

1 **Superior Court of California**
2 **For the County of MONTEREY**

3
4 **Limited English Proficiency (LEP) Plan**

5
6 **I. Legal Basis and Purpose**

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8 This document serves as the plan for the Superior Court of **MONTEREY** County to provide
9 to persons with limited English proficiency (LEP) services that are in compliance with Title VI
10 of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.; 45 C.F.R. § 80.1 et seq.; and 28
11 C.F.R. § 42.101–42.112). The purpose of this plan is to provide a framework for the
12 provision of timely and reasonable language assistance to LEP persons who come in contact
13 with the Superior Court of **MONTEREY** County.
14

15 This LEP plan was developed to ensure meaningful access to court services for persons with
16 limited English proficiency. Although court interpreters are provided for persons with a
17 hearing loss, access services for them are covered under the Americans with Disabilities Act
18 rather than Title VI of the Civil Rights Act, and therefore will not be addressed in this plan.
19

20 **II. Needs Assessment**

21 **A. Statewide**

22 The State of California provides court services to a wide range of people, including those
23 who speak limited or no English. Service providers include the California Supreme Court,
24 the Courts of Appeal, and the superior courts of the 58 counties.
25

26 According to the Judicial Council Court Interpreter Data Collection System (CIDCS), which
27 aggregates court interpreter usage data received from the California trial courts, the most
28 frequently used languages for interpreters in California courts in 2010 were (in descending
29 order of frequency):
30

- 31 1. Spanish
- 32 2. Vietnamese
- 33 3. Korean
- 34 4. Mandarin
- 35 5. Russian

36
37 **B. Superior Court of MONTEREY County**

38
39 The Superior Court of **MONTEREY** County will continue to make every effort to provide
40 services to all LEP persons. The five most frequently used foreign languages used in the
41 Superior Court of **MONTEREY** by percentage for the period July 1, 2013 through June 30,
42 2014 are noted below:
43

Language	Percentage
Spanish	98.1%
Indigenous: Mixteco, Trique, Zapoteco	.99%
American Sign Language	.33%
Vietnamese	.29%
Tagalog	.29%

44
45 The Superior Court of Monterey County uses bilingual employees and/or Language Line for
46 language assistance for LEP persons using the Court's counters and telephones.
47

48 This information is based on data collected from the Administrative Office of the Court's
49 Court Interpreters Data Collection System and the Court's experience.

50
51 **NOTE:** Throughout this document, the reference to 'bilingual employees' refers to
52 **English/Spanish** language proficiencies.

53
54
55 **III. Language Assistance Resources**

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

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

58
59 Providing spoken-language interpreters in court proceedings are based in whole or in part
60 on statutory and case law. In the Superior Court of **MONTEREY** County, interpreters will
61 be provided at no cost to court customers who need such assistance under the following
62 circumstances:

- 63
- 64 • For litigants, witnesses and victims in all criminal and traffic hearings;
- 65 • For litigants, witnesses and victims in all juvenile dependency and delinquency
66 hearings;
- 67 • For litigants and witnesses in non-criminal hearings involving domestic violence,
68 elder abuse as provided for by legislation expanding the services of court
69 interpreters;
- 70 • For litigants who need assistance when using family court services as provided for by
71 legislation expanding the services of court interpreters;
- 72 • For self-represented litigants in small claims, civil limited, probate and family law
73 calendars as provided for by legislation expanding the services of court interpreters;
74 and
- 75 • The provision of spoken-language interpreters at Court expense for litigants and
76 witnesses in other civil hearings as determined by the presiding judge.

77
78 Additionally, courts may use interpreters who are providing mandated interpreting services
79 for issues such as criminal or juvenile cases for incidental use in civil courtrooms. The
80 Superior Court of **MONTEREY** County recognizes the significant benefits to both the public
81 and the court by providing interpreters in civil cases and will attempt whenever possible to
82 provide such interpreters.

