

Statewide Language Access Plan

September 21, 2022

Introduction and Scope of Plan

This Language Access Plan (“LAP”) serves as the blueprint for providing language assistance to Limited English Proficient (“LEP”) persons who participate in the Kansas court system. The Language Access Committee (“LAC”) prepared this statewide LAP and it was adopted by the Kansas Supreme Court. It is an overview of current services and an action plan for continuous improvement of those services.

The LAP is intended to be consistent with state and federal law.¹ The Kansas Judicial Branch is committed to providing meaningful language access to its courts for all individuals, regardless of national origin or level of ability to read, write, speak, or understand English, at no cost to the LEP person.

The LAP applies only to interpreting and translation services provided for spoken foreign languages. It does not apply to services provided for individuals who are deaf, hard of hearing, or speech impaired.

Legal Basis for Statewide Plan

The United States Department of Justice (“DOJ”) strongly recommends that state court systems have and maintain a current written LAP. *See* [Department of Justice; Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41455 \(June 18, 2002\)](#). The Kansas Judicial Branch agrees that the creation and maintenance of a statewide LAP will further its goals of providing meaningful language access to LEP persons who interact with the Kansas state court system.

An “LEP person” is someone who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English. United States citizenship does not determine whether a person is LEP.

¹ This LAP includes the text of certain rules and statutes that apply to language access services provided within the court system. The text of those laws is accurate as of the date this LAP is published. To find the most recent versions of those laws, please click on the hyperlinks embedded in this document or locate the current version of the law through another appropriate resource.

Federal Law

Title VI of the Civil Rights Act of 1964 (Title VI) is a federal anti-discrimination law that prohibits recipients of federal financial assistance, such as the Kansas Judicial Branch, from discriminating against people based on their race, color, or national origin, including limited English proficiency. *See* [42 U.S.C. § 2000d](#). Under Title VI:

“No person in the United States shall, on the ground of race, color, or national origin, be *excluded* from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Title VI applies institution-wide and extends to all of the Kansas Judicial Branch’s programs, services, and activities. *See* [Civil Rights Restoration Act of 1987](#); [42 U.S.C. §2000d-4a](#). The DOJ has the general authority to issue Title VI regulations. These regulations can be found at [28 C.F.R. § 42.101 et seq.](#)

Kansas courts must take **reasonable steps** to ensure **meaningful language access** for LEP persons to court proceedings and court-operated or managed programs, activities, and points of public contact, both inside and outside of the courtroom.

DOJ four factors for determining “reasonable steps”

While designed to be a flexible and fact-dependent standard, the starting point for determining “reasonable steps” for ensuring language access is an individualized assessment that balances the following four factors:

- (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the court activity, program, service, etc.;
- (2) the frequency with which LEP persons come into contact with the court activity, program, service, etc.;
- (3) the nature and importance of the court activity, program, service, etc., to people’s lives; and
- (4) the resources available to the Kansas Judicial Branch and costs.

For a breakdown of each of these four factors, *see supra* DOJ Guidance at 41459.

“Meaningful” language access

To be "meaningful," language access should:

- Be timely.
- Be competent.
- Result in accurate and effective communication.
- Be provided free of cost to the LEP person.

OJA provides required Title VI training to all court staff. The Title VI (Language Access) Training for Court Staff training video is located on the OJA Intranet, under Education and Training/Training Videos. The OJA Intranet is only available to Kansas Judicial Branch employees.

State Law

Kansas statutes regarding foreign language court interpreters can be found at K.S.A. 75- 4351 to K.S.A. 75-4355.

Kansas Statute 75-4355:

K.S.A. 75-4351 *Interpreters appointed for deaf, hard of hearing, speech impaired and persons whose primary language is other than English; proceeding in which appointment authorized. A qualified interpreter shall be appointed in the following cases for persons whose primary language is one other than English, or who is a deaf, hard of hearing or speech impaired person:*

- (a) In any grand jury proceeding, when such person is called as a witness;*
- (b) in any court proceeding involving such person and such proceeding may result in the confinement of such person or the imposition of a penal sanction against such person;*
- (c) in any civil proceeding, whether such person is the plaintiff, defendant or witness in such action;*
- (d) in any proceeding before a board, commission, agency, or licensing authority of the state or any of its political subdivisions, when such person is the principal party in interest;*
- (e) prior to any attempt to interrogate or take a statement from a person who is arrested for an alleged violation of a criminal law of the state or any city ordinance.*

