

**Tuscarawas County Court of Common Pleas  
General Trial Division**

**Language Access Plan**

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**I. Legal Basis and Purpose**

This document serves as the Language Access Plan (LAP) for Tuscarawas County Court of Common Pleas, General Trial Division (Court) 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; and 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 the Court.

This LAP is developed to ensure equal access to court services for LEP persons and persons who are deaf or hard of hearing. Although deaf and hard of hearing individuals are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act, they have been included in this plan insofar as they relate to our policy of access to justice and equal protection under the law.

**II. Needs Assessment**

**A. Statewide**

The State of Ohio provides court services to a wide range of persons, including people who do not speak English and/or who are deaf or hard of hearing. Service providers include the Supreme Court of Ohio, the courts of appeals, and trial courts throughout the state.

According to the American Community Survey as released in October 2015 by the U.S. Census Bureau, the number of people in Ohio who, at home, speak a language other than English is approximately 719,095. Of that number, many individuals are described as “speaking English less than very well” as outlined below:

1. Spanish	90,725
2. German	14,196
3. Chinese	20,374
4. French	7,001

5. Arabic	11,134
6. Pennsylvania Dutch	10,900
7. Italian	4,803
8. Russian	8,416
9. Greek	2,368

Additionally, a survey conducted in 2010 by the Supreme Court of Ohio Language Services Program revealed that the most widely used languages in courts statewide are, in order, the following:

1. Spanish
2. American Sign Language
3. Somali
4. Russian
5. Arabic
6. French
7. Mandarin
8. Korean
9. Cambodian
10. Amharic

**B. Tuscarawas County Court of Common Pleas, General Trial Division**

The Court will make every effort to provide services to all LEP and deaf or hard of hearing persons in its jurisdiction. The most commonly used languages in the Court are the following:

- Spanish
- Q'iché, Quiché or K'iche'
- Chinese
- Russian
- American Sign Language

**III. Language Assistance Resources**

**A. Language Access Coordinator**

The Court has designated a Language Access Coordinator (LAC). The LAC, and the Administrative Judge, will assist in ensuring that language services are delivered by the

court in accordance with this plan and in accordance with this plan and the Rules of Superintendence for the Courts of Ohio, Rules 80-89.

The Court's LAC is **Court Administrator Elizabeth W. Stephenson**. She can be reached at [stephenson@co.tuscarawas.oh.us](mailto:stephenson@co.tuscarawas.oh.us) or 330-365-3299.

Complaints submitted under Section VIII of this LAP will be addressed by the LAC within 10 business days. In addition to the responsibilities already outlined in this plan, the LAC also has the following responsibilities:

- Identify qualified interpreters and translators to be included in an interpreter list as maintained by the Court;
- Maintain records regarding use of interpreters;
- Ensure quality control of interpreters and translators; and
- Assign qualified interpreters, translators and bilingual employees to perform language assistance functions.

#### **B. Interpreters Used In the Courts**

Under Ohio law and Supreme Court rules, there are two different instances in which a court must provide an interpreter: in a case or court function and in connection with ancillary services. This distinction is important because the type of interpreter to be provided and the Court's responsibilities differ depending on the specific situation.

By statute, Ohio courts must appoint qualified interpreters. Specifically, R.C. 2311.14 provides that courts shall provide interpreters due to hearing, speech, or other impairments of a party or a witness to a case.

Additionally, Rule 88 of the Rules of Superintendence for the Courts of Ohio requires that the Court appoint an interpreter in a case or court function when an LEP or deaf or hard of hearing individual requests an interpreter or when the Court determines the services of an interpreter are necessary for the meaningful participation of the party or witness.

