

# BILINGUAL ORDERS OF PROTECTION:

## Translation and Interpretation Services in Criminal Courts



Report to the Legislature, Governor and Chief Judge - April 1, 2018



NEW YORK STATE UNIFIED COURT SYSTEM



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# Introduction

This report is submitted pursuant to part BB of chapter 55 of the Laws of 2017,<sup>1</sup> which requires the New York State Unified Court System (“UCS”) to conduct and evaluate pilot programs with regard to the translation and interpretation of orders of protection in criminal cases in state-paid courts, as well as in the locally-funded town and village courts (hereinafter collectively referred to as “Justice Courts”).

The 2017 legislation endorsed and codified the bilingual order of protection initiative that the UCS began in 2015. In addition, the 2017 legislation imposed various timelines and other requirements on that initiative, including the creation of the pilot programs in the criminal courts. As required by part BB, this report assesses those pilot programs and sets forth the court system’s plan for expanding this program in criminal courts across the state. In addition, the report describes the status of the bilingual order of protection program in all courts, including Family and civil courts.

- Part I of this report provides a brief overview of the court system’s language access program generally, as well as its 2015 bilingual order of protection initiative.
- Part II summarizes the 2017 legislation regarding the court system’s bilingual order program.
- Part III describes the pilot order of protection program in criminal cases, discusses the technical and operational issues relating to the expansion of the program in these cases, and sets forth a plan for that expansion statewide.
- Part IV summarizes and responds to comments received from various advocacy and other groups regarding the bilingual order of protection program.

## PART I

# Background: Language Access in the New York Courts, and the 2015 Bilingual Order of Protection Initiative

New York is one of the most diverse states in the nation, with more than 5 million people who are not fluent in English. Ensuring language access to these New Yorkers is critical to ensuring access to justice.

In 2017, the UCS provided interpreters in 124 languages, for over 100,000 court appearances. Queens County is often cited as the most linguistically diverse in the state, but there is a daily need for interpreters in every corner of New York. Meeting this challenge is further complicated by constantly changing needs -- in 2017, the New York courts were called upon to find qualified interpreters in nine languages that had never before been encountered: Temne, Karenni, Kpelle, Kaqchikel, Acholi, Ibibio, Kashmiri, Chin-Zomi, and Kru.

To meet this need, the UCS employs more than 300 staff interpreters, in 28 languages. In addition, the UCS maintains a roster of more than 700 freelance interpreters, who have been tested, screened and trained, and are available to interpret in more than 100 languages. In those instances where staff or freelance interpreters cannot meet the need, commercial interpreting services may be used.

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1. See Appendix A.

Increasingly, remote interpreting has proven effective, especially for brief court appearances, and in courts that are located far from available interpreters.

A more complete summary of the UCS language access program may be found in “Ensuring Language Access: A Strategic Plan for the New York State Courts,” which was issued in March 2017.<sup>2</sup> That report also sets forth an ambitious and comprehensive roadmap for improving language access in the New York courts.

While the primary focus of the UCS language access program is on oral interpreting, translation of written documents is also critical to ensuring full access to the courts. Toward that end, a wide variety of written forms, instructions and other materials have been translated into the languages that are most often interpreted in the UCS.

In 2015, the UCS went beyond the translation of templates and forms, and began a pilot project to test the feasibility of providing translations of completed, customized documents. For that pilot, the chosen document was the order of protection, and the initial selected language was Spanish.

It was determined that a single document with both the English and Spanish text would be issued, rather than an official English order and a separate Spanish translation. An interlinear format was created, with alternating English and Spanish sections. A prominent disclaimer stating that the English text is the official order is featured in both languages. See Appendix B.

The pilot began in March 2015, in family offense cases in three Family Courts: New York County, Westchester County, and Monroe County. After several months of testing and feedback, some modifications were made, such as the translation of additional standard terms. Since then, the bilingual program has steadily expanded:

- Bilingual orders are now available in every Family Court and Integrated Domestic Violence (“IDV”) Part in the state.
- Translations for Chinese and Russian - the next most-requested languages for interpreters in the courts - were soon added, and by the end of 2017, English-Arabic orders were also available in all Family Courts and IDV Parts statewide.
- In January 2017, Spanish bilingual orders were introduced for criminal cases in three city courts - Amsterdam, Kingston, and Newburgh. Subsequent expansion of bilingual orders in criminal cases is discussed in Part III below.
- By the end of 2017, bilingual orders in four languages (Spanish, Russian, Chinese, and Arabic) were available in matrimonial cases across the state.

The creation of a bilingual order in each new language poses significant challenges. First, structural differences between English and the foreign language complicate the design of a clearly readable interlinear order. The right-to-left structure of Arabic, for example, had a dramatic impact on the template, demanding specially crafted accommodations. In addition, languages with non-English characters, such as Chinese and Russian, also present challenges with font type and size selection and affect decisions as to how best to intersperse English words and non-English text. Similarly, variations in date formatting require special consideration: many languages format dates in a way other than English would. For example, Arabic has different characters for numbers, and even Spanish has a different format for a date when expressed in a sentence. Like all aspects of the translation and

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2. <https://www.nycourts.gov/publications/language-access-report2017.pdf>

design of a bilingual order, the proper formatting of dates is critically important, and bears directly on the enforceability of the order – the order must be clearly understood by both the English-speaking enforcement agent and parties with limited English proficiency (“LEP”).

Since the first bilingual order pilots were started in 2015, New York courts have issued more than 30,000 bilingual orders, in the following languages:

Spanish: 27,630

Russian: 1,206

Chinese: 1,143

Arabic: 364

To ensure a smooth roll-out of the bilingual orders, the UCS took a number of steps, including the following:

- **Operational FAQs** were issued, addressing such matters as the roles and responsibilities for each person in the courtroom who is involved in the issuance of a bilingual order of protection, e.g., judge, clerk, and interpreter (see excerpt in Appendix C).
- **Instruction manuals** were issued describing how to create a bilingual order in a particular case.
- **Webinar** training sessions were offered, and recorded for later, on-demand viewing or reference.
- **Sample orders** were distributed to familiarize judges, court staff, and interpreters with the bilingual format. These sample orders are also provided to personnel of law enforcement agencies that are involved with service and enforcement of the order.
- **Memoranda** were distributed to the courts describing the bilingual order program.

