



# Language Access Plan for Iowa's Courts

(July 29, 2020)

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## I. Policy Directive

The Iowa Judicial Branch strives to provide meaningful access for all limited English proficient (LEP) persons who use the courts' services. The purpose of this language access plan (LAP) is to establish effective guidance to Iowa's courts consistent with Title VI of the Civil Rights Act of 1964, Executive Order 13166 and the Americans with Disabilities Act (ADA).

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d *et. seq.*, provides that "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 subjected to discrimination under any program or activity receiving Federal financial assistance."

Federal Executive Order 13166 (2000) requires all agencies receiving federal funds to address the needs of persons who, due to limited English proficiency (LEP), cannot fully and equally participate in the agency's programs without language assistance.

The Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008, 42 USC §§12101-12213, require that state and local government facilities, including courts, be accessible to individuals with disabilities and provide reasonable accommodations to qualified persons. The U.S. Department of Justice has published regulations implementing the ADA, found in 28 CFR Part 35. The regulations under ADA Title II require that courts and other public entities take "appropriate steps to ensure the communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others." (28 CFR 35.160(a)). State and local governments are required to "furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an opportunity to participate in, and enjoy the benefits of, a service, program, or activity." 28 CFR 35.160(b)(1).

Consistent with the Iowa courts' mission to provide equal justice under law to all persons, the Iowa courts and all its personnel shall provide effective language assistance services to all LEP individuals who request such assistance. Because Iowa has a *unified trial court system*, this LAP, Chapter 47 of the Iowa Court Rules (hereafter ICR), and Iowa Code Chapters 662A and 622B serve as the essential guides for the provision of language assistance services in the district courts in all 99 counties. With assistance from the eight judicial districts' language access coordinators, district court administrators, Office of Professional Regulation (OPR), and the Language Access in the Courts Advisory Committee, the state court administrator (SCA) will periodically review and revise the LAP as needed. The most recent version of this directive will be on the Iowa courts' website at: <https://www.iowacourts.gov/opr/court-interpreters/>

## II. Definitions

**Limited English proficiency or limited English proficient (LEP):** A limited ability to speak, read, write, or understand English because the person’s primary language is not English or because the person is deaf, deaf-blind, or hard-of hearing.

**Interpreter:** A person who accurately transfers the meaning of spoken or written words or signs into the equivalent meaning in another oral or sign language.

**Remote interpreting:** The provision of interpreting services using audio or audio-video technology in a situation where the interpreter is at a location physically separate from the location of the court proceeding.

**Sight translation:** The act of reading a document written in one language while converting it orally or by hand signs into another language.

**Translator:** A person who accurately transfers the meaning of written, or signed words and phrases in one language into the equivalent meaning in written words or phrases of a second language, or accurately produces a written transcript in English of electronically recorded communications in which one or more of the participants speaks a language other than English.

## III. Implementation Plan

### A. Language Access Coordinators (LACs)

Each of the eight judicial districts and the appellate courts have a designated LAC who coordinates language assistance services. This person is responsible for overseeing the identification, scheduling, and coordination of interpreters and translators and responding to inquiries about language assistance services.

District	Name	Phone	Email
1	Jim Mahoney	319-833-3390	jim.mahoney@iowacourts.gov
2	Bill Watson	515-574-3751	bill.watson@iowacourts.gov
3	Alfonso Erdmann	712-279-6030	alfonso.erdmann@iowacourts.gov
4	Marsha Weberg	712-328-5871	marsha.weberg@iowacourts.gov
5	Toni Stevens	515-286-3739	toni.stevens@iowacourts.gov
6	Candice Blake	319-398-3920 x-1101	candice.blake@iowacourts.gov
7	Heidi McDonough	563-886-2101	heidi.mcdonough@iowacourts.gov
8	Mark Hagist	641-684-6502 x-111	mark.hagist@iowacourts.gov
Appellate Courts	Christine Mayberry	515-348-4705	christine.mayberry@iowacourts.gov

If the LAC is not available, the Clerk of District Court in the county where the case is located will offer to assist a caller.

**B. State-Level Contact Persons**

Two offices at the state level divide the responsibilities for overseeing management of various aspects of the judicial branch’s language access services. (See section D.4, below, for a list of their responsibilities.)