Under Ohio law, foreign language interpreters will be provided at court expense, if the party is found to be indigent. However, in order to comply with the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et. seq., the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3789d(c), and

28 C.F.R. Part 42, Subparts C and D, recipients of federal funds must provide meaningful access to limited English proficient (LEP) individuals. *Lau v. Nichols*, 414 U.S. 563 (1974). The U.S. Department of Justice advises that practices, such as charging for interpretation and translation services or seeking recoupment for those costs, significantly impair, restrict, or preclude the participation of LEP individuals in the judicial system and are inconsistent with recipients' Title VI obligations. For more information, please refer to Guidance from the U.S. Department of Justice to state court justices and administrators' letter from Assistant Attorney of the Civil Rights Division to Chief Justices and State Court Administrators (Aug. 16, 2010); Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41455 (June 18, 2002).

Sign language interpreters will be provided at court expense for all deaf or hard of hearing court parties, witnesses, or jurors in compliance with the ADA.

#### **IV. Use of Interpreters**

##### **A. Determining the Need for an Interpreter**

There are various ways that the Court will determine whether an LEP or deaf or hard of hearing person needs the services of a court interpreter. First, the LEP or deaf or hard of hearing person may request an interpreter.

Second, Court personnel and judges may determine that an interpreter is necessary for the meaningful participation of a party or witness. Many people who need an interpreter will not request one because they do not realize that interpreters are available, they mistakenly think they will have to pay for the interpreter, 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 Court staff, judge, or magistrate must provide an interpreter to ensure full access to the Court. See Sup.R. 88(A)(2), (B)(1)(b).

In legal proceedings, judges and magistrates must make a determination, on the record, as to the need for an interpreter. In court functions and ancillary services, designated staff may make a determination as to the need of an interpreter.

Third, once a party or a witness has been identified as an LEP or deaf or hard of hearing individual, the Court will exercise every effort to appoint interpreters in all future related proceedings or court functions. Furthermore, the Court will follow the requirements of Sup.R. 88 to appoint an interpreter (see Section C below). If no in-person interpreter is

available at the given instance, the Court will grant a continuance or if possible and appropriate, in accordance with Sup.R. 88, Appendix J, use the services of a telephonic interpreter.

#### **B. Court Interpreter Qualifications**

The Language Services Program of the Supreme Court of Ohio maintains an online statewide roster of interpreters who may work in the courts. Foreign language interpreters on the roster have passed a written examination, attended at least 24 hours of court interpreter training, and have scored within a designated range that measures their language and interpreting skill. Sign language interpreters have also met similar requirements as necessary for national certification through the Registry of Interpreters for the Deaf. The definition of each category of interpreter is set forth in Sup.R. 80-88.

#### **C. Appointment of a Court Interpreter**

The Court will appoint in-person and telephonic court interpreters in accordance with all criteria set forth in Sup.R. 88 and will ensure that certified court interpreters are used whenever reasonably available.

Pursuant to Sup.R. 88(C), the Court will make all reasonable efforts to avoid appointing foreign language interpreters or sign language interpreters if they are compensated by a business owned or controlled by a party or a witness; friend or a family or household member of a party or witness; a potential witness; Court personnel employed for a purpose other than interpreting; law enforcement officer or probation department personnel; or would not serve to protect a party's rights or ensure the integrity of the proceedings or have a conflict of interest, real or perceived.

#### **D. Language Services outside the Courtroom**

In accordance with Sup.R. 89, the Court shall ensure that LEP individuals and individuals who are deaf or hard of hearing have meaningful access to ancillary services outside the courtroom. LEP individuals and individuals who are deaf or hard of hearing may come in contact with Court personnel via the phone, counter, or other means. The Court has the following resources to assist LEP individuals and individuals who are deaf or hard of hearing:

- When a Court staff member does not know what language a customer is speaking, they use an "I Speak" card which is available in 63 languages. The LAC is responsible for distributing cards to all staff and to any new staff.

- In order to meet the needs of those who speak less-common languages, Court staff may rely on telephonic interpretation or relay services to bridge communication.

## V. Translated Forms and Documents

Ohio courts understand the importance of translating forms and documents so that LEP individuals have greater access to the courts' services.

