



## (Name of County, Judicial District) Language Assistance Plan (LAP)

### I. Legal Basis and Purpose

#### A. Federal

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, (hereinafter Title VI), provides that no person shall "on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Department of Justice has created guidance to assist in the development of plans (see attached 67 Fed. Reg. 41,464 Section VII) and programs to ensure that states are meeting the requirements of Title VI and are taking "reasonable steps to ensure meaningful access to their programs and activities by LEP persons" 67 Fed. Reg. 41,459 (June 18, 2002).

#### B. State of Tennessee

The Tennessee Supreme Court has dictated the court system's policy directives concerning language access in the courts in Tennessee Supreme Court Rule 41. In addition, Supreme Court Rule 42 provides in the commentary of Section 1 that:

"This rule recognizes that for most people living in the United States, English is their native language, or they have learned to read, speak, and understand English. There are others for whom English is not their primary language. For them language can be a barrier to understanding and exercising their legal rights, and to securing meaningful access to the judicial system. This rule is promulgated to assist the courts in this state in providing equal access to the courts to participants who have a limited ability to speak or understand the English language."

### II. Demographic Highlight

#### A. Statewide

Data from the U.S. Census Bureau reveals that in Tennessee 6.8% of families and other living arrangements speak a language other than English in their household. According to the Tennessee Administrative Office of the Courts Court Interpreter Program which tracks court interpreter usage, the most widely used languages for

interpreters in Tennessee courts in Fiscal Year 2023 were (in descending order of usage):

1. Spanish
2. Arabic
3. Mandarin

B. [Name of County]

The most widely used language for interpreters in [Name of County] in [year] were (in descending order of usage): *Please contact the AOC for county specific interpreter data*

1. [language]
2. [language]
3. [language]

### III. Language Assistance Services

Limited English Proficiency (LEP) individuals are those who do not speak English as their primary language or have a limited ability to read, write, speak, or understand English.

[Name of office/court/county] is responsible for taking reasonable steps to ensure that LEP individuals have access. Oral and written language services used to LEP individuals meaningful access to, and an equal opportunity to participate fully in, the services, activities, and other programs administered by the Department. [Name of office/court/county] has the following resources to help LEP individuals and court employees communicate with each other:

- The Administrative Office of the Courts (AOC) maintains a roster of Registered and Certified interpreters in Tennessee that may be contacted at any time. (See Section IV B.)
- The Administrative Office of the Courts (AOC) has provided, and [Name of office/court/county] has available for use, bench cards and “I Speak cards for judges and information cards for clerks’ offices. This information is available on the AOC website at this address: <http://tncourts.gov/programs/court-interpreters>
- The Administrative Office of the Courts (AOC) has provided, and [Name of office/court/county] has available for use, “Right to Interpreter” posters for use in clerks’ offices and courthouses. This information is available on the AOC website at this address: <http://tncourts.gov/programs/court-interpreters>

A. Meaningful Access

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

B. Interpretation

The act of listening, understanding, analyzing, and processing a spoken communication in one language (source language) and then faithfully orally rendering it into another spoken language (target language) while retaining the same meaning. For individuals

who are deaf or hard of hearing (D/HOH), this can include understanding, analyzing, and processing a spoken or signed communication in the source language and faithfully conveying that information into a spoken or signed target language while retaining the same meaning.

#### C. Translation

The process of converting written text from a source language into an equivalent written text in a target language as fully and accurately as possible while maintaining the style, tone, and intent of the text, while in light of differences of culture and dialect. Many forms have may have already been translated and can be found on the AOC website.

<http://tncourts.gov/programs/self-help-center/forms/order-protection-forms>

<http://tncourts.gov/programs/parenting-plan/forms>

<http://www.tncourts.gov/programs/self-help-center/what-should-i-expect-court-video>

#### D. Bilingual Staff

Bilingual staff can speak directly to the LEP person in their language. Bilingual staff can be helpful for communication at the clerk's counter or with security personnel. Court employees may be available to voluntarily assist in interpreting should LEP individual require assistance. These employees may offer their services only if it does not interfere with their primary job duties and does not require a language level superior to their own. These employees are only permitted to provide legal assistance, not legal advice.

The following employees are bilingual and have agreed to interpret if needed:

[Name of bilingual staff member]

[Name of bilingual staff member]

#### E. Building Signage

Door and wall signs should be posted at the door of each courtroom clearly identifying that part of the building. In addition, directional wall signs, bilingual where appropriate, should be used in buildings where long corridors or confusing layouts indicate they would be useful. The court will work with the County Commission in obtainment of these types of resources.

### IV. **Appointing an Interpreter**

#### A. Supreme Court Rule 42

Tennessee Supreme Court Rule 42 Section 3 dictates that appointing an interpreter is a matter of judicial discretion and that it is the responsibility of the court to determine

whether a participant in a legal proceeding has a limited ability to understand and communicate in English. The court shall appoint an interpreter according to the preference listed below.

1. State certified court interpreter
2. State registered court interpreter
3. Non-credentialed court interpreter

#### B. Finding a Credentialed Court Interpreter

If the court needs to appoint an interpreter, the AOC has posted all credentialed interpreters on its website at this address: <http://www.tncourts.gov/programs/court-interpreters/find-court-interpreter> Interpreter services will be scheduled as determined by local rules or at the direction of the court. Local judges should, as reasonably possible, assist in making sure that their assigned state employed staff, know the local policies and procedures for providing interpreters for LEP individuals for court hearings.

#### Local contact

[Name]

[Address]

[Contact information]

The Tennessee Judicial System is committed to providing accurate and impartial interpreting services to court users who need language assistance. Questions relating to interpreters may be directed to the Tennessee Administrative Office of the Courts.

#### State contact

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Email [ryan.mouser@tncourts.gov](mailto:ryan.mouser@tncourts.gov)

#### V. **Training Programs for Staff, Judges and Others**

The AOC will continue to provide education programs and materials on the interpreter program at clerks and judicial conferences. As needed, blast emails and communications on interpreter issues are sent by the AOC. In addition, the AOC has Title VI training available on-line with testing materials. AOC Title VI information can be found on the AOC's Human Resources webpage at this address:

<http://tncourts.gov/administration/human-resources/title-vi-title-ix> Judges should require their staff to watch this video and should strongly encourage other courthouse staff to watch this video and be aware of interpreter issues.