

**Twenty-Second Judicial Circuit Court
County of the City of St. Louis, Missouri**

Language Access Plan (LAP) - 2022

I. LEGAL BASIS AND PURPOSE

This document serves as the plan for the Twenty-Second Judicial Circuit Court to provide to persons with limited English proficiency (LEP) services in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.; 45 C.F.R. Section 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 Twenty-Second Judicial Circuit Court.

This language access plan (LAP) 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

A. Statewide

The State of Missouri provides court services to a wide range of people, including those who speak limited or no English. According to the 2020 American Community Survey 5-year estimates, language is very diverse across Missouri. Seven languages out of more than forty surveyed have 10,000 or more speakers in the state including Spanish, Chinese, German, Vietnamese, Serbo-Croatian, Arabic, and French.

According to the Committee on Language Access 2022 Annual Report, the most widely used languages for interpreters in Missouri (by language family in descending order of frequency) are:

1. Indo-European (Spanish, Russian, Bosnian, French, Romanian, Farsi, Bulgarian, Kurdish, Ukrainian)
2. Sino-Tibetan (Chinese-Mandarin, Burmese, Karen, Chin, Kayah)
3. Austronesian (Chuukese, Micronesian, Tagalog)
4. Afro-Asiatic (Arabic, Somali)
5. Austroasiatic (Vietnamese)
6. Niger–Congo (Swahili, Kinyarwanda)
7. Mayan (Mayan, K'iche)
8. Koreanic (Korean) and Nilo-Saharan (Dinka)
9. Indo-Aryan (Punjabi), Kra–Dai (Thai), and Turkic (Turkish)

B. Twenty-Second Judicial Circuit

The Twenty-Second Judicial Circuit Court will make every effort to provide services to all LEP persons. The following list is the kind of interpreters our Court provided upon request (January 1 – December 31, 2022):

Indo-European languages

- Spanish – 155 times an interpreter was provided (43 criminal cases, 66 civil cases, 20 by telephone for Adult Abuse/Family Court, 26 Juvenile)
- Bosnian – 2 times an interpreter was provided (2 criminal cases)
- Dari – 4 times an interpreter (2 civil cases, 2 by telephone for Adult Abuse/Family Court)
- Nepali - 6 times an interpreter (3 civil cases, 3 by telephone for Adult Abuse/Family Court)
- Albanian – 1 time an interpreter (1 civil case)

Afro-Asiatic languages:

- Arabic - 12 times an interpreter was provided (1 criminal case, 4 civil cases, 3 by telephone for Adult Abuse/Family Court, 4 Juvenile)
- Somali – 2 times an interpreter was provided (2 civil cases)
- Tigrinya – 1 time an interpreter was provided (1 Juvenile)

Niger–Congo languages:

- Swahili – 7 times an interpreter was provided (3 criminal cases, 4 Juvenile)
- Kirundi – 3 times an interpreter was provided (2 civil cases, 1 Juvenile)
- Kinyarwanda Rwanda – 2 times an interpreter was provided (2 civil cases)

Austroasiatic languages:

- Vietnamese – 10 times an interpreter was provided (2 criminal cases, 8 civil cases)

Creole languages:

- Jamaican (Patois) – 1 time an interpreter was provided (1 criminal case)

Kra–Dai languages

- Laotian – 1 time an interpreter was provided (1 criminal case)

Phone interpreters are used primarily by our Adult Abuse and Family Court to assist petitioners completing paperwork and preparing for court, including assist pro-se litigants who have questions or are trying to initiate a case within the Order of Protection Office.

On the rare occasion a phone interpreter was used for a civil case, the information was included under the appropriate designation.

This information is based on data collected from records kept in the Court Administrator's Office, and includes our Family-Court - Juvenile Division.

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters Used in the Courtroom

1. Providing Interpreters in the Courtroom

By Section 476.803, RSMo, courts shall appoint qualified foreign language interpreters in all legal proceedings in which the non-English speaking person is a party or witness. Missouri's statutes (Section 476.806, RSMo) provide foreign language interpreters at no cost for litigants and witnesses in criminal proceedings.

Such funds are appropriated from the legislature for this purpose.

Payment for foreign language interpreters for litigants and witnesses in civil proceedings are determined at the discretion of the officiating judge. The aforementioned statute allows the court to charge fees as costs to the parties.

It is the law of Missouri to secure the constitutional rights of LEP persons by providing qualified interpreters when parties are witnesses are unable to readily understand or communicate the spoken English language. Missouri's Office of the State Courts Administrator (OSCA) provides a list of certified interpreters who are qualified to interpret in court proceedings.

