

**State of Delaware Administrative Office of the Courts
Court Interpreter Program
Language Access Plan**

I. Legal Background

The need to provide services to persons with limited English proficiency (LEP)¹ in the court system arises from the United States Department of Justice's reading of constitutional requirements of equal protection and due process of law, as well as Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. § 2000d, and the Omnibus Crime Control and Safe Streets Act of 1968, as amended (Safe Streets Act), 42 U.S.C. § 3789d(c)(1). Title VI and the Safe Streets Act prohibit recipients of Federal financial assistance from discriminating on the basis of national origin (among other bases) in funded programs or activities. As a result, and as explained in the United States Department of Justice (DOJ) regulations implementing Title VI and the Safe Streets Act, recipients of Federal financial assistance have a responsibility to ensure meaningful access to their programs and activities by LEP persons. See 28 C.F.R. §§ 42.104(b)(2), 42.203(a). The implementing regulations of Title VI and the Safe Streets Act also provide for enforcement of these statutory requirements. If there appears to be a failure or threatened failure to comply with the regulations and if the noncompliance or threatened noncompliance cannot be corrected by informal means, the responsible official may suspend or terminate, or refuse to grant or continue, Federal financial assistance, or use any other means authorized by law, to induce compliance with these requirements. See *id.* §§ 42.108, 42.210.

Executive Order 13166 directs every Federal agency that provides financial assistance to recipients to publish guidance about how those recipients can ensure meaningful access to their programs and activities by individuals who, as a result of their national origin, are LEP. Exec. Order No. 13166, 65 Fed. Reg. 50121 (Aug. 16, 2000). Pursuant to Executive Order 13166, on June 18, 2002, DOJ published a guidance document for recipients regarding LEP issues. *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) (DOJ Guidance). Courts receiving Federal financial assistance are specifically covered by the DOJ Guidance's provisions.

Recipients should take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. In an effort to assist recipients in satisfying this standard, the DOJ Guidance emphasizes the importance of balancing the following four factors: 1) the number or proportion of LEP persons served or encountered in the eligible service population; 2) the frequency with which LEP individuals come in contact with the program; 3) the nature and importance of the program, activity, or service provided by the program; and 4) the resources available to the recipient and costs. The DOJ Guidance further notes that recipients should develop a written plan to address the identified needs of the LEP populations they serve.

In response to the DOJ Guidance, the Courts and the Administrative Office of the Courts (AOC) implemented this Language Access Plan (LAP) which reflects the policy of the Judicial Branch to take reasonable steps to provide meaningful access to all individuals in any encounters with the Delaware Judiciary regardless of their national origin or limited ability to read, write, speak, or understand English. The LAP describes existing and contemplated programs and policies to provide language services to LEP persons in order to provide meaningful access to the court system.

¹ LEP individuals are persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.

II. Historical Background

In 1995, the Delaware Supreme Court appointed a Racial and Ethnic Fairness Task Force. The Task Force received testimony on the need for consistent and accurate language interpretation in the courts and, as part of its final report, recommended that a statewide court interpreter certification program be established. Based on this recommendation, then-Chief Justice E. Norman Veasey issued Administrative Directive #107, dated April 1996, which established the Court Interpreter Program under the Administrative Office of the Courts (AOC.) The AOC worked with the National Center for State Courts and the newly formed Consortium of State Court Interpreter Certification (now the Consortium for Language Access in the Courts) to develop the program. (Delaware was the sixth state to join the Consortium in 1996. The Consortium now includes 43 member states.) The first orientation session for prospective interpreters was held in each county in Delaware in the fall of 1996. The first interpreter test was administered in Spanish in 1997. The Supreme Court appointed an Advisory Board to assist in the development of policies and procedures for the program. In 2004, the Advisory Board and the Delaware Supreme Court adopted a comprehensive policy that serves as the operational policy for the program. This policy has been revised as necessary to reflect changes in provision of services and efforts to ensure compliance. In 2006, the Chief Justice approved the creation of a full-time Court Interpreter Coordinator position in FY 2007. The position was filled in February 2007. The Delaware Court Interpreter Program recently celebrated 15 years of service and now provides certified and otherwise qualified interpreters in seven foreign languages.²

III. LEP Population Needs Assessment

The 2010 U. S. Census Bureau estimated the Delaware population five years or older at 805,530³ reflecting a total population growth of about 14 percent. Within this total population 4.4 percent reported speaking English “less than very well”. The 2005-2009 American Community Survey estimates 11.6 percent of the population speaks a language other than English. Of this 11.6 percent, 6.0 percent speak Spanish or Spanish Creole, 3.2 percent speak other Indo-European language, 1.6 percent speaks an Asian or Pacific island language and 0.8 percent speaks other languages (Table 1). Data shows that 38.2 percent of those who do speak a language other than English do not speak English very well.

