

## **LANGUAGE ACCESS PLAN (LAP)**

### **I. LEGAL BASIS AND PURPOSE**

This document serves as the plan for the Eighth Judicial District Court to help ensure meaningful access for all limited English proficient (LEP) individuals who use the court's services. 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 under the Nevada Revised Statutes.

The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with the Eighth Judicial District Court. It is designed to be read in conjunction with the Nevada State Court Plan explaining the relevant federal laws and guidance.

Appellate and Trial Courts/Judicial Districts that receive federal funding for court programs are required to submit a language access plan to the Nevada Administrative Office of the Courts (AOC), Certified Court Interpreter Program office every two years. The U.S. Department of Justice (DOJ) 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.

### **II. NEEDS ASSESSMENT**

#### **A. Statewide**

Nevada provides court services to a wide range of persons, including people who do not speak English or who have a limited knowledge and understanding of English. Service providers include the trial courts at the District, Justice and Municipal Court levels. The LEP population in Clark County is determined by the US Census Bureau data updated every ten years. Changes in the LEP population should be monitored via mid-census estimates and projections from the American Community Survey (ACS). The United States Census Bureau estimates that, as of 2014, approximately one-third of Clark County residents speak a language other than English in the household; and, approximately two-fifths of those residents speak English "less than very well."

According to 2000 U.S. Census data, the most widely used languages for interpreters in Nevada were (in descending order of frequency):

1. Spanish
2. Tagalog
3. Chinese
4. Vietnamese

## **B. Supreme/District/Justice/Municipal Court**

The Eighth Judicial District Court will make every effort to provide service to all LEP persons. However, the following list shows the non-English languages that are most frequently used in the county/municipality.

1. Spanish
2. Tagalog
3. Chinese
4. American Sign Language

The Eighth Judicial District Court has identified the following additional language assistance needs among court users in the state/county/municipality.

1. Amharic
2. Farsi
3. Korean
4. Vietnamese

This information is based on input from interpreter scheduling requests. In compiling this information on local language needs, the following individuals and groups were consulted:

1. Interpreter staff
2. Contract interpreters
3. Requesting Agencies
4. Court officers

## **III. LANGUAGE ASSISTANCE RESOURCES**

### **A. Interpreters Used in the Courtroom**

The use of court interpreters (both sign language and non-English spoken language) is guided by the Nevada Revised Statutes, Chapter 1, entitled “*Interpreters and Translators*” – NRS 1.500 through 1.560, respectively.

It is the law of Nevada to secure the constitutional rights of persons with communications disabilities who are unable to readily understand or communicate the spoken English language and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them. See NRS 50.050 through 50.053. It is also the law of Nevada to secure the rights, constitutional or otherwise, of persons who, because of a non-English speaking cultural background, are unable to readily understand or communicate in the English language and who consequently cannot be fully protected in criminal proceedings unless qualified interpreters are available to assist them. See NRS 50.0545.

If the current list of Nevada Certified and Registered court interpreters, maintained by AOC, does not include an interpreter certified or registered in the language spoken by the LEP person, the appointing authority shall assign a qualified interpreter who underwent a proper voir dire process.

Community resources may be of assistance in finding interpreters or translators. These include, but are not limited to 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 interpreters will be questioned carefully about their qualifications. Court interpreters will be hired from the Nevada Certified Court Interpreter Program roster whenever feasible.

## **1. Determining the Need for an Interpreter in the Courtroom**

There are various ways that the Eighth Judicial District Court will determine whether a LEP court customer needs an interpreter for a court hearing.

First, the LEP person may request an interpreter. The Eighth Judicial District Court displays signage translated into Nevada's four most frequently used foreign languages that states: "To determine if you qualify for court-appointed interpreter in your case or for any other interpreter questions you may contact 671-4878 or 455-1878." The Eighth Judicial District Court displays this sign at the information booths of the Regional Justice Center and the Family Court Complex.

Second, court personnel and judges may determine that an interpreter is appropriate for a court proceeding. 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 level of English proficiency or communication skills needed to understand the court proceeding. Therefore, when it appears that an individual has any difficulty communicating, the court administrator or judge should err on the side of providing an interpreter to ensure full access to the courts.

Finally, outside agencies such as probation, attorneys, social workers or correctional facilities may notify the court/court interpreter services scheduler about a LEP individual's need for an interpreter for an upcoming court hearing.

