



**MAHONING COUNTY DOMESTIC RELATIONS COURT  
LANGUAGE ACCESS PLAN  
EFFECTIVE May 1, 2017**

**I. LEGAL BASIS AND PURPOSE**

This document serves as the Language Access Plan (LAP) for Mahoning County Domestic Relations Court to provide services to limited English proficient (LEP) individuals in compliance with Title VI of the Civil Rights Act of 1964; 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 Mahoning County Domestic Relations Court.

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.

**II. NEEDS ASSESSMENT**

**A. Statewide**

The State of Ohio provides court services to a wide range of persons, including people who do not speak English and/or who are deaf or hard of hearing. Service providers include the Supreme Court of Ohio, the courts of appeals, and trial courts throughout the state.

According to the American Community Survey as released in October 2015 by the U.S. Census Bureau, the number of people in Ohio who, at home, speak a language other than English is approximately 719,095. Of that number, many individuals are described as “speaking English less than very well” as outlined below:

1. Spanish	90,725
2. German	14,196
3. Chinese	20,374
4. French	7,001
5. Arabic	11,134
6. Pennsylvania Dutch	10,900
7. Italian	4,803
8. Russian	8,416
9. Greek	2,368

Additionally, a survey conducted in 2010 by the Supreme Court of Ohio Language Services Program revealed that the most widely used languages in courts statewide are, in order, the following:

1. Spanish
2. American Sign Language
3. Somali
4. Russian
5. Arabic
6. French
7. Mandarin
8. Korean
9. Cambodian
10. Amharic

**B. Mahoning County Domestic Relations Court**

The Mahoning County Domestic Relations Court will make every effort to provide services to all LEP and deaf or hard of hearing persons in its jurisdiction. The most commonly used languages in Mahoning County Domestic Relations Court are the following:

1. Spanish
2. American Sign Language
3. Greek
4. Arabic
5. Russian
6. Mandarin
7. Vietnamese
8. Punjabi
9. Uzbek

**III. LANGUAGE ASSISTANCE RESOURCES**

**A. Language Access Coordinator**

The Mahoning County Domestic Relations Court will designate a Language Access Coordinator. The Language Access Coordinator should report to the Administrative Judge since high level support is essential to successful implementation. The Language Access Coordinator, along with the Court Administrator (as applicable) and the Administrative Judge, will assist in ensuring that language services are delivered by the court in accordance with this Plan and in accordance with the Rules of Superintendence for the Courts of Ohio, Rules 80-89.

Mahoning County Domestic Relations Court's Language Access Coordinator is Michele Cercl. She can be reached at Mahoning County Domestic Relations Court, 120 Market Street, 4<sup>th</sup> Floor, Youngstown, Ohio 44503, Phone (330) 740-2208, FAX (330) 740-2503, and/or Email [msalvino@mahoningcountyoh.gov](mailto:msalvino@mahoningcountyoh.gov). Complaints submitted under Section VIII of this LAP will

be addressed by the Language Access Coordinator within three (3) business days. In addition to the responsibilities already outlined in this Plan, the Language Access Coordinator also has the following responsibilities:

1. Identify qualified interpreters and translators to be included in an interpreter database or list as maintained by the court;
2. Track and collect data regarding the use of interpreters, the languages needed, etc.;
3. Outline measures to ensure quality control of interpreters and translators; and
4. Assign qualified interpreters, translators and bi-lingual employees to perform language assistance functions.

## **B. Interpreters Used In The Courts**

Under Ohio law and Supreme Court Rules, there are two different instances in which a court must provide an interpreter; in a case or court function (see 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 Mahoning County Domestic Relations Court appoint an interpreter in a case or court function when a LEP or deaf or hard of hearing individual requests an interpreter or when the court determines the services of an interpreter are necessary for the meaningful participation of the party or witness.

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

In the Mahoning County Domestic Relations 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 Mahoning County Domestic Relations Court will determine whether an LEP or deaf or hard of hearing person needs the services of a court interpreter. First, the LEP or deaf or hard of hearing person may request an interpreter.

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

In legal proceedings, judges and magistrates must make a determination, on the record, as to the need for an interpreter. In court functions and ancillary services, designated staff may make a determination as to the need of an interpreter.

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

##### **B. Court Interpreter Qualifications**

The Language Services Program of the Supreme Court of Ohio maintains a statewide roster of interpreters who may work in the courts. Foreign language interpreters on the roster have passed a written examination, attended at least 24 hours of court interpreter training, and have scored within a designated range that measures their language and interpreting skill. Sign language interpreters have also met similar requirements as necessary for national certification through the Registry of Interpreters for the Deaf. The definition of each category of interpreter is set forth in Sup.R. 80-88.

### **C. Appointment of a Court Interpreter**

The Mahoning County Domestic Relations Court will appoint in-person and telephonic court interpreters in accordance with all criteria set forth in Sup.R. 88 and will ensure that certified court interpreters are used whenever reasonably available.

Pursuant to Sup.R. 88(C), the Mahoning County Domestic Relations 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.