83
84 In drafting this plan, the Superior Court of **MONTEREY** County is guided by relevant cases,
85 statutory law and evidence code from *Jara v. Municipal Court* (1978) 21 Cal3d 181,
86 *Gardiana v. Small Claims Court* (1976) 59 Cal.App.3d 412, Evidence Code § 752, 753, and
87 755, Code of Civil Procedure § 116.550(a) and 116.550(d) and California Rules of Court
88 3.61(5).

89 **2. Determining the Need for an Interpreter in the Courtroom**

90
91 The Superior Court of **MONTEREY** County may determine whether an LEP court customer
92 needs an interpreter for a court hearing in various ways.

93
94 The need for an interpreter may be identified prior to a court proceeding by the LEP person
95 or on the LEP person's behalf by counter staff, self-help center staff, family court services,

96 courtroom clerks, mediators, outside justice partners, attorneys, victim advocates, social
97 workers, and staff from partnering community-based organizations.

98
99 The Superior Court of **MONTEREY** County assigns Spanish-language interpreters routinely
100 to courtrooms hearing criminal, traffic and juvenile case types. Assignments in small
101 claims, civil limited, probate and family law are also made providing interpreters on an as-
102 needed basis as the calendars are heard. Prior to the judicial officer taking the bench, the
103 assigned Spanish interpreter addresses the audience in Spanish indicating that Spanish
104 language interpreting services are available and that litigants should indicate their language
105 needs when their case is called by the judicial officer. At arraignment (or first hearing as
106 appropriate), the courtroom clerk will note on the case file and in the case management
107 system the need for interpreting assistance for a particular case to ensure that the
108 appropriate language assistance is provide for future court hearings. In the Traffic Division,
109 court clerks are required to note the need for an interpreter in the case management
110 system on all cases being set for court trial in which the defendant has waived arraignment
111 and requires the services of an interpreter. This ensures the presence of an interpreter for
112 the first hearing the defendant will be appearing at.

113
114 Also, the judge may determine that it is appropriate to provide an interpreter for a court
115 matter. California's Standards of Judicial Administration offer instruction to judges for
116 determining whether an interpreter is needed. Section 2.10 provides that an "interpreter is
117 needed if, after an examination of the party or a witness, the court concludes that: (1) the
118 party cannot understand and speak English well enough to participate fully in the
119 proceedings and to assist counsel, or (2) the witness cannot speak English so as to be
120 understood directly by counsel, court, and jury." The court is directed to examine the party
121 or witness "on the record to determine whether an interpreter is needed if: (1) a party or
122 counsel requests such examination or (2) it appears to the court that the person may not
123 understand or speak English well enough to participate fully in the proceedings."

124
125 To determine if an interpreter is needed, standard 2.10(c) provides that "the court should
126 normally ask questions on the following: (1) identification (for example: name, address,
127 birth date, age, place of birth); (2) active vocabulary in vernacular English (for example:
128 'How did you come to the court today?' 'What kind of work do you do?' 'Where did you go to
129 school?' 'What was the highest grade you completed?' 'Describe what you see in the
130 courtroom.' 'What have you eaten today?' Questions should be phrased to avoid 'yes' or 'no'
131 replies; (3) the court proceedings (for example: the nature of the charge or the type of case
132 before the court), the purpose of the proceedings and function of the court, the rights of a
133 party or criminal defendant, and the responsibilities of a witness."

134
135 Standard 2.10(d) calls on the court to state its conclusion on the record regarding the need
136 for an interpreter. "The file in the case should be clearly marked and data entered
137 electronically when appropriate by court personnel to ensure that an interpreter will be
138 present when needed in any subsequent proceeding."

139
140 Many people who need an interpreter will not request one because they do not realize that
141 interpreters are available or because they do not recognize the level of English proficiency
142 or communication skills needed to understand the court proceeding. The court is working to
143 provide expanded interpreter services on a regular basis in our civil and family law case
144 types and provided for by recent legislation. In addition, in 2009, the Superior Court of
145 Monterey County implemented a pilot project to provide a Spanish speaking interpreter for
146 the Small Claims calendar which is scheduled one day per week in our Monterey Division.
147 The pilot project is now permanent and has shown to provide valuable assistance to small
148 claims litigants who, for various reasons, cannot bring their own interpreter to the hearing.

