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TIFFIN – FOSTORIA MUNICIPAL COURT
LANGUAGE ACCESS PLAN
[June 30, 2023]

I. LEGAL BASIS AND PURPOSE

This document serves as the Language Access Plan ("LAP") for TIFFIN-FOSTORIA MUNICIPAL COURT to provide services to limited English proficient ("LEP") individuals in compliance with Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq; and 28 C.F.R. § 42 et seq. 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 Tiffin – Fostoria Municipal Court.

The Supreme Court of Ohio provides the following advisement:

> In order to comply with the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et. seq., the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3789d(c), and 28 C.F.R. Part 42, Subparts C and D, recipients of federal funds must provide meaningful access to limited English proficient (LEP) individuals. Lau v. Nichols, 414 U.S. 563 (1974). The U.S. Department of Justice advises that practices, such as charging for interpretation and translation services or seeking recoupment for those costs, significantly impair, restrict, or preclude the participation of LEP individuals in the judicial system and are inconsistent with recipients' Title VI obligations. For more information, please refer to Guidance from the U.S. Department of Justice to state court justices and administrators' Letter from Assistant Attorney of the Civil Rights Division to Chief Justices and State Court Administrators (Aug. 16, 2010); 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).

This LAP is developed to ensure equal access to court services for LEP persons and persons who are deaf or hard of hearing. Although deaf and hard of hearing individuals are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act, they have been included in this plan insofar as they relate to our policy of access to justice and equal protection under the law. Protections for individuals with qualifying disabilities includes the following:

- Title II of the Americans with Disabilities Act (ADA) requires public entities, including state and local courts, to provide equal access to their programs and services. 42 U.S.C. §§ 12131-12134.
- Public entities are required to "take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others." 28 C.F.R. § 35.160(a).
- Public entities must "furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity." 28 C.F.R. §

35.160(b)(1).

- These auxiliary aids and services include the provision of "qualified interpreters, notetakers, computer-aided transcription services, written materials,... or other effective methods of making aurally delivered materials available to individuals with hearing impairments." 28 C.F.R. § 35.104.
- To determine "what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities." 28 C.F.R. § 35.160(b)(2).
- Deaf and hard of hearing people may not be charged for the costs of such auxiliary aids or services. 28 C.F.R. § 35.130(f).

II. NEEDS ASSESSMENT

Resource:

The Supreme Court of Ohio will update this LAP template on a biannual basis. Local courts should visit the Language Services webpage to obtain the most current version of the template or reference in its annual review pursuant to Section IX.

A. Statewide

The State of Ohio provides court services to a wide range of persons, including people who do not speak English and/or who are deaf or hard of hearing. Service providers include the Supreme Court of Ohio, the courts of appeals, and trial courts throughout the state.

According to the American Community Survey as released in October 2019 by the U.S. Census Bureau, the number of people over the age of five in Ohio who, at home, speak a language other than English is approximately 825,270. The survey includes the following top 15 languages in Ohio:

Language:	**No. of speakers over age of five:**
1. Spanish	265,761
2. PA Dutch and other West Germanic	62,701
3. Chinese (Mandarin, Cantonese)	46,828
4. German	42,942
5. Arabic	41,582
6. Nepali, Marathi or Other Indic	32,446
7. Somali, Amharic & Other Afro-Asiatic	28,994
8. French	27,884
9. Hindi	18,964
10. Telugu	17,908
11. Ukrainian and Other Slavic Languages	15,067
12. Russian	14,265
13. Vietnamese	14,223
14. Tagalog (Filipino)	14,153
15. Swahili	13,389

Correspondingly, data compiled by the Language Services Section on the use of telephonic interpreters in the state of Ohio from 2019-2020 revealed that the most widely used remote languages used in courts statewide are the following:

Language:	2019-2020 Avg.:
1. Spanish	1,828
2. Nepali	332
3. Arabic	270
4. French	209
5. Swahili	209
6. Somali	184
7. Kinyarwanda	103
8. Mandarin	101
9. Russian	69
10. Vietnamese	55
11. Burmese	35
12. Tigrinya	35
13. Amharic	30
14. Punjabi	25
15. Korean	20

B. Tiffin – Fostoria Municipal Court

The Tiffin – Fostoria Municipal Court will make every effort to provide services to all LEP and deaf or hard-of-hearing persons in its jurisdiction. The most commonly used languages in Tiffin – Fostoria Municipal Court are the following:

• Spanish

Resource:

A local court can determine which languages are spoken in the court's jurisdiction by accessing demographic data at https://www.lep.gov/ or through data gathered by the local school district on languages spoken by LEP students.

