

# 28th Judicial District

## LANGUAGE ACCESS PLAN

### Section I. Legal Basis and Purpose

This Language Access Plan (LAP) is the plan for the judicial district to ensure meaningful access to court services for persons with limited English proficiency (LEP) or deaf or hard of hearing in compliance with Title VI of the Civil Rights Act of 1964<sup>1</sup>, the Omnibus Crime Control and Safe Streets Act,<sup>2</sup> the Pennsylvania Interpreter Act,<sup>3</sup> and the Administrative Regulations Governing Court Interpreters for Persons With Limited English Proficiency and for Persons Who Are Deaf or Hard of Hearing.<sup>4</sup> A limited English proficient person is a person who does not speak English as his or her primary language, and who has a limited ability to read, write, speak, or understand English, and therefore may be unable to understand and meaningfully participate in the court process. Although deaf and hard of hearing individuals are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act, they have been included in this plan insofar as they relate to the Pennsylvania Interpreter Act and the Administrative Office of Pennsylvania Courts' (AOPC) Interpreter Certification Program Regulations.<sup>5</sup>

The purpose of the plan is to provide a framework for the provision of timely and effective language assistance to LEP persons and deaf and hard of hearing persons who come in contact with the judicial district.

The judicial district has appointed a language access coordinator:

**Name: Rebecca L. Whitman**  
**Title: Assistant Court Administrator**

to be a contact person for the public, court staff, and the AOPC concerning this plan and its implementation. The language access coordinator may be contacted through:

**Address: Venango County Court House**  
**1168 Liberty Street, P.O. Box 831**  
**Franklin, PA 16323**

**Phone #: (814) 432-9605**

**Email: [rwhitman@co.venango.pa.us](mailto:rwhitman@co.venango.pa.us)**

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### Section II. Needs Assessment

#### **A. Statewide Survey**

<sup>1</sup> 42 U.S.C. § 2000d *et seq.*; *see also* 45 C.F.R. § 80 *et seq.*; 28 C.F.R. § 42 *et seq.*

<sup>2</sup> 42 U.S.C. § 3789d(c)(1).

<sup>3</sup> Act 172 of 2006, 42 Pa. Cons. Stat. § 4401, *et seq.*

<sup>4</sup> 204 Pa. Code § 221.101 *et seq.*

<sup>5</sup> 204 Pa. Code 221.

The judicial district will make every effort to provide service to all LEP and deaf or hard of hearing persons in the court's service area. According to the 2010 AOPC survey of the district court administrators of Pennsylvania, the most widely used languages requiring interpreters in Pennsylvania's judicial districts were (number of counties in which the language is used regularly):

1. Spanish (67)
2. American Sign Language (51)
3. Mandarin Chinese (25)
4. Russian (20)
5. Vietnamese (14)
6. Arabic (14)
7. Korean (11)
8. Polish (10)
9. Italian (10)
10. French (10)

**B. Judicial District Data**

The following list shows the non-English languages, including American Sign Language, ("ASL"), most frequently spoken in this judicial district's physical jurisdiction, based on census data compiled by the Penn State Data Center:

1. Spanish
2. German
3. Other West Germanic languages
4. French
5. Polish

Please list the 5 most common languages, including ASL, for which interpreters were provided in your district for years 2012 and 2013.

1. ASL

**C. Identification of LEP Persons**

Court staff use the following methods to identify LEP persons

- "I Speak" cards
- "I Speak" poster
- Signage in non-English languages
- Other: Venango County has had very limited need for language assistance services other than for judicial proceedings.

**Section III. Language Assistance Resources**

## A. Interpreters Used In Judicial Proceedings

The judicial district will offer assistance to LEP and deaf or hard of hearing persons during judicial proceedings by providing foreign language interpreters as required by Title VI of the federal Civil Rights Act, the Pennsylvania Interpreter Act, and its regulations. As defined by the Pennsylvania Interpreter Act, it is "the policy of this Commonwealth to secure the rights, constitutional and otherwise, of persons who because of a non-English speaking cultural background or because of an impairment of hearing or speech are unable to understand or communicate adequately in the English language when they appear in court or are involved in judicial proceedings."<sup>6</sup> Pursuant to the regulations under Act 172, the Pennsylvania Interpreter Act, specific persons are required to give notice to the court of the need for an interpreter in certain types of cases, but "anyone with knowledge of a principal party in interest, witness or direct victim's need for an interpreter may give notice of that need to the presiding judicial officer or the Appellate Court Prothonotary/District Court Administrator or his or her designee . . . ."<sup>7</sup>