149 Cases that would have been continued to future dates have been adjudicated timely with no
150 inconvenience to either party and with minimal cost to the court. The assignment of an
151 interpreter to the small claims calendar continues as funds allow, to provide timely access to
152 all parties.

153
154 In a case where the court is mandated to provide an interpreter, but one is not available at
155 the time of the proceeding, even after the court has made all reasonable efforts to locate
156 one, as previously outlined in this plan, the case will be postponed and continued on a date
157 when an interpreter can be provided. It should be noted that this has only happened,
158 infrequently, in proceedings requiring exotic or indigenous languages which have few
159 qualified interpreters.

160
161 When an interpreter is unavailable for a case in which the Court is not mandated to provide
162 one, the Court advises the parties that they will need to obtain their own interpreter at their
163 own expense and continues the case to allow time for the litigant to obtain an interpreter.

164
165 Additionally, the Superior Court of **MONTEREY** County may use, consistent with interpreter
166 guidelines, Language Select Services inside the courtroom to provide interpreting services
167 for languages other than Spanish.

168 **2. Court Interpreter Qualifications**

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170
171 The Superior Court of **MONTEREY** County employs and contracts with interpreters for
172 courtroom hearings in compliance with the rules and policies set forth by Government Code
173 section 68561 and California Rules of Court, rule 2.893. The Judicial Council maintains a
174 statewide roster of certified and registered interpreters who may work in the courts. This
175 roster is available to court staff and the public on the Internet at
176 www.courtinfo.ca.gov/programs/courtinterpreters/master.htm.

177
178 When an interpreter coordinator has made a "due diligence" effort to find a certified or
179 registered court interpreter and none is available, the interpreter coordinator then seeks a
180 noncertified, nonregistered court interpreter, in accordance with the governing local labor
181 agreement. Whenever a noncertified interpreter is used in the courtroom, to either
182 provisionally qualify the interpreter or find cause to permit him or her to interpret the
183 proceeding, judges must, pursuant to rule 2.893, inquire into the interpreter's skills,
184 professional experience, and potential conflicts of interest. A provisionally qualified
185 interpreter is one who, upon findings prescribed in the rule, is designated by the judge as
186 eligible to interpret in a criminal or juvenile delinquency proceeding for a period of six
187 months.

188 **B. Language Services Outside the Courtroom**

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190
191 The Superior Court of **MONTEREY** County is also responsible for taking reasonable steps to
192 ensure that LEP individuals have meaningful access to services outside the courtroom. This
193 is perhaps the most challenging situation facing court personnel, because in most situations
194 they are charged with assisting LEP individuals without an interpreter present. LEP
195 individuals may come in contact with court personnel via the phone, the public counter, or
196 other means.

197
198 The most common points of service outside the courtroom are at the Court's public
199 counters, telephones, viewing rooms and self-help center. Bilingual assistance is provided at
200 the public counters, viewing rooms and Court telephones by the placement of bilingual staff
201 as is practical. The Court also periodically calls on other bilingual staff from elsewhere in the

202 Court to assist at a public counter or on a Court telephone. Similarly, the Court's self-help
203 center recruits and employs bilingual staff to provide self-represented litigants with
204 assistance in understanding and completing necessary forms.

205
206 Providing language services outside the courtroom entails both daily communications and
207 interactions between Court personnel and LEP individuals to provide accessibility of court
208 services, such as self-help and mediation services as well as jury service information to LEP
209 court users.