### Comments

- a. *When a LEP person appears for court and no interpreter is readily available to assist, the courtroom clerk shall contact the interpreter's office to request interpreter assistance at (702) 671-4578 RJC or (702) 455-1878 Family Court.*
- b. *Cases requiring interpreter assistance are flagged by the courtroom clerk in the court's case management system.*
- c. *Interpreter office staff uses interpreter codes in their court interpreter program for scheduling and administrative purposes.*
- d. *Once a case in the system, follow-up dates are scheduled and assigned.*
- e. *Interpreters are notified of assignments via telephone, email, text messages, and in-person.*
- f. *Staff in the interpreter's office are responsible for locating and securing interpreters in response to requests received.*
- g. *Only interpreters certified by and in good standing with the Nevada Supreme Court are used for Spanish interpreter requests. For interpreter requests in other than Spanish languages, the court prioritizes interpreters who are registered with the Nevada Supreme Court.*

- h. *Telephonic and video interpreting technology is available upon receipt of a timely request.*
- i. *The Eighth Judicial District Court utilizes the interpreter roster on file with the Nevada Supreme Court when making interpreter assignments.*

## **2. Court Interpreter Qualifications**

The Eighth Judicial District Court hires interpreters for courtroom hearings in compliance with the rules and policies set forth in NRS 1.500 through 1.560, NRS 50.050 through 50.053 as well as the State Court Administrator Guidelines for the Nevada Certified Court Interpreter Program. The Nevada Certified Court Interpreter Program maintains a statewide roster of Certified and Registered court interpreters who are in compliance with mandatory requisites to provide specialized and competent interpretive services in the courts. This roster is available to court staff and the public by accessing the below site:

<http://www.nevadajudiciary.us/index.php/viewdocumentsandforms/func-startdown/6429/>.

The following spoken languages have been offered for certification/registration in Nevada so far: Amharic, Bosnian, Croatian, Serbian, Cantonese, Farsi, German, Italian, Korean, Mandarin, Portuguese, Slovak, Spanish, Tagalog and Vietnamese. (Additional spoken foreign languages are available for testing to establish certified and registered court interpreter status.)

A credentialed court interpreter (certified or registered), if available, shall be the first choice for the court. When a diligent effort has been made to find a credentialed court interpreter and none is available, the court may appoint a non-credentialed court interpreter who is not listed on the statewide roster and who is otherwise qualified. Whenever non-certified and non-registered interpreters are used in the courtroom, judges are encouraged to inquire into the interpreter's skills, professional experience, and potential conflicts of interest (see Nevada State Court LAP, Attachment I – Voir Dire Samples).

The Eighth Judicial District Court may also use telephone/video interpreting in appropriate circumstances, if no interpreters are available to assist in person. 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 an interpreter for a rare language is needed. A well-qualified interpreter hired to provide language services remotely is a better choice than a poorly-qualified or non-credentialed local interpreter.

Bilingual staff that is not on the statewide roster is not to be used to interpret in court. However, their assistance in securing an interpreter, if necessary, is welcome.

### Comments

*Most interpreters used by the court are independent contractors. Any interpreter performing services for 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-credentialed 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.*

## **B. Spoken Language Services Outside of the Courtroom**

The Eighth Judicial District Court is also responsible for taking *reasonable steps* to ensure that LEP individuals have meaningful access to services outside the courtroom. This is one of the most challenging situations facing court staff, because in most situations they are charged with assisting LEP individuals without an interpreter. LEP may come in contact with court personnel via the phone, front counter or other means.

To that end, the Eighth Judicial District Court has the following resources to help LEP individuals and court staff communicate with each other:

1. Telephone contact
2. Interpreter scheduling
3. “I Speak” cards

### Comments

1. *When a LEP person requests or appears to need interpreter assistance at the clerk’s office, staff shall contact the interpreter’s office at to request interpreter assistance at (702) 671-4578 RJC or (702) 455-1878 Family Court.*
2. *If bilingual staff is not available to assist LEP citizens with administrative matters, a Nevada State Court Certified/Registered interpreter can be located to render assistance either telephonically (702) 671-4578 [RJC] or (702) 455-1878 [Family Court] or in person.*
3. *The interpreter’s office uses an up-to-date master list of certified/registered court interpreters.*
4. *“I speak” cards available to identify the language spoken.*

## **C. Translated Forms and Documents**

The Eighth Judicial District Court currently has the following forms/documents translated into Spanish:

1. Criminal Cases: (a) Justice Court Community Service Instructions; (b) Justice Court Evictions; (c) DUI Referrals and Admonishments; (c) Marijuana Admonishments; (d) Public Defender Financial Affidavits; (e) Parole & Probation Questionnaires; (f) Plea Agreements; (g) Victim/Witness Statements; (h) Discovery; (i) Contractor License Admonishment.
2. Family Cases: (a) Department of Family Services (“DFS”) Case Plans; (b) DFS Safety Plans; (c) DFS Notices of Denial; (d) Drug Court Contracts; (c) Parent Youth Group Forms; (d) Disposition Reports; (e) Requests for Copies of Records; (f) Anger Management Forms; (g) Effective Communication Forms; (h) Delinquency Forms; (i) Kinship Care Program Forms; (j) Problem Solving Worksheets; (k) Children’s Uniform Mental Health Assessment Forms; (l) Psychological Evaluation Forms; (m) Habitual Truancy Forms; (n) Juvenile Intake Forms; (o) Relinquish Child For Adoption Forms; (p) Restitution; (q) NCIC Records Checks; (r) Guardianship; (s) DFS Team Decisions; (t) Joint Legal Custody Provisions; (u) Youth Grievances; (v) Youth Waivers.

