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**Superior Court of Placer County
Limited English Proficiency (LEP) Plan**

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I. Legal Basis and Purpose

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This document serves as the plan for the Superior Court of Placer County to provide to persons with limited English proficiency (LEP) services that are in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.; 45 C.F.R. § 80.1 et seq.; and 28 C.F.R. § 42.101–42.112). The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with the Superior Court of Placer County.

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This LEP plan was developed to ensure meaningful access to court services for persons with limited English proficiency. Although court interpreters are provided for persons with a hearing loss, access services for them are covered under the Americans with Disabilities Act rather than Title VI of the Civil Rights Act, and therefore will not be addressed in this plan.

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II. Needs Assessment

A. Statewide

The State of California provides court services to a wide range of people, including those who speak limited or no English. Service providers include the California Supreme Court, the Courts of Appeal, and the superior courts of the 58 counties.

According to the Administrative Office of the Courts (AOC) Court Interpreter Data Collection System (CIDCS), which aggregates court interpreter usage data received from the California trial courts, the most frequently used languages for interpreters in California courts in 2005 were (in descending order of frequency):

1. Spanish
2. Vietnamese
3. Korean
4. Armenian
5. Mandarin

B. Superior Court of Placer County

The Superior Court of Placer County will make every effort to provide services to all LEP persons. However, the following list shows the foreign languages that are most frequently used in this court's geographic area.

1. Spanish
2. Russian

- 45 3. ASL
- 46 4. Vietnamese
- 47 5. Korean

48
49 This information is based on data collected from the AOC's Court Interpreters Data Collection
50 System and United States Census Bureau data for California.

51
52 **III. Language Assistance Resources**

53 **A. Interpreters Used in the Courtroom**

54 **1. Providing Interpreters in the Courtroom**

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56 Providing spoken-language interpreters in court proceedings are based in whole or in part on
57 statutory and case law. These are set out in Attachment A. In the Superior Court of Placer
58 County, interpreters will be provided at no cost to court customers who need such assistance
59 under the following circumstances:

- 60 • For litigants and witnesses in criminal hearings;
- 61 • For litigants and witnesses in juvenile hearings;
- 62 • For litigants and witnesses in hearings involving domestic violence and elder abuse,
63 family law and child support cases, to the extent that funding is provided; and,
- 64 • For litigants who need assistance when using family court services, to the extent that
65 funding is provided.

66
67 Responsibility for the cost for spoken-language interpreters for litigants and witnesses in other
68 civil proceedings will be determined at the discretion of the officiating judge. Additionally,
69 courts may use interpreters who are providing mandated interpreting services for issues such as
70 criminal or juvenile cases for incidental use in civil courtrooms. The Superior Court of Placer
71 County recognizes the significant benefits to both the public and the court by providing
72 interpreters in civil cases and will attempt whenever possible to provide such interpreters through
73 incidental use.

74
75 **2. Determining the Need for an Interpreter in the Courtroom**

76
77 The Superior Court of Placer County may determine whether an LEP court customer needs an
78 interpreter for a court hearing in various ways.

79
80 The need for a court interpreter may be identified prior to a court proceeding by the LEP person
81 or on the LEP person's behalf by counter staff, self-help center staff, family court services, or
82 outside justice partners such as probation/parole officers, attorneys, social workers or
83 correctional facilities.

84
85 The need for an interpreter also may be made known in the courtroom at the time of the

86 proceeding. The Superior Court of Placer County will display, as soon as it becomes available, a
87 sign translated into the five most frequently used languages that states: “You may have the right
88 to a court-appointed interpreter in a court case. Please check with a court employee for
89 assistance.” The Superior Court of Placer County will display this sign at the following
90 locations: Bill Santucci Justice Center, Juvenile Court, Historic Courthouse, Tahoe Court.
91

92 Also, the judge may determine that it is appropriate to provide an interpreter for a court matter.
93 California’s Standards of Judicial Administration offer instruction to judges for determining
94 whether an interpreter is needed. Section 2.10 provides that an “interpreter is needed if, after an
95 examination of the party or a witness, the court concludes that: (1) the party cannot understand
96 and speak English well enough to participate fully in the proceedings and to assist counsel, or
97 (2) the witness cannot speak English so as to be understood directly by counsel, court, and jury.”
98 The court is directed to examine the party or witness “on the record to determine whether an
99 interpreter is needed if: (1) a party or counsel requests such examination or (2) it appears to the
100 court that the person may not understand or speak English well enough to participate fully in the
101 proceedings.”
102

