



**SOUTH CAROLINA
JUDICIAL BRANCH**

SOUTH CAROLINA COURT ADMINISTRATION

Language Access Plan

May 2023



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CHAPTER 1: BACKGROUND

The State of South Carolina is a unified court system with Sixteen (16) Judicial Circuits, covering Forty-Six (46) counties. Within the 46 counties are Circuit, Family, Masters-In-Equity, Probate, Magistrate and Municipal Courts.

In response to the need for language services, the Supreme Court has issued orders with respect to the request for Court Interpreter (attached and dated May 18, 2023); the appointment of qualified court interpreters for deaf or hearing-impaired personas and payment for their services (attached and dated Marc 9, 2023); and appointment of qualified court interpreters for non-English-speaking persons and payment for their services (attached and dated March 9. 2023).

1.01 Mission

The Mission of the South Carolina Judicial Branch is to provide a fair and efficient forum for the just resolution of civil disputes and criminal matters.

1.02 Vision

The South Carolina Judicial Branch works constantly to provide a unified court system that not only is fair but is perceived as fair, in which all persons are treated equally and all matters are resolved in an unbiased and just manner according to the law as established by the United States Constitution, the Constitution of South Carolina, state statutes, and the common law.

1.03 Policy Statement

One of the strategic goals of the South Carolina Judicial Branch is to ensure access to justice for all, regardless of income, disability, or language barriers. This goal is achieved through the core principle that states “we believe in justice for all, regardless of income, disability, or language barriers.” And that is exemplified through our work.

We believe that access to justice is unattainable for those who are not proficient in English unless they also have access to language services that will enable them to understand and be understood.

It is the policy of the South Carolina Judicial Branch to provide timely meaningful access for Limited English Proficient (LEP), and deaf or hard of hearing persons to all agency programs and activities. All personnel shall provide free language assistance services to LEP and deaf or hard of hearing individuals whom they encounter or whenever an LEP and deaf or hard of hearing person requests language assistance services. All personnel will inform members of the public that language assistance services are available free of charge to LEP and deaf or hard of hearing persons and that the Branch will provide these services to them.



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Language access services do not give LEP and deaf or hard of hearing persons any advantage over English speakers; they are simply necessary to achieve a fair process in which LEP and deaf or hard of hearing persons are placed on an equal footing.



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CHAPTER 2: LEGAL BASIS AND PURPOSE

The Language Access Plan for South Carolina Courts is designed to promote justice in courts by ensuring equal access, eliminating language barriers, and providing court services to persons with limited English proficiency 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 the Plan is to provide a framework for the provision of timely and reasonable language assistance to those individuals that come in contact with the South Carolina Courts.

This document will be revised periodically to reflect changes made to enhance delivery of language access services.

This plan was developed to ensure equal access also to persons who are deaf or hearing-impaired. Those individuals are covered under the Americans with Disabilities Act (ADA), Title III, rather than Title VI of the Civil Rights Act. However, we have included those individuals in this Language Access Plan.

Accommodations will be provided to all deaf and hearing-impaired persons including but not limited to sign language interpreters.

Foreign language interpreters will be appointed as provided in the attached Supreme Court orders.



CHAPTER 3: DEFINITIONS

TERM	DEFINITION
Interpretation.	The process of orally rendering a spoken or signed communication from one language into another language
Interpreter by Classification	<p><i>Certified Court Interpreter.</i> An individual who has the ability to preserve the “legal equivalence” of the source language, oral fluency in English and the foreign language; the skill to interpret in all three modalities (simultaneous, consecutive, and sight translation); and the knowledge of the code of professional conduct; and whose ability, skill, and knowledge in these areas have been tested and determined to be meet the minimum requirements for certification in a given court.</p> <p><i>Qualified Court Interpreter.</i> An individual whose ability to interpret in the legal setting has been assessed as less than certified. This designation can either denote a slightly lower score on a certification exam or, for languages in which full certification exams are not available, that a registered or qualified interpreter has been evaluated by adequate alternate means to determine his or her qualifications and language proficiency.</p>
Language Access	The provision of the necessary services for LEP persons to access the service or program in a language they can understand, and to the same extent as non-LEP persons.
Language Access Plan	A written plan used to implement the language access services of a court, which includes the services that are available, the process to determine those services, the process to access those services, and all of the components of a comprehensive system. National variation exists regarding the name of this plan; some refer to a “language assistance plan” and others to a “policy for providing services to LEP persons” or an “LEP plan.”
Language Access Services	The full spectrum of language services available to provide meaningful access to the programs and services for LEP persons, including, but not limited to, in-person interpreter services, telephonic and video remote interpreter services, translation of written materials, and bilingual staff services.



