

In the Supreme Court of the State of Idaho

IN RE: IDAHO JUDICIARY STATEWIDE LANGUAGE)
LANGUAGE ACCESS PLAN)
_____)

ORDER

The Court, having received a recommendation to adopt a statewide Language Access Plan; the Court having approved that plan at Oral Conference on January 28, 2021; and, the Court being fully informed,

NOW, THEREFORE, IT IS HEREBY ORDERED that the statewide Language Access Plan, appended hereto and incorporated by reference, is approved for use throughout the courts and judicial districts of the State of Idaho.

IT IS FURTHER ORDERED, that this order with the appended statewide Language Access Plan shall be effective March 1, 2022.

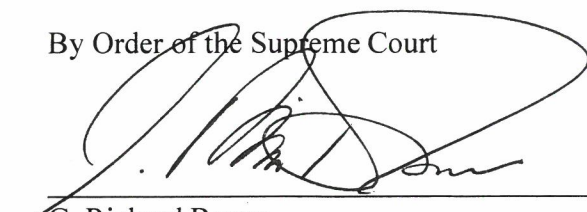
IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order, but not including the Language Access Plan itself, to be published in one issue of *The Advocate*.

IT IS FURTHER ORDERED, that the Court Management Division shall publish or make available this Language Access Plan on the Idaho Supreme Court language access program website.


IT IS FURTHER ORDERED, that the Statewide Access to Justice Program shall ensure the Language Access Plan is formally introduced to the Trial Court Administrators of the Idaho judicial districts.

DATED this 24th day of February, 2022.

By Order of the Supreme Court


G. Richard Bevan
Chief Justice, Idaho Supreme Court

ATTEST:


Melanie Gagnepain, Clerk

I, Melanie Gagnepain, Clerk of the Supreme Court/
Court of Appeals of the State of Idaho, do hereby
Certify that the above is a true and correct copy of the
order entered in the above entitled
cause and now on record in my office. WITNESS my
hand and the Seal of this Court 2-28-22
Melanie Gagnepain, Clerk

By  Deputy

March 2022

IDAHO SUPREME COURT

LANGUAGE ACCESS PLAN FOR



Administrative Office of the Courts
P.O. Box 83720
Boise, Idaho 83720-0101

For questions or comments, please contact:

(208) 334-2850

Table of Contents

1. Introduction	4
1.1 Idaho Courts Mission Statement	4
1.1.1 Structure of the Idaho Courts	5
1.2 Language Access Committee	6
1.3 Purpose	6
2. Existing Law and Policy	7
2.1 Federal Law	7
2.2 State Statutes	8
2.3 Supreme Court Rules	8
3. Definitions	9
4. Collection of Data	11
4.1 Complying with Federal Requirements	11
4.2 Assessment of Future Needs	12
5. Language Services Provided	13
5.1 Interpreters Used Inside the Courtroom	13
5.1.1 Assessing the Need for an Interpreter	13
5.2 Remote Interpreting	14
5.3 Language Services Outside the Courtroom	14
5.4 Complaint Process	15
6. Translation of Vital Forms	15
7. Training	16
7.1 Judges and Court Personnel	16
7.2 Local County Officials	17
7.3 Local Bar and Outside Vendors	17
7.4 Training for Interpreters	17

8. Public Outreach	17
9. Public Notification and Evaluation of the Language Access Plan	18
9.1 Plan Approval and Notification	18
9.2 Evaluation of the Plan	18
9.3 Administrative Office of the Courts Plan Coordinator	19

1. Introduction

During the past decades Idaho has experienced an influx of individuals with limited English proficiency (LEP). Official reports highlight this increase. Census data shows that the population five years and older speaking a language other than English at home increased 26 percent over the last 10 years. Over the same period of time, there was a 20 percent increase in the number of individuals five years and older who reported speaking English less than “very well.” The U.S. Department of Health and Human Services also reported a 45 percent increase in the number of refugees arriving in Idaho since 2006.¹

The increase is also visible throughout the courts and court-sponsored programs run in cooperation with county offices statewide. The Idaho judiciary has a deep commitment to providing meaningful access for all individuals, regardless of their linguistic background or whether they are deaf, deaf-blind or hard of hearing, so as to ensure justice and due process.

Idaho recognizes English as the state’s official language. The Constitution of the United States and the Constitution of the State of Idaho afford certain rights and protections to all. For this reason, the court supports the use of languages other than English when so required.

