

**JOINT YAKIMA COUNTY COURTS AND YAKIMA COUNTY CLERK  
LANGUAGE ASSISTANCE PLAN (LAP)**

**I. LEGAL BASIS AND PURPOSE**

This LAP sets forth the Yakima County Courts policy and procedures for the provision of timely language access services that ensure access for all limited English proficient (LEP), deaf, hard of hearing, and deaf-blind (D/HH/DB) individuals who come in contact with Yakima County Courts services and programs. Language access services include both interpretation and translation services for LEP and (D/HH/DB) individuals.

**II. COURT POLICY REGARDING LANGUAGE ACCESS SERVICES**

Pursuant to the federal law regulations and under Washington State Law (chapters 2.42 and 2.43 RCW) Title VI of the Civil Rights Act of 1964 (Title VI), the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act), the Americans with Disabilities Act (ADA), and the implementation of these federal laws, Washington courts are required to provide language access services to all LEP and D/HH/DB individuals in civil and criminal court proceedings and in all court-managed services and programs and to develop a written language access plan pursuant to RCW 2.43.090

It is the policy of Yakima County Courts to provide foreign language interpreter services at no cost to LEP parties, witnesses, victims, and other with an interest (e.g., parents, legal guardians, custodians) in all court proceedings and operations, both civil and criminal other than when it is the responsibility of other government bodies pursuant to state law. It is also the policy of this court to provide sign language interpreting services at no cost to persons who are D/HH/DB as required under applicable state and federal statutes and regulations.

Yakima County Courts will provide accessible information to LEP and D/HH/DB persons on how to request these language assistance services and vital documents as part of its notice to the public about its language access services.

Although D/HH/DB individuals are covered under the ADA and chapter 2.42 RCW rather than title VI and the Safe Streets Act, this plan covers language access services for both D/HH/DB and LEP individuals.

### **III. DATA COLLECTION AND NEEDS ASSESSMENT**

The Court Administrator's office for Yakima County Court will, on an annual basis, compile demographic data regarding the language needs of its community. The court will initially review data from sources such as the following:

Most recent and relevant U.S. Census and American Community Survey (ACS)  
Prosecuting Attorney's Office

Public Defender's Office/Office of Assign Counsel  
Local legal aid service providers and community-based organizations which focus their service provision on immigrant and refugee populations in order to identify possible immigration and new language trends

This data will be analyzed annually to determine whether the court's allocation of language access resources is appropriate

The Yakima County Courts will make every effort to track requests for language access services by:

- Language preference (Spoken, Written & signed)
- Case Type (e.g. family law, criminal, housing, etc.)
- Proceeding (e.g. trial, arraignment, initial appearance, etc.)
- Location of services request (e.g. Court hearing, Clerk's office, etc.)

In addition to mechanisms discussed under the identification of language needs section below, the Yakima County Courts will track this internal data in case management systems where available, and/or case files if case management is not automated. On a yearly basis, the courts will analyze the data collected to identify whether services requested are in fact provided, assist in allocation of language access resources, and identify gaps in provision of services to address future needs.

The Yakima County Courts will send the final data compilation and analyses in the form of a biennial report to the Washington State Court Interpreter Commission to assist the Commission in monitoring the courts' Language Access Plan, identification of interpreter training and certification strategies, and other tools to assist the AOC and local courts in the provision of language access services.

#### **A. Identified Current Needs**

The Most Current language need identification efforts undertaken by Yakima County Courts shows the following non-English languages, whether spoken or signed, that are most frequently used in our **geographic area**:

- Spanish
- ASL
- Punjabi
- Arabic
- Vietnamese
- Mixe
- Tzeltal

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- ASL
- Punjabi
- Arabic
- Vietnamese
- Mixe
- Tzeltal

Yakima County Courts has identified the following emerging and or additional languages among court users in the area for which resources will be needed in the future:

- Russian
- Korean
- Ukrainian
- Mixteco
- Tagalog
- Zapoteco
- Mixe
- Tzeltal

#### **IV. LANGUAGE ASSISTANCE IDENTIFICATION AND RESOURCES**

##### **A. Designated Language Access Office**

Yakima County Courts has designated The Interpreter Coordinator named on page 17 as the person responsible for coordinating language access services and to whom requests for interpreters and other language access services may be addressed. This designated person is available to:

- Develop lists of interpreters and secure interpreter services
- Receive and track language assistance requests
- Address gaps in interpreter services by conducting outreach as needed
- Provide information to assist LEP and D/HH/DB individuals to secure language access services
- Assist to provide referrals to attorneys, justice partners and other relevant persons to secure language access services for their clients and constituents;
- Assist court staff with securing language access services, including the court's language access resources such as translated materials, interpreter roster, language identification cards, and other resources identified in this plan.

