

State of Michigan  
29th Judicial Circuit Court

Clinton & Gratiot Counties

Randy L. Tahvonen  
Michelle M. Rick  
Circuit Judges

Clinton County Courthouse  
100 E. State Street - Suite 4500  
St. Johns, Michigan 48879

29th Circuit Court, Administrative Order No. 2013-08J  
Clinton Probate Court, Administrative Order No. 2013-03J  
Gratiot Probate Court, Administrative Order No. 2013-03J  
65A District Court, Administrative Order No. 2013-02J  
65B District Court, Administrative Order No. 2013-07J

**LANGUAGE ACCESS PLAN**

In accordance with Supreme Court Administrative Order 2013-8, the court establishes this Language Access Plan (LAP) to provide for the language access needs of court users.

This LAP is the plan for the court to ensure meaningful access to court services for persons with limited English proficiency (LEP). A limited English proficient person is a person who does not speak English as his or her primary language, and who has a limited ability to read, write, speak, or understand English, and by reason of his or her limitations, is not able to understand and meaningfully participate in the court process.

The purpose of the plan is to provide a framework for the provision of timely and effective language assistance to LEP persons who come in contact with the court.

The court has appointed a language access coordinator to be a contact person for the public, court staff, and SCAO concerning this plan and its implementation. The language access coordinator may be contacted through the court administrator's office.

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**IT IS ORDERED:**

**Section I. Needs Assessment**

**A. Census Data**

The court will make every effort to provide service to all LEP persons in the court's service area. The following list shows the non-English languages most frequently spoken in the court's physical jurisdiction.

1. Spanish
2. Korean
3. French or French Creole

**B. Court Experience**

Based on court usage, the following list shows other non-English languages spoken in the court and not reflected in the US Census data.

Judge Tahvonen: (989) 224-5132

Judge Rick: (989) 224-5130

Fax: (989) 224-5102

**C. Identification of LEP Persons**

Court staff use the following methods to identify LEP persons:

1. Use "I speak" cards at clerks' counters.
2. Provide assistance if we sense they are not understanding.
3. LEP person brings family member or friend to assist in communicating with court staff.

**Section II. Language Assistance Resources**

**A. Interpreters Used In the Courtroom**

The court will offer assistance to LEP persons in the courtroom by providing foreign language interpreters as required by Michigan Court Rule 1.111.

**B. Language Services Outside the Courtroom**

The court will take reasonable steps to ensure that LEP persons have meaningful access to services outside the courtroom. This is one of the most challenging situations facing court staff, because in most situations they will encounter LEP persons without an interpreter present. LEP persons may come in contact with court personnel via:

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- Security screening at courthouse entrance
  - Circuit, Probate, District Court Clerk's offices
  - Circuit and District Court Probation: intake, PSI's, reporting days with probationers.
  - Juvenile Court Probation: intake, consent calendar meetings, violations, truancy enforcement, court ordered in-house family counseling.
  - Friend of the Court: intake, orientations, custody-parenting time interviews, support enforcement conferences, referee hearings.

Court staff will consult with the court's language access coordinator to determine what type of language service should be made available, based on the nature and importance of the court service to be provided and resources available. The following language services are available:

- Use "I speak" translation card with various languages shown to customers.
- In person interpreters if available – Spanish.
- Use of a remote telephonic interpretation company.

**C. Service Referrals**

The court will make reasonable efforts to ensure that a non-federally funded entity to which the court refers LEP persons for services has provisions for addressing their needs. The court will consider viable alternatives if language access is not provided by such a non-federally funded entity.

#### **D. Forms & Documents**

The State Court Administrative Office (SCAO) makes select translated forms available to the courts at <http://courts.michigan.gov/Administration/SCAO/Forms/Pages/default.aspx>.

- 1) Additional translated forms available to court users include:
  - o Advice of Rights forms in Spanish and Korean.

When in-person interpreters are hired for court proceedings, they are expected to provide sight interpretation of documents for LEP persons.

- 2) Courthouse translation for LEP
  - o Clinton County courts have no frequently encountered languages. "I speak" cards are available. Requests for language assistance are very rare.
  - o When persons present themselves needing assistance with forms, court staff will check the SCAO website to determine if the form is printed in the requested language, and print it for the consumer.
  - o If forms are not available in needed language, court staff will offer assistance through the use of a remote telephonic interpretation company.