Table 1. Characteristics of people by Language Spoken at Home

Subject	Total	Margin of Error	Speak English Well	Margin of Error	Not Speak English Well	Margin of Error
Population 5 years and over	805,530	+/-64	95.6%	+/-0.2	4.4%	+/-0.2
Speak only English	88.4%	+/-0.2	(X)	(X)	(X)	(X)
Speak a language other than English	11.6%	+/-0.2	61.8%	+/-1.3	38.2%	+/-1.3
Spanish or Spanish Creole	6.0%	+/-0.2	52.5%	+/-2.1	47.5%	+/-2.1
Other Indo-European languages	3.2%	+/-0.2	75.3%	+/-2.4	24.7%	+/-2.4
Asian and Pacific Island languages	1.6%	+/-0.1	63.0%	+/-3.1	37.0%	+/-3.1
Other languages	0.8%	+/-0.1	76.1%	+/-4.5	23.9%	+/-4.5

² Although court interpreters are always provided for persons who are deaf or hard of hearing, access services to these populations are not addressed in this document/plan because they are not covered by Title VI or the Safe Streets Act.

³ http://factfinder.census.gov/servlet/STTable?_bm=y&-context=st&-qr_name=ACS_2009_5YR_Goo_S1603&

ds_name=ACS_2009_5YR_Goo_&-tree_id=5309&-redoLog=false&-_caller=geoselect&-geo_id=04000US10&-format=&-_lang=en

The State population by Hispanic or Latino origin Census data shows the Hispanic or Latino population of Delaware grew 96.4 percent, now comprising 8.2 percent of the total population⁴. Spanish is by far the predominant language of LEP individuals in Delaware. (Table 2.)

Table 2. Detailed Languages Spoken at Home for Population 5 Years and Older for Delaware.

Language	Number of Speakers
Spanish	47,613
French (Patois, Cajun)	4,114
Chinese	3,584
German	3,224
Italian	2,661
Tagalog	2,292
Arabic	2,161
Hindi	2,004
Kru/Ibo/Yoruba	1,743
Gujarati	1,545
Swahili	1,446
Haitian/French Creole	1,383
Polish	1,313
Korean	1,284
Greek	1,237
Vietnamese	1,161
Telugu	1,023
Pennsylvania Dutch	1,007
Urdu	992

Furthermore, Table 3 shows that 4.7 percent of all households are linguistically isolated. A linguistically isolated household is one where all members of the household 14 years and over have at least some difficulty with English.

Table 3. Delaware - Linguistic Isolation

All households	4.7%	+/-0.1
Households speaking --		
Spanish	27.1%	+/-0.1
Other Indo-European languages	16.4%	+/-0.1
Asian and Pacific Island languages	27.6%	+/-0.2
Other languages	16.4%	+/-0.3

The Delaware Department of Education data on enrollment by race and ethnicity shows Hispanic enrollment as 11.3 percent of total enrollment and Asian American enrollment at 3.5 percent⁵.

⁴ <http://2010.census.gov/2010census/data/index.php>

⁵ <http://profiles.doe.k12.de.us>

The AOC also records how frequently LEP persons who require language services come in contact with the courts. In FY 2011, a total of 2,374 court events⁶ required 6,189 foreign language interpreter hours. These events provided language assistance to an estimated 8,939 LEP litigants of which 335 involved juvenile litigants, their parents, witnesses or victims. Records on interpreter usage in the courts during FY 2011 continue to reflect that Spanish speakers are the predominant LEP population followed distantly by Haitian Creole. FY 2011 showed requests for Haitian Creole, Mandarin, Arabic and Vietnamese increased slightly but in numbers comparatively negligible when considering the number of requests for Spanish.

