



# Language Access Plan for the Floyd County Courts

*Prepared by Camille Lipps*



Indiana Supreme Court  
Office of Judicial Administration  
Local Language Access Plan

Date Completed: 10/14/20

### Court Information

Court name Floyd Circuit, Superior 1, 2 & 3  
Court address 311 Hauss Square  
City New Albany State Indiana Zip code 47150

### Contact Information

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## Introduction

This Language Access Plan (LAP) for the Floyd Circuit, Superior 1, 2 & 3 , establishes the local operational plan, guidelines, and procedures for the provision of high-quality, meaningful language access to all limited English proficient (LEP) and deaf and hard of hearing individuals accessing the Court and its services. It does so pursuant to the Indiana Supreme Court's Language Access Plan, which guides the language access best practices and procedures for the trial courts throughout the state's ninety-two counties. This local LAP serves as a guidance tool as each county works towards achieving best practices.

*This local LAP will be reviewed and updated every three years, and changes will be reported to the Indiana Judiciary so it may incorporate any necessary modifications to the Indiana judicial branch's LAP in its own five-year update, if appropriate.*

### I. Legal Basis for the Provision of Language Access Services

As delineated under the Language Access Plan for the Indiana judicial branch, federal and state laws establish this Court's obligation to provide meaningful language access to all LEP and deaf and hard of hearing court users. Specifically, under the Indiana Constitution<sup>1</sup> and Indiana statutory and case law, together with Title VI of the Civil Rights Act of 1964<sup>2</sup> and the Omnibus Crime Control and Safe Streets Act of 1968,<sup>3</sup> Department of Justice regulations, and the American with Disabilities Act of 1990, Indiana state courts must provide interpreters and language access to all LEP and deaf and hard of hearing individuals in civil and criminal court proceedings. The Indiana judicial branch's Rules of Court further address language access and interpreter provision under the [Indiana Rules of Court Interpreter Code of Conduct and Procedure & Disciplinary Process for Certified Court Interpreters & Candidates for Interpreter Certification](#).<sup>4</sup>

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<sup>1</sup> See [Ind. Const. art. 1, §13](#).

<sup>2</sup> 42 U.S.C. § 2000d, [et seq.](#)

<sup>3</sup> 42 U.S.C. § 3789d.

<sup>4</sup> For a thorough discussion of the legislative framework applicable to the provision of language access in the Indiana Judiciary generally, and this Court specifically, see the Language Access Plan for the Indiana Judicial Branch, adopted by the Indiana Supreme Court in February 2019.

## II. Needs Assessment, Data Collection, and Early Identification

### A. Local Contact Person

The staff persons designated to coordinate all language assistance services for the Floyd Circuit, Superior 1, 2 & 3 .

Contact 1					
Name	Camille Lipps		Title	Court Administrative Professional	
Telephone	(812) 948-5450		Email address	clipps@floydcounty.in.gov	
Office address	311 Hauss Square Rm 252				
City	New Albany		State	IN	Zip 47150
Contact 2					
Name			Title		
Telephone			Email address		
Office address					
City			State		Zip

### B. State Contact Person

For questions about interpretations and translations, contact Lun Pieper, Attorney, Office of General Counsel, 251 N. Illinois Street, Suite 1600, Indianapolis, IN 46204. Phone: 317-233-3362; e-mail: [lun.pieper@courts.in.gov](mailto:lun.pieper@courts.in.gov).

### C. LEP Population Estimates for County

\*This information can be found on the Indiana Supreme Court's Language Access Page, by simply selecting your county from the drop-down list\*.

County data					
Total county population	72.277	Total LEP county population	662	LEP county percentage	0.9

\*This information should be reported based on county experience

Top 5 languages spoken by individuals who identify as LEP
1. Spanish (335)
2. Asian & Pacific Island Language (254)
3. Other Indo-European Language (73)
4.
5.

