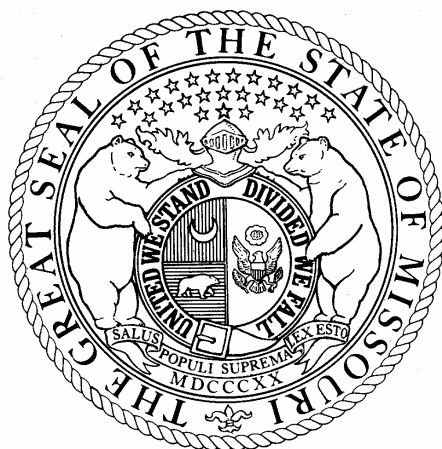


The Language Assistance Plan for the Missouri Judiciary



March 31, 2011

TABLE OF CONTENTS

Executive Summary..... 3

The Requirements for Limited English Proficiency 4

Limited English Proficiency in Missouri..... 7

Current Statewide Limited English Proficiency Services Provided 8

The Missouri Language Assistance Plan..... 11

Conclusion..... 17

Appendices

- A: Missouri Statutes
- B: 28 C.F.R. §§ 42.104(b)(2)
- C: 28 C.F.R. §§ 42.203(e)
- D: Demographic Information
- E: Signage
- F: “I Speak” cards
- G: Bench cards
- H: List of Translated Forms
- I: Schedule of Testing
- J: Code of Professional Responsibilities
- K: Qualifying a Non-Certified Interpreter
- L: Missouri Court Clerk Handbook, Section 219.07
- M: Missouri Court Clerk Handbook, Section 303.13
- N: Decision Item for Interpreter Funding
- O: Language Assistance Plan Instructions
- P: Language Assistance Plan Template
- Q: List of Community Partners
- R: Memorandum from the Attorney General

Executive Summary

An increasing number of court users have limited English language skills. Historically, the office of state courts administrator (OSCA) has provided materials and resources to the circuit courts to address the needs of non-English speaking populations. While this support will continue, future work will give added emphasis to education of staff and judicial personnel regarding their responsibilities, the provision of advice or assistance about how to meet these obligations and an ongoing effort to obtain the funds necessary to pay for services.

OSCA staff provides advice, a forum for complaint or issue resolution and updates about the laws and regulations that affect access to the courts for limited English proficient (LEP) persons. Staff also assists with issues involving the Americans with Disabilities Act (ADA), as well as assists courts with providing full and appropriate access. Funds currently are limited to pay interpreters in criminal and juvenile delinquency cases

This Language Assistance Plan (LAP) identifies OSCA's response, current and future, to increase access to the courts for persons in the LEP community. Future work will be critically important especially in the areas of funding for interpreters; education of court staff about language access; improving data collection to determine needs and costs; recruitment of qualified and certified interpreters; and improvement in the services offered by the courts to the public. As such, the plan will be revised periodically to reflect both present and future programs.

This document also is intended to be a user-friendly guide for the courts, providing information about statutes, compliance, developing local language access plans and meeting the needs of the local LEP community. OSCA Access to Justice program staff will provide assistance to the courts in realizing their own access goals.

The Requirements for Limited English Proficiency _____

Missouri Statutes

Section 476.803, RSMo requires the courts to appoint qualified interpreters in all legal proceedings in which a non-English speaking person is a party or witness. Section 476.800, RSMo defines a qualified interpreter as “an impartial and unbiased person who is readily able to render a complete and accurate interpretation or translation of spoken and written English for non-English speaking persons and of non-English oral written statements into spoken English.”

Under section 476.806, RSMo, foreign language interpreters are provided at no cost to litigants and witnesses in *criminal* proceedings. Each year, the legislature appropriates funds for such purpose and the funds are managed by OSCA. Missouri’s interpreter statute states fees and expenses may be taxed as costs by the court to the parties for *civil* proceedings. Such costs may be charged to one or both of the parties. Prior to any proceeding requiring an interpreter or translator, the court may order either or both parties to submit a monetary deposit to the court to cover the fees (Appendix A).

Federal Law

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d et seq. (Title VI), and the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. § 3789d(c) prohibits recipients of federal financial assistance from discriminating on the basis of race, color, or national origin. This prohibition against discrimination includes denying people full access to the courts due to the inability to speak English to the degree necessary for a fair legal proceeding. Based on this, the state is obliged to provide foreign language interpreting and translation for all parties and witnesses in legal proceedings.

There is a discrepancy between Missouri law and federal law regarding payment of interpreters. Unlike Missouri law, the federal law requires interpreters be provided without cost to the litigant in civil cases as well. Courts are informed of these distinctions and of their obligation to ensure those services are provided to limited English proficient individuals.

The Department of Justice

The Department of Justice (DOJ) has issued regulations and additional guidance in this area (28 C.F.R. §§ 42.104(b)(2), 42.203(e)) (Appendices B and C). The DOJ has indicated that any entity – including the courts – receiving federal financial assistance must take reasonable steps to ensure that all limited English proficient persons have meaningful access to all court proceedings and court-related programs and activities at no cost to the litigants and witnesses. DOJ guidance states courts must provide competent language services for every court matter for which a limited English proficient person may or must be present,

including hearings, trials and motions. This includes both criminal and civil matters.

Under DOJ guidance, in addition to providing competent interpreters in court, a court should ensure an attorney appointed to represent a LEP defendant is proficient in the defendant's language or that a competent interpreter is provided during consultations between the attorney and the individual. Currently, the cost of interpreting services for attorneys is borne by the public defender or by the locality as appropriate. DOJ guidance clearly states the legal obligation to pay for these attorney-client consultation costs exists regardless of funding availability. The public defender is now bearing these costs in all criminal cases to which it is appointed.

The DOJ guidance also describes the Title VI protections that extend beyond providing interpreters in court proceedings. The guidance suggests courts should consider four factors to determine the extent to which language assistance must be provided to limited English proficient individuals¹ beyond the provision of interpreter services for court proceedings.² The four-factor analysis consists of the following elements:

1. Number or proportion of LEP individuals in the court's jurisdiction;
2. Frequency with which LEP individuals come into contact with the court;
3. The nature and importance of the program, activity or service provided by the court to the LEP individual (including the consequences of lack of language services or inadequate services); and
4. Resources available to the court locally and statewide as well as cost.

In determining what language services should be provided, DOJ guidance states "the more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. ... A [federal funding] recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual. Decisions by a Federal, State, or local entity to make an activity compulsory...can serve as strong evidence of the program's importance." Examples of programs or services that are often made compulsory by courts include parenting classes, mandatory mediation or arbitration and settlement conferences.³

Further guidance from the DOJ states courts should ensure that eligible LEP individuals have equal access to programs that will give them an opportunity to avoid or lessen confinement as part of a criminal sentence, including such programs as anger management, counseling, domestic violence treatment and

¹ Federal Register, Vol. 67, No. 117, 41459-41461

² Federal Register, Vol. 67, No. 117, 41471

³ Federal Register, Vol. 67, No. 117, 41471-41472

substance abuse counseling. Courts also should assess the need for language services in contacts with the court system outside of the courtroom, particularly in allowing access to courts or calendars with high numbers of unrepresented individuals, such as family, landlord-tenant, traffic and small claims courts.⁴

Where a court's jurisdiction includes a significant number of LEP individuals who speak a particular non-English language, the court may decide to provide court forms translated in that particular language. As with the criteria above, courts may distinguish those forms that are critical from those that are merely helpful (e.g., application for substance abuse counseling would be critical whereas a license for a bicycle would merely be helpful). In courts where the number of LEP individuals is small, oral and sight interpretation on an as needed basis would be sufficient.

⁴ Federal Register, Vol. 67, No. 117, 41471-41472

Limited English Proficiency in Missouri

Like most states, Missouri is experiencing a growth in its immigrant population. The fastest growing group is Spanish-speaking immigrants but there are many pockets of other languages throughout the state (Appendix D). According to the United States Census Bureau, more than five percent of Missouri's population – approximately 311,000 people – speaks a language other than English at home. While Spanish is the predominant language, the Missouri Department of Elementary and Secondary Education determined 98 languages were spoken in the schools during the 2005-2006 school year totaling more than 19,000 children. Data about languages found throughout the state is available on the Modern Language Association website (www.mla.org.) There are significant populations of Russian-speaking people as well as pockets of Micronesian, Arabic, Vietnamese and other languages.

The need for LEP services is identified at the local level. The first step is recognizing an individual (party or witness) has limited English proficiency. This may occur in different ways. Ideally, an individual identifies him or herself as having limited English proficiency and requests, in a timely manner, an interpreter and/or other services to assist with navigating the legal system. Typically, this fails to occur. An individual may be called to court and arrive at the front counter with limited English proficiency and no knowledge of available assistance or entitlement. As front line staff, court clerks, if they interact with the individual, may have to assess whether enough information is understood by the LEP individual. Further, clerks must make the appropriate arrangements for the next court appearance if the individual will return for a trial or other proceeding.

At other times, it is not until the individual appears in court that the need for an interpreter becomes apparent. Courts should have a plan in place for dealing with last minute requests for interpreters and whether it is feasible to provide interpreters at the last minute. There are instances when an individual may believe he or she has sufficient English language skills to forego an interpreter. At that point the judge will need to assess the language skills of the individual and, if necessary, take steps to provide an interpreter. Courts may choose to coordinate court calendars requiring interpreter services; this is cost effective for courts with a high volume of single-language interpreting.

An individual's attorney or a social service agency also may apprise the court of the need for an interpreter. Once the need is identified, the court must arrange for an interpreter for all legal proceedings involving the LEP individual. Courts should take conscientious steps to inform the public that interpreting services are available, the cost of such services, who pays for such services and the process for requesting those services.

Current Statewide LEP Services Provided _____

The courts in Missouri are governed locally and make their own decisions regarding access for limited English proficient individuals. The state courts administrator's office does provide centralized advice and resources to the courts in multiple ways.

Signage

OSCA encourages courts to provide signs and/or pamphlets at courthouses and court facilities to inform non-English speakers where and how to request language assistance. OSCA has automated tools courts may use to design signage for specific locales. Courts are directed to provide clear signage with simple directions. In addition, because many LEP individuals may not be fully literate in their native language, use of universal symbols is encouraged (Appendix E).

"I Speak" Cards

OSCA provides copies of "I Speak" cards designed by the DOJ that allow LEP individuals to identify the language(s) they speak by pointing to the appropriate text (Appendix F). The cards capture 38 languages and are available to the courts electronically to download as needed. OSCA also provides posters of "I Speak" to courts on request.

Bench Cards

OSCA provides all trial courts with "bench cards" for foreign language interpreter issues (Appendix G). The cards provide a quick reference for clerks and judges to use to determine whether an interpreter is needed, to qualify an interpreter, to schedule and pay for interpreters and to guide the use of an interpreter during a proceeding.

Telephonic Access

OSCA pays for a contract with Language Line, a telephone interpreting service, to provide services statewide. Courts may access Language Line for criminal and delinquency proceedings at no cost to the courts. This telephone interpreting often is used for front-counter and initial contact between the courts and LEP individuals and also may be used for shorter proceedings, usually not longer than 20 minutes. For longer events and/or civil proceedings, courts are strongly encouraged to hire a certified interpreter.

Translation of Court Forms

Some of Missouri's larger courts have invested local resources to translate court forms, brochures and pamphlets that are specific to their courts' needs. Because local rules vary from jurisdiction to jurisdiction, these printed materials are not shared easily among courts. However, OSCA's Access to Justice program also

translates a number of general forms and documents for court use. Forms are currently available in Spanish and Bosnian (Appendix H).

If forms or pamphlets are not available in the required language, other means of translating or conveying information must be made available to LEP individuals. Unfortunately, many LEP individuals rely on family members or friends. While this is both inexpensive and convenient, it generally is not suitable for complex legal issues. Courts are encouraged to have qualified bilingual staff on hand, if possible, or use certified or registered interpreters to provide sight translation.

Certification of Interpreters

The OSCA Access to Justice program provides testing and certification/registration for interpreters statewide. Missouri interpreters currently are certified in Mandarin Chinese, Russian and Spanish. OSCA regularly provides testing in other languages to continue efforts to expand the pool of available certified interpreters. Using resources and protocols designed and sanctioned by the National Center for State Courts, OSCA conducts orientation, skills building and written and oral testing in Cantonese, French, Haitian Creole, Hmong, Korean, Laotian, Mandarin, Portuguese, Russian, Somali, Spanish and Vietnamese.

In addition, abbreviated oral exams are available in Arabic (Modern in sight and simultaneous, and Egyptian Colloquial in consecutive); Bosnian/Croatian/Serbian (simultaneous only); and Turkish (simultaneous only). This testing is provided a minimum of twice a year (Appendix I). For languages without certified interpreters, interpreters can be “registered” once they have passed a written exam and oral proficiency interview.⁵

In addition, Access to Justice program staff maintain a registry of certified interpreters that is available to courts via the Intranet. If a local, certified interpreter for a specific language is not available, Access to Justice program staff contact other states to locate an appropriate interpreter.

All certified and registered interpreters are tested about the Code of Ethics for Court Interpreters through the certification/registration examination process. Regardless of an interpreter’s credentials, all interpreters in court are expected to be familiar with and follow the Code of Professional Responsibility (Appendix J). Furthermore, an interpreter must take an oath that he or she will make a true interpretation to the party or witness in a language the party or witness understands, and that he or she will make a true interpretation of the party or

⁵ Candidates for the registered category must take and pass a written multiple choice examination and score 80 percent or better. An oral proficiency interview (OPI) is administered to those candidates passing the written examination. Candidates must achieve a “superior” rating on the OPI. The OPI will measure a minimal level of language proficiency rather than interpretation skills. Because registered interpreters will have been tested at a minimal level of proficiency (in contrast to the stringent standards required to be a certified interpreter), judicial officers still will need to qualify registered interpreters on the record.

witness' answers to questions to counsel, court or jury in the English language with his or her best skill and judgment. The interpreter shall not give explanations or legal advice or express personal opinions. Section 476.803, RSMo.

Courts are encouraged to use a certified interpreter. However, if a certified interpreter is not available, the court shall use a "qualified interpreter." The court should use the most qualified interpreter that is reasonably available. With this in mind, OSCA has developed materials to enable a judge to qualify an interpreter by means of a series of questions (Appendix K). These materials also are available via the Intranet.

Funding

Funds are appropriated from the General Assembly to the circuit courts to reimburse circuit courts for interpreters used in criminal and delinquency proceedings. OSCA manages these funds and pays for interpreters throughout the state. The current appropriation for these services is \$120,000, although fiscal 2010 interpreter services' payments in criminal cases actually totaled \$325,226. Since the costs that exceed the appropriation are mandatory even under Missouri statutes, the courts pay for the remainder of these costs from circuit court expense and equipment funds. If Missouri were required to pay for interpreter services in both civil and criminal cases (not including those costs paid by the public defender for consultation with attorneys), it is anticipated the cost would be approximately \$595,740. It is expected that actual costs would exceed that amount as the current annualized growth in need of interpreters is approximately 16.24 percent per year since fiscal 2002.

As these numbers indicate, Missouri currently lacks the dedicated funding to meet even its current statutory obligations in criminal cases, much less the DOJ-required guidelines for civil cases. Without sufficient funding to meet the needs identified in this plan, it will not be possible to realize the goals identified below. In addition, it is necessary to coordinate with local courts to determine what funding sources they are using to meet the obligation to appoint interpreters in all cases. For example, are these obligations merely taxed as costs (as the Missouri statute authorizes but DOJ guidelines prohibit), or are there local governmental resources dedicated to these functions? OSCA staff, as part of this LAP, will develop a methodology to improve data collection about LEP services (see item 3 in the Missouri Language Assistance Plan below) and conduct a survey of all courts to determine the ways courts are meeting these obligations currently.

The Missouri Language Assistance Plan ---

The language assistance plan for Missouri includes three phases with both state-level and court-specific actions for increasing access to the courts for people with limited English proficiency.

■ Phase I (2011-2012)

1. OSCA will recruit additional certified interpreters.

Currently, orientation and testing for interpreters is offered only in Jefferson City even though high concentrations of candidates are from the Kansas City and St. Louis areas. Because testing is time-consuming and difficult, OSCA will offer additional locations and dates for testing and shorten the time between written and oral tests in an effort to increase the number of successful, certified interpreters. Many candidates attempt the oral testing two and three times before passing all three sections (sight, consecutive and simultaneous).

Access to Justice program staff will contact local entities and schools in the metropolitan areas to reach out to students interested in pursuing careers in interpreting.

A database of both certified and registered interpreters will be maintained and include information such as language, level of proficiency and knowledge of ethical obligation in addition to contact and fee information. Access to Justice program staff will keep current with census data about immigration to Missouri and compare the data with the list of registered and certified interpreters to identify languages that may be underserved.

2. OSCA will educate court staff about the need for providing services to limited English proficient individuals.

In speaking with court staff across the state, many are not aware of the extent to which services must be provided to LEP individuals. On many occasions, frustrations run high because an LEP individual arrives at court without notifying anyone about the need for an interpreter. This may result in a continuance or even an attempt to proceed without a qualified interpreter. Educating clerks about the courts' obligations, how to recognize a possible need and how to work with judges and attorneys will better position our local courts to serve the LEP community.

OSCA hosts clerk and judicial conferences each year. Access to Justice program staff will attend these conferences and present information about LEP services and the requirements for compliance. In addition to these in-

person training sessions, Access to Justice staff will develop a webinar to teach court personnel about the challenges facing LEP individuals and the need for using certified interpreters and other issues surrounding access to the courts for LEP individuals. The existing court clerk handbook sections about dealing with interpreter issues, section 219.07 and section 303.13 (Appendices L and M), will be reviewed to improve current clerical instruction.