The Court's website includes the following link to forms which are in other languages: <https://www.supremecourt.ohio.gov/JCS/CFC/DRForms/languages.asp>.

When interpreters are hired for hearings, interpreters are expected to provide sight translations for corresponding documentation to LEP individuals. Additionally, the Supreme Court of Ohio has translated 27 vital forms into five languages: Arabic, Chinese, Russian, Somali and Spanish. These are posted on the Supreme Court of Ohio website and are available to all courts.

The Court follows the process to translate material described in Appendix J of the *Interpreters in the Judicial System: A Handbook for Ohio Judges*. Appendix J identifies the steps to translate material from project management to editing, proofreading, and publishing. The section also describes the process for the selection of qualified translators. The Court will also rely on the Language Services Program at the Supreme Court of Ohio for consultation and technical assistance.

The Court will assess demographics and analyze the most commonly used forms and embark in the translation of additional forms as resources allow.

## VI. Local Rule

The Court will adopt a local rule regarding appointment of interpreters.

## VII. Training

Ohio courts are committed to providing language access training opportunities for all staff members who come in contact with or may come in contact with LEP individuals and individuals who are deaf or hard of hearing. The Ohio Judicial College and the Language Services Program provide ongoing training for court staff regarding issues related to LEP populations, individuals who are deaf or hard of hearing, the use of interpreters, and other language access matters.

The Court will take advantage of this training as needed, and will engage in ongoing training of its staff to ensure that all staff are aware of the Court's LAP.

## **VIII. Complaint Process**

The Court will ensure that all LEP individuals and individuals who are deaf or hard of hearing receive language assistance services in their primary language. The Court has developed a local complaint resolution process and the court employees will provide information on this process to LEP individuals or individuals who are deaf or hard of hearing upon request or if an LEP/deaf or hard of hearing individual voices concern about the lack of language access services or the quality of services that were provided.

### **A. Initiating a Complaint**

An LEP person, his or her attorney, or their advocate, may initiate a complaint in their primary language through the following methods:

- Complete and submit the Language Access Complaint Form (Attachment A)
- Submit a letter addressing the complaint

### **B. Intake**

The LAC will review the complaint and obtain all pertinent information from the complainant. The LAC will document receipt of the complaint and provide information about it to the individual who supervised the affected employee(s). Anonymous complaints may not be investigated.

### **C. Acknowledgment of Complaint**

The LAC will respond to the complaint within 10 business days by letter acknowledging receipt of the complaint.

### **D. Notification**

Upon receipt of a Language Access Complaint Form, the LAC will take prompt action to review, investigate and respond to its allegations. The LAC will also notify the Administrative Judge of such complaint.

In addition to the Court's process above, the Supreme Court of Ohio also has a complaint process. To promptly address any concerns that an LEP person or an individual who is

deaf or hard of hearing did not receive language assistance, the Supreme Court of Ohio has developed a process for handling such complaints.

For more information on the Ohio Supreme Court's complaint resolution process, please visit: <http://www.supremecourt.ohio.gov/ICS/interpreterSvcs/default.asp>.

Parties may also call 1(888)-317-3177, Monday-Friday, 8 AM to 5 PM, or send correspondence via email to: [InterpreterServices@sc.ohio.gov](mailto:InterpreterServices@sc.ohio.gov) or via US Postal Service to:

Language Services Program  
Complaint Resolution  
65 South Front Street  
Columbus, Ohio 43215

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

**A. LAP Approval**

The Court LAP has been approved by the Administrative Judge. Any future revisions to the plan will be submitted to the Administrative Judge for approval. Copies of the Court LAP will be distributed to all Court staff by the LAC.

**B. Notification**

The LAC will ensure that any new staff receives a copy of the plan. Copies of the Court LAP will be provided to the public upon request. In addition, the Court will post this plan on its website.

