Superior Court of California
For the County of MONTEREY

Limited English Proficiency (LEP) Plan

I. Legal Basis and Purpose

This document serves as the plan for the Superior Court of **MONTEREY** 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 **MONTEREY** County.

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 MONTEREY County

The Superior Court of **MONTEREY** County will continue to make every effort to provide services to all LEP persons. The five most frequently used foreign languages used in the Superior Court of **MONTEREY** by percentage for the period July 1, 2010 through June 30, 2011 are noted below:

Language	Percentage
Spanish	98.6%
Indigenous: Mixteco, Trique, Tzotzil	.6%
Vietnamese	.3%
American Sign Language	.3%
Korean	.2%

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

This information is based on data collected from the Administrative Office of the Court's

Court Interpreters Data Collection System and the Court's experience.

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

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 **MONTEREY** County, interpreters will be provided at no cost to court customers who need such assistance under the following circumstances:

- For litigants, witnesses and victims in all criminal and traffic hearings;
- For litigants, witnesses and victims in all juvenile dependency and delinquency hearings;
- For litigants and witnesses in non-criminal hearings involving domestic violence, elder abuse or to the extent that grant funding is provided;
- For litigants who need assistance when using family court services, to the extent that grant funding is provided; and
- The provision of spoken-language interpreters at Court expense for litigants and witnesses in other civil hearings as determined by the presiding judge.

Additionally, courts may use interpreters who are providing mandated intepreting services for issues such as criminal or juvenile cases for incidental use in civil courtrooms. The Superior Court of **MONTEREY** County 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 intepreters through incidental use.

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

2. Determining the Need for an Interpreter in the Courtroom

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

The need for an 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, courtroom clerks, mediators, outside justice partners, attorneys, victim advocates, social workers, and staff from partnering community-based organizations.

The Superior Court of **MONTEREY** County assigns Spanish-language interpreters routinely to courtrooms hearing criminal, traffic and juvenile case types to be available on an as-

needed basis as the calendars are heard. Prior to the judicial officer taking the bench, the assigned Spanish interpreter addresses the audience in Spanish indicating that Spanish language interpreting services are available and that litigants should indicate their language needs when their case is called by the judicial officer. At arraignment, the courtroom clerk will note on the case file and in the case management system the need for interpreting assistance for a particular case to ensure that the appropriate language assistance is provide for future court hearings. In the Traffic Division, court clerks are required to note the need for an interpreter in the case management system on all cases being set for court trial in which the defendant has waived arrangement and requires the services of an interpreter. This ensures the presence of an interpreter for the first hearing the defendant will be appearing at.

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 March, 2009, the Superior Court of Monterey County implemented a pilot project to provide a Spanish speaking interpreter for the Small Claims calendar which is scheduled one day per week in our Marina Division. The pilot project is now permanent and has shown to provide valuable assistance to small claims litigants who, for various reasons, cannot bring their own interpreter to the hearing. Cases that would have been continued to future dates have been adjudicated timely with no inconvenience to either party and with minimal cost to the court. Pending budgetary updates, the recommendation may be made to continue the assignment of an interpreter to this calendar on an on-going basis to provide timely access to all parties.

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. The Superior Court of **MONTEREY** County uses continuance cards translated into Spanish that are distributed to litigants if a case must be continued due to unavailability of Spanish interpreting services or for any continuance.

When an interpreter is unavailable for a case in which the Court is not mandated to provide one, the Court advises the parties that they will need to obtain their own interpreter paid for by them and continues the case to allow time for the litigant to obtain an interpreter.

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

2. Court Interpreter Qualifications

The Superior Court of **MONTEREY** County 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 **MONTEREY** County 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 personnel, 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 counter, or other means.

The most common points of service outside the courtroom are at the Court's public counters, telephones and self-help center. Bilingual assistance is provided at the public counters and Court telephones 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 or on a Court telephone. 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 personnel and LEP individuals to provide accessibility of court services, such as self-help and mediation services as well as jury service information to LEP court users.