Table 4. Number Of LEP Persons Served By Foreign Spoken Language During FY 2011 for The Justice of The Peace Courts, Family Court and The Court of Common Pleas (Organized by total number of persons served)			
LANGUAGE	JP COURTS	COURT OF COMMON PLEAS	FAMILY COURT
Spanish	3,565	3,003	1,375
Haitian Creole	87	76	48
Mandarin	19	20	10
Arabic	1	18	13
Vietnamese	11	12	7
Turkish	3	16	6
Russian	5	12	9
Hindi	3	2	12
Korean	6	7	8
Portuguese	2	2	7
Thai		1	5
Cantonese	2	2	
French			3
Malayalam			2
Mende			2
Swahili		1	1
Bengali			1
Ewe		1	
German	1		
Greek		1	
Punjabi		1	
Twi			1
Ukrainian		1	
Total # LEP Persons Served	3,705	3,176	1,510

In order to improve records about the language services provided in connection with juvenile justice matters, in 2010, the Court Interpreter Program redesigned the Request for Payment forms to require courts to include information about whether the LEP person requiring assistance is a juvenile,

⁶ Events include, but are not limited to: Arraignments (including Spanish-only arraignment nights); Child Support; Contempt Hearings; Criminal; Criminal Delinquency; Custody; Dependency, Neglect, and Termination of Parental Rights; Domestic Violence and Protection from Abuse; Driving Under the Influence; Drug Diversion; Entries of Pleas; Guardianship; Imperiling Family Relations; Preliminary Hearings; Traffic Court; Truancy; and Violations of Probation.

parent of a juvenile, witness, or victim. This information has been included in the Fiscal Year data collection and all summary reports prepared since March 2010. In FY 2012 the Request for Payment form was further modified to gather information regarding the type of event, whether criminal or civil.

IV. The Court Interpreter Program

The Delaware Judicial Branch has provided court interpreter services since 1997 through the Court Interpreter Program.⁷ The Program is managed by the AOC under the direction of the Court Interpreter Advisory Board. The Advisory Board is comprised of 5 Delaware judges, a Certified Interpreter, and the AOC's Court Interpreter Program Coordinator. The Coordinator is responsible for the development of policies and procedures on the use of interpreters in the Delaware courts, the implementation of those policies and procedures, and the daily administration of the program. Additionally, the Coordinator is responsible for the recruitment, testing, and certification of interpreter candidates, and maintains a Court Interpreter Registry for the Delaware Judiciary that lists certified and qualified foreign language interpreters. All interpreters in the Registry have entered into service agreements with the AOC and signed and notarized a copy of the Interpreter's Oath.

A. Court Interpreter Qualifications

There are three foreign spoken language interpreter categories in Delaware as they appear in the Court Interpreter Registry: 1) Certified Interpreter; 2) Conditionally-Approved Interpreter; and 3) Registered Candidate. All interpreters in these three categories have:

- Attended a one or two-day Orientation seminar.
- Successfully completed a criterion-based, English-only written examination.
- Passed a criminal background check as required by the Judicial Branch.
- Submitted the AOC application with a copy of their most recent CV.
- Submitted copies of a W-9 form and Delaware business license for Professional Services (and renew said license on a yearly basis).
- Additionally, interpreters in the Registry are required to:
 - Comply with the Continuing Education Credit requirements described in the AOC's Continuing Education Policy of March 2006.
 - Comply with the Court Interpreter Code of Professional Ethics.
 - Sign acknowledgement of receipt and agreement with Court Interpreter Policies and Procedures Sheet.

The Registry classification is based on certification exam scores as follows:

A **Certified Interpreter** is that candidate who passed a 3-part oral performance examination in his/her particular language combination with a minimum score of 70% overall and in each of the 3 sections independently. Certified Interpreters from other jurisdictions who have attained certification through another Consortium member state or the Administrative Office of the United States Courts and who wish to work in Delaware may apply for reciprocity.

⁷ Information about the Delaware Court Interpreter Program is available at: <http://courts.delaware.gov/General%20Information/?CourtInt.htm>. Information about the Consortium for Language Access in the Courts is available at http://www.ncsconline.org/D_Research/CourtInterp.html.

A **Conditionally-Approved Interpreter** is that candidate who sat for the 3-part performance examination in his/her particular language combination and obtained a minimum overall score of 60% by scoring 70% in at least one section, and scores of or above 60% in the remaining two sections. Included under this category are qualified interpreters in languages for which there is not an oral performance examination. In such instances, interpreters are qualified by means of Oral Proficiency Interviews, OPI, in English and the foreign language. The candidates in this category must also agree to take and pass a full or partial oral proficiency exam in their foreign language if and when one becomes available.

A **Registered Candidate** is that candidate who sat for the 3-part performance examination in his/her particular language with a **minimum score of 50% overall**.