## D. Early and Ongoing Identification of Language Needs

### 1. Points of Contact Between the Public and the Court

There are several points of contact between LEP and deaf and hard of hearing court users and the Floyd Circuit, Superior 1, 2 & 3 . The most common points of contact are: [Check all that apply]

- Security screening at courthouse entrance(s)  
Enter Court address: 311 Hauss Square, New Albany, IN 47150
- Clerk's office(s) and counter(s)  
Located at: 311 Hauss Square Rm 235, New Albany, IN 47150
- Records office(s):  
Located at: 311 Hauss Square Rm 115, New Albany, IN 47150
- Jury office(s) and jury summons:  
Located at: 311 Hauss Square Rm 235, New Albany, IN 47150
- Cashier(s):  
Located at: 311 Hauss Square Rm 235, New Albany, IN 47150
- Alternative dispute resolution program(s), including mediation:  
Located at:
- Probation department(s) and related services:  
Located at: 1613 East Spring St., New Albany, IN 47150
- Courtroom(s) at the following courthouse(s):  
List Court Houses: 311 Hauss Square, New Albany, IN 47150
- Self-service legal center(s) and related services:  
Located at:
- Law library(ies) and related services:  
Located at: 4th Floor City County Building
- Website available at:  
Enter URL: <https://www.floydcounty.in.gov/>
- The Court's telephone system and assistance:  
Enter phone number:

### 2. Tools for Early Identification of Language Needs

The Floyd Circuit, Superior 1, 2 & 3 has in place the following mechanisms for the identification of a court user's language access needs as early in the process as possible. [Check all that apply]

#### a. Self-identification of needs

- [Language identification guides](#) at all points of contact in eighty languages as well as ten indigenous languages spoken in Mexico and Central America and twenty-five ethnic languages of Myanmar/Burma.
- Multilingual signage to notify members of the public their right to request an interpreter or other language assistance during their contact with the Court.

A multilingual notice on the Court's website, informing LEP and deaf and hard of hearing persons of their right to language access services at any point during their contact with the Court. Enter URL:

Other: *[Add any additional mechanism for self-identification for LEP and deaf and hard of hearing persons]*

We are able to put a flag on any case in Odyssey in order to alert the Court an Interpreter is needed.

#### b. Court staff and judicial officer identification of needs

For all court staff and judicial officers, when it appears that an individual has difficulty communicating due to a language barrier, the following are available: [Check all that apply]

Hard copies of the [language identification guides](#) booklets at their work locations.

Ease of access to the online version of [language identification guides](#).

#### c. Case management system tracking of needs

The Floyd Circuit, Superior 1, 2 & 3 maintains case and party related records in the following manner: [Check all that apply]

An electronic court-wide case management system, such as Odyssey, that allows tracking of a party's language needs identification within a case or proceeding and by individual, should he or she be involved in another case in the future.

An electronic court-wide case management system, such as Odyssey, that permits the Court to share information with other courts employing the same management system to identify language needs of a court user in another court when necessary.

Electronic case files and records, not part of a court-wide system. While it allows for tracking language access needs by case number and/or case name as the information is inputted by court staff, it does not automatically cross-reference the system to track language needs by party name should that same individual be involved in another case.

- Because of the inability to track language needs by party name, the Floyd Circuit, Superior 1, 2 & 3 will institute procedures for court staff to manually search the system by party when a new case filing occurs to obtain any relevant language identification information.

- As resources permit, Floyd Circuit, Superior 1, 2 & 3 will develop policies and procedures for modifying or updating the existing electronic record system to allow for tracking of language needs by case and party.

Paper case files and records. The Court is unable to cross-reference party information, and the current system only allows the Court to ensure that case records clearly identify the involvement of an LEP or deaf and hard of hearing person in that case so that an interpreter or other language access service is provided at every stage of the proceeding in the case, as appropriate.

- In order to facilitate identification of cases with a language access need, the Floyd Circuit, Superior 1, 2 & 3 will color-code or otherwise flag files where there is a language access need.
- Similarly, documentation will be inserted in the case file to ensure language access needs are identified appropriately.