## PART II

### Part BB of Chapter 55 of the Laws of 2017

**A**s noted above, part BB of chapter 55 of the Laws of 2017 endorsed, and codified, the bilingual order of protection program initiated by the court system in 2015. In addition, part BB imposed several requirements on the program. First, part BB required that bilingual orders be available in additional case types, as follows:

- By January 1, 2018, bilingual orders in Family Court were also to be available in non-family offense cases (e.g., juvenile delinquency cases); and
- By January 1, 2018, bilingual orders were to be available in matrimonial actions.

Part BB also required that bilingual orders be made available in additional languages over a three-year period:

- By January 1, 2018, bilingual orders were to be available in three of the top ten languages in each of the four judicial departments;
- By June 30, 2019, bilingual orders are to be available in an additional three of the top ten languages in each judicial department; and
- By December 31, 2020, an additional four languages in each department are to be added, so that orders are available in the top ten languages in each judicial department.

The UCS satisfied each of the requirements subject to the January 1, 2018 deadline: bilingual orders are now available in four languages (Spanish, Russian, Chinese, and Arabic) in all Family Court case types, IDV Parts, and matrimonial actions statewide.

Part BB also required that the UCS establish pilot bilingual orders of protection programs in criminal courts. Those pilots are addressed in the next section of this report.

## **PART III**

# Bilingual Orders of Protection in the Criminal Courts

## **1. Pilot Programs**

Part BB directed the Office of Court Administration (“OCA”) to establish and oversee pilot programs involving bilingual orders of protection in criminal cases in both the state-paid courts and the Justice Courts.

### **State-Paid Courts**

Part BB required the creation of bilingual order pilots in one county in New York City and in two counties outside of New York City. As noted above, the UCS had, prior to the enactment of part BB, already established bilingual order pilots in criminal courts in three counties outside of New York City (Kingston City Court in Ulster County, Newburgh City Court in Orange County, and Amsterdam City Court in Montgomery County).

To date, bilingual orders have been introduced in 27 criminal courts in 17 counties, including four in New York City (Kings, New York, Bronx, and Queens Counties), far exceeding the legislative pilot requirements. Collectively, these courts have issued more than 1,100 bilingual orders. Appendix D lists the courts and number of bilingual orders produced during the pilot period.

### **Justice Courts**

Part BB also required bilingual pilots in the locally-funded Justice Courts, specifying that there be one in each of the nine judicial districts outside of New York City. Again, the legislative requirements were exceeded, with 23 Justice Court pilots, distributed across each of the nine judicial districts. Here, however, the number of orders issued was significantly lower, with a total of 29 orders in the 23 Town and Village Courts.<sup>3</sup> Appendix E lists each Justice Court in the pilot and the number of bilingual orders produced thus far.

## **2. Technical and Operational Issues Relating to Bilingual Orders in the Criminal Courts**

The experience of producing bilingual orders in the criminal courts has highlighted several issues and practices to be considered as bilingual orders of protection are expanded in criminal courts statewide, including the following:

### **Number of Courts**

One of the most significant issues relevant to the expansion of bilingual orders to all criminal courts statewide is the large number of courts and court locations. There are more than 1,300 such courts

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3. For purposes of the pilot, only Spanish orders were issued. Spanish was selected as the language most likely to give the courts experience in issuing bilingual orders.



across the state, 126 of which are state-paid criminal courts and more than 1,200 of which are Justice Courts. (In contrast, there are 62 Family Courts across the state, one in each county.) The successful roll-out of an initiative as complex as the bilingual order project requires a court-by-court approach, including appropriate training of both judges and nonjudicial staff.

### **Part-time Operations**

The expansion of this program is further complicated by the fact that every one of the 1,200-plus Justice Courts in the state operates on a part-time basis, typically outside of regular business hours. (A small number of the state-paid criminal courts are also only part-time.)

### **Number of Languages**

A further complication is due to the legislative requirement that orders of protection be available in the top ten languages in each of the four judicial departments. Because of the wide variation in language needs across the state, satisfying that requirement will mean that orders will have to be available in 20 different languages. For example, there are four languages that were in the top ten languages in the Fourth Judicial Department – Somali, Nepali, Bosnian, and Swahili – that are not among the top ten languages in any of the other three departments. There are three languages among the top ten in the Third Department – Karen, Burmese, and Pashtu – that are also not among the top ten languages in the other departments. (Attached as Appendix E is a list of the ten most-requested languages in the New York courts by judicial department.) The development and introduction of an order of protection in each language requires a significant investment in time and resources.

### **Number of Orders in Each Language**

Another issue concerns the number of orders that can be expected in each of the translated languages, particularly in less-common languages. For example, Pashtu was one of the top ten languages in the Third Judicial Department, but Pashtu only required 21 court interpreter appearances during the three-year period from January 1, 2014 to December 31, 2016, and only some of those cases would have involved an order of protection. In light of the significant work required to develop and introduce an order of protection in each new language, the very modest number of expected orders in a language such as Pashtu raises important questions about the most effective allocation of scarce resources.

### **Local Practice**

There are significant variations in processes for issuing orders among courts. For example, some courts create the order of protection entirely on their own, while in other courts, the District Attorney's Office prepares the draft order, which they bring to the court for finalization and signature. These, and other local variations in practice, must be fully understood and taken into account as bilingual orders are introduced in each court.

