



U.S. Department of Justice
Civil Rights Division

*Federal Coordination and Compliance Section
950 Pennsylvania Ave, NW-NW B
Washington, DC 20530*

June 7, 2018

Ms. Susan Schaffer
Eau Claire County Clerk of Circuit Court
721 Oxford Avenue
Eau Claire, WI 54703

Re: Complaint No. 171-85-23
Eau Claire County Circuit Court

Dear Ms. Schaffer:

This letter documents our work with Eau Claire County Circuit Court and sets forth a voluntary agreement to resolve the complaint we received in July 2017 alleging that the Eau Claire County Circuit Court fails to provide appropriate language assistance services to limited English proficient (LEP) court users who are required to attend the "Families in Transition" class. The complaint alleges that this failure violates the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7, and its implementing regulations (Title VI). We greatly appreciate your leadership and that of Judge Michael Schumacher in working to resolve this complaint. The agreement below will achieve our common goal of ensuring meaningful language access for LEP persons who access the Eau Claire County Circuit Court "Families in Transition" class.

Kindly review this letter and, if you agree with the terms of the agreement, sign and return this letter to our office. The U.S. Department of Justice through its Civil Rights Division (DOJ) will publish the signed letter on its Federal Coordination and Compliance Section's webpage and on www.lep.gov. DOJ also will consider this complaint resolved upon receipt of your signed letter. The matter will remain open only for purposes of ensuring compliance with the terms below.

Background

Under Wisconsin Statute §767.401, the court has the discretion to order parties to an action affecting the family in which a minor child is involved to attend a program concerning the effects on the child of a dissolution of the marriage. In July 2017, the Civil Rights Division's Federal Coordination and Compliance Section (FCS) received a complaint alleging that the court fails to provide appropriate language assistance services to LEP court users who are required to attend the "Families in Transition" class. According to the complainant, this failure results in significant barriers for LEP persons seeking a divorce in Eau Claire County Circuit Court and results in national origin discrimination prohibited by Title VI. In September 2017, FCS notified

the court of our review of the allegations and requested information on the “Families in Transition” class.

After reviewing the requested information, DOJ staff met with you, the director of TRY Mediation, Inc., and Eau Claire County corporation counsel by telephone to learn more about the “Families in Transition” class, to discuss concerns about lack of access to the class and to dissolution proceedings, and to gauge your interest in resolving the complaint voluntarily. Specifically, we determined that the LEP court users were not notified of comparable classes they could take in non-English languages or about procedures to request waivers. We also noted that court staff and judges lacked information about options available to LEP court users who are required to attend the class. DOJ memorialized these concerns in a letter to the court dated April 3, 2018, along with recommendations to remediate these concerns and an offer to provide technical assistance to the court as needed.

On April 9, 2018, we met again by telephone to discuss a resolution of the complaint. The proposed voluntary agreement below is based on that discussion.

Agreement

To ensure meaningful access to dissolution proceedings and to programs concerning the effects on the child of a dissolution of marriage, and to comply with its obligations under Title VI, Eau Claire County Circuit Court agrees to the following terms:

1. Families in Transition Class Notice

Eau Claire County Circuit Court agrees to inform all court users required to attend the “Families in Transition” class how they may satisfy the class requirement. The court will:

- a. Create a notice
 - i. Eau Claire County Circuit Court agrees to create the notice described in 1(b) within 60 days of the date of the signed agreement.
 - ii. Prior to issuing such notice, Eau Claire County Circuit Court agrees to share a draft of the notice with DOJ for review and feedback. DOJ will provide feedback within 14 days of receiving it.
- b. Include in the notice at least the following information:
 - i. An explanation of the program requirements, including any deadlines, costs, and any other information that would help ensure all individuals are fully informed about the program and the consequences of not attending;
 - ii. Notice of the ways a party can complete the class, which include:
 1. Attending the in-person class given by Try Mediation, Inc.;
 2. Attending an approved comparable class, either in-person or online¹;or

¹ The court will also maintain a list of the approved comparable classes specifically identifying those classes available in non-English languages. The court will also translate this list in the manner outlined below.

3. Making a request on the record before the court for a waiver of the requirement to attend the class.²
- c. Translate the notice
 - i. Eau Claire County Circuit Court agrees to professionally translate the notice described in 1(b) initially into Spanish and Hmong.
 - ii. The Eau Claire County Circuit Court will conduct an annual assessment of the top languages spoken in the county or by LEP court users to determine if the court should translate the notice into other languages to ensure meaningful access to the "Families in Transition" class by LEP court users required to attend the class.
 - iii. The court will ensure that qualified professional translators perform all translations of the notice described in 1(b).
 - d. Provide the notice
 - i. Once the notice is completed, Eau Claire County Circuit Court agrees to provide all court staff with a copy of the notice in English, Spanish, and Hmong.
 - ii. When necessary, the court will also provide the notice translated into other languages.

2. Information on Language Services

Eau Claire County Circuit Court agrees to inform all court staff on the obligations under Title VI to provide meaningful access to its court programs. The court will inform:

- a. Current staff
 - i. Within 60 days of the date of the signed agreement, the Eau Claire County Circuit Court will provide all staff, family court judges, and commissioners, who interact with the public, with information on options for satisfying the "Families in Transition" class.
 - ii. This information will include:
 1. A copy of the notice referenced in 1(b) of this agreement, and
 2. A list of available comparable classes. The list will be written in:
 - a. English
 - b. Spanish
 - c. Hmong
 - d. Any other language deemed necessary by the court.
- b. All newly hired staff, family court judges, and commissioners, who will be interacting with the public, will receive the information described in 2(a)(ii) at a time the court deems best suited for newly hired staff.
- c. Eau Claire County Circuit Court will remind all court staff, family court judges, and commissioners of the content of the notice referenced in term 1(b) of this agreement on a periodic basis the court deems reasonable.