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TERM	DEFINITION
Language of Lesser Diffusion	A language with low representation within a jurisdiction and for which interpreter services, translation services, and adequate language specific training is largely unavailable or very limited.
Legal Proceeding	Court or court-annexed proceedings under or by the authority of a judicial officer, including proceedings handled by judges, magistrates, masters, commissioners, hearing officers, arbitrators, mediators, and other decision-makers.
Limited English Proficient Person	A limited English proficient (LEP) person is someone who speaks a language other than English as his or her primary language and has a limited ability or no ability to read, write, speak, or understand English.
Meaningful Access	The provision of services in a manner which allows a meaningful opportunity to participate in the service or program free from intentional and unintentional discriminatory practices.
Modes of Interpreting	<p><i>Consecutive Mode.</i> Rendering the statement made in a source language in the target language only after the speaker has completed the utterance.</p> <p><i>Simultaneous Mode.</i> Rendering the interpreted message continuously at nearly the same time someone is speaking.</p> <p><i>Sight Translation.</i> A hybrid of interpreting and translating in which the interpreter reads a document written in one language while translating it orally into another language, without advance notice.</p>
Plain Language	Communication that members of an audience can understand the first time it is read or heard.
Primary Language	Means the language that an individual communicates most effectively in.
Translation	Converting written text from one language into written text in another language. 'Translation' is often misused to mean interpretation, but it is a written medium.
Vital Documents	Any materials that are essential to an individual's ability to access services provided by the organization, or are required by law.



CHAPTER 4: NEEDS ASSESSMENT

The State of South Carolina provides court services to a wide range of persons, including people who do not speak English or who are deaf or hearing-impaired. Service providers include the entire Judicial Branch, all courts in all 46 counties.

The Clerk's office in each county is notified when an interpreter is needed in court proceedings and are then responsible for arranging for an interpreter with the assistance of SC Court Administration.

4.01 Collection of Data

In development of a new Case Management System, SC Court Administration is exploring a mechanism by which statewide reporting can be made available through the system in order to track the number of hearings for which an interpreter is required, for what languages, and also to alert clerk's office staff to the fact that an interpreter will be required to be appointed when subsequent hearings are scheduled.

4.02 Percentage of Individuals with Limited English Proficiency/Deaf or Hearing Impaired

The United States Census estimates as of July 2022, the percentage of South Carolinians that speak another language at home is 7.5%. The percentage that has some form of hearing disability is 6.0%.

These number are compared with the number of the total U.S. population which are as follows:

- Foreign born – 13.7%
- Language other than English spoken at home – 22.0%
- Spanish spoken at home – 13.5%
- People with some form of hearing disability – 6.1%

4.03 Points of Contact

LEP and deaf or hard of hearing individuals have multiple points of contact within the judicial system; deputies/bailiffs, court staff, Clerk of court, and judges. Staff at the initial point of contact will conduct an assessment for the need for language assistance, and notify the individual of the right to an interpreter at no cost.

The staff at the initial point of contact may utilize the telephonic translation services to ensure that the person is getting the assistance they need. Staff members who have subsequent contact will continue to assess the need for language assistance.



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4.04 Stakeholder Engagement

In an effort to continually improve our service provision and understanding the needs of the LEP community, we regularly engage with the Supreme Court of South Carolina's Access to Justice Commission and its Language Access Subcommittee. Additionally, we collaborate with Language Access Coordinators nationwide, through our membership in the National Center for State Courts' Council of Language Access Coordinators.