### **Adoption of WebDVS**

OCA and the Justice Courts are engaged in another important project that will improve the order of protection system. Many Justice Courts prepare manual orders (on paper) and fax these orders to OCA for data entry into the statewide registry. OCA has undertaken a statewide training and implementation effort to have the Justice Courts use OCA's automated WebDVS system to perform this data entry themselves, thus greatly speeding the entry of these orders into the statewide registry. Due to the number of judges and staff, part-time hours and extensive off-hours operations, the transition from fax to data entry of orders by the court is a multi-year project.

### Training

The pilots also reinforced the importance of adequate training of everyone involved in producing a bilingual order, including the judge and court staff. This is especially important in the smaller courts, where bilingual orders will be issued less frequently.

### Criminal Justice Partners

Service and enforcement of the order involves the efforts of numerous law enforcement agencies. The experience in the pilot courts reinforces the necessity of familiarizing those agencies with the new bilingual order format as part of the implementation in the court.

## **3. Plans for Statewide Expansion**

OCA has developed a plan to expand bilingual orders to additional criminal courts and in more languages in the coming years, taking into account the issues discussed above, as well as the demands of other initiatives in these courts (such as the implementation of the Raise the Age of Criminal Responsibility legislation in Family and criminal courts statewide and the Centralized Arraignment Parts legislation in the Justice Courts).

The plan features an initial emphasis on statewide implementation of a Spanish order of protection in these courts. Spanish is by far the most common non-English language that is spoken in every part of the state (see Appendix F), and statewide implementation of an English-Spanish order of protection would meet more than 70 percent of the need for bilingual orders.

### State-Paid Courts

The first phase of the expansion of bilingual orders in the state-paid criminal courts will be in the City and District Courts and in NYC Criminal Court. By mid-2019, the ability to produce Spanish bilingual criminal orders will be completed, as will training for the judges and staff in these courts. The focus will then shift to the Supreme and County Courts, where full implementation of the Spanish order of protection will be achieved by mid-2021. Throughout the 2018-2021 time period, templates of orders in other languages will also be introduced and implemented in the state-paid criminal courts.

### Town and Village Courts

The plan for the Justice Courts follows a similar pattern, with an initial focus on the Spanish order. As discussed above, the nature of the Justice Court system, especially the large number of court locations, their part-time operation, and often limited funding, will make this implementation challenging.

The plan is to first expand bilingual orders to the larger Justice Courts in each district. It is expected that the Spanish order of protection will be implemented and all justices and staff trained by the end of 2021. During that same time, templates of orders in other languages will be introduced on a timetable to be determined, after further experience in implementing bilingual orders in the Justice Courts.

Simultaneously with that effort, OCA will be working with the Justice Courts on a perennial language access issue in those courts – the availability of court interpreters. Here again, the large number of such courts is a factor, with Justice Courts located in more than 1,200 towns and villages across the state, often in remote areas that are far from any qualified interpreters. That fact, coupled with limited funding for interpreters, poses a real obstacle to language access in the Justice Courts. To develop workable recommendations for improving language access in the town and villages courts, the Chief Administrative Judge appointed a task force, which includes town and villages justices and staff among its members. The task force report, which will be issued shortly, will include recommendations

for increasing the availability of interpreters in these courts, such as expanded reliance upon remote interpreting and the use of Justice Court Assistance Fund grants to help local governments pay for commercial interpreting services. Other recommendations of the task force will address the translation of signage, instructions and other resource materials, and additional training for justices and court staff on identifying the need for and procuring interpreting services.

## PART IV

# Consultation with Criminal Justice Partners

**A**s required by part BB, in preparing this report, the Chief Administrative Judge solicited comments from more than 200 legal services organizations, prosecutors, and other partners in the criminal justice system with respect to the bilingual order program generally and the criminal court pilots specifically.

To this outreach, OCA received 17 responses. The responses were submitted by a variety of stakeholders from across the state, including district attorneys, advocates, legal service providers, law school faculty and students, private attorneys, judges, court clerks, and interpreters. The feedback was overwhelmingly positive, with unanimous support for expanding the scope of translated documents to more effectively serve New Yorkers who do not read or speak English.

Comments on the bilingual orders addressed various issues, including several that the UCS is already addressing, such as the translation of additional terms and conditions that are frequently used on the orders, translation of the orders into additional languages (specifically mentioned were Haitian Creole, Uzbek, French, and Polish), and creation of a “template” or paper-based bilingual order that could be used when a computer-generated order is not available. In addition, commenters noted the ease of use of the bilingual orders, with “zero burden” on district attorneys and others to effectuate its use, while others highlighted the “increased understanding of the order and the process” by clients with limited English proficiency. Additional suggestions included amending the notice on the bilingual orders to address inconsistencies or challenges to the translated non-English text (to clarify that “the English version shall control”). A few attorneys asked that the courts provide more notice about the availability of the bilingual orders to court users, and that such notice be provided early in the order of protection filing process.

The UCS has thoroughly reviewed the submitted comments and will continue to collaborate with these partners to maximize the benefits of translated court documents.

## Conclusion

A clear understanding of the terms and conditions of an order of protection is critical to ensuring the safety of the protected party. The court system’s bilingual order of protection initiative has played a key role in furthering that objective. Significant progress has been made since the first three Family Court pilots were launched in 2015. As discussed above, the UCS is continuing to press forward, and we are fully confident that by next year’s report we will have made further significant progress on this important access to justice issue.

## Appendix A: Part BB of Chapter 55 of the Laws of 2017

Senate 2005C Assembly 3005C

### PART BB

16 Section 1. Paragraph (t) of subdivision 2 of section 212 of the judi-  
17 ciary law, as added by chapter 237 of the laws of 2015, is relettered  
18 paragraph (u).