### **D. Language Services Outside the Courtroom**

In accordance with Sup.R. 89, the Mahoning County Domestic Relations Court shall ensure that LEP individuals and individuals who are deaf or hard of hearing have meaningful access to ancillary services outside the courtroom. LEP individuals who are deaf or hard of hearing may come in contact with court personnel via the phone, counter, or other means. The Mahoning County Domestic Relations Court has the following resources to assist LEP individuals and individuals who are deaf or hard of hearing:

1. When a court staff member does not know what language a customer is speaking, they use an "I Speak" card which is available in 63 languages. The Language Access Coordinator is responsible for distributing cards to all staff and to any new staff.
2. 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**

Ohio courts understand the importance of translating forms and documents so that LEP individuals have greater access to the court's services.

The Mahoning County Domestic Relations Court currently provides a link on its website to access forms in other languages in Word format at:  
[www.supremecourt.ohio.gov/JCS/CFC/DRForms/default.asp](http://www.supremecourt.ohio.gov/JCS/CFC/DRForms/default.asp).

When interpreters are hired for hearings, interpreters are expected to provide sight translations for corresponding documentation to LEP individuals. Additionally, the Supreme Court of Ohio has translated 27 vital forms into 5 languages: Arabic; Chinese; Russian; Somali; and Spanish. These are posted on the Supreme Court of Ohio website and are available to all courts.

The Mahoning County Domestic Relations Court follows the process to translate material described in Appendix J of the *Interpreters in the Judicial System: A Handbook for Ohio Judges*. Appendix J identifies the steps to translate material from project management to editing, proofreading, and publishing. The section also describes the process for the selection of qualified translators. The court will also rely on the Language Services Program at the Supreme Court of Ohio for consultation and technical assistance.

The Mahoning County Domestic Relations Court will assess demographics and analyze the most commonly used forms and embark in the translation of additional forms as resources allow.

## **VI. LOCAL RULE AND FORMS**

The Mahoning County Domestic Relations Court has adopted a Local Rule regarding appointment of interpreters which references this Language Access Plan. Forms are available on the Court's website to facilitate access to interpreters.

## **VII. TRAINING**

Ohio courts are committed to providing language access training opportunities for all staff members who come in contact with or may come in contact with LEP individuals and individuals who are deaf or hard of hearing. The Ohio Judicial College and the Language Services Program provide on-going training for court staff regarding issues related to LEP populations, individuals who are deaf or hard of hearing, the use of interpreters, and other language access matters.

The Mahoning County Domestic Relations Court staff that has 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 trainings on a regular basis and that all new staff are trained at the time of hire.

## **VIII. COMPLAINT PROCESS**

The Mahoning County Domestic Relations 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. Information on the complaint resolution process can be accessed at <http://www.supremecourt.ohio.gov/JCS/interpreterSvcs/default.asp> ; by calling the Supreme Court of Ohio at 1-888-317-3177; via email at [InterpreterServices@sc.ohio.gov](mailto:InterpreterServices@sc.ohio.gov); or via U.S. Postal Service at Language Services Program, Complaint Resolution, 65 South Front Street, Columbus, Ohio 43215.

The Mahoning County Domestic Relations 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 Mahoning County Domestic Relations Court has developed a local complaint resolution process as well. If the Language Access Coordinator receives a language access complaint, he/she will document receipt of the complaint and provide information about it to the individual who supervises the affected employee(s). Once the supervisor or monitor receives notice of a language access complaint, he/she will take prompt action to review, investigate and respond to its allegations. The Language Access Coordinator will also notify the Supreme Court of Ohio manager of the Language Services Section of such complaint.

The Mahoning County Domestic Relations Court will display a sign translated into Ohio's twelve (12) most frequently used languages which states:

*You may have the right to a court-appointed interpreter. If one is not provided, call 1-888-317-3177, Monday – Friday, 8:00 a.m. to 5:00 p.m.*

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

## **IX. PUBLIC NOTIFICATION AND EVALUATION OF LAP**

### **A. LAP Approval**

The Mahoning County Domestic Relations Court LAP has been approved by the Administrative Judge of the court. Any future revisions to the Plan will be submitted to the Administrative Judge for approval. Copies of the Mahoning County Domestic Relations 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 Mahoning County Domestic Relations Court LAP will be provided to the public upon request. In addition, the Mahoning County Domestic Relations 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:

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

Any revisions made to the Plan will be approved by the Administrative Judge and will be communicated by posting on the Mahoning County Domestic Relations Court public website.

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

### **A. Language Access Coordinator:**

Name: Michele Cercel  
 Title: Bailiff, Assistant Court Administrator, Supervisor  
 Address: 120 Market Street, 4<sup>th</sup> Floor  
 Youngstown, OH 44503  
 Phone: (330) 740-2208  
 Email: [msalvino@mahoningcountyoh.gov](mailto:msalvino@mahoningcountyoh.gov)

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

### **B. Back-up Language Access Coordinator:**

Name: Aracelis Sarisky  
 Title: Magistrate Assignment Commissioner  
 Address: 120 Market Street, 4<sup>th</sup> Floor  
 Youngstown, OH 44503  
 Phone: (330) 740-2208  
 Email: [asarisky@mahoningcountyoh.gov](mailto:asarisky@mahoningcountyoh.gov)

## **XI. HELPFUL RESOURCES**

1. Federal interagency website about language access – [www.lep.gov](http://www.lep.gov)
2. American Bar Association Standards for Language Access in Courts, February 2012, available at [www.americanbar.org](http://www.americanbar.org)

3. Department of Justice Language Access Planning and Technical Assistance Tool for Courts, February 2014, available at [www.lep.gov](http://www.lep.gov)

4. Supreme Court of Ohio's Interpreter Services Program, <http://www.supremecourt.ohio.gov/JCS/interpreterSvcs/>

**XII. EFFECTIVE DATE**

This LAP is made effective May 1, 2017.

**XIII. LAP ADMINISTRATIVE JUDGE APPROVAL**

This LAP was reviewed and approved by Judge Beth A. Smith:

JUDGE: Beth A. Smith DATE: 4-28-17

IN THE COURT OF COMMON PLEAS  
 DIVISION OF DOMESTIC RELATIONS  
 MAHONING COUNTY, OHIO

	)	CASE NO. _____
	)	
	)	
PLAINTIFF/PETITIONER	)	
VS.	)	REQUEST FOR APPOINTMENT OF FOREIGN LANGUAGE INTERPRETER
	)	
	)	
	)	
DEFENDANT/PETITIONER	)	

Pursuant to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et. Seq.) and Sup.R. 88(A) and (D), \_\_\_\_\_ (party) requests a foreign language interpreter in \_\_\_\_\_ (language) at all hearings scheduled in this case. \_\_\_\_\_ (party) is a non-English speaking person (or has limited English proficiency) and cannot meaningfully participate without the services of an interpreter. The interpreter fee is to be assumed by the Court.

A proposed Order is attached.

Respectfully submitted,

\_\_\_\_\_  
*Attorney for* (party)

CERTIFICATE OF SERVICE

On \_\_\_\_\_, a copy of the Notice for Appointment of Foreign  
Language Interpreter was served via ordinary mail on: \_\_\_\_\_  
(opposing parties).

\_\_\_\_\_  
*Attorney for* (party)

IN THE COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
MAHONING COUNTY, OHIO

_____	)	CASE NO.
_____	)	
_____	)	
PLAINTIFF/PETITIONER	)	
VS.	)	APPOINTMENT OF
	)	FOREIGN LANGUAGE INTERPRETER
_____	)	
_____	)	
_____	)	
DEFENDANT/PETITIONER	)	

The Court hereby orders that a foreign language interpreter in \_\_\_\_\_  
pursuant to the criteria in Sup.R. 88(A) and (D) shall appear to interpret at all hearings scheduled  
in this case. Furthermore, it is ordered that the Court shall assume the interpreter's fees and not  
tax said fees as court costs.

**IT IS SO ORDERED.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge/Magistrate

IN THE COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
MAHONING COUNTY, OHIO

\_\_\_\_\_) CASE NO. \_\_\_\_\_  
\_\_\_\_\_)  
\_\_\_\_\_) )  
\_\_\_\_\_) )  
PLAINTIFF/PETITIONER )  
\_\_\_\_\_) )  
VS. ) REQUEST FOR APPOINTMENT OF  
\_\_\_\_\_) ) SIGN LANGUAGE INTERPRETER  
\_\_\_\_\_) )  
\_\_\_\_\_) )  
DEFENDANT/PETITIONER )

Pursuant to the Americans with Disabilities Act and Sup.R. 88(B) and (E),  
\_\_\_\_\_ (party) requests a sign language interpreter at all hearings  
scheduled in this case. \_\_\_\_\_ (party) is a deaf or hard of hearing  
person and cannot meaningfully participate without the services of an interpreter.  
\_\_\_\_\_ (party) prefers the following method of interpretation  
\_\_\_\_\_. The interpreter fee is to be assumed by the Court.

A proposed Order is attached.

Respectfully submitted,

\_\_\_\_\_  
*Attorney for* (party)

CERTIFICATE OF SERVICE

On \_\_\_\_\_, a copy of the Notice for Appointment of Sign  
Language Interpreter was served via ordinary mail on: \_\_\_\_\_  
(opposing parties).

\_\_\_\_\_  
*Attorney for* (party)

IN THE COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
MAHONING COUNTY, OHIO

_____	)	CASE NO.
_____	)	
_____	)	
PLAINTIFF/PETITIONER	)	
VS.	)	APPOINTMENT OF SIGN
	)	LANGUAGE INTERPRETER
_____	)	
_____	)	
_____	)	
DEFENDANT/PETITIONER	)	

The Court hereby orders that a sign language interpreter pursuant to the criteria in in Sup.R. 88(B) and (E) shall appear to interpret at all hearings scheduled in this case. Furthermore, it is ordered that the Court shall assume the interpreter's fees and not tax said fees as court costs.

**IT IS SO ORDERED.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge/Magistrate