Other: *[Add any additional method of tracking language need.]*

#### d. Justice partners' identification and notification of needs

Has the Floyd Circuit, Superior 1, 2 & 3 established informal, internal protocols with the various justice partners to ensure the earliest possible identification of the need for court interpreters and other language access services?

- Yes  
 No

#### e. Additional tools for early identification of language access needs

The Floyd Circuit, Superior 1, 2 & 3 has instituted the following additional mechanisms for the early and accurate identification of the need for language access services: [Check all that apply]

It is the policy of the Floyd Circuit, Superior 1, 2 & 3 for all court clerks and other staff to inquire about the need for language access services for any party or witness.

The attorneys, advocates and justice partners for LEP and deaf and hard of hearing court users must alert the court the need for interpreters at the beginning stages of the case.

The Floyd Circuit, Superior 1, 2 & 3 notices include a cover sheet by court staff, informing parties of the availability of language access services and how to request those services.

Other: *[List any additional tools for early identification of language access needs.]*

### III. Language Access in Court Proceedings

The Floyd Circuit, Superior 1, 2 & 3 is responsible for the provision of interpreters for LEP and deaf and hard of hearing individuals involved in court proceedings. As such, the Floyd Circuit, Superior 1, 2 & 3 schedules and pays for interpreter services, using: [Check all that apply]

Funds from the county.

Indiana Supreme Court Grant Funds

Court interpreters used by the Court include: [Check all that apply]

Staff interpreters.

Freelance interpreters who contract directly with the Court.



- Freelance interpreters provided through language service agencies who contract with the Court.
- LanguageLine telephonic interpreters, paid for under the Indiana Supreme Court's master contract.
- Telephonic interpretation services, other than LanguageLine, arranged and paid for directly by the Court, through the following agencies or services: *[List relevant agencies or services, if any, here.]*
- Qualified video-remote interpreters provided through the following agencies or services: *[List relevant agencies or services, if any, here.]*
- When necessary or convenient, the Floyd Circuit, Superior 1, 2 & 3 accesses the Supreme Court's online [Certified or Qualified Interpreter Registry](#) to locate credentialed interpreters.
- The Court, when needed, obtains the help of the Office of Judicial Administration (IOJA) to locate an interpreter for languages of lesser diffusion.

The Floyd Circuit, Superior 1, 2 & 3 local policy for the provision of court interpreters in court proceedings is as follows: [Check all that apply]

- Appoint only certified or otherwise qualified court interpreters, as recommended by the Indiana Supreme Court.
- Prioritize the appointment of certified or otherwise qualified court interpreters whenever possible and, only after reasonable efforts have been made and have been unsuccessful, appoint a non-qualified interpreter.<sup>5</sup>

Regarding the provision of interpreters at the Court's cost or the cost of the LEP or deaf and hard of hearing party (or witness), the Floyd Circuit, Superior 1, 2 & 3:

- Appoints court interpreters for all LEP and deaf and hard of hearing litigants and witnesses at no cost to the party for both proceeding interpreter and defense interpreter.
- Appoints court interpreters for all LEP and deaf and hard of hearing litigants and witnesses at no cost to the party only for proceeding interpreter.

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<sup>5</sup> By "qualified," this template LAP refers to the Supreme Court's Certification Program and guidelines as described on the judiciary's [Court Interpreter Certification](#) web page and in the Indiana Judicial Branch's Language Access Plan. See also [Appendix A](#) for definitions.

- Appoints court interpreters only for deaf and hard of hearing litigants or witnesses at no cost to the party. LEP parties must pay for their own interpreter (or witness interpreters) unless determined to be indigent.