The 28th Judicial District provides interpreters for judicial proceedings in compliance with the rules and policies set forth in the Pennsylvania Interpreter Act and regulations, the AOPC Interpreter Certification Program regulations,<sup>8</sup> and the Guidelines for the Procurement and Appointment of Interpreters issued by the AOPC. Interpreter request and waiver forms are available on the Interpreter Certification Program page of the UJS website.<sup>9</sup> Interpreter request forms are also available on the Venango County website at [www.co.venango.pa.us](http://www.co.venango.pa.us). Click on "Court Offices", "Court Administration", "Local Administrative Rules" and "Interpreter Request"

The Pennsylvania Interpreter Certification Program ("ICP") maintains a statewide roster of certified, otherwise qualified, and registered interpreters who may work in the courts, which is available to court staff and the public online.<sup>10</sup> The Judicial Districts must give preference to the appointment of a certified interpreter, unless a certified interpreter is not available.

The court may appoint otherwise qualified interpreters when certified interpreters are unavailable. Otherwise qualified interpreters should be selected from the statewide roster. If the Judicial District is unable to locate a certified, otherwise qualified, or registered interpreter on the statewide roster, then the Judicial District should contact AOPC ICP staff for guidance.

## B. Language Services Beyond Judicial Proceedings

The judicial district is also responsible for taking reasonable steps to ensure that LEP persons have meaningful access to all court services, once LEP court users as been identified using the resources listed in section II(C), above. This is one of the most challenging situations facing court staff, because in most situations they will encounter LEP persons without an interpreter present. LEP persons may come in contact with court personnel via:

X Telephone

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<sup>6</sup> 42 Pa. Cons. Stat. § 4401.

<sup>7</sup> 204 Pa. Code §221.201(a)(4).

<sup>8</sup> 204 Pa. Code §221.

<sup>9</sup> <http://www.pacourts.us/judicial-administration/court-programs/interpreter-program>

<sup>10</sup> <http://www.pacourts.us/judicial-administration/court-programs/interpreter-program/interpreter-roster>

- X Counter
- Information desk
- Other [please specify]: \_\_\_\_\_
- Other [please specify]: \_\_\_\_\_

Once court staff have identified LEP individuals utilizing the resources identified in II(C), court staff provide the following language assistance services in the situations listed directly above Telephonic Interpretation Service (e.g., Language Line, or similar service)

- Video Remote Interpreting
- Bilingual employees
- X Other [please specify]: Venango County has had very limited need for language assistance services other than for judicial proceedings.

**C. Forms & Documents**

1. Statewide - The Administrative Office of Pennsylvania Courts (AOPC) makes select translated forms available to the courts on its website.<sup>11</sup>

2. Judicial District - The 28th Judicial District recognizes the importance of translating vital forms and documents so that LEP individuals have equal access to court services. To ensure consistency in the translation of vital documents and forms, the 28th Judicial District follows the guidelines established in the National Center for State Courts' Guide to Translation Practices.<sup>12</sup> Additional translated forms available to court users include:

Translated documents: None

Documents you intend to translate:

- Due to the extremely low volume of LEP persons who have contact with the Venango County Courts and court-related offices, we do not plan to translate any documents at this time.

**D. Other Provisions**

In an effort to provide LEP persons language access to court information, the judicial district also provides the following:

- Due to the extremely low volume of LEP persons who have contact with the Venango County Courts and court-related offices, we do not plan to make information available in languages other than English at this time.

<sup>11</sup> <http://www.pacourts.us/forms/for-the-judiciary/>.

<sup>12</sup> <http://www.ncsc.org/education-and-careers/state-interpretation-certification/~media/files/pdf/education%20and%20careers/state%20interpreter%20certification/guide%20to%20translation%20practices%206-14-11.ashx>.

**Section IV. Training**

The judicial district will work with the AOPC to ensure that all employees are trained on LEP policy and procedure. Judicial district staff will attend training to assist them to: identify and respond to LEP persons, increase awareness of the types of language services available, guide when and how to access those services, and effectively use language services. New employees, especially those who will have regular contact with the public, will be required to attend language access training.