Two items in particular require immediate attention with regard to training clerical staff about LEP issues. First, OSCA access to justice, court services and judicial education staff will collaborate to disseminate information about the proper use of codes in the judicial case management system to ensure clerks are capturing necessary data about interpreter use. This currently is occurring but will be enhanced in future years. Also, data will be collected to determine future case management system needs. Second, clerks will be educated about the discrepancies between state and federal law for assessment of costs in civil cases, and about the potential federal law issues that may be created if such costs are collected. OSCA and local court staff will continue to explore state and local funding sources as well as other cost-saving or cost-free alternatives to defray the costs.

3. OSCA will improve data collection about the use of and need for limited English proficient services.

To better meet the needs of the LEP community in Missouri, data will be gathered about the state of services currently provided, the types of services still needed and the costs of providing services. Access to Justice program staff will determine what courts have written language assistance plans and collect copies of said plans. A survey will request information about local policies for services for the LEP community and the ways courts implement those policies. As mentioned above, OSCA staff also will review what data can be retrieved from the judicial case management system to help determine needs, while assessing other solutions for data collection in this area.

Access to Justice program staff also will survey courts to see what services are most often requested and needed by LEP individuals. This could include services such as counter help, signage, translation, interpreting, etc. Comparing this data with census and Modern Language Association data will aid OSCA in determining the concentration of need.

As this data is gathered and organized, it will be made available via the judicial Intranet for courts to view and use. Demographic and census data also will be shared with courts so they may anticipate needs for specific languages and populations.

4. OSCA will work with the governor, general assembly and other justice partners to fund and implement Department of Justice guidelines for the payment of interpreters in Missouri.

OSCA will work with and educate the legislature about the discrepancies between section 476.806, RSMo and DOJ guidelines regarding interpreting for civil and juvenile matters. OSCA will urge elected officials to enact laws and funding measures that will make Missouri fully compliant with federal law with regard to interpreters. This effort also will serve to make known the risks to litigants as well as governmental entities if the DOJ guidelines are not followed. OSCA also will work to secure funding for the expansion of services to the LEP community through any available source of grant funds. All current and future grant applications of OSCA or the judiciary as a whole shall incorporate services to LEP individuals wherever possible.

OSCA will work with various entities in the judiciary as well to determine if existing resources within the judiciary can begin to meet some portion of required funding. These entities will include the Supreme Court of Missouri, the circuit court budget committee, the family court committee, the coordinating commission on judicial education and the Missouri court automation committee. By identifying those civil cases most likely to involve public safety concerns or significant loss of liberty, it may be possible to develop a plan for gradual implementation.

Specifically, in Phase I OSCA will work with all interested parties within the judiciary to implement state funding of interpreters in all juvenile cases, in all cases involving termination of parental rights or in any other specific case where the appointment of an attorney is required by law. State payment of interpreters in these cases will begin July 1, 2011. Based on current data submitted in the judiciary's decision item for interpreter funding, it is estimated this will cost \$11,935 (Appendix N). OSCA also will make efforts to work with local courts to request reimbursement of interpreters in domestic cases from the Domestic Relations Resolution Fund administered by the family court committee. Current data indicates that implementing state-paid interpreters in domestic cases will cost \$73,150. In addition, OSCA staff should work with the Missouri court automation committee and the coordinating commission on judicial education to determine the future possibility of using technology – such as videoconferencing – to meet interpreter needs and to educate courts about how to identify such resources.

■ Phase II (2012-2013)

1. OSCA will assist local courts with the implementation of language assistance plans.

Developing a language assistance plan enables a court to set goals, to assess current services and to identify strategies for implementing improvement in local access for LEP individuals. A LAP also should describe local procedures for notifying LEP individuals of their rights in addition to documenting methods to accommodate language assistance needs.

Creating a language assistance plan requires goal setting exercises for court leadership and reviewing best practices and resources identified in this document and by the Access to Justice program. Courts are encouraged to use their LAP as a benchmark to chart progress in accomplishing the identified goals.

A language assistance plan should identify the following:

- Services that already exist to serve LEP individuals
- Service or language assistance gaps
- Specific improvements to be implemented in language assistance for LEP individuals
- Obstacles to those improvements
- Practices for:
 - Identifying and assessing the language needs of LEP individuals
 - Identifying and appointing interpreters
 - Notifying LEP individuals about the methods to obtain an interpreter, other language assistance and emergency information
 - Providing translations of commonly used forms
 - Training judges and court personnel
 - Evaluating the development and implementation of the LAP plan
 - Understanding the parameters for payment of interpreters

In addition to providing a template and instructions for writing and implementing a language assistance plan (Appendices O and P), Access to Justice program staff will work with courts to implement best practices for LEP services, from interpreting to forms translation, signage to community outreach. Access to Justice program staff collaborate with statewide agencies (Appendix Q) and the National Center for State Courts and share these resources with local courts. In addition, by gathering court-specific practices and procedures and posting the information to the judicial Intranet, courts can learn from other jurisdictions.

OSCA staff also will determine the ways in which both the statewide and local LAP may incorporate the recently-issued guidance from DOJ regarding

implementation of improved interpreter services within the federal government (Appendix R).

2. OSCA will continue efforts to recruit additional certified interpreters.

OSCA will use information gathered through data collection efforts in Phase I to determine what languages require the greatest focus for interpreter recruitment. The implementation of the Phase I recruitment efforts will be evaluated to determine the need to expand or change those efforts to meet the judiciary's need to find qualified and certified interpreters.

3. OSCA will continue to educate court staff about the need for providing services to LEP individuals and will evaluate its capability to expand the interpreter services available to the courts. OSCA also will work to improve information for the public regarding court services for LEP individuals.

OSCA Access to Justice staff will establish a plan for onsite visits to LEP coordinators to ensure implementation of their local LAP. Training materials for LEP best practices also will be developed with the goal of delivery to all local LEP coordinators. Deployment of this training in a wide variety of formats, including both live training and web-based training, will ensure optimal review by clerical staff beyond the local coordinator. Local coordinators should ensure appropriate staff is aware of and trained about these materials. OSCA will seek to add additional languages for testing and orientation and work to increase the number of languages with certified interpreters. OSCA also will evaluate and, if possible, develop plans to implement the expanded use of technology, such as video interpreter services, to meet the needs of LEP individuals. OSCA will evaluate and recommend options for possible translation of forms into additional languages.

4. OSCA will continue to work with the governor, general assembly and other government entities to fund and implement Department of Justice guidelines for the payment of interpreters in Missouri.

In addition to the ongoing efforts to pursue funding to implement the DOJ guidelines as described in Phase I, OSCA will work with the courts to develop an implementation plan to establish priorities for payment of interpreter services when funds become available beyond the initial recommendations for funding cited in Phase I. The data collected in Phase I regarding interpreter costs and usage will assist staff in developing information and recommendations about the costs of implementation. By setting goals and expectations as to how the guidelines will be met, it is hoped those who control potential funding sources more readily might understand and meet these goals as requested by the courts.

■ **Phase III (2013 and beyond)**

1. The state courts administrator's office continually will reevaluate its language assistance plan in light of issues identified in implementing phases I and II, and revise the plan accordingly to improve access to the courts for LEP individuals and to achieve compliance with DOJ guidelines and other applicable laws.

Conclusion

Missouri continues to progress with providing low cost and effective assistance to local courts in meeting the needs of limited English proficient individuals. This is apparent through the provision of materials, education, coordination efforts and ongoing funding of interpreters in criminal and juvenile delinquency cases. However, greater outreach and greater education for court personnel, attorneys and the public will improve access to courts

In tough budget times, it is tempting to say these things cannot be afforded. However, OSCAs enduring priority in this area must be to continue to educate public officials, including those who have authority over appropriations, as well as court staff, judges and attorneys about the importance of truly qualified interpreters for all of Missouri's constituents. Fairness in the courtroom and throughout the legal process requires understanding of its participants both conceptually and linguistically; only through providing services, translations and interpreters can this be achieved for limited English proficient individuals.

*Missouri Revised Statutes***Chapter 476
Courts--General Provisions
Section 476.803**August 28, 2010

Appointment of interpreters and translators, when--waiver, when--oath required.

476.803. 1. The courts shall appoint qualified interpreters and translators in all legal proceedings in which the non-English speaking person is a party or a witness.

2. Any non-English speaking party or any party who intends to call a non-English speaking witness shall provide such prior notice to the court of the need for an interpreter or translator as may be required by court rules.

3. The appointing authority shall appoint a qualified interpreter to assist the non-English speaking parent, guardian, or custodian of a juvenile brought before the court.

4. The court may accept a waiver of the right to a qualified interpreter by a non-English speaking person at any point in the court proceeding if the court advises the person of the nature and effect of the waiver and determines that the waiver has been made knowingly, intelligently, and voluntarily. The non-English speaking person may retract his or her waiver and request that a qualified interpreter shall be appointed.

5. An interpreter shall take an oath that he or she will make a true interpretation to the party or witness in a language that the party or witness understands and that he or she will make a true interpretation of the party or witness' answers to questions to counsel, court, or jury, in the English language, with his or her best skill and judgment. The interpreter shall not give explanations or legal advice or express personal opinions.

6. An interpreter or translator cannot be compelled to testify as to the information that would otherwise be protected by attorney-client privilege as between the party and his or her attorney.

(L. 2004 S.B. 1211 § 476.810)

© Copyright



Missouri General Assembly

Appendix A

*Missouri Revised Statutes***Chapter 476
Courts--General Provisions
Section 476.800**August 28, 2010

Definitions.

476.800. As used in sections 476.800 to 476.806, the following terms mean:

- (1) "Appointing authority", any court required to provide an interpreter;
- (2) "Court proceeding", any proceeding before a court of record;
- (3) "Non-English speaking person", any person involved in a legal proceeding who cannot readily speak or understand the English language, but does not include persons who are deaf or have a hearing disability;
- (4) "Qualified interpreter", an impartial and unbiased person who is readily able to render a complete and accurate interpretation or translation of spoken and written English for non-English speaking persons and of non-English oral or written statements into spoken English.

(L. 2004 S.B. 1211)

© Copyright



Missouri General Assembly

Appendix A

Missouri Revised Statutes

Chapter 476
Courts--General Provisions
Section 476.806

August 28, 2010

Fee for service, amount, paid by whom.

476.806. 1. Interpreters and translators in civil, juvenile, and criminal proceedings shall be allowed a reasonable fee approved by the court and necessary travel expenses not to exceed state rates. Interpreters shall not be compensated for travel time.

2. If the person requiring an interpreter or translator during the proceeding is a party to or a witness in any criminal proceeding, such fees and expenses shall be payable by the state from funds appropriated for such purpose.

3. In all cases not included in subsection 2 of this section, such fees and expenses may be taxed as costs by the court to the parties. Prior to any proceeding requiring an interpreter or translator, the court may order either party, or both, to deposit money with the court in an amount reasonably necessary to cover such fees and expenses. Upon disposition of the proceeding the court may order such costs paid from such deposit and shall return any portion of the deposit not used for such court costs to the parties.

(L. 2004 S.B. 1211 § 476.820)

© Copyright



Missouri General Assembly

Appendix B

[Code of Federal Regulations]
[Title 28, Volume 1]
[Revised as of July 1, 2010]
From the U.S. Government Printing Office via GPO Access
[CITE: 28CFR42.104]

[Page 812-813]

TITLE 28--JUDICIAL ADMINISTRATION

CHAPTER I--DEPARTMENT OF JUSTICE

PART 42_NONDISCRIMINATION; EQUAL EMPLOYMENT OPPORTUNITY; POLICIES AND

Subpart C_Nondiscrimination in Federally Assisted Programs_

Sec. 42.104 Discrimination prohibited.

(a) General. No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this subpart applies.

(b) Specific discriminatory actions prohibited. (1) A recipient to which this subpart applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin:

(i) Deny an individual any disposition, service, financial aid, or benefit provided under the program;

(ii) Provide any disposition, service, financial aid, or benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any disposition, service, financial aid, or benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any disposition, service, financial aid, or benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any disposition, service, financial aid, function or benefit provided under the program; or

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (c) of this section).

(vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

(2) A recipient, in determining the type of disposition, services, financial aid, benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such

Appendix B

program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national

[[Page 813]]

origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.

(3) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this subpart applies, on the ground of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this subpart.

(4) For the purposes of this section the disposition, services, financial aid, or benefits provided under a program receiving Federal financial assistance shall be deemed to include all portions of the recipient's program or activity, including facilities, equipment, or property provided with the aid of Federal financial assistance.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph and in paragraph (c) of this section does not limit the generality of the prohibition in paragraph (a) of this section.

(6)(i) In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color, or national origin.

(c) Employment practices. (1) Whenever a primary objective of the Federal financial assistance to a program to which this subpart applies,

is to provide employment, a recipient of such assistance may not (directly or through contractual or other arrangements) subject any individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, employment, layoff, or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities). That prohibition also applies to programs as to which a primary objective of the Federal financial assistance is (i) to assist individuals, through employment, to meet expenses incident to the commencement or continuation of their education or training, or (ii) to provide work experience which contributes to the education or training of the individuals involved. The requirements applicable to construction employment under any such program shall be those specified in or pursuant to part III of Executive Order 11246 or any Executive order which supersedes it.

(2) In regard to Federal financial assistance which does not have

Appendix B

providing employment as a primary objective, the provisions of paragraph

(c)(1) of this section apply to the employment practices of the recipient if discrimination on the ground of race, color, or national origin in such employment practices tends, on the ground of race, color,

or national origin, to exclude persons from participation in, to deny them the benefits of or to subject them to discrimination under the program receiving Federal financial assistance. In any such case, the provisions of paragraph (c)(1) of this section shall apply to the extent

necessary to assure equality of opportunity to and nondiscriminatory treatment of beneficiaries.

[Order No. 365-66, 31 FR 10265, July 29, 1966, as amended by Order No. 519-73, 38 FR 17955, July 5, 1973; Order No. 2679-2003, 68 FR 51364, Aug. 26, 2003]

Appendix C

[Code of Federal Regulations]
[Title 28, Volume 1]
[Revised as of July 1, 2010]
From the U.S. Government Printing Office via GPO Access
[CITE: 28CFR42.203]

[Page 822-823]

TITLE 28--JUDICIAL ADMINISTRATION

CHAPTER I--DEPARTMENT OF JUSTICE

PART 42_NONDISCRIMINATION; EQUAL EMPLOYMENT OPPORTUNITY; POLICIES AND

Subpart D_Nondiscrimination in Federally Assisted Programs_

Sec. 42.203 Discrimination prohibited.

(a) No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or denied employment in connection with any program or activity funded in whole or in part with funds made available under the JSIA or the Juvenile Justice Act.

(b) A recipient may not, directly or through contractual or other arrangements, on the grounds set forth in paragraph (a) of this section:

(1) Deny an individual any disposition, service, financial aid, or benefit provided under the program;

(2) Provide any disposition, service, financial aid, or benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(3) Subject an individual to segregation or separate treatment in any matter related to his receipt of any disposition, service, financial aid, or benefit under the program;

(4) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any disposition, service, or financial aid or benefit under the program;

(5) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any disposition, service, financial aid, function, or benefit provided under the program;

(6) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program;

(7) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program;

(8) Subject any individual to physical abuse or summary punishment, or deny any individual the rights guaranteed by the Constitution to all persons;

(9) Subject any individual to discrimination in its employment practices in connection with any program or activity funded in whole or

Appendix C

in part with funds made available under the JSIA or the Juvenile Justice Act;

(10) Use any selection device in a manner which is inconsistent with the Department of Justice Uniform on Employee Selection Guidelines, 28 CFR 50.14.

(c) In matters involving employment discrimination, section 815(c)(1) of the JSIA shall be interpreted by the Office consistently with title VII of the Civil Rights Act of 1964, Public Law 88-352, 79 Stat. 253, as amended by the Equal Employment Opportunity Act of 1972, Public Law 92-261, 87 Stat. 103, and the Pregnancy Discrimination Act, Public Law 95-555, 92 Stat. 2076.

(d) The use of a minimum height or weight requirement which operates to disproportionately exclude women and

[[Page 823]]

persons of certain national origins, such as persons of Hispanic or Asian descent, is a violation of this subpart, unless the recipient is able to demonstrate convincingly, through use of supportive factual data, that the requirement has been validated as set forth in the Department of Justice Guidelines on Employee Selection Procedures, 28 CFR 50.14.

(e) A recipient, in determining the type of disposition, services, financial aid, benefits, or facilities which will be provided under any program, or the class of individuals to whom, or the situations in which, such will be provided under any program, may not directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination under section 815(c)(1) of the JSIA, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, sex, national origin, or religion.

(f) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, subjecting them to discrimination under, or denying them employment in connection with any program or activity to which this subpart applies; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the JSIA, the Juvenile Justice Act, or this subpart.

(g) For the purposes of this section, the disposition, services, financial aid, or benefits provided under a program or activity receiving Federal financial assistance shall be deemed to include any portion of any program or function or activity conducted by any recipient of Federal financial assistance which program, function, or activity is directly or indirectly improved, enhanced, enlarged, or benefited by such Federal financial assistance or which makes use of any facility, equipment, or property provided with the aid of Federal financial assistance.

(h) The enumeration of specific forms of prohibited discrimination in paragraphs (b) through (g) of this section does not limit the

Appendix C

generality of the prohibition in paragraph (a) of this section.

(i)(1) In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color, religion, national origin, or sex, the recipient must take affirmative action to overcome the effects of prior discrimination.

(2) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color, religion, national origin, or sex.

(j) Nothing contained in this subpart shall be construed as requiring any recipient to adopt a percentage ratio, quota system, or other program to achieve racial balance. The use of goals and timetables is not use of a quota prohibited by this section.