The Court will display a sign translated into Ohio's 12 most frequently used languages which states:

*You may have the right to a court-appointed interpreter. If one is not provided, call 1.888.317.3177, Monday - Friday, 8 AM to 5 PM.*

The Court will display this sign at a common area visible to all Court users. In the Court, the LAC is responsible to make sure signs are visible, interpreters are provided, and our LAP plan is monitored.



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

The LAC will review this plan on an annual basis and make changes based on the review. The evaluation will include review of any complaints received, identification of any problem areas, development of required corrective action strategies, and input from court staff. Elements of the evaluation may include:

- Assessing the number of LEP and deaf or hard of hearing persons requesting court interpreters in Ohio courts;
- Assessing current language needs to determine if additional services or translated materials should be provided;
- Assessing whether staff members adequately understand LEP policies and procedures and how to carry them out;
- Reviewing complaints received since the last review; and
- Gathering feedback from LEP and deaf or hard of hearing communities around the state; using that feedback as collaboration on any revisions to the LAP.

Any revisions made to the plan will be approved by the Administrative Judge and will be communicated by posting on the Court's public website.

### **X. Official Designation of LAC and Back-Up Language Access Coordinators**

**Language Access Coordinator:**

**Elizabeth W. Stephenson**

Court Administrator

101 East High Avenue, Suite 305

New Philadelphia, Ohio 44663

Phone: 330-365-3299

Email: [stephenson@co.tuscarawas.oh.us](mailto:stephenson@co.tuscarawas.oh.us)

In the event that the LAC is unavailable, the back-up Language Access Coordinators will serve as the substitute.

**Back-up Language Access Coordinators:**

**Christina L. Collins**

Administrative Assistant

101 East High Avenue, Suite 305

New Philadelphia, Ohio 44663

Phone: 330-365-3217

Email: [collins@co.tuscarawas.oh.us](mailto:collins@co.tuscarawas.oh.us)

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Email: [aul@co.tuscarawas.oh.us](mailto:aul@co.tuscarawas.oh.us)

**XI. Helpful Resources**

- Federal interagency website about language access: [www.lep.gov](http://www.lep.gov)
- American Bar Association Standards for Language Access in Courts, February 2012: [www.americanbar.org](http://www.americanbar.org)
- Department of Justice Language Access Planning and Technical Assistance Tool for Courts, February 2014: [www.lep.gov](http://www.lep.gov)
- Supreme Court of Ohio's Interpreter Services Program:  
<https://www.supremecourt.ohio.gov/ICS/interpreterSvcs/>

**XII. LAP Administrative Judge Approval**

This LAP was reviewed and approved by:

  
\_\_\_\_\_  
Judge Edward Emmett O'Farrell

Date: 4/19/2017

Tuscarawas County Court of Common Pleas, General Trial Division

Language Access Complaint Form

Purpose: Litigant/Court Customer alleging violation of language access plan services

Date Submitted: \_\_\_\_\_

**Personal Information (Please print clearly)**

Name \_\_\_\_\_  
(First) (Middle) (Last)

Language You Speak \_\_\_\_\_

Address \_\_\_\_\_  
(Street) (City) (State) (Zip Code)

Home Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

**Court Information (Please print clearly)**

Case Name \_\_\_\_\_

Case Number \_\_\_\_\_ Judge/Magistrate Name \_\_\_\_\_

Date of Court Hearing or Appearance \_\_\_\_\_

**Reason for Filing Complaint**

- The Court did not provide an interpreter
- The interpreter did not speak my language
- The interpreter did not interpret correctly
- Other (Explain):

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

*You may also submit supporting documentation as a supplement to this form*

Complete this form and submit it to the  
Tuscarawas County Court of Common Pleas, General Trial Division, 101 East High Avenue,  
Suite 305, New Philadelphia, Ohio 44663 E-mail: [stephenson@co.tuscarawas.oh.us](mailto:stephenson@co.tuscarawas.oh.us)