103 To determine if an interpreter is needed, standard 2.10(c) provides that “the court should
104 normally ask questions on the following: (1) identification (for example: name, address, birth
105 date, age, place of birth); (2) active vocabulary in vernacular English (for example: ‘How did
106 you come to the court today?’ ‘What kind of work do you do?’ ‘Where did you go to school?’
107 ‘What was the highest grade you completed?’ ‘Describe what you see in the courtroom.’ ‘What
108 have you eaten today?’ Questions should be phrased to avoid ‘yes’ or ‘no’ replies; (3) the court
109 proceedings (for example: the nature of the charge or the type of case before the court), the
110 purpose of the proceedings and function of the court, the rights of a party or criminal defendant,
111 and the responsibilities of a witness.”
112

113 Standard 2.10(d) calls on the court to state its conclusion on the record regarding the need for an
114 interpreter. “The file in the case should be clearly marked and data entered electronically when
115 appropriate by court personnel to ensure that an interpreter will be present when needed in any
116 subsequent proceeding.”
117

118 Many people who need an interpreter will not request one because they do not realize that
119 interpreters are available or because they do not recognize the level of English proficiency or
120 communication skills needed to understand the court proceeding. The court does not have
121 funding to provide interpreters for non-mandated proceedings. However, the court can provide
122 some assistance within existing funding restrictions and will endeavor to do so for non-mandated
123 proceedings.
124

125 In a case where the court is mandated to provide an interpreter, but one is not available at the
126 time of the proceeding, even after the court has made all reasonable efforts to locate one, as
127 previously outlined in this plan, the case will be postponed and continued on a date when an
128 interpreter can be provided.
129

130 The court sets special calendars for interpreter matters on some high-volume calendars in order
131 to maximize efficiency in the use of interpreter resources. Traffic matters requiring interpreters
132 are set one day per week (one day per month at the geographically isolated Tahoe court) and one
133 afternoon per week in Family Law cases.

134
135 When an interpreter is unavailable for a case in which the court is not mandated to provide one,
136 the court takes the following actions: provide a list of interpreters to the parties for direct contact.

137 138 **2. Court Interpreter Qualifications**

139
140 The Superior Court of Placer County hires interpreters for courtroom hearings in compliance
141 with the rules and policies set forth by Government Code section 68561 and California Rules of
142 Court, rule 2.893. The AOC maintains a statewide roster of certified and registered interpreters
143 who may work in the courts. This roster is available to court staff and the public on the Internet
144 at <http://www.courtinfo.ca.gov/programs/courtinterpreters/master.htm>.

145
146 When an interpreter coordinator has made a “due diligence” effort to find a certified or registered
147 court interpreter and none is available, the interpreter coordinator then seeks a noncertified,
148 nonregistered court interpreter, in accordance with the governing local labor agreement.
149 Whenever a noncertified interpreter is used in the courtroom, to either provisionally qualify the
150 interpreter or find cause to permit him or her to interpret the proceeding, judges must, pursuant to
151 rule 2.893, inquire into the interpreter’s skills, professional experience, and potential conflicts of
152 interest. A provisionally qualified interpreter is one who, upon findings prescribed in the rule, is
153 designated by the judge as eligible to interpret in a criminal or juvenile delinquency proceeding
154 for a period of six months.

155 156 **B. Language Services Outside the Courtroom**

157
158 The Superior Court of Placer County is also responsible for taking reasonable steps to ensure that
159 LEP individuals have meaningful access to services outside the courtroom. This is perhaps the
160 most challenging situation facing court staff, because in most situations they are charged with
161 assisting LEP individuals without an interpreter present. LEP individuals may come in contact
162 with court personnel via the phone, the public counter, or other means.

163
164 The two most common points of service outside the courtroom are at the court’s public counters
165 and self-help center. Bilingual assistance is provided at the public counter by the placement of
166 bilingual staff as is practical. The court also periodically calls on other bilingual staff from
167 elsewhere in the court to assist at a public counter. Similarly, the court’s self-help center recruits
168 and employs bilingual staff to provide self-represented litigants with assistance in understanding
169 and completing necessary forms.

170
171 Providing language services outside the courtroom entails both daily communications and
172 interactions between court staff and LEP individuals to provide accessibility of court services,
173 such as self-help and mediation services to LEP court users.

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To facilitate communication between LEP individuals and court staff, the Superior Court of Placer County uses the following resources to the degree that resources are available:

- Court interpreters, to the extent permitted under the active memorandum of understanding or independent interpreter contract;
- Bilingual employees (as of 12/08 there are four identified “language assistance” employees, providing service in Spanish and ASL). These employees are listed on a “Language Assistance” section of the court’s internal phone list.
- Bilingual volunteers (as of 12/08 an attorney from Legal Services who speaks Tagalog is in the self-help center on Fridays)
- Written information in Spanish on how to access and navigate the court;
- Language Line services, which are available to provide assistance in the clerk’s office and at the court’s self-help center. The Language Line contract services provides interpretation services via the telephone in over 170 languages; and,
- A court public phone line with key instructions provided in Spanish to request court services.

