

Administrative Office of the Courts

Supreme Court of New Mexico

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MEMORANDUM

TO: District Court Judges
Metropolitan Court Judges
Magistrate Court Judges
Court Executive Officers
Administrative Office of the Courts Program Staff

FROM: Paula Couselo, Language Access Services

DATE: August 3, 2016

SUBJECT: Providing Interpreters for Court-Ordered Programs, Services or Events

This memo provides clarification to the questions we have received as to whether the Administrative Office of the Courts (AOC) can schedule and pay for court interpreters for Limited English Proficiency (LEP) individuals and the deaf and hard of hearing to have access to court-mandated services, court-offered alternative services and programs ordered in civil and criminal cases.

Court mandated services and programs may include substance abuse treatment, anger management, competency evaluations, counseling services, mediation and other dispute resolution services, supervised visits and exchanges, diversion programs, etc. When the court-mandated services and programs are **operated and managed** by the courts, the AOC is responsible for scheduling and paying interpreters and providing other language assistance services. Examples include mediations in abuse and neglect cases, specialty court hearings, family court clinics, family priority consultations and civil arbitrations.

We know that the district courts and the AOC contract with service providers to provide other court-mandated services, such as treatment, parenting classes, supervised visits and exchanges, educational schools, etc. These services **are not operated** by the courts, and it is the contractor's responsibility to provide language access services and be in compliance with all applicable federal, state, and local laws, regulations, executive orders, and ordinances, including Title VI of the Civil Rights Act of 1965 and Americans with Disabilities Act. Hence, the District, Metro and Magistrate courts and AOC staff

need to make every effort to identify or enter into contracts or memorandums of understanding with providers that can provide language access services. Remember to include language regarding accessibility in requests for proposals and consider including the following proposed language in contracts and/or MOUs:

“Providing Services to Limited English Proficiency “LEP” Individuals.

1-The Contractor will provide services that meet the needs of LEP and deaf and hard of hearing clients through the use of bilingual employees, translation and interpretation and other auxiliary aids and services; and

2-The Contractor also will provide services that reasonably meet the needs of clients with other disabilities. The Contractor’s facilities must be accessible to persons with disabilities.

The judicial officer should inquire if the contractor provides language access services to ensure the LEP court user’s ability to meet the requirements of the court.

We understand that judges and court staff participate in legal fairs at which free legal advice is offered to the community. These events are either sponsored by the court or by a third-party entity. It is the responsibility of the sponsoring entity to make arrangements to meet the needs of Limited English Proficiency individuals and the deaf and hard of hearing.

In the event that the court does not have Language Access Specialists, AOC will provide interpreting services for clinics that are sponsored by the court.

Working together we can ensure that language access is provided for court-mandated services, programs or events, even though the court may not itself be responsible for operating the program or delivering the services. The entity responsible for providing the service is responsible for bearing the cost of the language access services.

Any questions regarding this matter or other questions regarding language access services please contact me at (505) 827-4853 or aocpvc@nmcourts.gov.



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