Kansas Statute 75-4352:

K.S.A. 75-4352. *Same; compensation for services. (a) All interpreters appointed under the provisions of this act shall be appointed by the judge if the appearance is before any court or by the chairman or presiding or executive officer of any board, commission or agency by which the proceeding involving the person is being conducted. The court or agency conducting the proceeding shall determine and fix a reasonable fee for the services of the interpreter and may provide for the payment of such costs out of funds appropriated for the operation of the courts and agencies. At no time shall the fees for interpreter services be*

assessed against the person whose primary language is one other than English or who is deaf, hard of hearing or speech impaired.
(b) Fees for interpreters paid by the state board of indigents' defense services shall be in accordance with standards adopted by such board.

Kansas Statute 75-4353:

K.S.A. 75-4353. Same; qualifications of interpreter; determination; persons disqualified. *(a) No one shall be appointed to serve as an interpreter for a person pursuant to the provisions of K.S.A. 75-4351, and amendments thereto, if such interpreter is married to that person, related to that person within the first or second degrees of consanguinity, living with that person or is otherwise interested in the outcome of the proceeding, unless the appointing authority determines that no other qualified interpreter is available to serve.*
(b) No person shall be appointed as an interpreter pursuant to the provisions of K.S.A. 75-4351, and amendments thereto, unless the appointing authority makes a preliminary determination that the interpreter is able to readily communicate with the person whose primary language is one other than English and is able to accurately repeat and translate the statement of such person.
(c) In appointing a qualified interpreter for a person whose primary language is other than English pursuant to the provisions of K.S.A. 75-4351 et seq., and amendments thereto, the appointing authority shall appoint:
(A) A qualified interpreter who meets the following criteria; or
(B) a qualified interpreter who is employed by a technology-based, telecommunications interpretation service available on a twenty-four hour basis who meets the following criteria:
(1) A general understanding of cultural concepts, usage and expressions of the foreign language being interpreted, including the foreign language's varieties, dialects and accents;
(2) the ability to interpret and translate in a manner which reflects the educational level and understanding of the person whose primary language is other than English;
(3) basic knowledge of legal rights of persons involved in law enforcement investigations, administrative matters and court proceedings and procedures, as the case may be; and
(4) sound skills in written and oral communication between English and the foreign language being translated, including the qualified interpreter's ability to translate complex questions, answers and concepts in a timely, coherent and accurate manner.

Kansas Statute 75-4354:

K.S.A. 75-4354. Same; duty of interpreter; oath; disclosure. (a) *Every interpreter appointed pursuant to the provisions of K.S.A. 75-4351, and amendments thereto, before entering upon such interpreter's duties, shall take an oath that such interpreter will make a true interpretation in an understandable manner to the person for whom such interpreter is appointed, and that such interpreter will repeat the statements of such person in the English language to the best of such interpreter's skill and judgment.* (b) *An interpreter who is employed to interpret, transliterate or relay a communication between a person who can speak English and a person whose primary language is one other than English is a conduit for the communication and may not disclose or be compelled to disclose, through reporting, testimony or by subpoena, the contents of the communication.*

Kansas Statute 75-4355:

K.S.A. 75-4355. Same; inherent power of court not limited. *This act shall not be construed to limit the inherent power of a court to appoint an interpreter in other cases.*

Kansas Supreme Court Rules

The Kansas Supreme Court Rules relating to language access are Sup. Ct. Rule 107(b)(2)(C), which requires chief judges to appoint local language access coordinators and give notice of the appointment to the Office of Judicial Administration (“OJA”), and Sup. Ct. Rules 1701 to 1705. These are addressed in Sections IV and V below.

Needs Assessment and Data Collection

Needs Assessment

Providing meaningful language access within the Kansas court system begins with an understanding of pertinent state demographics. Kansas is counted among ten states with the largest number of counties², and each of the state’s 105 counties contain at least one courthouse that is responsible for meeting the language needs of litigants and other community members who engage with the judicial system. Those courthouses and the communities they serve are spread across 82,277 square miles.

² World Population Review, *States with the Most Counties 2022*, <https://worldpopulationreview.com/state-rankings/states-with-the-most-counties> (last visited July 19, 2022).