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To provide linguistically accessible services for LEP individuals, the Superior Court of Placer County provides the following:

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- Bilingual self-help center staff (Spanish every day, Tagalog on Fridays and by prior arrangement);
- Bilingual family court services staff and mediators for custody and visitation matters;
- Joint workshops between self-help center staff and community service providers serving LEP populations; and,
- Written informational and educational materials and instructions in Spanish.
- The interpreter coordinator maintains legal glossaries in Vietnamese, Hmong, Armenian, Urdu, Mong (Moob), Romanian, Arabic, and Punjabi which are available if, for instance, a customer brings a friend or family member to translate who is unfamiliar with legal terms.

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When the court has paid for an interpreter to be available at the court and the interpreter is not being used in the courtroom, the court makes the interpreter available for attorney/client conferences, including at the jail, and for follow-up assistance in the self help center after court appearances, so long as it does not increase the cost to the court for the interpreter services. E.g. if the court has paid for a ½ day interpreter for a particular court hearing, and the hearing is completed by 9:30, the court will allow the interpreter to be used elsewhere for the remainder of the morning, since there is no additional cost to the court.

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213 **C. Translated Forms and Documents**

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215 The California courts understand the importance of translating forms and documents so that LEP
216 individuals have greater access to the courts’ services. The Superior Court of Placer County

217 currently uses Judicial Council forms and instructional materials translated into commonly used
218 languages.

219

220 • These translated forms are available at the court’s Web site for internal use and are
221 available to the public at <http://www.courtinfo.ca.gov/selfhelp/languages> as well as at the court’s
222 self-help center;

223

224 • The court also has access to instructional materials that have been translated by other
225 courts at <http://www.courtinfo.ca.gov/programs/equalaccess/trans.htm>.

226

227 • The court has translated the following documents into other languages:

228 Instructions for After Court (used in criminal courtrooms): Spanish

229 These are maintained in criminal courtrooms and given to defendants as
230 they leave.

231 Information on access to court interpreters on the court’s website: Spanish,
232 Chinese (traditional and simplified), Russian

233 The English language interpreter page is here:

234 <http://www.placerco.org/?uid=299&ss=> with links on the left side of the screen to the translations.

235 Instructions on Proof of Personal Service and sample form: Spanish

236 This is maintained in the court’s Self Help Center

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238 Interpreters at court hearings are expected to provide sight translations of court documents and
239 correspondence associated with the case.

240

241 **IV. Court Staff and Volunteer Recruitment**

242 **A. Recruitment of Bilingual Staff for Language Access**

243 The Superior Court of Placer County is an equal opportunity employer and recruits and hires
244 bilingual staff to serve its LEP constituents. Primary examples include but are not limited to:

245

- 246 • Court interpreters to serve as permanent employees of the court;
- 247 • Bilingual staff to serve at public counters;
- 248 • Bilingual staff in the court’s self-help centers; and,
- 249 • Bilingual staff who are on call to assist with contacts from LEP individuals, as needed.

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252 **V. Judicial and Staff Training**

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254 The Superior Court of Placer County is committed to providing LEP training opportunities for all
255 judicial officers and staff members. Training and learning opportunities currently offered by the
256 Superior Court of Placer County will be expanded or continued as needed. Those opportunities
257 include:

- 258 • Interpreter coordinator training;

- 259 • Diversity Training;
- 260 • Cultural competency training;
- 261 • Statewide conferences on language access or conferences that include sessions dedicated
- 262 to topics on language access;
- 263 • New employee orientation training; and,
- 264 • Judicial officer orientation on the use of court interpreters and language competency.

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267 **VII. Public Notification and Evaluation of LEP Plan**

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A. LEP Plan Approval and Notification

270 The Superior Court of Placer County's LEP plan is subject to approval by the presiding judge
271 and court executive officer. Upon approval, a copy will be forwarded to the AOC, LEP
272 Coordinator. Any revisions to the plan will be submitted to the presiding judge and court
273 executive officer for approval, and then forwarded to the AOC. Copies of Superior Court of
274 Placer County's LEP plan will be provided to the public on request. In addition, the court will
275 post this plan on its public Web site, and the AOC will post a link to it on the Judicial Council's
276 public Web site at <http://www.courtinfo.ca.gov/>.

