



Language Access Plan for the Owen Circuit Court

Prepared by Lynn Walters



Indiana Supreme Court
Office of Judicial Administration
Local Language Access Plan

Date Completed:

Court Information

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Table of Contents

INTRODUCTION	1
I. LEGAL BASIS FOR THE PROVISION OF LANGUAGE ACCESS SERVICES	1
II. NEEDS ASSESSMENT, DATA COLLECTION, AND EARLY IDENTIFICATION	2
A. LOCAL CONTACT PERSON	2
B. STATE CONTACT PERSON	2
C. LEP POPULATION ESTIMATES FOR COUNTY	2
D. EARLY AND ONGOING IDENTIFICATION OF LANGUAGE NEEDS	3
III. LANGUAGE ACCESS IN COURT PROCEEDINGS	5
IV. LANGUAGE ACCESS OUTSIDE COURT PROCEEDINGS	7
V. TRANSLATION	8
VI. TRAINING FOR COURT STAFF AND JUDICIAL OFFICERS	8
VII. PUBLIC NOTICE, OUTREACH, AND DISSEMINATION	9
VIII. LANGUAGE ACCESS PLAN AND SERVICES MONITORING	10
IX. LOCAL COMPLAINT MECHANISM	11
X. LANGUAGE ACCESS PLAN OVERSIGHT	12
APPENDIX A — DEFINITIONS	13

Introduction

This Language Access Plan (LAP) for the Owen Circuit Court , establishes the local operational plan, guidelines, and procedures for the provision of high-quality, meaningful language access to all limited English proficient (LEP) and deaf and hard of hearing individuals accessing the Court and its services. It does so pursuant to the Indiana Supreme Court's Language Access Plan, which guides the language access best practices and procedures for the trial courts throughout the state's ninety-two counties. This local LAP serves as a guidance tool as each county works towards achieving best practices.

This local LAP will be reviewed and updated every three years, and changes will be reported to the Indiana Judiciary so it may incorporate any necessary modifications to the Indiana judicial branch's LAP in its own five-year update, if appropriate.

I. Legal Basis for the Provision of Language Access Services

As delineated under the Language Access Plan for the Indiana judicial branch, federal and state laws establish this Court's obligation to provide meaningful language access to all LEP and deaf and hard of hearing court users. Specifically, under the Indiana Constitution¹ and Indiana statutory and case law, together with Title VI of the Civil Rights Act of 1964² and the Omnibus Crime Control and Safe Streets Act of 1968,³ Department of Justice regulations, and the American with Disabilities Act of 1990, Indiana state courts must provide interpreters and language access to all LEP and deaf and hard of hearing individuals in civil and criminal court proceedings. The Indiana judicial branch's Rules of Court further address language access and interpreter provision under the Indiana Rules of Court Interpreter Code of Conduct and Procedure & Disciplinary Process for Certified Court Interpreters & Candidates for Interpreter Certification.⁴

¹ See Ind. Const. art. 1, §13.

² 42 U.S.C. § 2000d, et seq.

³ 42 U.S.C. § 3789d.

⁴ For a thorough discussion of the legislative framework applicable to the provision of language access in the Indiana Judiciary generally, and this Court specifically, see the Language Access Plan for the Indiana Judicial Branch, adopted by the Indiana Supreme Court in February 2019.

II. Needs Assessment, Data Collection, and Early Identification

A. Local Contact Person

The staff persons designated to coordinate all language assistance services for the Owen Circuit Court

Contact 1					
Name	Lynn Walters		Title	Court Administrator	
Telephone	(812) 829-5030		Email address	lynn.walters@owencounty.in.gov	
Office address	PO Box 86				
City	Spencer		State	Indiana	Zip 47460
Contact 2					
Name	Chelsey Curl		Title	Asst. Court Reporter Circuit 2	
Telephone	(812) 829-5046		Email address	chelsey.curl@owencounty.in.gov	
Office address	PO Box 613				
City	Spencer		State	Indiana	Zip 47460

B. State Contact Person

For questions about interpretations and translations, contact Lun Pieper, Attorney, Office of General Counsel, 251 N. Illinois Street, Suite 1600, Indianapolis, IN 46204. Phone: 317-233-3362; e-mail: lun.pieper@courts.in.gov.

C. LEP Population Estimates for County

This information can be found on the Indiana Supreme Court's Language Access Page, by simply selecting your county from the drop-down list.

County data					
Total county population	20,799	Total LEP county population		LEP county percentage	2

*This information should be reported based on county experience

Top 5 languages spoken by individuals who identify as LEP
1. Spanish
2. Burmese Chin
3.
4.
5.

