

# **YUMA MUNICIPAL COURT**

## **Language Access Plan (LAP)**

### **I. Legal Basis and Purpose**

This document serves as the plan for the YUMA MUNICIPAL COURT to provide to persons with limited English proficiency (LEP) services that are in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.; 45 C.F.R. § 80.1 et seq.; and 28 C.F.R. § 42.101–42.112). 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 YUMA MUNICIPAL COURT.

This language access plan (LAP) was developed to ensure meaningful access to court services for persons with limited English proficiency. 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.

### **II. Needs Assessment**

#### **A. Statewide**

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 American Community Survey estimate report from the U.S. Census Bureau dated April 2012):

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

#### **B. Yuma Municipal Court**

The YUMA MUNICIPAL COURT is responsible to provide services identified in this plan to all LEP persons. However, the following list shows the foreign languages that are most frequently used in this court’s geographic area.

1. Spanish
2. Vietnamese
3. Arabic
4. Russian
5. Chinese

This information is based on data collected from requests submitted for translation services and provided by this court.

### **III. Language Assistance Resources**

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

##### **1. Providing Interpreters in the Courtroom**

In the YUMA MUNICIPAL COURT, court interpreters will be provided in all courtroom proceedings at no cost to all LEP court customers including witnesses, victims and parents, guardians, and family members of minors as well as any other person whose presence or participation is necessary or appropriate as determined by court staff or the judicial officer.

It is the responsibility of the private attorney, court appointed attorney (public defender) or city prosecutor (attorney) to provide qualified interpretation and translation services for witness interviews, pre-trial conferences, document translations and attorney/client communications during out of court proceedings.

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

The YUMA MUNICIPAL COURT may determine whether a court customer has limited English proficiency in various ways, to include but not limited to the earliest point of contact at the security control reception area or at the customer service window. Outside justice partners such as victim advocates, probation officers, attorneys, social workers or jail/detention facilities might also inform the court of the need for an interpreter prior to the customer appearing at the court. A verbal request may be made for immediate notification to the interpreter on duty and/or for usage of the language line. A written request is made for an interpreter needed for a future court appearance dates to the appropriate staff who schedules and coordinates the interpreters, a copy of the request is kept in a log book and court staff also documents the LEP needs for parties with notation in the physical and or electronic case file.

The Notice of Interpreter Service Signage is displayed at the security entry point in the public information display case indicating interpreter services are available and the security control staff have the "I Speak" card available to assist them in identifying LEP individuals. The clerks at the customer service counter also have this resource available to assist staff in identifying a needed language.

The need for an interpreter may also be made known in the courtroom at the time of the proceeding. In a case where the court is mandated to provide an interpreter, but one is not available at the time of the proceeding, even after the court has made all reasonable efforts to

locate one, as previously outlined in this plan, the case will be postponed and continued on a date when an interpreter can be provided.

### **3. AOC Interpretation Resources**

#### *Court Interpreter Registry and Listserv*

The AOC maintains a statewide roster of individuals who indicate they have interpreting experience and have expressed interest in working in the courts. The court using interpreting services will determine the competence of the persons listed. This roster is available to court staff on the Internet at <http://www.interpreters.courts.az.gov>.

Additionally, the YUMA MUNICIPAL COURT participates in the statewide listserv created by the AOC to allow courts to communicate via email on court interpreter-related matters. The listserv is an excellent resource to locate referrals for specific language needs. Access codes and instructions to join the listserv, may be obtained from the AOC language access contact person.

#### *Video Remote Interpreting*

The AOC has installed video conferencing equipment at the State Courts building that will allow courts with compatible technology to remotely conference an interpreter from the Phoenix metro area or from another court jurisdiction into their court to improve resource allocation and reduce time and costs associated with interpreter travel. This technology connectivity is not available at the Yuma Municipal Court at this time only through Yuma County Superior Court. Yuma Municipal Court has plans to contact the AOC LAP contact for more information on VRI connectivity and checklist for court proceedings most appropriate for video.

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

The YUMA MUNICIPAL COURT is also responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to all court services and programs outside the courtroom. Court services include but are not limited to customer service at the window or by telephone, judicial enforcement office, cashiers, and records clerk.

The court also is responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to all court-ordered services and programs. Court-ordered services and programs include but are not limited to treatment or educational programs by a private vendor under contract with the court. Contracts with vendors that provide direct services to court users must include the requirement that the vendor provide language services, including interpreters, for all LEP individuals.