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B. Annual Evaluation of the LEP Plan

279 The Superior Court of Placer County will routinely assess whether changes to the LEP plan are
280 needed. The plan may be changed or updated at any time but reviewed not less frequently than
281 once a year.

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283 Each year the court's Administration will review the effectiveness of the court's LEP plan and
284 update it as necessary. The evaluation will include identification of any problem areas and
285 development of corrective action strategies. Elements of the evaluation will include:

- 286 • Number of LEP persons requesting court interpreters and language assistance;
- 287 • Assessment of current language needs to determine if additional services or translated
- 288 materials should be provided;
- 289 • Solicitation and review of feedback from LEP communities within the county;
- 290 • Assessment of whether court staff adequately understand LEP policies and procedures
- 291 and how to carry them out;
- 292 • Review of feedback from court employee training sessions; and,
- 293 • Customer satisfaction feedback.

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C. Trial Court LEP Plan Coordinator:

295 Diane Bras
296 10820 Justice Center Drive
297 Roseville CA 95678
298 916-408-6446
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D. AOC LEP Plan Coordinator:
Mark Garcia
Senior Court Services Analyst
Equal Access Program
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3688
(415) 865-4367, mark.garcia@jud.ca.gov

E. LEP Plan Effective date: January 1, 2009

F. Approved by:

Presiding Judge: _____ Date: _____
Court Executive Officer: _____ Date: _____

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Attachment A to Trial Court Limited English Proficiency Plan

**Citations on the Use and Payment
of Interpreters in Court Proceedings**

Policies for providing interpreters in court proceedings are based on the following Constitutional provisions, case law, and statutory mandates:

- Article 1, section 14 of the California Constitution provides that a “person unable to understand English who is charged with a crime has the right to an interpreter throughout the proceedings.” There is no corresponding right in civil proceedings. *Jara v. Municipal Court* (1978) 21 Cal.3d 181 held that non-English-speaking indigent civil litigants do not have a right to a court interpreter appointed at public expense. However, the court does have the inherent right to waive filing fees if justice so requires.
- *Jara* let stand an earlier opinion, *Gardiana v. Small Claims Court* (1976) 59 Cal.App.3d 412, which held that in small claims proceedings, the court has a statutory duty to appoint an interpreter free of charge if it finds the litigant unable to speak or understand English. *Jara* reasoned that because attorneys are not permitted in small claims proceedings, non-English-speaking small claims litigants without an interpreter are “effectively barred from access to the small claims proceedings.” (*Jara*, 21 Cal.3d 185.) (See also the two bulleted items below regarding interpreters in small claims matters.)
- Witnesses with limited English proficiency must also be provided with an interpreter. Under Evidence Code section 752, the court must appoint an interpreter whenever “a witness is incapable of understanding the English language or is incapable of expressing himself or herself in the English language so as to be understood directly by counsel, court, and jury. . . .” Appointment of a translator is also required whenever “the written characters in a writing offered in evidence are incapable of being deciphered or understood directly.” (Evid. Code, § 753.)
- In small claims proceedings, if the court determines that a litigant does not speak or understand English sufficiently to comprehend the proceedings or give testimony and needs assistance in doing so, the court may permit another individual (other than an attorney) to assist that party. (Code Civ. Proc., § 116.550(a).) If a competent interpreter is not available at the first hearing of the case, the small claims court shall postpone the hearing one time only to allow the party the opportunity to obtain another individual to assist that party. Any additional continuances shall be at the court’s discretion. (Code Civ. Proc., § 116.550(b)). Rule 3.61 (5) of the California Rules of Court provides that any costs for a court-appointed interpreter in a small claims action must be waived if an

373 application to proceed in forma pauperis is granted.
374

- 375 • In proceedings involving domestic violence and proceedings regarding parental rights,
376 dissolution of marriage, or legal separation involving a protective order, a party who does
377 not proficiently speak or understand English shall have a certified interpreter present to
378 assist communication between the party and his or her attorney (Evid. Code, § 755(a)).
379 The interpreter’s fees shall be paid by the litigants “in such proportions as the court may
380 direct,” except that the fees shall be waived for a party who has a fee waiver (Evid. Code,
381 § 755(b) and Gov. Code, § 68092). However, the authorizing statute (Evid. Code, §
382 755) provides that compliance with its requirements is mandatory only if funds are
383 available under the Federal Violence Against Women Act (P.L. 103–322) or from
384 sources other than the state. The Judicial Council provides special funding through its
385 Trial Court Improvement Fund to allow courts to provide interpreters for these matters
386 and for elder abuse cases. This funding may also be used for general family law matters
387 in and out of the courtroom, on a priority basis and to the degree funding is available.
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