210
211 To facilitate communication between LEP individuals and court staff, the Superior Court of
212 **MONTEREY** County uses the following resources to the degree that resources are available:
213

- 214 • Bilingual employees in the most frequently spoken language, Spanish, among Court
215 users;
- 216 • A Court Web site with key pages translated into Spanish was completed in 2010;
- 217 • "Language Select pamphlets", to identify the individual's primary language, other
218 than Spanish;
- 219 • Spanish translation for customers using the Traffic IWR;
- 220 • Written information in Spanish on how to access and navigate the Court (including
221 the following handouts: Self Help Center brochures/flyers; Family Law Workshop
222 schedule; Notice re Mediation Limits of Confidentiality);
- 223 • Security entrance screening contractors positioned at all Court entrances provide
224 Spanish language assistance for directions to Court facilities;
- 225 • Signage throughout courthouse locations in Spanish;
- 226 • Language Select Services, which is available to provide assistance in the clerk's office
227 and at the Court's self-help center. The Language Select contractor services provide
228 interpretation services via the telephone in over 170 languages;
- 229 • In Civil and Family Law matters, Spanish translation notices are provided to the
230 parties indicating that they will need to bring their own interpreters for the court
231 proceedings for specific calendars. This information was added to the trial notice in
232 all civil and family law actions. Expanded services are being provided for several
233 calendars throughout the week for identified cases and non-represented litigants;
234 and
- 235 • Spanish translation court appearance cards are provided to the parties in court
236 proceedings to advise of the need to bring their own interpreter for each court
237 proceeding if appropriate.

238
239 To provide linguistically accessible services for LEP individuals, the Superior Court of
240 **MONTEREY** County provides the following:

- 241 • Self-Help Center services that include bilingual Self-Help Center personnel;
- 242 • Workshops in Spanish regarding evictions, dissolution of marriage/domestic
243 partnerships, child and spousal support, child custody and visitation, domestic
244 violence restraining orders, mandatory co-parenting workshops and parentage
245 actions;
- 246 • Bilingual traffic case information to customers via the Traffic IWR
- 247 • Providers of court-ordered services and programs offer assistance to Court litigants
248 in English/Spanish;
- 249

- 250 • Bilingual family court services mediators and investigators for custody and visitation
- 251 matters;
- 252 • Written informational and educational materials and instructions in Spanish.
- 253 • The Superior Court of Monterey County's complete telephone directory is accessible
- 254 in Spanish; and
- 255 • The Superior Court of Monterey County has completed the translation into Spanish of
- 256 key pages of our public website.

257 **C. Translated Forms and Documents**

258 The California courts understand the importance of translating forms and documents so that

259 LEP individuals have greater access to the Court's services. The Superior Court of

260 **MONTEREY** County currently uses Judicial Council forms and instructional materials

261 translated into commonly used languages.

- 262 • These translated forms are available at the Court's Web site for internal use and are
- 263 available at the Judicial Council web site to the public at
- 264 www.courtinfo.ca.gov/selfhelp/languages as well as at the Court's self-help center;
- 265 • The Court also has access to instructional materials that have been translated by
- 266 other courts at www.courtinfo.ca.gov/programs/equalaccess/trans.htm.
- 267 • Bilingual employees are available to provide translation services for documents
- 268 submitted to the Court in Spanish.

269 Interpreters at court hearings are expected to provide sight translations of court documents

270 and correspondence associated with the case.

271 **IV. Court Workforce Recruitment**

272 The Superior Court of **MONTEREY** is an equal opportunity employer and recruits and hires

273 bilingual employees to serve its LEP constituents. Bilingual employees are required to pass

274 a local Court examination to ensure the employee possesses adequate proficiency in

275 Spanish. Primary examples include, but are not limited to:

- 276 • Court interpreters to serve as permanent employees of the Court to provide
- 277 courtroom interpreting services;
- 278 • Bilingual employees to serve at public counters, viewing rooms and on telephones;
- 279 • Court distribution of Judicial Council-provided interpreter program materials;
- 280 • Bilingual employees assigned to the Court's Self-Help center;
- 281 • Bilingual employees called to assist with LEP individuals, as needed; and
- 282 • Bilingual employees to provide translation services for documents submitted to the
- 283 Court in Spanish.