[45 FR 28705, Apr. 30, 1980, as amended at 45 FR 54036, Aug. 14, 1980]



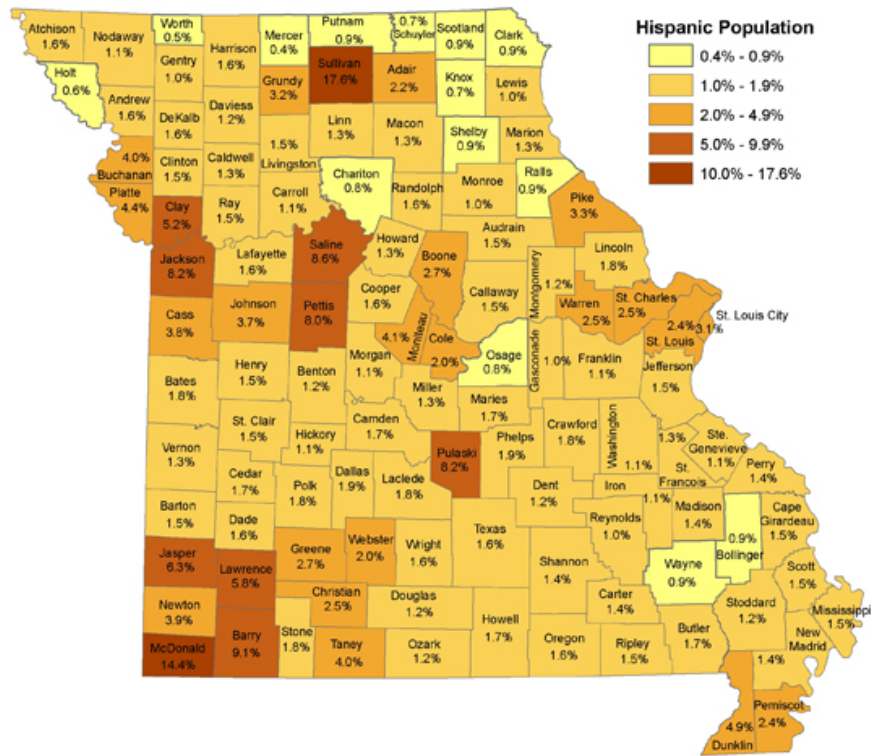
Missouri's Hispanic Population Continues to Grow

In 2009, 203,907 Hispanics called Missouri home, an increase of over 70 percent since 2000. U.S. Census Bureau estimates for 2009 show the population of those of Hispanic origin accounted for 3.4 percent of Missouri's total population.

Nationally, the population of Hispanics was estimated to be 48.4 million, or 15.8 percent of the nation's population, making Hispanics the largest ethnic or race minority in the United States.

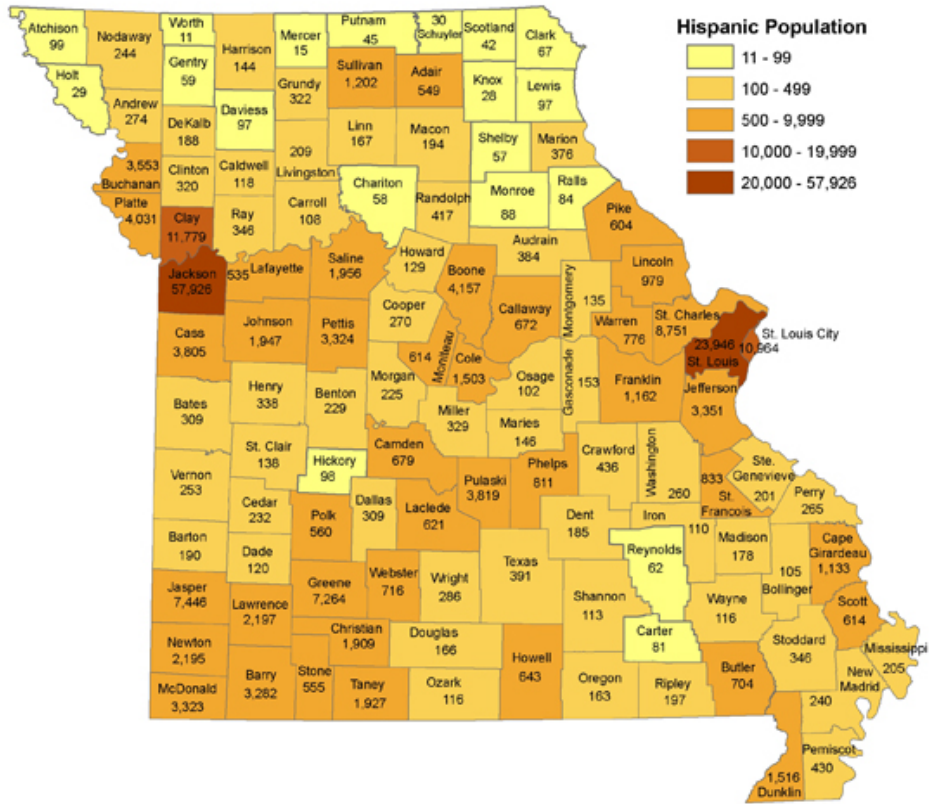
Those of Hispanic origin make up 17.6 percent of the population of Sullivan County in the state. McDonald County followed with slightly less at 14.4 percent. Other top counties included Barry (9.1%), Saline (8.6%), Pulaski (8.2%) and Jackson (8.2%).

Hispanic Population Percentage in Missouri
2009



Appendix D

Missouri's Hispanic Population 2009



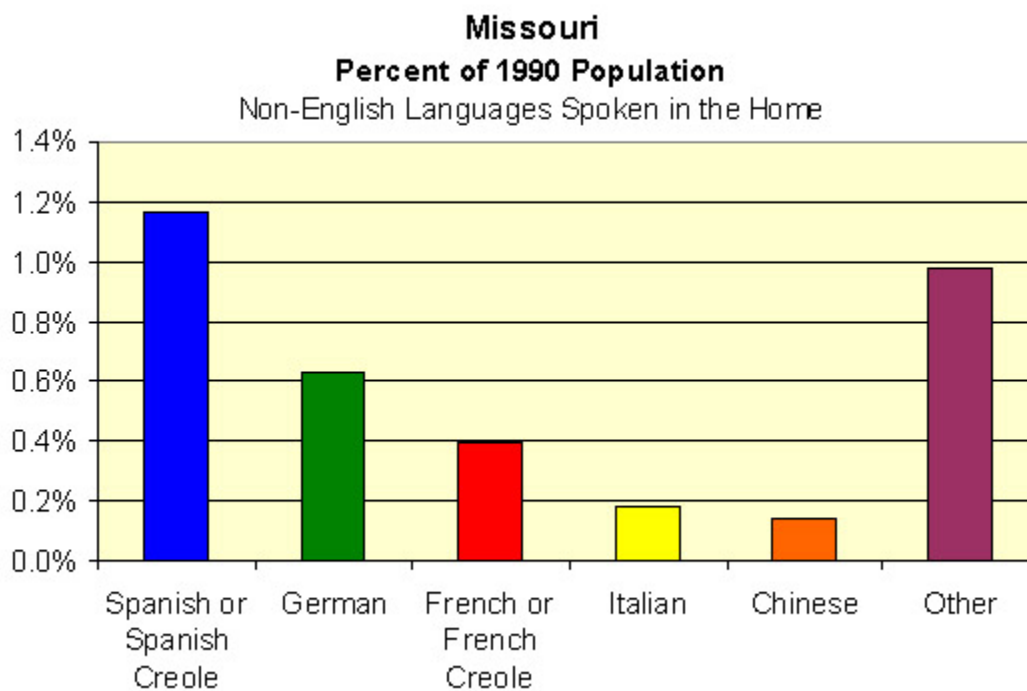
Source: U.S. Census Bureau

Population Data Series

The Many Languages of Missouri

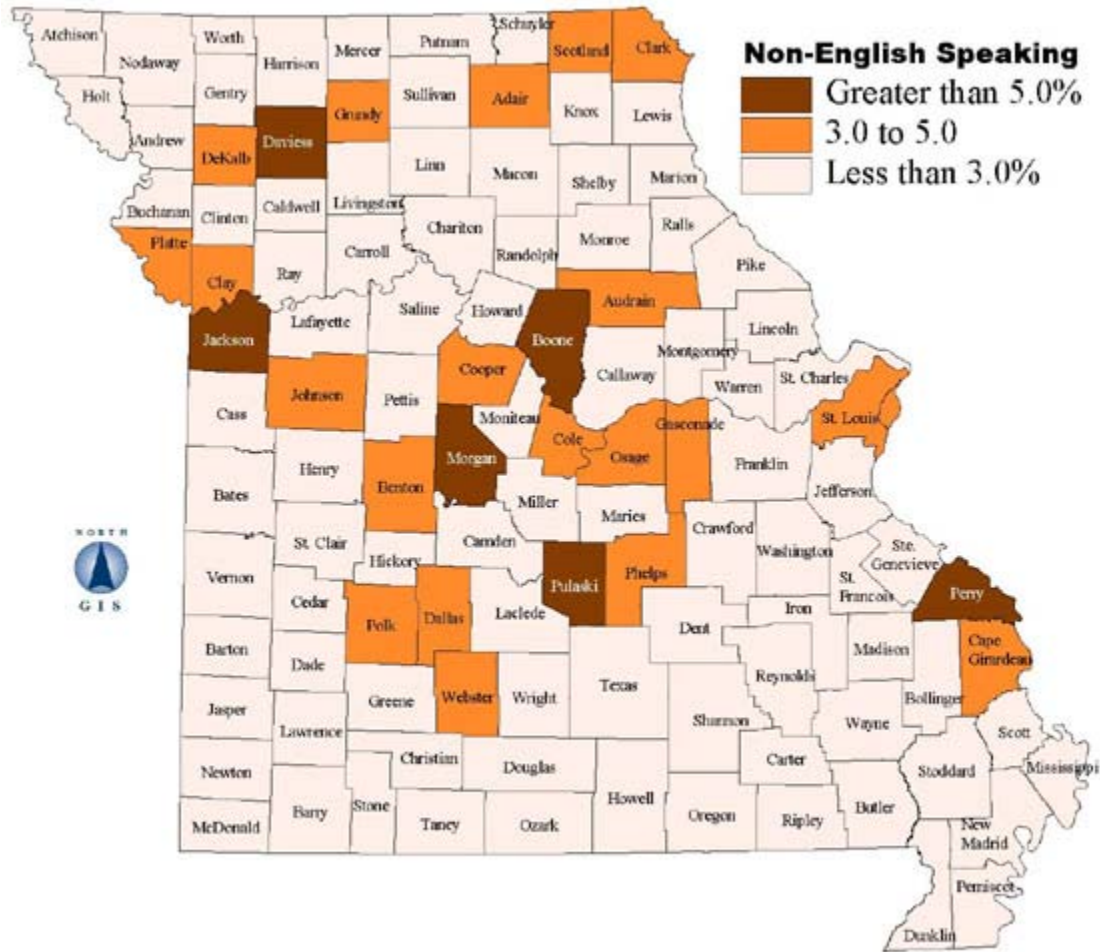
Census Figures

According to the 1990 Census, 3.48 percent (178,210) of Missouri's population spoke a language other than English in the home. The five most common languages spoken in the home were Spanish or Spanish Creole (1.16 percent), German (0.63 percent), French or French Creole (0.39 percent), Italian (0.18 percent), and Chinese (0.14 percent).



Source: U.S. Census Bureau

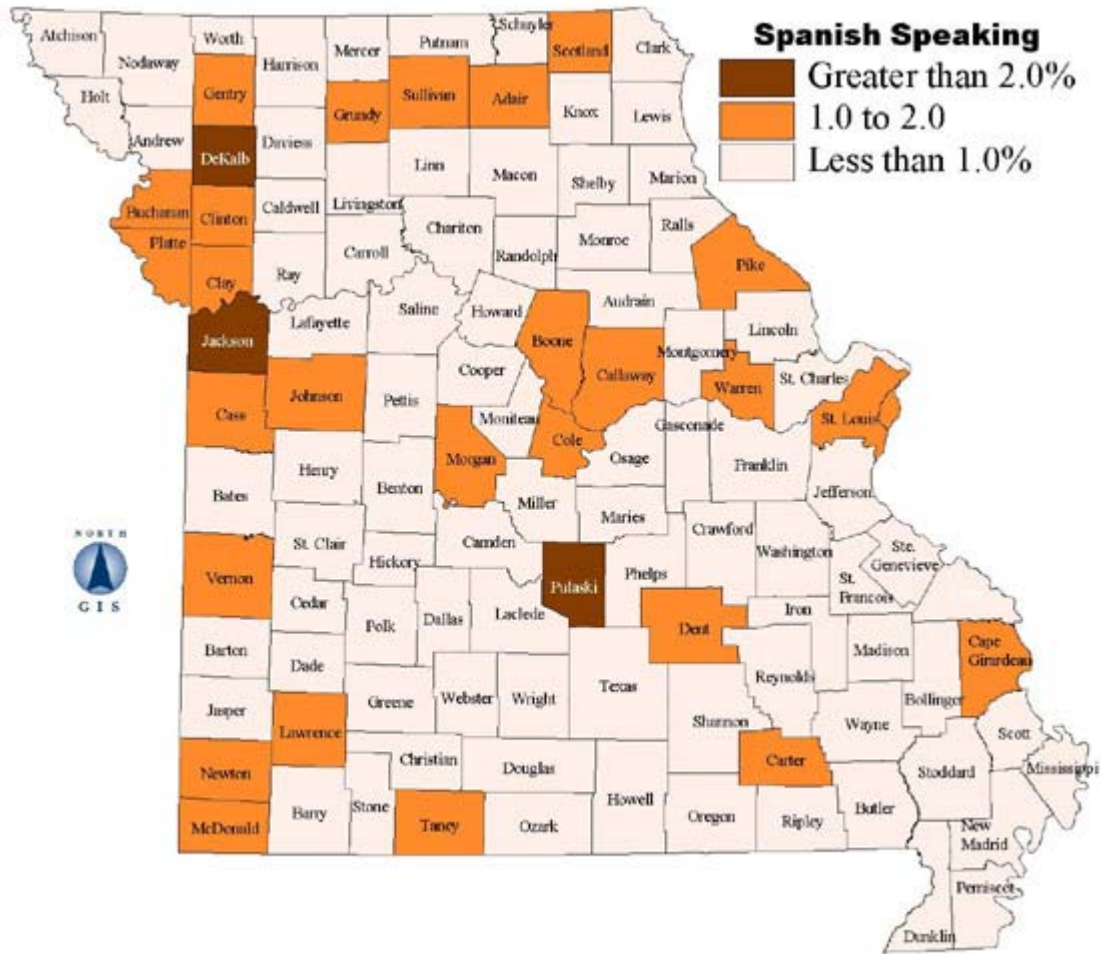
**Percent of 1990 Population
Non-English Language Spoken in the Home**



Spanish is the most common non-English language in Missouri. Data from the 1990 Census and 2000 Census estimates show that not only is Spanish dominant versus other non-English languages in Missouri, but also growing as a language used in the home.

Appendix D

Percent of 1990 Population Spanish Spoken in the Home



Appendix E

If you need an interpreter for court business



Free interpreter services are available upon request to conduct your court business and to schedule an interpreter for hearings or trials contact: _____

Arabic:
 خدمات الترجمة المجانية متوفرة عند الطلب من أجل إتمام الإجراءات القضائية المتعلقة بك. ليعمل موعد مع مترجم لحضور الجلسات القضائية أو المحاكمات، اتصل بنا: _____

Bosnian:
 Na zahtjev su na raspolaganju besplatne prevodilačke usluge za vođenje vaše sudske djelatnosti, da zakažete prevodioca za rasprave ili suđenja kontaktirajte: _____

Traditional Chinese:
 欲獲取免費翻譯服務辦理法庭事宜或安排聽證/聽審翻譯，請聯絡: _____。

Fulani:
 Nantinoowo ma yobaata ana hebbe sa naamdiima mbele ana waaluma ko faate gnaawoore goonga nde paweda nde. Owaalurtuma koko fate taajde ngnalawma mo joogurda ngnawede; so dum mbene, omo waawi firaandema ko naamda ema ko eko fate ngnawoore nde fof : _____ . Topitiddo nokkou ngnaworde to noddadato. Indemum a yettoode mum a telefon mum

Laotian:
 ມີບໍລິການຕີອັກສອນຮ່ວມຮີ່ສຳລັບຄົນທີ່ ຕ້ອງການບໍລິການຕີອັກສອນໃນ ການ ຈັດຕັ້ງ ສານ ຫາກ ມັນ ບໍ່ ມີ ບຸກຄົນ ທີ່ ບໍລິການ ຕີອັກສອນ ສຳລັບ ການ ຈັດຕັ້ງ ສານ. ໃຫ້ ຄຳ : _____

Russian:
 По вашей просьбе для участия в судебных процедурах вам будет предоставлен бесплатный переводчик. Чтобы заказать переводчика на время судебного разбирательства, свяжитесь с: _____

Somali:
 Turjumaano bilaasha ayaa kuu diyaara inaad codsatid inay kuu adeegaan markay yimaadaan arimo maxkamadeed iyo inay kuu dhigaan balamaha maxkamad dhagaysiga ama kiisaska. La Soo xidhiidh: _____

Spanish:
 Se dispone de servicios gratuitos de interpretes a pedido del interesado para facilitar su tiempo en la corte. Para programar un intérprete para una audiencia o tribunal, póngase en contacto con: _____

Vietnamese:
 Dịch vụ thông dịch được cung cấp miễn phí khi yêu cầu cho các vụ kiện nơi tòa án, và để sắp xếp cho một thông dịch viên đến các cuộc điều trần hoặc phiên xử, xin liên lạc: _____

COURTROOM

Sala del tribunal

Please check in with the
court clerk.