19 § 2. Paragraph (t) of subdivision 2 of section 212 of the judiciary  
20 law, as added by chapter 367 of the laws of 2015, is relettered para-  
21 graph (v) and two new paragraphs (t) and (t-1) are added to read as  
22 follows:

23 (t) Make available translation services to all family and supreme  
24 courts to assist in the translation of orders of protection and tempo-  
25 rary orders of protection, as provided in this paragraph, where the  
26 person protected by and/or the person subject to the order of protection  
27 has limited English proficiency or has a limited ability to read  
28 English:

29 (i) Translation services shall be made available to all family and  
30 supreme courts in the ten languages most frequently used in the courts  
31 of each judicial department in accordance with the schedule in subpara-  
32 graph (ii) of this paragraph, and any additional languages that the  
33 chief administrator of the courts deems appropriate;

34 (ii) (A) In three languages from among the ten most frequently used in  
35 the courts of each judicial department, by January first, two thousand  
36 eighteen;

37 (B) In three additional languages from among the ten most frequently  
38 used in the courts of each judicial department, by June thirtieth, two  
39 thousand nineteen; and

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A. 3005--C

1 (C) In four additional languages from among the ten most frequently  
2 used in the courts of each judicial department, by December thirty-  
3 first, two thousand twenty; and

4 (iii) Upon issuance of an order of protection or temporary order of  
5 protection, the court shall inquire of any person who is protected by it  
6 or subject to it, who has made an appearance, whether translation  
7 services are needed. The court shall advise the party or parties of the  
8 availability of such translation services;

9 (iv) The authority provided by this paragraph shall be in addition to,  
10 and shall not be deemed to diminish or reduce any rights of the parties  
11 under existing law.

12 (t-1) Issue reports concerning the availability of translation  
13 services where orders of protection and temporary orders of protection  
14 are issued; special pilot programs. (i) The chief administrator of the  
15 courts shall submit to the legislature, the governor, and the chief  
16 judge of the state the following reports:

17 (A) Not later than April first, two thousand nineteen, a report on the  
18 availability and use of translation services in the courts for orders of  
19 protection and temporary orders of protection, including but not limited  
20 to the languages for which written and oral translation is provided; the  
21 number of parties that received translated documents, broken down by  
22 language and judicial department; the number of parties receiving inter-  
23 pretation, broken down by language and judicial department; the number  
24 of people who requested a translated document and did not receive it;  
25 and the number of cases in which a court interpreter was used to commu-  
26 nicate with either party and an order of protection or temporary order  
27 of protection was issued but in which a translated document was not  
28 provided to either party. Such report shall contain recommendations for  
29 further legislation relating to the availability of such translation  
30 services as the chief administrator of the courts shall deem appropri-  
31 ate; and

32 (B) Not later than April first, two thousand eighteen, a report evalu-  
33 ating the technical and operational issues involved in subjecting the

Appendix A: Part BB of Chapter 55 of the Laws of 2017

34 following orders of protection and temporary orders of protection to the  
35 same requirements, relative to translation and interpretation of such  
36 orders, as are applicable to orders of protection and temporary orders  
37 of protection issued under section one hundred sixty-nine of the family  
38 court act: (I) orders of protection and temporary orders of protection  
39 issued under section 530.12 or 530.13 of the criminal procedure law; and  
40 (II) orders of protection and temporary orders of protection issued by a  
41 town or village justice court.

42 (ii) The office of court administration shall establish and oversee  
43 two pilot programs, as follows:

44 (A) In one town or village court within each judicial district, to  
45 develop best practices for the use of written translation and interpre-  
46 tation services for orders of protection and temporary orders of  
47 protection in the justice courts. Following consultation with the state  
48 magistrates association, the conference of mayors, the association of  
49 towns, the unified court system's advisory committee on language access,  
50 and such other parties as may be interested, the chief administrator  
51 shall include an analysis and evaluation of this pilot program, together  
52 with a plan for its expansion throughout the justice court system, in  
53 the report required pursuant to clause (B) of subparagraph (i) of this  
54 paragraph.

55 (B) In one county in the city of New York and two counties outside  
56 such city, to develop best practices for the use of written translation

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A. 3005--C

1 and interpretation services for orders of protection and temporary  
2 orders of protection issued in the state-paid criminal courts of such  
3 counties. Following consultation with the state district attorneys asso-  
4 ciation, representatives of the criminal defense bar, representatives of  
5 domestic violence prevention legal services providers, the unified court  
6 system's advisory committee on language access, and such other parties  
7 as may be interested, the chief administrator shall include an analysis  
8 and evaluation of this pilot program, together with a plan for its  
9 expansion throughout the state, in the report required pursuant to  
10 clause (B) of subparagraph (i) of this paragraph.

11 § 3. The family court act is amended by adding a new section 169 to  
12 read as follows:

13 § 169. Translation and interpretation of orders of protection. The  
14 office of court administration shall, in accordance with paragraph (t)  
15 of subdivision two of section two hundred twelve of the judiciary law,  
16 ensure that a court order of protection and temporary order of  
17 protection issued by the court under article three, four, five, six,  
18 seven, eight or ten of this act, is translated in writing into the  
19 appropriate language for a party to a proceeding where the court has  
20 appointed an interpreter. The office of court administration shall  
21 ensure that the standard language of the office of court administration  
22 order of protection and temporary order of protection forms shall be  
23 translated in writing in the languages most frequently used in the  
24 courts of each judicial department in accordance with paragraph (t) of  
25 subdivision two of section two hundred twelve of the judiciary law. A  
26 copy of the written translation shall be given to each party in the  
27 proceeding, along with the original order or temporary order of  
28 protection issued in English. A copy of this written translation shall  
29 also be included as part of the record of the proceeding. The court  
30 shall read the essential terms and conditions of the order aloud on the  
31 record and direct the court appointed interpreter to interpret the same  
32 terms and conditions. Such written translation or interpretation shall  
33 not affect the validity or enforceability of the order. In every case a  
34 party to a proceeding shall be provided with an English copy of any  
35 court order of protection or temporary order of protection issued. The  
36 authority provided herein shall be in addition to and shall not be  
37 deemed to diminish or reduce any rights of the parties under existing  
38 law.