B. Court Interpreter Registry and Interpreter Standards

The Court Interpreter Program issues a Court Interpreter Registry yearly after the administration of the credentialing exam(s). The AOC provides a copy of the Court Interpreter Registry to the Delaware Judicial Conference, court administrators, the Department of Justice, the Public Defender's Office, and other appropriate state agencies. Each court/agency contacts the interpreter directly to schedule services except where there is coordinated scheduling pre-arranged by the AOC. If there are no certified/qualified interpreters in Delaware for certain languages, upon request, the AOC will assist the courts/agencies by providing information about available interpreters who participate in court interpreter programs in other jurisdictions. Currently, Delaware has certified interpreters in Haitian Creole, Italian, Mandarin, Russian, Spanish and Ukrainian; and conditionally-approved interpreters in Bengali, Hindi, Spanish, Turkish and Urdu. There is a registered candidate in Portuguese.

The Court Interpreter Program has a Continuing Education Policy which requires Delaware interpreters in the Registry to complete a minimum of 12 hours of continuing education every 2 years. Of these 12 credits, at least 3 must be in Ethics and 3 must be in skills building on the modes of interpretation. Continuing Education credits may be obtained through programs approved by the AOC, such as the Consortium for Language Access in the Courts Certification Skills Building Workshops, NAJIT/American Translators Association conferences, educational programs offered by colleges or universities, or training programs offered by other Consortium member states. An interpreter must submit course information for approval from the Coordinator of the Certified Interpreter Program at least 30 days before attending in order to ensure that the proposed course meets the continuing education requirements. The Coordinator of the Court Interpreter Program and the Court Interpreter Advisory Board will also endeavor to develop training seminars addressing professional development language and interpreting skills, as well as the ethics of the interpreting profession, in order to ensure high-quality services.

The Court Interpreter Program and the Advisory Board also developed a disciplinary policy for court interpreters and presented it to the Supreme Court for approval. The resulting document is Administrative Directive 163 (Sept. 4, 2008) (Attachment 1).

V. Services Provided

Court officers and staff members are sensitive to the needs of LEP individuals and err on the side of caution in determining when to provide LEP services, especially given the importance of protecting the legal rights afforded participants in the judicial process. The court provides interpreting services when it is apparent to judicial officers and court staff that a person involved in a court proceeding, including defendants, victims, or witnesses, does not read, write, speak, or understand English sufficiently to

participate in the proceeding. In addition, court interpreters are available as a matter of course for certain high-volume court proceedings in the Justice of the Peace Courts and the Court of Common Pleas.

As a result of this LAP, Delaware courts provide interpreters to LEP adults, LEP juveniles, and LEP parents of juveniles in a wide range of court proceedings in all State courts consistent with the AOC Court Interpreter Program Policy Directive. Some of these proceedings include, but are not limited to: Arraignments (including Spanish-only arraignment nights); Child Support; Contempt Hearings; Criminal; Criminal Delinquency; Custody; Dependency, Neglect, and Termination of Parental Rights; Domestic Violence and Protection from Abuse; Driving Under the Influence; Drug Diversion; Entries of Pleas; Guardianship; Imperiling Family Relations; Preliminary Hearings; Sentencing; Traffic Court; Truancy; and Violations of Probation.

A. Interpreter Assistance during Court Proceedings and Court-Sponsored Programs

1. In-Person Interpretation Assistance

In providing language services during court proceedings, courts should secure interpreter assistance in the following order of preference. First, a court should use its best efforts to rely on in-person Certified Interpreters. The interpreters in this category may interpret any type of hearing, criminal or civil, and are the interpreters of choice for trials and hearings of any legal or linguistic complexity. Before using any other category of interpreter, the court or court administrator should weigh the type of judicial hearing, including the seriousness of the potential penalties and consequences related to that proceeding, before determining whether such an interpreter may be used.

When an in-person Certified Interpreter is not available and, if appropriate given the nature and seriousness of the proceeding, an in-person Conditionally-Approved Interpreter may be considered. Conditionally Approved interpreters may also be used in appropriate coordinated scheduling calendars pre-arranged by the AOC to ensure coverage and/or to further program development. In trials involving more serious matters, courts should make every effort to use only Certified Interpreters. However, when team interpreting is used in serious cases and two Certified Interpreters are not available, a Conditionally-Approved Interpreter may be used as the second member of an interpreting team in which the first member is a Certified Interpreter.