*Informe por favor al
empleado del tribunal.*

COURT CLERK
SECRETARIO DEL TRIBUNAL

CASHIER
CAJERO

Please have exact change when paying.
No personal checks will be accepted.
Tenga por favor el cambio exacto al pagar.
Ningunos cheques personales se aceptarán.

WAITING ROOM
SALA DE ESPERA

**PRIVATE
NO ADMITTANCE**

*PRIVADO
PROHIBIDO ENTRAR*

No smoking, food or drink.

*Prohibido fumar, comer y
tomar.*

No cell phones, pagers, PDAs or electronic devices in the courtroom.

No se permiten teléfonos celulares, buscapersonas, PDAs or aparatos electrónicos en la sal del tribunal.

INFORMATION / *INFORMACION*

Please have all court documents available.

Tenga por favor todos documentos del tribunal disponibles.

- What is your court case number?
- *¿Cuál es el número de su causa de tribunal?*

- What are the names of the people involved?
- *¿Cuáles son los nombres de las personas involucradas?*

- Do you have a copy of your court papers?
- *¿Tiene copias de sus documentos de tribunal?*

After checking in, please go to the courtroom and have a seat.

Después de que usted llegue, vaya por favor a la sala de tribunal y tome asiento.

Appendix E

This group of phrases may help you direct someone to the appropriate courtroom. You can say it, write it, or point to the appropriate phrase.

Your hearing is in courtroom _____

Su audiencia esta en la sala del tribunal _____

Across the hall/*Cruzando el pasillo*

Down the hall/*Por el pasillo*

Turn right/*Doble a la derecha*

Turn left/*Doble a la izquierda*

Upstairs/*Arriba*

Downstairs/*Abajo*

Floor _____ /*Piso _____*

Appendix E

SERVING THE LIMITED ENGLISH PROFICIENT (LEP) COURT CUSTOMERS

Provided by OSCA, Access to Justice Program

If you would like to translate an easy* sentence, try one of these free on-line translation services:

<http://www.freetranslation.com/>

<http://world.altavista.com/tr>

http://www.worldlingo.com/en/products_services/worldlingo_translator.html

*Works only if you use short, simple sentences and avoid words with double meanings. For example, "take a chair" will literally be translated into "take" a chair.

Bilingual instructional/directional signs are provided for you to copy and post in the courthouse.

The following description of the **names** for the Spanish letters comes from www.spanishpronto.com:

These letter names are, of course, pronounced with Spanish pronunciation; not "ay," "bee," "cee," (as in English), but: "ah," "bay," "say" ("thay," in Spain), "chay," "day," "ay," "AY-fay," "hay," "AH-chay," "ee," "HOH-ta," "kah," "AY-lay," "AY-lyay," "AY-may," "AY-nay," "AY-nyay," "oh," "pay," "coo," "AY-ray," "AY-rray," "AY-say," "tay," "oo," "OO-vay," "OO-vay DOH-blay" (or "DOH-blay OO"), "AY-kees," "EE gree-AY-gah," and "SAY-tah" ("THAY-tah," in Spain)

a (a), be (b), ce (c), che (ch), de (d), e (e), efe (f), ge (g), hache (h), i (i), jota (j), ka (k), ele (l), elle (ll), eme (m), ene (n), eñe (ñ), o (o), pe (p), cu (q), ere (r), erre (rr), ese (s), te (t), u (u), uve (v), uve doble (w)*, equis (x), i griega (y), zeta/zeda (z)

*The Oxford Spanish Dictionary, second edition, lists four ways to say "w" in Spanish: "doble ve," "doble u," or, in Spain: "doble uve" or "uve doble." The Real Academia Española uses "uve doble," but "doble u" seems more common in Latin America.

Phrases that may come in handy are:

English	Spanish	Pronunciation
I do not know Spanish.	No hablo español.	"No ablo espaniol"
I cannot understand what it is that you need.	No entiendo lo que usted necesita.	"No en tee endo lo K oosted nese see ta"
Wait one moment.	Un momento.	"Oon momento"
If you do not have someone with you who can interpret for you, we may not be able to complete your transaction.	Si no hay nadie quein le puede interpreter, quizás no se pueda completer esta transacción.	"See no eye nadia qa en la pwado interpreter, qeezas no say pwada completer esta transac cee on"

LANGUAGE IDENTIFICATION FLASHCARD

- | | | |
|--------------------------|--|------------------------|
| <input type="checkbox"/> | ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية. | 1. Arabic |
| <input type="checkbox"/> | Խոսողո՞ւմ ե՞սք նշո՞ւմ կատարե՞ք այս քանակուսու՞մ, եթե խոսո՞ւմ կա՞մ կարո՞ւմ ե՞ք հայերեն: | 2. Armenian |
| <input type="checkbox"/> | যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন। | 3. Bengali |
| <input type="checkbox"/> | ល្អបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។ | 4. Cambodian |
| <input type="checkbox"/> | Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro. | 5. Chamorro |
| <input type="checkbox"/> | 如果你能读中文或讲中文，请选择此框。 | 6. Simplified Chinese |
| <input type="checkbox"/> | 如果你能讀中文或講中文，請選擇此框。 | 7. Traditional Chinese |
| <input type="checkbox"/> | Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik. | 8. Croatian |
| <input type="checkbox"/> | Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky. | 9. Czech |
| <input type="checkbox"/> | Kruis dit vakje aan als u Nederlands kunt lezen of spreken. | 10. Dutch |
| <input type="checkbox"/> | Mark this box if you read or speak English. | 11. English |
| <input type="checkbox"/> | اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بنید. | 12. Farsi |

Appendix F

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérta vagy beszéli a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

Appendix F

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această casuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратик уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukrainian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

WHO NEEDS A FOREIGN LANGUAGE INTERPRETER?

Per **Section 476.803, RSMo**, the courts shall appoint qualified interpreters in all legal proceedings in which the non-English speaking person is a party or a witness. OSCA prefers the courts use certified interpreters who have proven their proficiency. **Section 476.800, RSMo**, defines qualified as “an impartial and unbiased person who is readily able to render a complete and accurate interpretation or translation of spoken and written English for non-English speaking persons and of non-English oral or written statements into spoken English.”

In accordance with **Executive Order 13166** issued by former President Clinton (and still in effect), the **U.S. Dept. of Justice** issued guidance to *all recipients* of their federal assistance ensuring that limited English proficient (LEP) populations have meaningful access to programs and services in compliance with Title VI of the Civil Rights Act of 1964. Recipients ***risk losing federal assistance when language assistance is not provided.***

If a request has not been made, but it appears a party or witness has limited English proficiency and may not be understanding, you can ask the following questions (From ***IMMIGRANTS IN COURT***, by Joanne Moore, University of Washington Press) **on the record** to determine if an interpreter is needed.

1. Please describe when, where and how you learned English.
2. What is your educational history, in the US and in your original country?
3. Do you read and write English? Please tell us the last book, magazine and/or newspaper you read in English.
4. Where do you speak English, and where do you speak your other language?
5. Please define these legal terms (use terms appropriate for current litigation); bail, arrest, prosecutor, charge, evidence, plaintiff, defendant, jury, etc.)

SCHEDULING FOREIGN LANGUAGE COURT INTERPRETERS

Interpreting requires skills and knowledge beyond what the average bilingual person possesses. In fact, bilingual college professors and attorneys do not always have the skills to interpret without paraphrasing or summarizing. OSCA conducts a training and testing program modeled after the National Center for State Courts Consortium for State Court Interpreter Certification (Consortium) guidelines. Only **certified** interpreters have proven their proficiency and the names, rates, and contact information for the certified interpreters is found on **MCIC**. Schedule them when interpreter services are needed. Recommend that anyone you use to interpret in court complete the program. Names and contact information of the certified interpreters are also on the OSCA website www.courts.mo.gov and persons outside the courts may be referred there if they are looking for an interpreter.

What if I need an interpreter for a language and no one is on our certified list? When good faith efforts to obtain a certified interpreter have been made and none has been found, there are a number of alternatives:

- For short criminal or delinquency proceedings, use **telephone interpreting** through a service. All you need is a speaker phone and the OSCA account number. Done without prior planning or scheduling. (Contact the Access to Justice Program for the number if you don't have it.)
- Schedule onsite interpreting through an agency on **State contract**, stipulating that the interpreter must be able to do simultaneous & consecutive interpreting without summarizing or paraphrasing. Confirm rates and advise that they will not be paid for travel time.
- For trials, call OSCA's Access to Justice Program for assistance in trying to bring in certified interpreters from **another state**.
- Use **local qualified neutral resources** (**not** family, friends, parties to the case, other offenders, etc.) but voir dire them (questions are on back of this card) to determine qualifications and stipulate that they must do simultaneous and consecutive interpreting without summarizing or paraphrasing. Confirm fees before scheduling, and know what OSCA will be able to pay. The court is responsible for anything not covered by OSCA.

SAMPLE VOIR DIRE FOR DETERMINING INTERPRETER QUALIFICATIONS

How do I know if an interpreter is qualified? Interpreting requires specialized knowledge (legal terms in both languages, slang, idioms, dialectal variations) and skills (memory, comprehension, and multi-tasking). Some inquiry should be made on the record to assure proficiency of an interpreter to ensure qualifications and absence of bias. Fundamental questions, such as the following might be asked before administering the oath :

- Have you ever had your interpreting skills evaluated? If so, by whom and how did you score?
- What training do you have as an interpreter?
- Tell me about the Code of Professional Ethics for Court Interpreters.
- What is your native language?
- How did you learn English/foreign language?
- How many times have you interpreted in court? What types of cases?
- Describe how you learned legal terms in both languages.
- Are you a potential witness in this case? Are you related to or friends with anyone in this case?
- What is your experience with simultaneous interpreting? Consecutive interpreting?
- Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation of any federal law, state law, county or municipal law, regulation, or ordinance?

After you determine the person is qualified to interpret, administer the oath.

OATH of INTERPRETATION

“Do you solemnly swear that you will interpret accurately, completely and impartially, using your best skill and judgment in accordance with the standards prescribed by law and the code of ethics for court interpreters, follow all official guidelines established by this court for legal interpreting or translating, and discharge all of the solemn duties and obligations of legal interpretation and translation?”

HOW MUCH ARE FOREIGN LANGUAGE COURT INTERPRETERS PAID? WHO PAYS THEM?

There are no standardized rates for interpreters other than for agencies on the State contract. The person scheduling interpreters needs to determine rates at the time the assignment is offered and be aware of what OSCA can pay (refer to the category on Foreign Language Interpreters on MCIC). Most freelance interpreters and agencies charge a two hour minimum (for example, if they are needed only 30 minutes for a proceeding they will charge for two hours), which is acceptable.

Per **Section 476.806, RSMo**, interpreters are allowed reasonable fees and travel expenses not to exceed state rates, but they shall not be compensated for travel time. That same statute authorizes OSCA to pay for interpreters' services in criminal and delinquency proceedings with an appropriation for that purpose. This statute also authorizes the courts to charge the costs to parties when not paid by OSCA; *however, this section may conflict with the **Title VI** requirement (see **WHO NEEDS A FOREIGN LANGUAGE INTERPRETER?**)*. Courts should refer to the Dept. of Justice letter found on MCIC when determining how to handle payment for interpreters in proceedings other than criminal and delinquency.

- OSCA pays for foreign language interpreters in **criminal and delinquency proceedings**. This does not include meetings with attorneys to prepare a case for presentation or before/after a proceeding, meetings with a guardian ad litem, or court ordered programs and other funds must be used for them.
- The bill goes to the court for their review and approval. For criminal and delinquency proceedings, the court submits the original bill to OSCA with a completed **OSCA form GN65** as quickly as possible. Other funds must be used if courts agree to anything not covered by OSCA.
- When contracting with agencies/organizations to provide court ordered programs, stipulate that they will provide language assistance at no cost when needed for effective communication.

INTERESTED IN LEARNING ABOUT FOREIGN LANGUAGE COURT INTERPRETER CERTIFICATION, USING INTERPRETERS OR CULTURAL CONSIDERATIONS?

Websites

Certification explanation, event dates, and contact information is found on OSCA's website www.courts.mo.gov under Services.
National Center for State Courts Consortium for Language Access in the Courts www.ncsc.org search for language access
National Association of Judiciary Interpreters & Translators www.najit.org

Books & Articles (*available for loan through the OSCA Access to Justice Program)

Immigrants in Court: Culture Counts, Joanne I. Moore

**Court Interpretation: Model Guides for Policy & Practice in the State Courts*, State Justice Institute (link to publication on www.ncsconline.org)

**Culturally Responsive Alternative Dispute Resolution for Latinos (SJI)*, State Justice Institute/Ctr. For Public Policy Studies

**The Art of Legal Interpretation: A Guide for Court Interpreters*, Constance Emerson Crooker, Attorney, and Portland University

**Cultural Considerations in Domestic Violence Cases: A National Judges Benchbook*, State Justice Institute

GUIDELINES FOR ACCOMMODATING PERSON WHO ARE DEAF OR HARD OF HEARING IN COURTS

Title II of the Americans with Disabilities Act (ADA): Prohibits discrimination based on a disability. For persons who are deaf or hard of hearing, this means that courts must ensure effective communication for parties, witnesses, jurors, and spectators.

- Include in your correspondence the procedure to request an accommodation.
- Primary consideration shall be given to the requester's preferred mode of communication -- for example, CART (realtime captioning) may be requested by a person doesn't know American Sign Language (ASL).
- Persons needing the accommodations **cannot be charged** for the service.

Sections 476.750, 476.753, 476.760, and 476.763, RSMo: Covers providing and payment of services for persons who are deaf & hard of hearing.

American Sign Language (ASL) Interpreters: Per 5 CSR 100-200.170, anyone interpreting in court must be either an "advanced" or "comprehensive" level, based on the complexity of the proceeding. See MCIC for the specific skills level requirements, the list of approved interpreters, and the state contract for ASL services that you may use to schedule services. Sign language interpreters use facial expression and gestures to communicate.

Certified Deaf Interpreters (CDI): Sometimes a CDI will be requested to act as an intermediary if a person uses non-standard signs, uses a foreign sign language, or has limited communication skills. The CDI is an individual who is deaf or hard of hearing who has specialized training and/or experience in the use of gesture, mime, props, drawings and other tools to enhance communication. The CDI works with a certified/licensed ASL interpreter who voices for the CDI and signs what was spoken in English to the CDI who then signs to the person who is deaf.

Communication Access Realtime Translation (CART): Some deaf or hard of hearing people may request this method of speech to text translation that uses stenographic machines, computer software, a laptop, and sometimes a large screen. See MCIC or contact the Missouri Commission for the Deaf & Hard of Hearing (573/526-5205) for names and contact information for recommended CART providers. Like your court reporter, the CART provider needs breaks; so, remind everyone when breaks are given that the CART provider will not be available to assist with communication.

Assistive Listening Devices: Each court has access to a system that amplifies sounds for some persons with hearing loss which was purchased and distributed by OSCA. It can be used by anyone: spectators, jurors, parties in a case, witnesses, or attorneys. See MCIC for the location of your circuit's system(s). If the system in your circuit is not available and you have at least 24 hours notice, contact this office and we will overnight a system to you to use for an upcoming proceeding.

HOW MUCH ARE ASL INTERPRETERS & CART PROVIDERS PAID? WHO PAYS THEM?

There are no standardized rates for interpreters other than for agencies on the State contract. The person scheduling interpreters needs to determine rates at the time the assignment is offered and be aware of what OSCA can pay (refer to the category on Deaf and Hard of Hearing Services on MCIC). Most free lance interpreters and agencies charge a two hour minimum (for example, if they are needed only 30 minutes for a proceeding they will charge for two hours), which is acceptable.

Per **Section 476.760, RSMo**, reasonable fees and travel expenses are allowed for auxiliary aids and services, and OSCA pays for these services in **all proceedings**. This does not include meetings with attorneys to prepare a case for presentation or before/after a proceeding, meetings with a guardian ad litem, or court ordered programs and other funds must be used for them.

- The bill goes to the court for their review and approval. The court submits the original bill to OSCA with a completed **OSCA form GN65** as quickly as possible. Other funds must be used if courts agree to anything not covered by OSCA (such as travel time).
- When contracting with agencies/organizations to provide court ordered programs, stipulate that they will meet or exceed the requirements of the Americans with Disabilities Act (ADA) at no additional cost.

INTERESTED IN LEARNING ABOUT THE DEAF CULTURE & PROVIDING EFFECTIVE COMMUNICATION?

Websites

Missouri Commission for the Deaf & Hard of Hearing www.mcdhh.mo.gov
Registry of Interpreters for the Deaf (RID) www.rid.org
Communications Access Information Center www.cartinfo.org
Deaf Culture www.deafculture.com
Deaf Culture Tip Sheet www.netac.rit.edu/publication/tipsheet/deafculture.html

Books (available for loan through the OSCA Access to Justice Program)

The Right to a Full Hearing: Improving Access to the Courts for People Who are Deaf or Hard of Hearing, John Fallahay (AJS)
Access to the Courts for People Who are Deaf and Hard of Hearing, Materials from 1997 Conference sponsored by AJS

PROVIDING ACCOMMODATIONS FOR PERSONS WHO ARE BLIND OR HAVE LOW VISION?

The ADA also protects persons with visual disabilities, which includes parties in a case, witnesses, jurors, or customers at the counter requesting information normally provided in a written/graphical format. A person may request information in alternative formats: large type, electronic (CD or a floppy disk), Braille, or a reader. OSCA can arrange for Braille printing. Primary consideration should be given to the person's preferred mode of communication.

HOW DO I FACILITATE COMMUNICATION IN AN INTERPRETED (FOREIGN OR ASL) SETTING?