III. LANGUAGE ASSISTANCE RESOURCES

A. Language Access Coordinator

The Tiffin – Fostoria Municipal Court will designate a Language Access Coordinator. The Language Access Coordinator should report to the administrative judge since high level support is essential to successful implementation. The Language Access Coordinator, along with the Court Administrator (as applicable) and the Administrative Judge, will assist in ensuring that language

services are delivered by the court in accordance with this plan and in accordance with this plan and the Rules of Superintendence for the Courts of Ohio, Rules 80 - 89.

Tiffin – Fostoria Municipal Court's Language Access Coordinator is Jennifer McClure. She can be reached at 103 E. Market St., Suite 201, Tiffin, OH 44883; 419-448-5411. Complaints submitted under Section VIII of this Language Access Plan will be addressed by the Language Access Coordinator within ten (10) business days. In addition to the responsibilities already outlined in this plan, the Language Access Coordinator also has the following responsibilities:

- Identify qualified interpreters and translators to be included in an interpreter database or list as maintained by the court;
- Track and collect data regarding the use of interpreters, the languages needed, etc.;
- Outline measures to ensure quality control of interpreters and translators; and
- Assign qualified interpreters, translators and bilingual employees to perform language assistance functions.

B. Interpreters Used in the Courts

Under Ohio law and Supreme Court rules, there are two different instances in which a court must provide an interpreter: in a case or court function (see ATTACHMENT A: Sup.R. 80) and in connection with ancillary services (see ATTACHMENT C: Sup.R. 89). This distinction is important because the type of interpreter to be provided and the court's responsibilities differ depending on the specific situation.

By statute, Ohio courts must appoint qualified interpreters. Specifically, section 2311.14 of the Ohio Revised Code provides that courts shall provide interpreters due to hearing, speech, or other impairments of a party or a witness to a case.

Additionally, Rule 88 of the Rules of Superintendence for the Courts of Ohio, requires that the Tiffin – Fostoria Municipal Court appoint an interpreter in a case or court function when a LEP or deaf or hard of hearing individual requests an interpreter or when the court determines the services of an interpreter are necessary for the meaningful participation of the party or witness.

Under Ohio law, foreign language interpreters will be provided at court expense, if the party is found to be indigent. However, in order to comply with the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et. seq., the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3789d(c), and 28 C.F.R. Part 42, Subparts C and D, recipients of federal funds must provide meaningful access to limited English proficient (LEP) individuals. Lau v. Nichols, 414 U.S. 563 (1974). The U.S. Department of Justice advises that practices, such as charging for interpretation and translation services or seeking recoupment for those costs, significantly impair, restrict, or preclude the participation of LEP individuals in the judicial system and are inconsistent with recipients' Title VI obligations. For more information,

please refer to Guidance from the U.S. Department of Justice to state court justices and administrators' letter from Assistant Attorney of the Civil Rights Division to Chief Justices and State Court Administrators (Aug. 16, 2010); 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).

In the Tiffin – Fostoria Municipal Court, sign language interpreters will be provided at court expense for all deaf or hard of hearing court parties, witnesses, or jurors in compliance with the ADA.

IV. USE OF INTERPRETERS

A. Determining the Need for an Interpreter

There are various ways that the Tiffin – Fostoria Municipal Court will determine whether an LEP or deaf or hard of hearing person needs the services of a court interpreter. First, the LEP or deaf or hard of hearing person may request an interpreter.