D. Early and Ongoing Identification of Language Needs

1. Points of Contact Between the Public and the Court

There are several points of contact between LEP and deaf and hard of hearing court users and the Owen Circuit Court . The most common points of contact are: [Check all that apply]

- Security screening at courthouse entrance(s)
Enter Court address: 60 S. Main Street, Spencer, IN 47460
- Clerk's office(s) and counter(s)
Located at: 60 S. Main Street, Spencer, IN 47460
- Records office(s):
Located at:
- Jury office(s) and jury summons:
Located at: 60 S. Main Street, Spencer, IN 47460
- Cashier(s):
Located at:
- Alternative dispute resolution program(s), including mediation:
Located at:
- Probation department(s) and related services:
Located at: 64 E. Market Street, Spencer, IN 47460
- Courtroom(s) at the following courthouse(s):
List Court Houses: Owen County Courthouse, 60 S. Main Street, Spencer, IN 47460
- Self-service legal center(s) and related services:
Located at:
- Law library(ies) and related services:
Located at:
- Website available at:
Enter URL:
- The Court's telephone system and assistance:
Enter phone number: (812) 829-5030

2. Tools for Early Identification of Language Needs

The Owen Circuit Court has in place the following mechanisms for the identification of a court user's language access needs as early in the process as possible. [Check all that apply]

a. Self-identification of needs

- Language identification guides at all points of contact in eighty languages as well as ten indigenous languages spoken in Mexico and Central America and twenty-five ethnic languages of Myanmar/Burma.
- Multilingual signage to notify members of the public their right to request an interpreter or other language assistance during their contact with the Court.

- A multilingual notice on the Court's website, informing LEP and deaf and hard of hearing persons of their right to language access services at any point during their contact with the Court. Enter URL:
- Other: *[Add any additional mechanism for self-identification for LEP and deaf and hard of hearing persons]*

b. Court staff and judicial officer identification of needs

For all court staff and judicial officers, when it appears that an individual has difficulty communicating due to a language barrier, the following are available: [Check all that apply]

- Hard copies of the [language identification guides](#) booklets at their work locations.
- Ease of access to the online version of [language identification guides](#).

c. Case management system tracking of needs

The Owen Circuit Court maintains case and party related records in the following manner: [Check all that apply]

- An electronic court-wide case management system, such as Odyssey, that allows tracking of a party's language needs identification within a case or proceeding and by individual, should he or she be involved in another case in the future.
- An electronic court-wide case management system, such as Odyssey, that permits the Court to share information with other courts employing the same management system to identify language needs of a court user in another court when necessary.
- Electronic case files and records, not part of a court-wide system. While it allows for tracking language access needs by case number and/or case name as the information is inputted by court staff, it does not automatically cross-reference the system to track language needs by party name should that same individual be involved in another case.
 - Because of the inability to track language needs by party name, the Owen Circuit Court will institute procedures for court staff to manually search the system by party when a new case filing occurs to obtain any relevant language identification information.
 - As resources permit, Owen Circuit Court will develop policies and procedures for modifying or updating the existing electronic record system to allow for tracking of language needs by case and party.
- Paper case files and records. The Court is unable to cross-reference party information, and the current system only allows the Court to ensure that case records clearly identify the involvement of an LEP or deaf and hard of hearing person in that case so that an interpreter or other language access service is provided at every stage of the proceeding in the case, as appropriate.

- In order to facilitate identification of cases with a language access need, the Owen Circuit Court will color-code or otherwise flag files where there is a language access need.
- Similarly, documentation will be inserted in the case file to ensure language access needs are identified appropriately.

Other: *[Add any additional method of tracking language need.]*

d. Justice partners' identification and notification of needs

Has the Owen Circuit Court established informal, internal protocols with the various justice partners to ensure the earliest possible identification of the need for court interpreters and other language access services?

- Yes
 No

e. Additional tools for early identification of language access needs

The Owen Circuit Court has instituted the following additional mechanisms for the early and accurate identification of the need for language access services: [Check all that apply]

It is the policy of the Owen Circuit Court for all court clerks and other staff to inquire about the need for language access services for any party or witness.

The attorneys, advocates and justice partners for LEP and deaf and hard of hearing court users must alert the court the need for interpreters at the beginning stages of the case.

The Owen Circuit Court notices include a cover sheet by court staff, informing parties of the availability of language access services and how to request those services.

