

IN THE COMMON PLEAS COURT
OF MIAMI COUNTY, OHIO
PROBATE DIVISION

FILED
MIAMI COUNTY
PROBATE COURT

ADMINISTRATIVE LOCAL COURT RULE # _____

2023 NOV -2 PM 1:29

SUBJECT: CREATION OF PROBATE RULE CONCERNING LANGUAGE
INTERPRETER AND ADOPTION OF LANGUAGE ACCESS PLAN

SCOTT ALTENBURGER
JUDGE

Pursuant to recent amendments adopted by the Supreme Court of Ohio, in regards to Rule 88 of the Ohio Rules of Superintendence, it is hereby ordered that Local Rule 75.4 shall be adopted by the Miami County Common Pleas Court, Probate Division as follows:

Loc. R. 75.4 Language Interpreter

- (A) Certified, qualified or language skilled interpreters shall be used in all proceedings in which a party or witness is non-English speaking or non-hearing. Interpreters shall be utilized in accordance with the Ohio Rules of Superintendence 80-88.
- (B) Any person serving as counsel for any party, as GAL, or in any other official capacity on any case, who becomes aware that there is a need for interpretive services, shall notify the Court of that need immediately. In no instance shall the need for interpretive services be communicated to the court less than seven (7) days prior to the hearing or trial at which the interpreter is needed.

Additionally, because Rule 88(J) became effective July 1, 2023, this new rule is being adopted immediately and without a prior comment period.

Furthermore, Rule 88 of the Ohio Rules of Superintendence requires each court in Ohio to adopt a language access plan, which will ensure language access and effective appointment of interpreters. The plan shall address how the court will provide language services in case or court functions and ancillary court services.

Therefore, it is ordered that the Miami County Probate Court Language Access Plan is hereby adopted.

This plan will be available from the office of the Clerk of Court and posted on the Court's website at [Probate | Miami County, OH - Official Website](https://www.miamicountyohio.com/probate/)

IT IS SO ORDERED.



Scott Altenburger, Judge

**MIAMI COUNTY
PROBATE COURT
LANGUAGE ACCESS PLAN
Effective August 1, 2023**

I. LEGAL BASIS AND PURPOSE

This document serves as the Language Access Plan (“LAP”) for MIAMI COUNTY PROBATE 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 MIAMI COUNTY PROBATE 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 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:

<u>Language</u>	<u>No. of speakers over age of five</u>
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:

<u>Language</u>	<u>2019-2020 Avg.</u>
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. MIAMI COUNTY PROBATE COURT

The MIAMI COUNTY PROBATE 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 MIAMI COUNTY PROBATE COURT are the following:

<u>Language</u>	<u># speaking</u>
Spanish	308
Japanese	271
Chinese	78
Gujarati	45
German	37
Vietnamese	29
Arabic	18
Korean	17
French	16
Polish	13

LANGUAGE ASSISTANCE RESOURCES

A. Language Access Coordinator

The MIAMI COUNTY PROBATE 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.

MIAMI COUNTY PROBATE COURT's Language Access Coordinator is CHIEF DEPUTY HANNAH PARSHALL. She can be reached at 937-440-3503.

Complaints submitted under Section VIII of this Language Access Plan will be addressed by the Language Access Coordinator within seven 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 ATTACHMENTS: Sup.R. 80) and in connection with ancillary services (see ATTACHMENTS: 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, pursuant to R.C. 2930.041 (Marsy's Law), the court will provide a Supreme Court certified foreign language interpreter, Supreme Court registered, Supreme Court provisionally qualified, or language-skilled interpreter in all legal proceedings for a limited English proficient victim at no cost to the victim.

Similarly, the court will provide a Supreme Court certified sign language interpreter, a Supreme Court registered sign language interpreter, a Supreme Court Sup.R. 88(E)(3) eligible sign language interpreter, or a certified American Sign Language interpreter from the Registry for Interpreters of the Deaf, in all legal proceedings for a deaf or hard of hearing victim at no cost to the victim.

Additionally, Rule 88 of the Rules of Superintendence for the Courts of Ohio, requires that the MIAMI COUNTY PROBATE 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 MIAMI COUNTY PROBATE 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.

III. USE OF INTERPRETERS

A. Determining the Need for an Interpreter

There are various ways that the MIAMI COUNTY PROBATE 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)(1)(b). In legal proceedings, judges and magistrates must decide, on the record, whether an interpreter is needed. In court functions and ancillary services, designated staff may decide whether an interpreter is needed.