## Appendix A: Part BB of Chapter 55 of the Laws of 2017

39 § 4. Subdivision 3 of section 240 of the domestic relations law is  
40 amended by adding a new paragraph a-1 to read as follows:

41 a-1. Translation and interpretation of orders of protection. The  
42 office of court administration shall, in accordance with paragraph (t)  
43 of subdivision two of section two hundred twelve of the judiciary law,  
44 ensure that a court order of protection and temporary order of  
45 protection is translated in writing into the appropriate language for a  
46 party to a proceeding where the court has appointed an interpreter. The  
47 office of court administration shall ensure that the standard language  
48 of the office of court administration order of protection and temporary  
49 order of protection forms shall be translated in writing in the  
50 languages most frequently used in the courts of each judicial department  
51 in accordance with paragraph (t) of subdivision two of section two  
52 hundred twelve of the judiciary law. A copy of the written translation  
53 shall be given to each party in the proceeding, along with the original  
54 order or temporary order of protection issued in English. A copy of  
55 this written translation shall also be included as part of the record of  
56 the proceeding. The court shall read the essential terms and conditions

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A. 3005--C

1 of the order aloud on the record and direct the court appointed inter-  
2 preter to interpret the same terms and conditions. Such written trans-  
3 lation or interpretation shall not affect the validity or enforceability  
4 of the order. In every case a party to a proceeding shall be provided  
5 with an English copy of any court order of protection or temporary order  
6 of protection issued. The authority provided herein shall be in addition  
7 to and shall not be deemed to diminish or reduce any rights of the  
8 parties under existing law.

9 § 5. Section 252 of the domestic relations law is amended by adding a  
10 new subdivision 1-a to read as follows:

11 1-a. Translation and interpretation of orders of protection. The  
12 office of court administration shall, in accordance with paragraph (t)  
13 of subdivision two of section two hundred twelve of the judiciary law,  
14 ensure that a court order of protection or temporary order of protection  
15 is translated in writing into the appropriate language for a party to a  
16 proceeding where the court has appointed an interpreter. The office of  
17 court administration shall ensure that the standard language of the  
18 office of court administration order of protection and temporary order  
19 of protection forms shall be translated in writing in the languages most  
20 frequently used in the courts of each judicial department in accordance  
21 with paragraph (t) of subdivision two of section two hundred twelve of  
22 the judiciary law. A copy of the written translation shall be given to  
23 each party in the proceeding, along with the original order or temporary  
24 order of protection issued in English. A copy of this written trans-  
25 lation shall also be included as part of the record of the proceeding.  
26 The court shall read the essential terms and conditions of the order  
27 aloud on the record and direct the court appointed interpreter to inter-  
28 pret the same terms and conditions. Such written translation or inter-  
29 pretation shall not affect the validity or enforceability of the order.  
30 In every case a party to a proceeding shall be provided with an English  
31 copy of any court order of protection or temporary order of protection  
32 issued. The authority provided herein shall be in addition to and shall  
33 not be deemed to diminish or reduce any rights of the parties under  
34 existing law.

35 § 6. The closing paragraph of subparagraph 2 of paragraph (ii) of  
36 subdivision (b) of section 214 of the family court act, as added by  
37 chapter 237 of the laws of 2015, is amended to read as follows:

38 Notwithstanding the foregoing, the chief administrator may not elimi-  
39 nate the requirement of consent to participation in a county hereunder  
40 until he or she shall have provided all persons or organizations, or  
41 their representative or representatives, who regularly appear in  
42 proceedings in the family court of such county, in which proceedings the  
43 requirement of consent is to be eliminated, with reasonable notice and

## Appendix A: Part BB of Chapter 55 of the Laws of 2017

44 an opportunity to submit comments with respect thereto and shall have  
45 given due consideration to all such comments, nor until he or she shall  
46 have consulted with the members of the advisory committee continued  
47 pursuant to subparagraph (vi) of paragraph [~~(t)~~] (u) of subdivision two  
48 of section two hundred twelve of the judiciary law.

49 § 7. Subparagraph (ii) of paragraph (b) of subdivision 2 of section  
50 10.40 of the criminal procedure law, as added by chapter 237 of the laws  
51 of 2015, is amended to read as follows:

52 (ii) The chief administrator may eliminate the requirement of consent  
53 to participation in this program in supreme and county courts of not  
54 more than six counties provided he or she may not eliminate such  
55 requirement for a court without the consent of the district attorney,  
56 the consent of the criminal defense bar as defined in subdivision three  
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1 of this section and the consent of the county clerk of the county in  
2 which such court presides.

3 Notwithstanding the foregoing provisions of this subparagraph, the  
4 chief administrator shall not eliminate the requirement of consent to  
5 participation in a county hereunder until he or she shall have provided  
6 all persons and organizations, or their representative or represen-  
7 tatives, who regularly appear in criminal actions or proceedings in the  
8 superior court of such county with reasonable notice and opportunity to  
9 submit comments with respect thereto and shall have given due consider-  
10 ation to all such comments, nor until he or she shall have consulted  
11 with the members of the advisory committee specified in subparagraph (v)  
12 of paragraph [~~(t)~~] (u) of subdivision two of section two hundred twelve  
13 of the judiciary law.

14 § 8. The chief administrator of the courts may promulgate rules and  
15 regulations in order to effectuate the provisions of this act, and, to  
16 the extent necessary and appropriate, exercise his or her authority  
17 pursuant to paragraph (1) of subdivision 1 of section 212 of the judici-  
18 ary law to the same end.

19 § 9. This act shall take effect on the ninetieth day after it shall  
20 have become a law and shall apply to orders of protection issued on or  
21 after such effective date; provided that the amendments to section 214  
22 of the family court act, made by section six of this act, shall not  
23 affect the expiration and reversion of such section, and shall expire  
24 therewith; provided, further, that the amendments to subparagraph (ii)  
25 of paragraph (b) of subdivision 2 of section 10.40 of the criminal  
26 procedure law made by section seven of this act, shall not affect the  
27 expiration and reversion of such section, and shall expire therewith.