The United States Census Bureau’s 2020 American Community Survey provides insight into the numbers of Kansas residents who speak a language other than English at home and, among those, how many speak English “less than very well.” This designation is used to help pinpoint individuals with limited English proficiency. In Kansas, the number of LEP persons over the age of five and their languages of origin are identified as follows:

- 81,584 (Spanish)
- 9,488 (Other Asian and Pacific Islander languages)
- 8,407 (Vietnamese)
- 5,688 (Chinese)
- 5,375 (Other Indo-European languages)
- 3,599 (Other and unspecified languages)
- 2,456 (Arabic)
- 2,125 (German or other West Germanic languages)
- 1,698 (Korean)
- 1,298 (Russian, Polish, Slavic)
- 783 (Tagalog)
- 749 (French, Haitian, or Cajun)³

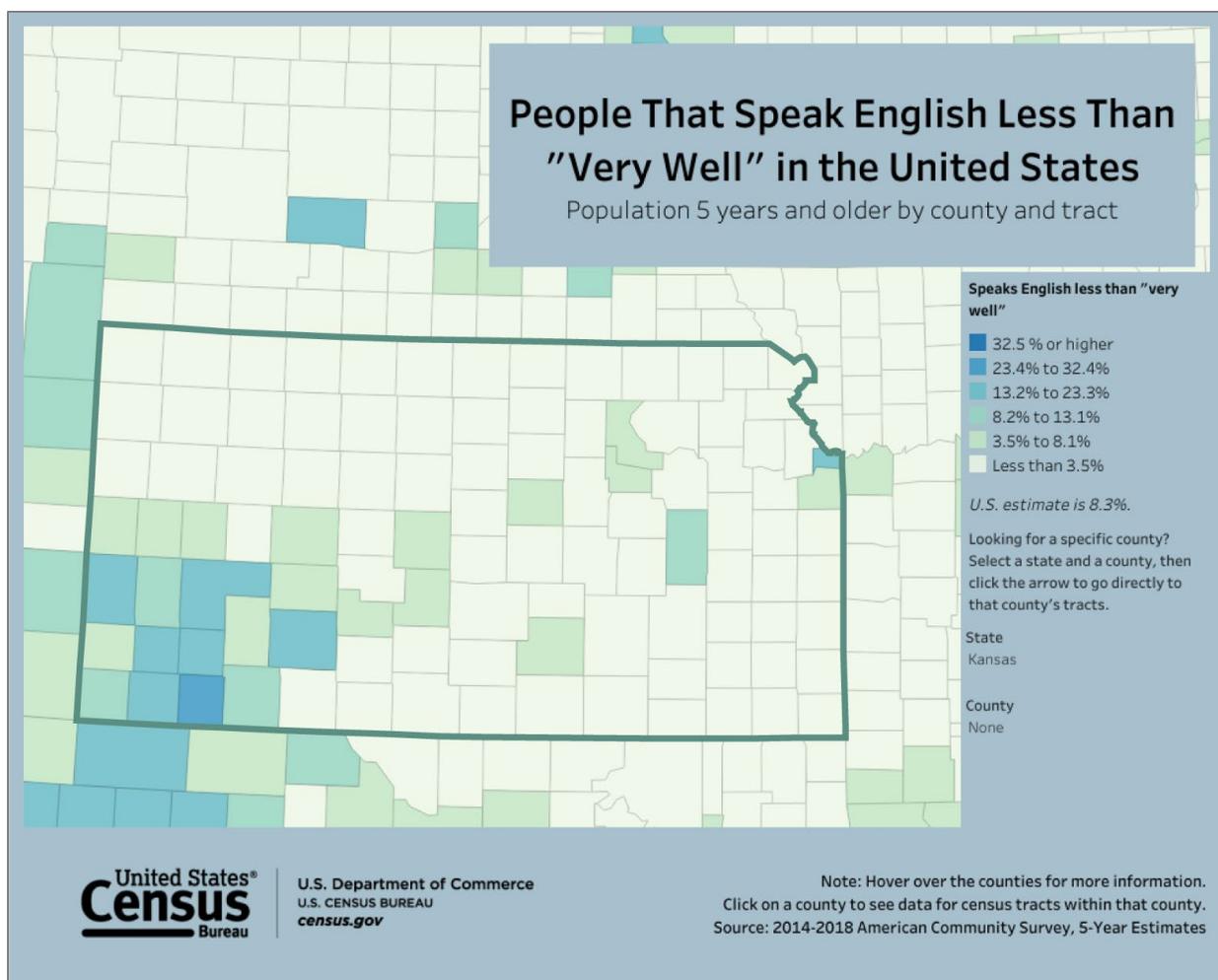
While Kansas has many counties, courthouses, and miles to consider when addressing meaningful language access, some counties have a more pronounced need than others. The U.S. Census Bureau provides detailed, county-level information about the percentage of the people in each county who speak English less than very well, based on data from the 2014-2018 American Community Survey. This data shows that the following Kansas counties have LEP numbers that comprise 8.2% or more of their populations:

- Seward – 28.2%
- Ford – 22.2%
- Finney – 19.9%
- Hamilton – 17.1%
- Haskell – 16.8%
- Stevens – 15.5%
- Grant – 15%
- Wyandotte – 14.5%
- Kearny – 10.7%
- Meade – 10.2%
- Morton – 8.5%
- Lyon – 8.4%⁴

All but two of these counties (Wyandotte and Lyon) are clustered in southwest Kansas.

³ United States Census Bureau, *2020 American Community Survey Table C16001*, <https://data.census.gov/cedsci/table?q=c16001&g=0400000US20&tid=ACSDT5Y2020.C16001> (last visited July 19, 2022).

⁴ United States Census Bureau, *People That Speak English Less Than “Very Well” in the United States*, April 8, 2020, <https://www.census.gov/library/visualizations/interactive/people-that-speak-english-less-than-very-well.html>, (last visited July 19, 2022).



Regardless of the LEP population in each county, every LEP person must be provided meaningful access to the court system. For that reason, it is necessary to establish language access resources in every courthouse.

Data Collection

In Kansas, the cost of paying for interpreter and translator services falls to the individual counties. Thus, the Kansas Judicial Branch has not historically had strong centralized data regarding the use and cost of providing language access services. OJA has recently undertaken efforts to collectively identify language access needs in courts across the state and, in the future, plans to develop centralized data that illustrates those needs.

The Kansas Judicial Branch is currently rolling out a centralized case management system (“CCMS”) that promises to offer new avenues for obtaining information about language needs in the state. The CCMS has the functionality necessary to collect information about interpreter use in court proceedings and retain data about a wide variety of languages and dialects. Once the rollout is complete, OJA will have the ability to develop reports with statewide court interpreter

usage data. This process will necessarily include development of defined data points and an educational campaign for clerks and other court employees who will capture and enter the data.

To improve data collection about statewide language access needs, the LAC will establish a data workgroup to assist OJA in developing key metrics and soliciting reliable data from courts and counties. This data workgroup will also seek to develop new sources of data that will be used to inform updates to the LAP in future years. The LAC anticipates that this data will include:

- The number of interpreter and translator services provided in court proceedings during each calendar year;
- The number of interpreter and translator services provided as part of court-adjacent services (e.g. probation meetings) during each calendar year;
- The languages involved in court-provided interpreter and translator services; and
- The cost of providing language access services in each county.

The LAC data workgroup will work with OJA to help educate clerks about the need to gather accurate data regarding interpreter usage across the state. This may include drafting information for inclusion in the clerk’s manual and other training materials, as well as conducting trainings for clerks about when and how to capture language access data.

Language Access Infrastructure

The Kansas Supreme Court’s Blue Ribbon Commission issued a report in 2012 titled “[Recommendations for Improving the Kansas Judicial System](#).” Among its findings and recommendations, the commission recognized the vital importance of access to qualified interpreters in the Kansas court system. Some specific recommendations from the 2012 report include: developing guidelines and training for interpreters, using video conferencing technology to connect hard-to-find interpreter services with courts in need, and establishing policies and training for court clerks on how to assist LEP persons in gaining access to the court. The report also recommended generally a move toward standardizing language access services across the state.

To that end, on May 2, 2014, the Kansas Supreme Court established the LAC to make recommendations to the Kansas Supreme Court regarding the development and administration of a comprehensive language access program. The goal of the program is to further accessibility to the Kansas courts by LEP persons. The key infrastructure to promote court accessibility to LEP persons consists of the LAC, local Language Access Coordinators, and OJA staff.