1. If an interpreter has been scheduled, do that case first rather than having an interpreter be paid for time spent waiting while the court moves through a docket of cases.
2. If a proceeding will last more than two hours, require the presence of two interpreters that can switch off as needed.
3. Allow the interpreter to review court files **prior to the proceedings** to familiarize themselves with names and technical terminology.
4. Allow the interpreter to converse briefly with the non-English speaking person to ensure understanding of dialects and accents. Ask the non-English speaking person if they understand the interpreter. Instruct them to raise their hand if they do not understand something so that the court or attorney can rephrase.
5. Advise everyone in the courtroom of the presence and role of the interpreter.
6. Instruct participants to speak loudly and clearly, and allow only one person to speak at a time.
7. Instruct attorneys to speak directly to the party/witness – not to the interpreter – and to not ask the interpreter to explain or restate anything said.
8. If necessary, instruct the interpreter to interpret in the 1st person in order for the record to be correct. (A trained interpreter will only speak in the 3rd person if they need to request clarification or a repetition. This keeps the record correct as to who is speaking.)
9. The interpreter must convey all questions, answers, and courtroom dialogue without summarizing or paraphrasing. If the interpreter seems to be summarizing or not interpreting, or conversing with the non-English speaking person, remind the interpreter that they are to interpret everything and only to interpret, not to engage in conversations or to explain.

Resources Regarding the Americans With Disabilities Act (ADA)

Title II of the ADA prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities, including courts. Courts must eliminate policies and practices that exclude persons with disabilities and provide notice to the public so they know how to request an accommodation. The U.S. Supreme Court decided in **Tennessee v Lane (02-1667)** that states are subject to lawsuits by private individuals and monetary damages under Title II of the ADA in cases involving courts. There are also a number of settlement agreements between the U.S. Dept. of Justice and courts. Information on these cases and general information is found on the National Center for State Courts website http://www.ncsconline.org/D_KIS/ADAResources.htm or on the U.S. Dept. of Justice website www.ada.gov

There are a number of considerations in making your court accessible and in compliance with the ADA. The Access to Justice Program is available to provide technical assistance, conduct on-site assessments and make recommendations to improve accessibility, to review new construction or remodeling plans, and to conduct training – all at no charge to the courts. We also have a Braille printer should you receive a request for Braille.

Appendix H

Spanish

Adult Abuse/Stalking Ex Parte Order of Protection
Full Order of Protection
Adult Abuse/Stalking Petition for Order of Protection
Ex Parte Order of Child Protection
Judgment/Full Order of Child Protection
Child Protection
Petitioner and Protected Child Information (Confidential Record)
Petition for Order of Child Protection
Summons-Motion for Family Access Order
Response to Motion for Family Access Order
Family Access Information
Family Access Notice
Petition Small Claims Court
Counterclaim Small Claims Court
Denial of Permit Appeal - Small Claims Court
Dismissal Small Claims Court
Satisfaction of Judgment - Small Claims Court
Waiver of Counsel
Waiver of Preliminary Hearing
Statement of Rights Upon Entering Pleas of Guilty
Parenting Handbook

Bosnian

Adult Abuse/Stalking Ex Parte Order of Protection
Full Order of Protection
Adult Abuse/Stalking Petition for Order of Protection
Ex Parte Order of Child Protection
Judgment/Full Order of Child Protection
Petition for Order of Child Protection

FREQUENTLY ASKED QUESTIONS

1. What materials are used for training and testing?

Missouri belongs to the **Consortium for Language Access in the Courts** (formerly known as the Consortium for State Court Interpreter Certification) through the National Center for State Courts (NCSC). Our program is based on their model, using their materials and recommended practices.

2. Where do I find more information about becoming an interpreter, the tests, and the Consortium?

Our website (www.courts.mo.gov) has information under Court Services. The NCSC website (www.ncsc.org) has information and resources on the Consortium page under Associations.

3. Do I have to do all 3 phases if I teach language? Already interpret? Took several years of language training? Am State Department certified?

Yes, everyone working toward certification must do all 3 phases.

4. Is there reciprocity between members of the Consortium?

Missouri accepts completion of most members' orientation and passing Consortium test scores. If you plan to relocate, check with that member's contact for their reciprocity policy.

5. What is an abbreviated exam that is offered for some languages?

The exam does not test all modes of interpreting and certification is not available for those languages.

6. Is there anything else I can do if there is an abbreviated or no test in my language set?

After completing Phases 1 and 2, and then passing an oral proficiency interview (OPI) at the highest possible rating by a company selected by the Office of State Courts Administrator, you will be given a "registered" status.

7. How much work is there?

It varies by where you are located, where you are willing to travel, and your language set. As an independent contractor, the courts contact interpreters on an "as needed" basis. There are no staff interpreters in Missouri and is no guarantee of work.

8. How will anyone know when I'm certified or registered and how to contact me?

Certified and Registered interpreters are asked for contact information which is shared with the courts and posted on our website.

How do I get notified of events?

To be added to the mailing list for notification of scheduled interpreter certification events for Missouri or to sign up for an event, please send your *postal mailing address* and your language set in an email to: access2justice@courts.mo.gov, or call 573/751-4377 and ask for the Access to Justice Program.

Missouri Foreign Language Court Interpreter Program

Events Scheduled From January 1, 2011, through December 31, 2011

Promoting equal access to justice in courts by eliminating language barriers for persons with limited English proficiency.

Do you have the skills necessary to be a professional court interpreter?

1. Possess educated, native-like mastery of *both* English and a second language;
2. Display wide general knowledge, typical of what a minimum of two years of general education at a college or university would provide; and
3. Perform the three major types of court interpreting: sight interpreting, consecutive interpreting, and simultaneous interpreting.

*If numbers 1 & 2 describe you, and you are willing to develop the skills for number 3, court interpreting **may** be for you.*

Office of State Courts Administrator
Access to Justice Program
P.O. Box 104480
Jefferson City, MO 65110
573/751-4377
www.courts.mo.gov
access2justice@courts.mo.gov

Appendix I

Court interpreting is specialized and highly demanding, requiring skills that few bilingual individuals possess. **Paraphrasing and summarizing are not acceptable.** In order for Missouri's courts to provide qualified interpreters, the Office of State Courts Administrator conducts a Court Interpreter Certification Program that includes basic information about the interpreting profession, the code of professional responsibility, and modes of interpreting to persons with native-like mastery of English and a second language. Successful candidates must continue self study before taking the written test and the oral proficiency exam that tests interpreting skills. *Everyone working as an interpreter in court or considering interpreting is encouraged to attend the orientation and pursue certification or "registered" status.* The program consists of three (3) phases that must be completed in the order explained below.

PHASE 1: ORIENTATION

This first phase must be completed before any other part of the program. The 2-day workshop is open to any person at least 18 years of age with a *native-like mastery of English and a second language*. This is an introductory workshop that covers the interpreter's role and professional ethics, the modes of interpreting used in court, legal terminology, and court protocol. **Missouri residents pay \$175.00. Out of state residents pay \$325.00.**

DATES OFFERED

March 5 & 6, 2011

September 9 & 10, 2011



OPTIONAL

SPANISH INTERPRETING SKILLS BUILDING

Any English-Spanish candidates who have completed the orientation may take this advanced 2-day workshop. **Missouri residents pay \$125.00 for the workshop. Out of state residents pay \$175.00.**

DATE OFFERED

April 30 & May 1, 2011

October 21 & 22, 2011

PHASE 2: WRITTEN EXAM

After completing the orientation, candidates may register to take the written test. The 3-hour test covers English proficiency, legal terms, court protocol, ethical situations, and includes translation from English to a second language. The written test must be passed with 80% or greater before a candidate may schedule the oral exam. The test is rated offsite so test scores are not known for several weeks. Candidates do not take the written and oral tests the same weekend. **Missouri residents pay \$50.00. Out of state residents pay \$100.00.**

DATES OFFERED

June 4, 2011

November 6 & 7, 2011

PHASE 3: ORAL PROFICIENCY EXAM

Candidates who have passed the written test may take the 1-hour oral exam testing their proficiency in sight translation, consecutive, and simultaneous interpreting. Each part of this exam must be passed with 70% or greater for a candidate to receive certification. Full oral exams are currently available in Cantonese, French, Haitian Creole, Hmong, Ilocano, Korean, Laotian, Mandarin, Polish, Portuguese, Russian, Somali, Spanish, and Vietnamese.* **Missouri residents pay \$175.00 for the complete test. Out of state residents pay \$325.00.**

DATES OFFERED

June 4 & 5, 2011

November 6 & 7, 2011

- **Events are held in Jefferson City.**
- **Travel expenses, lodging arrangements, and expenses, and meals are the responsibility of the attendee.**
- **Guests and children are not allowed.**
- **Tape recording is not permitted.**
- **Events are subject to cancellation or fee changes due to budgetary constraints or low enrollment.**

*Abbreviated exams are available in Arabic (Modern in sight and simultaneous, and Egyptian Colloquial in consecutive), Chuukese, Bosnian/Croatian/Serbian, Marshallese, and Turkish.

CODE OF PROFESSIONAL RESPONSIBILITY FOR INTERPRETERS IN THE MISSOURI COURT SYSTEM

INTRODUCTION

The following document is a Code of Professional Responsibility for Interpreters in the Missouri Court System. The Code presents key concepts and precepts, which over the years have emerged in statutes, rules, case law, and professional experience.

PREAMBLE

Many persons who come before the courts are partially or completely excluded from full participation in the proceedings due to limited English proficiency or a speech or hearing impairment. It is essential that the resulting communication barrier be removed, as far as possible, so that these persons are placed in the same position as similarly situated persons for whom there is no such barrier.¹ As officers of the court, interpreters help assure that such persons may enjoy equal access to justice and that court proceedings and court support services function efficiently and effectively. Interpreters are highly skilled professionals who fulfill an essential role in the administration of justice.

APPLICABILITY

This code shall guide and be binding upon all person, agencies and organizations who administer, supervise use, or deliver interpreting services to the judiciary within the Missouri State Court System.

¹ A non-English speaker should be able to understand just as much as an English speaker with the same level of education and intelligence.

Commentary:

The use of the term "shall" is reserved for the black letter principles which are principles of general application that are unlikely to conflict with specific requirements of rule or law in the state. Statements in the commentary use the term "should" to describe behavior that illustrates or elaborates the principles. The commentaries are intended to convey what are believed to be *probable* and *expected* behaviors. Wherever a court policy or routine practice appears to conflict with the commentary in this code, it is recommended that the reasons for the policy as it applies to court interpreters be examined.

CANON 1: ACCURACY AND COMPLETENESS

Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to the meaning what is stated or written, and without explanation.

Commentary:

The interpreter has a twofold duty: 1) to ensure that the proceedings in English reflect precisely what was said by a non-English speaking person, and 2) to place the non-English speaking person on an equal footing with those who understand English. This creates an obligation to conserve every element of information contained in a source language communication when it is rendered in the target language.

Therefore, interpreters are obligated to apply their best skills and judgment to preserve faithfully the meaning of what is said in court, including the style or register of speech. Verbatim, "word for word," or literal oral interpretations are not appropriate when they distort the meaning of the source language, but *every spoken statement, even if it appears non-responsive, obscene, rambling, or incoherent should be interpreted*. This includes apparent misstatements.

Interpreters should never interject their own words, phrases, or expressions. If the need arises to explain an interpreting problem (e.g., a term or phrase with no direct

Appendix J

equivalent in the target language or a misunderstanding that only the interpreter can clarify), the interpreter should ask the court's permission to provide an explanation. Interpreters should convey the emotional emphasis of the speaker without reenacting or mimicking the speaker's emotions, or dramatic gestures.

Sign language interpreters, however, *must* employ all of the visual cues that the language they are interpreting for requires -- including facial expressions, body language, and hand gestures. Sign language interpreters, therefore, should ensure that court participants do not confuse these essential elements of the interpreted language with inappropriate interpreter conduct.

The obligation to preserve accuracy includes the interpreter's duty to correct any error of interpretation discovered by the interpreter during the proceeding. Interpreters should demonstrate their professionalism by objectively analyzing any challenge to their performance.

CANON 2: REPRESENTATION OF QUALIFICATIONS

Interpreters shall accurately and completely represent their certifications, training, and pertinent experience.

Commentary:

Acceptance of a case by an interpreter conveys linguistic competency in legal settings. Withdrawing or being asked to withdraw from a case after it begins causes a disruption of court proceedings and is wasteful of scarce public resources. It is therefore essential that interpreters present a complete and truthful account of their training, certification and experience prior to appointment so the officers of the court can fairly evaluate their qualifications for delivering interpreting services.

CANON 3: IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST

Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.

Commentary:

The interpreter serves as an officer of the court and the interpreter's duty in a court proceeding is to serve the court and the public to which the court is a servant. This is true regardless of whether the interpreter is publicly retained at government expense or retained privately at the expense of one of the parties.

The interpreter should avoid any conduct or behavior that presents the appearance of favoritism toward any of the parties. Interpreters should maintain professional relationships with their clients, and should not take an active part in any of the proceedings. The interpreter should discourage a non-English speaking party's personal dependence.

During the course of the proceedings, interpreters should not converse with parties, witnesses, jurors, attorneys, or with friends or relatives of any party, except in the discharge of their official functions. It is especially important that interpreters, who are often familiar with attorneys or other members of the courtroom work group, including law enforcement officers, refrain from casual and personal conversations with anyone in court that may convey an appearance of a special relationship or partiality to any of the court participants.

The interpreter should strive for professional detachment. Verbal and non-verbal displays of personal attitudes, prejudices, emotions, or opinions should be avoided at all times.

Should an interpreter become aware that a proceeding participant views the interpreter as having a bias or being biased, the interpreter should disclose that knowledge to the appropriate judicial authority and counsel.

Appendix J

Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest. Before providing services in a matter, court interpreters must disclose to all parties and presiding officials any prior involvement, whether personal or professional, that could be reasonably construed as a conflict of interest. This disclosure should not include privileged or confidential information.

The following are circumstances that are presumed to create actual or apparent conflicts of interest for interpreters where interpreters should not serve:

1. The interpreter is a friend, associate, or relative of a party or counsel for a party involved in the proceedings;
2. The interpreter has served in an investigative capacity for any party involved in the case;
3. The interpreter has previously been retained by a law enforcement agency to assist in the preparation of the criminal case at issue;
4. The interpreter or the interpreter's spouse or child has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that would be affected by the outcome of the case;
5. The interpreter has been involved in the choice of counsel or law firm for that case.

Interpreters should disclose to the court and other parties when they have previously been retained for private employment by one of the parties in the case.

Interpreters should not serve in any matter in which payment for their services is contingent upon the outcome of the case.

An interpreter who is also an attorney should not serve in both capacities in the same matter.

CANON 4: PROFESSIONAL DEMEANOR

Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.

Commentary:

Interpreters should know and observe the established protocol, rules, and procedures for delivering interpreting services. When speaking in English, interpreters should speak at a rate and volume that enable them to be heard and understood throughout the courtroom, but the interpreter's presence should otherwise be as unobtrusive as possible. Interpreters should work without drawing undue or inappropriate attention to themselves. Interpreters should dress in a manner that is consistent with the dignity of the proceedings of the court.

Interpreters should avoid obstructing the view of any of the individuals involved in the proceedings. However, interpreters who use sign language or other visual modes of communication must be positioned so that hand gestures, facial expressions, and whole body movement are visible to the person for whom they are interpreting.

Interpreters are encouraged to avoid personal or professional conduct that could discredit the court.

CANON 5: CONFIDENTIALITY

Interpreters shall protect the confidentiality of all privileged and other confidential information.

Commentary:

The interpreter must protect and uphold the confidentiality of all privileged information obtained during the course of her or his duties. It is especially important that the interpreter understand and uphold the attorney-client privilege, which requires confidentiality with respect to any communication between attorney and client. This rule

Appendix J

also applies to other types of privileged communications.

Interpreters must also refrain from repeating or disclosing information obtained by them in the course of their employment that may be relevant to the legal proceeding.

In the event that an interpreter becomes aware of information that suggests imminent harm to someone or relates to a crime being committed during the course of the proceedings, the interpreter should immediately disclose the information to an appropriate authority within the judiciary who is not involved in the proceeding and seek advice in regard to the potential conflict in professional responsibility.

CANON 6: RESTRICTION OF PUBLIC COMMENT

Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

CANON 7: SCOPE OF PRACTICE

Interpreters shall limit themselves to interpreting or translating, and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

Commentary:

Since interpreters are responsible only for enabling others to communicate, they should limit themselves to the activity of interpreting or translating only. Interpreters should refrain from initiating communications while interpreting unless it is necessary for assuring an accurate and faithful interpretation.

Interpreters may be required to initiate communications during a proceeding when they find it necessary to seek assistance in performing their duties. Examples of such

Appendix J

circumstances include seeking direction when unable to understand or express a word or thought, requesting speakers to moderate their rate of communication or repeat or rephrase something, correcting their own interpreting errors, or notifying the court of reservations about their ability to satisfy an assignment competently. In such instances they should make it clear that they are speaking for themselves.

An interpreter may convey legal advice from an attorney to a person only while that attorney is giving it. An interpreter should not explain the purpose of forms, services, or otherwise act as counselors or advisors unless they are interpreting for someone who is acting in that official capacity. The interpreter may translate language on a form for a person who is filling out the form, but may not explain the form or its purpose for such a person.

The interpreter should not personally serve to perform official acts that are the official responsibility of other court officials including, but not limited to, court clerks, pretrial release investigators or interviewers, or probation counselors.

CANON 8: ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE

Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the appropriate judicial authority.

Commentary:

If the communication mode or language of the non-English-speaking person cannot be readily interpreted, the interpreter should notify the appropriate judicial authority.