## Appendix B: Sample Bilingual Order, Spanish-English

### Criminal Form 1 (Formulario penal 1) 12/2013

NOTICE: The English language text constitutes the actual Order of Protection; the Spanish translation is provided to assist parties with limited English proficiency.  
(La versión en inglés es la Orden de Protección actual; la traducción al español se ha proporcionado para ayudar a las partes que tengan limitaciones en su dominio del inglés.)

**ORI No (Núm. de ORD):** NY041021J **At a term of the (En la sesión del tribunal)** Troy City Court, County of (condado de(l))Rensselaer, at the Courthouse at (en la sede del tribunal en)51 State Street, Troy, NY 12180, State of New York (estado de New York)

**NYSID No (Núm. de NYSID):**

**CJTN No (Núm. de CJTN):**

**PRESENT (Presente):** Honorable Sample Judge

**PEOPLE OF THE STATE OF NEW YORK**  
**(EL PUEBLO DEL ESTADO DE NEW YORK)**

- against (contra) -

**Joseph E Jones ,**  
**Defendant (acusado/a)**

**Date of Birth (Fecha de Nacimiento):** 12/13/1965

**ORDER OF PROTECTION**  
**(ORDEN DE PROTECCIÓN)**  
Family Offenses (Delitos contra las relaciones familiares) -  
C.P.L. 530.12

Youthful Offender (Delincuente juvenil)

Part (Sala): A

Index/Docket No CR-00206-16  
(Núm. de índice/expediente):

Indictment No, if any  
(Núm. de acusación formal, si corresponde): \_\_\_\_\_

**Charges (Cargos):** PL 215.51 EF Criminal Contempt-1st, 1 count(s) of E Fel, 1 count(s) of

Defendant Present in Court  
(Acusado/a presente ante el tribunal)

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CONTEMPT OF COURT. IF THIS IS A TEMPORARY ORDER OF PROTECTION AND YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND CONTINUE IN EFFECT UNTIL A NEW DATE SET BY THE COURT.

THIS ORDER OF PROTECTION WILL REMAIN IN EFFECT EVEN IF THE PROTECTED PARTY HAS, OR CONSENTS TO HAVE, CONTACT OR COMMUNICATION WITH THE PARTY AGAINST WHOM THE ORDER IS ISSUED. THIS ORDER OF PROTECTION CAN ONLY BE MODIFIED OR TERMINATED BY THE COURT. THE PROTECTED PARTY CANNOT BE HELD TO VIOLATE THIS ORDER NOR BE ARRESTED FOR VIOLATING THIS ORDER.

(NOTIFICACIÓN: SI NO OBEDECE ESTA ORDEN, USTED PUEDE ESTAR SUJETO(A) A ARRESTO OBLIGATORIO Y ENCAUSAMIENTO PENAL, LO CUAL PUEDE RESULTAR EN SU ENCARCELAMIENTO POR HASTA SIETE AÑOS POR DESACATO PENAL, EN CASO DE TRATARSE DE UNA ORDEN DE PROTECCIÓN PROVISIONAL, SI USTED NO COMPARECE CUANDO ES DEBIDO, ESTA ORDEN SE PUEDE EXTENDER EN SU AUSENCIA Y CONTINUARÁ VIGENTE HASTA UNA NUEVA FECHA FIJADA POR EL TRIBUNAL. ESTA ORDEN DE PROTECCIÓN PERMANECERÁ VIGENTE AÚN SI LA PARTE PROTEGIDA TIENE O CONSIENTE TENER CONTACTO O COMUNICACIÓN CON LA PARTE EN CONTRA DE QUIEN SE EMITE LA ORDEN. ESTA ORDEN DE PROTECCIÓN SÓLO PUEDE SER MODIFICADA O SUSPENDIDA POR EL TRIBUNAL. LA PARTE PROTEGIDA NO PUEDE SER DECLARADA EN VIOLACIÓN DE ESTA ORDEN NI ARRESTADA POR QUEBRANTAR ESTA ORDEN.)

**TEMPORARY ORDER OF PROTECTION (ORDEN DE PROTECCIÓN PROVISIONAL)** - Whereas good cause has been shown for the issuance of a temporary order of protection (Por cuanto habiéndose demostrado causa suficiente para la emisión de una orden de protección provisional)[as a condition of (como una condición de): recognizance (libertad bajo palabra)]

**ORDER OF PROTECTION (ORDEN DE PROTECCIÓN)** - Whereas defendant has been convicted of (Por cuanto el(la) acusado(a) fuera condenado(a) por) [specify crime or violation (especifique delito o transgresión de la ley)]:

And the Court having made a determination in accordance with section 530.12 of the Criminal Procedure Law (Y el tribunal resuelve de acuerdo con el artículo 530.12 del Derecho Procesal Penal),

**IT IS HEREBY ORDERED that the above-named defendant (POR LA PRESENTE SE ORDENA que el(la) acusado(a) mencionado(a) anteriormente) Joseph E Jones (DOB: 12/13/1965) observe the following conditions of behavior (cumpla las condiciones de conducta que se detallan a continuación):**

- [1] Stay away from  
**Manténgase alejado(a) de(l):**
- [A] Julie Jones;  
**Julie Jones;**
  - [B] the home of Julie Jones;  
**hogar de Julie Jones;**
  - [C] the school of Julie Jones;  
**la escuela de Julie Jones;**
  - [D] the business of Julie Jones;  
**negocio de Julie Jones;**
  - [E] the place of employment of Julie Jones;  
**lugar de empleo de Julie Jones;**
- [14] Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail or other electronic or any other means with Julie Jones;  
**Absténgase de comunicarse o tener cualquier otro contacto ya sea por correo, por teléfono, correo electrónico, correo de voz u otros medios electrónicos o por cualesquiera otros medios con Julie Jones;**
- [2] Refrain from assault, stalking, harassment, aggravated harassment, menacing, reckless endangerment, strangulation, criminal obstruction of breathing or circulation, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threats, identity theft, grand larceny, coercion or any criminal offense against Julie Jones;  
**Absténgase de agresión, acecho, acoso, acoso agravado, actos de amenaza, imprudencia temeraria, estrangulación, obstrucción criminal de la respiración o circulación, desorden público, daños dolosos contra la propiedad ajena, abuso sexual, conducta sexual ilícita, tocamiento forzoso, intimidación, amenazas, robo de identidad, hurto mayor, coacción o cualquier delito penal contra Julie Jones;**



## Appendix B: Sample Bilingual Order, Spanish-English

Criminal Form 1 (Formulario penal 1) Page 2  
CR-00206-16  
2016-000077

**IT IS FURTHER ORDERED (TAMBIÉN SE ORDENA)** that the above-named Defendant's license to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law §400.00, is hereby (que la licencia de(l) (la) acusado(a) mencionado(a) anteriormente para transportar, poseer, arreglar, vender o de otra manera deshacerse de(l)/(las) arma(s) de fuego, si la(s) hay, según la Ley Penal §400.00, por la presente queda [13A] suspended (suspendida), and (y) [13C] the Defendant shall remain ineligible to receive a firearm license during the period of this order (el/la acusado(a) permanecerá inelegible para recibir una licencia de arma de fuego durante el período de esta orden).

**IT IS FURTHER ORDERED (TAMBIÉN SE ORDENA)** that this order of protection shall remain in force until and including (que la presente orden de protección se mantendrá vigente hasta e incluyendo) 11/25/2016, but if you fail to appear in court on this date, the order may be extended and continue in effect until a new date set by the Court (pero si usted no comparece ante el tribunal cuando es debido, la orden se puede extender y permanecerá vigente hasta que el tribunal establezca una nueva fecha).

**DATED (FECHADO):** 06/01/2016



Honorable Sample Judge

Defendant advised in Court of issuance and contents of Order (Acusado(a) asesorado(a) en el tribunal sobre la emisión y el contenido de la Orden).

Order to be served by other means (Se notificará la orden por otros medios) [specify (especifique)]:

Warrant issued for Defendant (Orden de detención emitida para el(la) acusado(a))

Order personally served on Defendant in Court (Orden notificada personalmente a(l) (la) acusado(a) en el tribunal)

(Defendant's signature) (Firma de(l) la acusado(a))

ADDITIONAL SERVICE INFORMATION (INFORMACIÓN ADICIONAL SOBRE LA NOTIFICACIÓN)[specify/especifique]:

**The Criminal Procedure Law provides** that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties shall authorize and in some situations may require, such officer to arrest a defendant who is alleged to have violated its terms and to bring him or her before the Court to face penalties authorized by law.

**El Derecho Procesal Penal establece** que la presentación de una copia de esta orden de protección a cualquier agente de policía o del orden público en ejercicio de sus deberes especiales, autoriza y a veces requiere, que el agente arreste a la persona que se alega haber quebrantado sus términos, y lo conduzca a él o a ella ante el Tribunal para afrontar penas autorizadas por ley.

**Federal law requires** that this order be honored and enforced by state and tribal courts, including courts of a state, the District of Columbia, a commonwealth, territory or possession of the United States, if the person against whom the order is sought is an intimate partner of the protected party and has been or will be afforded reasonable notice and opportunity to be heard in accordance with state law sufficient to protect that person's rights (18 USC §§2265, 2266).

**La ley federal exige** que los tribunales estatales y tribales, incluso los tribunales de un estado, el Distrito de Columbia, un estado libre asociado, territorio o una posesión estadounidense, acepten y hagan cumplir la presente orden si la persona contra la cual se solicita mantiene una relación íntima con la parte protegida y se le ha proporcionado o se le proporcionará una notificación fehaciente y una oportunidad de ser escuchada en forma suficiente para proteger los derechos de esa persona de acuerdo con la ley estatal (18 USC 2265, 2266).

**It is a federal crime to:**

- cross state lines to violate this order or to stalk, harass or commit domestic violence against an intimate partner or family member;
- buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition while this Order remains in effect (Note: there is a limited exception for military or law enforcement officers but only while they are on duty); and
- buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition after a conviction of a domestic violence-related crime involving the use or attempted use of physical force or a deadly weapon against an intimate partner or family member, even after this Order has expired. (18 U.S.C. 922(g)(8), §§922(g)(9), 2261, 2261A, 2262).

**Es un delito federal:**

- cruzar fronteras estatales para quebrantar la presente orden o perseguir, acosar o perpetuar violencia doméstica contra una persona con la que se mantiene una relación íntima o un pariente;
- comprar, poseer o transferir un revólver, rifle, escopeta u otra arma de fuego o munición mientras esta orden esté vigente (Nota: existe una excepción limitada para los militares y autoridades del orden público pero solamente cuando están desempeñando sus deberes oficiales); y
- comprar, poseer o transferir un revólver, rifle, escopeta u otra arma de fuego o munición después de una condena por un delito relacionado con violencia doméstica que implique el uso o la tentativa de uso de fuerza física o de un arma mortífera contra una pareja íntima o un miembro de la familia, aún después de que esta Orden se haya vencido. (18 U.S.C. 922(g)(8), §§922(g)(9), 2261, 2261A, 2262).

## Operational Considerations - Clerk Perspective

### **When do I need to generate a bilingual Order of Protection?**

When there is an order of protection issued where either the protected or against party uses an interpreter for the Spanish language, the court should use UCMS/WebDVS to generate the bilingual order and distribute it in the courtroom to the parties in attendance.

### **Do I need to generate the order in the courtroom at the time of the appearance?**

The order must be distributed to the parties in attendance, either in the courtroom or before they leave the courthouse.

For many courts, orders of protection are entered into the case management system after the court appearance so that the order information will be “registered” and sent to the Domestic Violence registry as well as to NYSPIN (the NYS Police Information Network). With the new legislation, orders of protection that involve a party who is using an interpreter must be entered into the case management system as soon as possible so the generated bilingual order may be distributed to the parties in attendance.