The court uses the following resources to facilitate communication with LEP individuals and court staff or providers of court-ordered services:

- Independent interpreter contractor; [*available every work day morning, two afternoons and for other hearings as scheduled during the work week*]
- Bilingual employees; [*Spanish*]
- Bilingual volunteers; [*Spanish*]
- “I Speak” cards, to identify the individual’s primary language;
- Telephonic interpreter services, (from contract interpreters or an agency, such as Voiance or Language Line); and,
- Court staff has access to Spanish/English Dictionaries; Glossary on the AOC self-help website [http://ajinweb/cterv/cmu/CMU\\_CourtInterpreter.htm](http://ajinweb/cterv/cmu/CMU_CourtInterpreter.htm); and Spanish Language Style Guide and Glossaries for U.S. Government Web Sites <http://www.usa.gov/webcontent/multilingual/Spanish-guide/index.shtml>
- The terms of the court’s contracts with providers of court-ordered services.

To provide linguistically accessible services for LEP individuals, the YUMA MUNICIPAL COURT provides the following:

- Website link from the court’s area on the City of Yuma’s website to the Supreme Court’s Spanish translated webpage for court forms and instructions and other language access related resources. The current website is being reconstructed and upon completion the court will provide the LAP Complaint Form and process online.
- Written information located at the court is also provided in Spanish.

#### **C. COURT APPOINTED OR SUPERVISED PERSONNEL**

The YUMA MUNICIPAL Court also shall ensure that court appointed or supervised personnel, including but not limited to child advocates, guardians ad litem, victim advocates or other professionals to provide language services, including interpreters as part of their service delivery system to LEP individuals.

#### **D. Translated Forms and Documents**

The Arizona courts understand the importance of translating forms and documents so that LEP individuals have greater access to the courts’ services. The YUMA MUNICIPAL COURT currently uses forms and instructional materials translated into Spanish.

- The court has translated various documents into Spanish:

Rules of Conduct (for the courtroom)  
Financial Affidavit  
Application to Set Aside Judgment/Conviction  
Notice of Procedure for a Civil Traffic hearing/trial  
A.R.S. §28-645A3A (red light violation)  
Bond Forfeiture Agreement and Order

City Ordinance Building Code Violation (Maximum and Minimum sentencing)  
Conditions of Probation  
Court Financial Policies  
Deferred Prosecution  
Determination and Conditions of Release  
Domestic Violence Guilty/No Contest Plea Proceeding  
Fingerprint Order  
Guilty/No Contest Plea Proceeding (all other criminal offenses)  
Court's Instructions for Filling out Protective Order Petition  
Domestic Violence Judgment and Sentence  
Mandatory Pre-trial Conference  
Motion for Continuance  
Notice – Civil Procedures for hearing  
Notice – Criminal Procedures for trial  
Notice to Defendant for Alleged Probation Violation  
Notice of Charges – Preliminary Entry of Plea  
Notice of Opportunity for Pre-Arrest Conference with Prosecutor  
Notice as to Arrest, Pretrial, Trials and Sentencing  
Nuisance Civil Charges form 1  
Order after Order to Show Cause Hearing  
Order Discharge from Probation  
Order for Civil Hearing/Trial  
Order for Protection/Injunction Hearing Guidelines  
Order for Payment of Fees (criminal cases)  
Order to Show Cause (alcohol screening)  
Order to Show Cause (Failure to Pay or Failure to Comply)  
Plea Agreement  
Probation Violation (form 2B1)  
Receipt Waiver of Attorney/Rights  
Request for Waiver of Fines/Fees for Hardship  
Resource List 2014  
Traffic School Instructions  
Information-Trials before a Judge  
Waiver of Counsel  
Notice to Defendant – Optional Telephonic Pretrial Conference for Civil Traffic

These documents will be located at the court and upon request.

#### **E. WEBSITE/ONLINE ACCESS**

The court has a section located in the City of Yuma's internet website, <http://www.yumaaz.gov> which was recently reconstructed in August 2015. The court will have the ability to make its own changes and updates will include, at a minimum:

- A notice about the availability of language services written in Spanish and posted on the home page.
- A hyperlink to: Arizona Supreme Court's Spanish-translated webpage at <http://www.azcourts.gov/elcentrodeautoservicio/FormulariosdeAutoservicio.aspx>.

Interpreters at court hearings are expected to provide sight translations of court documents and correspondence associated with the case.

#### **IV. Court Staff and Volunteer Recruitment**

##### **A. Recruitment of Bilingual Staff for Language Access**

The YUMA MUNICIPAL Court is an equal opportunity employer and recruits and hires bilingual staff to serve its LEP constituents. Primary examples include but are not limited to:

- Court interpreters to serve as regular full-time or part-time employees or regular interpreter contractors of the court.
  - Bilingual staff to serve at public counters and or self-help centers; and
  - Bilingual staff available on call to assist with contacts from LEP individuals, as needed.
  - The court will meet with court staff, at a minimum of once a year, to go over the LAP and identify any special language needs or ways to improve services to LEP.