Language Access Committee

The purpose and make-up of the LAC appears in [Supreme Court Rule 1701](#):

Kansas Supreme Court Rule 1701:

Purpose. *A language access committee is established to make recommendations to the Supreme Court regarding the development and administration of a comprehensive language access program. The goal of the program is to further accessibility to the Kansas courts by persons with limited English proficiency.*

Membership. *The committee is composed of not more than 12 members.*

Appointment. *The Supreme Court appoints the committee members.*

Terms. *The terms of the inaugural members of the committee will be staggered. At the expiration of each inaugural member's term, the term of each succeeding member will be 3 years. No member of the committee will be eligible for more than two consecutive 3-year terms. A member appointed to complete an unexpired term will be eligible to serve two more consecutive 3-year terms. A member is eligible for one or more additional terms after a break in service. OJA Representative and Liaison Justice.*

(1) In addition to the members described in subsection (b):

*(A) there will be a permanent, nonvoting seat on the committee for a representative of the Office of Judicial Administration; and
(B) the chief justice of the Supreme Court will designate a liaison justice to the committee.*

(2) The persons serving on the committee under paragraph (e)(1) are not subject to a term limit under subsection (d).

A list of historical and current LAC members is included as appendix A.

Language Access Coordinators

Local language access coordinators are appointed for each district under [Supreme Court Rule 107\(b\)\(2\)\(C\)](#):

Kansas Supreme Court Rule 107(b)(2)(C):

The chief judge must appoint a local language access coordinator for the judicial district and give notice of the appointment to the office of judicial administration.

The duties performed by the local language access coordinators are described in Supreme Court Rule 1702(b), which states:

Kansas Supreme Court Rule 1702(b):

Responsibilities. *A local language access coordinator's responsibilities include:*

- (1) maintaining a list of the district's court interpreters;*
- (2) complying with Rule 1704(b)(2);*
- (3) maintaining familiarity with the Kansas code of professional responsibility for court interpreters, Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), and Kansas statutes and Supreme Court rules related to interpreters and language access;*
- (4) receiving complaints regarding alleged code violations and following local court procedures for responding to the complaints;*
and
- (5) performing other related responsibilities assigned by the district's chief judge.*

A current list of local language access coordinators with contact information can be found here: <https://www.kscourts.org/KSCourts/media/KsCourts/Public/LanguageAccess/Language-Access-Coordiators.pdf>

OJA Staff

OJA provides essential support for language access including, but not limited to: hosting and providing public access to information on the kscourts.org website, education and information to district courts and their staff, and training of local language access coordinators and other court staff. In addition, OJA has designated staff who monitor projects, initiatives, and the law regarding language access, and who share updates with court managers and local language access coordinators as appropriate. OJA also participates in the National Center for State Courts' Council of Language Access Coordinators, a partnership of member states that collectively work to advance language access initiatives.

Current OJA designated staff include:

- Sarah Hoskinson, Director of Access to Justice
- Amy Raymond, Chief of Trial Court Services
- Elizabeth Reimer, Assistant General Counsel

OJA's language access support staff can be reached at: interpreters@kscourts.org.

Interpreter Requirements, Registry, and Complaints

The Kansas statutes and Kansas Supreme Court rules cited in Section II govern appointment of interpreters in the district courts. Those requirements imposed by those rules are discussed below.

Court Interpreter Orientation

The Kansas Judicial Branch Court Interpreter Orientation is a free, online orientation for foreign language court interpreters and translators and anyone else interested in the field. It is currently hosted by Johnson County Community College. After completing the orientation, a prospective interpreter must provide a copy of the certificate of completion to the local language access coordinator in at least one Kansas district court. The orientation is required by [Supreme Court Rule 1705](#), which states:

Kansas Supreme Court Rule 1705:

*(a) **Applicability.** The Kansas judicial branch court interpreter orientation is a free, web-based overview of court interpretation skills, best practices, and ethics and the Kansas court system. This rule applies to an interpreter who provides interpretation or translation services in a district court, except for the following:*

- (1) an interpreter for a person who is deaf, hard of hearing, or speech impaired; or*
- (2) an interpreter providing interpretation services from a remote location outside of Kansas.*

*(b) **Orientation Registration Information.** The Office of Judicial Administration provides registration information for the Kansas judicial branch court interpreter orientation on the Kansas judicial branch website.*

*(c) **Completion of Orientation Required.***

(1) An interpreter must not provide an interpretation or translation service in a district court unless the interpreter has completed the Kansas judicial branch court interpreter orientation, except in a case of emergency as determined by the judge.

(2) The requirement of subsection (c)(1) becomes effective six months after the effective date of this rule.

*(d) **Certificate of Completion; Responsibilities.***

(1) Upon completion of the Kansas judicial branch court interpreter orientation, an interpreter may print a certificate of completion. The interpreter must provide a copy of the certificate of completion to a Kansas judicial district's local language access coordinator.