Other: *[List any additional tools for early identification of language access needs.]*

III. Language Access in Court Proceedings

The Owen Circuit Court is responsible for the provision of interpreters for LEP and deaf and hard of hearing individuals involved in court proceedings. As such, the Owen Circuit Court schedules and pays for interpreter services, using: [Check all that apply]

Funds from the county.

Indiana Supreme Court Grant Funds

Court interpreters used by the Court include: [Check all that apply]

Staff interpreters.

Freelance interpreters who contract directly with the Court.

- Freelance interpreters provided through language service agencies who contract with the Court.
- LanguageLine telephonic interpreters, paid for under the Indiana Supreme Court's master contract.
- Telephonic interpretation services, other than LanguageLine, arranged and paid for directly by the Court, through the following agencies or services: *[List relevant agencies or services, if any, here.]*
- Qualified video-remote interpreters provided through the following agencies or services: *[List relevant agencies or services, if any, here.]*
- When necessary or convenient, the Owen Circuit Court accesses the Supreme Court's online Certified or Qualified Interpreter Registry to locate credentialed interpreters.
- The Court, when needed, obtains the help of the Office of Judicial Administration (IOJA) to locate an interpreter for languages of lesser diffusion.

The Owen Circuit Court local policy for the provision of court interpreters in court proceedings is as follows: [Check all that apply]

- Appoint only certified or otherwise qualified court interpreters, as recommended by the Indiana Supreme Court.
- Prioritize the appointment of certified or otherwise qualified court interpreters whenever possible and, only after reasonable efforts have been made and have been unsuccessful, appoint a non-qualified interpreter.⁵

Regarding the provision of interpreters at the Court's cost or the cost of the LEP or deaf and hard of hearing party (or witness), the Owen Circuit Court :

- Appoints court interpreters for all LEP and deaf and hard of hearing litigants and witnesses at no cost to the party for both proceeding interpreter and defense interpreter.
- Appoints court interpreters for all LEP and deaf and hard of hearing litigants and witnesses at no cost to the party only for proceeding interpreter.

⁵ By "qualified," this template LAP refers to the Supreme Court's Certification Program and guidelines as described on the judiciary's Court Interpreter Certification web page and in the Indiana Judicial Branch's Language Access Plan. See also Appendix A for definitions.

- Appoints court interpreters only for deaf and hard of hearing litigants or witnesses at no cost to the party. LEP parties must pay for their own interpreter (or witness interpreters) unless determined to be indigent.

The Owen Circuit Court follows the guidance provided by the Indiana Supreme Court through its [Interpreter Services for Courts](#) page, including policies regarding (1) when to request an interpreter; (2) proceedings for which a telephonic interpreter may be appropriate; (3) the use of qualified interpreters and avoidance of non-qualified individuals, such as family members, friends, minors, and bilingual staff or attorneys; and (4) payment of interpreters. To that end, in court proceedings, the Owen Circuit Court's policy is to: [Check all that apply]

- Conduct a voir dire of an LEP or deaf and hard of hearing litigant or witness to ascertain, through open-ended questions in English, whether an interpreter may be required.
- Provide in-person interpreters for more complex or evidentiary proceedings, including trials and guilty plea hearings.
- Avoid the appointment of family members, friends, minor children, and bilingual staff or attorneys to interpret for a party or witness.
- Appoint neutral persons who do not know the parties to interpret.

The Owen Circuit Court abides by the [Interpreter Code of Conduct and Procedure & Disciplinary Process for Certified Court Interpreters & Candidates for Interpreter Certification](#), of the Indiana Rules of Court. Therefore, if interpreter disciplinary or egregious performance issues arise, the Owen Circuit Court must refer any matter involving a credentialed interpreter, or candidate for credentialing, to the Indiana Office of Judicial Administration (IOJA) within 180 days of the alleged misconduct. See Section VIII for more details on the handling of interpreter and other language access-related complaints.

IV. Language Access Outside Court Proceedings

With respect to points of contact with the Court outside of court proceedings, enumerated in Section II.B.1., the Owen Circuit Court provides interpreters for deaf and hard of hearing court users when requested, through sign language interpreters, Certified Deaf Interpreters (CDI), or by providing assistive listening or other communication devices, as appropriate.

For LEP court users, the Court provides the following language access services: [Check all that apply]

- [Language identification guides](#), as referenced above.
- LanguageLine access for telephonic interpretation services.
- Other telephonic interpreting service(s) contracted by the Court: [List agency(ies) here]

- Bilingual court staff to provide in-language assistance, currently in the following languages: [List languages available here]

If you checked the box above, does the Court assess bilingual proficiency of its staff?