The Floyd Circuit, Superior 1, 2 & 3 follows the guidance provided by the Indiana Supreme Court through its [Interpreter Services for Courts](#) page, including policies regarding (1) when to request an interpreter; (2) proceedings for which a telephonic interpreter may be appropriate; (3) the use of qualified interpreters and avoidance of non-qualified individuals, such as family members, friends, minors, and bilingual staff or attorneys; and (4) payment of interpreters. To that end, in court proceedings, the Floyd Circuit, Superior 1, 2 & 3 's policy is to: [Check all that apply]

- Conduct a voir dire of an LEP or deaf and hard of hearing litigant or witness to ascertain, through open-ended questions in English, whether an interpreter may be required.
- Provide in-person interpreters for more complex or evidentiary proceedings, including trials and guilty plea hearings.
- Avoid the appointment of family members, friends, minor children, and bilingual staff or attorneys to interpret for a party or witness.
- Appoint neutral persons who do not know the parties to interpret.

The Floyd Circuit, Superior 1, 2 & 3 abides by the [Interpreter Code of Conduct and Procedure & Disciplinary Process for Certified Court Interpreters & Candidates for Interpreter Certification](#), of the Indiana Rules of Court. Therefore, if interpreter disciplinary or egregious performance issues arise, the Floyd Circuit, Superior 1, 2 & 3 must refer any matter involving a credentialed interpreter, or candidate for credentialing, to the Indiana Office of Judicial Administration (IOJA) within 180 days of the alleged misconduct. See Section VIII for more details on the handling of interpreter and other language access-related complaints.

#### **IV. Language Access Outside Court Proceedings**

With respect to points of contact with the Court outside of court proceedings, enumerated in Section II.B.1., the Floyd Circuit, Superior 1, 2 & 3 provides interpreters for deaf and hard of hearing court users when requested, through sign language interpreters, Certified Deaf Interpreters (CDI), or by providing assistive listening or other communication devices, as appropriate.

For LEP court users, the Court provides the following language access services: [Check all that apply]

- [Language identification guides](#), as referenced above.
- LanguageLine access for telephonic interpretation services.
- Other telephonic interpreting service(s) contracted by the Court: [List agency(ies) here]

Bilingual court staff to provide in-language assistance, currently in the following languages: [List languages available here]

If you checked the box above, does the Court assess bilingual proficiency of its staff?

- Yes  
 No

Bilingual staff assistance or interpreters to enable participation in a court-ordered, court-operated programs.<sup>6</sup>

Consideration by judicial officers of the language needs of a party before requiring, as part of a court order, participation in a non-court-operated program.

Translated information and court forms, other than those provided on the Indiana Legal Help web page, whether in writing, web-based, or audio/visual, as follows: [Describe what translated information is provided and how it may be accessed here.]

Other: [Add any additional mechanism providing language access outside court proceedings for LEP and deaf and hard of hearing persons here.]

## V. Translation

Does the Floyd Circuit, Superior 1, 2 & 3 provide local translations of court materials, such as information, forms, and instructions?

- Yes  
 No

## VI. Training for Court Staff and Judicial Officers

The Floyd Circuit, Superior 1, 2 & 3 provides the following training for its judicial officers, court employees, and court administrators, as a critical component of any language access plan and efforts to ensure meaningful language access for LEP and deaf or hard of hearing individuals to the Court: [Check all that apply]

- Indiana judicial branch language access policies and procedures.  
 Legal requirements under the ADA.

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<sup>6</sup> Court-ordered, court-operated programs are those required for compliance with a court-ordered proceeding that are under the control of the court, such as mandatory mediation or settlement conference sessions.

- Local language access operational plan, guideline and procedures.
- Proper appointment of certified or qualified interpreters for all court proceedings.
- Role of an interpreter, modes of interpreting, and interpreter ethics and professional standards.
- How to voir dire a non-credentialed court interpreter.
- Courtroom management when interpreters are used.
- Use of remote technologies for interpreting.
- Cultural competence.
- Other: [Enter other training here.]

Where available, training is offered as follows: [Check all that apply]

- Mandatory, on a periodic basis, for all judicial officers.
- Mandatory, on a periodic basis, for all court staff and administrators.
- Mandatory for all new employees.
- Voluntary for all judicial officers.
- Voluntary for all court staff and administrators.
- Available in person, on a regular basis.
- Available on the Court's intranet or other online location.
- Available through the Court's designated language access coordinator, interpreter coordinator, or other designated office.
- Other: [Enter other training here.]

## VII. Public Notice, Outreach, and Dissemination

This Language Access Plan is publicly available on the Court's website at: <https://www.floydcounty.in.gov/>

The Floyd Circuit, Superior 1, 2 & 3 has provided notice of this LAP to all relevant stakeholders, justice partners, attorneys, and the public, as follows: [state the method notifying stakeholders of protocol here:]

The Court has been able to provide information regarding Interpreter services by sending emails to relevant stakeholders, justice partners, attorneys and or public that would be in need of the services.

The Floyd Circuit, Superior 1, 2 & 3 will continue to communicate on an ongoing basis with stakeholders, including LEP and deaf and hard of hearing persons, attorneys, justice partners, community-based organizations, and other interested organizations, about its provision of language access services.

To this end, the court will: [Check all that apply]

- Collaborate with local bar associations, justice partners, and other relevant organizations to ensure distribution of information.
- Translate outreach materials into [ Insert languages with high diffusion in the Court's area to which materials will be translated here.]  
Court pleadings or documents translated into Spanish for people in need of Interpreter Services.
- Use ethnic print and audio/visual media to communicate regarding its language access policies and administrative policies. The Court has identified the following ethnic print and audio/visual media outlets with whom it will collaborate: [Insert local, regional, and/or statewide media outlets here.]

## VIII. Language Access Plan and Services Monitoring

In order to ensure the appropriate and successful implementation of this LAP, the Floyd Circuit, Superior 1, 2 & 3 has established the following systems for monitoring the Court's effectiveness in providing language access services to its LEP and deaf and hard of hearing users, and for identifying the need for adjustments and improvements:

On an annual basis, the Floyd Circuit, Superior 1, 2 & 3 will monitor the LAP's implementation by:  
[Check all that apply]

- Gathering data regarding the provision of interpreters, interpreter hours, and interpreter billing, by case type and proceeding, and comparing it to prior usage through the mechanisms identified in Section II.A. of this plan.
- Gathering data regarding the use of qualified interpreters and non-qualified interpreters to assess and improve, if necessary, the prioritization and use of qualified interpreters.
- Collecting information on the number of continuances needed before obtaining an interpreter, and delays in processing of cases as a result of needing to obtain an interpreter, to determine efficiencies in early identification of interpreter need.
- Soliciting feedback from justice partners, legal services programs, attorneys, bar associations, community-based organizations, representatives from immigrant and refugee communities, and the public at large regarding the implementation of the LAP.
- Identifying areas for improvement (e.g., provision of interpreters, translations, the addition of bilingual staff, better communication to stakeholders regarding policies, better staff training, etc.) and for assistance from the IOJA and the Language Access Advisory Committee (such as translation assistance for statewide information, areas where interpreter orientations or certification requirements may be improved, language access planning, etc.).
- Other: [[List any other methods of monitoring the LAP's implementation.]  
We gather data regarding our Interpreter Services but complete Quarterly and Annual Stats. We also keep an excel sheet to keep track of the number of cases, the type of case and how long the Interpreter Services were used.

## IX. Local Complaint Mechanism

Does the Floyd Circuit, Superior 1, 2 & 3 have a complaint form and a complaint mechanism to enable LEP and deaf and hard of hearing persons, their attorneys, justice partners, or any interested person to file a complaint for the failure to provide language access services or interpreter services, and/or regarding the quality of interpreter or other language access services provided?

- Yes  
 No

Complaints may also be filed regarding the provision (or the failure to provide) and quality of the following language access services: translations, bilingual staff, web information, access to services, and other related services.

The complaint form and instructions are available at: [Check all that apply or fill in local information in "Other" if a complaint process is in place]

- The Clerk's Office:  
 The Language Access Coordinator/Interpreter Coordinator's office:  
by emailing Language Access Coordinator- Camille Lipps [clips@floydcounty.in.gov](mailto:clips@floydcounty.in.gov)  
 The Court's Website:  
 By calling:  
 By mailing a request to: Language Access Coordinator or Court staff  
 Other: Coming into Floyd Superior Court No. 1 office or submitting a letter to the Court

How many languages are the complaint form and instructions currently translated into?