Resource:

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

- [Appointment & Credentialing of Foreign Language Interpreters](#)
- [Language Services in Case or Court Function and Ancillary Court Services](#)
- [Video Remote Interpreting \(VRI\) in Ohio Courts](#)
- [Working With Interpreters for Deaf & Hard of Hearing Persons in the Courts](#)
[Working With Telephonic Interpretation Services in Courts](#)

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.

Resource:

The interpreter roster can be accessed on the Supreme Court's webpage here:
www.supremecourt.ohio.gov/docs/JCS/interpreterSvcs/certification/roster.pdf

Appointment of a Court Interpreter

The MIAMI COUNTY PROBATE 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 MIAMI COUNTY PROBATE 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.

C. Language Services Outside the Courtroom

In accordance with Sup.R. 89, the MIAMI COUNTY PROBATE 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 MIAMI COUNTY PROBATE 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.

- [Working With Telephonic Interpretation Services in Courts](#)
- [Standards for the Use of Telephonic Interpretation \(Sup.R. Appendix J\)](#)
- [Interpretation Services Language Card](#)
- [Language Identification Card](#)
- [How to Access an Interpreter](#)

IV. 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 MIAMI COUNTY PROBATE COURT currently has the following forms translated into commonly used languages:

NONE

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 forms 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: www.supremecourt.ohio.gov/forms/all-forms/protection-order/2

The MIAMI COUNTY PROBATE COURT follows the process to translate material described in Appendix J (found here: www.supremecourt.ohio.gov/docs/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.

MIAMI COUNTY PROBATE COURT will adopt and make available translated forms provided by the Ohio Supreme Court. [Currently Civil Protection Order forms and Complaint forms regarding Interpreters, which can be found at: www.supremecourt.ohio.gov/forms/all-forms/protection-order/2]

V. LOCAL RULE

The MIAMI COUNTY PROBATE COURT has adopted a local rule regarding appointment of interpreters. See Local Rule 75.4 Language Interpreter located at [Local-Court-Rules \(miami.oh.us\)](http://miami.oh.us/Local-Court-Rules)

VI. 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.

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

VII. COMPLAINT PROCESS

The MIAMI COUNTY PROBATE 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:

- [Legal Requirements for Language Access](#)
- [Complaint Resolution](#)

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

MIAMI COUNTY PROBATE 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 MIAMI COUNTY PROBATE 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.

The MIAMI COUNTY PROBATE 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:

Hannah Parshall 937-440-3503

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

The MIAMI COUNTY PROBATE COURT will display this sign at common areas visible to all court users. In the MIAMI COUNTY PROBATE 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 www.supremecourt.ohio.gov/docs/JCS/interpreterSvcs/compliance/Poster.pdf

VIII. PUBLIC NOTIFICATION AND EVALUATION OF LAP

A. LAP Approval

The MIAMI COUNTY PROBATE 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 MIAMI COUNTY PROBATE 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 MIAMI COUNTY PROBATE COURT LAP will be provided to the public upon request. In addition, the MIAMI COUNTY PROBATE 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 and 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 and 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 MIAMI COUNTY PROBATE COURT public website.

**IX. OFFICIAL DESIGNATION OF LANGUAGE ACCESS COORDINATOR AND
BACK-UP LANGUAGE ACCESS COORDINATOR.**

Language Access Coordinator

Name: Hannah Parshall

Title: Chief Deputy Clerk, Fiscal Office

Address: 201 W. Main St.

City, State, Zip: Troy, Oh 45373

Phone: 937-440-3503

Email: hparshall@miamicountyohio.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: _____

Title: _____

Address: _____

City, State, Zip: _____

Phone: _____

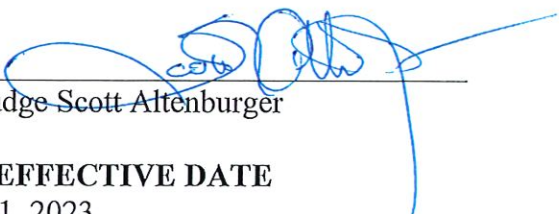
Email: _____

X. 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](#)

XI. LAP ADMINISTRATIVE JUDGE APPROVAL

This LAP was reviewed and approved by:



Judge Scott Altenburger

XII. EFFECTIVE DATE

August 1, 2023