

El Paso County Civil District and County Courts

Limited English Proficiency (LEP) Plan

I. Legal Basis and Purpose

This document serves as the plan for the El Paso County Civil District and County Courts to provide to persons with limited English proficiency (LEP) services that are in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.; 45 C.F.R. § 80.1 et seq.; and 28 C.F.R. § 42.101–42.112). The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with the El Paso County Civil District and County Courts.

This LEP plan was developed to ensure meaningful access to court services for persons with limited English proficiency. Although court interpreters are provided for persons with a hearing loss, access services for them are covered under the Americans with Disabilities Act rather than Title VI of the Civil Rights Act, and therefore will not be addressed in this plan.

II. Needs Assessment

The El Paso County Civil District and County Courts will make every effort to provide services to all LEP persons, based on an assessment that balances the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the courts; (2) the frequency with which LEP individuals come in contact with the courts; (3) the nature and importance of the court services to people's lives; and (4) the resources available to the courts. The goal is to provide meaningful access by LEP persons to court services while not imposing an undue burden on the county.

The following list shows the foreign languages that are most frequently used in the courts' geographic area.

1. Spanish - The U. S. Census for El Paso County, Texas S1602 Linguistic Isolation Data set : 2008 American Community Survey estimates that 23.4% of El Paso County residents speak Spanish as their primary language.

This information is based on data collected from the U.S. Census Bureau and from the experience of court staff, and the plan is intended to address access to any LEP group that constitutes 5% of the community or more than 1,000 people, whichever of less.

III. Language Assistance Resources

A. Interpreters Used in the Courtroom

1. Providing Interpreters in the Courtroom

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The El Paso County Civil District and County Courts intend to provide spoken-language interpreters in court proceedings in accordance with both state and federal law.

For litigants and witnesses in juvenile hearings and all contempt proceedings, which are quasi-criminal, the court is mandated to provide interpreters and will provide interpreters at no cost to court users.

For litigants and witnesses in hearings involving domestic violence and elder abuse, family law and child support cases, the court will provide interpreters at no cost to court users to the extent that funding is provided.

Responsibility for the cost for spoken-language interpreters for non-indigent litigants and witnesses in other civil proceedings will be determined at the discretion of the officiating judge based on the resources available to the county and costs, and utilizing technological advances, sharing of language assistance materials and information, and reasonable business practices. Additionally, courts may use interpreters who are providing mandated interpreting services for issues such as criminal or juvenile cases for incidental use in civil courtrooms. The El Paso County Civil District and County Courts recognize the significant benefits to both the public and the court by providing interpreters in civil cases and will attempt whenever possible to provide such interpreters through incidental use.

2. Determining the Need for an Interpreter in the Courtroom

The El Paso County Civil District and County Courts may determine whether an LEP court customer needs an interpreter for a court hearing in various ways. The greater the possible consequences to the LEP person, the more likely language services are needed.

The need for a court interpreter may be identified prior to a court proceeding by the LEP person or by anyone acting, with permission, on his or her behalf.

The need for an interpreter also may be made known in the courtroom at the time of the proceeding. To the extent possible, advance notice of the need for an interpreter should be given to the court and all parties.

Also, the judge may determine that it is appropriate to provide an interpreter for a court matter.

Many people who need an interpreter will not request one because they do not realize that interpreters are available or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. Although the court does not have funding to provide interpreters for non-mandated proceedings, the court may be able to provide some assistance within existing funding restrictions and will endeavor to do so for non-mandated proceedings.

In a case where the court is mandated to provide an interpreter, but one is not available at the

time of the proceeding, even after the court has made all reasonable efforts to locate one, as previously outlined in this plan, the case may be postponed and continued on a date when an interpreter can be provided.

2. Court Interpreter Qualifications

The El Paso County Civil District and County Courts hires interpreters for courtroom hearings in compliance with the rules and policies set forth by Chapter 57 of the Texas Government Code. The Texas Department of Licensing and Regulation maintains a statewide roster of licensed interpreters who may work in the courts. This roster is available to court staff and the public on the Internet at www.license.state.tx.us/licensesearch.

For uncontested matters in which the court is not mandated to provide an interpreter, the party is responsible for obtaining and paying the cost of an interpreter; however, this policy must be weighed against the guideline that the greater the possible consequences to the LEP person, the more likely language services are needed. In certain instances, the judge officiating may permit use of an unlicensed interpreter.

B. Language Services Outside the Courtroom

The El Paso County District and county Courts have designated the Council of Judges' Administration Office as the primary point of contact for all LEP services. All courthouse staff will be trained to direct anyone inquiring about LEP services to that office.

The El Paso County Civil District and County Courts are taking reasonable steps to ensure that LEP individuals have meaningful access to services outside the courtroom. This is perhaps the most challenging situation facing court staff, because in most situations they are charged with assisting LEP individuals without an interpreter present. LEP individuals may come in contact with court personnel via the phone, the public counter, or other means.

