

PROBATE COURT
HAMILTON COUNTY, OHIO

Judge Ralph Winkler

I. LEGAL BASIS AND PURPOSE

This document¹ serves as the Language Access Plan (“LAP”) for Hamilton County Probate Court (“Probate Court”) to provide services to limited English proficient (“LEP”) individuals in compliance with Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq; and 28 C.F.R. § 42 et seq. The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with the Probate Court.

The Supreme Court of Ohio provides the following advisement:

In order to comply with the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et. seq., the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3789d(c), and 28 C.F.R. Part 42, Subparts C and D, recipients of federal funds must provide meaningful access to limited English proficient (LEP) individuals. *Lau v. Nichols*, 414 U.S. 563 (1974). The U.S. Department of Justice advises that practices, such as charging for interpretation and translation services or seeking recoupment for those costs, significantly impair, restrict, or preclude the participation of LEP individuals in the judicial system and are inconsistent with recipients’ Title VI obligations. For more information, please refer to Guidance from the U.S. Department of Justice to state court justices and administrators’ Letter from Assistant Attorney of the Civil Rights Division to Chief Justices and State Court Administrators (Aug. 16, 2010); Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41455 (June 18, 2002).

This LAP is developed to ensure equal access to court services for LEP persons and persons who are deaf or hard of hearing. Although deaf and hard of hearing individuals are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act, they have been included in this plan insofar as they relate to our policy of access to justice and equal protection under the law.²

¹ This document is based on the Supreme Court of Ohio’s June 2023 Model Language Access Plan (“The SCO Model”). Modifications to the SCO Model were made for purposes of local practice and Probate Court’s limited jurisdiction.

² Protections for individuals with qualifying disabilities includes the following:

Title II of the Americans with Disabilities Act (ADA) requires public entities, including state and local courts, to provide equal access to their programs and services. 42 U.S.C. §§ 12131–12134;

Public entities are required to “take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.” 28 C.F.R. § 35.160(a);

Public entities must “furnish appropriate auxiliary aids and services where necessary to afford an individual

II. NEEDS ASSESSMENT

The Hamilton County Probate Court makes every effort to provide services to all LEP and deaf or hard-of-hearing persons in its jurisdiction. The most commonly used languages in Probate Court are the following:

- SPANISH
- NEPALI, Marathi or Other Indic
- AFRICAN, Somali, Swahili, Amharic & Other Afro-Asiatic
- CHINESE, Mandarin, Cantonese
- FRENCH
- ARABIC

III. LANGUAGE ASSISTANCE RESOURCES

A. Hamilton County Resources

The Hamilton County Court of Common Pleas, General Division and Hamilton County Municipal Court jointly operate a fully staffed Language Services Department that services the needs of Hamilton County Courts, including the Probate Court and other Divisions of the Court of Common Pleas in Hamilton County. The Language Services Department assists in identifying qualified interpreters, ensuring quality control of interpreters, and in assigning qualified interpreters.

B. Language Access Coordinator

The Probate Court’s designated Language Access Coordinator reports to the Probate Judge since high level support is essential to successful implementation. The Language Access Coordinator, along with the Court Administrator and the Probate Judge, will assist in ensuring that language services are delivered by the court in accordance with this plan and in accordance with this plan and the Rules of Superintendence for the Courts of Ohio, Rules 80–89.

Probate Court’s Language Access Coordinator is Jessica Mueller. She can be reached at 513-946-3607. Complaints submitted under Section VIII of this Language Access Plan will normally be addressed by the Language Access Coordinator within three business days.³ In addition to the responsibilities already outlined in this plan, the Language Access Coordinator also has the following responsibilities:

- Track and collect data regarding the use of interpreters, the languages needed;

with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.” 28 C.F.R. § 35.160(b)(1);

These auxiliary aids and services include the provision of “qualified interpreters, notetakers, computer-aided transcription services, written materials, ... or other effective methods of making aurally delivered materials available to individuals with hearing impairments.” 28 C.F.R. § 35.104;

To determine “what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities.” 28 C.F.R. § 35.160(b)(2);

Deaf and hard of hearing people may not be charged for the costs of such auxiliary aids or services. 28 C.F.R. § 35.130(f).

³ Vacation, illness and other staffing shortages may impact response times.

- Outline measures to ensure quality control of interpreters and translators; and
- Contact the Language Services Department or other resources as necessary to assign qualified interpreters, translators and bilingual employees to perform language assistance functions.