Consequently, this Language Access Plan (“Plan”) provides an overview of language services currently offered in the Idaho courts. In addition, the Plan also provides an outline of future steps geared at ensuring and enhancing access for all individuals “when they appear in court, are involved in a court proceeding, or are otherwise seeking access to the courts.”²

1.1 Idaho Courts Mission Statement

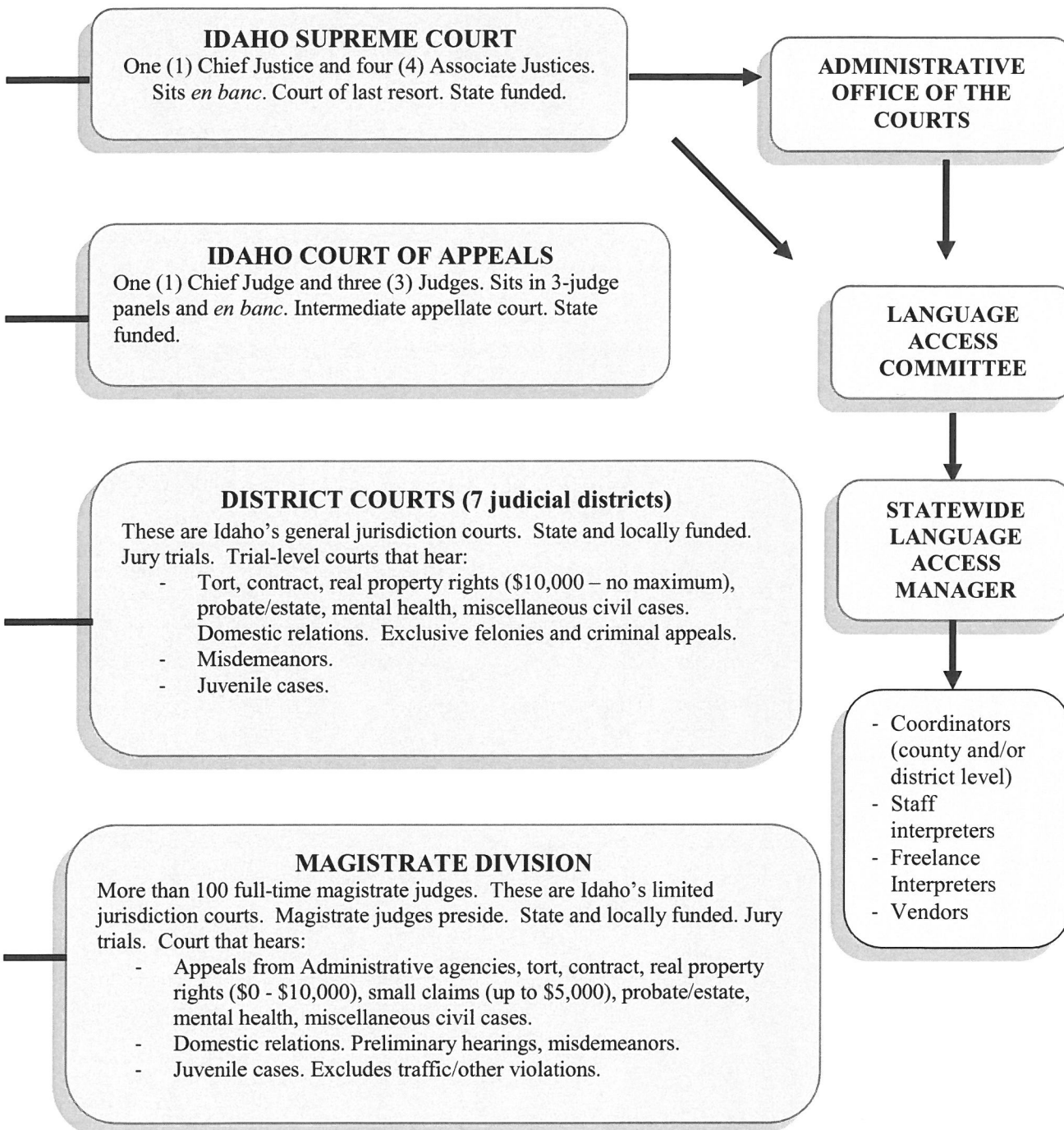
The mission of the courts is to “provide access to justice through the timely, fair and impartial resolution of cases.”³ The United States Constitution and Idaho law guarantee individuals the right to due process and meaningful participation in legal proceedings. The court system has the responsibility of ensuring that qualified individuals can communicate fully in the English language, regardless of the reason why they are accessing the courts.