CHAPTER 5: LANGUAGE SERVICES

5.01 Recipients

The South Carolina Judicial Branch provides interpreter services to persons with limited English proficiency who are in court as litigants, witnesses, persons with legal decision-making authority, and persons with a significant interest in the matter.

- *Persons with Legal Decision-Making Authority.* Certain LEP persons who are not litigants or witnesses have legal decision-making authority regarding the matter before the court. Such persons should also be provided interpreter services throughout the proceedings and for all interactions with the court. These include, but are not limited to: parents or legal guardians of minor children where the child is involved in the matter but where the parent or guardian is not a named party; parents and guardians of minor victims of crime; guardians acting pursuant to their authority under guardianship of an incapacitated individual; and guardians ad litem.
- *Persons with a Significant Interest in the Matter.* There are LEP persons who have a significant interest in a matter before the court, even if they have no “legally recognized” interest at stake. Examples include non-testifying victims in a criminal case, tenants in a public housing complex in a legal action that affects their tenancy, members of a class action who are not lead plaintiffs or family members of the victim or the defendant in a trial for murder or other aggravated offense. The court should inquire whether there are individuals in the courtroom who may be in need of interpreter services, and determine whether their interest warrants provision of language services. That determination should take into account the following factors: the relationship of the individual to the matter; the seriousness of the matter; the impact of the outcome on the individual; and whether interpretation is already being provided to another party in the proceeding and could be easily transmitted with the use of available technology.

5.02 Identifying the language

- a. Staff shall request the individual or companion identify the language of the LEP or Deaf individual.
- b. Staff may request bilingual/multilingual staff or volunteers to identify the primary language.
- c. Use in-person, video remote interpreters, or telephonic interpreters to identify the language.
- d. Use an “I speak” card or poster to identify the primary language.
- e. Staff should determine of the preferred mode of communication for a Deaf or Hard of Hearing individuals is interpretation or Communication Access Realtime Translation (CART).



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- f. Staff are prohibited from using minor children to interpret, absent emergency circumstances. Clients shall be advised of client's right to an interpreter at no cost to the client.

5.03 Languages

The South Carolina Judicial Branch provides court services to a wide range of persons, including people who do not speak English or who are deaf and/or hearing impaired. Service providers include all courts in South Carolina. By analyzing information available through South Carolina census data, it was clear that the most predominant language spoken at home (in descending order of frequency) other than English are:

1. Spanish
2. German
3. Chinese
4. French
5. Tagalog
6. Vietnamese
7. Russian
8. Portuguese
9. Hindi
10. Gujarati

Through use of various companies who provide interpretation and translation services, South Carolina Courts are able to access the abovementioned languages as well as languages of lesser diffusion.

5.04 Spoken Language Interpretation

The Program Manager of the Court Interpreting Section of the South Carolina Office of Court Administration coordinates the provision of interpreting services via the two main methods, in-person and telephonic services.

- *In-person Services* – The Program Manager maintains the South Carolina Court Interpreter's Directory, which contains the name and contact information of all interpreters designated as certified or otherwise qualified. The Directory is updated twice a year to ensure that it remains current.

In-person services are best for court proceedings of a long duration and for a trial where evidence and exhibits are used.



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- *Telephonic Interpretation Services* – The Program Manager works closely with the Procurement Department to ensure access to providers on state contract who provide telephonic interpretation services. The Program Manager works with the provider to develop the process used to access the service as well as to ensure that quality services are provided.

Telephonic interpretation services are primarily used for court proceedings of short duration. They are especially useful when used to provide access to a person who speaks a language of lesser diffusion, where in-person translation is not possible or not cost-effective.

- *Video Remote Interpretation (VRI)* – Though not implemented in South Carolina at the time of this update, Video Remote Interpretation is being researched as a viable addition to the language access services offered by the South Carolina Judicial Branch.

5.05 Sign-Language Interpretation Services

The Program Manager of the Court Interpreting Section of the South Carolina Office of Court Administration coordinates the provision of sign-language services to deaf and hard of hearing citizens. These services are mainly provided in-person but can be provided remotely as needed.

