



**RHODE ISLAND JUDICIARY  
ADMINISTRATIVE OFFICE OF STATE COURTS**

**LANGUAGE ACCESS PLAN**

Effective April 1, 2014

In cooperation with the  
Rhode Island Supreme Court Language Access Committee

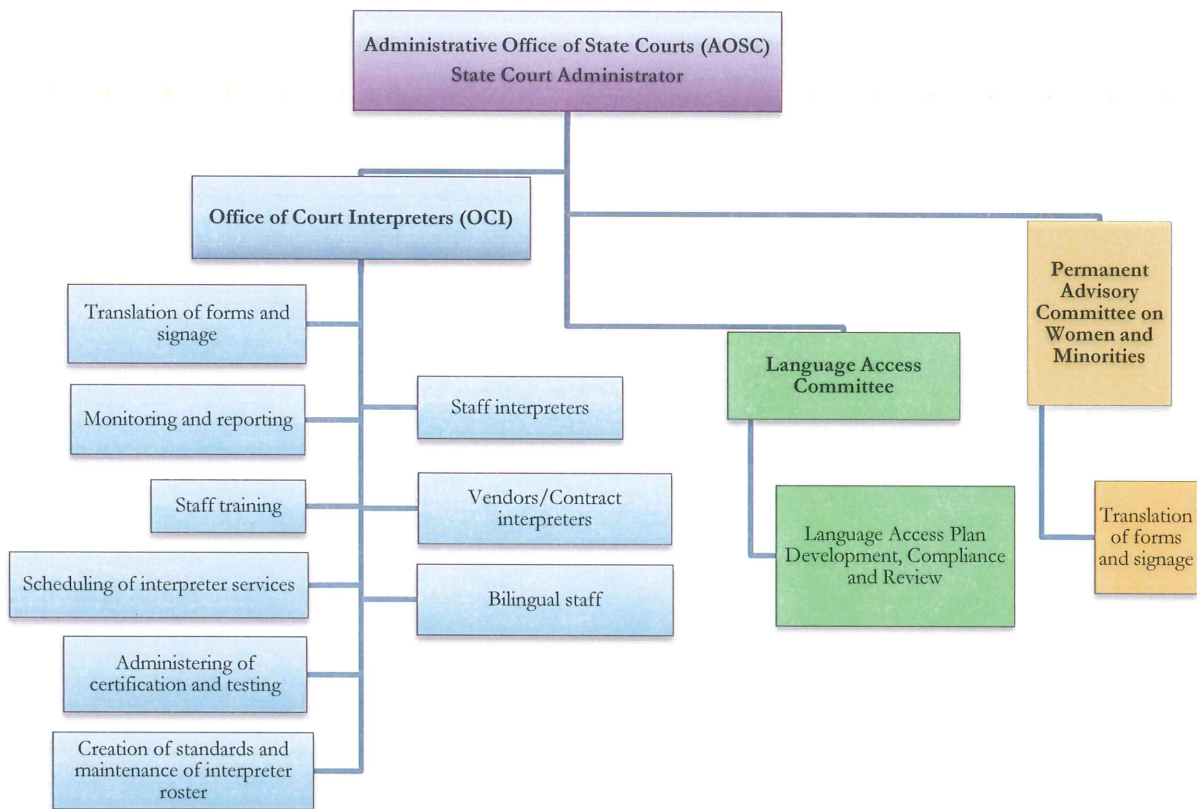
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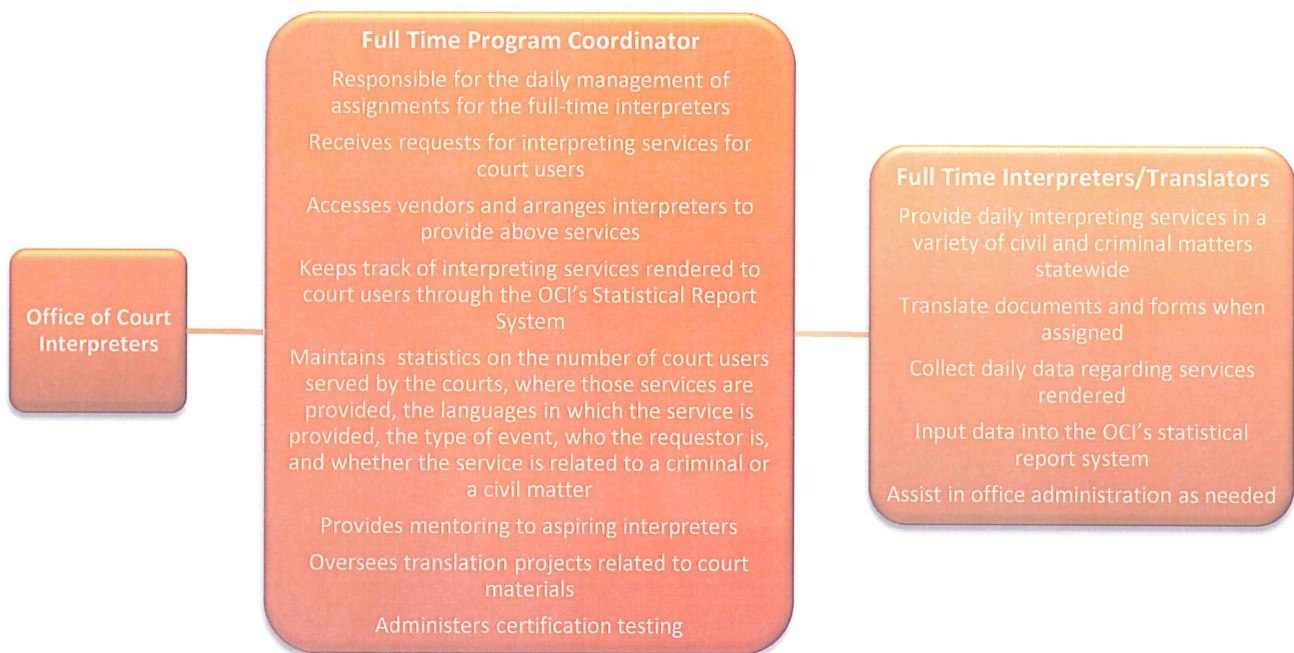
## I. Legal Basis and Purpose

This document serves as the plan for the Rhode Island Judiciary to provide services to limited English proficient (LEP) individuals in accordance with Rhode Island Supreme Court Executive Order 2012-05 entitled “Language Services in the Courts” (copy attached as *Appendix A*) and in compliance with Title VI of the Civil Rights Act of 1964; 28 CFR § 42.101, et seq.; and Title 8, Chapter 19 of the Rhode Island General Laws. Paragraph G.1 of Executive Order 2012-5 provides that the Plan “shall set forth the management actions needed to implement this Executive Order, including the tasks to be undertaken, assignment of responsibility, deadlines and processes, and shall include provisions which require the AOSC [Administrative Office of State Courts] to make good faith efforts to expand the Courts’ capacity to generate audio recordings of interpreted proceedings, and when proceedings are recorded, to make the audio recordings of interpreted proceedings available to interested persons.” 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 Rhode Island Judiciary based on the Executive Order (EO) and the four (4) factor analysis provided in 67 FR 41455 (June 18, 2002). This Language Access Plan (LAP) does not include interpreter services for deaf and hard of hearing individuals.

The structure governing the management of language access services is as follows:







## II. Needs Assessment

### A. Needs

According to a recent statistical report compiled by the Rhode Island Judiciary Office of Court Interpreters (OCI), approximately 8,000 persons were served in 2012 and the most widely used languages for interpreters in Rhode Island courts were (in descending order of frequency):

1. Spanish
2. Portuguese
3. Cape Verdean
4. Cambodian
5. Chinese

The State of Rhode Island provides court services to a wide range of persons, including people who do not speak English or speak English with limited proficiency<sup>1</sup>. Service providers include the Rhode Island Supreme Court, Superior Court, Family Court, District Court, Workers' Compensation Court, and the Rhode Island Traffic Tribunal. The Legislature pursuant to Title 8, Chapter 19 of the Rhode Island General Laws has determined that the greatest need for interpreting services exists for criminal matters before the Superior Court, District Court, and in juvenile matters in the Family Court.

<sup>1</sup> Although the Rhode Island General Laws § 8-19-2 defines a non-English speaking person as "any person who can not readily speak or understand the English language and whose native language is either Spanish, Portuguese, Cape Verdean or Cambodian," the Rhode Island Judiciary provides languages services to all limited English proficient court users irrespective of their language.



## B. Notice

LEP persons receive notification of interpreter services on a daily basis through our website, and directly from court staff. Presently, when an LEP person needs interpreting services, a court staff member will promptly contact the staff interpreter directly, or will obtain a staff or contract interpreter through the OCI.

Rhode Island Supreme Court Executive Order 2012-05 requires that the OCI shall create a written notice in English, Spanish, Portuguese, and such other languages for which a significant demand exists as determined by the AOSC, stating that the court will provide a competent interpreter for any limited English proficient party or witness at no charge, explaining the procedure to request an interpreter and to request a translation of the notice into other languages. The AOSC shall provide or require the filing party to provide such notice to each defendant in a proceeding. In civil matters, the notice shall be incorporated in or attached to the initial pleading to be served upon the defendant. In criminal matters, the notice shall be incorporated in or attached to the initial charging documents provided to the defendant, in the forms completed by a bail commissioner, and/or provided by the court to the defendant at his or her initial court appearance.