1.1.1 Structure of the Court and Language Access Services in Idaho

¹ <https://www.acf.hhs.gov/orr/resource/refugee-arrival-data>

² I.C.A.R. 52 Policy Declaration Relating to Court Interpreters (a) Statement of Policy. Effective August 28, 2008.

³ Mission Statement of the Idaho Courts adopted by the Supreme Court on October 31, 2011, revised April 25, 2016.



1.2 Language Access Committee

For many years, the Idaho Supreme Court has recognized the importance of providing language access for all individuals. In 1996, the Administrative Director of the Courts and the Idaho Supreme Court's Fairness and Equality Committee supported the creation of the Idaho Court Interpreter Subcommittee. The Subcommittee was tasked with supporting efforts to eliminate actual or perceived bias in the Idaho courts, and with providing training and testing for court interpreters to ensure that LEP, deaf, deaf-blind and hard of hearing individuals have equal access to the Idaho courts. As a result, the Interpreter and Certification Program was created and tasked with the responsibility of improving the quality of court interpreting in the state of Idaho. This was accomplished through the development of policies and procedures that provide guidance for training and testing of court interpreters.

Following a recommendation made in 2013 by the Administrative Conference, the Idaho Court Interpreter Subcommittee was replaced by a Language Access Committee ("LAC"). Some of the LAC's main goals include securing the rights (constitutional and otherwise) of persons unable to understand or communicate adequately in the English language when they appear in court, as well as researching and implementing procedures to improve the quality and efficiency of services rendered to LEP, deaf, deaf-blind and hard of hearing individuals.

Additionally, the 2016 Legislature appropriated funds for a Statewide Language Access Manager for the Administrative Office of the Courts. This position also serves as staff to the LAC.

1.3 Purpose

This "Plan" provides information to the public regarding availability and access to services. It also serves as a guide for court personnel and department heads to remove barriers and provide language access services to the public, while complying with federal and state legal obligations.

For the purpose of this Plan, the use of the term "language access services" refers to services provided by spoken language interpreters, interpreters for the deaf, deaf-blind or hard of hearing, translators, and bilingual services. These services are provided for court proceedings, as well as for all other court-annexed services coordinated by local county departments, but under the purview and general oversight of the Idaho Supreme Court.

2. Applicable Law and Policy

Language access services are both an essential component in fulfilling the court's mission and a legal requirement. Providing an interpreter is essential in protecting the rights of LEP, deaf, deaf-blind, or hard-of-hearing individuals.

Additionally, the Idaho judiciary abides by the following federal mandates, state statutes, and Supreme Court rules:

2.1 Federal Law

- Title VI was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. Additional information regarding Title VI compliance can be found at www.lep.gov.
- Executive Order 13166 - Improving Access to Services for Persons with Limited English Proficiency, signed by President Clinton in 2000. Under Section 3, it establishes that all federal agencies providing assistance shall draft Title VI regulations specifically geared to the recipients of such assistance and consistent with LEP Guidance issued by the Department of Justice.

This Executive order specifically directs “federal agencies to publish LEP guidance for their financial assistance recipients” to provide them with “meaningful access” to the courts. *Language Access Guidance Letter to the Courts (sent by Assistant Attorney General August 16, 2010)* http://www.lep.gov/final_courts_ltr_081610.pdf

- The Omnibus Crime Control and Safe Street Act of 1968 states that no person in any state shall, on the grounds of race, color, religion, national origin or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under or denied employment in connection with any program or activity funded in whole or in part with funds made available under U.S.C. 42 § 3789d. The act authorizes the U.S. Attorney General to bring a civil action in response to any past or present pattern or practice of discrimination. The aggrieved parties may also sue after exhausting administrative remedies.
- The Rehabilitation Act of 1973 prohibits discrimination against a “handicapped individual” in programs receiving federal financial assistance, and defines such people as:
 - a) anyone with a disability that is a substantial handicap to employment;
 - b) anyone whose employability might reasonably be expected to benefit from the vocational rehabilitation services authorized under the act.
- Americans with Disabilities Act. Title II of the Americans with Disabilities Act (“ADA”) requires local and state courts to provide qualified sign language interpreters or other technology, such as transcription or assistive listening systems, to ensure effective communication with deaf and hard of hearing persons.
- Court Interpreters Act of 1978 (28 U.S.C. § 1827 *et seq*). This act establishes a certification program for federal courts and gives authority to the director of the Administrative Office of the United States Courts to set forth criteria for court interpreter certification.