#### **E. Other Provisions**

In an effort to provide LEP persons language access to court information, the court also provides the following:

- o Bi-lingual Spanish translators are available on short notice for translation assistance.

#### **Section III. Training**

The court is committed to training its judges and court staff, and coordinating with county clerks on providing LEP persons with meaningful access to court services. When the court provides training sessions, it will include a component addressing LEP policy and procedure and the court's LAP. The court is aware that staff members having contact with the public are more likely to need in-depth training on LEP policy and procedure.

The court will work with SCAO and MJI to ensure that all employees are trained on LEP policy and procedure. Training will be offered to assist judges and staff to: identify and respond to LEP persons, increase awareness of the types of language services available, guide when and how to access those services, and effectively use language services.

The court provides to judges and court staff and offers to county clerks the following training regarding language access:

- o How to use "I speak" cards and where to display them.
- o How to access the court's Administrative Order for Language Access.
- o Identification of the language access coordinator for each court and instruction about arranging appropriate language services through each court administrator.

**Section IV. Public Notification and Evaluation of Language Access Plan**

**A. Language Access Plan Approval and Notification**

The court's LAP has been approved by the State Court Administrative Office. The court will post its LAP on its public website (if available) or public notification area within the courthouse and will make copies of the LAP available upon request.

The court will consult with members of the community on an as needed basis.

**B. Evaluation and Review of the LAP**

At the direction of SCAO, or on its own initiative, the court will assess whether the LAP needs updating. The LAP will remain in effect unless modified or updated. Review of the following areas may indicate a need to update the LAP:

- Number of LEP persons requesting court interpreters or language assistance
- Funding provided or available for languages services
- Current language needs to determine if additional services or translated materials should be provided
- Feedback from LEP communities within the county
- Court staff (turnover, new hires, etc.)
- Feedback from trainings provided by the court or SCAO/MJI
- Viability of identified language services and resources
- Problem areas and corrective action strategies
- Updated census data

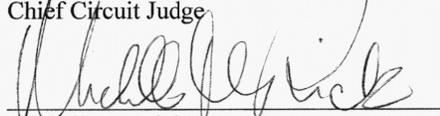
The language access coordinator for this court ensures this plan is followed, advises the court on potential updates to this plan, and coordinates the language access needs for the court as they arise. The court has identified the name and contact information of the language access coordinator and advised the State Court Administrative Office. The court will notify the SCAO regional office of any changes to the language access coordinator's contact information, or if a new language access coordinator is named.

Effective Date: December 6, 2013

Date: Dec. 5, 2013

  
Randy L. Tahvonen  
Chief Circuit Judge

Date: 12/5/2013

  
Michelle M. Rick  
Circuit Judge

Date: 12-9-2013

  
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Lisa Sullivan  
Probate Judge, Clinton County

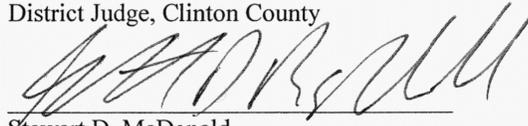
Date: 12/12/13

  
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Kristin M. Bakker  
Probate Judge, Gratiot County

Date: 12/5/13

  
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Richard D. Wells  
District Judge, Clinton County

Date: 12-12-2013

  
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Stewart D. McDonald  
District Judge, Gratiot County



<b>ESTADO DE MICHIGAN DISTRITO JUDICIAL</b>	<b>NOTIFICACIÓN DE DERECHOS E INFORMACIÓN DE DECLARARSE CULPABLE/NO CULPABLE</b>	<b>NÚMERO DE CASO</b>
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Dirección de la corte