The notice has been drafted by the OCI and was reviewed, modified, translated, and printed by OCI in consultation with the Language Access Committee. *See Appendix B.* Distribution of the notices has commenced in courtrooms and clerks' offices, and provided to bail commissioners. The AOSC has requested that local law enforcement and other enforcement agencies that issue summonses or violation notices heard within the Rhode Island state court system consider including information therein about the ability to obtain interpreting services for their upcoming state court hearing and has provided them with the appropriate notices in English, Spanish, Portuguese and Cambodian. The State Court Administrator, in consultation with the LAC, shall ensure that procedures are devised to distribute the notice in all proceedings upon the implementation of the e-filing system and the amendment of any applicable court rules.

At the beginning of court sessions the judicial officer or court staff, with the assistance of a bilingual staff person or interpreter where available, shall announce that a court interpreter can be provided to assist a limited English proficient party or witness. Court staff is to include information in the file for future reference regarding the language needed, the name of the person(s) needing language access services and the role of the party in the proceeding.

Information about the availability of interpreting services is displayed and distributed by the OCI in these locations in every state courthouse and the OCI contact information is included in all court building directories:

- The Judiciary's website
- The Office of Court Interpreters' webpage

- Information desks and kiosks in main lobbies
- Informational monitors in halls and lobbies (where available)
- Clerk’s Offices
- Main hallways on each floor
- Holding cells
- Bulletin boards
- Law libraries

Materials that are posted and distributed include the phrase “You have a right to an interpreter at no cost to you” in at least the four required languages: English, Spanish, Portuguese, and Cambodian.<sup>2</sup> The materials include the telephone number and email address of the Office of Court Interpreters and contact information for questions and complaints.

At all points of first contact, over one hundred twenty (120) frontline court staff members have been equipped and trained to use language identification flashcards and provide language access services to members of the public. Trainings will continue on a quarterly basis throughout each court. The OCI has explored the use of a telephone voice menu in common languages and will be translating and recording the telephone menu in Spanish starting with the Rhode Island Traffic Tribunal in Cranston.

### **C. Language Data**

In order to facilitate efficient utilization of court interpreters, the AOSC and OCI will work to enhance the court’s ability to gather language data at the earliest point of contact in all proceedings, record it, and utilize it. AOSC has engaged a contractor to implement a new case management system. The AOSC will continue to work with the contractor on system design issues and will review existing forms, rules, and procedures for improvements to facilitate the collection and modification of language data from filing parties and others and the utilization of such data to assign interpreters efficiently on an incremental basis as each court goes live. The AOSC projects that the first court will be able to “go live” by approximately July 2014.

## **III. Language Assistance Resources**

### **A. Types of Language Assistance**

There are three (3) different types of individuals available to provide language services within the Rhode Island State court system:

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<sup>2</sup> Notices are not translated into Cape Verdean because it is dialect of Portuguese and is primarily a verbal language, not a written.

## 1. Staff Interpreters

Staff interpreters are employees hired specifically to perform interpreting functions. The Rhode Island Judiciary currently employs six (6) full-time Spanish interpreters for civil and criminal matters providing services in all four counties, as well as two (2) part-time Spanish interpreters providing services at the Rhode Island Traffic Tribunal.

## 2. Bilingual Staff Members

The Executive Order defines a bilingual staff as: “[a]n employee of the Court other than an interpreter who has demonstrated proficiency in English and a second language in accordance with standards set by the AOSC and is authorized by the AOSC to engage in court operations in a language other than English.” Thus, bilingual staff members are designated employees of the Judiciary who perform various job functions, but who have also demonstrated a proficiency in a language other than English. There are currently twenty-two (22) bilingual court staff members providing information and assistance in all counties in four (4) languages including Spanish. Bilingual staff:

- a. Provide court services directly to court users in languages other than English.
- b. Only function as a court interpreter in a proceeding if separately classified as a certified or qualified interpreter.

## 3. Contract Interpreters/Vendors

There are eleven (11) listed vendors authorized by the State of Rhode Island to provide services in all languages. The OCI maintains an up-to-date roster of available certified and qualified interpreters from Rhode Island and neighboring states.

## B. Use of Language Assistance Resources

The structure of Language Assistance Resources is as follows:





## 1. Bilingual Staff and Interpreters Used in Court Operations

*Court operations* are defined by Supreme Court Executive Order 2012-05 as “[o]ffices, services and functions of the court, other than court proceedings, that may have contact with the public or any party, including:

- The Clerk’s Offices and Judicial Records Center;
- Programs or services operated, managed or contracted by the court for mandatory use by parties or the court;
- Court appointed professionals, and other individuals, employed, contracted or supervised by the court to assist the court or mandated by the court for a party in connection with a court proceeding.”

Language services will be provided in this context by an authorized bilingual staff person, or a qualified or certified interpreter if and when available.<sup>3</sup> These court staff members presently cover the following languages:

Court	Language	Employees
Superior Court	Portuguese	1
District Court	Spanish	8
	Cambodian	2
	Polish	1
Family Court	Spanish	5
	Portuguese	1
Workers’ Compensation Court	Spanish	1
Traffic Tribunal	Spanish	3
	Portuguese/Spanish	1

The OCI shall also be responsible for creating and applying standards for designation of bilingual staff, including training per the terms of the Executive Order, and procedures for the use of bilingual staff in court operations. The standards and procedures below have been drafted and finalized after consideration of input from the LAC.

In order to provide language assistance in court operations, a bilingual staff member must have:

- A minimum of five (5) years’ experience interpreting in legal setting or

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<sup>3</sup> Language services are not required for Supreme Court Appellate Mediation Program cases in which all parties are represented by counsel; supervised child custody visitation and attorney/client meetings (other than with court appointed counsel or a public defender) occurring off court premises; and any function operated, managed, contracted or supervised by another state department, agency or division. An off-site activity that is related to a court matter but that does not constitute a court operation will not require the provision of language services by the Rhode Island Judiciary.

- Successfully completed an assessment of oral proficiency by the OCI or an accredited program in the fields of translation and/or interpretation; and
- Completes a training session conducted by the OCI; and
- Knows and adheres to the Code of Ethics and Professional Responsibility for Court Interpreters.

## 2. Interpreters Used During Court Proceedings

The Executive Order requires the court to assign a certified or qualified interpreter in all proceedings involving an LEP party or witness. A *court proceeding* is defined by Supreme Court Executive Order 2012-05 as “[a]ny hearing, trial or other appearance before any court in this state in an action, appeal or other proceeding, including any matter conducted by a judicial officer.”<sup>4</sup>

Staff interpreters are assigned by the Coordinator (who is also an interpreter<sup>5</sup>) to each of the courthouses. At the first of each month a calendar detailing the assignment and pager numbers of the interpreters at each location is distributed by email and/or hand-delivered to each clerk and sheriff, as well as the cellblock and switchboard. Since 2005 a written protocol has been in place that was distributed to the court administrators formalizing the process for contacting an interpreter. In September 2009, a detailed memorandum was distributed to each court administrator reinforcing the protocol for requesting interpreter services.

The court will provide contracted certified interpreters for those proceedings that cannot be covered by staff interpreters. If no certified interpreter is available, the court will provide a qualified interpreter consistent with the prerequisites contained in Executive Order 2012-05 and Section C.2 below. In addition, interpreter services are provided at no cost in all court proceedings including traffic violation hearings, and to court customers seeking information or otherwise communicating with court staff and programs.

LEP persons, or their representatives, are requested to contact the OCI, preferably 48 hours in advance of the court matter, in order to notify the OCI that an interpreter will be needed. In the event that an LEP person is unable to contact the OCI in advance, courtroom staff has been instructed via a written protocol regarding the process of obtaining interpreter services through the OCI.

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<sup>4</sup> Rhode Island law is more limited and provides that it is “the policy of the state of Rhode Island to guarantee the rights of persons who, because of a non-English speaking background, are unable to readily understand or communicate in the English language, and who consequently need the assistance of an interpreter be fully protected in legal proceedings in criminal matters before the Rhode Island superior court, the Rhode Island district court, and in juvenile matters in the Rhode Island family court.”

<sup>5</sup> The Coordinator’s position requires a minimum of five (5) years’ experience or an equivalent combination of education and experience.

a. Determining the Need for an Interpreter in the Courtroom

There are various ways that the courts will determine whether an LEP person needs an interpreter for a court hearing. First, the court has devised procedures to require that persons filing civil or criminal matters notify the court of language needs at that time and to require that notice of the availability of language services is provided to all responding parties and those appearing in court offices. The OCI has created a standardized reporting system that requires court staff to record or report data on the language needs of the persons they encounter.

In the remaining cases, the LEP person may request an interpreter by contacting the OCI in person, via email, or by telephone, by informing court staff upon arrival, or by informing his or her counsel.<sup>6</sup>

Additionally, court personnel and judges may determine that an interpreter is appropriate for a court hearing. Many persons who need an interpreter may not request one in advance because they do not realize that interpreters are available, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. Therefore, at the commencement of the daily court session, court staff shall make an announcement that arrangements can be made to obtain an interpreter for an LEP party or witness, or when it appears that an individual has difficulty communicating, the court clerk or judge should make arrangements to have an interpreter present to ensure full access to the courts. The judge may conduct a *voir dire* to determine the need for a foreign language interpreter. See *Appendix C*. Court staff shall contact the OCI as soon as practicable to arrange to have an interpreter present and should stop the proceedings until interpreting services are provided.