Second, court personnel and judges may determine that an interpreter is necessary for the meaningful participation of a party or witness. Many people who need an interpreter will not request one because they do not realize that interpreters are available, they mistakenly think they will have to pay for the interpreter, 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 court staff, judge, or magistrate must provide an interpreter to ensure full access to the court. See Sup.R. 88(A)(2), (B)(l)(b). In legal proceedings, judges and magistrates must make a determination, on the record, as to the need for an interpreter. In court functions and ancillary services, designated staff may make a determination as to the need of an interpreter.

Resource:

When determining the need of an interpreter, judges, magistrates, and court staff should rely on Supreme Court of Ohio resources such as:

- Interpreter in the Judicial System: A Handbook for Ohio Judges,
- Video Remote Interpreting (VRI) in Ohio Courts,
- Working with Telephonic Interpretation Services in Courts, and
- How Do I Know if a Party or Witness Needs an Interpreter?

Third, once a party or a witness has been identified as an LEP or deaf or hard of hearing individual, the court will exercise every effort to appoint interpreters in all future related proceedings or court functions. Furthermore, the court will follow the requirements of Sup.R. 88 to appoint an interpreter (see Section C below). If no in-person interpreter is available at the

given instance, the court will grant a continuance or if possible and appropriate, in accordance with Sup.R. 88, Appendix J, use the services of a telephonic interpreter.

B. Court Interpreter Qualifications

The Language Services Section of the Supreme Court of Ohio maintains a statewide roster of interpreters who are qualified to interpret in the courts. Foreign language interpreters on the roster have passed a written examination, attended at least 24 hours of court interpreter training, and have scored within a designated range that measures their language and interpreting skill. Sign language interpreters have also met similar requirements as necessary for national certification through the Registry of Interpreters for the Deaf. The definition of each category of interpreter is set forth in Sup.R. 80-88.

Resource: The interpreter roster can be accessed on the Supreme Court's webpage here: http://sc.ohio.gov/JCS/interpreterSvcs/certification/rosters/default.asp

C. Appointment of a Court Interpreter

The Tiffin – Fostoria Municipal Court will appoint in-person and telephonic court interpreters in accordance with all criteria set forth in Sup.R. 88 and will ensure that certified court interpreters are used whenever reasonably available.

Pursuant to Sup.R. 88(C), the TIFFIN-FOSTORIA MUNICIPAL COURT will make all reasonable efforts to avoid appointing foreign language interpreters or sign language interpreters if they are compensated by a business owned or controlled by a party or a witness; friend or a family or household member of a party or witness; a potential witness; court personnel employed for a purpose other than interpreting; law enforcement officer or probation department personnel; or would not serve to protect a party's rights or ensure the integrity of the proceedings or have a conflict of interest, real or perceived.

D. Language Services Outside the Courtroom

In accordance with Sup.R. 89, the TIFFIN-FOSTORIA MUNICIPAL COURT shall ensure that LEP individuals and individuals who are deaf or hard of hearing have meaningful access to ancillary services outside
the courtroom. LEP individuals and individuals who are deaf or hard of hearing may come in contact with court personnel via the phone, counter, or other means. The TIFFIN-FOSTORIA MUNICIPAL COURT
has the following resources to assist LEP individuals and individuals who are deaf or hard of hearing:

- When a court staff member does not know what language the person is speaking, refer to an "I Speak" Language Identification Guide which is available in 63

languages. The Language Access Coordinator is responsible for distributing cards to all staff and to any new staff.

Resource:

"I Speak" language identification card to assist in determining language need can be found here:

https://www.dhs.gov/xlibrary/assets/crcl/crcl-i-speak-booklet.pdf

• In order to meet the needs of those who speak less-common languages, court staff may rely on telephonic interpretation or relay services to bridge communication.

Resource:

The Supreme Court of Ohio has provided each court with a code by which telephonic interpretation can be accessed via remote telephonic service. Please contact the Supreme Court of Ohio Language Services Section for additional information on how to access telephonic interpretation.

http://sc.ohio.gov/JCS/interpreterSvcs/telephonic/default.asp

V. TRANSLATED FORMS AND DOCUMENTS

Ohio courts understand the importance of translating forms and documents so that LEP individuals have greater access to the courts' services.