Número de teléfono de la corte

1. Si usted necesita utilizar servicios especiales en la corte, porque tiene alguna incapacidad, o si necesita un intérprete de un idioma extranjero para que le ayude a participar plenamente en los procedimientos judiciales, por favor comuníquese con la corte inmediatamente para poder hacer los arreglos necesarios.
2. Usted ha sido traído a la corte acusado de un delito de menor cargo. Usted tiene los siguientes derechos básicos:
  - a. Declararse culpable, no culpable, o guardar silencio. Si guarda silencio, se considerará una declaración de no culpabilidad. Con el permiso de la corte puede declarar que no disputará la acusación.
  - b. Tener juicio con jurado
  - c. Ser representado por un abogado.
3. Si usted es indigente (no puede pagar un abogado) usted tiene el derecho a que le asignen un abogado pagado por los impuestos públicos, y si:
  - a. la ofensa de que se le acusa requiere una sentencia mínima en la cárcel, o
  - b. la corte determina que usted puede ser sentenciado a la cárcel.
4. Usted puede ser obligado a restituir el costo del abogado nombrado por la corte.
5. Si usted tiene un juicio, usted tiene los siguientes derechos:
  - a. Llamar a testigos para que testifiquen en su favor. Puede obtener una orden firmada por la corte para requerir que los testigos vengan al juicio.
  - b. Ver, escuchar y hacer preguntas a todos los testigos que testifiquen contra usted en el juicio.
  - c. Testificar o permanecer callado. Si elige no testificar en su favor, el procurador (fiscal) no debe hacer mención de que usted se negó a testificar.
  - d. Ser presumido inocente hasta que se pruebe su culpabilidad más allá de una duda razonable.
6. Si usted se declara culpable o no disputa la acusación y el juez acepta su declaración, usted no tendrá ningún tipo de juicio y renunciará a los derechos enumerados en las secciones número 3 y 5 aquí arriba.
7. Usted tiene el derecho de ser liberado bajo fianza.
8. Si usted está ahora bajo libertad condicional o bajo palabra y se declara culpable o no (disputa la acusación), o el juez o un jurado le determina culpable, esto puede resultar en violación de su libertad condicional o de su libertad bajo palabra.
9. Usted puede ser sentenciado hasta 93 días de cárcel o multado hasta \$500 más costos o ambos, a menos que la corte le indique lo contrario. (La corte le notificará si hay una sentencia mínima de cárcel.)
10. Multas, costos y otras obligaciones financieras impuestas por el tribunal deben pagarse en el momento de la evaluación conforme a MCR 1.110.
11. Usted puede apelar a la corte de circuito dentro de los 21 días de la fecha de la sentencia o según sea permitido de acuerdo con MCR 6.625(B). Si la sentencia incluye encarcelamiento y si el demandado desea apelar pero no le es posible económicamente contratar a un abogado, la corte nombrará un abogado para que represente al demandado en la apelación, si la solicitud de un abogado es hecha dentro de los 14 días de la fecha de la sentencia.
12. La Ley Federal y/o estatal puede prohibirle poseer o comprar municiones o un arma de fuego (incluyendo un rifle, pistola o revólver) si usted es condenado por un delito menor de violencia y usted es el cónyuge actual o anterior, padre/madre o tutor/a de la víctima; usted tiene un hijo en común con la víctima; usted está o estaba cohabitando con la víctima como cónyuge, padre/madre o tutor/a; o usted tiene o tuvo alguna otra relación similar con la víctima.

Fecha

Firma del demandado

**NOTAS DE USO:** Si se le da al demandado una versión en lengua extranjera de este formulario para que la lea, la versión inglesa y la versión en lengua extranjera deben presentarse en el caso.

Nombre del demandado (imprimir)

Las consecuencias para arrestos antes del 10/1/03 son diferentes de los arrestos en o después de 10/1/03. Si el demandado es acusado de un delito por el que fue arrestado antes de 10/1/03, póngase en contacto con la Oficina Administrativa del Tribunal del Estado para obtener la versión apropiada de este formulario.

Dirección

Ciudad, estado, código postal

Número de teléfono

DC 213 (3/12c) SPANISH **ADVICE OF RIGHTS AND PLEA  
INFORMATION**

MCL 750.504, MCL 770.3, MCR 1.110, MCR 6.610, 18 USC 922(g)(9)

<b>미사건 주</b>	<b>지방법원</b>	<b>권리의 통지 및 사유서</b>	<b>사건 번호</b>
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법원 주소 법원 전화번호