- Yes
 No

- Bilingual staff assistance or interpreters to enable participation in a court-ordered, court-operated programs.⁶
- Consideration by judicial officers of the language needs of a party before requiring, as part of a court order, participation in a non-court-operated program.
- Translated information and court forms, other than those provided on the Indiana Legal Help web page, whether in writing, web-based, or audio/visual, as follows: [Describe what translated information is provided and how it may be accessed here.]
Advisal Of Rights form, provided by the Court prior to an initial hearing; change of plea hearing; admissions hearing
- Other: [Add any additional mechanism providing language access outside court proceedings for LEP and deaf and hard of hearing persons here.]

V. Translation

Does the Owen Circuit Court provide local translations of court materials, such as information, forms, and instructions?

- Yes
 No

VI. Training for Court Staff and Judicial Officers

The Owen Circuit Court provides the following training for its judicial officers, court employees, and court administrators, as a critical component of any language access plan and efforts to ensure meaningful language access for LEP and deaf or hard of hearing individuals to the Court: [Check all that apply]

- Indiana judicial branch language access policies and procedures.
- Legal requirements under the ADA.

⁶ Court-ordered, court-operated programs are those required for compliance with a court-ordered proceeding that are under the control of the court, such as mandatory mediation or settlement conference sessions.

- Local language access operational plan, guideline and procedures.
- Proper appointment of certified or qualified interpreters for all court proceedings.
- Role of an interpreter, modes of interpreting, and interpreter ethics and professional standards.
- How to voir dire a non-credentialed court interpreter.
- Courtroom management when interpreters are used.
- Use of remote technologies for interpreting.
- Cultural competence.
- Other: [Enter other training here.]

Where available, training is offered as follows: [Check all that apply]

- Mandatory, on a periodic basis, for all judicial officers.
- Mandatory, on a periodic basis, for all court staff and administrators.
- Mandatory for all new employees.
- Voluntary for all judicial officers.
- Voluntary for all court staff and administrators.
- Available in person, on a regular basis.
- Available on the Court's intranet or other online location.
- Available through the Court's designated language access coordinator, interpreter coordinator, or other designated office.
- Other: [Enter other training here.]

VII. Public Notice, Outreach, and Dissemination

This Language Access Plan is publicly available on the Court's website at:

The Owen Circuit Court _____ has provided notice of this LAP to all relevant stakeholders, justice partners, attorneys, and the public, as follows: [state the method notifying stakeholders of protocol here:]

The Owen Circuit Court _____ will continue to communicate on an ongoing basis with stakeholders, including LEP and deaf and hard of hearing persons, attorneys, justice partners, community-based organizations, and other interested organizations, about its provision of language access services.

To this end, the court will: [Check all that apply]

- Collaborate with local bar associations, justice partners, and other relevant organizations to ensure distribution of information.
- Translate outreach materials into [Insert languages with high diffusion in the Court's area to which materials will be translated here.]
- Use ethnic print and audio/visual media to communicate regarding its language access policies and administrative policies. The Court has identified the following ethnic print and audio/visual media outlets with whom it will collaborate: [Insert local, regional, and/or statewide media outlets here.]

VIII. Language Access Plan and Services Monitoring

In order to ensure the appropriate and successful implementation of this LAP, the Owen Circuit Court _____ has established the following systems for monitoring the Court's effectiveness in providing language access services to its LEP and deaf and hard of hearing users, and for identifying the need for adjustments and improvements:

On an annual basis, the Owen Circuit Court _____ will monitor the LAP's implementation by:
[Check all that apply]

- Gathering data regarding the provision of interpreters, interpreter hours, and interpreter billing, by case type and proceeding, and comparing it to prior usage through the mechanisms identified in Section II.A. of this plan.
- Gathering data regarding the use of qualified interpreters and non-qualified interpreters to assess and improve, if necessary, the prioritization and use of qualified interpreters.
- Collecting information on the number of continuances needed before obtaining an interpreter, and delays in processing of cases as a result of needing to obtain an interpreter, to determine efficiencies in early identification of interpreter need.
- Soliciting feedback from justice partners, legal services programs, attorneys, bar associations, community-based organizations, representatives from immigrant and refugee communities, and the public at large regarding the implementation of the LAP.
- Identifying areas for improvement (e.g., provision of interpreters, translations, the addition of bilingual staff, better communication to stakeholders regarding policies, better staff training, etc.) and for assistance from the IOJA and the Language Access Advisory Committee (such as translation assistance for statewide information, areas where interpreter orientations or certification requirements may be improved, language access planning, etc.).
- Other: [[List any other methods of monitoring the LAP's implementation.]