Third, if a Certified or Conditionally-Approved Interpreter is not available, a court should rely on in-person Registered Candidates. Candidates are to be contacted for services only after diligent efforts to secure Certified or Conditionally-Approved Interpreters proved unsuccessful. Interpreters in this category shall be limited to appearances such as arraignments, *capias* returns, minor violations in the lower courts, and non-evidentiary hearings.

In-person interpreters are also available for the Court Appointed Special Advocate (CASA) program and diversion programs, including Drug Court, Diversion Court, Mental Health Court, and Mediation and Arbitration in Family Court. Requests for interpreters for these programs, including CASA, are handled internally within the Court, with the Court contacting the interpreter directly or including the request in the case load of an already scheduled interpreter.

2. Telephonic Interpretation Assistance

The AOC uses two telephonic interpretation programs. First, the Court Interpreter Program operates a Delaware Telephone Interpreter Line, which uses the certified/qualified interpreters in the Court Interpreter Registry for telephonic interpretation. The AOC circulates a list of these

certified/qualified interpreters, as well as instructions for accessing them over the phone, to members of the Judicial Conference and designated court staff. The Delaware Telephone Interpreter Line provides known certified/qualified interpreters in the most commonly needed languages at a reduced cost. This local telephonic interpreting service has been especially successful in providing last-minute interpreting services for the Justice of the Peace Courts.

Second, the Delaware Judiciary subscribes to Language Line Services, Inc. (Language Line), another telephonic interpretation service. If the interpreters participating in the Delaware Telephone Interpreter Line are unavailable or if the need is for a language not provided by that service, the court/agency may contact Language Line in order to ensure that services are provided to the LEP person. Language Line is also available to staff for use at the information desks in New Castle County.

Both the Delaware Telephone Interpreter Line and the Language Line Services, Inc. may ordinarily only be used when the need for an interpreter is not known or could not be foreseen (and an interpreter is not available in a timely manner) for non-evidentiary hearings such as arraignments and *capias* returns. In very unusual circumstances, when a rare language is involved and the Court Interpreter Coordinator determines that an in-person interpreter (including an interpreter from another nearby jurisdiction) cannot be obtained, the Coordinator may weigh all of the factors and determine that Language Line Services, Inc. may be used in an evidentiary hearing on a minor charge.

In December 2009, the Court Interpreter Program started the Telephonic Interpretation for Justice of the Peace Courts Front Counter Pilot Program. The goal of this statewide pilot project is to address the need for an interpreter at a point of first contact with an LEP person. This program is separate from the telephonic interpretation services provided during a court hearing presided over by a Judge. Under the pilot program, non-bilingual Justice of the Peace Court staff should call Language Line whenever an LEP person who is not scheduled to appear on a given day's calendar comes to the Justice of the Peace Court and, for example, seeks general information; asks questions about a particular case; or pays a fine. If it is not clear what language the person speaks, court staff should use "I Speak" cards to allow the person to identify their language. (See Attachment 2).

In 2011, court staff was instructed to use Language Line Services, Inc. at any point of first contact with an LEP litigant.

B. Other Resources

In addition to court interpreters, the AOC provides additional resources to the courts, agencies, self-help centers, resource centers, and information desks to communicate with LEP persons:

1. "I Speak" Cards

If a person appears at a court with no interpreter and it is unclear what language the person speaks, court personnel can use "I Speak" cards to identify the language spoken.⁸ These cards contain the sentence "I speak [language]" translated from English into several different languages. LEP persons can point to the phrase in their language so that an interpreter may be requested. Copies of these cards are available to staff throughout the State through the intranet or from their court administrator's office (Attachment 2).

2. Bilingual Employees

⁸ "I Speak" is a publication of the Ohio Criminal Justice Services.

In addition to needing interpreters during court proceedings, persons coming to the courthouse may require language assistance for other needs, such as for finding case information or where to go in the courthouse. To aid in providing such assistance, courts may determine that it is advantageous to seek to hire bilingual employees for certain positions. Since Spanish is by far the most predominant second language in Delaware, the following best practices refer to English-Spanish bilingual employees. Courts should consider:

1. Identifying and maintaining a list of existing employees, by job title, who are bilingual in Spanish and English. Bilingual shall be described as those employees who have the ability to read, write, and speak both English and Spanish fluently.
2. Identifying those positions in which employees may be called upon to use Spanish in dealing with the public, either in person or by telephone.
3. Including a “preferential requirement” on the job announcement when filling vacancies for positions in which an employee may be called upon to use Spanish in dealing with the public, either in person or by telephone. The recommended “preferential requirement” is as follows:

Preferential Requirement: Special consideration may be given to applicants who have the ability to read, write, and speak Spanish fluently; this skill is desired but not required.

