

# **Language Access Plan for the Kitsap County Superior and Juvenile Court**

## **I. PURPOSE**

This Language Access Plan (LAP) sets forth the Kitsap County Superior and Juvenile Courts' policies and procedures for the provision of timely language access services that ensure access for all limited English proficient (LEP), deaf, hard of hearing, and deaf-blind (D/HH/DB) individuals who come in contact with Kitsap County Superior and Juvenile Court services and programs. Language access services include both interpretation and translation services for LEP and D/HH/DB individuals.

## **II. COURT POLICY REGARDING LANGUAGE ACCESS SERVICES**

Under Washington state law (RCW 2.42 and 2.43), Title VI of the Civil Rights Act of 1964 (Title VI), the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act), the Americans with Disabilities Act (ADA), and the regulations implementing these federal laws, Washington courts are required to provide language access services to all LEP and D/HH/DB individuals in civil and criminal court proceedings and in all court-managed services and programs; and, to develop a written language access plan pursuant to RCW 2.43.090.

It is the policy of the Kitsap County Superior and Juvenile Courts to provide foreign language interpreter services at no cost to LEP parties, witnesses, victims, and others with an interest (e.g., parents, legal guardians, custodians) in all court proceedings and operations, both civil and criminal, other than when it is the responsibility of other governmental entities pursuant to state law. It is also the policy of these courts to provide sign language interpreting services at no cost to persons who are D/HH/DB as required under applicable state and federal statutes and regulations.

The Kitsap County Superior and Juvenile Courts will provide accessible information to LEP and D/HH/DB persons on how to request these language assistance services and vital documents as part of its notice to the public about its language access services.

Although D/HH/DB individuals are covered under the ADA and RCW 2.42 rather than Title VI and the Safe Streets Act, this plan covers language access services for both D/HH/DB and LEP individuals.

## **III. DATA COLLECTION AND NEEDS ASSESSMENT**

The Kitsap County Superior and Juvenile Courts will, on an annual basis, compile demographic data regarding the language needs of its community. The court will initially review data from sources such as the following:

- Most recent and relevant U.S. Census and American Community Survey (ACS)
- Most current, published Kitsap Public Health District Language Assistance Plan

This data will be analyzed annually to determine whether the court's allocation of language access resources is appropriate.

The Kitsap County Superior and Juvenile Courts will make every effort to track requests for language access services by:

- Language preference (both spoken, written, and signed)
- Case type (e.g. family law, criminal, guardianship, landlord/tenant, etc.)
- Proceeding (e.g. trial, arraignment, initial appearance, etc.)
- Location of service request (e.g. courtroom, clerk's service office, etc.)

In addition to mechanisms discussed under the identification of language needs section below, the Kitsap County Superior and Juvenile Courts will track this internal data in a case management system where available, and/or case files if case management is not automated. On a yearly basis, the court will analyze the data collected to identify whether services requested are in fact provided, assist in the allocation of language access resources, and identify gaps in the provision of services to address future needs.

The Kitsap County Superior and Juvenile Courts will send the final data compilation and analyses in the form of a biennial report to the Washington State Court Interpreter Commission to assist the Commission in monitoring the courts' Language Access Plan, identification of interpreter training and certification strategies, and other tools to assist the AOC and local courts in the provision of language access services.

#### **A. Identified Current Needs**

The most current language need identification efforts undertaken by the Kitsap County Superior and Juvenile Courts reveal the following four (4) non-English languages, whether spoken or signed, that are most frequently used in our **geographic area**:

- Spanish
- Mam
- Tagalog
- Vietnamese

The most current language need identification efforts undertaken by the Kitsap County Superior and Juvenile Courts reveal that the following four (4) foreign or sign languages are most frequently provided in our **court community**:

- Spanish
- Mam (Northern)
- Armenian
- Vietnamese

## **B. Identified Future Needs**

The Kitsap County Superior and Juvenile Courts have identified the following five (5) emerging and/or additional languages among court users in the area for which resources are less frequently sought yet will likely be needed in the future:

- Chuukese
- Chinese (Mandarin)
- Tagalog
- American Sign Language
- Soninke

## **IV. LANGUAGE ASSISTANCE IDENTIFICATION AND RESOURCES**

### **A. Designated Language Access Office**

The Kitsap County Superior and Juvenile Courts have designated the Superior Court Program Coordinator as the person primarily responsible for coordinating language access services and with whom requests for interpreters and other language access services may be arranged. The Superior Court Office Support Coordinator and Court Administrator provide back-up support to ensure this critical mission is timely and appropriately completed. The Program Coordinator is available to:

- Develop lists of interpreters and secure interpreter services;
- Receive and track language assistance requests;
- Address gaps in interpreter services by conducting outreach as needed;
- Provide information to assist LEP and D/HH/DB individuals to secure language access services;
- Assist or provide referrals to attorneys, justice partners, and other relevant persons to secure language access services for their clients and constituents;
- Assist court staff with securing language access services; and
- Answer questions from LEP and D/HH/DB individuals, and the public at large, regarding the court's available language access services, including the court's language access resources such as translated materials, interpreter roster, language identification cards, and other resources identified in this Plan.