LEP and D/HH/DB individuals, attorneys, justice partners, government agencies, and any other entities in need of language access services for court programs or activities or to acquire such services or information for themselves or their clients, may contact the Interpreter Coordinator named on page 17.

##### **B. Identification of Language Access Needs and Notices of Availability**

LEP and D/HH/DB, Individuals may come in contact with court personnel via the phone, TTY/TDD, in person or through other means. In Addition, there are various points of contact with Yakima County Court where LEP individuals or persons who are D/HH/DB will be in contact with court staff. Sometimes people who need language access services, including translated documents, will not request these services because they do not realize that such services are available at no charge, or because they do not recognize the level of English-language proficiency or communication ability needed to effectively participate in the court program, court proceeding, or court services. The first step in providing language access services is to enable LEP individuals or persons who are D/HH/DB to properly identify their language needs.

As a first step towards ensuring that LEP and D/HH/DB individuals are able to properly identify their language needs and to request language access and assistance services, Yakima County Courts recognizes the obligation to provide accessible notice to the public of an individual's right to spoken and sign language interpreter services.

### **1. Identifying Language Needs at Points of Access**

Yakima County Court will identify language access needs at all points of contact with the court, such as the following:

- Superior Court Clerk's Office  
128 N 2<sup>nd</sup> Street #323  
Yakima, WA 98901  
509-574-1430
- Court Facilitator or pro se services provided at  
128 N 2<sup>nd</sup> Street #213  
Yakima, WA 98901  
509-574-1894

To ensure the earliest possible identification of the need for language access services, the Yakima County Court has established internal protocols with the various justice partners which routinely interact with this court in order for these partners to communicate to the appropriate court staff the needs of LEP or D/HH/DB participants who will be coming into contact with the court. While justice partners themselves may be under separate legal obligation to provide language access services to their clients, the court will be notified of any services that fall under the responsibility of the court as early as possible so services may be provided in a timely and efficient manner. Examples of justice partners to be notified include

- Attorney/public defender

- Court facilitator
- Clerk's office

## **2. Notice of Availability of Language Access Services**

In order to facilitate the ability of LEP and D/HH/DB individuals to request their need for language access services, the Yakima County Court shall provide notice of the availability of language access services translated into Washington State's most frequently used languages that states:

“you have the right to language access services at no cost to you. To request these services, please contact the Clerk's Office

Yakima County Court displays this notice on its website and at the following locations:

- Elevators
- Hallways
- Clerk's offices
- Bulletin Board

Additionally, Yakima County Court has the following resources available at its points of contact, including those listed above when appropriate, to help LEP and D/HH/DB and court staff communicate with each other

- Language identification forms at all points of contact
- Multi-lingual notices at all appropriate points of contact notifying members of the public of their right to request an interpreter or other language assistance at any point during their contact with the court.
- Language assistance on the Clerk's web page Link to “Language Assistance” this link opens a page that explains in English/Spanish how to change the web page to preferred language.

When it appears that an individual has difficulty communicating due to a language barrier, Yakima County Court staff must inform the LEP or D/HH/DB person of his or her right to have language access services provided by the courts at no cost to them, even if the LEP D/HH/DB person has not made a request for the language access services..

## **V. Language Access Services**

Once the Yakima County Court staff has determined interpreter services are required for an LEP or D/HH/DB individual, court staff have access to the following procedures for securing an interpreter.

**A. Language Access Services Inside the Court Room**  
**1. Appointment of a Certified, Registered, or Qualified Interpreter for In Court Proceedings**

The Person responsible for appointing or securing the assistance of an interpreter at the Yakima County Court will comply with the following order of preference in appointing an interpreter as set forth in RCW 2.43.030(1)(b) and (2)

RCW 2.43030(1)(b) states

An in-person Certified or Registered interpreter who has been credentialed by the Administrative Office of the Courts shall be appointed, whenever possible, unless good cause is found and noted by the appointing authority. "Good cause" includes, but is not limited to a determination that:

- (i) Given the totality of the circumstances, including the nature of the proceeding and the potential penalty or consequences involved, the services of an in-person credentialed interpreter are not reasonably available to the appointing authority; or
- (ii) The current list of credentialed interpreters maintained by the Administrative Office of the Courts does not include an interpreter in the language spoken by the LEP.