Lastly, outside agencies such as the Department of Attorney General, attorneys, probation and parole, the arresting law enforcement agency, the correctional facilities, or the municipal or probate upon appeal should also notify the state court, in advance if possible, about an LEP individual's need for an interpreter at an upcoming court hearing. As mentioned in Part II, Section C above, the AOSC will seek to devise procedures to gather language data when criminal charges are initially filed with the court.

### C. Court Interpreter Qualifications

The Rhode Island Judiciary utilizes two tiers of interpreters authorized to interpret in the courtroom: certified and qualified.

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<sup>6</sup> The Rhode Island Judiciary has also recently created a separate webpage on its website specifically relating to Interpreter services. This website has been translated into Spanish, Portuguese and Russian. In addition, a brochure entitled "Your Day in Court" in English, Spanish, Portuguese, Cambodian and Russian contains directions on how to obtain a court interpreter for an upcoming court date. These brochures are available online and in person at each of our courthouses.



## 1. Certified Interpreter<sup>7</sup>

Pursuant to Executive Order 2012-05 and Rhode Island General Laws Title 8, Chapter 19, when a non-English speaking person is a party to a defined legal proceeding, a certified interpreter must be appointed to assist such person during the legal proceeding if one is available.

Supreme Court Executive Order 2009-05, dated May 5, 2009 establishes the standard for certification as a passing score on both the written and oral portions of one of the following standardized tests: the National Association of Judiciary Interpreters and Translators (NAJIT) exam (Spanish only); the Federal Court Interpreter Certification exam (Spanish only); or the National Center for State Court Consortium for State Court Interpreters full exam<sup>8</sup> (currently Cantonese, French, Haitian Creole, Hmong, Ilocano, Korean, Laotian, Mandarin, Polish, Portuguese, Russian, Somali, Spanish, and Vietnamese languages) as well as any other future languages available for full examination offered by the National Center for State Courts Consortium for State Court Interpreters. Certified court interpreters must also adhere to the code of professional ethics and responsibility for court interpreters.<sup>9</sup>

Certified interpreters undergo a rigorous testing process and meet other conditions required by the certifying state, and as such are presumed to meet the minimum standards needed to interpret in court. The OCI has established certification procedures and continuing educational requirements for certified interpreters which are summarized below. In addition, the OCI is offering the National Center for State Courts (NCSC) interpreter certification exam periodically. The Supreme Court Finance Office shall be responsible for establishing a process for the collection of interpreter certification examination and training fees. The Office of Court Interpreters shall be responsible for collecting and transmitting to the Supreme Court Finance Office all of the funds received by it pursuant to these rules, which shall be maintained and used exclusively for interpreter certification and qualification purposes.

## 2. Qualified Interpreter

The appointing authority may appoint a qualified interpreter in place of a certified interpreter if a certified interpreter is unavailable after a good faith effort to locate one, and the proposed qualified interpreter has adequate training, experience, and skills to perform her/his duties as interpreter. Pursuant to Rhode Island Supreme Court Executive Order

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<sup>7</sup> A “certified interpreter” is one “who is able to interpret simultaneously and consecutively and sight translate from English to the language of the person needing an interpreter, and from said language to English, and who has been certified....” R.I.G.L. § 8-19-2.

<sup>8</sup> This program has been renamed the “Language Access Services Section” and now includes Tagalog.

<sup>9</sup> The Rhode Island Interpreters’ Code of Ethics and Professional Responsibility is available in print format at the OCI and on the OCI webpage.

2012-05, the OCI shall assign a certified interpreter to each court proceeding for which an interpreter appointment may be required. If a certified interpreter is not available, the Office of Court Interpreters shall assign a qualified interpreter; and report to the judicial officer the efforts made to obtain a certified interpreter. In addition, the judicial officer is required to make findings to comply with the requirements of Rhode Island Supreme Court Executive Order 2012-05 paragraph C(4)(b) before using a qualified interpreter as well as those in § 8-19-3 in the relevant cases.

A qualified interpreter is defined by Executive Order 2012-05 as “an interpreter other than a certified interpreter who appears on the roster of qualified interpreters maintained by the AOSC and administered by the Office of Court Interpreters, or is found by the judicial officer on the record to have met the requirements of §8-19-3(b)(2) and (c) of the Rhode Island General Laws and the requirements set by the AOSC...”<sup>10</sup>: Specifically, a qualified interpreter:

- Has passed the written portion of an exam offered by any of the recognized certifying entities as set forth in Rhode Island Supreme Court Executive Order 2009-05,
- Completes an assessment of oral proficiency by the OCI including but not limited to consideration of a non-passing score for the oral examination, or where no examination is available;
- Completes a training session conducted by the OCI; and
- Knows and adheres to the Code of Ethics and Professional Responsibility for Court Interpreters.

The Rhode Island Judiciary through the Office of Court Interpreters currently employs six (6) full-time staff members, as well as two (2) part-time staff members who are either certified or qualified and who interpret predominantly in court settings, as well as provide supplemental interpreter services for other professionals in the courts on a daily basis. Staff interpreters are required to have a Bachelor’s degree from an accredited college or university, plus a minimum of three (3) years’ experience in Spanish/English interpretation and translation, successful completion of a recognized bilingual judicial and translating program, or an equivalent combination of education and experience. In addition, staff interpreters are bound by the State Code of Ethics, the Judiciary’s twelve (12) point Code of Ethics, the Code of Ethics and Professional Responsibility for Court Interpreters in the Rhode Island Judiciary (adopted August 2009), and are required to take an oath to interpret accurately, faithfully, and impartially.

#### **D. Procedures for certified and qualified interpreters.**

##### **1. Staff court interpreters**

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<sup>10</sup> Rhode Island General Laws §8-19-2 defines a “qualified interpreter” as “a person who through experience and training is able to interpret a particular foreign language into English but who does not have a state certification.”



Staff court interpreters are required to agree to abide by:

- The Code of Ethics and Professional Responsibility for Court Interpreters;
- The Office of Court Interpreters (OCI) handbook; and
- Rhode Island Judiciary Personnel Rules and Regulations and Employee Handbook

2. Vendor/contract interpreters

Before being placed on the roster of court interpreters who are permitted to interpret in court proceedings and court operations within the Rhode Island Judiciary, each interpreter shall agree to abide by:

- The Code of Ethics and Professional Responsibility for Court Interpreters; and
- The Office of Court Interpreters (OCI) handbook

3. Recognition and recertification procedures

a. Certification by the National Association of Judiciary Interpreters and Translators (NAJIT), the National Center for State Courts, and the Federal Court Interpreter Certification Exam shall be valid in Rhode Island regardless of the issuing state or the state in which the interpreter obtained her/his certification so long as the passing scores in the test state comply with Rhode Island requirements.

b. Interpreters who have attained Rhode Island state certification will not be required to apply for recertification unless appropriate following disciplinary action pursuant to section D.5.

4. Continuing education requirements

a. Continuing education is required to ensure that certified and qualified interpreters who serve in the Rhode Island state court system maintain and improve their interpreting skills and expand their vocabulary and legal knowledge. Continuing education ensures that all interpreters are in compliance with the Rhode Island Code of Ethics and Professional Standards for Court Interpreters.

b. Continuing education credit hours shall be earned in participatory activities closely related to the fields of interpreting or translating or language acquisition, development or improvement, such as a formal educational course, conference, workshop, lecture, webinar, on-line course, and may include courses offered at accredited institutions of higher learning. Continuing education credits may also be obtained through programs, conferences, and workshops offered by the American Bar Association (ABA), the International Medical Interpreters Association (IMIA), the New England Translator's Association (NETA), the American Translators' Association (ATA), the National Association of Judiciary



Interpreters and Translators (NAJIT), and other professional organizations, along with other educational or training programs such as those offered by other states who are members of the National Center for State Courts (NCSC). All credits are subject to approval by OCI.

- c. Staff and contract interpreters shall accrue a minimum of six (6) credit hours per year.
  1. Staff certified and qualified interpreters shall document completion of continuing education activities and forward proof to the OCI by the end of each calendar year in order to receive continuing education credits.
  2. Vendors/contract interpreters shall be required to submit to the OCI, no later than January 31 of each calendar year, documentation containing the names of their contract interpreters assigned to the Judiciary during the previous calendar year who have complied with the minimum annual six (6) hour-credit continuing education requirement.
  3. Bilingual staff shall complete training offered by the OCI once every other year or obtain the equivalent of 6 hours of continuing education activities during a twenty four (24) month time period.
  5. Suspension and disqualification of interpreters or bilingual staff.

An interpreter or bilingual staff member may be prohibited from engaging in the provision of language services as a result of noncompliance with the Code of Ethics and Professional Responsibility for Court Interpreters, the Office of Court Interpreters Handbook, and/or any violation of the interpreter's oath, failure to adequately perform interpreting/language assistance duties, failure to complete the required CLE minimum credit hours, or any other conduct that impairs the provision of effective language services within the state court system. Sanctions may include reassignment, restricted assignments, suspension, or disqualification from the roster of authorized interpreters, in accordance with the Rhode Island Judiciary's Personnel Rules and Regulations, the employee's Collective Bargaining Agreement (if applicable) and the Rhode Island Judiciary's Purchasing Rules and Regulations and General Terms and Conditions of Purchase.

