



STATE OF SOUTH DAKOTA
THIRD JUDICIAL CIRCUIT COURT

Counties:

*Beadle, Brookings, Clark, Codington, Deuel, Grant, Hamlin, Hand, Jerauld, Kingsbury,
Lake, Miner, Moody and Sanborn*

Strategic Language Access Plan

Legal Basis and Purpose

This document serves as a plan for the Third Judicial Circuit Court, Unified Judicial System of the State of South Dakota, to provide persons with Limited English Proficiency (LEP) services that are in compliance with Title VI of the Civil Rights Act of 1964, Americans with Disabilities Act (ADA), Executive Order 13166; and SDCL 19-3 and SDCL 19-14 et al, which are reproduced in the current South Dakota Laws Concerning Court Interpreting section of the *2011 Report to the South Dakota Supreme Court, Supreme Court's Committee to Study the Use of Interpreters and Translators in the South Dakota Court System*. Detailed guidance is also posted on <http://www.lep.gov/> (Limited English Proficiency, A Federal Interagency Website).

The purpose of this plan is to ensure meaningful and effective communication assistance to LEP individuals that come in contact with the Third Judicial Circuit Court. In accordance with federal mandates and state requirements, this court and all its personnel shall inform members of the public that language assistance services are available to qualified LEP individuals; and upon request or as deemed necessary by the Third Judicial Circuit Court, accommodate such needs.

Needs Assessment

According to the 2010 census data, 7.5% of the state's population (over the age of five) speaks a language other than English and 28% of them indicated they speak English less than "very well". The Third Judicial Circuit's most commonly used languages are:

1. Spanish
2. Karen
3. Hmong
4. Hearing Impaired

The Third Judicial Circuit Court currently determines LEP needs and provides interpreter services in all cases and office activities in accordance with all applicable laws; and will continue do so in compliance with any policies, rules and laws established pertaining to interpreter services.

Language Assistance Resources

A. Identifying the Need for an Interpreter

SDCL 19-3-7 states, "When a witness cannot communicate or understand the English language the court shall procure and appoint a disinterested interpreter or translator for him..." Listed below are factors taken into consideration while assessing interpreter needs:

- Inability to accurately describe persons, places and events related to the proceeding due to a non-English speaking background or hearing impairment;
- Inability to tell the court "what happened" over a period of time;
- Inability to request clarification when statements are vague or misleading, to defend or advocate a position, or otherwise meaningfully participate in a proceeding;
- Lack of equal footing with an English speaking person with an equivalent education or background;
- Inability to speak or understand English; and translation is necessary to allow for effective participation in a proceeding.

Further Analysis: An individual who cannot speak English, or cannot otherwise understand a communication in English, qualifies for appointment of an interpreter if:

- ✓ The individual is a party to a proceeding;
- ✓ The individual's presence is necessary or desirable in a proceeding (e.g. the parent of a juvenile involved in a proceeding, power of attorney, etc.);
- ✓ The individual is a person that would be directly affected by any action or decision in the proceeding;
- ✓ The individual is a witness in a proceeding.

B. Providing Interpreters in the Courtroom

The Third Judicial Circuit Court's Administrative Office maintains an updated list of interpreters, including local agencies and private individuals ("freelancers").

In the event a language-specific interpreter is needed but is not on the list or is not available, Third Circuit Court Administration will consult with Lutheran Social Services, Interprecorps, Certified Languages International, and other outside sources to locate the desired interpreter.

Although the South Dakota Court System does not have formal interpreter certification requirements, the Third Judicial Circuit Court is actively committed to providing the best possible interpretation in all our courtrooms; and requires adequate fluency in English and the interpreted language.

Interpreter Cost

The Third Judicial Circuit is committed to providing access to interpreters at no cost to a witness or party. South Dakota law provides that if a witness or party requires an interpreter or translator one will be provided at no cost to the witness or party. Please contact court administration or the clerk of courts office to ask for assistance.

Training and Evaluation

The Third Judicial Circuit Court is committed to providing language access training opportunities to all judicial and non-judicial members. Currently, training is conducted periodically in various ways; newly established policies, rules and laws pertaining to interpreter services will be implemented without hesitation.

The Third Judicial Circuit Court will maintain and routinely assess the LAP in accordance with mandated policies, rules or laws. The plan may be revised at any time but reviewed not less than once a year. Each year, the Court Administrator and Presiding Judge will review the effectiveness of the court's LAP and revise as necessary. The LAP will be evaluated for problem areas and development of corrective action strategies. Elements of evaluation will include:

- Number of LEP services requested;
- Assessment of current language needs, services and materials;
- Review court employee training sessions feedback;
- Customer satisfaction feedback.

LEP Plan Effective Date

July 1, 2021

Approval

Approved by:

Gregory J. Stoltenburg
Presiding Judge
Third Judicial Circuit Court

Jenny Hammrich
Court Administrator
Third Judicial Circuit Court