In criminal proceedings, if the current list of certified and registered interpreters maintained by OSCA does not include an interpreter certified or registered in the language spoken by the non-English speaking person, the appointing authority should contact OSCA to request a certified interpreter from another state. When all efforts to find a certified interpreter are exhausted, the appointing authority may appoint a qualified interpreter.

In the Twenty-Second Judicial Circuit Court, interpreters will be provided at no cost to citizens who need such assistance under the following circumstances:

- For litigants and witnesses in civil hearings.
- For litigants and witnesses in all criminal matters.
- For assigned jurists.
- For pro-se litigants who have questions or are trying to initiate a case within the Order of Protection Office.

The following is a list of the specific areas for which we provide interpreters at no costs to such citizens:

- Child Abuse and Neglect
- Civil Hearing or Trial
- Criminal Hearing or Trial
- Grand Jury Proceeding
- Juvenile Delinquency Proceeding (informal adjustment conference, intake interview, detention hearing, adjudication and other delinquency hearings)
- Parole/Probation
- Revocation Hearing
- Post-conviction Proceeding
- Preliminary Hearing
- Pre-trial Conference
- Probate
- Sentencing Hearing
- Settlement Hearing
- Termination of Parental Rights
- Voir Dire Jury

It is the responsibility of the private attorney, Public Defender or Circuit Attorney's Office to provide qualified interpretation and translation services for witness interviews, pre-trial transcriptions and translations, and attorney/client conferences.

2. Determining the Need for an Interpreter in the Courtroom

The courts of Missouri are provided a sign translated in Missouri's nine most frequently used languages which states: "Free interpreter services are available upon request. To conduct court business and to schedule an interpreter for hearings or trials contact Court Administrator." This person is a local court staff person.

There are various ways that the courts of Missouri, including the Twenty-Second Judicial Circuit, will determine whether an LEP individual needs an interpreter for a court proceeding.

1. First, the LEP individual may request an interpreter. For example, the need for a court interpreter may be identified prior to a court proceeding by the LEP person or on the LEP person's behalf, or by courtroom staff or a Deputy Juvenile Officer. The need for an interpreter also may be made known in the courtroom at the time of the proceeding. 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, the case will be postponed and continued to a date when an interpreter can be provided.

2. Second, court personnel and judges may determine that an interpreter is appropriate for a court proceeding. 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. Therefore, when it appears that an individual has any difficulty communicating, the judge should err on the side of providing an interpreter to ensure full access to the courts.
3. Third, the Missouri Court Information Center (MCIC) (a database of resources for court personnel), contains questions a judge can ask to determine a person's English language skills. This resource is available statewide on an intranet.
4. Fourth, the automated statewide case management system, JIS, tracks interpreter needs through case and party records. Case record interpreter flags assist staff in making sure they know an interpreter is needed for the next hearing. Party record interpreter information stays with the party and is available circuit-wide for future filings and party search results for that same individual. In the future, this information will be available state-wide.
5. Fifth, Family Court / Adult Abuse / Order of Protection Office in the Twenty-Second Judicial Circuit can request over-the-phone foreign language interpreters for assistance as needed.
6. Finally, outside agencies such as probation, attorneys, social workers or correctional facilities may notify the court about an LEP individual's need for an interpreter for an upcoming court hearing.

Due to the COVID – 19 pandemic, Missouri courts have seen an increase of video remote proceedings via WebEx. This has required interpreters to also provide Video Remote Interpreting (VRI). The Committee for Language Access has created a VRI subcommittee to produce written procedures and/or guidelines for remote interpreting using WebEx format. These procedures/guidelines will be for all parties.

3. Court Interpreter Qualifications

Missouri courts schedule interpreters for courtroom proceedings as needed. OSCA maintains a statewide roster of interpreters who are certified, registered, or qualified to work in the courts. Certified Interpreters on the roster have attended an orientation session, passed the written examination and a rigorous interpreting skills examination, and signed a sworn affidavit of professional responsibility. When the court has made a diligent effort to find a certified court interpreter and none is available, OSCA seeks a certified court interpreter in another state by using contacts from the Consortium. OSCA also utilizes these contacts to seek interpreters for less common languages for which there is no certification.

Whenever a non-certified interpreter is used in the courtroom, judges are encouraged to inquire into the interpreter's skills, professional experience, and potential conflicts of interest.