In the case of a formal written complaint involving an interpreter, a copy of the complaint will be forwarded to the administrator of the Court where the alleged incident occurred, and to the State Court Administrator or his or her designee. The OCI will have an opportunity to provide further information and the complaint will be reviewed and responded to by the State Court Administrator, or his or her designee, within thirty (30) days of receipt. In the case of a complaint against the Coordinator of the Office of Court Interpreters the complaint will be handled by the State Court Administrator for the Supreme Court or his or her designee.

## **E. Exigent Circumstances**

In exigent circumstances when a needed language is rare, or the availability of testing or predetermined standards have not been met, the Courts may also be required to determine by other means whether the proposed interpreter is qualified to participate adequately in a court proceeding. In such cases, the judge may conduct a *voir dire* of the proposed interpreter. *See Appendix C.* For rare languages, the only interpreter available in person might be someone with no interpreter credentials and limited experience. Therefore, the need for the judge's inquiry is increased as is consideration of the requirements of the Executive Order, paragraph C.4.b.

In the event that a certified or qualified interpreter is unavailable, LEP persons can also utilize any bilingual court staff members (currently 22) who are able to help secure an interpreter. Bilingual staff members are not authorized to interpret in a proceeding unless they are certified or qualified, so their role is limited to assisting the court and party in obtaining an interpreter.

The AOSC in conjunction with OCI will, by December 31 of each calendar year, recommend such changes to court rules and Executive Orders, if any, as will support the proper utilization of appropriately skilled court interpreters in proceedings and court operations.

## **F. Training**

With the assistance of each Court's Administrator, the OCI is providing ongoing specialized training sessions and workshops for judges and staff. These workshops will focus on the specific interactions each court has with LEP persons, the requirements of the Executive Order, and procedures. Training will offer methods for needs assessment, efficient interaction, and ways to maximize mutual communication, as well as practical knowledge on how to work efficiently with an interpreter. As part of the implementation of training, the OCI has developed a bench card for the use of judges and clerks as a quick reference guide. The OCI shall also establish an annual training schedule for court staff.

The OCI has identified several annually occurring dates on which judges are available, in order to conduct training sessions about the contents of the Executive Order, procedures for procuring an interpreter, and how to interact with interpreters effectively, but the sessions are limited (i.e. Law Days, Judges' conference days). The OCI will work with the Administrators of each court to find a training schedule tailored to each court's needs and availability.

By January 31, 2014, OCI shall complete a draft handbook for use by court interpreters. After considering input from the LAC, the handbook will be completed by March 31, 2014.



## **G. Remote Technology Standards**

High quality remote interpreting technology can allow the court to increase the quality, availability, and efficiency of court interpreters while controlling costs and delay. The OCI has established standards in its remote interpreting user guide for judges and staff for the use of the existing telephone interpreting system where appropriate, and will institute training periodically.

## **H. Interpreted Proceedings**

The AOSC is exploring the incremental implementation of digitally recorded proceedings in various courtrooms located throughout the state for interpreted proceedings, and will make an assessment of need and practicality in light of budgetary constraints, and will review existing policy and procedures regarding the use of audio recordings. The AOSC will draft appropriate modifications and additions as needed to cover storage, retrieval, transcription and translation, and fees for audio recordings. The AOSC will finalize any potential policy and procedure changes by June 30, 2014, and will continue to assess the need for and practicality of expansion of the court's capacity to record interpreted proceedings annually.

## **I. Translated Forms and Documents**

The Rhode Island Judiciary understands the importance of accurately translating forms and documents so that LEP individuals from groups who have demonstrated the highest need as revealed by data collected by the OCI and based on changing demographics, have greater access to the courts' services. The Rhode Island Judiciary's website contains a webpage dedicated to informing the public about Interpreter Services. The webpage is available in English, Spanish, Portuguese, and Russian, and will be updated with information in other languages based on an evaluation of need. In addition, numerous court forms have been translated into Spanish. *See Appendix D.*

A comprehensive listing of these forms is available on the website in addition to a language identification flashcard, the certification process, frequently asked questions, and answers, the Interpreters' Code of Ethics and contact information. The Forms Subcommittee of the Supreme Court Permanent Advisory Committee on Women and Minorities in the Courts will be responsible for the continued translation of forms and signs in the remaining languages. Judiciary staff and members of both the aforementioned Committee and Subcommittee will continue to work with community representatives to identify forms, signs, and brochures needing translation.

The OCI has produced and posted multilingual signs in each courthouse making individuals aware of available interpreter services and will maintain the signs on an as needed basis. All courthouses shall display information in the most common languages on how to



access interpreting services. Any electronic signage currently used in any court facilities will also be updated to include languages other than English. These signs will be translated as necessary based on continuing assessments of need and changes in demographics.

The State Court Administrator has developed a notice and complaint form for any alleged violations of Executive Order 2012-05 and has established a process to respond to such complaints as required by Paragraph I of that Order. The complaint form has been translated into Spanish and Portuguese, and will be translated into other languages on the basis of need. The AOSC has distributed the complaint form and made it available on the court's website, in court clerk's offices, at the OCI, and other suitable locations. *See Appendix E.*

The OCI will include in each of the monitoring reports required by Executive Order 2012-05, paragraph H, a report on the number and nature of complaints received and the disposition of each of the complaints. At least annually, AOSC will consider the need for revisions to policy, procedures, or this plan to respond to needs identified through the complaint process or otherwise.

#### **IV. Outreach and Publication**

The Rhode Island Judiciary is committed to providing outreach opportunities to notify LEP persons about the services available, as well as maintaining high standards of training throughout the judicial process to better identify and communicate with LEP persons despite language barriers. The Judiciary will continue to use both mainstream and foreign-language radio, newspapers, and television, as well as appearances at conferences, professional meetings, and community events to inform the public of the availability of interpreter services in the courts.

The Supreme Court Permanent Advisory Committee on Women and Minorities in the Courts has been established in order to foster the Court's relationship with the LEP community and to provide leadership on new initiatives in the courts to address the needs of LEP and minority citizens. In addition, the Rhode Island Language Access Committee will continue to provide input to the implementation process as provided by the EO and to assess the qualifications and resources of interpreter services to comply with the dictates of Title 8, Chapter 19 and the Executive Order.

In addition, the Rhode Island Judiciary has sponsored a number of diversity awareness seminars for front line employees and supervisors in the field of diversity awareness training. To date, approximately 400 court employees have participated in these seminars. Judges also participate in program discussions at various Rhode Island Judiciary Judicial Conferences to address the future of interpreting services, as well as the effects of race and culture in the court system. The Rhode Island Judiciary will continue its commitment to education by offering training to court staff and periodic updates of written instructions on available interpreter services.

On an ongoing basis, judges appear on local Spanish language radio to do a call-in informational show where the Spanish community is invited to ask questions about the Judiciary. Presently, twenty-three (23) judges from each of the courts have appeared at least once on the program. Training in conversational Spanish has also been offered by the Judiciary in order to provide employees with a basic knowledge of Spanish words and phrases. New attorneys are provided an orientation to interpreter use at their mandatory *Introduction to Practice* course conducted twice per year. Additionally, OCI staff members have conducted several presentations at the Rhode Island Bar Association which is widely attended by attorneys, judges, and some court staff members, as well as at several community organizations including *Fuerza Laboral* and Dorcas International Institute of Rhode Island. Workshops included information regarding language services offered by the Rhode Island Judiciary, and the distribution of foreign language materials.

The Rhode Island Judicial Technology Center, in conjunction with the OCI has established and implemented a statistical reporting system in our central case management system. The system enables the OCI to track information on cases where language services were provided either by a staff interpreter, a contract interpreter obtained through a vendor, or a bilingual staff member, and which includes the numbers of times an interpreter has been utilized, when a certified, qualified, or contract interpreter is used, the language requested, as well as other information.

## **V. Approval and Evaluation of LAP Plan**

On an annual basis the OCI in conjunction with the Administrative Office of State Courts, will review the effectiveness of the LAP, and evaluate potential changes to improve this Plan and its policies and procedures. This assessment may be done by tracking the number of interpreters requested by language in the courts, assessing changes in the population of LEP persons, the frequency of encounters with LEP groups, and the availability of resources including technological advances and otherwise. The evaluation may include identification of areas of improvement and development of any corrective action including the number of persons requesting services, the assessment of both written and verbal language needs, the review of whether staff members adequately understand and implement LEP policies and procedures, and the collection of feedback from court users, staff, and LEP communities and groups in the State of Rhode Island.

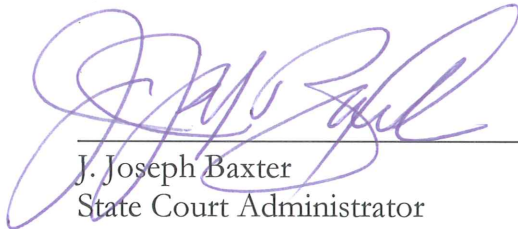
The Judiciary is committed to increasing language access to all LEP persons and will continue to request funding for new interpreters and other related expenses as appropriate in the Judiciary's budget each fiscal year.

The Rhode Island Judiciary's LAP has been approved by the Administrative Office of State Courts in consultation with the Supreme Court Committee on Language Access and the OCI. Any revisions to the plan will be submitted to the AOSC for approval, and then

communicated to court staff. Copies of the LAP will be provided upon request and posted on the Judiciary's website [www.courts.ri.gov](http://www.courts.ri.gov).