RCW 2.43030(2) states:

If good cause is found for using an interpreter who is not credentialed by the Administrative Office of the Court, the appointing authority shall make a preliminary determination that the proposed interpreter is able to interpret accurately all communications to and from such person in that particular proceeding. The appointing authority shall satisfy itself on the record that the proposed interpreter:

- (a) Is capable of communicating effectively with the court or agency and the person for who the interpreter would interpret; and
- (b) Has read, understand, and will abide by the code of ethics for language interpreters established by court rules.

In the event no in-person interpreter is available locally, the court or designated authority will weigh the need for moving forward with the proceeding against any possible negative consequences to the LEP or D/HH/DB person's ability to effectively participate in the proceedings through the use of a remote interpreter, as may be allowed by Washington court rule or law. When evidentiary matters are before the court, the court shall reschedule the hearing until an in-person interpreter is available, whether located in-state or out-of-state, and be made present at the hearing.

Yakima County court will NOT appoint as interpreters anyone with potential conflict of interest in the case, including the following: minors; friends and family of the LEP or D/HH/DB person; advocates and attorneys; justice partner bilingual staff; or anyone deemed unqualified after voir dire by the court.

## **2. Practices in the Appointment and Use of Interpreters**

In appointing interpreters, staff at Yakima County Court, will ensure that the interpreter and the LEP or D/HH/DB participant can effectively communicate. It is also the practice of Yakima County Court to:

- Make a determination of the appropriate number of interpreters that may be required for the proceeding. When the proper administration of justice so requires the court will appoint multiple or separate interpreters.
- For Long hearing sessions or trials, appoint a team of two interpreters or if no second interpreter is available, allow the interpreter to have frequent breaks to avoid interpreting fatigue, ensure accuracy, and avoid subsequent errors.
- Only allow an LEP or D/HH/DB person to waive his or her right to the assistance of an interpreter if the waiver is knowing, voluntary, and on the record. The waiver of an interpreter may be rejected by the court or later revoked by the person.
- Requires interpreters to provide sight translations for documents related to court proceedings.
- Prohibit interpreters from assisting LEP or D/HH/DB with entering information on Court forms
- Provide sign language interpreters for jurors who are LEP & DD/HH/DB when such persons are called and selected for jury service.

## **3. Calendaring and Scheduling of Interpreters for In-court and Out-of-court Contacts**

Yakima County Court will provide interpreter services in a timely manner. In order to provide high quality language access services in an efficient manner, Yakima County Court employs the following practices:

- Batching of matters for which an interpreter for a specific language is needed so long as this does not cause unnecessary delays in access and loss of remedies available to litigants, such as:  
Contested hearings  
Mitigations  
Pre-Trials  
Triage  
Omnibus  
Plea & Sentences
- Coordinating Calendars so an interpreter may be available for several matters in the same court location on the same day.
- Establishing systems so that an interpreter coordinator can easily dispatch an interpreter from one court location to another, or one courtroom to another efficiently such as:  
Provide interpreters with electronic devices so they can receive email and text messages
- Creating a pool of interpreters who may be available by telephone or video to assist in non -evidentiary proceedings or other court programs.

#### **4. Remote Interpreting**

For short non-evidentiary hearings the Yakima County Court uses the following remote interpreting technologies:

- Video -remote interpreting (VRI)
- Telephonic interpreting provided by credentialed interpreters
- Telephonic interpreting agencies

The policy or practice of the Court with regard to the use of remote interpreting services is as follows:

- Video remote and telephonic interpreting use will be consistent with GR 11.3 and will be used with caution. Generally, in-person interpreters are preferred.
- Telephonic interpreting will be a last resort for courtroom proceedings and reserved for brief non-evidentiary proceedings such as continuances, given that non-verbal cues- not visible when on the telephone-are critical for communication. Telephonic interpreting can be particularly problematic in some circumstances such as for individuals who are deaf or hard of hearing, the elderly,

those struggling with mental illness, quiet or nonverbally communicative individuals, and others.