When interpreters are hired for hearings, they are expected to provide sight translations for corresponding documentation to LEP individuals when necessary.

*Comments*

1. *The above list is not exhaustive; interpreters are able to provide translated documents and forms in any language upon request and with sufficient notice.*
2. *The interpreter's office receives paper/electronic/audio copies of the material to be translated, and once translation is completed, the material is returned to the requestor and the interpreter's office keeps copies.*
3. *Standard forms and admonishments in Spanish are available in the courtroom.*

#### **IV. PUBLIC INPUT**

A copy of this LAP is posted on this court's website [www.clarkcountycourts.us](http://www.clarkcountycourts.us) and is available for public review. Paper copies of this LAP shall be made available to the public upon request.

Complaints regarding language access services (including, but not limited to, in-person interpreter services, telephonic and video remote interpreter services, translation of written materials, and bilingual staff services) may be brought to the attention of Timothy Andrews, Assistant Court Administrator [702-671-3312] for review. Complaints about interpreters who have allegedly engaged in unethical or unprofessional conduct in the course of performing their interpreter duties should be reported directly to Kareen Prentice, Certified Court Interpreter Program Coordinator, Nevada Supreme Court [775-687-9806].

#### **V. TRAINING**

Local courts are committed to providing training opportunities for all judicial and court staff members who come in contact with LEP individuals. Front line staff members are often the first points of contact with LEP individuals. Deputy clerks of courts and judicial assistants will be facilitated with training opportunities regarding ways to identify limited English proficiency, best practices on delivering services, and cultural issues. As new employees are hired, information on the Language Access Plan will be provided to them.

Training opportunities specifically provided in the Eighth Judicial District Court include:

1. AOC judicial programs and services
2. Employee orientation
3. Annual in-house refresher training for front-line employees

*Comments*

*The AOC, Judicial Programs and Services (JPS) Division, 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 AOC to request training.*

## **VI. PUBLIC NOTIFICATION AND EVALUATION OF LAP PLAN**

### **A. LAP Approval & Notification**

The Eighth Judicial District Court's LAP has been approved by the Court Executive Officer and/or Chief Judge, and a copy has been forwarded to Nevada AOC, Certified Court Interpreter Program Coordinator. Any revisions to the plan will be submitted to the Court Executive Officer and/or Chief Judge for approval, and then forwarded to the Nevada AOC, Certified Court Interpreter Program Coordinator.

Copies of the Eighth Judicial District Court's LAP will be provided upon request. Furthermore, the Eighth Judicial District Court will post this plan on its own website for public view.

### **B. Annual Evaluation of the LAP**

The Eighth Judicial District Court will conduct an annual needs assessment to determine whether changes to the LAP are needed. This assessment may be done by tracking the number of interpreters requested by language in the courts, or by other methods. Any revisions made to the plan will be communicated to all court personnel, and an updated version of the plan will be posted on the court's web site. Additionally, it will be posted on the AOC's public website.

Biennially the statewide AOC Court Interpreter Program Coordinator will coordinate with designated local court staff member a review of the effectiveness of the LAP. The evaluation will include identification of any problem areas and development of required corrective action strategies. Elements of the evaluation will include:

- a) Number of LEP persons receiving court interpretive services;
- b) Assessment of current language needs to determine if additional services or translated materials should be provided;
- c) Assessing whether staff members adequately understand LAP policies and procedures and how to carry them out; and
- d) Gathering feedback from LEP communities around the state.

Each court's language access plan shall be approved by the presiding judge or other judge and filed with the State Court Administrator's office. The plan and any future revisions should be communicated to all employees.

## VII. POINTS OF CONTACT

### *State Contact:*

Kareen Prentice  
Court Services Analyst  
Certified Court Interpreter Program  
Administrative Office of the Courts  
201. South Carson Street  
Carson City, NV 89701  
Las Vegas, NV 89101  
[kprentice@nvcourts.nv.gov](mailto:kprentice@nvcourts.nv.gov)  
(775) 687-9806

### *Local Contact:*

Andres Moses  
Assistant Court Administrator  
Civil/Criminal Division  
Eighth Judicial District Court  
Regional Justice Center  
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(702) 671-3312

The effective date of this Language Access Plan is January 25, 2019.