**Interpreters contact person:**

Susana E. Torres, Coordinator  
Office of Court Interpreters  
Rhode Island Supreme Court  
250 Benefit Street  
Providence, Rhode Island 02903  
Telephone (401) 222-8710  
[storres@courts.ri.gov](mailto:storres@courts.ri.gov)



\_\_\_\_\_

J. Joseph Baxter  
State Court Administrator

Date: 3-28-14

The effective date of this Language Access Plan is April 1, 2014.



**APPENDIX A**

**Rhode Island Supreme Court Executive Order 2012-05**

**EXECUTIVE ORDER**  
**(Language Services in the Courts)**

Pursuant to the authority granted to the Chief Justice of the Rhode Island Supreme Court by § 8-15-2 of the Rhode Island General Laws (1997 Reenactment), it is hereby ordered as follows:

In an effort to promote the accuracy and integrity of judicial proceedings and to preserve fundamental principles of fairness and access to justice, the Rhode Island unified judicial system is committed to continuing to provide language access services to limited English proficient (LEP) persons who come in contact with the Rhode Island state court system. LEP persons should have meaningful access to the courts in a language that they are able to understand, and in which they are able to be understood by the Court. This Executive Order governs the appointment and use of oral interpreters and bilingual staff in court proceedings and operations conducted by the Rhode Island Judiciary and shall be applicable as described herein.

**A. Definitions**

1. *Authorized interpreter.* A certified interpreter, and a qualified interpreter, person or entity authorized by the Administrative Office of State Courts (AOSC) to interpret in specified court operations.
2. *Bilingual staff.* An employee of the Court other than an interpreter who has demonstrated proficiency in English and a second language in accordance with standards set by the AOSC and is authorized by the AOSC to engage in court operations in a language other than English.
3. *Certified interpreter.* An interpreter who appears on the roster maintained by the Office of Court Interpreters (OCI) as certified in accordance with the standards set forth in Executive Order No. 2009-05, and in compliance with the requirements of the AOSC.
4. *Court operation.* Offices, services and functions of the court, other than court proceedings, that may have contact with the public or any party, including:
  - a. The Clerk's Offices and Judicial Records Center;
  - b. Programs or services operated, managed or contracted by the court for mandatory use by parties or the court;
  - c. Court appointed professionals, and other individuals, employed, contracted or supervised by the court to assist the court or mandated by the court for a party in connection with a court proceeding;
5. *Court proceeding.* Any hearing, trial or other appearance before any court in this state in an action, appeal or other proceeding, including any matter conducted by a judicial officer.
6. *Filing party.*
  - a. The plaintiff or petitioner in a civil action.
  - b. The Attorney General or police department submitting an arrest warrant, information or indictment in a criminal case.

7. *Interpret.* The oral rendering of spoken communication from one language to another without change in meaning.
8. *Judicial officer.*
  - a. A justice, judge or magistrate of the court who presides over a court proceeding; or
  - b. Any other person presiding over a court proceeding, including an arbitrator, master, hearing officer, review officer or other like officer of the court.
9. *Language services.* Court services provided by an interpreter, bilingual staff, or by means of translation.
10. *Limited English proficient.* With respect to persons whose primary language is not English, and who are not Deaf or hard of hearing, the inability to adequately understand or communicate effectively in English in a court proceeding or contact with a court operation.
11. *Party.*
  - a. In a civil action, a plaintiff, defendant (or petitioner and respondent), including a person who brings or defends an action on behalf of a minor or incompetent, the parent or legal guardian of a minor party, and a legal guardian of a plaintiff or defendant;
  - b. In a criminal case, the defendant, the alleged victim, and the parent or guardian of a minor alleged victim or of a juvenile in a juvenile proceeding.
12. *Qualified interpreter.* An interpreter other than a certified interpreter who appears on the roster of qualified interpreters maintained by the AOSC and administered by the Office of Court Interpreters; or is found by the judicial officer on the record to have met the requirements of § 8-19-3(b)(2) and (c) of the Rhode Island General Laws (1997 Reenactment) and the requirements set by the AOSC in the Judiciary's Language Access Plan.
13. *Remote interpreting.* A process utilizing remote technology by which an interpreter assists in a court proceeding or operation without being physically present.
14. *Remote technology.* A system comprised of various equipment, software, and audio and visual communication linkage components to facilitate remote interpreting.
15. *Translation.* The rendering of a writing from one language to another without change in meaning.
16. *Witness.* A person who testifies in a proceeding.

## **B. General Rules**

1. The judicial officer in any court proceeding shall appoint an interpreter for a limited English proficient person upon request of a party or whenever a party or testifying witness in the proceeding is limited English proficient, subject to the provisions of Section C(4) below.
2. Court staff members shall upon request or in any oral communication between a court staff member and a limited English proficient person provide service through bilingual staff or contact the Office of Court Interpreters to obtain the assistance of an authorized interpreter.
3. The judicial officer in any court proceeding may appoint an interpreter for a non-party individual with a "significant interest" based on an evaluation of the following four factors:
  - a. The relationship of the individual to the matter;



- b. the seriousness of the matter;
  - c. the impact of the outcome on the individual;
  - d. and whether interpretation is already being provided to another party in the proceeding and could be easily transmitted with the use of available technology.
4. The Court should provide the most competent interpreter services in a manner that is best suited to the nature of the proceeding.

**C. Procedure – Proceedings**

- 1. Notice to court.
  - a. As shall be set forth in the Judiciary’s Language Access Plan, the Office of Court Interpreters shall establish procedures to gather available information from all filing parties as to the identity of any limited English proficient party or witness and the primary language of such persons at the time of the initial filing.
  - b. Any party to a pending proceeding may at any time provide or amend available information to the Office of Court Interpreters (OCI) as to the identity of any limited English proficient party or witness and the primary language of such persons.
  - c. Any court employee who becomes aware that a party or witness in a pending proceeding is limited English proficient shall inform the Office of Court Interpreters.
- 2. Notice to parties.
  - a. As shall be established in the Judiciary’s Language Access Plan, the OCI shall create a written notice in English, Spanish, Portuguese, and such other languages for which a significant demand exists as determined by the AOSC, stating that the court will provide a competent interpreter for any limited English proficient party or witness at no charge, explaining the procedure to request an interpreter and to request a translation of the notice into other languages. The AOSC shall provide or require the filing party to provide such notice to each defendant in a proceeding.
    - (1) In civil matters, the notice shall be incorporated in or attached to the initial pleading to be served upon the defendant.
    - (2) In criminal matters, the notice shall be incorporated in or attached to the initial charging documents provided to the defendant, or provided by the court to the defendant at his or her initial court appearance.
  - b. At any proceeding for which an interpreter has not been assigned or appointed, the judicial officer or court staff shall inform the parties to a case that may involve a limited English proficient party or witness of the availability of a court interpreter.
- 3. The Office of Court Interpreters shall assign a certified interpreter to each court proceeding for which an interpreter appointment may be required under Section B(1) provided that if a certified interpreter is not available, the Office of Court Interpreters shall:
  - a. Assign a qualified interpreter; and
  - b. Report to the judicial officer the efforts made to obtain a certified interpreter in the event a qualified staff interpreter is not available.
- 4. Appointment of interpreter.
  - a. A judicial officer shall appoint a certified interpreter for a person who is limited English proficient when required by Section B(1); provided, however, that:
  - b. A judicial officer may appoint a qualified interpreter if the officer finds:

- (1) In any civil or criminal proceeding that a certified interpreter is unavailable and the abilities of an available qualified interpreter meet the requirements set forth in § 8-19-3(b)(1) and (2) of the Rhode Island General Laws (1997 Reenactment); and
  - (2) In a civil proceeding after consideration of the nature and duration of the proceeding, the potential cost and delay to appoint a certified interpreter, and the abilities of the available qualified interpreter, that use of a qualified interpreter is in the interests of justice; or
  - (3) In a criminal proceeding, that the nature and duration of the proceeding permit the use of a qualified interpreter pursuant to § 8-19-3(b)(3) of the Rhode Island General Laws (1997 Reenactment).
- c. A judicial officer may appoint more than one interpreter after consideration of the nature and duration of the proceeding; the number of parties in interest and witnesses requiring an interpreter; the primary languages of those persons; and the quality of the remote technology that may be utilized.
5. Oath. The judicial officer or court clerk shall administer an oath or affirmation to a non-staff court interpreter in the proceeding as set forth in the Judiciary's Language Access Plan.
6. Remote Technology.
  - a. A judicial officer may allow an interpreter appointed pursuant to this section to interpret remotely only if remote technology is available and:
  - b. The proceeding is conducted such that:
    - (1) The officer, a party in interest or attorney is also appearing remotely in addition to the interpreter;
    - (2) The interpreter, if practicable, is in the same location as the limited English proficient party in interest or witness; or
    - (3) The proceeding is non-evidentiary, less than thirty minutes in duration, and does not utilize more than one interpreter; and
  - c. The remote technology meets the standards set by the AOSC and allows the officer, parties, attorneys and witnesses to hear each other and the interpreter clearly.
7. The judicial officer shall dismiss an interpreter and appoint a replacement if the interpreter:
  - a. Is unable effectively to communicate with the judicial officer, the parties, or a limited English proficient person, including cases in which the interpreter self-reports such inability;
  - b. Has a conflict of interest due to a relationship with a person involved in the proceeding or an interest in the outcome; or
  - c. Is acting in violation of the Code of Ethics and Professional Responsibility for Court Interpreters in the Rhode Island Judiciary, the Rhode Island Code of Ethics, or the Judiciary's Code of Ethics.