- Video remote interpreting (VRI) will be used appropriately and will meet the requirements for providing effective communication, including,
  - Real-time, full-motion video and audio;
  - A clear, large image;
  - A clear transmission of voices
  - Adequate training of staff in utilizing the equipment; and
  - Use of Certified interpreters with legal training

In order to be an efficient and effective mechanism for providing language access services when an in-person interpreter is not available, or when only a non-credentialed interpreter is available in person (but a credentialed one is available via video)

The court requires training for staff appointing authorities on VRI and telephonic interpreting, how to use the technologies, how to best utilize the remote interpreter, and what are appropriate events for such types of remote interpreting service. VRI shall not be the only option available to the court and should be used when in-person interpretation services are not available.

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

The Yakima County Court is responsible for taking reasonable steps to ensure that LEP deaf and hearing-impaired individuals have meaningful access to services outside the courtroom. It is the practice of the court to provide interpreters for court-managed services, programs and operations consistent with state and federal language access mandates. In compliance with such mandates, the court shall provide language access services at:

- Court facilitator services
- Criminal diversion programs
- Intake or filing offices
- Juvenile detention
- Juvenile diversion programs
- Court Ordered Programs

The court, in compliance with federal and state civil rights laws and regulations, shall provide the most appropriate language access service

for these programs and services, including qualified interpreters, bilingual staff, and translated materials and information. When the most appropriate language access service is the appointment of qualified interpreter, the court shall follow the guidelines described for the appointment of interpreters.

As noted in the policy interpretation section earlier, chapter 2.42 RCW requires that courts provide interpreters for persons who are D/HH/DB when they are required to attend court ordered programs or services. In addition to the provision on qualified interpreters in all proceedings where required, court's bilingual staff may assist with language needs outside of court proceedings. Bilingual staff shall be trained to understand their role, how it differs from the role of an interpreter, and that staff are only used for basic communications.

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

Yakima County Courts understands the importance of translating forms, documents, and electronic materials into non-English languages, so that LEP individuals have greater access to the court's services. Judicial and court staff shall not use web-based applications or software to process or provide translations for LEP individuals.

State forms which have been translated are available at [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms). Additional information resources translated into Spanish include:

- [A Guide to Washington State Courts/Guia de los tribunales de Estado de Washington](#)
- [Self-Represented Persons in Superior Court Civil Proceedings/Personas que se auto representan en procedimientos civiles en el Tribunal Superios](#)

Yakima County Courts currently have multiple forms translated into commonly used languages at the following sites

- <http://www.yakimacounty.us/1159/Forms>

The court shall make available such forms at appropriate locations in its court system and on the court's website. Information posted on the

court's website for such forms shall be made accessible in the language the form is translated into.

#### **D. Providing Emergency Information to LEP Court Customers**

Yakima County Courts are responsible for taking reasonable steps to ensure that LEP and D/HH/DB individuals have meaningful access to emergency information should an emergency situation arise. The court provides such information in the following ways:

- There are universally understood emergency signs located in the strategic places throughout the courthouse building;
- Bilingual staff is informed and trained to provide emergency information

#### **VI. Training**

Yakima County Courts are committed to providing training for all judicial court staff members who come in contact with LEP D/HH DB individuals in order to ensure the successful delivery of language access services. The court will provide staff training on all requirements in this Language Access Plan. Additional training opportunities will include:

- Proper appointment and scheduling of interpreters for all court proceedings and court-managed programs and services
- How to voir dire a non-credentialed court interpreter
- Role of an interpreter, modes of interpreting, and interpreter ethics and professional standards
- Courtroom management when interpreters are used
- Use of remote technologies for interpreting

Training efforts will include an initial training for new staff on the requirements of the current Language Access Plan and an annual training for existing court personnel that addresses any revisions made to the Plan.

Resources and information regarding language access services, policies and procedures and tools for providing language assistance (such as bench cards, language identification guides, brochures, etc.) are available to all court staff and decision makers at:

- The court's Intranet
- The court's Language Access Coordinator/Interpreter Coordinator

### **VII. COMPLAINT PROCESS FOR NON-COMPLIANCE**

#### **1. Complaints Against Local Court**

The Specific complaint process is designed to bring to the attention of the local court and if necessary, the Commission, allegations filed by LEP or D/HH/DB parties that the local court is out of compliance with its own Language Access Plan, any applicable federal statutes or regulations, state statutory provisions, such as chapter 2.42 or 2.43 RCW and/or any applicable state or local court rules. This is an informal process where by the Commission may be involved in providing consultation and guidance to LEP parties and local courts in resolving and removing barriers to language access services and resources.