Judicial district staff will attend and county clerks will be offered the following training regarding language access:

- Periodic training for new judicial district staff
- Periodic training for employees who have frequent contact with the public
- Other: \_\_\_\_\_

**Section V. Public Notification and Evaluation of Language Access Plan**

**A. Language Access Plan Approval and Notification**

The judicial district's LAP has been approved by the AOPC. The judicial district will post its LAP on its public website and/or public notification area within the courthouse and will make copies of the LAP available upon request. In addition, copies of the plan have been provided to all identifiable stakeholders in the LEP and deaf/hard of hearing communities, including but not limited to: the District Attorneys' Office, the Public Defenders' Office, and the local legal aid office.

The judicial district consulted with the following members of the community in creating its LAP:  
Venango County Magisterial District Courts

- Prothonotary & Clerk of Courts
- Clerk of the Orphans' Court / Register & Recorder
- District Attorney
- Public Defender
- Northwestern Legal Services
- Central Court Administrator
- Domestic Relations Director
- Director of Court Supervision Services

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

The judicial district will review this LAP six months from its inception, and biennially thereafter to assess whether the LAP needs updating. The LAP will remain in effect unless modified or updated. Review of the following areas may indicate a need to update the LAP:

- Increase in number of LEP and deaf or hard of hearing persons requesting court interpreters or language assistance
- Funding provided or available for languages services
- Current language needs to determine if additional services or translated materials should be provided
- Feedback from LEP and deaf or hard of hearing communities and stakeholders within the judicial district
- Court staff (turnover, new hires, etc.)
- Feedback from trainings provided by the judicial district or AOPC
- Viability of identified language services and resources
- Problem areas and corrective action strategies
- Updated census data

The language access coordinator for this judicial district ensures this plan is followed, advises the court on potential updates to this plan, and coordinates provision of language access services for the judicial district as they arise. The name and contact information of the language access coordinator is:

**Rebecca L. Whitman, Assistant Court Administrator**  
**Venango County Court House**  
**1168 Liberty Street, P.O. Box 831**  
**Franklin, PA 16323**  
**Phone: (814) 432-9605**  
**Email: [rwhitman@co.venango.pa.us](mailto:rwhitman@co.venango.pa.us)**

The judicial district will notify the AOPC of any changes to the language access coordinator's contact information, or if a new language access coordinator is named. Any revisions to the language access plan will be communicated to all court personnel, and an updated version of the plan will be posted on the court's website and in a public notification area in the courthouse, as well as distributed to all relevant stakeholders.

## **Section VI. Grievance Procedure**

Any LEP, deaf or hard of hearing individual has the right to file a complaint against the 28th Judicial District when he or she believes that the 28th Judicial District did not provide the necessary LEP or sign language services. The Language Access Coordinator shall take reasonable steps to inform LEP, deaf or hard of hearing court users about the availability of complaint forms.

The Language Access Coordinator shall:

- Utilize the attached complaint procedure and form
- Publish and make the complaint procedure and form readily available
- Post the complaint procedure prominently in the court facilities and on the court's website

All complaints regarding this LAP should be forwarded to:

**Rebecca L. Whitman**  
**Language Access Coordinator**  
**28th Judicial District**  
**1168 Liberty Street, P.O. Box 831**  
**Franklin, PA 16323**  
**Phone Number: (814) 432--9605**  
**Fax Number: (814) 432-3149**  
**Email Address: [rwhitman@co.venango.pa.us](mailto:rwhitman@co.venango.pa.us)**

The Language Access Coordinator or his/her designee will investigate any complaints that allege noncompliance with this LAP. If the investigation results in a finding of compliance, the Language Access Coordinator will inform the LEP individual in writing of this determination, including the basis for determination. If the investigation results in a finding of noncompliance, the Language Access Coordinator will inform the LEP person of the noncompliance in a letter that outlines the steps that will be taken to correct the noncompliance.

Effective Date: \_\_\_\_\_

Date: 11-5-14 Language Access Coordinator Signature: Rebecca L Whitman

Date: 11-3-14 President Judge Signature: \_\_\_\_\_

**28th Judicial District  
Language Access Plan  
Attachment A - Complaint Procedure and Form**

Should a court client/customer feel that his/her rights to meaningful language access have not been met by the Court, the following procedure may be followed to register a complaint:

1. The person with the complaint (the complainant) should contact the 28th Judicial District Language Access Coordinator to report the complaint by completing and submitting the attached Language Access Complaint Form.