The judicial officer shall notify the Office of Court Interpreters of the dismissal of any interpreter and the grounds therefor.
8. Audio Recording.
  - a. The court shall create an audio recording of any interpreted proceeding in a courtroom with audio recording equipment that shall include anything said by a limited English proficient witness or party while testifying or responding to a



colloquy, together with the rendition of the interpreter during those portions of the proceeding. The court shall maintain such recordings in accordance with the requirements applicable to other records of proceedings.

- b. Transcriptions of such proceedings shall be made available at a rate established by the Office of Court Interpreters.
9. Absent a finding of good cause, nothing herein shall be construed to prevent a party from procuring the assistance of an interpreter in addition to one appointed by the judicial officer to assist that party or to monitor the performance of the appointed interpreter.

#### **D. Language Services in Court Operations.**

1. A court entity, employee or judicial officer that appoints, contracts, or authorizes non-court entities and persons not employed by the court to engage in court operations as set forth in Section A(4), shall ensure that language services are provided to limited English proficient persons at no charge utilizing standards equivalent to those defined in the Judiciary's Language Access Plan for other court operations.
2. As set forth in the Judiciary's Language Access Plan, the AOSC may establish and utilize tiered standards for bilingual staff or authorized interpreters that take into account the nature and purpose of communications engaged in by different operations or job positions.
3. Nothing in this Order is intended to require language services for:
  - a. Supreme Court Appellate Mediation Program cases in which all parties are represented by counsel; and
  - b. Supervised child custody visitations not occurring on court premises;
  - c. Any function operated, managed, contracted or supervised by another state department, agency or division.

#### **E. Interpreter costs**

1. The AOSC shall be responsible for paying the reasonable fees of court interpreters, other than court employees, for an interpreter assigned to or appointed in a proceeding or for interpreting work ordered or directed by the Court in a court operation.
2. The court shall not charge, assess, or obtain reimbursement for interpreter costs or fees from any party to a proceeding in which an interpreter is utilized or from any person utilizing the assistance of an interpreter in a court operation.

#### **F. Privilege**

It is the intent of this Executive Order that:

1. No communication deemed privileged under applicable law shall be rendered unprivileged on account of an interpreter's presence provided that the interpreter is engaged in interpreting authorized by this Order; and
2. No interpreter shall be permitted or compelled to testify in any proceeding as to statements made or interpreted during a communication privileged under applicable law.



## **G. Implementation**

### **1. Language Access Plan**

The AOSC shall establish and implement a Language Access Plan (LAP) by December 31, 2012 which shall set forth the management actions needed to implement this Executive Order, including the tasks to be undertaken, assignment of responsibility, deadlines and processes, and shall include provisions which require the AOSC to make good faith efforts to expand the Courts' capacity to generate audio recordings of interpreted proceedings, and when proceedings are recorded, to make the audio recordings of interpreted proceedings available to interested persons.

### **2. Language Access Stakeholders**

The Office of Court Interpreters (OCI) shall work in conjunction with any newly established language access stakeholder committees, or any such other committees as determined by the Chief Justice to implement this Executive Order by providing input to the LAP, considering the need for conforming changes to court rules, suggesting ongoing improvements to language access, assisting in outreach and training efforts, evaluating the implementation of this Executive Order and the Language Access Plan, and assisting in other activities to improve language access in the courts. Such committee(s) shall include relevant stakeholders including court staff and non-court staff persons with expertise in court language access issues, lawyers or advocates for limited English proficient clients, and at least one representative from the Attorney General's office, the Public Defender, and Rhode Island Legal Services.

## **H. Monitoring**

Within six (6) months after the effective date of this Order and annually thereafter, the Office of Court Interpreters shall submit detailed reports to the Chief Justice and the State Court Administrator, a copy of which shall be available on the Judiciary's website, documenting the efforts made to comply with this Executive Order and shall include the following categories of information:

- a. The actions the OCI has taken or intends to take to implement this Executive Order, and execute the completed LAP including any further policies or procedures drafted or issued for these purposes; and any language-related notices, forms, and signs drafted, translated, or issued;
- b. Data on services provided pursuant to this Executive Order and the LAP, by court or court program, location, language, and form and mode of language assistance, including any data indicating:
  - i. Any delays resulting from unavailable language assistance; and
  - ii. Instances in which language assistance is not provided and the reasons therefor.
- c. Data on the utilization of interpreters and bilingual staff broken down by:
  - i. Language;
  - ii. Qualification level (certified or qualified) of interpreters;
  - iii. Interpreter employment status as staff interpreter or contractor;
  - iv. Interpreters' state of residence/business;
  - v. Court or court program, including location; and
  - vi. Type of proceeding and case type.

- d. Information regarding any problems encountered in implementing this Executive Order and the LAP, including feedback gathered from the stakeholders committee, bench, bar, staff, and public; and
  - i. The process established to receive and respond to language access complaints; and
  - ii. The number, nature, and disposition of any language access complaints;
- e. The steps taken to notify the bench, bar, litigants, and public, including LEP communities, of any policies or procedures to implement this Executive Order and the LAP, and any response thereto;
- f. The trainings provided to judges, staff, and others regarding this Executive Order and any related language access matters, including the content of the trainings, training materials, dates held, trainers, and names and positions of attendees;
- g. Steps taken to recruit, train, set standards for, qualify, and certify interpreters, translators, and bilingual staff;
- h. Lists of authorized interpreters, translators, and bilingual staff specifying language, test results, and type of authorization;
- i. Lists of documents, signage, forms, web content, and audio or video content that have been or will be translated, the languages completed or intended for each, and the means by which the items will be distributed internally and made available to litigants;
- j. Figures on budget requests and spending for language services.

**I. Administrative complaints**

- 1. Any person aggrieved by an alleged violation of this Order in a court proceeding or operation may file an administrative complaint with the Office of Court Interpreters.
- 2. The State Court Administrator or his or her designee shall review and respond to an administrative complaint within thirty (30) days of its receipt.
- 3. The AOSC shall make complaint forms readily available in court houses, court offices and on the website of the Rhode Island Judiciary, and shall also provide complaint forms translated into Spanish, Portuguese, and such other languages for which a significant demand exists as determined by the AOSC. Such complaint shall include a notice that no court personnel may retaliate against any person filing a complaint or assisting in the investigation or resolution of a complaint.
- 4. Nothing herein shall be construed to:
  - a. restrict an aggrieved person from seeking to enforce this Order in a proceeding, including an appeal; or
  - b. provide any authority to alter, satisfy or vacate any judgment or order.

**J. Effective Date**

This Executive Order shall be effective on July 1, 2012 and shall be implemented in accordance with the Language Access Plan.

Entered as an Order of this Court this 13<sup>th</sup> day of **June, 2012**.

ENTER:

By Order,

\_\_\_\_\_/s/  
Paul A. Suttell  
Chief Justice

\_\_\_\_\_/s/  
Clerk



**APPENDIX B**

**Notice of Right to Assistance**

See this notice in Cambodian, Spanish, and Portuguese on the attached pages.  
Español: Véase esta notificación en camboyano, español y portugués en las páginas adjuntas.  
Português: Leia esta notificação em cambojano, espanhol e português nas páginas em anexo.



## NOTICE

**You have a case in the Rhode Island state court system.**

**You have the right to an interpreter at no cost to you.**

Rhode Island Supreme Court Executive Order 2012-05 states that when a Limited-English Proficient (LEP) person appears in court, the Rhode Island Judiciary will provide a free authorized interpreter for the defendant, plaintiff, witness, victim, parent of a juvenile, or someone with a significant interest in the court proceeding. This interpreting service is provided at no cost to the parties and in all types of cases, both civil and criminal. Court interpreters work in all the courthouses of the Rhode Island state court system.

**To schedule an interpreter for your day in court, you have the following options:**

1. Call the Office of Court Interpreters at (401) 222-8710, or
2. Send an email message to [interpreterfeedback@courts.ri.gov](mailto:interpreterfeedback@courts.ri.gov), or
3. Visit the interpreters' office to schedule an interpreter:

**The Office of Court Interpreters  
Licht Judicial Complex  
Fourth Floor, Room 401  
250 Benefit Street  
Providence, RI 02903**

**When requesting an interpreter, please provide the following information:**

- The name and number of your case
- The language you are requesting
- The date and time of your hearing
- The location of your hearing
- Your name and a telephone number where we can reach you or your lawyer

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For more information in Portuguese, Russian, and Spanish, including a listing of court forms that are available in Spanish, please visit our website on the internet:

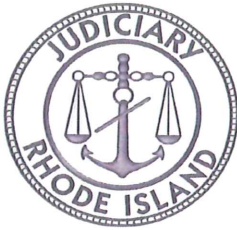
<http://www.courts.ri.gov/Interpreters/englishversion/default.aspx>.

To request a translation of this notice into any other language, please call the Office of Court Interpreters at (401) 222-8710. It would be helpful to have an English speaker with you when you call.

The Rhode Island Judiciary is committed to making the courts accessible to all.

The Office of Court Interpreters  
Licht Judicial Complex  
Fourth Floor Room 401  
250 Benefit Street  
Providence, RI 02903

See this notice in Cambodian, English and Portuguese on the attached pages.  
Español: Véase esta notificación en camboyano, español y portugués en las páginas adjuntas.  
Português: Leia esta notificação em cambojano, espanhol e português nas páginas em anexo.