LEP and D/HH/DB individuals, attorneys, justice partners, government agencies, and any other entities in need of language access services for court programs or activities or to acquire such services or information for themselves or their clients, may contact:

*Ms. Jennifer Anderson  
Program Coordinator  
Kitsap County Superior Court  
614 Division Street, MS-24  
Port Orchard, WA 98366  
(360) 337-7008  
[JLAnderson@kitsap.gov](mailto:JLAnderson@kitsap.gov)*

## **B. Identification of Language Access Needs and Notice of Availability**

LEP and D/HH/DB, individuals may come in contact with court personnel via the phone, TTY / TDD, in-person, or through other means. In addition, there are various points of contact within the Kitsap County Superior and Juvenile Courts where LEP individuals or persons who are D/HH/DB will be in contact with court staff. Sometimes people who need language access services, including translated documents, will not request these services because they do not realize that such services are available at no charge, or because they do not recognize the level of English-language proficiency or communication ability needed to effectively participate in the court program, court proceeding, or court services. The first step in providing language access services is to enable LEP individuals or persons who are D/HH/DB to properly identify their language needs.

As a first step towards ensuring that LEP and D/HH/DB individuals are able to properly identify their language needs and to request language access and assistance services, the Kitsap County Superior and Juvenile Courts have a legal obligation to provide accessible notice to the public of an individual's right to spoken and sign language interpreter services and to be provided vital documents in translated form whenever necessary to access court proceedings and court-managed programs.

### **1. Identifying Language Needs at Points of Access**

The Kitsap County Superior and Juvenile Courts will identify language access needs at all points of contact with the court, such as the following:

- Telephone calls to court staff;
- Security screening at courthouse entrances;
- Superior Court Administration reception desk (Room 210);
- Juvenile Court public reception desk;
- County Clerk's Offices at the front counters or by telephone;
- Jury Assembly room at the front counter, by email, or by telephone;
- Cashier Offices at the Kitsap County Clerk's Office;
- Courtroom(s) in the Kitsap County Superior and Juvenile Courts;
- Courthouse Facilitator services provided by the Kitsap County Clerk's Office;
- Court-managed, -related, or -contracted programs and services, including arbitration hearings, mandatory parenting seminars, domestic violence advocacy agencies, etc.; and/or,

- the Jail booking office, Detention Intake and/or Pretrial Services interviews

To ensure the earliest possible identification of the need for language access services, the Kitsap County Superior and Juvenile Courts have established internal protocols with the various justice partners which routinely interact with this court in order for these partners to communicate to the appropriate court staff the needs of LEP or D/HH/DB participants who will be coming into contact with the court. While justice partners themselves may be under a separate legal obligation to provide language access services to their clients, the court will be notified of any services that fall under the responsibility of the court as early as possible so services may be provided in a timely and efficient manner. Examples of justice partners to be notified include:

- County Clerk's Office staff
- Jail/Detention staff
- Domestic violence victim's advocates
- Attorneys/public defender
- Courthouse facilitators
- Law enforcement officers
- Arbitrators, Guardians ad Litem, Court Visitors, Volunteer GALs, custody investigators, chemical dependency and/or mental health treatment professionals, social workers, and all other adjunct court appointees.

Data collection and needs assessment inform the court's provision of language access services and practices in this Language Access Plan. The court relies heavily on the AOC data tracking tool for this purpose. The court enters data on a quarterly basis regarding LEP and D/HH/DB activity to support interpreter reimbursement requests to the WA State Administrative Office of the Courts. This data includes all requests for interpreter services whether in courtrooms, at front counters, in the Clerk's Office for Facilitator appointments, or other ancillary court services. The data also includes interpreter services provided, either from certified, registered, or non-certified resources. While designed as a tool for reimbursement, it also serves as the most comprehensive data set available to track common LEP language and D/HH/DB needs. Quarterly and on an annual basis, court leaders review this data set to ensure resources are available for the most common interpreters needed by the court.

