.
- judges and attorneys should observe interpreters to make sure all statements are interpreted but no conversation is going on.

Recommended practices:

- use the best-qualified interpreter available, taking into account the seriousness of the proceeding. Certified interpreters should be called first whenever available.
- do not use friends or relatives of the parties as interpreters for any serious questioning. In court, do not use social workers, victim advocates, law enforcement officers, or others with real or apparent conflicts of interest .
- speak clearly, at a moderate pace, one person at a time.
- provide rest breaks as needed, since interpreter accuracy declines significantly after 30 minutes of continuous interpretation. Consider using two interpreters for trials and longer contested proceedings over four hours.
- telephone interpreting services may be used for proceedings other than trials. §§807.14, 967.09.
- court staff should be aware of which court forms have been translated and make them available to appropriate court users.

Summary provided by Wisconsin Director of State Courts Office, January 2004 and updated in June 2008. For more information on using court interpreters, see Wisconsin Judicial Criminal Benchbook Chapter 2. For the full text of the statutes and rules affecting court interpreters and for more information about the program, see:

Wisconsin Court Interpreter Program
<http://wicourts.gov/services/interpreter/index.htm>

WISCONSIN LANGUAGE DATA, 2000 U.S. CENSUS¹
ATTACHMENT C, AB 04-__

	Vernon	Vilas	Walworth	Washburn	Washington	Waukesha	Waupaca
Population	28,056	21,033	93,759	16,036	117,493	360,767	51,731
Hispanic	186	181	6,136	143	1,529	9,503	714
percent	0.7	0.9	6.5	0.9	1.3	2.6	1.4
Hmong	0	0	4	0	45	76	6
percent	0	0	0	0	0	0	0
Speak a language other than English at home	9.3	5.0	9.0	3.1	5.0	5.9	3.7
Speak English "not very well" or "not at all"	4.7	1.2	3.9	0.9	1.7	1.9	1.1
Language							
(5 years and over)	26,213	20,159	88,296	15,212	109,493	337,664	48,632
Speak only English	23,771	19,154	80,321	14,733	104,005	317,650	46,820
Speak other language	2,442	1,005	7,975	479	5,488	20,014	1,812
Spanish or Spanish Creole	265	257	5,193	219	1,874	7,267	686
Other Indo-European languages							
French (incl. Patois, Cajun, Creole)	63	28	388	65	245	1,000	105
Italian	16	22	103	8	86	736	15
Portuguese or Portuguese Creole	0	0	5	0	0	184	0
German	925	234	634	47	2,192	4,027	611
Yiddish	0	0	0	0	0	0	0
Other West Germanic languages	523	21	42	0	30	102	33
Scandinavian languages	480	26	147	56	123	183	154
Greek	7	5	90	0	12	539	0
Russian	10	6	37	0	39	255	5
Polish	20	73	414	20	156	603	50
Serbo-Croatian	3	11	24	0	33	392	0
Other Slavic languages	79	18	67	5	31	255	47
Armenian	0	0	3	0	0	62	0
Persian	0	0	14	0	65	119	0
Gujarathi	0	0	36	0	30	203	0
Hindu	0	0	49	0	0	384	0
Urdu	0	0	41	0	75	268	6
Other Indic languages	2	0	53	0	52	170	0
Other Indo-European languages	2	21	105	9	42	299	11
Asian and Pacific Island languages							
Chinese	0	21	65	0	72	784	0
Japanese	12	16	118	5	21	226	40
Korean	0	22	25	8	46	341	0
Mon-Khmer, Cambodian	0	0	0	0	0	0	0
Miao, Hmong	0	2	16	5	0	58	0
Thai	6	0	24	0	6	70	0
Laotian	0	14	0	0	0	94	0
Vietnamese	0	15	45	0	41	168	13
Other Asian languages	6	22	9	0	8	435	5
Tagalog	11	23	99	0	46	252	12
Other Pacific Island languages	0	11	36	0	0	46	0
Other languages							
Native North American languages	10	100	26	18	23	61	0
Hungarian	0	4	30	3	31	109	2
Arabic	0	2	16	0	50	109	0
Hebrew	0	0	0	0	34	79	0
African languages	0	11	14	0	3	37	17
Other and unspecified languages	2	20	7	11	22	97	0