C. Interpreters Used in the Courts

Under Ohio law and Supreme Court rules, there are two different instances in which a court must provide an interpreter: in a case or court function (see: Sup.R. 80) and in connection with ancillary services (see: Sup.R. 89). This distinction is important because the type of interpreter to be provided and the court's responsibilities differ depending on the specific situation.

By statute, Ohio courts must appoint qualified interpreters. Specifically, section 2311.14 of the Ohio Revised Code provides that courts shall provide interpreters due to hearing, speech, or other impairments of a party or a witness to a case.

Additionally, Rule 88 of the Rules of Superintendence for the Courts of Ohio, requires that the Probate Court appoint an interpreter in a case or court function when a LEP or deaf or hard-of-hearing individual requests an interpreter or when the court determines the services of an interpreter are necessary for the meaningful participation of the party or witness.

Under Ohio law, foreign language interpreters will be provided at court expense if the party is found to be indigent.⁴

In the Probate Court, sign language interpreters will be provided at court expense for all deaf or hard-of-hearing court parties, witnesses, or jurors in compliance with the ADA.

IV. USE OF INTERPRETERS

A. Determining the Need for an Interpreter

There are various ways that the Probate Court will determine whether an LEP or deaf or hard-of-hearing person needs the services of a court interpreter. First, the LEP or deaf or hard-of-hearing person may request an interpreter.

Second, court personnel and the Probate Judge may determine that an interpreter is necessary for the meaningful participation of a party or witness. Many people who need an interpreter will not request one because they do not realize that interpreters are available, they mistakenly think they will have to pay for the interpreter, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. Therefore, when it appears that an individual has difficulty communicating, the court staff, judge, or magistrate should provide an interpreter to ensure full access to the court. See Sup.R. 88(A)(2), (B)(1)(b). In

⁴ However, in order to comply with the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et. seq., the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3789d(c), and 28 C.F.R. Part 42, Subparts C and D, recipients of federal funds must provide meaningful access to limited English proficient (LEP) individuals. *Lau v. Nichols*, 414 U.S. 563 (1974). The U.S. Department of Justice advises that practices, such as charging for interpretation and translation services or seeking recoupment for those costs, significantly impair, restrict, or preclude the participation of LEP individuals in the judicial system and are inconsistent with recipients' Title VI obligations. For more information, please refer to Guidance from the U.S. Department of Justice to state court justices and administrators' letter from Assistant Attorney of the Civil Rights Division to Chief Justices and State Court Administrators (Aug. 16, 2010); Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41455 (June 18, 2002).

legal proceedings, judges and magistrates must decide, on the record, whether an interpreter is needed. In court functions and ancillary services, designated staff may decide whether an interpreter is needed.

Third, once a party or a witness has been identified as an LEP or deaf or hard-of-hearing individual, the court will exercise every effort to appoint interpreters in all future related proceedings or court functions. Furthermore, the court will follow the requirements of Sup.R. 88 to appoint an interpreter (see Section C below). If no in-person interpreter is available at the given instance, the court may grant a continuance or if possible and appropriate, in accordance with Sup.R. 88, Appendix J, use the services of a telephonic interpreter.

B. Appointment of a Court Interpreter

The Probate Court will appoint in-person and telephonic court interpreters in accordance with all criteria set forth in Sup.R. 88 and will ensure that certified court interpreters are used whenever reasonably available. The Language Services Section of the Supreme Court of Ohio maintains a statewide roster of interpreters who are qualified to interpret in the courts.⁵

Pursuant to Sup.R. 88(C), the Probate Court will make all reasonable efforts to avoid appointing foreign language interpreters or sign language interpreters if they are compensated by a business owned or controlled by a party or a witness; friend or a family or household member of a party or witness; a potential witness; court personnel employed for a purpose other than interpreting; law enforcement officer or probation department personnel; or would not serve to protect a party's rights or ensure the integrity of the proceedings or have a conflict of interest, real or perceived.

C. Language Services Outside the Courtroom

In accordance with Sup.R. 89, the Probate Court ensures that LEP individuals and individuals who are deaf or hard of hearing have meaningful access to ancillary services outside the courtroom.

Probate Court has two employees who have demonstrated proficiency in English and Spanish and who are qualified to provide communication services with limited English proficient individuals in certain ancillary settings. In order to meet the needs of those who speak less-common languages, court staff may rely on telephonic interpretation or relay services to bridge communication.

V. TRANSLATED FORMS AND DOCUMENTS

Probate Court currently has the form "Birth Correction" (Form 30.0) most commonly requested by limited English proficient individuals translated into Spanish. Such forms are not to be filed in a case but are used for information purposes only.

Probate Court will assess demographics and analyze the most commonly used forms and embark in the translation of additional forms as resources allow.