## A V I S O

**Usted tiene un caso en el sistema judicial de Rhode Island.**

**Usted tiene el derecho a tener un intérprete sin costo para usted.**

La Orden Ejecutiva 2012-05 del Tribunal Supremo de Rhode Island dicta que cuando una persona que tiene un dominio limitado del inglés (LEP) comparece ante la corte, el Sistema Judicial de Rhode Island le proveerá un intérprete autorizado gratis sea el acusado/demandado, demandante, testigo, víctima, padre de un menor de edad alguien que tenga con un interés importante en el proceso de la corte. Este servicio de interpretación se le proveerá sin costo alguno a los participantes en toda clase de caso, sea civil o penal.

Los intérpretes judiciales trabajan en todos los tribunales del Sistema Judicial de Rhode Island.

**Para solicitar un intérprete para su comparecencia en el tribunal, usted tiene las siguientes opciones:**

1. Llamar a la Oficina de Intérpretes en el tribunal al 401-222-8710 ;
2. Mandar un correo electrónico a [interpreterfeedback@courts.ri.gov](mailto:interpreterfeedback@courts.ri.gov); o
3. Presentarse a la Oficina de Intérpretes para solicitar un intérprete:

The Office of Court Interpreters  
Licht Judicial Complex  
Cuarto Piso, Oficina 401 A-B  
250 Benefit Street  
Providence, RI 02903

**Al solicitar un intérprete, por favor provea la siguiente información:**

- El nombre y el número de su caso
- El idioma que solicita
- La fecha y hora de su audiencia
- Dónde va a tomar lugar su audiencia
- Su nombre y número de teléfono por el cual nos podamos poner en contacto con usted o con su abogado.

Para obtener más información en portugués, ruso o español, incluyendo una lista de formularios de la corte que están disponibles en español, visite nuestra página de internet:

<http://www.courts.ri.gov/Interpreters/englishversion/default.aspxi>.

Para solicitar la traducción de este aviso en cualquier otro idioma, por favor llame a la oficina de intérpretes al (401) 222-8710. Ayudaría si usted puede estar en compañía de una persona que habla inglés cuando llame.

El sistema jurídico de Rhode Island se compromete a proporcionar a todas las personas mejor acceso a los tribunales.

The Office of Court Interpreters  
Licht Judicial Complex  
Fourth Floor Room 401  
250 Benefit Street  
Providence, RI 02903

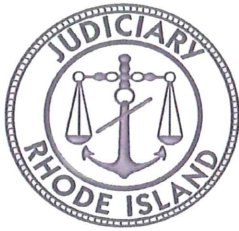


See this notice in Cambodian, Spanish, and English on the attached pages.

**Camboyano:** SAMPLE: [Véase esta notificación en camboyano, español y portugués en las páginas adjuntas.]

**Español:** Véase esta notificación en camboyano, español y portugués en las páginas adjuntas.

**Português:** Leia esta notificação em cambojano, espanhol e português nas páginas em anexo.



## NOTIFICAÇÃO

**V. Ex.<sup>a</sup> tem um processo em curso no sistema judiciário do Estado de Rhode Island,**

**V. Ex.<sup>a</sup> tem direito aos serviços gratuitos de um intérprete.**

A Ordem Executiva 2012-05 do Supremo Tribunal de Rhode Island prevê que quando uma pessoa com conhecimentos limitados da língua inglesa (*Limited-English Proficient*) (LEP) comparece em tribunal, a Administração Judiciária de Rhode Island disponibiliza-lhe gratuitamente os serviços de um intérprete autorizado a um réu, autor, testemunha, vítima, pai ou mãe de um menor ou alguém com interesse significativo no processo judicial. O serviço de intérprete é prestado gratuitamente às partes e em todos os tipos de processos, sejam eles civis ou penais. Os intérpretes do tribunal trabalham em todos os tribunais do sistema judiciário do Estado de Rhode Island.

Para agendar os serviços de um intérprete para o seu dia no tribunal, tem as seguintes opções:

1. **Telefonar para o Gabinete de Intérpretes Judiciais através do n.º (401) 222-8710, ou**
2. **Enviar uma mensagem de correio eletrónico para [interpreterfeedback@courts.ri.gov](mailto:interpreterfeedback@courts.ri.gov), ou**
3. **Deslocar-se ao gabinete de intérpretes para agendar os serviços de um intérprete:**

Gabinete de Intérpretes Judiciais  
Complexo Judicial Licht  
Quarto Piso, Sala 401  
250 Benefit Street  
Providence, RI 02903

Quando solicitar os serviços de um intérprete deve fornecer os seguintes dados:

- **O nome e número do seu processo**
- **O idioma que solicita**
- **A data e hora da sua audiência**
- **O local da sua audiência**
- **O seu nome e um número de telefone para o podermos contactar a si ou ao seu advogado**

Para obter mais informações em português, russo e espanhol, incluindo uma lista dos formulários judiciais disponíveis em espanhol, visite o nosso website na internet: <http://www.courts.ri.gov/Interpreters/englishversion/default.aspx>.

Para solicitar uma tradução desta notificação para qualquer outro idioma, telefone para o Gabinete de Intérpretes Judiciais através do número (401) 222-8710. Recomenda-se que esteja acompanhado por alguém que fale inglês quando fizer a chamada.

A Administração Judiciária de Rhode Island está empenhada em tornar os tribunais acessíveis para todos.

Gabinete de Intérpretes Judiciais  
Complexo Judicial Licht  
Quarto Piso, Sala 401  
250 Benefit Street  
Providence, RI 02903

មើលសេចក្តីជូនដំណឹងនេះជាភាសាខ្មែរ អេស្បាញ និងអង់គ្លេសនៅលើទំព័រដែលបានភ្ជាប់។

**សេចក្តីជូនដំណឹង**



**លោកអ្នកមានបណ្តឹងនៅក្នុងប្រព័ន្ធតុលាការនៃរដ្ឋ Rhode Island។**

**លោកអ្នកមានសិទ្ធិស្នើសុំអ្នកបកប្រែដោយឥតគិតថ្លៃសម្រាប់ខ្លួនឯង។**

ដីកាប្រតិបត្តិរបស់តុលាការកំពូលនៃ Rhode Island (Rhode Island Supreme Court Executive Order) លេខ 2012-05 បានចែងថានៅពេលបុគ្គលដែលមានចំណេះដឹងផ្នែកភាសាអង់គ្លេសមានកំណត់ (LEP) បង្ហាញខ្លួននៅក្នុងតុលាការ តុលាការនៃ Rhode Island នឹងផ្តល់អ្នកបកប្រែដែលបានអនុញ្ញាតដោយឥតគិតថ្លៃសម្រាប់ចុងចោទ ដើមចោទ សាក្សី ជនរងគ្រោះ

មាតាបិតារបស់អនីតិជន ឬនរណាម្នាក់ដែលពាក់ព័ន្ធយ៉ាងសំខាន់នៅក្នុងដំណើរការតុលាការ។ សេវាកម្មបកប្រែនេះ ត្រូវបានផ្តល់ជូនដោយឥតគិតថ្លៃសម្រាប់គូភាគី និងនៅគ្រប់ប្រភេទនៃបណ្តឹង ទាំងរដ្ឋប្បវេណី និងព្រហ្មទណ្ឌ។ អ្នកបកប្រែក្នុងតុលាការធ្វើការនៅក្នុងគ្រប់តុលាការទាំងអស់របស់ប្រព័ន្ធតុលាការនៃរដ្ឋ Rhode Island។ ដើម្បីគ្រោងពេលវេលាអ្នកបកប្រែសម្រាប់ថ្ងៃចូលសវនាការរបស់លោកអ្នក លោកអ្នកមានជម្រើសដូចខាងក្រោម ៖

1. ទូរស័ព្ទមកកាន់ការិយាល័យអ្នកបកប្រែប្រចាំតុលាការតាមរយៈលេខ (401) 222-8710 ឬ
2. ផ្ញើអ៊ីម៉ែលទៅកាន់ [interpreterfeedback@courts.ri.gov](mailto:interpreterfeedback@courts.ri.gov) ឬ
3. ទៅកាន់ការិយាល័យអ្នកបកប្រែដើម្បីគ្រោងពេលវេលាអ្នកបកប្រែ ៖

**The Office of Court Interpreters  
Licht Judicial Complex  
Fourth Floor, Room 401  
250 Benefit Street  
Providence, RI 02903**

នៅពេលស្នើសុំអ្នកបកប្រែ សូមផ្តល់នូវព័ត៌មានដូចខាងក្រោម ៖

- ឈ្មោះ និងលេខបណ្តឹងរបស់លោកអ្នក
- ភាសាដែលលោកអ្នកស្នើសុំ
- កាលបរិច្ឆេទ និងម៉ោងសវនាការរបស់លោកអ្នក
- ទីតាំងនៃសវនាការរបស់លោកអ្នក
- ឈ្មោះ និងលេខទូរស័ព្ទលោកអ្នកដែលយើងខ្ញុំអាចទំនាក់ទំនងលោកអ្នក ឬមេធាវីលោកអ្នកបាន

សម្រាប់ព័ត៌មានបន្ថែមជាភាសាអង់គ្លេស អេស្បាញ និងអង់គ្លេស រួមទាំងបញ្ជីទម្រង់បែបបទតុលាការដែលមានជាភាសាអេស្បាញនោះ សូមចូលទៅកាន់គេហទំព័រយើងខ្ញុំនៅលើគ្រឹះធីណិត ៖

<http://www.courts.ri.gov/Interpreters/englishversion/default.aspx>

ដើម្បីស្នើសុំការបកប្រែសេចក្តីជូនដំណឹងនេះជាភាសាណាមួយផ្សេងទៀត សូមទូរស័ព្ទមកការិយាល័យអ្នកបកប្រែប្រចាំតុលាការតាមរយៈលេខ (401) 222-8710។ វាជាការចាំបាច់ដែលត្រូវមានអ្នកនិយាយភាសាអង់គ្លេសជាមួយលោកអ្នកនៅពេលដែលលោកអ្នកទូរស័ព្ទចូល។

តុលាការ Rhode Island ប្តេជ្ញាធ្វើឲ្យតុលាការអាចប្រើប្រាស់បានសម្រាប់មនុស្សគ្រប់គ្នា។

ការិយាល័យអ្នកបកប្រែប្រចាំតុលាការ  
Licht Judicial Complex  
Fourth Floor Room 401  
250 Benefit Street  
Providence, RI 02903

## APPENDIX C

### Model *Voir Dire* for Establishing the Need for an Interpreter

“How did you come to court today?”