Interpreters should notify the appropriate judicial authority of any environmental or physical limitation that impedes or hinders their ability to deliver interpreting services adequately (e.g., the court room is not quiet enough for the interpreter to hear or be heard

Appendix J

by the non-English speaker, more than one person at a time is speaking, or principals or witnesses of the court are speaking at a rate of speed that is too rapid for the interpreter to adequately interpret). Sign language interpreters must ensure that they can both see and convey the full range of visual language elements that are necessary for communication, including facial expressions and body movement, as well as hand gestures.

Interpreters should notify the presiding officer of the need to take periodic breaks to maintain mental and physical alertness and prevent interpreter fatigue. Interpreters should recommend and encourage the use of team interpreting whenever necessary.

Interpreters are encouraged to make inquiries as to the nature of a case whenever possible before accepting an assignment. This enables interpreters to match more closely their professional qualifications, skills, and experience to potential assignments and more accurately assess their ability to satisfy those assignments competently.

Even competent and experienced interpreters may encounter cases where routine proceedings suddenly involve technical or specialized terminology unfamiliar to the interpreter (e.g., the unscheduled testimony of an expert witness). When such instances occur, interpreters should request a brief recess to familiarize themselves with the subject matter. If familiarity with the terminology requires extensive time or more intensive research, interpreters should inform the presiding officer.

Interpreters should refrain from accepting a case if they feel the language and subject matter of that case is likely to exceed their skills or capacities. Interpreters should feel no compunction about notifying the presiding officer if they feel unable to perform competently, due to lack of familiarity with terminology, preparation, or difficulty in understanding a witness or defendant.

Interpreters should notify the presiding officer of any personal bias they may have involving any aspect of the proceedings. For example, an interpreter who has been the victim of a sexual assault may wish to be excused from interpreting in cases involving similar offenses.

CANON 9: DUTY TO REPORT ETHICAL VIOLATIONS

Interpreters shall report to the proper judicial authority any effort to impede their compliance with any law, any provision of this code, or any other official policy governing court interpreting and translating.

Commentary:

Because the users of interpreting services frequently misunderstand the proper role of the interpreter, they may ask or expect the interpreter to perform duties or engage in activities that run counter to the provisions of this code or other laws, regulations, or policies governing court interpreters. It is incumbent upon the interpreter to inform such persons of his or her professional obligations. If, having been apprised of these obligations, the person persists in demanding that the interpreter violate them, the interpreter should turn to a supervisory interpreter, a judge, or another official with jurisdiction over interpreter matters to resolve the situation.

CANON 10: PROFESSIONAL DEVELOPMENT

Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training and education, and interaction with colleagues and specialists in related fields.

Commentary:

Interpreters must continually strive to increase their knowledge of the languages they work in professionally, including past and current trends in technical, vernacular, and regional terminology as well as their application within court proceedings.

Interpreters should keep informed of all statutes, rules of courts and policies of the judiciary that relate to the performance of their professional duties.

An interpreter should seek to elevate the standards of the profession through participation in workshops, professional meetings, interaction with colleagues, and reading current literature in the field.

QUESTIONS TO ASK/CONSIDER WHEN QUALIFYING AN UNCERTIFIED INTERPRETER

If good cause is found for using an interpreter who is not certified or if a qualified interpreter is appointed, the appointing authority is encouraged to make a preliminary determination, on the basis of testimony or stated needs of the non-English-speaking person, 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 whom the interpreter would interpret; and*
- b. Has read, understands, and will abide by the code of ethics for language interpreters.*

Following is a list of questions recommended for judicial officers to use when qualifying a non-certified interpreter (including registered interpreters) for a hearing:

1. Are you certified by the state of Missouri as a court interpreter? Any other state? Any other credentials or certification?
2. What is your native language?
3. How did you learn English and the target language?
4. Can you read in both languages?
5. Did you formally study either language in school? What was your primary language in school? Where and how long did you attend school?
6. Have you had an opportunity to speak with the litigant(s)? Do you need a few minutes? Were there any particular communication problems?

Appendix K

7. Are you familiar with the dialectical or idiomatic peculiarities of the witness/parties?
8. Have you ever interpreted in court before? Where? How often? For what types of hearings or cases?
9. Have you received any special training in court proceedings?
10. Describe simultaneous interpreting and your experience with it.
11. Describe consecutive interpreting and your experience with it.
12. Do you ever summarize statements while interpreting? Do you understand the law requires you to interpret everything said by all parties?
13. Have you read the Code of Conduct for Court Interpreters? Describe briefly the topics covered.
14. Are you a potential witness in this case?
15. Do you now or have you ever met any of the parties/witnesses? In what circumstances?
16. Do you have any other potential conflicts of interest?
17. Have you ever worked for any of the parties/witnesses? In what capacity?
18. Do you believe you can communicate with the non-English-speaking person/party; i.e., have you talked with the person already or do you need a few minutes to talk now?
19. Can you readily communicate with the non-English-speaking person?



Clerk Handbooks

Court Clerk Handbook 4.1 Phase 2

	Section/Rule:	219.07
Subject: 219 Series - Civil Procedures - General/Miscellaneous	Publication / Adopted Date:	April 1998
Topic: Interpreters/Translators	Revised / Effective Date:	February 2005

Missouri Court Clerk Handbook Chapter 200 - Civil Procedures General/Miscellaneous

219.07 - INTERPRETERS/TRANSLATORS

References

Statutes: 476.060, 476.750, 476.753, 476.756, 476.760, 476.763, 476.766, 476.803 and 491.300 RSMo

Supreme Court Rules: N/A

Court Operating Rules: N/A

Publication Date: April 1998

Revised: February 2005

INTRODUCTION

Deaf Defendants, Witnesses and Parties

Auxiliary aids or services of a qualified interpreter must be provided for any deaf or hard of hearing person appearing before the court. The judge before whom the defendant would appear appoints a level 4 (Advanced) or level 5 (Comprehensive) interpreter from a list of qualified interpreters, whichever is appropriate for the complexity of the proceedings. The list of qualified interpreters can be found on [Lotus Notes, the Missouri Courts Info Center \(MCIC\) under Juvenile & Adult Court Programs, Access to Justice](#)

Appendix L

[subheading](#). [Section 476.753 RSMo](#) outlines the conditions for which the services of a qualified interpreter must be provided and [Section 476.760 RSMo](#) states that such fees and expenses are payable from funds appropriated to the Office of State Courts Administrator.

Non-English Speaking Defendants, Witnesses and Parties ([Section 476.803 RSMo](#))

The courts shall appoint qualified interpreters and translators in all legal proceedings in which the non-English speaking person is a party or a witness. Any non-English speaking party or any party who intends to call a non-English speaking witness shall provide notice to the court of the need for an interpreter or translator as required by court rules.

The appointing authority shall appoint a qualified interpreter to assist the non-English speaking parent, guardian or custodian of a juvenile brought before the court.

The court may accept a waiver of the right to a qualified interpreter by a non-English speaking person at any point in the court proceeding if the court advises the person of the nature and effect of the waiver and determines that the waiver has been made knowingly, intelligently and voluntarily. The non-English speaking person may retract his or her waiver and request that a qualified interpreter shall be appointed.

An interpreter shall take an oath that he or she will make a true interpretation to the party or witness in a language that the party or witness understands and that he or she will make a true interpretation of the party or witness' answers to questions to counsel, court or jury, in the English language, with his or her best skill and judgment. The interpreter shall not give explanations or legal advice or express personal opinions.

An interpreter or translator cannot be compelled to testify as to the information that would otherwise be protected by attorney-client privilege between the party and his or her attorney.

When a defendant is involuntarily detained or arrested, and it is determined that the defendant cannot understand or speak English well enough to be conversant or understood in an interrogation or a court proceeding, the judge should appoint a qualified bilingual interpreter as soon as possible before any interrogation or proceedings occur. The judge may wish to informally interview the interpreter to assure that the interpreter is unbiased and qualified. A suggested "Qualifying" a Foreign Language Interpreter, Voir Dire And Oath for bilingual interpreters can be found on [Lotus Notes, MCIC under Juvenile & Adult Court Programs, Access to Justice subheading](#). [Section 476.806 RSMo](#) provides that foreign language interpreters and translators be allowed a reasonable fee in criminal proceedings which are to be paid from funds appropriated to the Office of State Courts Administrator when the person requiring the service is a party to or a witness in the proceeding.

Appendix L

The Office of State Courts Administrator can assist in identifying sources that provide foreign language translator services. Refer to [Lotus Notes, MCIC under Juvenile & Adult Court Programs, Access to Justice sub-heading](#) or contact the Access to Justice Program at (573) 751-4377 for available information.

DEAF AUXILIARY AIDS AND SERVICES FEE (Section 476.760 RSMo)

The fees and expenses of providers of auxiliary aids and services for deaf or hard of hearing persons before any civil court or criminal, civil or juvenile proceeding are payable from funds appropriated to the Office of State Courts Administrator. To have the monies paid directly to the service provider or be reimbursed to the court, submit a detailed invoice and a [Request for Interpreter/Translator Payment/Reimbursement \(GN65\) form](#) to the Office of State Courts Administrator for the service. The following information indicated on the form must be included:

1. Style of case,
2. Type of service provided,
3. Extent of time for service provided,
4. Hourly rate of service provided,
5. To whom the payment is to be made and
6. Total amount due for the services.

The judge must certify the entire invoice as being reasonable. Total reimbursement for auxiliary aids and services for the deaf is made out of the established fund up to the limit of the appropriation made by the legislature. For questions or details on reimbursement, contact the regional accounting coordinator servicing your area at (573) 751-4377. A [Waiver of Right to Auxiliary Aid and Services by the Hearing Impaired form](#) follows this section.

FOREIGN LANGUAGE TRANSLATORS FEE (Sections 474.382 and 476.806 RSMo)

Foreign language interpreters and translators in civil and criminal cases shall be allowed a reasonable fee approved by the court.

Fees in criminal case proceedings are paid from funds appropriated to the Office of State Courts Administrator, pursuant to [Section 476.806 RSMo](#). Total reimbursement is made out of the established fund up to the limit of the appropriations made by the legislature. Fees in civil cases are normally assessed against a party of the case.

NOTE: [Section 476.806.3 RSMo](#) may be in conflict with federal Executive Order 13166 which requires that any agency or court that receives federal funds to provide persons with limited English proficiency meaningful access to services.

Appendix L

CLERKS DUTIES/PROCEDURES

1. Date file stamp any motion filed requesting the appointment of an interpreter or translator and place in the case file. A Request for Interpreter/Translator Payment/Reimbursement form follows this section. [See section 100.02, Date File Stamp.](#)
2. Depending upon the type of service needed, refer to the appropriate document within [Lotus Notes, MCIC](#). See the applicable section above for further information.

NOTE: The Commission for the Deaf and Hard of Hearing may be contacted at:

1500 Southridge Drive
Suite 201
Jefferson City, Missouri 65109
Phone: TTY/V (573) 526-5205
FAX: (573) 526-5209

3. **CDADOCT - Custom Docket Association Entry** ([See Docketing tab in JCM Users Manual.](#))
 - 3.1. Use the following docket code:
 - * MITPR - Motion for Interpreter.
 - 3.2. Associate the filing party to the motion docket code.
4. **CSAEVNT - Custom Event Scheduling /CDAEVNT - Custom Event Docketing.** If requested, set for hearing any motion to determine the qualifications of the interpreter or translator and docket the outcome. [See section 200.10, Motions.](#)
5. **CDADOCT - Custom Docket Association Entry** ([See Docketing tab in JCM Users Manual.](#))
 - 5.1. Use the following docket code:
 - * OINT - Order for Interpreter, to indicate the interpreter appointed.
 - * Associate the order docket code to its motion docket code. ([See Docketing tab in JCM Users Manual.](#))
 - 5.2. Click on the Party button and add the interpreter, if required by local court rule.

Appendix L

* Use the party type code INT - Interpreter.

- 5.3. Associate the party receiving the service to the interpreter.
- 5.4. Click on the Language button to indicate the interpreter's language.
6. To have the monies paid directly to the service provider or be reimbursed to the court, submit a [Request for Interpreter/Translator Payment/Reimbursement form](#) to the Office of State Courts. [See section 801.01, Civil Court Costs.](#)

Forms

[GN 20 - Waiver of Right to Auxiliary Aid and Services by the Hearing Impaired](#)

[GN 65 - Request for Interpreter/Translator Payment/Reimbursement](#)

Previous Document   Next Document
Return to View



Clerk Handbooks

Court Clerk Handbook 4.1 Phase 2

	Section/Rule:	303.13
Subject: 303 Series - Criminal Procedures - General/Miscellaneous	Publication / Adopted Date:	April 1998
Topic: Interpreters/Translators	Revised / Effective Date:	February 2005

Missouri Court Clerk Handbook Chapter 300 - Criminal Procedures General/Miscellaneous

303.13 - INTERPRETERS/TRANSLATORS

References

Statutes: [476.060](#), [476.750](#), [476.753](#), [476.756](#), [476.760](#), [476.763](#), [476.766](#), [476.803](#) and [476.806](#) RSMo

Supreme Court Rules: N/A

Court Operating Rules: N/A

Publication Date: April 1998

Revised: February 2005

INTRODUCTION

Deaf Defendants, Witnesses and Parties

Auxiliary aids or services of a qualified interpreter must be provided for any deaf or hard of hearing person appearing before the court. The judge before whom the defendant would appear appoints a level 4 (Advanced) or level 5 (Comprehensive) interpreter from a list of qualified interpreters, whichever is appropriate for the complexity of the proceedings. The list of qualified interpreters can be found on [Lotus Notes, the Missouri Courts Info Center \(MCIC\) under Juvenile & Adult Court Programs, Access to Justice](#)

Appendix M

[subheading. Section 476.753 RSMo](#) outlines the conditions for which the services of a qualified interpreter must be provided and [Section 476.760 RSMo](#) states that such fees and expenses are payable from funds appropriated to the Office of State Courts Administrator.

Non-English Speaking Defendants, Witnesses and Parties ([Section 476.803 RSMo](#))

The courts shall appoint qualified interpreters and translators in all legal proceedings in which the non-English speaking person is a party or a witness. Any non-English speaking party or any party who intends to call a non-English speaking witness shall provide notice to the court of the need for an interpreter or translator as required by court rules.

The appointing authority shall appoint a qualified interpreter to assist the non-English speaking parent, guardian, or custodian of a juvenile brought before the court.

The court may accept a waiver of the right to a qualified interpreter by a non-English speaking person at any point in the court proceeding if the court advises the person of the nature and effect of the waiver and determines that the waiver has been made knowingly, intelligently, and voluntarily. The non-English speaking person may retract his or her waiver and request that a qualified interpreter shall be appointed.

An interpreter shall take an oath that he or she will make a true interpretation to the party or witness in a language that the party or witness understands and that he or she will make a true interpretation of the party or witness' answers to questions to counsel, court, or jury, in the English language, with his or her best skill and judgment. The interpreter shall not give explanations or legal advice or express personal opinions.

An interpreter or translator cannot be compelled to testify as to the information that would otherwise be protected by attorney-client privilege between the party and his or her attorney.

When a defendant is involuntarily detained or arrested, and it is determined that the defendant cannot understand or speak English well enough to be conversant or understood in an interrogation or a court proceeding, the judge should appoint a qualified bilingual interpreter as soon as possible before any interrogation or proceedings occur. The judge may wish to informally interview the interpreter to assure that the interpreter is unbiased and qualified. A suggested "Qualifying" a Foreign Language Interpreter, Voir Dire And Oath for bilingual interpreters can be found on [Lotus Notes, MCIC under Juvenile & Adult Court Programs, Access to Justice subheading. Section 476.806 RSMo](#) provides that foreign language interpreters and translators be allowed a reasonable fee in criminal proceedings which are to be paid from funds appropriated to the Office of State Courts Administrator when the person requiring the service is a party to or a witness in the proceeding.

Appendix M

The Office of State Courts Administrator can assist in identifying sources that provide foreign language translator services. Refer to the [Lotus Notes, MCIC under Juvenile & Adult Court Programs, Access to Justice sub-heading](#) or contact the Access to Justice Program at (573) 751-4377 for available information.

DEAF AUXILIARY AIDS AND SERVICES FEE (Section 476.760 RSMo)

The fees and expenses of providers of auxiliary aids and services for deaf or hard of hearing persons before any civil court or criminal, civil or juvenile proceeding are payable from funds appropriated to the Office of State Courts Administrator. To have the monies paid directly to the service provider or be reimbursed to the court, submit a detailed invoice and a [Request for Interpreter/Translator Payment/Reimbursement \(GN65\) form](#) to the Office of State Courts Administrator for the service. The following information indicated on the form must be included:

1. Style of case,
2. Type of service provided,
3. Extent of time for service provided,
4. Hourly rate of service provided,
5. To whom the payment is to be made and
6. Total amount due for the services.

The judge must certify the entire invoice as being reasonable. Total reimbursement for auxiliary aids and services for the deaf is made out of the established fund up to the limit of the appropriation made by the legislature. For questions or details on reimbursement, contact the regional accounting coordinator servicing your area at (573) 751-4377. A [Waiver of Right to Auxiliary Aid and Services by the Hearing Impaired form](#) follows this section.

FOREIGN LANGUAGE TRANSLATORS FEE (Sections 474.382 and 476.806 RSMo)

Foreign language interpreters and translators in civil and criminal cases shall be allowed a reasonable fee approved by the court.

Fees in criminal case proceedings are paid from funds appropriated to the Office of State Courts Administrator, pursuant to [Section 476.806 RSMo](#). Total reimbursement is made out of the established fund up to the limit of the appropriations made by the legislature. Fees in civil cases are normally assessed against a party of the case.

