

CARL F. GERDS III
DISTRICT JUDGE



STATE OF MICHIGAN
DISTRICT COURT
THIRTY-EIGHTH JUDICIAL DISTRICT

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Administrative Order 2013 - 2⁰¹

LANGUAGE ACCESS PLAN

In accordance with Supreme Court Administrative Order 2013-8, the court establishes this Language Access Plan (LAP) to provide for the language access needs of court users.

This LAP is the plan for the court to ensure meaningful access to court services for persons with limited English proficiency (LEP). A limited English proficient person is a person who does not speak English as his or her primary language, and who has a limited ability to read, write, speak, or understand English, and by reason of his or her limitations, is not able to understand and meaningfully participate in the court process.

The purpose of the plan is to provide a framework for the provision of timely and effective language assistance to LEP persons who come in contact with the court.

The court has appointed a language access coordinator to be a contact person for the public, court staff, and SCAO concerning this plan and its implementation. The language access coordinator may be contacted through the court administrator's office.

IT IS ORDERED:

Section I. Needs Assessment

A. Census Data

The court will make every effort to provide service to all LEP persons in the court's service area. The following list shows the non-English languages most frequently spoken in the court's physical jurisdiction.

- Spanish
- Polish
- Italian
- Tagalong
- Hmong

B. Court Experience

Based on court usage, the following list shows other non-English languages spoken in the court and not reflected in the US Census data.

- Arabic

C. Identification of LEP Persons

Court staff use the following methods to identify LEP persons:

- *Use "I Speak" translation cards with various languages shown to customers.*
- *Show customers all SCAO forms in languages for customers to choose primary language.*
- *LEP person brings family member or friend to assist in communicating with court staff.*

Section II. Language Assistance Resources

A. Interpreters Used In the Courtroom

The court will offer assistance to LEP persons in the courtroom by providing foreign language interpreters as required by Michigan Court Rule 1.111.

B. Language Services Outside the Courtroom

The court will take reasonable steps to ensure that LEP persons have meaningful access to services outside the courtroom. This is one of the most challenging situations facing court staff, because in most situations they will encounter LEP persons without an interpreter present. LEP persons may come in contact with court personnel via:

Court staff most often encounters LEP persons at the lobby windows when they check in for court proceedings, make payments or for general court inquiries. Our Probation Department may encounter LEP persons after a referral from the Judge for a presentence investigation, to monitor bond conditions or after placement on probation. Probation Officer may encounter LEP individuals ordered to submit to regular alcohol testing's. LEP individuals may find it challenging if they are ordered to engage substance counseling, AA/NA meetings or community service. The court also encounters LEP persons via telephone for contesting citations, making payments or for general court inquiries.

Court staff will consult with the court's language access coordinator to determine what type of language service should be made available, based on the nature and importance of the court service to be provided and resources available. The following language services are available:

The court plans to overcome language barriers during counter interactions with the use of "I Speak" cards to determine the primary language and if there is an available SCAO form to assist the LEP individual through the court process. Staff may also use the assistance of friends and family that appear with the LEP individual to handle basic interactions such as making payments and answering general inquiries. If neither option is available, staff may initiate contact with the court's contracted telephonic interpretation service.

Upon referral from the Judge, Probation Officer may meet with the LEP individual to determine if an interview can be conducted immediately using the court's contracted telephonic interpretation service or if an appointment is warranted to secure an in-person interpreter. Probation Officer will recommend available counseling, support and treatment resources for LEP individuals ordered to complete such programs by the Judge.

Court Staff initially handles all phone interactions with LEP individuals. If an interaction is determined by staff and/or the Language Access Coordinator too complex, court staff has the option to use the court's contracted telephonic interpretation service or an available friend or family member to recommend that the LEP individual appear at the court where additional services are available or may be obtained.

The court maintains a list of in-person interpreters. Court staff will interact with Language Access Coordinator to determine other services that may be reasonably available.

C. Service Referrals

The court will make reasonable efforts to ensure that a non-federally funded entity to which the court refers LEP persons for services has provisions for addressing their needs. The court will consider viable alternatives if language access is not provided by such a non-federally funded entity.

D. Forms & Documents

The State Court Administrative Office (SCAO) makes select translated forms available to the courts at <http://courts.michigan.gov/Administration/SCAO/Forms/Pages/default.aspx>.

1) Additional translated forms available to court users include:

- a) The court has no additional forms that are readily translated.*

When in-person interpreters are hired for court proceedings, they are expected to provide sight interpretation of documents for LEP persons.

2) Courthouse translation for LEP

- a) The court maintains a list of in-persons interpreters*
- b) The court has contracted with a telephonic interpretation service*

E. Other Provisions

In an effort to provide LEP persons language access to court information, the court also provides the following:

- The court shares a building with the Eastpointe Police Department. The court provides a list of in-persons interpreters and has provided the police department with "I Speak" cards.*

Section III. Training

The court is committed to training its judges and court staff, and coordinating with county clerks on providing LEP persons with meaningful access to court services. When the court provides training sessions, it will include a component addressing LEP policy and procedure and the court's LAP. The

court is aware that staff members having contact with the public are more likely to need in-depth training on LEP policy and procedure.

The court will work with SCAO and MJI to ensure that all employees are trained on LEP policy and procedure. Training will be offered to assist judges and staff to: identify and respond to LEP persons, increase awareness of the types of language services available, guide when and how to access those services, and effectively use language services.

The court provides to judges and court staff and offers to county clerks the following training regarding language access:

Court staff is trained on this language access plan by knowing available resources for overcoming language barriers for LEP persons. Court employees are required to participate in cultural sensitivity training and programs offered through the Michigan Judicial Institute or State Court Administrative Office.

Section IV. Public Notification and Evaluation of Language Access Plan

A. Language Access Plan Approval and Notification

The court's LAP has been approved by the State Court Administrative Office. The court will post its LAP on its public website (if available) or public notification area within the courthouse and will make copies of the LAP available upon request.

The court consulted with the following members of the community in creating its LAP:

- City of Eastpointe
- Eastpointe Police Department
- Macomb Intermediate School District

B. Evaluation and Review of the LAP

At the direction of SCAO, or on its own initiative, the court will assess whether the LAP needs updating. The LAP will remain in effect unless modified or updated. Review of the following areas may indicate a need to update the LAP:

- Number of LEP persons requesting court interpreters or language assistance
- Funding provided or available for languages services
- Current language needs to determine if additional services or translated materials should be provided
- Feedback from LEP communities within the county
- Court staff (turnover, new hires, etc.)
- Feedback from trainings provided by the court or SCAO/MJI
- Viability of identified language services and resources
- Problem areas and corrective action strategies
- Updated census data

The language access coordinator for this court ensures this plan is followed, advises the court on potential updates to this plan, and coordinates the language access needs for the court as they arise. The court has identified the name and contact information of the language access coordinator and advised the State Court Administrative Office. The court will notify the SCAO regional office of any changes to the language access coordinator's contact information, or if a new language access coordinator is named.

Date: 11/29/2013


Hon. Carl Gerds

Effective Date: 11/29/2013