2.2 State Statutes

- § 9-205. Interpreters. “In any civil or criminal action in which any witness or a party does not understand or speak the English language, or who has a physical disability which prevents him from fully hearing or

speaking the English language, then the court shall appoint a qualified interpreter to interpret the proceedings to and the testimony of such witness or party [...] The court shall determine a reasonable fee for all such interpreter services which shall be paid out of the district court fund.”

- § 9-1603. Interpreters' fees. “The interpreters are entitled to receive such fee for their services as set and determined by the court together with the same rate per mile as the state of Idaho pays for state employees pursuant to section 67-2008, Idaho Code, to be paid out of the county treasury by order of the court in both civil and criminal actions.”

2.3 Supreme Court Rules

- Idaho Court Administrative Rule (I.C.A.R.) 50. “It is the policy of the Supreme Court to ensure equal access to and full participation in court programs, court services, and court activities by qualified individuals with disabilities, including attorneys, parties, probationers, witnesses, victims, potential jurors, and observers of court proceedings.” This rule details use of auxiliary aids such as “qualified interpreters, assistive listening headsets, television captioning and decoders, telecommunications devices for deaf persons (TDDs), videotext displays, readers, taped texts, [Brailled] materials, and large print materials.”
- I.C.A.R. 52. Policy Declaration Relating to Court Interpreters. The intent of this rule is to secure the rights, constitutional and otherwise, of persons who, because of a non-English-speaking cultural background or physical impairment, are unable to understand or communicate adequately in the English language when they appear in the courts or are involved in court proceedings. This rule details a priority of appointment for interpreters based on training and testing, as well as a clause to deviate from such priority for good cause.
- Idaho Criminal Rule 6.3. Secrecy and confidentiality of grand jury proceedings. This rule details that interpreters may be allowed permission to attend grand jury sessions, when designated by the district judge or presiding juror and sworn to correctly interpret the proceedings and sworn to secrecy.
- Idaho Rule of Evidence 604. Interpreters. “An interpreter is subject to the provisions of these rules relating to qualification as an expert and the administration of an oath or affirmation that the interpreter will make a true translation.”

3. Definitions

For the purpose of the Plan, the following terms are defined in accordance with existing state and federal law and regulations.

American Sign Language (ASL)

Visual-gestural language created by deaf people. It is not English. ASL has all of the elements of any spoken language. Its grammar and conversational rules are very different from spoken English, but, like all languages, it comprises a set of abstract symbols agreed upon by those who use them to communicate. ASL is the preferred language of the deaf community in the United States, even among those who use spoken English.

Appointing Authority

Includes a district or magistrate judge, including pro tem and retired judges within the scope of their appointments, or the judge's designee.

Bilingual Employee

An employee of the Idaho courts other than a staff interpreter who has demonstrated proficiency in English and in the second language in accordance with standards set by the LAC and is authorized to conduct court operations business directly with LEP individuals in a language other than English.

Court Interpreter

A certified, conditionally approved, registered or otherwise qualified language interpreter who is approved by the judicial officer or his or her designee following Supreme Court rules. The individual is authorized to work as an independent contractor or as a staff interpreter and is listed on a Supreme Court roster or a local roster maintained by the local courts.

Court Operations

Court offices, services and programs sponsored or conducted by the local court, local administrative offices or probation, that remain within the overall responsibility of the Supreme Court, but not including court proceedings that involve contact with the public or parties of interest.

Court Proceeding

Any civil, criminal, domestic relations, juvenile, traffic, or other in-court proceeding in which a LEP individual is a principal party in interest or a witness.

Deaf Interpreter

A deaf person and specialist working with deaf, hard-of-hearing, and deaf-blind individuals whose communication needs are outside the scope of mainstream sign language users. The deaf interpreter will transmit the message content impartially and with lingual accuracy between a generalist sign language interpreter and the deaf, hard-of-hearing, and deaf-blind individual.

Functions of Interpreting

This term relates to the purpose for, or the setting in which interpreting occurs. It is important to understand the functions of interpreting because in some settings more than one interpreter will be required, depending on how many interpreting functions need to be carried out during the same proceeding. In some circumstances, two or more interpreters might be required during one trial in order to perform all of the required interpreting functions.