The two most common points of service outside the courtroom are at the court's public counters and self-help center. Bilingual assistance is provided at the public counter by the placement of bilingual staff as is practical. The court also periodically calls on other bilingual staff from elsewhere in the court to assist at a public counter. No legal advice is provided

Providing language services outside the courtroom entails both daily communications and interactions between court staff and LEP individuals to provide accessibility of court services, such as self-help and mediation services to LEP court users.

To facilitate communication between LEP individuals and court staff, the El Paso County Civil District and County Courts use the following resources to the degree that resources are available:

- Court interpreters, to the extent permitted under the active memorandum of understanding or independent interpreter contract;
- Bilingual employees;

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- Bilingual volunteers;
- A court Web site with key pages translated into Spanish
- “I Speak” cards, to identify the individual’s primary language;
- Written information in Spanish, on how to access and navigate the court;
- Multilingual signage throughout courthouse locations in the following languages: Spanish;
- When appropriate, Language Line, Lion’s Bridge and other similar entities, are available to provide assistance in the clerk’s office and at the court’s self-help center. These contractors provide interpretation services via the telephone in over 170 languages; and,

To provide linguistically accessible services for LEP individuals, the El Paso County Civil District and County Courts provide the following:

- Volunteers that provide self-help services to LEP persons in their primary language;
- Bilingual family court services mediators for custody and visitation matters;
- Workshops between community service providers serving LEP populations; and,
- Written informational and educational materials and instructions in Spanish;
- Divorce clinic.

C. Translated Forms and Documents

The El Paso County Civil District and County Courts understand the importance of translating forms and documents so that LEP individuals have greater access to the courts’ services. The El Paso County Civil District and County Courts currently use forms and instructional materials translated into commonly used languages. These translated forms are available at the court’s Web site for internal use and are available to the public at www.co.ElPaso.tx.us.

Interpreters at court hearings are expected to provide sight translations of court documents and correspondence associated with the case.

IV. Court Staff and Volunteer Recruitment

A. Bilingual Staff for Language Access

- The El Paso County Civil District an County Courts is an equal opportunity employer and often hires bilingual staff to serve its LEP constituents.
- Bilingual staff who are on call to assist with contacts from LEP individuals, as needed.

B. Volunteers for Language Access

The court also may attempt to use volunteers to assist with language access in the following areas:

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- At public counters to provide interpretive services between staff and the LEP public; and
- To serve as interpreter trainees by helping LEP individuals in areas outside of the courtroom, to develop skills in preparation for the certified interpreter examination.

V. Judicial and Staff Training

The El Paso County Civil District and County Courts are committed to providing LEP training opportunities for all judicial officers and staff members. Training and learning opportunities currently offered by the El Paso County Civil District and County Courts will be expanded or continued as needed. Those opportunities include:

- Diversity Training;
- Cultural competency training;
- LEP plan training;
- Staff attendance in Spanish, training, provided by the court in partnership with local colleges and institutions to offer these classes on site and free to employees on court time;
- Statewide and national conferences on language access or conferences that include sessions dedicated to topics on language access;
- New employee orientation training; and,
- Judicial officer orientation on the use of court interpreters and language competency.

VI. Public Outreach and Education

To communicate with the court's LEP constituents on various legal issues of importance to the community and to make them aware of services available to all language speakers, the El Paso County Civil District and County Courts provide community outreach and education and seek input from its LEP constituency to further improve services. Outreach and education efforts include:

- Public service announcements in Spanish, provided through local television/radio/newspapers. Examples of the type of announcements include radio spot announcement on court access issues or legal tip of the day, provided in Spanish; radio/print/flyers/mailers on the availability of public workshops; and,
- Partnerships and collaborations with community organizations to provide a court presence in the LEP community. The court will solicit input from the LEP community and its representatives and will seek to inform community service organizations on how LEP individuals can access court services.

VII. Public Notification and Evaluation of LEP Plan

A. LEP Plan Approval and Notification

The El Paso County Civil District and County Courts' LEP plan is subject to approval by the

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Civil District and County Judges. Any revisions to the plan will be submitted to the Civil District and County Judges for approval. Copies of the El Paso County Civil District and County Courts' LEP plan will be provided to the public on request. In addition, the El Paso County District and County Courts will post this plan on its public Web site.

B. Evaluation and review of the LEP Plan

The El Paso County Civil District and County Courts will routinely assess whether changes to the LEP plan are needed. The plan will remain in effect unless modified or updated.

The Civil District and County Judges will review the effectiveness of the El Paso County Civil District and County Courts LEP plan periodically and update it as necessary. The evaluation may include identification of any problem areas and development of corrective action strategies. Elements of the evaluation may include:

- Number of LEP persons requesting court interpreters or language assistance and funding provided;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Solicitation and review of feedback from LEP communities within the county;
- Assessment of whether court staff adequately understand LEP policies and procedures and how to carry them out;
- Review of feedback from court employee training sessions; and,

C. LEP Plan Effective date:

August 30, 2012

D. Approved by:

ON AUGUST 16, 2012, THE COUNCIL OF JUDGES APPROVED THE LEP PLAN.