As a last resort, the courts of Missouri may also use interactive television (ITV) or telephone interpreting if no interpreters are available in person. Bilingual staff that are not on the statewide roster should not be used to interpret in court. However, they may assist in securing an interpreter if necessary and providing general customer services at the counter.

4. Court Interpreter Lists

In Missouri, we currently have a list of interpreters certified, registered, or qualified in the following languages:

Arabic
Bosnian/Croatian/Serbian
Farsi
Italian
Mandarin
Marshallese
Russian
Spanish
Swahili
Ukrainian
Yoruba

This list is available at:

<https://www.courts.mo.gov/>

Rules & Resources

ADA & Court Interpreters

Link to the list can be located near the end of “Foreign-Language Court Interpreters”

Missouri also maintains a statewide contract with various vendors for Verbal Language Interpreters. The Twenty-Second Judicial Circuit uses these lists to obtain needed interpreters. If a certified, registered, or qualified local interpreter for a specific language is not available, we contact one of the vendors under Missouri statewide contract.

5. Interpreter Certification Education and Testing

In order for Missouri’s courts to provide qualified interpreters, OSCA conducts a certification program that includes information about the interpreting profession, code of professional responsibility, and modes of interpreting.

Missouri belongs to the Council of Language Access Coordinators through the National Center for State Courts. The program is based on their model, using their materials and recommended practices.

Skills necessary to be a professional court interpreter include:

- 1.) Possess educated, native-like mastery of English and a second language;
- 2.) Display wide general knowledge, typical of what a minimum of two years of general education at a college or university would provide; and
- 3.) Perform the three major types of court interpreting: sight, consecutive and simultaneous.

Orientation is the first phase for candidates to become a certified interpreter and must be completed before any other part of the program. The 16-hour workshop is open to any person at least 18 years of age with a native-like mastery of English and a second language. This workshop includes instruction of the interpreter's role and professional ethics, the modes of interpreting used in court, legal terminology, and court protocol.

Thirty-one candidates attended orientation since the 2021 CLA report. Languages represented include:

- Bosnian/Croatian/Serbian
- French
- Mandarin
- Portuguese
- Russian
- Spanish
- Vietnamese

After completing the orientation, candidates may register to take the written test. The test examines the candidate's English proficiency, knowledge of legal terms, court protocol, ethical situations, and includes translation from English to a second language. The multiple choice portion of the written test must be passed with a score of 80 percent or greater. The written translation is in portion a pass/fail grade.

Since the date of last year's CLA report to the Court, the written exam was given five times. Seventeen candidates combined sat for the written exam, of which five candidates have passed the translation and six have passed the multiple-choice exam.

Candidates who have passed the written test may take the one hour oral exam testing the candidate's skill in sight translation, consecutive, and simultaneous interpreting. Each part of this exam must be passed with a score of 70 percent or greater for a candidate to receive certification and be considered "Certified."

Full oral exams are currently available in Amharic, Arabic, Cantonese, Filipino (Tagalog), French, Haitian Creole, Hmong, Khmer, Korean, Mandarin, Polish, Portuguese, Russian, Spanish, and Vietnamese. Abbreviated exams are available in Bosnian/Serbian/Croatian, and Turkish.

Since the date of last year's CLA report to the Court, the oral exam was given six times. Seven candidates took the oral exam, one passed the abbreviated oral exam.

If an oral exam is not available, candidates sit for an oral proficiency interview (OPI.) The OPI consists of conference calls with two language testing companies. The OPI is a general speaking and listening assessment that will elicit the candidate's ability to converse in English and the second language. A series of questions that gradually increase in complexity require the candidate to perform various spoken tasks. Once the highest rating is achieved in both interviews, the candidate is considered "Registered." No interpreters have sat for the OPI since the last CLA report to the Court.

Certified and Registered interpreter's information, including name, contact information, availability, and hourly rates are provided to the circuit court language access coordinators. The information is also added to the judiciary's website and intranet site.