Interpretation

The unrehearsed transmission of a spoken or signed message from one language into another. Interpretation is distinguished from “translation,” which relates to written language. Three modes of interpretation are used in court by interpreters: simultaneous, consecutive and sight translation.

Judicial Officer

See Appointing Authority.

Limited English Proficient (LEP) Individuals

Federal term used for people who do not speak English as their primary language and have a limited or basic ability to read, speak, write or understand English.

Meaningful Access

Language assistance that results in accurate, timely and effective communication, at no cost to the LEP individual. It denotes access that is not significantly restricted, delayed or inferior as compared to programs or activities provided to English proficient individuals.

Principal Party in Interest

Means a person involved in court proceedings who is a named party, who will be bound by the decision or action, or who is foreclosed from pursuing his or her rights by the decision or action taken in the proceeding.

Relay Interpreting

Refers to the process by which two interpreters with different language pairs work in tandem. The first interpreter interprets the original source language into a second language common to both of them. Then the message is interpreted by the second interpreter into the third (or target) language.

Remote Interpreting

A process by which an interpreter assists in a court proceeding or court operation without being physically present through the use of audiovisual hardware and software.

Team Interpreting (Co-interpreters)

Refers to the practice of using two rotating interpreters to provide simultaneous or consecutive interpretation for one or more LEP individuals. Team interpreting is recommended for all lengthy legal proceedings.

Translation

Process of converting a written text from one language into written text in another language. The source of the message being converted is always a written language.

Victim

Any individual who suffers direct or threatened physical, financial or emotional harm as the result of the commission of a crime or juvenile offense. If the person is deceased, this may also be that person's legal guardian, caretaker, or surviving immediate relative. Or, it also includes the parent, legal guardian, or caretaker if the person is a minor or incapacitated.

4. Collection of Data

4.1 Complying with Federal Requirements

Idaho courts strive to take reasonable steps to ensure meaningful access for deaf, deaf-blind, hard of hearing and LEP individuals. For LEP individuals, the court provides services based on implementing regulations and policy guidance issued under the Civil Rights Act, and the four-factor analysis articulated in Executive Order 13166 and concurrent agency clarifying memos.⁴

Meaningful access for LEPs within the courts is grounded in a principle of balance between these factors:

- 1) the number or proportion of LEP individuals in the eligible population;
- 2) the frequency of contact with the program;
- 3) the nature and importance of the program;
- 4) the available resources and costs.

The Idaho courts provide an essential service. Therefore, because of the nature of the program, it is determined that the notion of *eligible population* includes the public at large. Census data for Idaho shows that the foreign-born population has increased 50.7 percent from 2000-2012 and that the population five years and older speaking a language other than English at home increased 20.7 percent over the last 10 years. As of 2019, 10.8% or 180,493 Idahoans five years and older speak another language than English at home. 33% of them reported speaking English less than very well⁵

Diversity is visible in courts statewide since private contractors were hired for a minimum of 45 different languages and dialects, between 2014 and 2022. Despite the variety of languages, Spanish continues to be the most widely used. Service providers include the Idaho Supreme Court, the Court of Appeals, trial courts in the

⁴ Federal Coordination and Compliance Section, U.S. Department of Justice; www.justice.gov/crt/federal-coordination-and-compliance-section-190

⁵ <https://data.census.gov/cedsci/table?q=United%20States&t=Foreign%20Born&g=0400000US16&tid=ACSDP1Y2019>.
<https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>

seven judicial districts, and county-run programs under the general oversight and responsibility of the Supreme Court.

Efforts are underway to create a system to measure the *frequency of contact* with LEP, deaf, deaf-blind, and hard of hearing individuals. Tracking this information would be made possible by implementing a statewide reporting system would assist with measuring the frequency of contact using specific data management software. Such a system would enhance the court's ability to gather language data at the earliest point of contact, resulting in better utilization of limited resources. The information tracked would likely include, but not be limited to:

- Cost of services,
- In-person versus remote interpreting,
- Interpreter qualifications,
- Language,
- Length of delay, or denial of service (coupled with documented reasoning),
- Location,
- Type of case or proceeding.

Currently, the counties are directed to provide the following information to the Supreme Court on a yearly basis:

- Number of hearings requiring an interpreter.
- Languages in which an interpreter was provided.
- Name, title and contact information of the individual responsible for coordinating language access services in the county.