### **Do I need to work with my local law enforcement for this implementation?**

You may find it prudent to let your local law enforcement agencies that provide service for your court’s orders of protection know that there is a new bilingual order that they may encounter, once your court goes live. When law enforcement looks up the order in NYSPIN, they will not see anything different than they do currently for an English-only order. The only difference they will see is when they get a paper copy of the order (in the bilingual format) from the court.

## Operational Considerations - Judge Perspective

### **Have there been any changes to the promulgated language on a bilingual order of protection?**

Yes. A new notice section was added to the bilingual orders that states:

NOTICE: The English language text constitutes the actual Order of Protection; the (Spanish/ Chinese/Russian/Arabic) translation is provided to assist parties with limited English Proficiency.

A translation of the notice is also provided. This section was meant to reiterate that the English language text is the enforceable language of the order.

## Appendix C: Operational FAQs

### **Are there any portions of the bilingual order that are not translated?**

Yes. Any portion of the terms and conditions where non-promulgated text is entered will not include a translation. Examples of these areas include the [99] miscellaneous condition, as well as any free text additions to other terms and conditions. The reason for this is that WebDVS does not translate any text real-time; all of the translations of the promulgated language has been vetted through the Office of Language Access to ensure its accuracy.

Ideally, the interpreter should review the paper copy of the order with the litigant after the appearance and provide a sight translation of the terms and conditions. The interpreter should point out the non-translated portions and ensure that the litigant understands the content of those terms.

### **Can a bilingual order be issued for a party that does not require an interpreter?**

Yes. While the new legislation requires that the bilingual format be used for all orders of protection where one of the parties requires an interpreter, the court is not restricted from using the bilingual format in other circumstances as well. If the court feels that a litigant may benefit from using the bilingual format, they should feel free to use it.

## Operational Considerations - Interpreter Perspective

### **Are there any portions of the bilingual order that are not translated?**

Yes. Any portion of the terms and conditions where non-promulgated text is entered will not include a translation. Examples of these areas include the [99] miscellaneous condition, as well as any free text additions to other terms and conditions. The reason for this is that WebDVS does not translate any text real-time; all the translations of the promulgated language has been vetted through the Office of Language Access to ensure its accuracy.

### **What should I do when a litigant receives a bilingual order of protection that contains non-promulgated text?**

Ideally, the interpreter should review the paper copy of the order with the litigant after the appearance and provide a sight translation of the terms and conditions. The interpreter should point out the non-translated portions and ensure that the litigant understands the content of those terms.

## Appendix D: Bilingual Orders Issued in State-paid Courts

<b>Court Name</b>	<b>County</b>	<b># OPs Issued</b>
New York City Criminal Court, Bronx County Branch	Bronx	172
Buffalo City Court	Buffalo	142
Chautauqua County Court	Chautauqua	1
Chautauqua County Supreme Court	Chautauqua	2
Dunkirk City Court	Chautauqua	3
Jamestown City Court	Chautauqua	15
Beacon City Court	Dutchess	2
Poughkeepsie City Court	Dutchess	1
New York City Criminal Court, Kings County Branch	Kings	236
Monroe County Supreme Court	Monroe	2
Rochester City Court	Monroe	46
Amsterdam City Court	Montgomery	17
Niagara County Court	Niagara	1
Middletown City Court	Orange	4
Newburgh City Court	Orange	67
Queens Criminal Court	Queens	362
Troy City Court	Rensselaer	2
Richmond Criminal Court	Richmond	51
Saratoga Springs City Court	Saratoga	1
Ogdensburg City Court	St. Lawrence	1
Suffolk 1st District Court	Suffolk	1
Suffolk County Supreme Court	Suffolk	9
Kingston City Court	Ulster	14
Peekskill City Court	Westchester	2
Westchester County Supreme Court	Westchester	2
White Plains City Court	Westchester	19
Yonkers City Court	Westchester	17
	<b>Total</b>	<b>1192</b>

## Appendix E: Bilingual Orders Issued in Justice Courts

Justice Court	County	Judicial District	# OPs Issued
Colonie Town Court	Albany	3rd	
Liberty Town Court	Sullivan	3rd	
Lloyd Town Court	Ulster	3rd	
Plattekill Town Court	Ulster	3rd	
Amsterdam Town Court	Montgomery	4th	
Milton Town Court	Saratoga	4th	2
Martinsburg Town Court	Lewis	5th	
Johnson City Village Court	Broome	6th	
Union Town Court	Broome	6th	
Sherburne Town Court	Chenango	6th	
Sherburne Village Court	Chenango	6th	
Brighton Town Court	Monroe	7th	
Sweden Town Court	Monroe	7th	
Geneva Town Court	Oswego	7th	
Sodus Town Court	Wayne	7th	
Dunkirk Town Court	Chautauqua	8th	
Ellicott Town Court	Chautauqua	8th	
Sheridan Town Court	Chautauqua	8th	
Amherst Town Court	Erie	8th	
Cheektowaga Town Court	Erie	8th	
Dover Town Court	Dutchess	9th	1
Greenburgh Town Court	Westchester	9th	
Sleepy Hollow Village Court	Westchester	9th	1
Suffern Village Court	Rockland	9th	1
Amityville Village Court	Suffolk	10th	
Southampton Town Court	Suffolk	10th	24
		<b>Total</b>	<b>29</b>

## Appendix F: Ten Languages in Each Judicial Department

1st Dept	2nd Dept	3rd Dept	4th Dept
Spanish	Spanish	Spanish	Spanish
Chinese	Chinese	Arabic	Arabic
French	Haitian Creole	Chinese	Somali
Arabic	Russian	Karen	Burmese
Bengali	Polish	Russian	Karen
Korean	Arabic	Burmese	Nepali
Woloff	Korean	Pashtu	Vietnamese
Fulani	Bengali	Vietnamese	Bosnian
Russian	Punjabi	French	Swahili
Haitian Creole	French	Polish	Russian



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