(2) A local language access coordinator who receives an interpreter's certificate of completion must retain it during the period of the interpreter's service. The certificate of completion may be retained in electronic format. The local language access

coordinator must promptly forward an electronic copy of the certificate of completion to the Office of Judicial Administration.

*(e) **Electronic List.** After receiving a copy of an interpreter's certificate of completion, the Office of Judicial Administration must note receipt of the certificate of completion on an electronic list available to the district courts. The notation on the electronic list is verification that the interpreter has completed the Kansas judicial branch court interpreter orientation.*

*(f) **Not a Substitute for Qualification or Oath.** The presence of a certificate of completion is not a substitute for a judicial determination of an interpreter's qualifications under K.S.A. 75-4353 or the taking of an interpreter's oath under K.S.A. 75-4354.*

A certificate of completion is not the equivalent of a Kansas court interpreter certification, nor does it guarantee interpreter assignments. The Kansas Judicial Branch does not currently offer court interpreter certification. Interpreters are required to have a judicial determination of interpreter qualifications, to take the interpreter's oath required under statute, complete the orientation if required, and to meet all other legal requirements.

Kansas Code of Professional Responsibility for Court Interpreters

Foreign language court interpreters are governed by the Kansas Code of Professional Responsibility for Court Interpreters adopted in [Kansas Supreme Court Rule 1703](#), which states:

*(a) **Applicability.** An interpreter, other than a sign language interpreter, who provides an interpretation or translation service in a district court must comply with the Kansas code of professional responsibility for court interpreters.*

*(b) **Kansas Code of Professional Responsibility for Court Interpreters.** The Kansas Code of professional responsibility for court interpreters is as follows:*

Kansas Code of Professional Responsibility for Court Interpreters

CANON 1: ACCURACY AND COMPLETENESS

An interpreter must render a complete and accurate interpretation or sight translation by reproducing in the target language the closest natural equivalent of the source language message without altering, omitting, or adding anything to what is stated or written, and without explanation.

CANON 2: REPRESENTATION OF QUALIFICATIONS

An interpreter must accurately and completely represent the interpreter's certifications, training, and pertinent experience.

CANON 3: IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST

An interpreter must be impartial and unbiased and must refrain from conduct that may give an appearance of bias. An interpreter must disclose any real or perceived conflict of interest.

CANON 4: CONFIDENTIALITY

An interpreter must protect the confidentiality of privileged and confidential information.

CANON 5: SCOPE OF PRACTICE

While serving as an interpreter, an interpreter must not give legal advice or express a personal opinion to the individual receiving the interpretation service or engage in any other activity that appears to constitute a service other than interpretation or sight translation.

CANON 6: RESTRICTION OF PUBLIC COMMENT

An interpreter must not publicly discuss, report, or offer an opinion concerning a court matter in which the interpreter has been engaged, even when that information is not privileged or required by law to be confidential.

CANON 7: ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE

An interpreter must constantly assess the interpreter's professional ability. If an interpreter has any reservation about the interpreter's ability to competently satisfy an assignment, the interpreter must immediately notify the court.

CANON 8: PROFESSIONAL DEMEANOR

An interpreter's conduct must be professional, respectful, and as unobtrusive as possible.

CANON 9: DUTY TO REPORT ETHICAL VIOLATIONS

An interpreter must report to the proper judicial authority any effort to impede the interpreter's compliance with any law, provision of this code, or other official policy governing court interpreting.

CANON 10: PROFESSIONAL DEVELOPMENT

An interpreter must continually improve the interpreter's skills and knowledge. An interpreter must advance the profession through activities such as professional training and education and interaction with colleagues and specialists in related fields.

Interpreter's Acknowledgement and Agreement

Under Supreme Court Rule 1704, foreign language interpreters must sign a form acknowledging that they have read and agree to comply with the Kansas Code of Professional Responsibility for Court Interpreters. That rule states:

Kansas Supreme Court Rule 1704:

(a) Applicability. *This rule applies to an interpreter who provides interpretation or translation services in a district court, except for:*

- (1) a sign language interpreter; or*
- (2) an interpreter providing interpretation services from a remote location who is employed by an agency that requires the interpreter to comply with ethical standards deemed by the judicial administrator to be substantially similar to the Kansas code of professional responsibility for court interpreters.*

