

Superior Court of California, County of Yolo

Limited English Proficiency (LEP) Plan

I. Legal Basis and Purpose

This document serves as the plan for the Superior Court of California, County of Yolo 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 California, County of Yolo.

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.

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 California, County of Yolo

The Superior Court of California, County of Yolo 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
3. Punjabi
4. Vietnamese
5. Laotian

This information is based on data collected from the AOC's Court Interpreters Data Collection System.

III. Language Assistance Resources

A. Interpreters Used in the Courtroom

1. Providing Interpreters in the Courtroom

Providing spoken-language interpreters in court proceedings are based in whole or in part on statutory and case law. In the Superior Court of California, County of Yolo, interpreters will be provided at no cost to court customers who need such assistance under the following circumstances:

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

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

2. Determining the Need for an Interpreter in the Courtroom

The Superior Court of California, County of Yolo may determine whether an LEP court customer needs an interpreter for a court hearing in various ways.

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

The need for an interpreter also may be made known in the courtroom at the time of the proceeding. The Superior Court of California, County of Yolo will display a sign translated into the five most frequently used languages that states: "You may have the right to a court-appointed interpreter in a court case. Please check with a court employee for assistance." The Superior Court of California, County of Yolo will display this sign at the following locations: Traffic/Small Claims Counter, Civil Division, Criminal Division, Family Law Facilitator's Office and Self Help Center, and Main Courthouse entrance.

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

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

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

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

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

interpreter can be provided.

When an interpreter is unavailable for a case in which the court is not mandated to provide one, the court takes the following actions:

- a) The judicial officer may continue the case to a date when an interpreter will be present for other mandatory assignments and instruct the Interpreter Coordinator to coordinate the use of the interpreter to ensure that the time is allotted for the non-mandatory matter.
- b) The court may also advise the litigant to bring a friend or relative to assist in the court proceeding for cases with uncommon languages.
- c) Court may use Language Line in civil or family law courtroom for applicable.

3. Court Interpreter Qualifications

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

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

B. Language Services Outside the Courtroom

The Superior Court of California, County of Yolo is also responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to services outside the courtroom. This is perhaps the most challenging situation facing court staff, because in most situations they are charged with assisting LEP individuals without an interpreter present. LEP individuals may come in contact with court personnel via the phone, the public counters and other areas such as the Family Law Facilitator's Office and the Self Help Center.

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

and completing necessary forms.

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

To facilitate communication between LEP individuals and court staff, the Superior Court of California, County of Yolo 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;
- Bilingual volunteers;
- Court Web site translated into Spanish;
- “I Speak” cards, to identify the individual’s primary language;
- Multilingual signage throughout courthouse locations in Spanish;
- Language Line services to provide assistance in the clerk’s office and at the court’s self-help center. The Language Line contract services provide interpretation services via the telephone in over 170 languages.

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

- Self-help center services that include bilingual self-help center staff and Language Line assistance;
- A bilingual family court mediator is available one morning a week for custody and visitation matters;
- Collaboration between self-help center staff and community service providers serving LEP populations; and,
- Written informational and educational materials and instructions in Spanish.

C. Translated Forms and Documents

The California courts understand the importance of translating forms and documents so that LEP individuals have greater access to the courts’ services. The Superior Court of California, County of Yolo currently uses Judicial Council forms and instructional materials translated into commonly used languages.

- These translated forms are available at the court’s Web site for internal use and are available to the public at www.courtinfo.ca.gov/selfhelp/languages as well as at the court’s self-help center;
- The court also has access to instructional materials that have been translated by other courts at www.courtinfo.ca.gov/programs/equalaccess/trans.htm.

- The court's website, www.yolo.courts.ca.gov is available in Spanish;
- The court's IVR is available in Spanish;
- The court has translated the following documents into Spanish:
Family Law Facilitator/Self Help Center Informational Brochure
Focus on the Child – Mediation brochure
How to Become a Guardian in Yolo County
- The court has these pamphlets available in Spanish:
Going to Court without a Lawyer
Information for the Non Custodial Parent
What Do I Need to Know About Divorce and Custody?
What Can I Do if I Can't Pay My Child Support
Your Guide to Child Support Services
Imposition of a Child Support Order
- Arraignment Advisement video shown in English and Spanish prior to the Arraignment calendar
- Advisement of Rights Form available in Spanish for Arraignment calendar

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

IV. Court Staff and Volunteer Recruitment

A. Recruitment of Bilingual Staff for Language Access

The Superior Court of California, County of Yolo is an equal opportunity employer and recruits and hires bilingual staff when possible to serve its LEP constituents. Primary examples include but are not limited to:

- Court interpreters to serve as permanent employees of the court;
- Bilingual staff to serve at public counters;
- Bilingual staff in the court's self-help centers; and,
- Bilingual pay for Court staff who pass a language proficiency exam

B. Recruitment of Volunteers for Language Access

The court also recruits and uses volunteers to assist with language access in the following areas:

- Self-help center to assist LEP users

V. Judicial and Staff Training

The Superior Court of California, County of Yolo is committed to providing LEP training opportunities for all judicial officers and staff members. Training and learning opportunities currently offered by the Superior Court of California, County of Yolo will be expanded or continued as needed. Those opportunities include

- Interpreter coordinator training;
- Diversity Training;
- Cultural competency training;
- Statewide conferences on language access or conferences that include sessions dedicated to topics on language access;
- New employee orientation training; and,
- Judicial officer orientation on the use of court interpreters and language competency.

VI. Public Outreach and Education

To communicate with the court's LEP constituents on various legal issues of importance to the community and to make them aware of services available to all language speakers, the Superior Court of California, County of Yolo provides community outreach and education and seeks input from its LEP constituency to further improve services. Outreach and education efforts include:

- Partnerships and collaborations with community service providers, Yolo County Bar Association, Yolo County governmental social service agencies, public libraries, and the Yolo County law library to provide a court presence in the LEP community. The court will solicit input from the LEP community and its representatives through meetings and will seek to inform community service organizations on how LEP individuals can access court services.

VII. Public Notification and Evaluation of LEP Plan

A. LEP Plan Approval and Notification

The Superior Court of California, County of Yolo's LEP plan is subject to approval by the presiding judge and court executive officer. Upon approval, a copy will be forwarded to the AOC, LEP Coordinator. Any revisions to the plan will be submitted to the presiding judge and court executive officer for approval, and then forwarded to the AOC. Copies of the Superior Court of California, County of Yolo's LEP plan will be provided to the public on request. In addition, the court will post this plan on its public Web site, and the AOC will post a link to it on the Judicial Council's public Web site at www.courtinfo.ca.gov.

B. Annual Evaluation of the LEP Plan

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

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

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

C. Trial Court LEP Plan Coordinator:

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E. LEP Plan Effective date: January 1, 2009

F. Approved by:

Presiding Judge:

Court Executive Officer:

Date: 12-19-08

Date: 12-12-08