**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 2013-2017, 5-year estimates):

1. Spanish

2. Navajo

3. Chinese/Mandarin/Cantonese

4. Vietnamese

Additionally, data from the Arizona Commission for the Deaf and the Hard of Hearing show that 17% of the Arizona population has a hearing loss. Over 1.1 million Arizonans are hard of hearing and more than 20,000 people in Arizona are culturally Deaf. Some are Deaf, most are hard of hearing, and some are Deaf-Blind, while others have a Combined Vision and Hearing Loss (CVHL).

**B. Yuma Municipal Court**

The Yuma Municipal Court is responsible to provide services identified in this plan to all LEP individuals. However, the following list shows the foreign languages for which interpreting services were most frequently provided in the last fiscal year:

1. Spanish

2. Russian

**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, parents, guardians, and family members of minors as well as any other person whose presence or participation is necessary or appropriate as determined by the judicial officer.

The use of children, attorneys, judges, other bilingual court staff, co-litigants, relatives, and other non-qualified interpreters are specifically prohibited to act as interpreters.

It is the responsibility of the private attorney, Public Defender, County or City Attorney (Prosecutor) to provide qualified interpretation and translation services for witness interviews, pre-trial transcriptions and 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. Early identification of language needs is a priority and may be done prior to court proceedings by the LEP person or on the LEP person’s behalf by an outside justice partner 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 or by members of the public, relatives, litigants themselves or friends and family members. Requests may be made in person, by telephone or in writing. The need for an interpreter shall be noted in the court’s case file in AJACS (Arizona Judicial Automated Case System) and in the physical 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.

Court Officers will make a notation to the court that a person that was served with documents needs an interpreter and as to what language is needed. This form is given to the court clerk along with the certificate of service for the document and the clerk will then make the request for an interpreter and make the proper documentation in the case management system and court file.

The need for an interpreter may also be made known in the courtroom at the time of the proceeding. In a case where an interpreter is requested, 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 to a date when an interpreter can be provided.

To guarantee the timely assistance of an interpreter in any language, the court should be informed as soon as an LEP individual is identified. Every effort will be made to ensure a qualified interpreter, whether in person or remotely, be available in a timely manner. If an interpreter is not available, the case will be continued to a date when an interpreter can be provided.

The court will provide LEP individuals language services free of charge for all available services provided by the court. Available resources in our city are limited and future funding for video interpreting equipment may be needed.

**3. AOC Interpretation Resources**

Yuma Municipal Court will make use of the AOC’s (Administrative Office of the Courts) statewide roster (*Court Interpreter Registry and Listserv)* for individuals who have indicated 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 https://www.azcourts.gov/interpreter/ under Arizona Roster of Credentialed Court Interpreters and is used to locate interpreters for Spanish and other languages.

Also, the court maintains a list of American Sign Language contractors that hold Class A, Legal Licenses from the Arizona Commission of the Deaf and Hard of Hearing available in the State of Arizona to provide services to individuals who have a hearing loss.

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 and is available at the Yuma County Superior Court. Yuma Municipal Court has future plans to contact the AOC LAP contact for more information on VRI connectivity and checklist for court proceedings most appropriate for video. Yuma Municipal Court is also looking at using SKYPE or ZOOM for interpreters in the courtroom. Funding for this equipment may need to be funded through available resources.

**B. Language Services outside the Courtroom**

The Yuma Municipal Court also takes steps to ensure that LEP individuals have meaningful access to all court services and programs outside the courtroom, including but are not limited to the customer service windows, security officers, clerks in judicial enforcement office and by telephone for court services.

**1. Assistance to Understand Court Procedures and Policies**

Services offered by the court generally to English-speaking customers pursuant to the Employee Code of Conduct (*ACJA §1-303*) are provided to LEP litigants in their language if these are available. Informational materials and vital forms have been transalted into Spanish and are provided to Spanish speakers by clerks at the customer service window.

**2. Assistance to Fill-out Court Forms and Pleadings**

The Yuma Municipal Court will assist in the filling-out of court forms for those LEP court customers who are unable to do so either by themselves or with the assistance of another competent adult proficient in English and able to render assistance in a timely manner.

1. Engaging an interpreter (in person or using a language service by telephone) to interpret between a court staff person and the court customer, thus allowing the court staff person to transcribe verbatim the customer’s answers to form questions. In this instance, a notation will be added to the form indicating to the court how the information on the form was obtained, thereby allowing the creation of an oral record in open court confirming the form’s content matches the LEP person’s intended meaning. If possible, the court staff person transcribing onto the form should not be the same staff person accepting the filing.
2. Court interpreter may assist the LEP person to complete the form by writing a complete and accurate English translation of the LEP person’s answers to form questions. In this instance, a notation should be added to the form indicating to the court how the information on the form was obtained thereby allowing the creation of an oral record in open court confirming the form’s content matches the LEP person’s intended meaning. Whenever possible, the staff interpreter translating information onto the form should not be the same interpreter assisting the LEP person in court during a hearing.
3. The court may waive the requirement that a form be filed, where appropriate. In this instance the LEP person should be taken into the courtroom, sworn, and examined to create an oral record of what would otherwise have been filed in writing via the form. If necessary, that record can then be transcribed verbatim into the corresponding form fields. A notation should be added to the form indicating how the information on it was obtained.