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

- Bilingual employees in the most frequently spoken language, Spanish, among Court users;
- A Court Web site with key pages translated into Spanish was completed in 2010;
- "Language Line pamphlets", to identify the individual's primary language, other than Spanish;
- Spanish translation for customers using the Traffic IVR/IWR;
- Written information in Spanish on how to access and navigate the Court (including the following handouts: Self Help Center brochures/flyers; Family Law Workshop schedule; Notice re Mediation Limits of Confidentiality);
- Security entrance screening contractors positioned at all Court entrances provide Spanish language assistance for directions to Court facilities;
- Signage throughout courthouse locations in Spanish; and
- Language Line Services, which is available to provide assistance in the clerk's office and at the Court's self-help center. The Language Line contractor services provide interpretation services via the telephone in over 170 languages.
- In Civil and Family Law matters, Spanish translation notices will be provided to the parties indicating that they will need to bring their own interpreters for the court proceedings. This information will be added to the trial notice in unlawful detainer actions. This proposal is in progress and should be completed by January 2012;
- Spanish translation court appearance cards will be provided to the parties in court proceedings to advise the need to bring their own interpreter for each court proceeding is in progress and should be completed by January 2012.

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

- Self-Help Center services that include bilingual Self-Help Center personnel;
- Workshops in Spanish regarding evictions, dissolution of marriage/domestic partnerships, child and spousal support, child custody and visitation, domestic violence restraining orders, mandatory co-parenting workshops and parentage actions;
- Bilingual traffic case information to customers via the Traffic IVR/IWR
- Providers of court-ordered services and programs offer assistance to Court litigants in English/Spanish;
- Bilingual family court services mediators and investigators for custody and visitation matters;
- Written informational and educational materials and instructions in Spanish.
- The Superior Court of Monterey County's complete telephone directory is accessible in Spanish; and
- The Superior Court of Monterey County has completed the translation into Spanish of key pages of our public website.

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 Court's services. The Superior Court of **MONTEREY** County 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 at the Judicial Council web site 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*.
- Bilingual employees are available to provide translation services for documents submitted to the Court in Spanish.

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

IV. Court Workforce Recruitment

The Superior Court of **MONTEREY** is an equal opportunity employer and recruits and hires bilingual employees to serve its LEP constituents. Bilingual employees are required to pass a local Court examination to ensure the employee possesses adequate proficiency in Spanish. Primary examples include, but are not limited to:

- Court interpreters to serve as permanent employees of the Court to provide courtroom interpreting services;
- Bilingual employees to serve at public counters and on telephones;
- Court distribution of AOC-provided interpreter program materials;
- Bilingual employees assigned to the Court's Self-Help center;
- Bilingual employees called to assist with LEP individuals, as needed; and
- Bilingual employees to provide translation services for documents submitted to the Court in Spanish.

V. Judicial and Personnel Awareness Training:

The Superior Court of **MONTEREY** County is committed to providing LEP awareness training opportunities for all judicial officers and personnel. Training and learning opportunities currently offered by the Superior Court of **MONTEREY** County will be expanded or continued as needed. Those opportunities include or are under consideration for future implementation:

- Interpreter coordinator training;
- Diversity Training;
- LEP plan education;
- Personnel attendance in Spanish training through the tuition reimbursement program;
- Statewide conferences on language access or conferences that include sessions dedicated to topics on language access;
- New employee orientation training performed by division managers and supervisors;

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 **MONTEREY** County provides community outreach and education and seeks input from its LEP constituency to further improve services. Outreach and education efforts may include:

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

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 **MONTEREY** County'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 Superior Court of **MONTEREY** County'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 **MONTEREY** County 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's Executive Officer 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 may include:

- Number of LEP persons requesting court interpreters inside the courtroom;
- 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 personnel adequately understand LEP policies and procedures and how to carry them out; and
- Customer satisfaction feedback.

C. Trial Court LEP Plan Coordinator:

Connie Mazzei
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D. AOC LEP Plan Coordinator:

TBD
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E. LEP Plan Effective date: October 1, 2011.

F. Approved by:

Timothy P. Roberts, Presiding Judge — Date: 11/3/11

Connie Mazzei, Court Executive Officer — Date: 11/3/11