NOTE: [Section 476.806.3 RSMo](#) may be in conflict with federal Executive Order 13166 which requires that any agency or court that receives federal funds to provide persons with limited English proficiency meaningful access to services.

CLERKS DUTIES/PROCEDURES

1. Date file stamp any motion filed requesting the appointment of an interpreter or translator and place in the case file. A Request for Interpreter/Translator Payment/Reimbursement form follows this section. [See section 100.02, Date File Stamp.](#)
2. Depending upon the type of service needed, refer to the appropriate document within [Lotus Notes, MCIC](#). See the applicable section above for further information.

NOTE: The Commission for the Deaf and Hard of Hearing may be contacted at:

1500 Southridge Drive
Suite 201
Jefferson City, Missouri 65109
Phone: TTY/V (573) 526-5205
FAX: (573) 526-5209

3. **CDADOCT - Custom Docket Association Entry** ([See Docketing tab in JCM Users Manual.](#))
 - 3.1. Use the following docket code:
 - * MITPR - Motion for Interpreter.
 - 3.2. Associate the filing party to the motion docket code.
4. **CSAEVNT - Custom Event Scheduling /CDAEVNT - Custom Event Docketing.** If requested, set for hearing any motion to determine the qualifications of the interpreter or translator and docket the outcome. [See section 200.10, Motions.](#)
5. **CDADOCT - Custom Docket Association Entry** ([See Docketing tab in JCM Users Manual.](#))
 - 5.1. Use the following docket code:
 - * OINT - Order for Interpreter, to indicate the interpreter appointed.
 - * Associate the order docket code to its motion docket code. ([See Docketing tab in JCM Users Manual.](#))
 - 5.2. Click on the Party button and add the interpreter, if required by local court rule.

Appendix M

* Use the party type code INT - Interpreter.

- 5.3. Associate the party receiving the service to the interpreter.
- 5.4. Click on the Language button to indicate the interpreter's language.
6. To have the monies paid directly to the service provider or be reimbursed to the court, submit a [Request for Interpreter/Translator Payment/Reimbursement form](#) to the Office of State Courts. [See section 801.01, Civil Court Costs.](#)

Forms

[GN 20 - Waiver of Right to Auxiliary Aids and Services by the Hearing Impaired](#)

[GN 65 - Request for Interpreter/Translator Payment/Reimbursement](#)

Previous Document   Next Document
Return to View

Appendix N

NEW DECISION ITEM

RANK: 5 OF 7

Judiciary	Budget Unit <u>15001C</u>
Circuit Courts	
Access to Justice Interpreter Services (#1100002)	

1. AMOUNT OF REQUEST

	FY 2012 Budget Request					FY 2012 Governor's Recommendation			
	GR	Federal	Other	Total		GR	Federal	Other	Total
PS	0	0	0	0	PS	0	0	0	0
EE	595,740	0	0	595,740	EE	0	0	0	0
PSD	0	0	0	0	PSD	0	0	0	0
Total	595,740	0	0	595,740	Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00	FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
--------------------	---	---	---	---

Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Est. Fringe	0	0	0	0
--------------------	---	---	---	---

Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input checked="" type="checkbox"/>	<input type="checkbox"/> New Program		<input type="checkbox"/> Fund Switch
<input checked="" type="checkbox"/> Federal Mandate		<input type="checkbox"/> Program Expansion		<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up		<input type="checkbox"/> Space Request		<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan		<input type="checkbox"/> Other: _____		

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

Providing judicial services for those that are hearing impaired or have lingual challenges is required by state and federal law. Per §476.760(5) and §476.806(2), RSMo, the courts shall appoint a state-paid interpreter in criminal proceedings. In addition, state law requires courts to appoint a qualified foreign language interpreter in all legal proceedings in which a non-English speaking person is a party or a witness (§476.803.1, RSMo). Federal Executive Order 13166 and the U.S. Department of Justice policy guidelines mandate that courts provide interpreting and translating services to all non-English speaking individuals who use the court system in order to have meaningful access to the courts. Furthermore, failure to provide such services is a violation of the Title VI of the Civil Rights Act of 1964, which prohibits discrimination based upon national origin.

According to 2000 census data, 5.1% of the Missouri population speaks little or no English. Qualified foreign language interpreters are essential to a functional and fair justice system. An insufficient number of foreign language interpreters and funding could result in language barriers and a lack of awareness of one's rights in domestic and child abuse cases, which could lead to a victim not pursuing needed protection or being placed in danger.

Appendix N

NEW DECISION ITEM

RANK: 5 OF 7

Judiciary		Budget Unit <u>15001C</u>			
Circuit Courts					
Access to Justice Interpreter Services (#1100002)					
4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)					
<p>The legislature has appropriated \$120,000 annually for interpreters used in criminal proceedings since FY 2000. The cost of interpreters has grown from \$126,701 in FY 2002 to \$325,226 in FY 2010. This represents a growth of 194.37% since FY 2002 or an annualized growth of 16.24%. Based on the annualized growth rate, we project interpreters' cost for FY 2012 to be \$433,534, an increase of \$313,534.</p> <p>Missouri's total population is 5,987,580. In 2009, 418,837 civil and juvenile cases were filed. Approximately 7% of the total population filed civil and juvenile cases. The percentage of the Missouri population that speaks little or no English is 5.1%. With those assumptions (5,987,580 x 7% x 5.1% / 5,987,580), it is anticipated that 0.35% of the cases filed would have an individual who speaks little or no English, who would need an interpreter to participate in the court proceeding. The average hourly rate of interpreters is \$70.00/hour, and it is estimated that each case would require an average of 2.5 hours of interpreter services. Currently, other expenses (mileage, hotel, meals) for interpreters in criminal cases are approximately 10% of what is spent on interpreter services.</p>					
<u>Case Type</u>	<u># of Cases Filed</u>	<u># of Cases Interpreter Services Are Needed</u>	<u>Interpreters' Cost</u>	<u>Other Expenses</u>	<u>Total Cost</u>
Circuit Civil	35,722	125	\$ 21,875	\$ 2,188	\$ 24,063
Associate Civil	243,192	851	\$ 148,925	\$ 14,893	\$ 163,818
Small Claims	13,697	48	\$ 8,400	\$ 840	\$ 9,240
Domestic Relations	108,638	380	\$ 66,500	\$ 6,650	\$ 73,150
Juvenile Cases	17,588	62	\$ 10,850	\$ 1,085	\$ 11,935
Total	418,837	1,466	\$ 256,550	\$ 25,656	\$ 282,206
Civil/Juvenile Total Criminal					\$ 313,534
TOTAL					\$ 595,740

Appendix N

NEW DECISION ITEM

RANK: 5 OF 7

Judiciary		Budget Unit <u>15001C</u>							
Circuit Courts									
Access to Justice Interpreter Services (#1100002)									
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.									
Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
							0	0.0	
							0	0.0	
Total PS	0	0.0	0	0.0	0	0.0	0	0.0	0
Professional Services	595,740						595,740		
							0		
Total EE	595,740		0		0		595,740		0
Program Distributions							0		
Total PSD	0		0		0		0		0
Grand Total	595,740	0.0	0	0.0	0	0.0	595,740	0.0	0
Budget Object Class/Job Class	Gov Rec GR DOLLARS	Gov Rec GR FTE	Gov Rec FED DOLLARS	Gov Rec FED FTE	Gov Rec OTHER DOLLARS	Gov Rec OTHER FTE	Gov Rec TOTAL DOLLARS	Gov Rec TOTAL FTE	Gov Rec One-Time DOLLARS
							0	0.0	
							0	0.0	
Total PS	0	0.0	0	0.0	0	0.0	0	0.0	0
							0		
Total EE	0		0		0		0		0
Program Distributions							0		
Total PSD	0		0		0		0		0
Grand Total	0	0.0	0	0.0	0	0.0	0	0.0	0

Appendix N

NEW DECISION ITEM

RANK: 5 OF 7

Judiciary	Budget Unit <u>15001C</u>						
Circuit Courts							
Access to Justice Interpreter Services (#1100002)							
6. PERFORMANCE MEASURES (If new decision item has an associated core, separately identify projected performance with & without additional funding.)							
<p>6a. Provide an effectiveness measure. N/A</p>	<p>6b. Provide an efficiency measure. Average Cost for Interpreters</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: left;"><u>Fiscal Year</u></th> <th style="text-align: left;"><u>Avg. Number</u></th> </tr> </thead> <tbody> <tr> <td>2011 Target</td> <td>\$70</td> </tr> <tr> <td>2012 Target</td> <td>\$70</td> </tr> </tbody> </table>	<u>Fiscal Year</u>	<u>Avg. Number</u>	2011 Target	\$70	2012 Target	\$70
<u>Fiscal Year</u>	<u>Avg. Number</u>						
2011 Target	\$70						
2012 Target	\$70						
<p>6c. Provide the number of clients/individuals served, if applicable.</p> <p>Limited English Proficient (LEP) Individuals Served</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: left;"><u>Fiscal Year</u></th> <th style="text-align: left;"><u>Number</u></th> </tr> </thead> <tbody> <tr> <td>2011 Target</td> <td>1,423</td> </tr> <tr> <td>2012 Target</td> <td>1,466</td> </tr> </tbody> </table>	<u>Fiscal Year</u>	<u>Number</u>	2011 Target	1,423	2012 Target	1,466	<p>6d. Provide a customer satisfaction measure, if available. N/A</p>
<u>Fiscal Year</u>	<u>Number</u>						
2011 Target	1,423						
2012 Target	1,466						
7. STRATEGIES TO ACHIEVE THE PERFORMANCE MEASUREMENT TARGETS:							
N/A							

LANGUAGE ASSISTANCE PLAN (LAP) INSTRUCTIONS

Dear Presiding Judges, Court Administrators and Circuit Clerks:

The U.S. Department of Justice, in accordance with Federal guidelines, strongly recommends all government agencies receiving Federal funds create a Limited English Proficiency (LEP) Plan. An LEP Plan must include:

- (1) guidelines on local community input;
- (2) provisions on notifying court users of their right to an interpreter and methods to obtain an interpreter, other language assistance, and emergency information;
- (3) information on training for judges and court personnel;
- (4) procedures for identifying and appointing an interpreter;
- (5) access to translations of commonly used forms; and
- (6) processes to evaluate the development and implementation of the plan.

These LEP plans are meant to assess how your court provides services to the non-English speaking public. Not only is this a assessment tool, but periodic review of these plans should serve to evaluate how your court is responding to the evolving needs and demands of immigrant and other non-English speaking communities.

In this guide, you will find step-by-step suggestions for filling in information in your plan. The purpose of this instruction guide is to provide ideas and suggestions to enhance your ability to deliver services to LEP individuals.

Your plan should be tailored to the needs, demands, and services specific to your jurisdiction. Please feel free to customize the plan as much as necessary for your local jurisdiction. Also, your plan should take into account different courthouse buildings in your jurisdiction, if applicable. Feel free to complete separate plans per building, if that makes the most sense to you.

If you have any questions, please contact the Missouri Access to Courts program at access2justice@courts.mo.gov or (573) 751-4377.

Language Assistance Plan (LAP) Instruction Guide

NOTE: In developing your local LEP plan, you should consult with judges, court administrative staff, interpreters, and members of the community such as domestic violence organizations, pro bono programs, courthouse facilitators, legal services programs, and /or other community groups whose members speak a language other than English. Your LEP plan should document what method of consultation you employed – e.g., community forum; individual meetings with court staff/community representatives, etc. You may also want to indicate in your LEP plan what plan elements or other information (such as information on language needs in your community) were derived from such consultation.

1. Personalize the LEP Plan with the name of your court. Throughout the template, you will see the term “_____ Court.” Do a ‘find and replace’ on “_____” and replace it with the name of your court.
2. Here you must list the languages in highest demand in your court. You can find this information from the following sources:
 - Your court’s experience with LEP. This may be documented in case files, information systems, and records of interpreter engagements and billing; you and your staff may also have relevant personal experience.
 - The Access to Courts Program staff can identify languages most frequently used in criminal or delinquency proceedings.
 - U.S. Census data. Language information from the decennial census is available at www.census.gov. The profiles include counts for 29 individual languages; other languages are counted by group such as African, Asian, Slavic, etc.
 - Data from the Department of Elementary and Secondary Education (DESE) on non-English speaking students. OSCA will provide DESE

school district level counts of students enrolled in state-sponsored English Language Learning (ELL) programs in the public schools for the 2005-2006 school year. DESE counts 98 individual languages.

Please list as many languages as you feel best represents your specific LEP needs. Also, following this list of languages, list the source(s) of this information.

3. Please review the information in this paragraph to make sure it accurately reflects your local practice. Make any necessary changes or additions. E.g. - if your court uniformly provides interpreters in other settings, please be sure to include your court-specific practices.
4. OSCA has developed consistent signage that can be used in courts across the state to notify non-English speakers of their right to interpreter services and the method(s) by which they can obtain an interpreter. Such signage consists of a simple informational statement translated into the most frequently spoken non-English languages in Missouri. **See Appendix D.**
5. Briefly describe any coordination with local government agencies (e.g., probation, law enforcement, child protection, prosecution, etc.) for early identification of interpreter needs. This could include proactive communication plans with these local court-related agencies. The purpose of such a plan is to create a consistent means of notifying the court as early as possible when social services, jails, county attorneys, etc., become aware that an interpreter will be needed for a court appearance.
6. If court personnel regularly come into contact with LEP individuals outside of the courtroom in other ways, please list them here. This is an important factor to consider, because you need to understand (1) which of your employees provide service to LEP individuals, and (2) in what context they are serving those individuals. Some examples may include:
 - a. Site visits
 - b. Interviews for public defender eligibility
 - c. Interviews for orders for protection
 - d. Letters/requests sent by mail

7. This is perhaps the most important part of this LEP Plan. Court staff certainly are not expected to provide linguistic services like interpreters. However, they are still required to provide “meaningful access” to non-English speakers. The following are ideas and suggestions that you may wish to employ in your court. Suggested language for you to insert in the LAP Plan is in normal text, with follow-up explanations in *italics*. However, please do not feel limited to using these examples, and include any other efforts or services provided by your court. See also Section VI of the statewide LEP plan (“Resources Available to the Courts for Providing Language Assistance”) for possible additional services and practices.

- “The _____ Court has bilingual employees in the following languages: _____. When LEP customers seek our assistance outside the courtroom, we first try to meet their needs by using the language skills of our employees.”
- “For face-to-face encounters, as well as telephone conversations, the _____ Court uses telephone interpreting services when interpreters are not immediately available.”
- “When court staff does not know what language a customer is speaking, they use “I Speak” pamphlets.”

“I Speak” cards are available from the U.S. Department of Justice. The Dept. of Justice language list can be found at: <http://www.lep.gov/ISpeakCards2004.pdf>

- For staff that has some knowledge of the Spanish language, they may consult the Spanish/English glossary developed by the North Carolina courts.

If you have staff who know some Spanish, but are not confident in their skills, the North Carolina Courts put together a comprehensive Spanish/English glossary for court clerks which is included in these materials. You can also find this guide at: <http://www.nccourts.org/Citizens/CPrograms/Foreign/Documents/ClerksManual.pdf>

Again, this guide is not meant to replace an interpreter. It is strongly suggested that interpreters (either face-to-face or over the telephone) be used when serving LEP individuals. However, this glossary may provide some helpful phrases.

8. You may include in the listed documents those that have been translated for statewide use by the Office of State Courts Administrator. If your court has translated any other documents or forms, please be sure to list them in this section.
9. In order for your LEP Plan to be in compliance with the fundamental federal requirements, it must include information how your court provides emergency information to its LEP customers. For example, universally understood emergency signage and evacuation maps are displayed; emergency exits are clearly marked; court bilingual staff is trained in how to help LEP customers in case of an emergency.
10. In this section list any training opportunities available to your court. Examples could include:
 - a. "Staff is instructed about LAP policies and procedures, as described in this LEP Plan, on an annual basis."
 - b. "Front-line staff is required to annually review "Breaking Down the Language Barrier," a video training tool provided by the Department of Justice."
 - c. "Cultural specific training will be provided by local agencies (*please include relevant information*)."
 - d. Note that OSCA will be providing state-wide training for court staff to support development of local LEP plans. You will be notified as more specific information about these training opportunities becomes available, so that you can incorporate that into your local plan.

Appendix O

Finally, if you have any questions, comments, concerns or suggestions about your LEP Plan, please contact the Access to Court Program at access2justice@courts.mo.gov or 573-751-4377.

LANGUAGE ASSISTANCE PLAN TEMPLATE

_____ COURT
LANGUAGE ASSISTANCE PLAN (LAP)

I. LEGAL BASIS AND PURPOSE

This document serves as the plan for the courts of Missouri to provide services to Limited English Proficient (LEP) individuals in compliance with Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq.; 28 C.F.R. § 42 et seq. 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 courts in Missouri.

This LEP Plan was developed to ensure equal access to court services for persons with limited English proficiency and hearing-impaired persons.

II. NEEDS ASSESSMENT

Missouri courts provides court services to a wide range of persons, including people who do not speak English. Service providers include the Missouri Supreme Court, Court of Appeals and circuit courts in the 45 judicial circuits.

According to Office of State Courts Administrator (OSCA) Missouri Court Access to Justice Program, which tracks court interpreter usage, the most widely used languages for interpreters in Missouri State were (in descending order of frequency):

1. Spanish
2. Vietnamese
2. Bosnian
3. Micronesian
4. Russian

III. LANGUAGE ASSISTANCE RESOURCES**A. Interpreters Used In the Courtroom**

By Section 476.803, RSMo, courts shall appoint qualified foreign language interpreters in all legal proceedings in which the non-English speaking person is a party or witness. Missouri's statutes (Section 476.806, RSMo) provide foreign language interpreters at no cost for litigants and witnesses in criminal proceedings. Said funds are appropriated from the legislature for such purpose.