The TIFFIN-FOSTORIA MUNICIPAL COURT currently has the following forms translated into commonly used languages:

EXPLANATION OF PLEAS AND RIGHTS - SPANISH

WAIVER OF RIGHTS - SPANISH

When interpreters are hired for hearings, interpreters are expected to provide sight translations for corresponding documentation to LEP individuals. Additionally, the Supreme Court of Ohio has translated a number of court form into various languages: Arabic, Chinese, Russian, Somali and Spanish. These are posted on the Supreme Court of Ohio website and are available to all courts. They can be found here:

http://www.supremecourt.ohio.gov/JCS/interpreterSvcs/translatedForms/default.asp

The TIFFIN-FOSTORIA MUNICIPAL COURT follows the process to translate material described in Appendix J, found here:

http://www.supremecourt.ohio.gov/Publications/interpreter_services/IShandbook.pdf

of the *Interpreters in the Judicial System: A Handbook for Ohio Judges*. Appendix J identifies the steps to translate material from project management to editing, proofreading, and publishing. The section also describes the process for the selection of qualified translators. The court will also rely on the Language Services Section at the Supreme Court of Ohio for consultation and technical assistance.

TIFFIN-FOSTORIA MUNICIPAL COURT will assess demographics and analyze the most commonly used forms and embark in the translation of additional forms as resources allow.

VI. LOCAL RULE

TIFFIN-FOSTORIA MUNICIPAL COURT has not adopted a local rule regarding appointment of interpreters.

VII. TRAINING

Ohio courts are committed to providing language access training opportunities for all staff members who come in contact with or may come in contact with LEP individuals and individuals who are deaf or hard of hearing. The Ohio Judicial College and the Language Services Section provide on-going training for court staff regarding issues related to LEP populations, individuals who are deaf or hard of hearing, the use of interpreters, and other language access matters.

TIFFIN-FOSTORIA MUNICIPAL COURT staff with direct contact with LEP individuals or individuals who are deaf or hard of hearing will receive training on language access, to be coordinated by the Language Access Coordinator. The Language Access Coordinator will ensure that all staff receives updated training regularly and new staff are trained at the time of hire.

Resource:

The Supreme Court of Ohio created a brief video which outlines the requirements of Sup.R. 88. The video can be accessed on the Court's website at:

http://www.ohiochannel.org/video/training-video-understanding-rule-88-for-judges-court-personnel

VIII. COMPLAINT PROCESS

TIFFIN-FOSTORIA MUNICIPAL COURT will ensure that all LEP individuals and individuals who are deaf or hard of hearing receive language assistance services in their primary language. To promptly address any concerns that an LEP person or an individual who is deaf or hard of hearing did not receive language assistance, the Supreme Court of Ohio has developed a process for handling such complaints.

Resource:

For more information on the complaint resolution process, please visit:

http://www.supremecourt.ohio.gov/JCS/interpreterSvcs/default.asp

Parties may also call 1(888)-317-3177, Monday-Friday, 8 AM to 5 PM, or send correspondence via email to: InterpreterServices@sc.ohio.gov or via US Postal Service to:

Language Services Section
Complaint Resolution
65 South Front Street
Columbus, Ohio 43215

TIFFIN-FOSTORIA MUNICIPAL COURT employees will also provide information on this complaint process to LEP individuals or individuals who are deaf or hard of hearing upon request or if an LEP/deaf or hard of hearing individual voices concern about the lack of language access services or the quality of services that were provided.

In addition to the Supreme Court's complaint process, the Tiffin – Fostoria Municipal Court has developed a local complaint resolution process as well. If the Language Access Coordinator receives a language access complaint, s/he will document receipt of the complaint and provide information about it to the individual who supervises the affected employee(s). Once the supervisor or monitor receives notice of a language access complaint, s/he will take prompt action to review, investigate and respond to its allegations. The Language Access Coordinator will also notify the Supreme Court of Ohio manager of the Language Services Section of such complaint.

