

**THE SUPERIOR COURT FOR THE COUNTY OF X
STATE OF GEORGIA**

| | | |
|--------------------|---|------------------------------|
| JANE DOE, |) | |
| Petitioner, |) | |
| |) | Civil Action File No. |
| v. |) | _____ |
| |) | |
| JOHN DOE, |) | |
| Respondent. |) | |
| |) | |

MOTION FOR LANGUAGE ACCESS FOR PETITIONER

Jane Doe, the Petitioner, moves this Court pursuant to Georgia Supreme Court Rules for Use of Interpreters for Non-English Speaking and Hearing Impaired Persons (hereinafter “Interpreter Rules”), Appendix A, Sections IV (B) and VII, to appoint a certified interpreter for all proceedings in this action without charge to Petitioner:

1.

Jane Doe is the Petitioner in this action.

2.

Jane Doe is limited English proficient unable to communicate adequately in English to testify and is unable to participate in this action.

3.

Jane Doe needs a certified interpreter in Spanish to have meaningful access to this Court and its proceedings to protect her rights.

4.

The Interpreter Rules require the Court to provide an interpreter at no cost in this case.

5.

Federal law prohibits national origin discrimination by recipients of federal financial assistance. Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d et seq. (2012); Omnibus Crime Control and Safe Streets Act (O.C.C.S.S.A.), of 1968, as amended, 42 U.S.C. § 3789d(c) (2012); 28 C.F.R. §§ 42.104(b)(2), 42.203(e) (2012).

6.

The Supreme Court of Georgia, citing Title VI, as amended and the O.C.C.S.S.A, as amended, in addition to other authorities, held in Ling v. The State, 288 Ga. 299, 300-01, 702 S.E.2d 881, 883 (2010) , that an interpreter must be appointed for those who cannot communicate effectively in English in criminal cases and strongly stated that meaningful access to justice must be provided in all Georgia courts for persons who are limited English proficient (LEP) in order to comply with federal law. The court cautioned that “vigilance in protecting the rights of non-English speakers is required in all of our courts.” Id. at 302, 702 S.E.2d at 884.

7.

The U.S. Department of Justice (USDOJ), Civil Rights Division has asserted its expectation pursuant to Title VI, as amended, and the O.C.C.S.S.A., as amended, and 28 C.F.R. §§ 42.104(b)(2), 42.203(e), that state courts provide meaningful access for LEP persons. In its August 16, 2010, Language Access Guidance Letter to State Courts, Thomas E. Perez, Assistant Attorney General, USDOJ, has stated that “when meaningful access requires interpretation, courts will provide interpreters at no cost to the persons involved.”

WHEREFORE Petitioner Prays:

- a. That the Court provide a certified interpreter and pay for all interpretation costs for Jane Doe in Civil Action No. _____;
- b. That the Court make findings of fact and conclusions of law; and
- c. That Petitioner have such additional relief as the Court may consider equitable or appropriate.

Respectfully Submitted,

ATTORNEY NAME
Attorney for Petitioner
Georgia Bar No. 123456

FIRM NAME
ADDRESS

5/24/13 VERSION