**3. Court-ordered Services and Programs**

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 provided by private vendors under contract with the court. External vendors need to ensure the provision of meaningful language access and effective communication services when serving court clients who require them.

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

* Full time staff court interpreter;
* Independent interpreter contractor [*available during absence of staff court interpreter*

*and/or when a case needs more than one interpreter*];

* Bilingual employees [*Spanish*];
* “I Speak” cards, to identify the individual’s primary language;
* Telephonic interpreter services, (from contract interpreters or an agency, such as

Language Line); and,

* Court staff has access to Spanish/English Dictionaries; Glossary on the AOC self-help

website <https://www.azcourts.gov/selfservicecenter> and Spanish Language Style Guide and Glossaries for U.S. Government Web Sites

* The court’s public phone line has key instructions in Spanish to request court services.

To provide linguistically accessible services for LEP individuals, the Yuma Municipal Court provides the following:

* Website link from the court’s page 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.
* Written information located at the court is also provided in Spanish as requested.

**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, court psychologists and doctors provide language services, including interpreters as part of their service delivery system to LEP individuals.

**D. Translated Forms and Documents**

The Yuma Municipal Court understands the importance of translating forms and documents, so LEP individuals have greater access to the court’s services. currently uses vital forms and instructional materials translated into Spanish. There are other forms and instructional materials available in Spanish that will be provided to LEP individuals as requested.

Given the low incidence of languages other than Spanish at YMC, the translation of vital documents/forms for Lesser Used Languages (LULs) are completed upon request. The Yuma Municipal Court can also provide Protective Order petitions in other languages that are available from the Supreme Court’s website.

1. Sight Translation

Interpreters at court hearings are expected to provide sight translations of court documents and correspondence. In the event one is not available, or if the document does not lend itself to sight translation due to its length, complexity, or legibility, other reasonable means may be employed to ensure meaningful access for the LEP person. These include, but are not limited to the following:

1. Explanation of the contents of the document by a competent bilingual court employee;
2. Engaging a remote interpreting service to relay a court staff member’s explanation of the document’s contents.
3. Submission of the documents for a timely written translation, as appropriate.

**E. Website/Online Access**

Yuma Municipal Court’s website address <https://www.yumaaz.gov> .The availability of language services is noted in English on the home page and a link under Resources is provided to the Arizona Supreme Court’s Spanish-translated webpage at <https://www.azcourts.gov/selfservicecenter>

**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:

The court has a full-time Court interpreter and also utilizes independent contractors.

* Bilingual staff to serve to assist LEP individuals as needed, in person or by phone.

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

Yuma Municipal Court does not currently recruit volunteers to assist with language access. The court does not have bilingual (Spanish) volunteers, if available they can assist in the following areas:

* At customer service counters to provide interpretive services between staff and the LEP public
* By telephone between staff and LEP .

**V. Judicial and Staff Training**

**A. Court Staff Training**

As part of its commitment to providing meaningful language access to all its LEP clients, 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.

**B. Ongoing Training for Interpreters and Translators**

Training on specific interpretation areas to ensure that staff interpreters continue to grow professionally. Each individual staff interpreter and translator can tailor his/her yearly professional development goals to improve specific areas of their work

**VI. Public Outreach and Education**

**A. General**

Yuma Municipal Court does not participate in public outreach. However, the City of Yuma has a public information television program in English and Spanish and the court will review availability to provide program and available resources through that venue.

**B. Videos, Webinars, On-line Classes, In-person Classes and Other Similar Instructional**

**Methods**

Yuma Municipal Court does not currently have any existing videos, webinars, and instructional materials in English and Spanish and if any become available the court will provide considering the Department of Justice’s four-factor analysis.

**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.

The complaint forms are available at the customer service counter and at

<https://www.azcourts.gov/selfservicecenter/Forms/Language-Access-Complaint> or at <https://www.yumaaz.gov/government/contact-us>

The complaint may be filed 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 <https://www.yumaaz.gov/government/municipal-court>
  + Complaint form attached (English/Spanish) to the LAP; and
* The court will ensure that translated versions of the complaint form are available in multiple locations, including, but not limited to:
  + Forms posted on the court’s website and
  + Hard copy forms available at the counters.

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

**A. LAP Approval and Notification**

The Yuma Municipal Court’s LAP is subject to approval by the Presiding Judge and Court Administrator. Upon approval, a copy will be forwarded to the AOC Court Services Division. Any revisions to the plan will be submitted to the Presiding Judge and Court Administrator for approval, and then forwarded to the AOC. Copies of Yuma Municipal Court’s LAP will be provided to the public upon request and made available on the court’s page on the City of Yuma’s website.

**B. Evaluation of the LAP**

Yuma Municipal Court’s Administrator will yearly 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.

Elements of the evaluation will include:

* Number of LEP persons requesting court interpreters and for which languages;
* 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:**

Del C. Miller, Court Administrator

Yuma Municipal Court

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(928)-373-4812

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**D. AOC Language Access Contact:**

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**E. LAP Effective date:** *January 1, 2023*

**F. Approved by:**

James F. Coil

Presiding Judge: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Del C. Miller

Court Administrator: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_