“What kind of work do you do?”

“How comfortable are you speaking and understanding English?”

“Would you feel more comfortable with an interpreter?”

### Model *Voir Dire* for Establishing Qualifications

The following are samples of questions the court or counsel should ask in an informal inquiry or *voir dire* to determine whether a proposed non-certified interpreter is qualified to participate in a court proceeding.

- Do you have any training or credentials as an interpreter?
  - If so, what was the granting authority and who sponsored the training?
  - What is your native language?
  - How did you learn English?
  - How did you learn the [foreign language]?
  - What was the highest grade you completed in school?
  - Have you spent any time in the foreign country?
  - Did you formally study the language in school? How long?
  - How many times have you interpreted in court?
  - How did you become familiar with legal terminology?
  - Have you interpreted for this type of hearing or trial before? How many times?
  - Are you familiar with the Code of Professional Responsibility for Court Interpreters? Explain some of its main points (e.g., accuracy, interpret everything said, impartiality, no conflicts of interest).
  - Are you a potential witness in this case?
  - Do you know or work for any of the parties?
  - Do you have any other potential conflicts of interests with respect to this case?
  - Have you had an opportunity to speak with the non-English-speaking person prior to these proceedings? Were there any particular communication problems?
  - Are you familiar with the dialectal or idiomatic peculiarities of the parties or witnesses?
  - Are you able to interpret simultaneously without leaving out or changing anything that is said?
  - Are you able to interpret consecutively?
- c. Questions Regarding Ethical Conduct for the Interpreter



- Do you understand that while serving in an official capacity, all information said or revealed to you or exchanged in your presence by any of the parties must be kept confidential?
- Do you understand you cannot give any legal or other advice to anyone or interject any opinion of your own, whether or not it is solicited by any person involved in the case?

After carrying out the *voir dire*, the court may ascertain whether counsel is satisfied with the interpreter's qualifications by asking: "Are you satisfied with the qualifications of the interpreter?" The record should reflect the parties' acceptance of the interpreter and his or her qualifications. The following is a sample statement to be read into the record:

The court finds the interpreter is a qualified court interpreter, that the [defendant][witness] has indicated and the interpreter has represented that he/she is able to understand and communicate with the [defendant][witness]. Therefore, I will appoint [Mr.][Ms.] \_\_\_\_\_ as the interpreter in this matter.

## **APPENDIX D**

### **Listing of Translated Court Forms**

#### ***All Courts:***

- Notice of Right to Assistance
- Signs: Requesting an Interpreter

#### ***Supreme Court, Community Outreach and Public Relations Office:***

- CASA poster

#### ***Superior, Family and District Courts:***

- Bail and Recognizance Form (universal form for Superior, District and Family Courts)

#### ***Superior and Family Courts:***

- Deferred Sentence Agreement

#### ***Superior Court:***

- Defendant's Petition to Waive Indictment/Information Form
- Superior Court Nolo Plea Form
- Financial Obligation Form
- Affidavit in Support of Motion to Expunge forms (Misdemeanor and Felony)
- Motion to Expunge/Seal Records
- Waiver of Extradition
- In Forma Pauperis Motion/Affidavit
- Sign: Proper Court Attire
- Several signs to direct court users
- Rules of Professional Conduct

#### ***Superior Court, Adult Drug Court:***

- Memorandum of Understanding
- Waiver of Constitutional Rights
- Contract
- Release of Confidential Information
- Important Notice
- Pre-Graduation Survey
- Adult Drug Court Brochure
- RI Adult Court Referral Form

#### ***Family Court:***

- Request for an Admission of Sufficient Facts or Admission

- Re-entry Court Form
- Referral to RI Legal Services
- Office of Child Support – Payment Notice
- Juvenile Correction’s Office letter (RITSY/YAC)
- Truancy Court “Sam’s School”
- Court Referred Evaluation (Family Drug Court)
- Program SCORE (3), Project Peer
- Peer Dress Code
- Agreement to Participate in Research Study (3 versions)
- All Parents Filing with Family Court
- Programs Offered by the Family Court
- Education for Divorcing Parents
- Directions to Women’s Prison
- Directions to RI Training School
- Consent forms (3) for Agreement to Participation in Research Study for HIV and Teens in RIFC
- Mental Health Clinic Intake Questionnaire
- Score Program Brochure
- Key Program Inc. Brochure
- Project Peer Brochure
- FC-19 Client Survey
- FC-20 Supervised Parenting Time: Drug and Alcohol Policy
- FC-21 Supervised Parenting Time: Receipt of Policies and Procedures
- Supervised Parenting Time Program: Policies and Procedures Brochure

***District Court:***

- Nolo Plea Form
- Waiver of Extradition Form
- Important Notice
- 8 Notification Notices (Pre-Trial Services Unit)
- No Contact Order
- Bail Requirement Information – PTS
- Authorization for Release of Information – PTS

***Workers’ Compensation Court***

- Work Readiness Program
- “Ticket to Work” Program

***RITT:***

- Payment Instruction Sheet



- Motion Procedure
- Appeal Procedure
- Notice to all Motorists
- Credit Card Payment Procedure
- Payment Sign
- “Know Your Rights” Form

***Sheriff's and Capitol Police Departments:***

- RI State Sheriff's Civil Division – Information Sheet
- Notice
- Sign for Capitol Police
- Capitol Police Announcement

***Probation and Parole:***

- Notification of Supervision Status (Superior Court Cases)
- Final Notice to Report

***Miscellaneous:***

- Informational Flyer: *Your Day in Court* (original and revisions)
- Two courthouse signs
- No Phone Use sign
- Court Attire Protocol sign
- Probation Office sign
- DNA Office Directions
- Several ADA-related signs
- No Beverages sign
- Office of Court Interpreters Complaint Form

**APPENDIX E**

**Office of Court Interpreters Complaint Form**

## Rhode Island Judiciary - Office of Court Interpreters (OCI)

### Language Assistance Complaint

The Rhode Island Judiciary is committed to providing the best possible service to all individuals needing interpreter services as governed by Rhode Island Supreme Court Executive Order 2012-05. Should you have a complaint about the provision of language services, the complaint process set forth in Paragraph I provides that any person aggrieved by an alleged violation of the Executive Order in a court proceeding or operation may file an administrative complaint with the Office of Court Interpreters (OCI).

Please complete the following form to file a complaint. All answers are not required, but it is helpful if you are as specific as possible when answering. If you need more space for any section of the complaint, you may use additional sheets. Send your complaint to the OCI at the below address. Upon receipt, a copy of the complaint will be forwarded to the administrator of the Court where the alleged incident occurred, and to the State Court Administrator or his or her designee. The OCI will have an opportunity to provide further information and the complaint will be reviewed and responded to by the State Court Administrator, or his or her designee, within thirty (30) days of receipt. No court personnel may retaliate against any person filing a complaint or assisting in the investigation or resolution of a complaint.

Name:		Today's Date:	
Address:			
Phone:		Email:	
Date Incident Occurred:		Approximate Time Incident Occurred: ____AM ____PM	
<b>Location:</b>	<input type="checkbox"/> Providence County	<input type="checkbox"/> Kent County	<input type="checkbox"/> Washington County
<input type="checkbox"/> Newport County			
<input type="checkbox"/> Other:			
<b>Court:</b>	<input type="checkbox"/> Supreme	<input type="checkbox"/> Superior	<input type="checkbox"/> Family
<input type="checkbox"/> District		<input type="checkbox"/> Traffic Tribunal	<input type="checkbox"/> Workers' Compensation
<input type="checkbox"/> Other (Clerk's Office, public area, etc.):			
Courtroom #:		Judge:	
This was a: <input type="checkbox"/> Criminal matter <input type="checkbox"/> Civil matter <input type="checkbox"/> Other: <input type="checkbox"/> Unknown			
Language services needed in: <input type="checkbox"/> Spanish <input type="checkbox"/> Portuguese <input type="checkbox"/> Cape Verdean <input type="checkbox"/> Other:			
Name of interpreter (if applicable)			
Please describe the incident in detail and the basis for your complaint:			
Were there any witnesses? If so, please list the name(s) and contact information:			
Did you discuss this matter with court staff? <input type="checkbox"/> No <input type="checkbox"/> Yes		If yes, with whom and when?	
<b>Signature:</b>			
Send a copy of this form to: Susana E. Torres, Office of Court Interpreters, 250 Benefit Street, Providence RI 02903 or via email at <a href="mailto:interpreterfeedback@courts.ri.gov">interpreterfeedback@courts.ri.gov</a>			