284 **V. Judicial and Personnel Awareness Training:**

285 The Superior Court of **MONTEREY** County is committed to providing LEP awareness training

286 opportunities for all judicial officers and personnel. Training and learning opportunities

287 currently offered by the Superior Court of **MONTEREY** County will be expanded or

288 continued as needed. Those opportunities include or are under consideration for future

289 implementation:

- 290 • Interpreter coordinator training;

- 300 • Diversity Training;
- 301 • LEP plan education;
- 302 • Personnel attendance in Spanish training through the tuition reimbursement
- 303 program;
- 304 • Statewide conferences on language access or conferences that include sessions
- 305 dedicated to topics on language access;
- 306 • New employee orientation training performed by division managers and supervisors;
- 307 and,
- 308 • Judicial officer orientation on the use of court interpreters and language competency.

309
310 **VI. Public Outreach and Education**

311 To communicate with the Court’s LEP constituents on various legal issues of importance
312 to the community and to make them aware of services available to all language
313 speakers, the Superior Court of **MONTEREY** County provides community outreach and
314 education and seeks input from its LEP constituency to further improve services.
315 Outreach and education efforts may include:

- 316 • Self-Help Center educational workshop flyers in Spanish and distributed within the
- 317 community;
- 318 • Self-Help Center is educating the public regarding the need to bring their own
- 319 interpreters to court when they are assisting the litigants during workshops,
- 320 individual appointments and document review appointments;
- 321 • Spanish-Language Small Claims Advisory Clinic; and,
- 322 • Partnerships and collaborations with the following organizations:
 - 323 • community service centers;
 - 324 • bar associations;
 - 325 • governmental social service providers; and
 - 326 • members of the public.

327
328
329 The Court will solicit input from the LEP community and its representatives through
330 meetings and will seek to inform community service organizations on how LEP individuals
331 can access court services.

332
333 **VII. Public Notification and Evaluation of LEP Plan**

334
335 **A. LEP Plan Approval and Notification**

336 The Superior Court of **MONTEREY** County’s LEP plan is subject to approval by the Presiding
337 Judge and Court Executive Officer. Upon approval, a copy will be forwarded to the Judicial
338 Council, LEP Coordinator. Any revisions to the plan will be submitted to the Presiding Judge
339 and Court Executive Officer for approval, and then forwarded to the Judicial Council. Copies
340 of Superior Court of **MONTEREY** County’s LEP plan will be provided to the public on
341 request. In addition, the Court will post this plan on its public Web site, and the Judicial
342 Council will post a link to it on its public Web site at *www.courtinfo.ca.gov*.

343
344 **B. Annual Evaluation of the LEP Plan**

345 The Superior Court of **MONTEREY** County will routinely assess whether changes to the LEP
346 plan are needed. The plan may be changed or updated at any time but reviewed not less
347 frequently than ONCE A YEAR.
348

349 Each year the Court's Executive Officer will review the effectiveness of the Court's LEP plan
350 and update it as necessary. The evaluation will include identification of any problem areas
351 and development of corrective action strategies. Elements of the evaluation may include:
352

- 353 • Number of LEP persons requesting court interpreters inside the courtroom;
- 354 • Assessment of current language needs to determine if additional services or
355 translated materials should be provided;
- 356 • Solicitation and review of feedback from LEP communities within the county;
- 357 • Assessment of whether court personnel adequately understand LEP policies and
358 procedures and how to carry them out; and
- 359 • Customer satisfaction feedback.

360
361 **C. Trial Court LEP Plan Coordinator:**

362
363 Teresa A. Risi
364 Court Executive Officer
365 Monterey Superior Court
366 240 Church Street
367 Salinas, CA 93901
368

369 **D. Judicial Council LEP Plan Coordinator:**

370
371 TBD
372 Equal Access Program
373 Administrative Office of the Courts
374 455 Golden Gate Avenue
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376 (415) 865-4367, mark.garcia@jud.ca.gov
377

378 **E. LEP Plan Effective date:** November 24, 2014.
379

380 **F. Approved by:**

381
382 
383 _____
384 Marla O. Anderson,
385 Presiding Judge

November 24, 2014

Date

386
387 
388 _____
389 Teresa A. Risi,
390 Court Executive Officer
391

November 24, 2014

Date