Contact information: Rebecca L. Whitman, Venango County Court House, 1168 Liberty Street, P.O. Box 831, Franklin, PA 16323. Phone: (814) 432-9610; Fax: (814) 432-3149; [rwhitman@co.venango.pa.us](mailto:rwhitman@co.venango.pa.us)

If the complainant does not believe that their concerns have been adequately addressed or resolved with the 28th Judicial District language access coordinator, the complainant should contact the Coordinator for Court Access at the Administrative Office of the Pennsylvania Courts, (AOPC).

Contact information: Mary Vilter, Esq., 1515 Market Street, Suite 1414, Philadelphia, PA 19102, phone: 215.560.6300, fax: 215.560.5485, [mary.vilter@pacourts.us](mailto:mary.vilter@pacourts.us).

2. The complainant may also, at any time in this process, contact the United States Department of Justice.

Contact information: Federal Coordination and Compliance Section, Civil Rights Division, United States Department of Justice, 950 Pennsylvania Avenue NW, Washington, D.C. 20530, (888) 848-5306 or (202) 307-2678 (TDD).

**28th Judicial District  
Language Access Plan  
Attachment A - Complaint Procedure and Form**

**28th Judicial District  
Language Access Complaint Form**

The 28th Judicial District is committed to providing services to all members of the community it serves, regardless of their ability to speak English, in compliance with Title VI of the Civil Rights Act of 1964, PA Act 172 of 2006, and the Regulations Governing Court Interpreters implemented by the Pennsylvania Supreme Court. If you feel you have been denied services because of the language you speak, please complete this form and bring it or send it to the court as indicated.

The following information is necessary to assist us in processing your complaint. Should you require assistance in completing this form, please contact the 28th Judicial District at

Name: Rebecca L. Whitman  
Language Access Coordinator  
28th Judicial District  
Street Address: 1168 Liberty Street  
City/State/Zip: Franklin, PA 16323  
Phone: (814) 432-9610 Fax: (814) 432-3149  
Email: [rwhitman@co.venango.pa.us](mailto:rwhitman@co.venango.pa.us)

1. Name of person filing complaint (the complainant):
2. What language do you prefer to communicate in:
3. Complainant's Address:
4. Complainant's Contact Information:  Home Phone: Work Phone: Mobile Phone: E-mail:

**28th Judicial District  
Language Access Plan  
Attachment A - Complaint Procedure and Form**

5. If you are filing on behalf of another person, please include your name, address, phone number, and relation to the complainant:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Relationship to Complainant: \_\_\_\_\_

6. Please provide the following information about where and when your rights to language access were not met.

Please write the date and time when you were at the courthouse.

Date \_\_\_\_\_ Time \_\_\_\_\_

Did you request language assistance?  Yes  No

What was your business in the courthouse on that day?

\_\_\_\_\_  
\_\_\_\_\_

Were you in a courtroom when you felt that your language access rights were not met?  Yes  No

If you were in a courtroom, please provide as much of the following information as possible:

Name of your case \_\_\_\_\_

Case number \_\_\_\_\_

Courtroom number \_\_\_\_\_

Judge's name \_\_\_\_\_

If you had an interpreter, write the interpreter's name here:

\_\_\_\_\_  
What was the interpreter's language \_\_\_\_\_

If you were not in a courtroom when you felt that your language access rights were not met, where in the courthouse were you?

(For example, was it a clerk's counter, information counter? Somewhere else in the courthouse?) Please write where in the courthouse the event took place.

\_\_\_\_\_

**28th Judicial District  
Language Access Plan  
Attachment A - Complaint Procedure and Form**

Do you know the name of the employee who handled your case? If so write it here \_\_\_\_\_

Did the employee handling your case offer to provide some form of language assistance?  Yes  No

If yes, what language assistance was offered? (For example, obtaining an interpreter, printed information or documents in your language, etc.):

\_\_\_\_\_  
\_\_\_\_\_

7. Please describe, in your own words, in what way you believe that your rights to language access were not met and whom you believe was responsible. Please use the back of this form or additional pages as needed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Please sign below:

Signature \_\_\_\_\_

Date Signed \_\_\_\_\_

Return this form to:  
Rebecca L. Whitmman  
Language Access Coordinator  
28th Judicial District  
Venango County Court House  
1168 Liberty Street, P.O. Box 831  
Franklin, PA 16323