

SECOND JUDICIAL CIRCUIT COURT

Lincoln & Minnehaha Counties

Strategic Language Access Plan

I. Legal Basis and Purpose

This document serves as a plan for the Second Judicial Circuit Court, Unified Judicial System of the State of South Dakota, to provide persons with Limited English Proficiency (LEP) services that are in compliance with Title VI of the Civil Rights Act of 1964, Americans with Disabilities Act (ADA), Executive Order 13166; and SDCL 19-3 and SDCL 19-14 et al, which are reproduced in the current South Dakota Laws Concerning Court Interpreting section of the *2011 Report to the South Dakota Supreme Court, Supreme Court's Committee to Study the Use of Interpreters and Translators in the South Dakota Court System*. Detailed guidance is also posted on <http://www.lep.gov/> (Limited English Proficiency, A Federal Interagency Website).

The purpose of this plan is to ensure meaningful and effective communication assistance to LEP individuals that come in contact with the Second Judicial Circuit Courts. In accordance with federal mandates and state requirements, this court and all its personnel shall inform members of the public that language assistance services are available to qualified LEP individuals; and upon request or as deemed necessary by the Second Judicial Circuit Court, accommodate such needs.

II. Needs Assessment

According to the 2010 census data, 7.5% of the state's population (over the age of five) speaks a language other than English and 28% of them indicated they speak English less than "very well". Records indicate that the Second Judicial Circuit Court averaged 3.6 interpreter appointments per day, with the top three languages and their distribution as follows:

1. Arabic – 45%
2. Spanish – 25%
3. All Other – 30%

The Second Judicial Circuit Court currently determines LEP needs and provides interpreter services in all cases and office activities in accordance with all applicable laws; and will continue do so in compliance with any policies, rules and laws established pertaining to interpreter services.

III. *Language Assistance Resources*

A. Identifying the Need for an Interpreter

SDCL 19-3-7 states, "When a witness cannot communicate or understand the English language the court shall procure and appoint a disinterested interpreter or translator for him..." Listed below are factors taken into consideration while assessing interpreter needs:

- Inability to accurately describe persons, places and events related to the proceeding due to a non-English speaking background or hearing impairment;
- Inability to tell the court "what happened" over a period of time;
- Inability to request clarification when statements are vague or misleading, to defend or advocate a position, or otherwise meaningfully participate in a proceeding;
- Lack of equal footing with an English speaking person with an equivalent education or background;
- Inability to speak or understand English; and translation is necessary to allow for effective participation in a proceeding.

Further Analysis: An individual who cannot speak English, or cannot otherwise understand a communication in English, qualifies for appointment of an interpreter if:

- ✓ The individual is a party to a proceeding;
- ✓ The individual's presence is necessary or desirable in a proceeding (e.g. the parent of a juvenile involved in a proceeding, power of attorney, etc.);
- ✓ The individual is a person that would be directly affected by any action or decision in the proceeding;
- ✓ The individual is a witness in a proceeding.

B. Providing Interpreters in the Courtroom

The Second Judicial Circuit Court's Administrative Office maintains an updated list of interpreters, including local agencies and private individuals ("freelancers"). The following are merely a few languages on the list: Arabic, Spanish, Amharic, Tigrinya, Lao, Kunama, Mai Mai, French, German, Japanese, Vietnamese, Somali, Bantu and various other languages. Communication Services for the Deaf is also referenced.

In the event a language-specific interpreter is needed but is not on the list, Second Circuit Court Administration will consult with Lutheran Social Services, Community Interpreter Services, A To Z Languages Inc., Language Line, the Multicultural Center of Sioux Falls, or other outside sources to locate the desired interpreter.

Although the South Dakota Court System does not have formal interpreter certification requirements, the Second Judicial Circuit Court is actively committed to providing the best possible interpretation in all our courtrooms; and requires adequate fluency in English and the interpreted language.

Careful consideration is given to the current degree of difficulty in providing interpretation for extremely rare languages, particularly East African dialects and other languages where local interpreters simply do not exist. Remote video and other

interpreting methods may be used to provide such services what practical, local alternatives are not available. Further, the court is aware that deep historic cultural and political conflicts and tensions may persist from the countries of origin of some local groups of non-English speakers. When such conflicts do exist, local interpreters have sometimes refused to provide interpretation services to particular individuals, or the Court itself may have concerns about impartiality. When such situations do arise, the Court will seek interpreter services from other jurisdictions.

IV. Training and Evaluation

The Second Judicial Circuit Court is committed to providing language access training opportunities to all judicial and non-judicial members. Currently, training is conducted periodically in various ways; newly established policies, rules and laws pertaining to interpreter services will be implemented without hesitation.

The Second Judicial Circuit Court will maintain and routinely assess the LAP in accordance with mandated policies, rules or laws. The plan may be revised at any time but reviewed not less than once a year. Each year, the Court Administrator and Presiding Judge will review the effectiveness of the court's LAP and revise as necessary. The LAP will be evaluated for problem areas and development of corrective action strategies. Elements of evaluation will include:

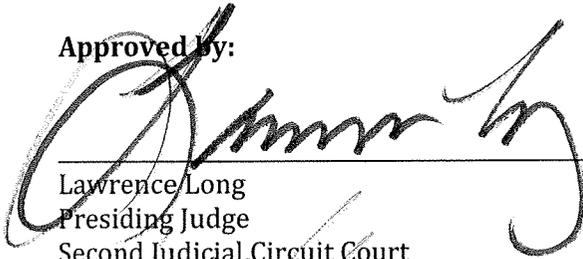
- Number of LEP services requested;
- Assessment of current language needs, services and materials;
- Review court employee training sessions feedback;
- Customer satisfaction feedback.

V. LEP Plan Effective Date

December 11, 2012

VI. Approval

Approved by:



Lawrence Long
Presiding Judge
Second Judicial Circuit Court

Dec 11, 2012
Date



Karl Thoennes III
Court Administrator
Second Judicial Circuit Court

December 11, 2012
Date