- In-person services
- Remote Services

5.06 Translation Services

The Program Manager of the Court Interpreting Section of the South Carolina Office of Court Administration coordinates the translation of documents, signage, and website content when identified through the needs assessment as important to assure access to language access to all persons using court services.



CHAPTER 6: LANGUAGE ASSISTANCE RESOURCES

6.01 South Carolina Judicial Branch Website

On its website, www.sccourts.org, the South Carolina Judicial Branch has made relevant information accessible in Spanish. The general public can access this information on the home page by clicking on one of three links: “Self Help Resources”, “Court Access”, and “Ayuda en Español”.

6.02 Notices

Signage is located throughout the courthouse to assist LEP and deaf/hard of hearing individuals to navigate the court system as well as to request assistance. Signage is provided that helps the individuals to point to the language they speak in order for the court staff to assist them in procuring an interpreter.

6.03 Interpreters in the Courtroom

The appointment of certified or otherwise qualified interpreters in South Carolina courts is governed by S.C. Code 1976, Section 15-27-155; S.C. Code 1976, Section 15-27-155; S.C. Code 1976, Section 17-1-50; and by Supreme Court Administrative Orders No. 2023-03-09-01, 2023-03-09-02, 2023-05-18 (See Appx. 1).

6.04 Translation Services

Translation services are available for vital documents required to promote the administration of justice. Judges, Clerks of court, and/or court staff may request translation of vital documents at any time by contacting SC Court Administration.

6.05 Policies and Procedures Guide

The South Carolina Judicial Branch has developed a Policy and Procedures Guide that is updated regularly to ensure that judges, clerks of court, court staff, and interpreters know and understand the process for identifying, engaging, and paying for interpreter services. The Policy and Procedure

Guide provides up to date guidance to questions such as:

- When may an interpreter be used?
- When is team interpreting allowed?
- How is an interpreter identified and scheduled?
- How is payment for services handled?
- What are the current Orders affecting language access services?
- How to make a complaint?



CHAPTER 7: INTERPRETER AND TRANSLATOR CODE OF ETHICS

7.01 Rule 511 – Rules of Professional Conduct for Court Interpreters

Accuracy (See Appendix 1)

Source-language speech should be faithfully rendered into the target language by conserving all the elements of the original message while accommodating the syntactic and semantic patterns of the target language. The rendition should sound natural in the target language, and there should be no distortion of the original message through addition or omission, explanation or paraphrasing. All hedges, false starts and repetitions should be conveyed; also, English words mixed into the other language should be retained, as should culturally-bound terms which have no direct equivalent in English, or which may have more than one meaning. The register, style and tone of the source language should be conserved. Guessing should be avoided. Interpreters who do not hear or understand what a speaker has said should seek clarification. Interpreter errors should be corrected as soon as possible.

Impartiality and Conflicts of Interest

Interpreters and translators are to remain impartial and neutral in proceedings where they serve, and must maintain the appearance of impartiality and neutrality, avoiding unnecessary contact with the parties. Interpreters and translators shall abstain from comment on matters in which they serve. Any real or potential conflict of interest shall be immediately disclosed to the Program Manager of the Court Interpreting Section and all parties as soon as the interpreter or translator becomes aware of such conflict of interest.

Confidentiality

Privileged or confidential information acquired in the course of interpreting or preparing a translation shall not be disclosed by the interpreter without authorization.

Limitations of Practice

Interpreters and translators shall limit their participation in those matters in which they serve to interpreting and translating, and shall not give advice to the parties or otherwise engage in activities that can be construed as the practice of law.

Protocol and Demeanor

Interpreters shall conduct themselves in a manner consistent with the standards and protocol of the South Carolina Judicial Branch, and shall perform their duties as unobtrusively as possible. Interpreters are to use the same grammatical person as the speaker. When it becomes necessary to assume a primary role in the communication, they must make it clear that they are speaking for themselves.



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Maintenance and Improvement of Skills and Knowledge

Interpreters and translators shall strive to maintain and improve their interpreting and translation skills and knowledge.

Accurate Representation of Credentials

Interpreters and translators shall accurately represent their certifications, accreditations, training and pertinent experience.