3. Community Engagement

² In notifying parties of their option to request a waiver, the court will also inform parties that when they request a waiver, discretion rests with the court to approve or deny that waiver.

DOJ appreciates the effort of Eau Claire County Circuit Court to conduct outreach to community organizations in order to improve language service delivery. Eau Claire County Circuit Court will continue to engage with community organizations whose clientele include local LEP individuals and receive feedback on language access in the court. To ensure the notice referenced in term 1(b) of this agreement effectively communicates the options available to LEP court users, the court will engage with local community organizations to get feedback on both the languages used in the notice and the accessibility of the professionally translated notice. To achieve this goal, the court agrees to:

- a. Establish a network with organizations that work with Spanish- and Hmong-speaking communities, and other language communities as appropriate.
- b. Collaborate with the network established in 3(a) to:
 - i. Determine the language needs and approximate range of reading levels of the court's local LEP populations, and
 - ii. Ensure the professionally translated notice referenced in 1(b) effectively communicates its intended information.
- c. Provide the draft translated notice to bilingual staff of community organizations that work with Spanish- and Hmong- speaking communities to obtain feedback that might help inform the professional translators of the particularized vocabulary of local Spanish speakers and Hmong speakers.
- d. Seek input from the network on outreach to LEP communities and feedback on the court's language services program.

4. Continued Communication on Progress

DOJ finds it important to communicate periodically so that expectations and the path to resolution are clear. Eau Claire County Circuit Court and DOJ commit to:

- a. Hold a joint conference call every six (6)-months from the date of this signed agreement for a period of one (1) year.
- b. During the call, Eau Claire County Circuit Court will update DOJ on its status implementing this agreement and any obstacles or concerns that have arisen since the last call.

DOJ encourages Eau Claire County Circuit Court to reach out to DOJ with any questions or for technical assistance requests regarding this agreement. DOJ will remain available to provide such technical assistance for the duration of the agreement.

Provided no additional compliance issues arise prior to the final update, DOJ will close this review within 60 days of our final scheduled call.

Additional Information

Please sign the last page below and return this document to our office if Eau Claire County Circuit Court agrees to these terms. Once received, DOJ will keep the file open only for

the purposes of the four (4) terms above. Although DOJ does not expect it, should there be a material breach of any term of the agreement, DOJ has the discretion to extend the compliance period or reopen this matter and assess the need for additional review and/or a formal investigation.

This letter does not constitute a finding that Eau Claire County Circuit Court is or will be in full compliance with Title VI or other federal laws, nor does it address other potential claims of discrimination on the basis of race, color, or national origin that may arise from the activities of Eau Claire County Circuit Court. Likewise, this letter does not constitute an admission by Eau Claire County Circuit Court with regard to any specific allegation reviewed in this matter, nor a finding that it is not or has not been in full compliance with Title VI or other federal laws.

The purpose of this letter, instead, is to memorialize Eau Claire County Circuit Court's commitment to devise and implement the above policies, trainings, notices, and procedures, which the parties agree will address DOJ's concerns regarding Eau Claire County Circuit Court's compliance with the non-discrimination provisions of Title VI as they relate to access to the court mandated "Families in Transition" program by LEP individuals. This letter also details the status of DOJ's review of the complaint, its intent to close its review of the complaint, and its future limited involvement in the matter.

Please note that this letter does not affect any rights that the individual complainant(s) may have to file private lawsuits regarding the concerns raised in their complaints to DOJ. We will retain the complaints for our records and take the information provided into account if we receive similar future complaints against Eau Claire County Circuit Court.

We are obligated to inform you that recipients may not intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone who has either taken action or participated in an action to secure rights protected by the civil rights laws DOJ enforces. The protection against retaliation extends to recipient employees who provide information or otherwise cooperate with DOJ's review. Any individual who alleges such harassment or intimidation may file a complaint with DOJ. We would investigate such a complaint if the situation warrants.

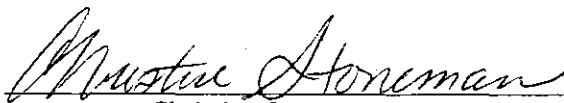
Under the Freedom of Information Act, it may be necessary to release information and related correspondence and records shared by recipients and complainants upon request. In the event that we receive such a request, we will seek to protect, to the extent provided by law, personal information that, if released, could constitute an unwarranted invasion of privacy.

If you have any questions concerning this letter or any of its terms, please contact Andrea Plewes at Andrea.Plewes@usdoj.gov, (202) 353-4107 or Joshua Douglas at Joshua.Douglas@usdoj.gov, (202) 353-4101. Please direct any written correspondence about this matter to the address listed above, referencing the DOJ matter number cited at the beginning of this letter.

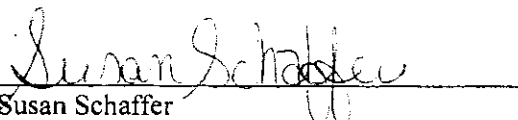
We very much appreciate your continued cooperation in this matter and look forward to hearing from you.

Sincerely,

Tamara Kessler
Chief

By: 
Christine Stoneman
Principal Deputy Chief

Federal Coordination and Compliance Section
Department of Justice
Civil Rights Division


Susan Schaffer
Clerk
Eau Claire County, WI Circuit Court

Agreed to on this 11th day of June, 2018

cc:

Mr. Keith Zehms, Eau Claire County Corporation Counsel
Ms. Barbara Oswald, AUSA for Western District of Wisconsin