IX. Local Complaint Mechanism

Does the Owen Circuit Court _____ have a complaint form and a complaint mechanism to enable LEP and deaf and hard of hearing persons, their attorneys, justice partners, or any interested person to file a complaint for the failure to provide language access services or interpreter services, and/or regarding the quality of interpreter or other language access services provided?

- Yes
 No

Complaints may also be filed regarding the provision (or the failure to provide) and quality of the following language access services: translations, bilingual staff, web information, access to services, and other related services.

The complaint form and instructions are available at: [Check all that apply or fill in local information in "Other" if a complaint process is in place]

- The Clerk's Office:
 The Language Access Coordinator/Interpreter Coordinator's office:
- The Court's Website:
 By calling:
 By mailing a request to:
 Other:

How many languages are the complaint form and instructions currently translated into?

List the languages the complaint form and instructions are translated into:

Any complaints filed about language access services provided at the Owen Circuit Court will be investigated and resolved at the local court level. Complaints about interpreter performance or ethical violations by credentialed interpreters, or credentialing candidates, will be referred to the IOJA as the entity responsible for interpreter qualifications and ethical compliance. Complaints regarding non-credentialed interpreters (or credentialing candidates) will be investigated and resolved by the Owen Circuit Court _____ .

On a quarterly basis, the Owen Circuit Court _____ will forward a report to the IOJA regarding the complaints filed, whether resolved or not, at the local level. The intent of this report is merely to allow the IOJA to monitor the effectiveness of language access policies. The quarterly report will include the number of complaints, reasons for complaints, and resolutions (if any) of the complaints.

X. Language Access Plan Oversight

The following is/are the person(s) responsible for oversight of this LAP for the Owen Circuit Court

Contact 1					
Name	Lynn Walters		Title	Court Administrator	
Telephone	(812) 829-5030		Email address	lynn.walters@owencounty.in.gov	
Office address	PO Box 86				
City	Spencer		State	Indiana	Zip 47460
Contact 2 (Optional)					
Name			Title		
Telephone			Email address		
Office address					
City			State		Zip

Submitting Officer's Name

Kelsey Hanlon

Submitting Officer's Title

2020 Presiding Judge, Owen Circuit Court

/s/ Kelsey Hanlon

Submitting Officer's Signature

Date 09/17/2020

Appendix A — Definitions⁷

1. *Direct “In-Language” Communication* – Monolingual communication in a language other than English between a multilingual staff and an LEP person (e.g., Korean to Korean).
2. *Effective Communication* – Communication sufficient to provide the LEP individual with substantially the same level of access to services received by individuals who are not LEP. For example, staff must take reasonable steps to ensure communication with an LEP individual is as effective as communications with others when providing similar programs and services.
3. *Interpretation* – The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
4. *Language Assistance Services* – Oral and written language services needed to assist LEP individuals to communicate effectively with staff, and to provide LEP individuals with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered by an agency or department that receives federal assistance.
5. *Limited English Proficient (LEP) Individuals* – Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing).
6. *Meaningful Access* – Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English proficient individuals.
7. *Multilingual Staff or Employee* – A staff person or employee who has demonstrated proficiency in English and reading, writing, speaking, or understanding at least one other language as authorized by his or her component. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English proficient individuals.
8. *Primary Language* – An individual’s primary language is the language in which an individual most effectively communicates.
9. *Program or Activity* – The term “program or activity” and the term “program” mean all the operations of an agency or department that receives federal assistance.

⁷ These definitions are provided by the Department of Justice on their own [Department of Justice Language Access Plan](https://www.justice.gov/sites/default/files/open/legacy/2012/05/07/language-access-plan.pdf) (March 2012) available at: <https://www.justice.gov/sites/default/files/open/legacy/2012/05/07/language-access-plan.pdf> (archived at <https://perma.cc/X97B-5YQ6>).

10. *Qualified Translator or Interpreter* – An in-house or contracted translator or interpreter who has demonstrated his or her competence to interpret or translate through court certification or is authorized to do so by contract with an agency or department or by approval of his or her component.
11. *Sight Translation* – Oral rendering of written text into spoken language by an interpreter without change in meaning based on a visual review of the original text or document.
12. *Translation* – The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
13. *Vital Document* – Paper or electronic written material that contains information that is critical for accessing a component's program or activities or is required by law.