Impediments to Compliance

Interpreters and translators shall bring to the Program Manager's attention any circumstance or condition that impedes full compliance with any Canon of this Code, including interpreter fatigue, inability to hear, or inadequate knowledge of specialized terminology, and must decline assignments under conditions that make such compliance patently impossible.



CHAPTER 8: TRAINING

The South Carolina Judicial Branch through its Court Education division, provides all judges, court personnel, and court-appointed professionals with training on the following: legal requirements for language access; court policies and rules; language services provider qualifications; ethics; effective techniques for working with language services providers; appropriate use of translated materials; and cultural competency.

8.01 Frontline staff (Clerk's Office/Lawyers/Judges)

All current and future South Carolina Judicial Branch personnel will be trained on their obligations to provide meaningful access to information and services for LEP/Deaf residents.

Training will seek to make staff aware of the following:

1. The Court System's obligation to provide meaningful access to LEP/Deaf residents;
2. LEP/Deaf policies and procedures; and
3. Protocol in responding to LEP/Deaf residents contacting the courts via telephone, written communications, and in-person contact;
4. Updated training on changes.

8.02 The South Carolina Court Interpreter Certification Program

The court interpreter is a specially trained professional who possesses a variety of skills that distinguish him or her from bilingual persons who simply speak two languages. The interpreter plays a vital role in facilitating communication within the judicial system for the non-English speaker and ensures due process by putting the non-English speaker on the same footing as the person who understands English. It is much more than being bilingual. Court interpreters must be able to perform sight translation as well as simultaneous and consecutive interpreting. Summarizing, paraphrasing, changing or omitting is not acceptable.

Certification is a three-phase process and includes participation in a two-day Workshop, successfully passing the written exam (80% or greater), and passing an oral certification exam (70% or greater on each of the components).

- a. **Two-day Workshop.** Topics include Rules of Professional Conduct for Court Interpreters, court interpreting modes and skills, justice system structure and procedure, legal terminology, and self-study aids and techniques to improve one's skills. This is a mandatory workshop that must be attended in addition to the Written and Oral Tests.



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- b. **Written Test.** This three-hour test includes general English proficiency, legal terminology and professional ethics. Candidates must receive 80 percent or greater on this written test to achieve a passing grade.
- c. **Oral Proficiency Test.** This test simulates what a court interpreter will be expected to do in court. It has three parts: sight translation of documents from English to the target language and to English from the source language; consecutive interpretation of testimony in both the target and source languages; and simultaneous interpreting of English into the target language. A candidate must score at least 70 percent on each portion of the test to receive certification.

8.03 American Sign Language Certification

American Sign Language (ASL) interpreters are certified through the National Association of the Deaf (NAD) and the Registry of Interpreters for the Deaf (RID).

This test involves a written test, an interview, and a performance test.



CHAPTER 9: EVALUATION

The South Carolina Judicial Branch will continue to monitor and evaluate language access needs within the state.

The Language Access Program Manager will take the following steps to conduct a periodic needs assessment and evaluate the program:

1. Consult with various stakeholders such as CATI, Clerk’s Advisory Committee, Circuit/Family Court Advisory Committees, and the Access to Justice Commission to identify needs of the LEP persons interacting with the judicial system.
2. Consult with the National Center for State Courts’ Council of Language Access Coordinators in order to identify emerging trends.
3. Consult with the South Carolina School for the Deaf and Blind.
4. Monitor complaints and suggestions.
5. Keep current on community demographics.
6. Track utilization of court interpretation services.
7. Regularly review Language Access Plan, policies, and procedures.
8. Monitor and evaluate language assistance services on an ongoing basis.



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APPENDIX

Appendix 1: Interpreter in the Courtroom ([click here to view files](#))

- a. Code 1976 § 15-27-15
- b. Code 1976 § 15-27-155
- c. Code 1976 § 17-1-50
- d. Supreme Court Order Re: Appointment of Qualified Court Interpreters for Non-English-Speaking Persons and Payment for Their Services
- e. Supreme Court Order Re: Amendments to South Carolina Appellate Court Rules
- f. RULE 511