TIFFIN-FOSTORIA MUNICIPAL COURT will display a sign translated into Ohio's 12 most frequently used languages which states:

If you are limited English proficient, you have the right to a court-appointed interpreter. To request one please contact the person or number below:

Your local contact information here

TIFFIN-FOSTORIA MUNICIPAL COURT
103 E. MARKET STREET, SUITE 201
TIFFIN, OHIO 44883
419-448-5411

If you are not provided an interpreter, call the Supreme Court of Ohio complaint line at 1.888.317.3177

TIFFIN-FOSTORIA MUNICIPAL COURT will display this sign at common areas visible to all court users. In TIFFIN-FOSTORIA MUNICIPAL COURT, the Language Access Coordinator is responsible to make sure signs are visible, interpreters are provided, and our LAP plan is monitored.

Resource:

The Supreme Court of Ohio's right to an interpreter notification poster can be accessed on the website at

http://www.supremecourt.ohio.gov/JCS/interpreterSvcs/compliance/Poster.pdf

IX. PUBLIC NOTIFICATION AND EVALUATION OF LAP

A. LAP Approval

The Tiffin – Fostoria Municipal Court LAP has been approved by the Administrative Judge of the court. Any future revisions to the plan will be submitted to the Administrative Judge for approval. Copies of the Tiffin – Fostoria Municipal Court LAP will be distributed to all court staff by the Language Access Coordinator.

B. Notification

The Language Access Coordinator will ensure that any new staff receives a copy of the plan. Copies of the Tiffin – Fostoria Municipal Court LAP will be provided to the public upon request. In addition, the Tiffin – Fostoria Municipal Court will post this plan on its website.

C. Evaluation of the LAP

The Language Access Coordinator will review this plan on an annual basis and make changes based on the review. The evaluation will include review of any complaints received, identification of any problem areas, development of required corrective action strategies, and input from court staff. Elements of the evaluation may include:

- Assessing the number of LEP/deaf hard of hearing persons requesting court interpreters in Ohio courts;
- Assessing current language needs to determine if additional services or translated materials should be provided;
- Assessing whether staff members adequately understand LEP policies and procedures and how to carry them out;
- Reviewing complaints received since the last review; and

- Gathering feedback from LEP/deaf hard of hearing communities around the state; using that feedback as collaboration on any revisions to the LAP.

Any revisions made to the plan will be approved by the Administrative Judge and will be communicated by posting on the Tiffin – Fostoria Municipal Court public website.

X. OFFICIAL DESIGNATION OF LANGUAGE ACCESS COORDINATOR AND BACK-UP LANGUAGE ACCESS COORDINATOR.

Language Access Coordinator
Name: Jennifer McClure
Title: Clerk
Address:103 E. Market St., Suite 201
City, State, Zip:Tiffin, Ohio 44883
Phone:419-448-5411
Email: jmcclure@tiffinohio.gov

In the event that the Language Access Coordinator is unavailable, the back-up Language Access Coordinator will serve as the substitute.

Back-up Language Access Coordinator
Name:Mara Fox
Title:Assignment Commissioner
Address:103 E. Market St., Suite 201
City, State, Zip:Tiffin, Ohio 44883
Phone:419-448-5411
Email: mfox@tiffinohio.gov

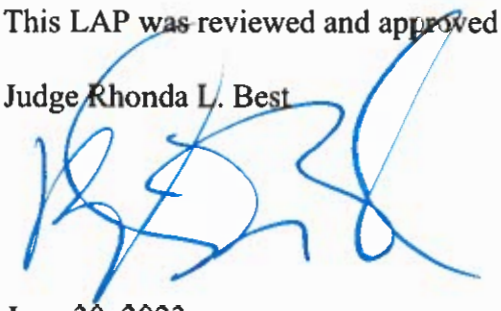
XI. HELPFUL RESOURCES

- Federal interagency website about language access- LEP.GOV
- American Bar Association Standards for Language Access in Courts, February 2012,
- Department of Justice Language Access Planning
- Supreme Court of Ohio's Language Services Section.

XII. LAP ADMINISTRATIVE JUDGE APPROVAL

This LAP was reviewed and approved by:

Judge Rhonda L. Best



June 30, 2023

XIII. EFFECTIVE DATE

[JUNE 30, 2023]