The option of a “mandatory requirement” may be used where the need has been determined. The recommended “mandatory requirement” should be clearly listed under the minimum qualifications of the job announcement as follows:

“Must have the ability to read, write, and speak Spanish fluently.”

4. Considering means of advertising positions in addition to posting on the Judicial Branch web site, such as placing an ad in the Sunday News Journal, and/or sending copies to appropriate community organizations such as the Latin American Community Center in New Castle County or La Esperanza in Sussex County. When doing so, posting positions for a somewhat longer time period may also be helpful to ensure that there is time for the position to be posted and seen at diverse location.
5. Involving existing employees or other persons (such as court interpreters) who have been determined to be bilingual to participate on the interview panel. Candidates who state that they are bilingual shall be given at least two questions in Spanish. The bilingual interviewer will advise the panel as to whether the bilingual candidate has the ability to understand the question and to respond appropriately in Spanish. Specific guidelines will be given to the bilingual questioner as to the exact question to be asked and possible acceptable responses. Candidates may also be asked to read a brochure which is published in Spanish.

The Office of Management and Budget does not currently permit additional salary to be provided for current employees who are bilingual in Spanish and English who continue to perform the essential functions of the position for which they were hired.

VI. Translation of Documents and Signage

The Coordinator of the Court Interpreter Program and the Court Interpreter Advisory Board began a Translation Project in December 2009 aimed at identifying and translating mission critical informational documents, forms, and signage for Superior Court, Family Court, Court of Common Pleas, and Justice of the Peace Courts. The Court Interpreter Advisory Board tasked the Coordinator with standardizing the translation process before translating mission critical materials for each court. The Court Interpreter Program assigned an identical sum of money to each court for document translation. The courts selected informational documents, vital forms, telephonic voice messaging and signage. The document selection was translated into Spanish and posted by each court accordingly. Each court also identified where to place signs stating that interpreters are available free of charge to LEP persons, as appropriate.

The following key document and forms are available in Spanish:

Superior Court

- Motion for Modification/Reduction of Sentence
- Truth in Sentencing Form
- Motion to Be Relieved as Bondsperson
- Procedures for Posting Real Property as Security for Bail
- Obtaining Criminal Background Checks
- Expungement of Records
- Titles 11, 16 and 21 Revocations of Driving Privileges

Court of Common Pleas

- Summons for Traffic Court, Jury trial, Non-jury trial and DUI Trial
- Notice of Continuance for Traffic Court, Jury trial, Non-jury Trial and DUI trial
- Guilty Plea form
- Pay by Mail brochure
- Waiver of Preliminary Hearing
- Warrant for Failure to Pay
- Notice of Hearing for Failure to Pay
- Transfer of Bail
- Work Referral
- Wage Attachment
- DUI First Offenders
- Order to Pay
- Payment Agreement
- Waiver of Extradition
- DUI Guilty Plea
- Payment Receipt

Family Court

- Arbitration
- Arraignment
- Child Protection Registry
- Custody
- Custody Modification
- Juvenile Expungement
- Passport Issuance Alert

- PFA Brochure
- Visitation
- Preparing for Your Court Hearing Pamphlet

Justice of the Peace Courts

- Bond Order Instructions
- DUI Evaluation Instructions
- Family Court Juvenile Next Step Instructions
- JP Court Policy PD80-16
- Juvenile Placement Instructions
- Public Defender Statewide Flyer

All Courts

- Complaint Form

The second phase of the translation project, which includes a review of earlier translations and additional translations of court forms, is beginning in the Spring of 2012.

The Court Interpreter Program Coordinator is currently working on the translation and voice over of the Justice of the Peace video titled “Introduction to Civil Cases in Delaware Courts”. The Spanish version of the video is expected to be completed by the spring of 2012.

General information about criminal procedure and the juvenile arbitration process is posted in Spanish on the Judiciary Internet page: <http://courts.delaware.gov/?InfoforPersonsAccused.pdf>. In addition, a general brochure on the Delaware court system is available in Spanish online at: <http://courts.delaware.gov/TribunalDeJusticia.pdf>.