When interpreters are hired for hearings, interpreters are expected to provide sight translations for corresponding documentation to LEP individuals. Additionally, the Supreme Court of Ohio has

⁵ The interpreter roster can be accessed on the Supreme Court's webpage at: www.supremecourt.ohio.gov/docs/JCS/interpreterSvcs/certification/roster.pdf

translated a number of court forms into various languages. These are posted on the Supreme Court of Ohio website and are available to all courts. They can be found here: www.supremecourt.ohio.gov/forms/all-forms/protection-order/2

VI. TRAINING

Probate Court staff with direct contact with LEP individuals or individuals who are deaf or hard of hearing will receive training on language access, to be coordinated by the Language Access Coordinator. The Language Access Coordinator will ensure that all staff receives updated training regularly and new staff are trained at the time of hire.

VII. COMPLAINT PROCESS

The Probate Court will ensure that all LEP individuals and individuals who are deaf or hard of hearing receive language assistance services in their primary language. To promptly address any concerns that an LEP person or an individual who is deaf or hard of hearing did not receive language assistance, the Supreme Court of Ohio has developed a process for handling such complaints.⁶

Probate Court employees will also provide information on this complaint process to LEP individuals or individuals who are deaf or hard of hearing upon request or if an LEP/deaf or hard-of-hearing individual voices concern about the lack of language access services or the quality of services that were provided.

In addition to the Supreme Court's complaint process, the Probate Court has developed a local complaint resolution process as well. If the Language Access Coordinator receives a language access complaint, s/he will document receipt of the complaint and provide information about it to the individual who supervises the affected employee(s). Once the supervisor receives notice of a language access complaint, s/he will take prompt action to review, investigate and respond to its allegations.

The Probate Court will display a sign translated into Ohio's 12 most frequently used languages which states:

If you are limited English proficient, you have the right to a court-appointed interpreter. To request one please contact the person or number below:

LANGUAGE SERVICES 513.946.3570

If you are not provided an interpreter, call the Supreme Court of Ohio

⁶ For more information on the complaint resolution process, please visit:

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

complaint line at 1.888.317.3177

The Probate Court will display this sign in common areas visible to court users. In the Probate Court, the Language Access Coordinator is responsible to make sure signs are visible, interpreters are provided, and our LAP plan is monitored.

VIII. PUBLIC NOTIFICATION AND EVALUATION OF LAP

A. LAP Approval

The Probate Court LAP has been approved by the Probate Judge. Any future revisions to the plan will be submitted to Probate Judge for approval. Copies of the Probate Court LAP will be distributed to all court staff by the Language Access Coordinator.

B. Notification

The Language Access Coordinator will ensure that any new staff receives a copy of the plan. Copies of the Probate Court LAP will be provided to the public upon request. In addition, the Probate Court will post this plan on its website.

C. Evaluation of the LAP

The Language Access Coordinator will review this plan on an annual basis and make changes based on the review. The evaluation will include review of any complaints received, identification of any problem areas, development of required corrective action strategies, and input from court staff. Elements of the evaluation may include:

- Assessing the number of LEP/deaf and hard-of-hearing persons requesting court interpreters in Ohio courts;
- Assessing current language needs to determine if additional services or translated materials should be provided;
- Assessing whether staff members adequately understand LEP policies and procedures and how to carry them out;
- Reviewing complaints received since the last review; and
- Gathering feedback from LEP/deaf and hard of hearing communities around the state; using that feedback as collaboration on any revisions to the LAP.

Any revisions made to the plan will be approved by the Probate Judge and will be communicated by posting on the Probate Court public website.

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

Language Access Coordinator:

Jessica Mueller
Chief Deputy Clerk

LANGUAGE ACCESS PLAN

230 East Ninth Street, 10th Floor
Cincinnati, OH 45202
513-946-3607
jmueller@probatect.org

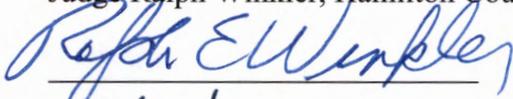
In the event that the Language Access Coordinator is unavailable, the back-up Language Access Coordinator will serve as the substitute.

Back-up Language Access Coordinator:

Scott Weikel
Court Administrator
230 East Ninth Street, 10th Floor
Cincinnati, OH 45202
513-946-3560
sweikel@probatect.org

X. LAP ADMINISTRATIVE JUDGE APPROVAL

This LAP was reviewed and approved by:
Judge Ralph Winkler, Hamilton County Probate Court Judge



6/30/23

XI. EFFECTIVE DATE

July 1, 2023