(b) Acknowledgment and Agreement Required to Interpret. *An interpreter must complete and sign an acknowledgment and agreement form approved by the judicial administrator and distributed by the district court which verifies that the interpreter has received and reviewed the Kansas code of professional responsibility for court interpreters and agrees to adhere to the code. The interpreter must return the completed and signed form to the local language access coordinator listed on the form.*

(1) Signed Form Required to Interpret. *An interpreter may not provide an interpretation or translation service in a district court unless the interpreter has completed and signed an acknowledgment and agreement form, except in a case of emergency as determined by the presiding judge.*

(2) Signed Form Retention. *During the period of an interpreter's service, the local language access coordinator must retain the interpreter's completed and signed acknowledgment and agreement form. The form may be retained in electronic format. The local language access coordinator must promptly forward a copy of the form to the office of judicial administration.*

(3) Electronic List. *After receiving a copy of an interpreter's completed and signed acknowledgment and agreement form, the office of judicial administration must place the interpreter's name on an electronic list, available to the district courts.*

(4) Only One Form Required. *If an interpreter is named on the office of judicial administration's electronic list, the requirements of (b)(1) are satisfied.*

(5) Not a Substitute for Qualification or Oath. *The presence of a signed acknowledgment and agreement form is not a substitute for a judicial determination of an interpreter's qualifications under K.S.A. 75-4353, or the taking of an interpreter's oath under K.S.A. 75-4354.*

Interpreter Directories

Supreme Court Rules 1704 and 1705 require OJA to maintain an electronic list of interpreters who complete the requirements of those rules. Currently, this electronic list is available to district courts via the Kansas Judicial Branch intranet and in the CCMS. OJA also maintains a list of approved remote interpreters under Supreme Court Rule 1704(a)(2). This list is available to court staff on the Kansas Judicial Branch intranet.

In the coming years, the LAC will explore avenues for building upon the existing process of identifying qualified court interpreters and sharing that information with stakeholders within the judicial system.

Notice of Interpreter Availability and Other Signage

OJA provides districts with a “Notice of Interpreter Availability” sign that informs LEP persons that they have a right to an interpreter at no cost. The sign advises them to tell a court clerk or other staff about the need for an interpreter and is translated into 26 of the most commonly used languages across the state. This notice, used in conjunction with the “I speak” cards that allow court patrons to point to their primary language, provides an effective conduit for court staff to identify and assist with language access needs.

OJA also maintains a directory of translated signage for all district courts across the state. These signs include federal and state employment posters, notices for courthouse visitors, and information about what types of help court staff can provide to court patrons. This directory is housed on the judicial branch’s intranet.

Interpreter Complaints

OJA provides the district courts with a “Notice Regarding Court Interpreters” in both English and Spanish. Local courts are directed to post this notice and are encouraged to translate it into other languages commonly spoken in their communities. The notice informs individuals who have a concern regarding a court interpreter to contact the local language access coordinator.

Relatedly, the Kansas Judicial Branch website contains information for members of the public who have concerns or complaints regarding a foreign language court interpreter. The “[Request an Interpreter](#)” page notes that concerns or complaints can be lodged with the local language access coordinator. A link to a printable court interpreter [complaint form](#) is provided; this is the same form used by district courts for interpreter complaints. This form is not required but may be used if desired. Ethical concerns and complaints received by language access coordinators are addressed at the local level, in consultation with OJA.

Court Education and Training

The LAC is committed to training court staff and to increasing awareness of language access issues and responsibilities among court staff and other professionals who regularly come into contact with the courts. One critical component of language access is the identification of an LEP person who needs language assistance, whether the situation is presented during a courtroom proceeding or other court-related activity or function. Education and training concerning the rights of, and procedures regarding, LEP individuals should be provided on at least an annual basis for all courthouse personnel, including courtroom clerks, deputies, and all filing and records staff. All personnel must be reasonably capable of identifying an LEP individual in need of language assistance and of directing that individual to the appropriate resources (e.g., interpreter services, help desks, translated forms and brochures).

OJA, in coordination with the LAC, will provide judges and other court personnel with mandatory annual training about best practices for the effective delivery of language access services to the LEP population. This training may include one or more of the following topics:

- legal requirements for providing language access, including statutes, policies, and rules;
- identifying LEP persons and ascertaining language needs;
- accessing language assistance tools and interpreter services;
- effective techniques for working with language services providers;
- language services provider qualifications and ethical obligations;
- appropriate use of translated materials;
- maintaining accurate records regarding language access services and needs; and
- cultural competency.

To the extent possible, language access training and education should be incorporated into existing judicial branch learning events, such as annual conferences established for judges, clerks, court administrators, court services officers, and court reporters. Training should also be made available year-round through on-demand webinars and written materials.

Finally, the LAC will work with OJA to provide local language access coordinators with appropriate training about their responsibilities under Supreme Court rules and applicable laws.

Other Language Access Resources

Kansas Judicial Branch Website

Information about language access in the Kansas courts may be found through the following links:

<https://www.kscourts.org/Public/Request-an-Interpreter>
<https://www.kscourts.org/Public/Become-an-Interpreter>
<https://www.kscourts.org/Rules-Orders/Rules.aspx> [Rules 1701-1705]

Translated Legal Forms

The Kansas Judicial Branch is committed to partnering with other organizations working within the court system to develop translated vital legal forms to assist self-represented LEP litigants in Kansas courts.

1. Kansas Judicial Council

The Kansas Judicial Council works to improve the administration of justice in Kansas by continuously studying the judicial system and related areas of law, by recommending changes when they are appropriate, and by preparing publications which further this mission. The Kansas Judicial Council offers some legal forms and instructions translated into Spanish. Here is a link to one example:

<https://www.kansasjudicialcouncil.org/legal-forms/child-need-care/preliminary-matters-forms-101-107/101-spanish-information-parents-your>

2. Kansas Legal Services

Kansas Legal Services is a statewide nonprofit corporation dedicated to helping low-income Kansans meet their basic needs by providing essential legal, mediation, and employment training services. Kansas Legal Services offers some legal forms translated into Spanish, as well as interpreter assistance.

3. Kansas Coalition Against Sexual and Domestic Violence

The Kansas Coalition Against Sexual and Domestic Violence (KCSDV) is a statewide nonprofit organization that seeks to prevent and eliminate sexual and domestic violence. KCSDV provides protection order forms and related information in Spanish. Those forms are available here:

<https://www.kcsdv.org/publicaciones/>

4. District courts

Some Kansas District Courts offer other legal materials translated into Spanish. Here are links to examples:

<https://shawneecourt.org/DocumentCenter/View/1394/SPANISH-TRIAL-WAIVERTRAFFIC?bidId=>

<https://shawneecourt.org/DocumentCenter/View/1272/Financial-Affidavit-Spanish?bidId=>

In 2022, OJA embarked upon a project to begin translating certain vital court forms into commonly used languages across the state. The LAC will provide support and direction to OJA in this endeavor during the coming years.

Updates

The LAC will review this LAP at least once every three years to evaluate the need for changes or updates to the LAP. Comments or questions about the LAP may be submitted to:

Kansas Judicial Branch Language Access Coordinator, interpreters@kscourts.org

Notice

This LAP is intended to be consistent with applicable state and federal laws in place at the time the LAP was adopted. The LAP describes certain services provided in connection with those laws, but the LAP itself does not establish new law, nor does it create an independent right or cause of action.

APPENDIX A

Kansas Supreme Court Language Access Committee Members Past and Present

Justice Evelyn Wilson (*Supreme Court liaison*)
Chief Justice Marla Luckert (*past Supreme Court liaison*) *

Judge Teresa Watson (*Chair*)
Judge Eric Commer (*past Chair*) *

Membership

Judge Bradley Ambrosier *
Chief Judge Karen Arnold-Burger *
Judge Brendon Boone
Judge Erich Campbell
Steven Crossland
Thomas Fields
Michael Hennecke
Ellen House
Judge Lesley Isherwood
Kurtis Jacobs *
Cathy Leonhart *
Judge Laura Lewis *
Oscar Marino
Judge Richard Marquez
Maura Miller
DaLanna Nichols *
Tabitha D.R. Owen
Judge Clinton Peterson
LuAnn Rivera *
Judge Maritza Segarra *
Lundy Settle
Judge Linda Trigg *
Judge Korina Wedel
Judge Merlin Wheeler *

Office of Judicial Administration

Sarah Hoskinson (*OJA nonvoting member*)
Amanda Jacobsen (*OJA staff liaison*)
Elizabeth Reimer (*past OJA nonvoting member*)
Lana Walsh (*past OJA staff liaison*)

* Denotes inaugural committee member

Bolded names reflect the committee structure as of the date the 2022 Kansas Judicial Branch Language Access Plan was published.