As a back-up data collection method, the court enters a case-based flag in its Odyssey case management system to assist the Program Coordinator in ensuring interpreter services are scheduled when necessary for individual cases. The court regularly consults a programmed Odyssey report entitled *Interpreter Required Report*. This provides interpreter information based on case type, hearing type, hearing duration, individual case identifiers, and interpreter appointed for each entry. The Court Administrator reviews this report quarterly

and annually to: (1) monitor trends in interpreter services for LEP and D/HH/DB individuals; (2) ensure the AOC data tracking/reimbursement tool is accurately completed; and (2) diagnose where and how the court can improve timeliness and effectiveness of LEP and D/HH/DB interpreter services.

## **2. Notice of the Availability of Language Access Services**

In order to facilitate language access services for LEP and D/HH/DB individuals, the Kitsap County Superior and Juvenile Courts provide notice of the availability of language access services translated into Washington State's most frequently used languages that states:

*“You have the right to a court appointed interpreter at no cost to you for court proceedings and services. You can request an interpreter at the customer service counter.”*

The Kitsap County Superior and Juvenile Courts display this notice using laminated posters entitled “Your Right to an Interpreter” developed and provided by the Washington State Administrative Office of the Courts. Posters are publicly visible in the following Courthouse and Youth Services Facility locations:

- Outside the first floor District Court Clerk's Office
- In the entry way into the Court Administration offices
- In the reception area of the County Clerk's Office
- In the Courthouse Facilitator's reception area
- In the Law Library
- In the lobby of the Youth Services Center (Juvenile Court)

In-person requests are directed to the District Court Clerk's Office, the Superior Court Administration Office or the County Clerk's Office in the main Courthouse, and the Juvenile Reception desk at the Youth Services Center. All second-floor County agencies (County Clerk, Prosecuting Attorney's Office, Office of Public Defense, and Court Security) are trained to refer LEP and D/HH/DB individuals to one of these three central offices for interpreter service coordination.

Further, a reduced-size version of the AOC-provided poster is available on the court's website directing LEP And D/HH/DB citizens to contact the Court either by telephone [(360) 337-7140] or via email ([SuperiorCourt@kitsap.gov](mailto:SuperiorCourt@kitsap.gov)) for further details regarding interpreter services.

The Kitsap County Superior and Juvenile Courts have the following resources available at points of contact, including those listed above when appropriate, to help LEP and D/HH/DB and court staff communicate with each other:

- Language identification or “I Speak” cards provided by the Washington State Administrative Office of the Courts Interpreter Program at all points of contact.
- Telephonic access to Language Line to facilitate communication between court employees and LEP individuals.

Because the pre-printed posters and language identification cards provided by the AOC do not include the statement, “Language assistance services at no cost to you,” all court staff are trained to advise LEP and/or D/HH/DB citizens that interpretation services are provided at no cost. Future iterations of these language cards and posters will include “no cost” language to ensure it is clear to LEP and D/HH/DB citizens.

When it appears that an individual has difficulty communicating due to a language barrier at any point of contact, Kitsap County Superior and Juvenile Court staff inform the LEP or D/HH/DB person of his or her right to have language access services provided by the courts at no cost to them, even if the LEP or D/HH/DB person has not made a request for language access services. The court maintains a subscription with Language Line Services to address in-person LEP communication barriers and has access to TTY equipment to address communication issues with D/HH/DB consumers.

To ensure the earliest possible identification of the need for language access services, the Kitsap County Superior and Juvenile Courts have established internal protocols with local justice partners which routinely interact with these courts in order for these partners to communicate to the appropriate court staff the needs of LEP or D/HH/DB participants who will be coming into contact with the court. While other justice partners themselves may be under a separate legal obligation to provide language access services to their clients, the courts will be notified of any services that fall under the responsibility of the courts as early as possible so services may be provided in a timely and efficient manner. Examples of local justice partners to be notified include:

- Jail staff
- Domestic violence victim’s advocates
- Attorneys/public defender
- Courthouse facilitators
- Law enforcement
- Guardians ad Litem, Court Visitors & Volunteer GALs
- Social Workers
- Chemical dependency and/or mental health treatment professionals

## **V. LANGUAGE ACCESS SERVICES**

Once Kitsap County Superior and Juvenile Court staff have determined interpreter services are required for an LEP or D/HH/DB individual, court staff have access to the following procedures for securing an interpreter.