*Office of Professional Regulation (OPR):*

Contact: Jessica Taylor, Assistant Director of Boards and Commissions

Phone: (515) 348-4670

Email: court.interpreter@iowacourts.gov

*Office of State Court Administration (SCA):*

John Goerdt, Deputy State Court Administrator

Phone: (515) 348-4880

Email: john.goerdt@iowacourts.gov

**C. Identification and Assessment of Limited English Proficiency (LEP) Communities**

The LEP population in each of Iowa’s 99 counties (see Appendix A) is from the US Census, which is updated every ten years. Changes in the LEP population will be monitored using mid-census estimates and projections from the American Community Survey (ACS). Other data from the Department of Education, the Migration Policy Institute, or other local or state agencies also may be used.

**LEP Population Estimates for Iowa** (see table below)

Total state population estimate for 2019: **3,155,070**

Total estimated LEP population: **223,471**

% of Iowa population that is LEP: **7.1%**

State of Iowa U.S. Census Bureau Estimates American Community Survey: 2014-2018 Language spoken at home	2014 - 2018	
	Speak English "very well"	Speak English "less than very well" (LEP)
Spanish	72,344	53,923
French, Haitian, or Cajun	15,330	14,393
German or other West Germanic languages	22,239	13,256
Russian, Polish, or other Slavic languages	18,407	15,217
Other Indo-European languages	21,134	15,695
Korean	12,778	12,636
Chinese (incl. Mandarin, Cantonese)	16,090	18,381
Vietnamese	13,774	16,113
Tagalog (incl. Filipino)	12,766	12,592
Other Asian and Pacific Island languages	21,886	21,009
Arabic	15,753	14,738
Other and unspecified languages	17,259	15,518
<b>Totals</b>	<b>259,760</b>	<b>223,471</b>
<b>Total State Population (2019 estimate)</b>		<b>3,155,070</b>
<b>% LEP population (223,471/3,155,070)</b>		<b>7.1%</b>

In addition, the **top five languages\*** for which the courts needed an interpreter in each judicial district during 2019 are:

District 1	District 2	District 3	District 4	District 5	District 6	District 7	District 8
Spanish	Spanish	Spanish	Spanish	Spanish	Spanish	Spanish	Spanish
French	Nuer	Karen	ASL	Karen	French	French	Vietnamese
Burmese	Mandarin	Tigrinya	Karen	Swahili	Swahili	Vietnamese	Mandarin
Karen	Arabic	Chuukese	Nuer	Nepali	Kirundi	Burmese	Karen
Bosnian	Laotian	Nuer	Chuukese	Burmese	Arabic	ASL	Chuukese

\*Information provided by the Language Access Coordinator in each district.

#### D. Responsibility to Provide Language Assistance Services

- 1. Informing the Public about the Availability of Language Assistance Services.** The clerk of court will ensure the posting of **signs** near the entrances of the courtrooms and at the clerk’s counter regarding the availability of language assistance services.
- 2. Frontline Counter Responsibilities.** All clerk of court staff should understand the importance of providing competent language assistance to LEP persons since clerks’ staff are often the first points of contact with all members of the public including LEP individuals and families. Human Resources (HR) and State Court Administration (SCA) staff will conduct a new employee orientation program approximately four times each year for all new judges and court staff, including clerks’ office staff. The program covers a wide range of critical issues, including key elements in this Language Access Plan (LAP), procedures for identifying persons with LEP, procedures for obtaining qualified language services, and the requirements under the Americans with Disabilities Act (ADA). SCA and its Judicial Branch Education Division will provide additional training on language and disability access policies and procedures for court staff and judicial officers every three to five years.
- 3. District Court Responsibilities.** The district courts may learn about the need for an interpreter from the county attorney, public defenders, private attorneys, community advocates, victim-witness coordinators, family members, or friends of LEP persons. ICR 47.3(2) requires attorneys with LEP clients or witnesses to file an Application for Appointment of a Court Interpreter. The application form is available at: <https://www.iowacourts.gov/opr/court-interpreters/find-an-interpreter/>

When a court or court personnel learn that an LEP person needs an interpreter for a court proceeding, ICR 47.3(3) requires district court personnel to locate and schedule the most qualified interpreter who is reasonably available consistent with the criteria in ICR 47.3(4).

Court staff and judges are aware that many people who need an interpreter will not request one because they do not realize interpreter services are available or because they do not recognize the high level of communication skills needed in court.

Consequently, sometimes the courts encounter a party in the courtroom who has only a rudimentary vocabulary in English and has difficulty effectively communicating. When this occurs, it is the policy of the Iowa courts to err on the side of providing an interpreter to ensure that an LEP party can fully and understand and participate in the court proceeding. See section A of the Bench Card for Iowa Judges on Interpreter and Translator Issues, which is available on the Iowa courts' internal Sharepoint site at: [Judicial Insider / Districts / Interpreter Information / Bench Card on Interpreters](#)

**4. State-Level Responsibilities.** At the state level, the *Office of Professional Regulation (OPR)* is responsible for:

- Receiving applications to be a court interpreter and checking applicants' qualifications,
- Court Interpreter training and testing,
- Managing Iowa's roster of court interpreters, and
- Managing complaints against court interpreters and, if necessary, the interpreter disciplinary process (see ICR 47.10).

*Office of State Court Administration* is responsible for:

- Advising the courts and attorneys on compliance with ICR Chapter 47,
- Approving of exceptions to standard interpreter and translator fees established in the Administrative Directive on Court Interpreter Compensation,
- Approving travel expenses for out-of-state interpreters,
- Approving contracts to perform written translations of court forms, web site materials, and electronically recorded communications involving and LEP party/defendant,
- Assisting district LACs in finding qualified interpreters of languages that are uncommon in Iowa,
- Coordinating meetings of the statewide Language Access in the Courts Advisory Committee, which assists in providing recommendations on policies and priorities for the judicial branch on language access issues, and
- Managing complaints against court personnel for failure to provide language assistance services.

**5. Obligation to Pay for Language Assistance Services.** The obligation to pay for court interpreter services rests with three different offices:

- County Auditors pay all sign language interpreters (Iowa Code sec. 622B.8)
- State Public Defenders Office pays for interpreters who interpret in cases with an indigent party who has a court-appointed attorney (Iowa Code sec. 815.9(4))
- State Court Administration pays interpreters in all other cases (Iowa Code sec. 622A.3).

These agencies will ensure timely payment of interpreters and translators. The costs of sign language interpreter services will be borne by the county and not charged to the deaf or hard-of-hearing person who needs the interpreter. However, Iowa Code section 622A.3

requires the court in all non-criminal cases to charge oral language interpreter fees as court costs at the end of a case; and Code section 815.9(3) requires the courts to charge oral language interpreter fees to LEP parties represented by court-appointed counsel at the conclusion of the case. The only exceptions are when an LEP criminal defendant's charges are dismissed or acquitted, or when a court reduces the amount of fees to be paid to an amount that the court determines the LEP person is reasonably able to pay pursuant to Iowa Code sec. 815.9(5)-(6) and *State v. Albright*, 924 N.W.2d 144 (Iowa 2019).

## **E. Ensuring Quality Language Assistance Services**

When a court or court personnel learn that a party or witness needs an interpreter for a court proceeding, ICR 47.3 requires district court personnel to locate and schedule the most qualified interpreter who is reasonably available using the *priorities* established in ICR 47.3(4) through 47.3(7). With some exceptions, court personnel must seek a certified interpreter who resides within 150 miles of the courthouse. For serious cases, indictable criminal and termination of parental rights, court personnel must conduct a regional or national search for a certified interpreter. If there is no court interpreter certification available for the LEP person's language, or a certified interpreter could not be located after a regional or national search, court personnel must search for a non-certified interpreter who meets criteria for being on the state's roster of court interpreters.

For more information on the scheduling of court interpreters, see ICR 47.3 and section IV.E, below.

### **1. Qualifications for Being on Iowa's Roster of Court Interpreters**

ICR 47.6 establishes the criteria for an interpreter to be listed on Iowa's roster of court interpreters. Both oral and sign language interpreters must: (1) attend a court interpreter orientation program, (2) pass a written multiple-choice exam (135 questions) on general English vocabulary, legal terms, American slang terms, and court procedures, and (3) pass a written multiple-choice exam on court interpreter ethics.

In addition, for *oral* language interpreters to be listed on the roster of court interpreters, they must take a court interpreter certification exam (for languages for which there is a nationally recognized court interpreter certification exam) and achieve at least a score of 55% correct each part of the exam. Depending on their scores on the certification exams, oral language interpreters may achieve one of the three classifications (A, B, or C – see below) on Iowa's roster of court interpreters. Interpreters of languages for which there is no court interpreter certification exam must take the ALTA Language Services' speaking and listening exam and achieve a score of at least 11 on a scale of 12.

### **2. Roster Classifications for Oral Language Interpreters are:**

- Class A (certified) – Includes interpreters who have passed a court interpreter certification exam offered by the Federal Courts, the National Center for State

Courts (NCSC), or the National Association of Judiciary Interpreters and Translators,

- Class B (noncertified) – Includes interpreters who took the NCSC’s court interpreter certification exam and came within five percentage points of passing the exam (65 – 69% on each part), and
- Class C (noncertified) – Includes interpreters who took the NCSC’s court interpreter certification exam and scored at least 55% correct on each part, but did not qualify to be a Class B interpreter. It also includes interpreters for languages for which there is no court interpreter certification exam who achieve a score of at least an 11 on a scale of 12 on the ALTA Language Services speaking and listening exam for interpreters.

### **3. Minimum Qualifications for Oral Language Court Interpreters.**

All interpreters who have not met the qualifications to be on the roster of court interpreters are deemed to be “*unclassified*” and do not qualify to be on the roster of court interpreters. For many of the uncommon languages in Iowa, it is challenging to locate interpreters who meet the qualifications to be on the roster of court interpreters. However, unclassified interpreters must meet the ***minimum qualifications*** for a court interpreters established in ICR 47.2, which include:

- At least 21 years of age,
- Completed 48 hours of college-level courses,
- Completed an Application to be a Court Interpreter to indicate education and work experience, and
- Completed a criminal background check that indicates no felony convictions or other convictions for crimes of dishonesty

### **4. Roster Classifications for Sign Language Interpreters are:**

- Class A – includes interpreters who have passed the Specialist Certificate – Legal (SC:L) exams, and
- Class B – includes sign language interpreters who have passed one or more other certification exams identified in IICR 47.5(2), but have not passed the SC:L exams.

All other sign language interpreters are “*unclassified*” and do not qualify to be on the roster of court interpreters.

### **5. Interpreters for Languages Uncommon in Iowa**

If a district’s language access coordinator is unable to locate a qualified interpreter for an uncommon language in Iowa after an extensive regional or national search of rosters in other states, the LAC will contact the SCA’s office for assistance. The designated SCA staff will seek referrals via the NCSC’s list serve for interpreter program managers in all 50 states. This resource usually yields one or more referrals.



If the steps above fail to identify a qualified interpreter for a language that is uncommon in Iowa, court personnel may use community resources to assist in locating interpreters or translators, especially for emergency situations. These resources may include professional interpreting and translating agencies, social service agencies, community based organizations and cultural centers, college language departments, advocacy groups, local hospitals, and schools. The courts understand that individuals from these sources might not be trained in court interpreting or legal terminology, so the courts will question them carefully to determine their qualifications (see Iowa Code sec. 622A.6, ICR 47.3(9), and the Bench Card for Judges on Interpreter issues, available on the Iowa courts' internal Sharepoint site at: [Judicial Insider / Districts / Interpreter Information / Bench Card on Interpreters](#))

## **6. Remote Interpreters**

ICR 47.3(7) authorizes a court to use an interpreter from a remote location via telephone or audio-video communication in appropriate circumstances. The courts will use remote interpreting primarily if the hearing is relatively short (less than two hours), if the distance an interpreter will have to travel is long, or if the LEP party speaks an uncommon language. A well-qualified interpreter in a remote location is a better choice than a poorly-qualified local interpreter.

## **7. Interpreter Ethics**

All interpreters who work regularly in court are expected to understand and abide by the Code of Professional Conduct for Court Interpreters and Translators (ICR Chapter 48) when performing their duties. It is expected that all interpreters who accept assignments regularly in Iowa's courts will have participated in court interpreter orientation training offered by the OPR, and will continue to take advantage of continuing education training opportunities locally and nationally to further develop their professional skills.

## **8. Translated Court Forms**

SCA staff will work with supreme court staff to develop and translate court forms into bilingual (e.g., English/Spanish) forms for persons who speak Spanish and other languages common in Iowa. Bilingual forms will be posted on the Iowa courts' website and made available by court staff upon request.

## **F. Monitoring, Evaluating, and Updating the LAP**

With assistance from the district court administrators (DCAs) and clerks of district court, the LAC in each district will monitor periodically compliance with LAP policy directives and implementation procedures within the districts. The LACs from each district will hold quarterly meetings facilitated by the Deputy SCA to discuss and address current and

emerging language access issues. If issues arise that a LAC believes may require an amendment of the LAP, the LAC will share that information and recommendation for LAP amendment with the other LACs and the Deputy SCA.

### **1. Monitoring**

The district LACs, with assistance from the clerks of district court, will monitor periodically the effectiveness of this LAP. The monitoring strategy may include:

- Surveying judges, staff, and interpreters on Iowa's roster of court interpreters to determine if changes should be made regarding language access services,
- Observing interactions between frontline staff and LEP individuals, and
- Soliciting feedback from attorneys and other stakeholders as appropriate.

### **2. Evaluating**

SCA staff will coordinate efforts with the districts' LACs and district court administrators to review periodically the LAP, to identify any problems with it, and recommend action if necessary. Elements of the evaluation will include:

- Assessment of the number of LEP persons requiring interpreter services (in-court and out-of-court) within each county, district, and statewide
- Assessment of whether court staff members adequately understand language assistance policies and whether they are complying with procedures established by the Court Rules and administrative directives
- Determination of whether additional services or translated materials should be provided

### **3. Updating**

The statewide Language Access in the Courts Advisory (LACA) Committee will review annually feedback from the LACs, SCA, and OPR regarding suggestions for improving language access services and recommendations for revisions to the LAP, if any. The SCA will update the LAP as approved by the LACA Committee, distribute the most recent version to all employees, and post the most recent version on the courts' internal Sharepoint site [Judicial Insider / Districts / Interpreter Information].

## **IV. Language Access Implementation Procedures**

### **A. Notice to the Public**

Multilingual signs on the availability of language services will be at visible points in the courthouse, specifically at the clerk's office counter and near courtroom entrances. SCA staff will post a copy of the courts' LAP on the Iowa courts' website at:

<https://www.iowacourts.gov/opr/court-interpreters/>

## B. Encounters with LEP Individuals by Telephone

When an LEP person contacts the court by telephone, court staff will first attempt to identify the language of the caller and make an initial determination of the service the caller is trying to access or information the caller is seeking.

### 1. If court staff can identify the language spoken by the LEP person on the phone:

Court staff will:

- Ask a **bilingual staff member** who speaks the language to handle the call.
- If there is no bilingual staff member who speaks the language, staff will initiate a call on a speaker phone with one of the approved telephone interpreting agencies (Language Line, Inc., or CTS Language Link) to connect the LEP caller, clerk staff, and an interpreter of the caller's language.
  - *Written procedures* on how to connect with the telephone interpretation companies are available to staff on the courts' internal Sharepoint site at: [Judicial Insider / Districts / Interpreter Information / Telephone Interpreter Agencies](#)

### 2. If the caller is *deaf* and is calling through a Video Relay Service (VRS) or TTY:

- Any available court personnel will assist the caller as needed.
- If the caller requests an accommodation for a physical or mental impairment, staff will forward the call to the district's *Disability Access Coordinator (DAC)*. A list of the DACs and their contact information is available on the Iowa courts' website at: <https://www.iowacourts.gov/for-the-public/ada/>

## C. Encounters with LEP Individuals In-person

When an LEP person appears in-person at the clerk's counter, court staff will first attempt to identify the language of the individual and make an initial determination of the service he/she is trying to access or information needed (e.g. obtain general information, fill out a court form, pay a fine, file a petition, etc.)

### 1. If clerk's staff can identify the language spoken by the LEP person at the counter:

Court staff will:

- Initiate a dialogue with a friend or family member who accompanied the LEP person, if applicable, to interpret for the clerk staff and LEP person.
- Ask a **bilingual staff member** who speaks the language to handle the communications.
- Communicate with the LEP person by exchanging simple typed notes through an online language translation application (e.g., **Google Translate**).
  - *Written instructions* on how use Google Translate are available to staff on the courts' internal Sharepoint site at: [Judicial Insider / Districts / Interpreter Information / Google Translate](#)

- If there is no bilingual staff member who speaks the language, staff will initiate a **call** on a **speakerphone** with one of the approved telephone interpretation companies (Language Line, Inc., or CTS Language Link) to connect with an interpreter of the LEP person’s language, so the interpreter can interpret for the LEP person and clerk’s staff.
  - *Written instructions* on how to connect with the telephone interpretation companies are available to staff on the courts’ internal Sharepoint site at: [Judicial Insider / Districts / Interpreter Information / Telephone Interpreter Agencies](#)

**2. If court staff cannot identify the language spoken by the LEP person at the counter:**

Court staff will display the “**I speak [language]” booklet** that includes the words “I speak \_\_\_\_\_” in 70 different languages.

- The “I speak [language]” booklet is available on the Iowa courts’ internal Sharepoint site at: [Judicial Insider / Districts / Interpreter Information / I speak \[X language\]](#)
- Staff will open the document on the computer screen at the counter so the LEP person can view it, then slowly scroll down the document until the LEP person points to or identifies her or his language.
- Staff will then initiate a **call** on a **speakerphone** with one of the approved telephone interpreting companies (Language Line, Inc., or CTS Language Link) to connect with an interpreter of the LEP person’s language, so the interpreter can interpret for the LEP person and clerk’s staff.

**3. If the person at the counter is deaf, clerk’s staff will:**

- Initiate communication with the individual’s friend or family member who is accompanying her or him, if applicable.
- Seek assistance from a staff member who knows sign language, if applicable.
- Attempt to convey *very basic information* through the *exchange of simple written notes*.
- Connect with a sign language interpreter services company to obtain a remote sign language interpreter via audio-video interpreted session, if possible.
  - The courts and clerks’ offices are authorized to use the following sign language interpretation companies for remote video interpretation:
    - Hands Up Communication
    - Deaf Services Unlimited, Inc.
  - Clerk’s offices will have a computer/laptop with appropriate a camera and appropriate software (for use with Zoom or GoToMeeting) to communicate remotely with a sign language interpreter.

- *Written procedures* on how to connect with the **sign language interpretation** companies are available to staff on the courts' internal Sharepoint site at: [Judicial Insider / Districts / Interpreter Information / Sign Language Interpreter Info](#)

#### **D. Documents Submitted to the Court in a Language Other than English**

Iowa Code sec. 1.18(3) states: "All official documents, regulations, orders, transactions, proceedings, programs, meetings, publications, or actions taken or issued, which are conducted or regulated by, or on behalf of, or representing the state and all of its political subdivisions shall be in the *English* language."

However, if a party or attorney requests translation of a court-related document, a judge may approve the translation and appoint a qualified translator if the judge determines that the translation is necessary to meet the demands of due process that would not be met through an oral or sign interpretation of the document (see ICR 47.13(6)).

##### **1. Translation of documents other than court forms**

When an LEP party or attorney requests translation of a document from the LEP's language into English, but the content of the document is not clear to the court or court staff, court staff will first attempt to identify the nature of the document and the language in which it is written by one of the following means:

- Ask the LEP party or attorney to provide a general explanation of the content of the document.
- The court's bilingual staff person or staff interpreter will translate the document into English.
- Use of a machine/computer translation application such as Google Translate to ascertain the general meaning of the text in order for staff to follow up appropriately.
- The court will scan the document and email it to a qualified interpreter or translator to obtain a translation of the document into English.
- The court may require the submitting party to have the document translated into English by a qualified interpreter or translator before receiving it.

##### **2. Translation of information/responses on a court form that is in a language other than English**

In this situation, the court or court staff may:

- Require the submitting party to employ a qualified interpreter or translator to translate the non-English responses into English.
- Use in-person interpreting services to sight translate the non-English responses into to English, and court staff will record the interpreted English responses on the form.

- Use remote interpreting services to sight translate the non-English responses into English, and court staff will record the interpreted English responses on the form. Staff may need to scan or fax a copy of the document to the remote interpreter.

## **E. Scheduling Court Interpreters for Court Proceedings**

### **1. Responsibility for Scheduling Interpreters**

ICR 47.3(3) requires court personnel to locate and schedule the most qualified interpreter who is reasonably available when the court or court staff learn that an interpreter will be need for a court proceeding. Depending on the county and whether an interpreter of an uncommon language will be needed, the person responsible for locating and scheduling an interpreter could be clerk’s office staff or the district’s LAC (typically a district court administration staff member).

### **2. Priority Order for Scheduling Interpreters when there is Advanced Notice**

ICR 47.3(4) and (5) set forth the priority order for the appointment of court interpreters. With a few exceptions, court personnel will locate and schedule interpreters in the following order of classification:

- Class A – certified interpreter (oral and sign languages)
- Class B – noncertified (oral and sign languages)
- Class C – noncertified (oral languages only)
- Unclassified – noncertified, but meets minimum qualifications (used only for uncommon oral languages)

Note: For more information on the criteria for achieving each classification, see sections III.E(1)-(4), above.

### **3. Steps for Locating a Qualified Court Interpreter.**

Court personnel will follow these steps:

- Search Iowa’s roster of court interpreters
- Search the rosters of court interpreters in other states; links are available on the Iowa courts’ website at:  
<https://www.iowacourts.gov/opr/court-interpreters/find-an-interpreter/>
- Search lists of interpreters of uncommon languages compiled by SCA staff; they are provided on the Iowa courts’ internal Sharepoint site:  
[Judicial Insider / Districts / Interpreter Information / Interpreters for Uncommon Languages](#)
- Contact the Deputy SCA, who will solicit referrals through the NCSC’s email list serve for state court interpreter program managers

#### 4. Scheduling Interpreters on Short Notice

When a court or court personnel receive little or no advanced notice that an interpreter is required for an in-court proceeding, ICR 47.3(6)(b) allows court personnel to schedule the highest classified interpreter who is available on short notice, without conducting a regional or national search. If necessary, court personnel should use a *telephone-based interpreter services company* (CTS Language Link or Language Line, Inc.) to obtain an interpreter, especially for a language that is uncommon in Iowa. For services to a person who is deaf or hard of hearing, court staff should contact one of the sign language interpreter agencies in Iowa. (See the Iowa courts' internal Sharepoint site for information about these agencies: [Judicial Insider / Districts / Interpreter Information / Sign Language Interpreter Info](#))

#### 5. Ensuring an Interpreter is Provided for Subsequent Hearings

Pursuant to ICR 47.3(8)(b), after a court has appointed an interpreter for an LEP party for the first time in a case, the *district court administrator* or a designee is responsible for ensuring that an interpreter is appointed for the LEP party for all subsequent court proceedings in the case. When the court initially appoints an interpreter to a case, *clerk staff will enter a designated interpreter PIN to indicate that an interpreter is needed in the case.* This will trigger an alert prominently displayed on the case information screen in the judicial interface in the judges' portal in EDMS. If a different interpreter is appointed for a subsequent proceeding, the order appointing the interpreter will be docketed and a copy of the order will be delivered to the court interpreter.

#### 6. Interpreters for Deaf Jurors

Iowa's courts facilitate communication with the deaf or hard of hearing individuals summoned for jury service through the following steps:

- The juror summons form has a contact number and instructions on how the deaf or hard of hearing individual can contact the court (e.g. to report for jury duty or to request an accommodation).
- The court will contact the deaf or hard of hearing individual to arrange an accommodation as needed.
- When a deaf individual is included in the jury panel, court staff will ensure a team of sign language interpreters, a real time reporter, or other reasonable accommodation is provided during voir dire.
- When a deaf individual is chosen to serve as a juror, court staff will ensure a team of sign language interpreters, a real time reporter, or other reasonable accommodation is provided during the trial including jury deliberations.

#### 7. LEP Jurors (not including deaf individuals)

Iowa Code section 607A.4(c) requires jurors to be able to understand the English language. Therefore, individuals who appear for jury duty who cannot understand the

English language (not due to a disability) are not qualified for jury duty. Court staff will convey this information to the individual using appropriate procedures.

## **F. Translation of Court Related Materials in a Court Case**

ICR 47.13 governs the terms under which a court may approve a written translation of court related documents or electronically recorded communications involving a LEP person. It also establishes qualifications for translators, an application process for seeking court approval of a written translation, and the compensation of translators.

## **G. Translated Forms**

State court administration is working with Iowa Supreme Court attorneys and certified interpreters to develop bilingual versions of court forms (English/Spanish, etc.). They will be available upon request and posted on the Iowa courts' website court at:

<https://www.iowacourts.gov/for-the-public/court-forms/>

## **H. Complaints**

### **1. Language access related complaints**

A form for filing a complaint about the quality of language assistance services provided by the courts is available on the Iowa courts' website at:

<https://www.iowacourts.gov/opr/court-interpreters/complaints-against-an-interpreter/>

Information on where to submit the complaint (the SCA's office) is included on the form.

Complaints regarding lack of language assistance services or the quality of language assistance provided also may be brought to the attention of the presiding judge, clerk of court, district court administrator, or other court employee. When this occurs, the judge or court staff member should inform the complainant about the availability of a complaint form and inform the complainant about where to obtain the form.

Upon receipt of a complaint about language assistance services, the SCA office will investigate the matter and determine whether the complaint has merit and, if it does, determine the steps required to address the concern(s).

### **2. Complaints about Court Interpreters**

A form for filing a complaint about an interpreter who has allegedly engaged in unethical or unprofessional conduct in the course of performing their interpreter duties is available on the Iowa courts' website at:

<https://www.iowacourts.gov/opr/court-interpreters/complaints-against-an-interpreter/>



Information on where to submit the complaint (the OPR) is included on the form, which can also be obtained upon request at the clerk of court office.

Upon receipt of a complaint about language assistance services, the OPR handles the complaint in the manner set forth in ICR 47.10 – Complaint and disciplinary process.

## V. Tracking and Recording LEP data

Whenever a court appoints an interpreter for an LEP party or witness in a case, the clerk of court will enter a PIN for the court interpreters that indicates the interpreter's language – for American Sign Language, the 10 most common foreign languages spoken in Iowa, plus other African, other Asian/Pacific Islander, other European, and other Native American languages. This will allow SCA to develop statistical reports that show for each **county**:

- Number of cases and proceedings involving an interpreter by language and case type
- Hours of interpreter services by language and case type
- Costs of interpreter services by language and case type

## VI. Public Resources

The following information is available to the public on the Iowa courts' website:

A copy of the Iowa state courts' *Language Access Plan* is available at:

<https://www.iowacourts.gov/opr/court-interpreters/>

Information about *how to become a court interpreter* in Iowa is available at:

<https://www.iowacourts.gov/opr/court-interpreters/how-to-become-an-interpreter/>

Information on how to *find a court interpreter* is available at:

<https://www.iowacourts.gov/opr/court-interpreters/find-an-interpreter/>

*Forms* for an Application for Appointment of an Interpreter or Appointment of a Translator are available at:

<https://www.iowacourts.gov/opr/court-interpreters/find-an-interpreter/>

Information on how to file a *complaint* about an interpreter is available at:

<https://www.iowacourts.gov/opr/court-interpreters/complaints-against-an-interpreter/>

Information on obtaining an *accommodation for a physical or mental impairment* is available at:

<https://www.iowacourts.gov/for-the-public/ada/>

Information on filing a *complaint* about an accommodation is available at:

<https://www.iowacourts.gov/for-the-public/ada/>

I affirm that the Language Access in the Courts Advisory Committee has reviewed and approved this plan.

The effective date of this plan is the 21st day of July 2020.

By:   
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Todd Nuccio  
State Court Administrator