B. Spoken Language Services Outside the Courtroom

The U.S. Department of Justice requires that the courts, including the Twenty-Second Judicial Circuit, take 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. LEP individuals may come in contact with court personnel via the phone, public counter or other means. To that end, the courts have the following resources on MCIC to help LEP individuals and court staff communicate with each other:

- Telephone interpreting services
- Certified or Registered interpreters
- State of Missouri contracts with interpreting agencies

To facilitate communication between LEP individuals and court staff, the Twenty-Second Judicial Circuit Court uses the following resources to the degree that resources are available:

- "I Speak" cards, to identify the individual's primary language;
- Signs indicating that free interpreter services are available upon request.
The signage is in the following languages:
 - Arabic
 - Bosnian
 - Traditional Chinese
 - Chuukese
 - Farsi
 - Fulani
 - Laotian
 - Russian
 - Somali
 - Spanish
 - Swahili
 - Vietnamese
- Telephonic interpreter services. Both the Office of State Courts Administrator (OSCA) (for criminal or juvenile proceedings) and the State of Missouri (for non-criminal proceedings) have contracts with Language Line Services that we can use. Language Line Services has interpreters available in more than 170 languages for over the phone interpretation 24 hours a day, seven days a week.

C. Translated Court Forms and Documents

Many of the court's forms are state-wide mandated forms. Many of these forms, translated into Bosnian, French, Russian, Spanish, Ukrainian, and Vietnamese are located here:

<https://www.courts.mo.gov/page.jsp?id=103116>

The Twenty-Second Judicial Circuit Court currently uses the following forms and instructional materials translated into the following two languages, which are provided by the Office of State Courts Administrator (OSCA):

- **Spanish**

- Adult Abuse/Stalking Ex Parte Order of Protection
- Full Order of Protection
- Adult Abuse/Stalking Petition for Order of Protection
- Ex Parte Order of Child Protection
- Judgment/Full Order of Child Protection
- Child Protection
- Petitioner and Protected Child Information (Confidential Record)
- Petition for Order of Child Protection
- Summons-Motion for Family Access Order
- Response to Motion for Family Access Order
- Family Access Information
- Family Access Notice
- Petition Small Claims Court
- Counterclaim Small Claims Court
- Denial of Permit Appeal - Small Claims Court
- Dismissal Small Claims Court
- Satisfaction of Judgment - Small Claims Court
- Waiver of Counsel
- Waiver of Preliminary Hearing
- Statement of Rights Upon Entering Pleas of Guilty
- Parenting Handbook
- Missouri Juvenile Justice Association (MJJA) publishes a Spanish phrase book that can be used in our Family Court

- **Bosnian**

- Adult Abuse/Stalking Ex Parte Order of Protection
- Full Order of Protection
- Adult Abuse/Stalking Petition for Order of Protection
- Ex Parte Order of Child Protection
- Judgment/Full Order of Child Protection
- Petition for Order of Child Protection

These forms and documents are available/accessible for internal use by court employees in the online OSCA Court Clerk Handbook and in MCIC.

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

Missouri continues to progress with providing effective assistance to local courts in meeting the needs of LEP individuals by providing assistance, materials, education, and ongoing funding of interpreters used in criminal and juvenile delinquency cases. The Twenty-Second Judicial Circuit provides funding for interpreters used in civil cases as well as potential jurists. OSCA continues to educate public officials, including those who have authority over appropriations, about the importance of qualified interpreters for all users of the courts.

D. Providing Emergency Information to LEP Court Customers

The courts are responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to emergency information should an emergency situation arise. The court should provide LEP individuals, if it provides such emergency information to non-LEP individuals, with information in the following ways:

- a. Universally understood emergency signs located in the strategic places throughout courthouse buildings;
- b. Clearly marked emergency exits; and,
- c. Evacuation maps located in visible points (the same locations as the information for LEP individuals).

IV. JUDICIAL AND STAFF TRAINING

The Committee on Language Access updated the Access to Justice bench card and also created an Access to Justice – Remote Interpreting bench card to assist courts providing remote hearings. The remote interpreting bench card assists judges and clerks on how to schedule and conduct a remote proceeding using an interpreter.

V. PUBLIC NOTIFICATION AND EVALUATION OF LAP

A. Periodic Evaluation of the LAP

The Twenty-Second Judicial Circuit Court LAP will be provided to the public on request and is posted on the court's website at the following location (<https://www.stlcitycircuitcourt.com/>) under ADA Access and Interpreters.

The Twenty-Second Judicial Circuit Court will routinely assess whether changes to the LAP are needed. The plan may be changed or updated at any time, but reviewed not less frequently than once a year. This review may be done by tracking the number of interpreter payments or by other methods.

At least once a year the court's Court Administrator will review the effectiveness of the court's LAP and update as necessary. The evaluation will include identification of any problem areas and development of corrective action strategies. Elements of the evaluation will include:

- Number of LEP services requested;
- Assessment of current language needs to determine if additional services or translated materials should be provided; and
- Review of all feedback from court personnel around the state and the public.

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