Idaho law considers that because of the *nature and importance* of court and court-sponsored programs run by counties, services should be provided free of cost at all stages during civil and criminal actions with qualified LEP deaf, deaf-blind, or hard of hearing individuals.

4.2 Assessment of Future Needs

The Court has determined that assessing the need for language services must be an ongoing effort. The success of such assessment depends on close collaboration between the courts and county-run programs that fall under the general oversight of the Supreme Court.

To comply with such task, the LAC will develop a survey tool. This survey tool will be sent to counties every three years, or at a frequency determined by the LAC. Survey results will be used in a number of ways, including but not limited to allocation or redistribution of available resources, enhanced support for court personnel, and funding research to aid smaller counties in complying with regulations.

5. Language Services Provided

5.1 Interpreters Used Inside the Courtroom

In order for the court system to be accessible to all individuals, including LEP, deaf, deaf-blind, or hard of hearing individuals, competent languages services must be provided. Interpreters for in-court proceedings are appointed pursuant to statutes and Supreme Court rules. Idaho Code §9-205 states:

“In any civil or criminal action in which any witness or a party does not understand or speak the English language, or who has a physical disability which prevents him from fully hearing or speaking the English language, then the court shall appoint a qualified interpreter to interpret the proceedings to and the testimony of such witness or party.”

Idaho Court Administrative Rule 52(d) sets forth the policy relating to the appointment of interpreters, providing for a priority of appointment based on certification and instances in which the court may deviate from such priority.⁶

To support local courts, the Idaho Supreme Court Interpreter Certification and Training Program, <https://isc.idaho.gov/court-interpreter/court-interpreter>, maintains rosters of:

- Master Level Certified,
- Certified,
- Conditionally Approved, and
- Registered interpreters.

The roster for interpreters for the deaf, deaf-blind and hard of hearing is maintained by the Registry of Interpreters for the Deaf. The program will develop and maintain a list of accepted certifications for interpreters for the deaf, deaf-blind and hard of hearing. This list will be available to courts upon request. Program staff will continue to foster relationships with public and private organizations in the community (e.g., universities, refugee organizations, local law enforcement agencies) to recruit and train candidates for languages other than Spanish.

5.1.1 Assessing the Need for an Interpreter

Judges, county officials and department heads are tasked with the responsibility of ensuring that qualified individuals have meaningful access to the courts and county-run programs under the general oversight of the Supreme Court. Notice of the need for services is determined in a number of ways including, but not limited to the following:

- Self-identification by the LEP, deaf, deaf-blind, or hard of hearing individual or a companion.
- Determination made in court by the presiding judge.
- Notice to court personnel directly from the public, attorneys, interpreters, guardians, probation officers, law enforcement and other participants.
- Electronically through the court's website.

⁶ I.C.A.R 52 (d) (2), (3).
Language Access Plan

Assessing the need for services is an ongoing effort. As part of its continued commitment to enhancing assessment protocols, the LAC will work closely with courts and county departments to improve existing procedures and to make a more effective use of existing resources. Updated guidelines and procedures will be made available on each judicial district's website to facilitate the public's access to information.

5.2 Remote Interpreting

Remote interpreting refers to the provision of interpreter services using technology in a situation where the interpreter is at a location physically separate from the consumers of the interpreting services. It includes telephone interpreting, as well as video conferencing or video relay interpreting.

Remote interpreting allows for the courts to increase the quality, availability and efficiency of court interpreters, while controlling costs and reducing the number of delays. However, the court understands that this is not a viable solution for all instances. In following the LAC's guidelines for remote interpreting, courts understand that such services are ideal for short (less than 30 minutes) or simple hearings, especially those considered to be administrative in nature and predictable.

The court currently contracts the provision of such services with Language Line Solutions. Guidance for accessing such service is available to all counties. The LAC will assess the needs periodically and will develop standards for remote interpreting in Idaho, because of the ever-changing nature of technology applied to remote interpreting. The LAC will also research creating a local interpreter phone bank to provide courts with easier access to certified local interpreters when needed.

5.3 Language Services Outside the Courtroom

LEP, deaf, deaf-blind or hard of hearing individuals may come in contact with programs in person, by phone, mail or email. Therefore, providing appropriate services outside the courtroom is one of the biggest challenges for courts.