VII. Training and Technical Assistance Regarding LAP and Provision of Language Services

A. Information Provided to Judges and Court Personnel

The Court Interpreter Program uses several resources to communicate information about the LAP and the provision of language services to judges and court personnel. The first resource is the document General Procedures for Scheduling Interpreter Services. This document states that the responsibility for scheduling interpreters falls solely on court staff assigned this responsibility. It defines the general steps to secure in-person interpreters; the approved sources of interpretation – certified/qualified in-person interpreters or telephonic interpretation; the posting of interpreter schedules in Public Folders; the timely notification of the need for an interpreter by court staff as well as timely notice of cancellations. (See Attachment 3) A second document, a Procedure to follow in securing qualified interpreter services absent prior notification of need for services was also developed. This document names the staff responsible for securing interpreter services in each court and county and the steps to follow to make interpreting services available in short notice. It further prohibits the use of family members or friends as interpreters. (See Attachment 3a).

The AOC also provides Judges and court personnel with a Bench Card entitled Best Practices for Working with Foreign Language Interpreters in the Courtroom (Attachment 4). This Bench Card is a quick but comprehensive guide on how to assess the need for an interpreter; how to determine interpreter qualifications; the interpreter’s oath; best practices during proceedings and additional resources. All members of the Judicial Conference receive a laminated booklet containing this card and a Notice on the Role of the Court Interpreter (Attachment 5). The Notice details the appropriate instructions that a court

should provide regarding the role of the court interpreter, which is to be given to all parties, witnesses, and jurors present in court proceedings in which court interpreters provide services. The Bench Card and Notice are also available on the Judicial Intranet Court Interpreter Program page (<http://judicial.state.de.us/aoc/index.stm>), which is available to the Judicial Conference and all court employees. This Intranet page also includes information about the National Center for State Court Consortium for Language Access in the Courts, the active Interpreter Registry, the Telephone Interpreter list, Language Line Services, Inc., and how to contact the Court Interpreter Program Coordinator.

In an effort to further ensure sensitivity to the needs of LEP individuals, the courts have recently sponsored two judicial conferences regarding court interpretation. The Court Interpreter Program Coordinator presented a one-hour review of Title VI and the Court Interpreter Program at the Family Court Judges and Commissioners' State-wide Conference in New Castle County on January 14, 2010. The Coordinator reviewed the procedures to secure in-person interpreter services and telephonic interpreter services, and the materials available to the judges on interpreting procedures such as the Bench Card and Notice. Additionally, the Coordinator made presentations – formally and informally – to the Judges for the Justice of the Peace Courts, Court of Common Pleas and Superior Court in an effort to keep the judges apprised of policy and requirements regarding the provision of language services, as well as to answer any questions.

The Court Interpreter Program Coordinator developed a curriculum for judges and court personnel on language access issues which includes the LAP; the procedures to follow to secure interpreter services; the approved sources of interpretation – certified/qualified in-person interpreters or telephonic interpretation; materials available to the judges on interpreting procedures, such as the Bench Card and Notice; the role of bilingual employees; and the role of family members or friends as interpreters. Additionally, there is a section on the role of the court interpreter, interpreter ethics and what the court should expect from a competent interpreter.

B. Information Provided to Attorneys

The Court Interpreter Program seeks to routinely provide information to attorneys about how the Delaware Judiciary provides language services to LEP persons. The Court Interpreter Program designed a Best Practices for Working with Interpreters card, which it published through the Delaware Bar Association to all Delaware lawyers (Attachment 6). This card is also available on the Court Interpreter Judiciary Internet page. In addition, the courts sponsored a Delaware State Bar Association Continuing Legal Education (CLE) program addressing the use of interpreters in the courtroom. The Coordinator of the Court Interpreter Program, at the request of the Office of the Public Defender (OPD) and Office of Conflict Counsel (OCC), presented a CLE workshop about the best practices for the use of interpreters and the LAP to the members of the OPD and contract/conflict attorneys on February 10, 2012.

VIII. Program Resources and Costs

A. Funding

The Court Interpreter Program was initially funded by a grant, which provided \$15,200 for the development and administration of a program that would only be responsible for the certification of interpreters. The costs of interpreter services were borne by each court individually. In FY 2002, the AOC moved to centralize the administration of interpreter services and transferred \$78,900 in interpreter services funding from the courts to the Court Interpreter Program. In 2003, the legislature recognized the

growth in the need for language services and increased the Court Interpreter Program's budget by \$120,000. In FY 2007, the AOC created a full-time position for a Court Interpreter Program Coordinator and further increased the Program's budget by \$50,000. In anticipation of the expansion of the provision of court interpreter services, the Office of Management and Budget approved an additional \$112,000 for FY 2012, bringing the total Court Interpreter Program budget to \$523,000.