LEP and D/HH/DB individuals are encouraged to first file a complaint with the local court using local court customer complaint filing procedures. The local court complaint rules are as follows:

#### **A. Local Court Complaint Process**

If you have a complaint about access to language services, you may submit a complaint using a complaint form. The Court provides versions of the form in English/Spanish. They should be submitted to the following address:

Yakima County Superior Court  
Court Administrator  
128 N 2<sup>nd</sup> Street #314  
Yakima, WA 98901

The Court Administrator will review and respond to all interpreter and language access complaints within 10 days. The Court takes all complaints about language access very seriously and will address the concerns in an appropriate manner. Please be aware that the Yakima County Court Administration in charge of the Language Access Plan does not have the authority to change or modify any decision made by a judicial officer and that its review of the complaint does not, in any way, affect or extend any applicable deadlines or procedural requirements such as filing motions, appeals, modifications, etc.

#### **B. Complaint Appeals may be filed with the Court Interpreter Commission at:**

Washington State Interpreter Commission  
c/o Interpreter Commission Staff  
Administrative Office of the Courts  
PO Box 41170  
Olympia, WA 98504-1170

Or by contacting Robert W. Lichtenberg at 360-350-5373 by telephone or via email at [Robert.Lichtenberg@courts.wa.gov](mailto:Robert.Lichtenberg@courts.wa.gov)

## **VIII. PUBLIC NOTIFICATION AND EVALUATION OF LAP**

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

Yakima County Courts LAP has been approved by the Presiding Judge and a copy has been forwarded to the Washington State Administrative Office of the Courts' Interpreter Program Coordinator. Any revisions to the plan are to be submitted to the Court Administrator for approval, and then forwarded to the Interpreter Program Coordinator. Copies of Yakima County Court LAP shall be provided upon request. In addition, the court shall post its LAP on its own website

### **B. Outreach and communication of Plan**

The Yakima County courts shall inform the public of the existence of the LAP and to this end, the court will:

- Collaborate with local bar associations, justice partners and other relevant organizations to ensure distribution of information.
- Translate vital outreach materials into the following languages:
  - Spanish

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

Yakima County court will conduct an annual needs assessment to determine whether changes to the LAP are needed. To this end, the court will continue to communicate on an ongoing basis with stakeholder, including LEP and D/HH/DB persons, attorneys, and the public in the following manner:

- Yearly surveys

This assessment will be done by reviewing various areas in which the court provides language access services, taking into consideration, at a minimum, the number of interpreters requested by language in the courts and the identification of emerging changes in the languages spoken or signed within the court's local population as identified by any informational means or by other methods. Elements of the assessment evaluation shall include:

- Number of LEP or D/HH/DB persons requesting court interpreters;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Assessing whether staff members adequately understand LAP polices and procedure and how to carry them out; and
- Identification of challenges or trends the courts are experiencing with providing language access services.

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. In addition, the Yakima County Court will submit to the AOC a copy of any updated information contained in this LAP within 60 days of its approval by Presiding Judge/Court Administrator

#### **D. Ideas for Future Improvements in Language Access**

Yakima County Court will review the results of its annual needs assessment and conduct the following activities:

- Identify and challenges or trends your court is experiencing with providing language access services, sourcing of interpreters, documented translation tasks, and website information that is accessible to LEP and D/HH/DB individuals.
- Engage in collaborative efforts with the courts to improve and coordinate interpreter scheduling where interpreter resources are shared.
- Identify and implament changes or improvements identified by your court to improve language access services that are within the scope of this LAP

LAP Contact Person

**State Contact:**

Robert Lichtenberg  
ASC Interpreter Program  
1206 Quince Street SE  
PO Box 41170  
Olympia, WA 98504-1170  
[Robert.Lichtenberg@courts.wa.gov](mailto:Robert.Lichtenberg@courts.wa.gov)  
(360) 350-5373

**Local Contact:**

Chela Larios Fisk  
128 N 2<sup>nd</sup> St #308  
Yakima, WA 98901  
509-574-2715

The Effective date of this LAP plan is \_\_\_\_\_