### **A. Language Access Services Inside the Court Room**

#### **1. Appointment of a Certified, Registered, or Qualified Interpreter for In Court Proceedings**

The person responsible for appointing or securing the assistance of an interpreter at the Kitsap County Superior and Juvenile Courts will comply with the following order of preference in appointing an interpreter in RCW 2.43.030:

##### **RCW 2.43.030(1)(b)**

An in-person Certified or Registered interpreter who has been credentialed by the Administrative Office of the Courts shall be appointed, whenever possible, unless good cause is found and noted by the appointing authority. "Good cause" includes, but is not limited to, a determination that:

- (i) Given the totality of the circumstances, including the nature of the proceeding and the potential penalty or consequences involved, the services of an in-person credentialed interpreter are not reasonably available to the appointing authority; or
- (ii) The current list of credentialed interpreters maintained by the Administrative Office of the Courts does not include an interpreter in the language spoken by the LEP.

##### **RCW 2.43.030(2)**

If good cause is found for using an interpreter who is not credentialed by the Administrative Office of the Court, the appointing authority shall make a preliminary determination 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 who the interpreter would interpret; and
- (b) Has read, understands, and will abide by the code of ethics for language interpreters established by court rules.

In the event an in-person interpreter is unavailable locally, the court or designated authority will weigh the need to move forward with the proceeding against any possible negative consequences to the LEP or D/HH/DB person's

ability to effectively participate in the proceedings through the use of a remote interpreter, as may be allowed by Washington court rule or law. When evidentiary matters are before the court, the court shall reschedule the hearing until an in-person interpreter is available, whether located in-state or out-of-state, and be made present at the hearing.

The Kitsap County Superior and Juvenile Courts will NOT appoint as interpreters anyone with a potential conflict of interest in the case, including the following: minors; friends and family of the LEP or D/HH/DB person; advocates and attorneys; justice partner bilingual staff; or anyone deemed unqualified after voir dire by the court.

## **2. Practices in the Appointment and Use of Interpreters**

In appointing interpreters, staff at the Kitsap County Superior and Juvenile Courts will ensure that the interpreter and the LEP or D/HH/DB participant can effectively communicate. It is also the practice of the Kitsap County Superior and Juvenile Courts to:

- Make a determination of the appropriate number of interpreters that may be required for the proceeding. When the proper administration of justice so requires the court will appoint multiple or separate interpreters.
- For long hearings or trials, appoint a team of two interpreters or if no second interpreter is available, allow the interpreter to have frequent breaks to avoid interpreting fatigue, ensure accuracy, and avoid subsequent errors.
- Only allow an LEP or D/HH/DB person to waive his or her right to the assistance of an interpreter if the waiver is knowing, voluntary, and on the record. The waiver of an interpreter may be rejected by the court or later revoked by the person.
- Require interpreters to provide sight translations for documents related to the court proceedings.
- Prohibit interpreters from assisting LEP or D/HH/DB with entering information on court forms without the involvement of court staff in the completion of such forms.

Provide sign language interpreters for D/HH/DB jurors when such persons are called and selected for jury service. The Program Coordinator and Court Administrator both subscribe to the Washington State Court Interpreter listserv to engage with other courts when the need for rare or difficult interpreter arises. The court also has access to a private vendor to arrange for CART captioning when the needs of D/HH/DB citizens warrant this specialized accommodation.

### **3. Calendaring and Scheduling of Interpreters for In-court and Out-of-court Contacts**

The Kitsap County Superior and Juvenile Courts will provide interpreter services in a timely manner. In order to provide high quality language access services in an efficient manner, the Courts employ the following practices:

- Batching of matters for which an interpreter for a specific language is needed so long as this does not cause unnecessary delays in access and loss of remedies available to litigants.
- Coordinating calendars so an interpreter may be available for several matters in the same court location on the same day.
- Establishing systems so that the Program Coordinator can easily dispatch an interpreter from one court location to another, or one courtroom to another, efficiently.

When confronted with circumstances in which interpreter services are unavailable, or identification of the need for interpreter services is delayed, the court makes every effort to minimize delays in court proceedings. On-demand telephonic and/or remote appearance services are enlisted to either communicate the resetting of the matter or in proceeding with the matter if it is short (less than 15-20 minutes) in nature. Matters are reset within one week, or as quickly as the court can schedule them once appropriate interpreter services are arranged. Additionally, the judge(s) and court administrator debrief how and why delays in identifying the need for interpreter services occurred in an effort to deploy policies, procedures or methods to avoid similar situations in the future.