B. Costs

1. Total Annual Expenditures

Total annual expenditures for court interpreters have increased dramatically every fiscal year, doubling in only five years, as shown in [Table 4](#) below. These numbers do not include disbursements made by the AOC for interpreter requests or interpreting hours provided through conflict attorney cases, since they are disbursed from a different budget line. The numbers shown below are for foreign language interpretation only and do not include American Sign Language interpretation costs.

FISCAL YEAR	TOTAL DISBURSEMENT ⁹
2004	\$117,167
2005	\$126,486
2006	\$175,303
2007	\$193,347
2008	\$221,571
2009	\$247,573
2010	\$268,803
2011	\$334,760

2. Language Line Costs

[Table 5](#) below shows the costs of services for Language Line since FY 2006. The gradual decrease in cost of services through FY 2010 is a reflection of both an increase in the availability of certified/qualified foreign language interpreters that are being scheduled to appear in court as well as the creation and use of the in-house Delaware Telephone Interpreter Line. FY 2011 increase in costs, as compared to FY 2010, is the consequence of the implementation of procedures in which telephonic interpretation services are used by court staff at points of first contact with LEP litigants.

FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY2011
\$29,900.86	\$25,074.61	\$20,362.71	\$12,115.33	\$9,939.63	\$ 15,692.99

⁹ Figures for 2010 and 2011 are amounts actually expended for foreign language interpretation only, exclusive of American Sign Language interpretation expenses. Figures for other years are based on total expenditures for interpreters with expenditures for foreign language interpreters only (excluding ASL interpreters) estimated based on the proportion of total 2009 interpretation expenses that were for foreign language interpreters and applying that proportion to total actual interpretation expenses for each of the prior years.

IX. Community Outreach

The Delaware Judiciary has undertaken several initiatives to evaluate and strengthen its relationship with community stakeholders. In September 2007, the AOC sponsored *The Racial and Ethnic Fairness Summit*, which brought together criminal justice and community leaders to discuss strategies for improving racial and ethnic fairness in Delaware's criminal and juvenile justice systems. To implement the recommendations from the Summit, all court staff members were required to attend programs on racial and ethnic fairness/diversity awareness. These began in September 2008 and are ongoing. In March 2010, the Delaware Criminal Justice Council, of which the Delaware Judiciary is a member, drafted a Declaration of Leading Practices to Protect Civil Rights and Promote Racial and Ethnic Fairness in the Criminal Justice System. The Declaration states that, effective January 2011, "an agency or court that certifies compliance with this Declaration shall be given preference in the award of grants administered by the Criminal Justice Counsel over any agency that does not certify." The Delaware Judiciary anticipates that all courts and the AOC will take steps to certify their compliance with the Declaration.

The Delaware Judiciary also created the *Delaware Courts: Fairness for All Task Force*, which seeks to identify how the courts can assist self-represented litigants and increase procedural fairness and the perception of fairness. As part of the Task Force's work, it held public and agency hearings to obtain input from various community constituencies, including groups who serve LEP populations. The AOC distributed Spanish-language flyers for the public hearings to a wide variety of organizations serving the LEP community. It also ensured that Spanish-speaking interpreters were present at all hearings. At the agency hearings, the Task Force heard from the Governor's Advisory Council on Hispanic Affairs, an immigration attorney, and organizations that focus on providing legal services, including to LEP individuals, such as Community Legal Aid Society, Inc.; Legal Services Corporation of Delaware; and Delaware Volunteer Legal Services. As a result of the Task Force, the Delaware Judiciary likely will increase its outreach efforts to the LEP community.

The Coordinator of the Court Interpreter Program and the Office of the Public Defender (OPD) also have discussed and will continue to explore the possibility of jointly visiting community organizations to discuss the OPD's services and the language services available to LEP persons in the courts.

X. Revisions

This LAP shall be revised yearly or as deemed necessary by the Court Interpreter Advisory Board and/or the Court Interpreter Program Coordinator.

EFFECTIVE DATE: Reviewed and Approved by the Delaware Supreme Court on September 23, 2010. Updated and Approved by the Delaware Supreme Court on March 15, 2012.

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