1. 장애로 인해 법원에서 특수한 설비를 이용할 필요가 있는 경우, 또는 귀하가 재판 진행에 완전히 참여할 수 있도록 외국어 통역사를 원하는 경우, 법원이 그의 배려를 하도록 즉시 법원에 연락을 해야합니다.
2. 귀하에 대해 경범죄 혐의로 법원에 소송이 제기되었습니다. 귀하는 다음과 같은 기본적인 권리를 행사할 수 있습니다.
  - a. 유죄 혹은 무죄를 주장하거나 혹은 묵비권을 행사할 수 있습니다. 만일 묵비권을 행사하는 경우, 무죄의 항변 취지의 내용이 기재됩니다. 귀하는 법원의 허가를 얻어 다름의 여지가 없음을 법원의 허가를 얻어 주장할 수 있습니다.
  - b. 배심원에 의한 재판이 진행됩니다.
  - c. 변호사의 도움을 받을 수 있습니다.
3. 가난하고(변호사를 고용할 돈이 없는 경우) 다음 사항에 해당하는 경우 공적 비용으로 변호사를 임명 받을 권리가 있습니다.
  - a. 고발된 범죄가 최소한 징역형에 처해지는 경우, 혹은
  - b. 법원이 귀하에게 징역형을 선고하는 경우
4. 귀하는 법원에 의해 선임된 변호사의 비용을 부담할 경우도 있습니다.
5. 만일 재판을 받는 경우, 귀하는 다음과 같은 권리를 갖습니다.
  - a. 재판시 귀하를 변호하기 위해 증인을 신청합니다. 증인이 법정에서 출두하도록 법원으로 하여금 명령을 발하게 할 수 있습니다.
  - b. 재판정에서 귀하의 반대 증인을 보고, 듣고 질문합니다.
  - c. 스스로 증인이 되거나 혹은 묵비권을 행사합니다. 만일 귀하 자신이 증인 되기를 원치 않는 경우, 검찰관은 귀하의 증언 거부권에 대해 논쟁하지 않을 것입니다.
  - d. 정당한 근거에 의해 유죄로 판명되기까지는 무죄로 추정됩니다.
6. 만일 유죄를 주장하거나 혹은 다름의 여지가 없음을 주장하고 그의 주장이 받아들여지는 경우, 귀하는 어떠한 종류의 재판도 받지 않고 위의 3항 및 5항에 열거된 어떠한 권리도 포기하게 됩니다.
7. 보석금을 내고 석방될 권리가 있습니다.
8. 만일 현재 집행 유예 혹은 가석방 중이거나 유죄의 답변서 (혹은 다름의 여지가 없음) 혹은 재판관 혹은 배심원이 유죄의 판결 혹은 평결을 내리는 경우, 그것은 집행 유예 혹은 가석방 조건을 위반하는 것입니다.
9. 귀하는 법원이 달리 통지하는 경우를 제외하고 최대 93일의 징역, 500달러의 벌금 혹은 양자의 병합형에 처해질 수 있습니다. (법원은 만일 최소한의 징역형 판결을 내리는 경우 귀하에게 통지합니다.)
10. 법정에 의해 부과된 벌금, 비용 및 기타 재정적 채무는 반드시 MCR 1.110에 따라 평가되는 시간에 납입하여야 합니다.
11. 순회 재판소에 항소는 선고일로부터 21일 이내에 제기할 수 있으며, MCR 6.625(B)에 의거하여 수용될 수도 있다. 만약 피고인이 항소를 원하나 경제적인 이유로 변호인을 구할 수 없는 경우, 법원은 피고인의 항소를 대변할 수 있는 변호인을 지정해줄 것이다. 이 경우 변호인에 대한 신청은 선고일로부터 14일 이내에 이루어져야 한다.
12. 연방법 또는 주법에 따라 귀하가 다음 사항에 해당되는 경우, (소총, 권총, 혹은 연발 권총을 포함한) 총기 및 무기의 구입 혹은 소지를 금지합니다. 피해자의 현재/이전 배우자, 부모, 혹은 보호자이며, 경범죄 혐의로에 대해 유죄 판결을 받은 경우; 피해자와의 사이에 자녀를 두고 있는 경우; 배우자, 부모, 혹은 보호자로서 피해자와 함께 동거했거나 현재 동거 중인 경우; 피해자와 다른 유사 관계가 있었거나 현재 이와 관련된 경우

일자 \_\_\_\_\_

피고인 서명 \_\_\_\_\_

**참고:** 피고인에게 외국어로 된 양식을 읽도록 제공되는 경우, 본건에 있어서 반드시 영어 및 외국어로 된 양식으로 접수해야 합니다.

피고인 성명 \_\_\_\_\_

2003년 10월 1일 이전의 체포 결과는 2003년 10월 1일 당일이나 이후의 체포결과와는 다릅니다. 2003년 10월 1일 이전에 체포되었던 범죄에 대해 법정에서 피고인을 소환하여 진상여부를 물은 경우, 피고인이 사용하는 언어로 된 본 양식을 얻으려면 법정 행정 사무실로 문의하십시오.

주소 \_\_\_\_\_

시, 주, zip코드 \_\_\_\_\_

전화번호 \_\_\_\_\_