##### **B. Recruitment of Volunteers for Language Access**

The court also recruits and uses volunteers to assist with language access in the following areas:

- In self-help centers, to assist LEP users;
- At public counters to provide interpretive services between staff and the LEP public

#### **V. Judicial and Staff Training**

The YUMA MUNICIPAL COURT is committed to providing language access training opportunities for all judicial officers and staff members. Training and learning opportunities currently offered will be expanded or continued as needed. Those opportunities include:

- New employee orientation training; and,
- Judicial officer orientation on the use of court interpreters and language competency.
- AOC's Language Access in the Courtroom Training DVD
- AOC's Language Access Online Training Videos
- Provide information to contract interpreters on statewide trainings available
- Diversity Training
- Customer Service Training
- Cultural Competency Training

- LAP review

## **VI. Public Outreach and Education**

To communicate with the court's LEP constituents on various legal issues of importance to the community and to make them aware of services available to all language speakers, the YUMA MUNICIPAL Court provides community outreach and education and seeks input from its LEP constituency to further improve services. Outreach and education efforts include:

- At a minimum, annually court staff will participate in the City's local radio talk program or city's Spanish television program as to what the court does.
- The court makes an annual presentation to the Neighborhood Leadership Academy Program for Citizens. This provides education to participants as to the judicial system and services provided.
- The court will solicit input from the LEP community and its representatives through citizens and will seek to inform community service organizations on how LEP individuals can access court services.

## **VII. Formal Complaint Process**

If an LEP court customer believes meaningful access to the courts was not provided to them, they may choose to file a complaint with the trial court's Language Access Plan Coordinator (Court Administrator).

The court's complaint process is as follows:

- Complaint form needs to be completed by the person making the complaint.
- Upon receipt of the complaint by mail, in person, web contact or other means, the court will date stamp and submit complaint form to the Court Administrator who is also the Language Access Plan Coordinator.
- If time is of the essence, personal contact may be made with the complainant to resolve issue as soon as possible; followed up with a confirmation of resolution in writing.
- The court will respond to any complaint in writing within 30 days and the records will be maintained as public records.
- Presiding Judge of the Municipal Court will be notified of the complaint and resolution.
- Translated versions of the complaint form are available in multiple locations, including, but not limited to:
  - Forms posted on the court's website; (<http://www.yumaaz.gov> under Important Forms and Documents
  - Complaint form attached (English/Spanish) to the LAP; and
  - Forms available at the counters.

## **VIII. Public Notification and Evaluation of LAP**

### **A. LAP Approval and Notification**

The YUMA MUNICIPAL COURT'S LAP is approved by the presiding judge and court executive officer. Upon approval, please forward a copy to the AOC Court Services Division. Any revisions to the plan will be submitted to the presiding judge and court executive officer for approval, and then forwarded to the AOC. Copies of YUMA MUNICIPAL COURT'S LAP will be provided to the public on request and will be posted on the City of Yuma's public web site.

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

The YUMA MUNICIPAL COURT will routinely assess whether changes to the LAP are needed. The plan may be changed or updated at any time but reviewed not less frequently than once a year.

Annually the court's Court Administrator will review the effectiveness of the court's LAP and update it as necessary. The evaluation will include identification of any problem areas and development of corrective action strategies. From time to time, the court may consider using a survey sampling of data collection for a limited time period which involves assessing language access requests to assist in the evaluation of the LAP.

Elements of the evaluation will include:

- Number of LEP persons requesting court interpreters and language assistance;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Assessment of whether court staff adequately understand LEP policies and procedures and how to carry them out;
- Review of feedback from court employee training sessions; and,
- Customer satisfaction feedback as indicated on the access and fairness survey, if administered by the court during this time period.
- Review any language access complaints received during this time period.

### **C. Trial Court Language Access Plan Coordinator:**

**M. Angela Graddy, Court Administrator**  
**Yuma Municipal Court**  
1515 S. 2<sup>nd</sup> Avenue  
Yuma, Arizona 85364  
Main Number: (928) 373-4800  
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**D. AOC Language Access Contact:**

Amy Wood  
Court Services Division  
Administrative Office of the Courts  
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**E. LAP Effective date:** July 15, 2015 revised September 21, 2015

**F. Approved by:**

Presiding Judge: \_\_\_\_\_ Date: \_\_\_\_\_  
James F. Coil

Court Executive Officer: \_\_\_\_\_ Date: \_\_\_\_\_