List the languages the complaint form and instructions are translated into:

Any complaints filed about language access services provided at the Floyd Circuit, Superior 1, 2 & 3 will be investigated and resolved at the local court level. Complaints about interpreter performance or ethical violations by credentialed interpreters, or credentialing candidates, will be referred to the IOJA as the entity responsible for interpreter qualifications and ethical compliance. Complaints regarding non-credentialed interpreters (or credentialing candidates) will be investigated and resolved by the Floyd Circuit, Superior 1, 2 & 3 .

On a quarterly basis, the Floyd Circuit, Superior 1, 2 & 3 will forward a report to the IOJA regarding the complaints filed, whether resolved or not, at the local level. The intent of this report is merely to allow the IOJA to monitor the effectiveness of language access policies. The quarterly report will include the number of complaints, reasons for complaints, and resolutions (if any) of the complaints.

## X. Language Access Plan Oversight

The following is/are the person(s) responsible for oversight of this LAP for the  
Floyd Circuit, Superior 1, 2 & 3 .

Contact 1					
Name	Susan L. Orth		Title	Floyd Superior Court No. 1 Judge	
Telephone	(812) 948-5450		Email address	clipps@floydcounty.in.gov	
Office address	311 Hauss Square Rm 252				
City	New Albany		State	IN	Zip 47150
Contact 2 (Optional)					
Name	Camille Lipps		Title	Court Administrative Professional	
Telephone	(812) 948-5450		Email address	clipps@floydcounty.in.gov	
Office address	311 Hauss Square Rm 252				
City	New Albany		State	IN	Zip 47150

Submitting Officer's Name

Susan L. Orth

Submitting Officer's Title

Floyd Superior Court No. 1 Judge

/s/ Susan L. Orth

10/14/20

Submitting Officer's Signature

Date

## Appendix A — Definitions<sup>7</sup>

1. *Direct “In-Language” Communication* – Monolingual communication in a language other than English between a multilingual staff and an LEP person (e.g., Korean to Korean).
2. *Effective Communication* – Communication sufficient to provide the LEP individual with substantially the same level of access to services received by individuals who are not LEP. For example, staff must take reasonable steps to ensure communication with an LEP individual is as effective as communications with others when providing similar programs and services.
3. *Interpretation* – The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
4. *Language Assistance Services* – Oral and written language services needed to assist LEP individuals to communicate effectively with staff, and to provide LEP individuals with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered by an agency or department that receives federal assistance.
5. *Limited English Proficient (LEP) Individuals* – Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing).
6. *Meaningful Access* – Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English proficient individuals.
7. *Multilingual Staff or Employee* – A staff person or employee who has demonstrated proficiency in English and reading, writing, speaking, or understanding at least one other language as authorized by his or her component. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English proficient individuals.
8. *Primary Language* – An individual’s primary language is the language in which an individual most effectively communicates.
9. *Program or Activity* – The term “program or activity” and the term “program” mean all the operations of an agency or department that receives federal assistance.

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<sup>7</sup> These definitions are provided by the Department of Justice on their own [Department of Justice Language Access Plan](#) (March 2012) available at: <https://www.justice.gov/sites/default/files/open/legacy/2012/05/07/language-access-plan.pdf> (archived at <https://perma.cc/X97B-5YQ6>).



10. *Qualified Translator or Interpreter* – An in-house or contracted translator or interpreter who has demonstrated his or her competence to interpret or translate through court certification or is authorized to do so by contract with an agency or department or by approval of his or her component.
11. *Sight Translation* – Oral rendering of written text into spoken language by an interpreter without change in meaning based on a visual review of the original text or document.
12. *Translation* – The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
13. *Vital Document* – Paper or electronic written material that contains information that is critical for accessing a component's program or activities or is required by law.