Payment for foreign language interpreters for litigants and witnesses in civil proceedings are determined at the discretion of the officiating judge. The aforementioned statute allows the court to charge it as costs to the parties.

It is the law of Missouri to secure the constitutional rights of LEP persons by providing qualified interpreters when parties are witnesses are unable to readily understand or communicate the spoken English language. OSCA provides a list of certified interpreters who are qualified to interpret in court proceedings.

If the current list of certified and registered interpreters maintained by OSCA does not include an interpreter certified or registered in the language spoken by the non English speaking person, the appointing authority should contact OSCA to request a certified interpreter from another state. When all efforts to find a certified interpreter are exhausted, the appointing authority may appoint a qualified interpreter.

1. Determining the Need for an Interpreter in the Courtroom

There are various ways that the courts of Missouri will determine whether an LEP individual needs an interpreter for a court proceeding. First, the LEP individual may request an interpreter. The courts of Missouri are provided a sign translated in Missouri's nine most frequently used languages which states: "Free interpreter services are available upon request. To conduct court business and to schedule an interpreter for hearings or trials contact: _____." This person will be a local court staff person. **See Appendix D.**

Second, court personnel and judges may determine that an interpreter is appropriate for a court proceeding. Many people who need an interpreter will not request one because they do not realize that interpreters are available, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. Therefore, when it appears that an individual has any difficulty communicating, the judge should err on the side of providing an interpreter to ensure full access to the courts.

Third, the Missouri Court Information Center (a database of resources for court personnel), contains questions a judge can ask to determine a person's English language skills. This resource is available statewide on an intranet.

Fourth, the automated statewide case management system, JIS, tracks interpreter needs through case and party records. Case record interpreter flags assist staff in

making sure they know an interpreter is needed for the next hearing. Party record interpreter information stays with the party and is available circuit-wide for future filings and party search results for that same individual. In the future, this information will be available state-wide.

Finally, outside agencies such as probation, attorneys, social workers or correctional facilities may notify the court about an LEP individual's need for an interpreter for an upcoming court hearing.

2. Court Interpreter Qualifications

Missouri courts schedule interpreters for courtroom proceedings as needed. OSCA maintains a statewide roster of interpreters who are certified to work in the courts. This roster is available to court staff on MCIC and the Supreme Court's website. Interpreters on the roster have attended an orientation session, passed the written examination and a rigorous interpreting skills examination, and signed a sworn affidavit of professional responsibility. When the court has made a diligent effort to find a certified court interpreter and none is available, OSCA seeks a certified court interpreter in another state by using contacts from the Consortium. OSCA also utilizes these contacts to see interpreters for less common languages for which there is no certification.

Whenever a non-certified interpreter is used in the courtroom, judges are encouraged to inquire into the interpreter's skills, professional experience, and potential conflicts of interest.

Missouri currently certifies or registers in the following languages that have an oral examination available from the Consortium: Arabic, Cantonese, Chuukese, Bosnian/Croatian/Serbian, French, Haitian Creole, Hmong, Ilocano, Korean, Laotian, Mandarin, Marshallese, Polish, Russian, Somali, Spanish, Turkish and Vietnamese.

As a last resort, the courts of Missouri may also use interactive television (ITV) or telephone interpreting if no interpreters are available in person. Bilingual staff who are not on the statewide roster should not be used to interpret in court. However, they may assist in securing an interpreter if necessary and providing general customer services at the counter.

B. Spoken Language Services outside The Courtroom

The U.S. Department of Justice requires that the courts to take reasonable steps to ensure that LEP individuals have meaningful access to services outside the courtroom. This is one of the most challenging situations facing court staff, because in most situations they are charged with assisting LEP individuals without an interpreter. LEP individuals may come in contact with court personnel via the phone, counter or other means. To that end, the courts have the following resources on MCIC to help LEP individuals and court staff communicate with each other:

- Telephone interpreting services
- Certified interpreters
- State of Missouri contracts with interpreting agencies

C. Translated Forms & Documents

The Missouri courts understand the importance of translating forms and documents so that LEP individuals have greater access to the courts' services. OSCA currently has the following forms translated into commonly used languages:

- Criminal court forms have been translated into Spanish: Statement of Rights Upon Guilty Plea; and Waiver of Preliminary Hearing
- Adult abuse/stalking and child abuse forms have been translated into Bosnian and Spanish. These include: Petition for Order of Protection; Family Access Forms; and Order of Protection.

These translated forms are available in the court clerk handbook and on MCIC for internal use.

When interpreters are scheduled for hearings, they are expected to provide sight translations for corresponding documentation to LEP individuals.

D. Providing Emergency Information to LEP Court Customers

The courts are responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to emergency information should an emergency situation arise. The court should provide LEP individuals with such information in the following ways:

- Universally understood emergency signs located in the strategic places

throughout the courthouse building;

- Clearly marked emergency exits (possibly also in the most common for the area non-English languages);
- Evacuation maps located in visible points with an indication in common for the area non-English languages that those are the evacuation maps;
- Informed and trained bilingual staff, if available, to provide emergency information.

IV. TRAINING

OSCA is committed to providing LEP training opportunities/resources frequently for all staff members who come in contact with LEP individuals. Training and opportunities specifically provided for the courts of Missouri include:

- Twice yearly Court Clerk College
- Twice yearly Judicial College
- “Cultural Diversity - It Takes All Kinds” Webinar
- Twice yearly Presiding Judges meeting
- Twice yearly Juvenile Officer business meeting
- Missouri Juvenile Justice Association educational conference
- Missouri Circuit Clerks’ Association conference

Attendees receive written documentation to take back to the court and share with other staff. OSCA staff also provide presentations and are available to answer questions participants may have. Some presentations are posted on MCIC for future reference.

V. PUBLIC NOTIFICATION AND EVALUATION OF LEP PLAN

A. Periodic Evaluation of the LEP Plan

OSCA will conduct a periodic needs assessment to determine whether changes to the LEP plan are recommended. This assessment may be done by tracking the number of interpreter payments or by other methods.

The statewide Access to Courts Specialist will review the effectiveness of the LEP Plan. The evaluation will include identification of any problem areas and development of corrective action strategies. Elements of the evaluation will include:

- Number of interpreter payments made by OSCA for Missouri courts;

- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Gathering feedback from stakeholders around the state.

LAP Contact Person

Local Contact:

(insert local contact information)

State Contact:

Lynette Ricks
Access to Courts Specialist
Office of State Courts Administrator
P.O. Box 104480
Jefferson City, MO 65110
Lynette.Ricks@courts.mo.gov
Tel: 573-751-4377

The effective date of this LEP plan is _____.

Appendix Q

Mid-American Chapter of the American Translators Association
P.O. Box 144
Shawnee Mission, KS 66201
(785) 843-6034

National Association of Judiciary Interpreters and Translators
1707 L Street, NW
Ste. 570
Washington, DC 20036
(202) 293-0342

Missouri Multicultural Network
Missouri Southern State University
3950 East Newman Rd.
Joplin, MO 64801
(417) 625-9372

Cambio Center
University of Missouri
301 Gentry Hall
Columbia, MO 65211-7040
(573) 882-2978

Ozark Regional Alliance
14548 Highway H
Mount Vernon, MO 65712-8492
(417) 874-1205

Asian American Pacific Islander Organization Plaster Student Union (PSU)
Missouri State University
901 S National Ave Room 117
Springfield, MO 65897



Appendix R

U. S. Department of Justice

Civil Rights Division

Assistant Attorney General

Washington, D.C. 20530

August 16, 2010

Dear Chief Justice/State Court Administrator:

In the past decade, increasing numbers of state court systems have sought to improve their capacity to handle cases and other matters involving parties or witnesses who are limited English proficient (LEP). In some instances the progress has been laudable and reflects increased recognition that language access costs must be treated as essential to sound court management. However, the Department of Justice (DOJ) continues to encounter state court language access policies or practices that are inconsistent with federal civil rights requirements. Through this letter, DOJ intends to provide greater clarity regarding the requirement that courts receiving federal financial assistance provide meaningful access for LEP individuals.

Dispensing justice fairly, efficiently, and accurately is a cornerstone of the judiciary. Policies and practices that deny LEP persons meaningful access to the courts undermine that cornerstone. They may also place state courts in violation of long-standing civil rights requirements. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d *et seq.* (Title VI), and the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. § 3789d(c) (Safe Streets Act), both prohibit national origin discrimination by recipients of federal financial assistance. Title VI and Safe Streets Act regulations further prohibit recipients from administering programs in a manner that has the effect of subjecting individuals to discrimination based on their national origin. *See* 28 C.F.R. §§ 42.104(b)(2), 42.203(e).

The Supreme Court has held that failing to take reasonable steps to ensure meaningful access for LEP persons is a form of national origin discrimination prohibited by Title VI regulations. *See Lau v. Nichols*, 414 U.S. 563 (1974). Executive Order 13166, which was issued in 2000, further emphasized the point by directing federal agencies to publish LEP guidance for their financial assistance recipients, consistent with initial general guidance from DOJ. *See* 65 Fed. Reg. 50,121 (Aug. 16, 2000). In 2002, DOJ issued final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. 67 Fed. Reg. 41,455 (June 18, 2002) (DOJ Guidance). The DOJ Guidance and subsequent technical assistance letters from the Civil Rights Division explained that court systems receiving federal financial assistance, either directly or indirectly, must provide meaningful access to LEP persons in order to comply with Title VI, the Safe Streets Act, and their implementing regulations. The federal requirement to provide language assistance to LEP individuals applies notwithstanding conflicting state or local laws or court rules.

Despite efforts to bring courts into compliance, some state court system policies and practices significantly and unreasonably impede, hinder, or restrict participation in court proceedings and access to court operations based upon a person's English language ability. Examples of particular concern include the following:

1. Limiting the types of proceedings for which qualified interpreter services are provided by the court. Some courts only provide competent interpreter assistance in limited categories of cases, such as in criminal, termination of parental rights, or domestic violence proceedings. DOJ, however, views access to *all* court proceedings as critical. The DOJ Guidance refers to the importance of meaningful access to courts and courtrooms, without distinguishing among civil, criminal, or administrative matters. *See* DOJ Guidance, 67 Fed. Reg. at 41,462. It states that "every effort should be taken to ensure competent interpretation for LEP individuals during *all* hearings, trials, and motions," *id.* at 41,471 (emphasis added), including administrative court proceedings. *Id.* at 41,459, n.5.

Courts should also provide language assistance to non-party LEP individuals whose presence or participation in a court matter is necessary or appropriate, including parents and guardians of minor victims of crime or of juveniles and family members involved in delinquency proceedings. Proceedings handled by officials such as magistrates, masters, commissioners, hearing officers, arbitrators, mediators, and other decision-makers should also include professional interpreter coverage. DOJ expects that meaningful access will be provided to LEP persons in all court and court-annexed proceedings, whether civil, criminal, or administrative including those presided over by non-judges.

2. Charging interpreter costs to one or more parties. Many courts that ostensibly provide qualified interpreters for covered court proceedings require or authorize one or more of the persons involved in the case to be charged with the cost of the interpreter. Although the rules or practices vary, and may exempt indigent parties, their common impact is either to subject some individuals to a surcharge based upon a party's or witness' English language proficiency, or to discourage parties from requesting or using a competent interpreter. Title VI and its regulations prohibit practices that have the effect of charging parties, impairing their participation in proceedings, or limiting presentation of witnesses based upon national origin. As such, the DOJ Guidance makes clear that court proceedings are among the most important activities conducted by recipients of federal funds, and emphasizes the need to provide interpretation free of cost. Courts that charge interpreter costs to the parties may be arranging for an interpreter's presence, but they are not "providing" the interpreter. DOJ expects that, when meaningful access requires interpretation, courts will provide interpreters at no cost to the persons involved.

3. Restricting language services to courtrooms. Some states provide language assistance only for courtroom proceedings, but the meaningful access requirement extends to court functions that are conducted outside the courtroom as well. Examples of such court-managed offices, operations, and programs can include information counters; intake or filing offices; cashiers; records rooms; sheriff's offices; probation and parole offices; alternative dispute resolution programs; *pro se* clinics; criminal diversion programs; anger management classes; detention facilities; and other similar offices, operations, and programs. Access to these points of public contact is essential to the fair administration of justice, especially for unrepresented LEP persons. DOJ expects courts to provide meaningful access for LEP persons to such court operated or managed points of public contact in the judicial process, whether the contact at issue occurs inside or outside the courtroom.

4. Failing to ensure effective communication with court-appointed or supervised personnel. Some recipient court systems have failed to ensure that LEP persons are able to communicate effectively with a variety of individuals involved in a case under a court appointment or order. Criminal defense counsel, child advocates or guardians *ad litem*, court psychologists, probation officers, doctors, trustees, and other such individuals who are employed, paid, or supervised by the courts, and who are required to communicate with LEP parties or other individuals as part of their case-related functions, must possess demonstrated bilingual skills or have support from professional interpreters. In order for a court to provide meaningful access to LEP persons, it must ensure language access in all such operations and encounters with professionals.

DOJ continues to interpret Title VI and the Title VI regulations to prohibit, in most circumstances, the practices described above. Nevertheless, DOJ has observed that some court systems continue to operate in apparent violation of federal law. Most court systems have long accepted their legal duty under the Americans with Disabilities Act (ADA) to provide auxiliary aids and services to persons with disabilities, and would not consciously engage in the practices highlighted in this letter in providing an accommodation to a person with a disability. While ADA and Title VI requirements are not the same, existing ADA plans and policy for sign language interpreting may provide an effective template for managing interpreting and translating needs for some state courts.

Language services expenses should be treated as a basic and essential operating expense, not as an ancillary cost. Court systems have many operating expenses – judges and staff, buildings, utilities, security, filing, data and records systems, insurance, research, and printing costs, to name a few. Court systems in every part of the country serve populations of LEP individuals and most jurisdictions, if not all, have encountered substantial increases in the number of LEP parties and witnesses and the diversity of languages they speak. Budgeting adequate funds to ensure language access is fundamental to the business of the courts.

We recognize that most state and local courts are struggling with unusual budgetary constraints that have slowed the pace of progress in this area. The DOJ Guidance acknowledges that recipients can consider the costs of the services and the resources available to the court as part of the determination of what language assistance is reasonably required in order to provide meaningful LEP access. *See id.* at 41,460. Fiscal pressures, however, do not provide an exemption from civil rights requirements. In considering a system's compliance with language access standards in light of limited resources, DOJ will consider all of the facts and circumstances of a particular court system. Factors to review may include, but are not limited to, the following:

- The extent to which current language access deficiencies reflect the impact of the fiscal crisis as demonstrated by previous success in providing meaningful access;
- The extent to which other essential court operations are being restricted or defunded;
- The extent to which the court system has secured additional revenues from fees, fines, grants, or other sources, and has increased efficiency through collaboration, technology, or other means;
- Whether the court system has adopted an implementation plan to move promptly towards full compliance; and
- The nature and significance of the adverse impact on LEP persons affected by the existing language access deficiencies.

DOJ acknowledges that it takes time to create systems that ensure competent interpretation in all court proceedings and to build a qualified interpreter corps. Yet nearly a decade has passed since the issuance of Executive Order 13166 and publication of initial general guidance clarifying language access requirements for recipients. Reasonable efforts by now should have resulted in significant and continuing improvements for all recipients. With this passage of time, the need to show progress in providing all LEP persons with meaningful access has increased. DOJ expects that courts that have done well will continue to make progress toward full compliance in policy and practice. At the same time, we expect that court recipients that are furthest behind will take significant steps in order to move promptly toward compliance.

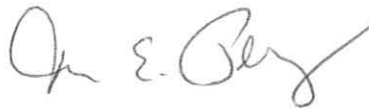
The DOJ guidance encourages recipients to develop and maintain a periodically-updated written plan on language assistance for LEP persons as an appropriate and cost-effective means of documenting compliance and providing a framework for the provision of timely and reasonable language assistance. Such written plans can provide additional benefits to recipients' managers in the areas of training, administrating, planning, and budgeting. The DOJ Guidance goes on to note that these benefits should lead most recipients to document in a written LEP plan their language assistance services, and how staff and LEP persons can access those services. In court systems, we have found that meaningful access inside the courtroom is most effectively implemented in states that have adopted a court rule, statute, or administrative order providing for universal, free, and qualified court interpreting. In addition, state court systems that have strong leadership and a designated coordinator of language services in the office of the court administrator, and that have identified personnel in charge of ensuring language access in each courthouse, will more likely be able to provide effective and consistent language access for LEP

individuals. Enclosed, for illustrative purposes only, are copies of Administrative Order JB-06-3 of the Supreme Judicial Court of Maine, together with the September 2008 Memorandum of Understanding between that court and DOJ. Also enclosed for your information is a copy of "Chapter 5: Tips and Tools Specific to Courts" from DOJ, *Executive Order 13166 Limited English Proficiency Document: Tips and Tools from the Field* (2004).

The Office of Justice Programs provides Justice Assistance Grant funds to the states to be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and criminal justice information systems that will improve or enhance criminal justice programs including prosecution and court programs. Funding language services in the courts is a permissible use of these funds.

DOJ has an abiding interest in securing state and local court system compliance with the language access requirements of Title VI and the Safe Streets Act and will continue to review courts for compliance and to investigate complaints. The Civil Rights Division also welcomes requests for technical assistance from state courts and can provide training for court personnel. Should you have any questions, please contact Mark J. Kappelhoff, Acting Chief, Federal Coordination and Compliance Section (formally known as Coordination and Review Section) at (202) 307-2222.

Sincerely,

A handwritten signature in black ink, appearing to read "Th. E. Perez", with a long horizontal flourish extending to the right.

Thomas E. Perez
Assistant Attorney General

Enclosures