Programs and offices managed, controlled, or under the general oversight of the Supreme Court include probation offices, clerk's counters, court assistance offices, court-ordered classes, screening and treatment. Due to circumstances surrounding the need, trial courts and department heads collaborate closely to take reasonable steps to provide comprehensive access for all. Currently, court personnel have the following resources available:

- List of interpreters on the Supreme Court website under the Master Level, Certified, Conditionally Approved and Registered categories.
- List of interpreters for the deaf and hard of hearing through the Registry of Interpreters for the Deaf and the Idaho Bureau of Occupational Licenses.
- Bilingual employees.
- "I Speak" cards.⁷
- Language Line Services (assistance over the telephone).
- Translated forms and documents.

⁷ "I Speak" card or poster <http://www.justice.gov/crt/about/cor/Pubs/ISpeakCards.pdf>

To enhance services, the LAC and county departments will continue to reevaluate needs and services provided on a regular basis.

5.4 Complaint Process

If a deaf, deaf-blind, hard of hearing⁸ or LEP individual believes he or she has been discriminated against by the trial courts or county-run program, because of background, ethnicity, lack of understanding of the English language or ability to communicate, such person may submit a complaint. The complaint may be written in his or her own language and mailed to the Trial Court Administrator in the appropriate district, or to the following address:

*Administrative Office of the Courts
P.O. Box 83720
Boise, Idaho 83720-0101.*

*Email: languageaccess@idcourts.com
<https://isc.idaho.gov/court-interpreter/court-interpreter>*

The complaint form will be available online and at local courthouses. It will be translated into Spanish and other additional languages as needed.

The Idaho Supreme Court will collaborate with local county departments to investigate any complaints. Complaints and feedback will be used by the LAC to consider possible modifications to policies or procedures in order to enhance the provision of services to deaf, deaf-blind, hard of hearing, and LEP individuals.

Complaints about specific interpreters should be made in accordance with the policy and procedure detailed in Section 5 of the Interpreter Policy Manual.

6. Translation of Vital Forms

The Idaho courts and county-run departments under the general oversight of the Supreme Court understand the importance of translating forms and documents to provide access to local services and programs. Federal regulations direct agencies to prioritize translation of documents considered to be vital to the organization.

As part of the process, the Supreme Court is currently working with committees and departments to identify vital documents and standardize them statewide. Emphasis is being placed in ensuring that forms are written in a manner that takes into account the literacy levels of consumers. Doing so will allow the court to prioritize documents to be translated.

Translation of documents should be made available to language groups that constitute 5 percent or 1,000 individuals (whichever is less) of the affected population eligible to be served. Because translation and maintenance of forms is an ongoing process, the LAC will continue its research and development of policies aimed at improving access. The LAC also understands that translation requires far more than linguistic proficiency in two languages. Translators have specialized knowledge and skills and understand the importance of cross-cultural analysis and careful research. For this reason, the Supreme Court sets out specific policies and

⁸ Any language access complaints involving ADA are also governed by I.C.A.R. 50 (g)
Language Access Plan

requirements for the translation of forms. A detailed description is found under Section 8.0 of the Interpreter Policy Manual.

As forms are translated, they will be made available to the public via the Internet, email, and in hard copy at the local district court clerk's office. Until such time, the courts will continue to direct interpreters to sight-translate documents for LEP, deaf, deaf-blind, or hard of hearing individuals as needed.

An important aspect in making buildings accessible includes multilingual signage. For this reason, committee members will develop procedures and best practices to identify signs that alert the public of available interpreter services, as well as other essential information. Once those procedures are adopted, the signage will be distributed to counties statewide. Procedures will be addressed and modified as demographic and judicial needs change.

7. Training

7.1 Judges and Court Personnel

The Idaho courts are committed to ensuring that the judiciary is up to date with legal responsibilities relating to LEP, deaf, deaf-blind, and hard of hearing individuals. Therefore, the following statewide training opportunities are currently available for judges:

- Sessions on Language Access in the Courts at the annual New Judge Orientation, Idaho Judicial Conference, District Judges Seminar, and Magistrate Judges Institute.
- Language access training for judges and court personnel via webinars (e.g., interpreter coordinating services for deputy clerks).
- Electronic information located in the bench guide, together with a Bench Card.
- Cultural competency training.