### **4. Remote Interpreting**

For short non-evidentiary hearings, the Kitsap County Superior and Juvenile Courts use the following remote interpreting technologies:

- Video remote interpreting (VRI)
- Telephonic interpreting provided by credentialed interpreters
- Telephonic interpreting agencies

The policy or practice of the court with regard to the use of remote interpreting services is as follows:

- Video remote and telephonic interpreting will be considered but used with caution. Generally, in-person interpreters are preferred. Video remote interpreting is employed as the second-tier method for providing effective interpreter services when emergent interpreter needs are identified.

- Telephonic interpreting will be a last resort for courtroom proceedings and reserved for brief, non-evidentiary proceedings such as continuances, given that non-verbal cues – not visible when on the telephone – are critical for communication. Telephonic interpreting can be particularly problematic in some circumstances such as for individuals who are deaf or hard of hearing, the elderly, those struggling with mental illness, quiet or nonverbally communicative individuals, and others.
- Video remote interpreting (VRI) will be used appropriately with high quality equipment and trained interpreters in order to be an efficient and effective mechanism for providing language access services when an in-person interpreter is not available but a credentialed one is available via video.

The court requires training for staff and appointing authorities on telephonic interpreting, how to use the technologies, how to best utilize the remote interpreter, and what are appropriate events for such types of remote interpreting service.

## **B. Language Services Outside the Courtroom**

The Kitsap County Superior and Juvenile Courts are responsible for taking reasonable steps to ensure that LEP and D/HH/DB individuals have meaningful access to services outside the courtroom. It is the practice of the court to provide interpreters or contractually require the provision of interpreters for court-managed services, programs and operations consistent with state and federal language access mandates. In compliance with such mandates, the court shall provide language access services at:

- Alternative dispute resolution programs
- Arbitration hearings
- Volunteer GAL Programs
- Cashiers
- Court-ordered visitation
- Court facilitator services
- Criminal diversion programs, including treatment courts
- Guardians Ad Litem/Court Visitors
- Electronic home monitoring
- Information counters
- Intake or filing offices
- Juvenile detention
- Juvenile diversion programs, including treatment courts
- Mandatory mediation
- Mandatory parenting classes
- Pretrial services and bail studies
- Unrepresented litigant (URL) clinics

Early identification of LEP or D/HH/DB needs is critical to ensuring equal access at all proceedings and through all services. In this regard, Jail and Juvenile detention officers alert the interpreter Program Coordinator of the need for interpreter services as soon as the first contact is made. Interpreter flags are entered in the Odyssey case management system so that judges and court staff are aware of the need for interpreter services. These flags follow the case electronically so judges and court employees accessing the online case file are immediately alerted to the need for LEP or D/HH/DB resources.

In every other circumstance, the need for interpreter services is communicated “downstream” as early as the need is known. It is entered in Odyssey; noted on arbitration, guardian ad litem, custody investigator and other written notices; and, provided to outside services who may need to communicate with LEP or D/HH/DB persons. Importantly, the court is involved in coordinating interpreter services, either in-person, remotely or by telephone when outside agencies are providing ancillary court services because ultimately the court pays for these services.

The court, in compliance with federal and state civil rights laws and regulations, shall provide the most appropriate language access service for these programs and services, including qualified interpreters, bilingual staff, and translated materials and information. When the most appropriate language access service is the appointment of a qualified interpreter, the court shall follow the guidelines described for the appointment of interpreters.

As noted in the policy interpretation section earlier, RCW 2.42 requires that courts provide interpreters for persons who are D/HH/DB when they are required to attend court ordered programs or services.

### **C. Translated Forms and Documents**

The Kitsap County Superior and Juvenile Courts understand the importance of translating forms, documents, and electronic materials into non-English languages so that LEP individuals have greater access to court services. Judicial officers and court staff shall not use web-based applications or software to process or provide translations for LEP individuals.

State forms which have been translated are available at [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms). Additional informational resources translated into Spanish include:

- [A Guide to Washington State Courts / Guía de los Tribunales del Estado de Washington](#)
- [Self-Represented Persons in District Court / Personas que se representan a sí mismas en el Tribunal de Distrito](#)
- [Self-Represented Persons in Municipal Court / Personas que se auto representan en los Tribunales Municipales](#)

- Self-Represented Persons in Superior Court Civil Proceedings / Personas que se auto representan en procedimientos civiles en el Tribunal Superior
- An Introduction to Small Claims Court / Una Introducción Al Juzgado De Demandas De Cuantía Menor

The Kitsap County Superior and Juvenile Courts have started translating standardized local court forms and instructions into Spanish, the most common non-English language served in Kitsap County, as follows:

- Confirmation & Bench Copy Procedures / Procedimiento de confirmación y presentación de copias de documentos (available in courtroom)
- Exhibit O - Temporary Restraining Order / Orden De Restriccion Temporal (available on court website)

Given limited resources for the wholesale translation of forms and the deliberative requirement to update them, the court anticipates translating additional forms according to the most commonly used in the most languages identified, as follows:

- Spanish
- Mam
- Tagalog
- Vietnamese

When translation of standard forms is necessary on an ad hoc basis, the court contacts State-certified interpreters about any specialized training that they may have completed in order to prepare them for effectively translating documents into Spanish.

The court administrator will continue to monitor the need for additional standard forms translations and track the frequency with which specific forms translations are necessary. For the future, the court is intent on using State standardized forms which are already translated into non-English languages. The court will also take advantage of any shared document translation services and adhere to State-prescribed translation standards adopted by the Washington State Interpreter Program. To ensure the accuracy and high quality of forms translation, the court will enlist translators who are ATA-certified and follow the guidelines set forth by the Washington State Interpreter Commission in March 2008.

The court will prioritize the translation of future standard forms based on the most frequent LEP languages used in the Superior and Juvenile courts; and, based on the frequency of the forms used. At this time, based on frequency, the court will prioritize the translation of forms in the following order:

- Criminal pretrial and postconviction forms
- Domestic violence forms
- Adult and minor guardianship forms

- Involuntary treatment court forms
- Civil and domestic relations forms

The court is infrequently presented with free-form or narrative documentation (motions, declarations, letters, etc.) by self-represented LEP litigants, primarily in Spanish. At these times, the court arranges for State-certified interpreters to translate these documents into English with both original and translated documents filed. If time does not permit, the court may:

- Have an in-person interpreter sight translate the form if the State-certified interpreter, upon examination, is comfortable doing so. If the length or complexity of the document warrants a comprehensive translation, the court continues the matter until such time as the court administrator can coordinate a proper translation by a State-certified interpreter or translator specially qualified to do so.
- Refer LEP party to a community resource

#### **D. Providing Emergency Information to LEP Court Customers**

The Kitsap County Superior and Juvenile Courts are responsible for taking reasonable steps to ensure that LEP and D/HH/DB individuals have meaningful access to emergency information should an emergency situation arise. The court provides such information in the following ways:

- Universally understood emergency signs are located in strategic places throughout the courthouse;
- Emergency exits are clearly marked; and,
- Evacuation map(s) are located in visible public areas with an indication using the most common non-English language (in addition to English) spoken in the area to designate the evacuation map(s).

### **VI. TRAINING**

The Kitsap County Superior and Juvenile Courts are committed to providing training for all judicial and court staff members who come in contact with LEP and D/HH/DB individuals in order to ensure the successful delivery of language access services. The court will provide staff training on all requirements in this Language Access Plan. Training opportunities will include:

- Proper appointment and scheduling of interpreters for all court proceedings and court-managed programs and services
- How to qualify non-credentialed court interpreter
- Role of an interpreter, modes of interpreting, and interpreter ethics and professional standards
- Courtroom management when interpreters are used

- How to work with interpreters in-person and remotely to ensure LEP or D/HH/DB individuals can effectively communicate in court and ancillary services
- Cultural competence
- Use of technology and equipment to facilitate virtual remote interpreting
- Responding to situations in which LEP or D/HH/DB court participants appear to have trouble communicating with scheduled interpreters
- Resolving situations where LEP or D/HH/DB individuals refuse to work with scheduled interpreters in lieu of their own

Training efforts will include an initial training for new staff on the requirements of the current Language Access Plan and an annual refresher training for existing court personnel that addresses any revisions made to the Plan and/or any new innovations, best practices or legal obligations in the provision of LEP and D/HH/DB interpreter services.

Resources and information regarding language access services, policies and procedures and tools for providing language assistance (such as bench cards, language identification guides, brochures, etc.) are available to all court staff and decision makers through the Superior Court Administrator.

## **VII. COMPLAINT PROCESS FOR NON-COMPLIANCE**

### **1. Complaints Filed with the Court or AOC**

The complaint process is designed to bring to the attention of the Kitsap County Superior and Juvenile Courts and the Interpreter Commission any facts and allegations that may indicate that the courts are out of compliance with its current Language Access Plan; any applicable federal statutes or regulations, including state statutory provisions such as RCW 2.42 or 2.43; and, applicable court rules. This process is neither intended nor available to serve as a mediating or dispute-resolving process for a person with complaints about the local policies or actions of the Kitsap County Superior and Juvenile Courts.

#### **A. Complaint Requirements**

1. Except in extraordinary circumstances, the complaint must be filed within one calendar year of the facts on which the allegation is based. Pursuit of other remedies does not toll this one-year limit.
2. Complaints filed with the Kitsap County Superior and Juvenile Courts or the AOC must be in writing and must be signed. The AOC form is available at:

[https://www.courts.wa.gov/programs\\_orgs/pos\\_interpret/index.cfm?fa=pos\\_interpret.display&fileName=sliComplaint](https://www.courts.wa.gov/programs_orgs/pos_interpret/index.cfm?fa=pos_interpret.display&fileName=sliComplaint)

3. As outlined in the Complaint Form, the complaint must include the following information:
  - a. A clear and concise description of the nature of the complaint and any evidence upon which the allegation is based, with relevant supporting documentation. The description and supporting evidence should include relevant facts that support the allegation that the court is out of compliance with either this Language Access Plan; federal civil rights provisions of Title IV of the Civil Rights Act of 1964; RCW 2.42 and/or 2.43; or, Supreme Court General Rules 11.2 or 11.3.
  - b. The section(s) of the courts' Language Access Plan, statutes or regulations alleged to have been violated and the timeframe in which the lack of compliance is alleged to have occurred.
  - c. Disclosure of any other channels the complainant is pursuing, including legal action.
  - d. A release authorizing the Interpreter Commission to send a copy of the complaint to the courts.

**Complaints filed with the Interpreter Commission should be sent to:**

Washington State Interpreter Commission  
Administrative Office of the Courts  
PO Box 41170  
Olympia, WA 98504-1170

Or contact James Wells at [james.wells@courts.wa.gov](mailto:james.wells@courts.wa.gov)

## **2. Local Court Complaint Process**

This complaint process is specifically intended to bring to the attention of the local court and, if necessary, the Interpreter Commission, allegations filed by LEP or D/HH/DB parties that the local court is out of compliance with the its own Language Access Plan, any applicable federal statutes or regulations, state statutory provisions, such as RCW 2.42 or 2.43 and/or any applicable state or local court rules. This is an informal process whereby the Interpreter Commission may be involved in providing consultation and guidance to LEP parties and local courts in resolving and removing barriers to language access services and resources.

LEP and D/HH/DB individuals are encouraged to first file a complaint with the local court using local court customer complaint filing procedures. The local court complaint rules are, as follows:

## **A. Local Court Complaint Requirements**

1. Any complaint must be in writing and filed with the Superior Court Administrator's Office and directed to the attention of the Presiding Judge and Superior Court Administrator by an aggrieved party within 30 days from the date of the events on which the complaint is based.
2. Complaints filed with the Court must be in writing and must be signed. The complaint must include the following information:
  - a. A clear and brief description of the complaint and any evidence upon which the allegation is based, with relevant supporting documentation. The description and supporting evidence should include relevant facts that support the complaint that the court did not provide language access services;
  - b. If possible, the complaint should identify the section(s) of the court's LAP, statutes or regulations alleged to have been violated and the time frame in which the lack of compliance is alleged to have occurred;
  - c. Disclosure of any other channels the complainant is pursuing, including legal action (optional); and,
  - d. A statement authorizing the Superior Court to send a copy of the complaint to any individuals who may be named or are the subject of the complaint.

### **Complaints filed with the Kitsap County Superior Court should be sent to:**

Kitsap County Superior Court  
c/o Superior Court Administrator and Presiding Judge  
614 Division Street, MS-24  
Port Orchard, WA 98366

Or contact Frank Maiocco at 360-337-7140, Ext 3305 or via email at [fmaiocco@kitsap.gov](mailto:fmaiocco@kitsap.gov).

3. The court will provide a copy of the complaint, including any resulting action in response to the complaint, to Mr. Robert Lichtenberg, Senior Court Program Analyst, Supreme Court Interpreter Commission, or his designee at the Administrative Office of the Courts.

## VIII.

### **PUBLIC NOTIFICATION AND EVALUATION OF LAP**

#### **A. LAP Approval & Notification**

The Kitsap County Superior and Juvenile Courts' LAP has been approved by the Kitsap County Superior Court Bench, and a copy has been forwarded to Washington State's Administrative Office of the Courts Language Access Interpreter Reimbursement Program Coordinator. Any revisions to the Plan are to be submitted to the Kitsap County Superior Court Administrator or Director of Juvenile Services to arrange for further consideration and approval by the Superior Court Bench. Any authorized changes to the LAP will be forwarded to the Interpreter Program Coordinator once adopted. Copies of the Kitsap County Superior and Juvenile Courts' LAP shall be provided upon request. In addition, the courts shall post its LAP on its website at: [www.kitsap.gov/sc](http://www.kitsap.gov/sc).

#### **B. Process for LAP Review and Revision**

On an annual basis, and as a part of the Superior Court judges' long range planning meeting, the Superior Court Administrator will present data regarding interpreter usage for the previous year, identify any forms translated, and summarize any issues or concerns that have been raised regarding court access by LEP and D/HH/DB individuals. The report will include challenges in service provision and resource availability in the Courthouse and outside ancillary court services. The presentation will include an open solicitation for the judges to identify areas in which LEP and D/HH/DB services may be improved. All information will be reviewed in the context of the existing Language Assistance Plan with revisions made as agreed-upon by the judges.

Interim implementation monitoring of the LAP will be ongoing and include: (1) consultation with the Superior Court Program Coordinator to identify service or resource issues; (2) consultation with County Clerk's employees and Courthouse Facilitators regarding service and resource issues; and (3) consultation with local court professionals during periodic Practice & Procedure Committee meetings. To the extent that identifiable community organizations exist, the Court Administrator will also periodically consult with LEP communities to assess the extent to which the court is meeting or failing in service expectations. Similarly, the Court Administrator will consult with the Kitsap County ADA Committee to identify potential service improvements.

#### **C. Outreach and Communication of Plan**

The Kitsap County Superior and Juvenile Courts shall inform the public of the existence of the LAP and to this end, the courts will:

- Collaborate with local bar associations, justice partners and other relevant organizations to ensure distribution of information.

- Establish mechanisms for obtaining feedback from the public, attorneys and justice partners regarding the implementation and effectiveness of the administrative protocol and take this feedback into account at the yearly evaluation of the protocol.

#### **D. Annual Evaluation of the LAP**

The Kitsap County Superior and Juvenile Courts will conduct an annual needs assessment to determine whether changes to the LAP are needed. To this end, the court will continue to communicate on an ongoing basis with stakeholders, including LEP and D/HH/DB persons, attorneys, and the public. The process for annual evaluation, review and revision will follow the process set forth in Section VIII(b), above.

This assessment will be done by reviewing various areas in which the court provides language access services, taking into consideration, at a minimum, the number of interpreters requested by language in the courts and the identification of emerging changes in the languages spoken or signed within the court's local population as identified by any informational means or by other methods. Elements of the assessment shall include:

- Number of LEP or D/HH/DB persons requesting court interpreters;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Assessing whether staff members adequately understand LAP policies and procedures and how to carry them out;
- Gathering feedback from LEP and D/HH/DB citizens around the State; and,
- Identification of challenges or trends the court is experiencing with providing language access services.

Any revisions made to the Plan will be communicated to all court personnel, and an updated version of the plan will be posted on the court's web site. In addition, the Kitsap County Superior and Juvenile Court will submit to the AOC a copy of any updated information contained in this LAP within 60 days of its approval by the Kitsap County Superior Court Bench.

#### **E. Ideas for Future Improvements in Language Access**

The Kitsap County Superior and Juvenile Courts will review the results of its annual needs assessment and conduct the following activities:

- Identify any challenges or trends with providing language access services, sourcing of interpreters, document translation tasks, and website information that is accessible to LEP and D/HH/DB individuals.

- Engage in collaborative efforts with other courts and the Washington State Court Interpreter Program to improve and coordinate interpreter scheduling where interpreter resources are shared.
- Identify and implement changes or improvements identified by the court to improve language access services that are within the scope of this LAP.

LAP Contact Person

**State Contact:**

James Wells  
AOC Interpreter Program  
1206 Quince Street SE  
PO Box 41170  
Olympia, WA 98504-1170  
[james.wells@courts.wa.gov](mailto:james.wells@courts.wa.gov)  
(360) 350-5373

**Local Contact:**

Frank A. Maiocco, Jr.  
Court Administrator  
Kitsap County Superior Court  
614 Division Street, MS-24  
Port Orchard, WA 98366  
[fmaiocco@kitsap.gov](mailto:fmaiocco@kitsap.gov)  
(360) 337-7140, Ext. 3305

The effective date of this LAP plan is September 10, 2024.