A vital step in guaranteeing that policies and procedures are implemented effectively is to ensure front staff and court personnel know when and how to access language services. For this reason, the LAC will continue to provide language access training for court personnel, in order to build on prior knowledge. Some of these training opportunities include the annual Clerks and Judges Conference and the Idaho Institute for Court Management.

7.2 County and Court Committees

The Idaho Constitution states “[t]he courts shall constitute a unified and integrated judicial system for administration and supervision by the Supreme Court.” Because funding is in part provided by the state of Idaho, as well as by the cities and counties, these entities see an overlap in their responsibility to comply with federal and state mandates and regulations.

In order to comply with such shared responsibilities, the LAC will procure training opportunities tailored to local officials, and will create a training curriculum to make them aware of the latest developments, and of any changes in demographics and their impact in local courts.

7.3 Local Bar and Outside Vendors

The LAC, working with local State Bar members, will develop a language access curriculum and training protocol for attorneys.

The court routinely avails itself of outside vendors to provide services such as court-ordered evaluations, treatment, classes, or mediations. A list of private vendors is maintained by the courts. The LAC will secure a copy of such list and develop a training curriculum to assist private vendors in understanding their immediate and direct responsibilities under the law.

7.4 Training for Interpreters

The Interpreter Program and Certification at the Administrative Office of the Courts provides training to those interested in becoming court interpreters. Such trainings include an Orientation and a Skill Building Workshop. The program also organizes and sponsors continuing education opportunities on a yearly basis for those that currently work in the courts.

Because of the need to train interpreters for languages other than Spanish, the LAC will create and implement a curriculum specifically designed to cover this need. Training shall include the creation of a mentoring program geared at assisting newly certified interpreters and those working with languages of lesser diffusion in the area. This curriculum will also cover responsibilities detailed in the Interpreter Policy Manual.

8. Public Outreach

The Idaho judiciary and county-run programs under the general oversight of the Supreme Court believe in the importance of notifying the public of language assistance availability in the courts. For this reason, the Supreme Court currently participates in the following outreach and education efforts:

- Trainings offered to refugee populations.
- Participation in government and non-government groups that provide services to our target population.
- Ongoing communication and collaboration with major refugee resettlement organizations.
- Joint educational trainings with Council of the Deaf and Hard of Hearing.

The LAC is committed to providing updated information to all Idahoans. For this reason, it will periodically reassess training curriculums and research additional opportunities for education. The LAC will continue to research ways to inform LEP, deaf, deaf-blind, or hard of hearing individuals of modifications and expansion of services.

9. Public Notification and Evaluation of the Language Access Plan

9.1 Plan Approval and Notification

Once final, the Language Access Plan developed by the LAC will be forwarded to the Administrative Conference and to the Administrative Director of the Courts for discussion. The Plan will receive final consideration by the Court once the Conference makes such recommendation.

After the adoption of the Plan, the LAC will develop opportunities to present it to the counties, explaining the courts' obligations and how the Plan applies locally. LAC members will be available to assist counties with its implementation.

Copies of the Plan will be provided to the public upon request. Such request should be made to the Administrative Office of the Courts, P.O. BOX 83720, Boise, Idaho, 83720-0101 or to languageaccess@idcourts.net. An electronic version of the Plan will also be available in the Interpreter Training and Certification Program's webpage <https://isc.idaho.gov/court-interpreter/court-interpreter>.

9.2 Evaluation of the Plan

The LAC will routinely assess whether updates to the existing Plan are necessary. The Plan may be changed or updated at any time but should be reviewed at least every two years.

Evaluation of the Plan will include identification of any problem areas and development and implementation of required corrective action strategies. Elements of the evaluation may include, but are not limited to:

- Assessment of the number of LEP, deaf, deaf-blind, and hard of hearing individuals requesting court interpreters in the courts.
- Assessment of current language needs to determine whether additional services or translation of additional materials should be provided.
- Assessment of the level of understanding court personnel have about services provided to deaf, deaf-blind, hard of hearing, and LEP individuals.
- Current policies and procedures.
- Feedback from deaf, deaf-blind, hard of hearing, and LEP communities.
- New rules and regulations issued.

9.3 Administrative Office of the Courts Plan Coordinator

Christina Iverson
Director of Court Management Division
Administrative Office of the Courts
451 W. State Street
Boise, Idaho 83702
(208) 334-2850
Clverson@idcourts.net

Language Access Plan Effective Date: March 1, 2022

Approved by:

Chief Justice,

ATTEST:

