

1 **Superior Court of Tulare County**

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

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6 **I. Legal Basis and Purpose**

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8 This document serves as the plan for the Superior Court of Tulare County to provide to persons
9 with limited English proficiency (LEP) services that are in compliance with Title VI of the Civil
10 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–
11 42.112). The purpose of this plan is to provide a framework for the provision of timely and
12 reasonable language assistance to LEP persons who come in contact with the Superior Court of
13 Tulare County.

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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 hearing
17 loss, access services for them are covered under the Americans with Disabilities Act rather than
18 Title VI of the Civil Rights Act, and therefore will not be addressed in this plan.

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20 **II. Needs Assessment**

21 **A. Statewide**

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

25
26 According to the Administrative Office of the Courts (AOC) Court Interpreter Data Collection
27 System (CIDCS), which aggregates court interpreter usage data received from the California trial
28 courts, the most frequently used languages for interpreters in California courts in 2005 were (in
29 descending order of frequency):

- 30
31 1. Spanish
32 2. Vietnamese
33 3. Korean
34 4. Armenian
35 5. Mandarin

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38 **B. Superior Court of Tulare County**

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

- 43
44 1. Spanish

- 45 2. Lahu
- 46 3. Ilocano
- 47 4. Tagalog
- 48 5. Vietnamese

49
50 This information is based on data collected from the Administrative Office of the Court
51 Interpreters Data Collection System (CIDCS) and the United States Census Bureau.

52
53 **III. Language Assistance Resources**

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

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

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

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

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

75

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

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

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

85

86 The need for an interpreter also may be made known in the courtroom at the time of the
87 proceeding. The Superior Court of Tulare County will display a sign translated into the five most
88 frequently used languages that states: “If you do not speak the English language or are hearing
89 impaired, you may ask for an interpreter to assist you. Please tell one of the workers that you
90 need an interpreter and help them in identifying the language you speak.” The Superior Court of
91 Tulare County will display this sign at the following locations: Visalia Division, Porterville
92 Division, Tulare-Pixley Division, Dinuba Division, Juvenile Court, and the Pretrial Facility
93 Court.

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

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

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

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

127
128 In a case where the court is mandated to provide an interpreter, but one is not available at the
129 time of the proceeding, even after the court has made all reasonable efforts to locate one, as

130 previously outlined in this plan, the case will be postponed and continued on a date when an
131 interpreter can be provided.

132 When an interpreter is unavailable for a case in which the court is not mandated to provide one,
133 the court takes the following actions: The party is referred to the LEP coordinator to obtain a list
134 of Interpreter's names and numbers in the target language that the party may contact to contract
135 with privately.

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138 **2. Court Interpreter Qualifications**

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140 The Superior Court of Tulare 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 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.

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

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158 The Superior Court of Tulare County is also responsible for taking reasonable steps to ensure
159 that LEP individuals have meaningful access to services outside the courtroom. This is perhaps
160 the 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.

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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 Tulare 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;
- Bilingual volunteers;
- A court Web site with key pages translated into Spanish;
- “I Speak” cards, to identify the individual’s primary language;
- Written information in Spanish on how to access and navigate the court;
- Multilingual signage throughout courthouse locations in the following languages: Spanish, Korean, Vietnamese, Chinese, Tagalog, Japanese, Hmong, Khmer, Laotian, Punjabi, and Russian.
- A court public phone line with key instructions provided in Spanish to request court services.

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

- Self-help center (Family Law Facilitator) with services that include: bilingual self-help center staff, telephonic language assistance, and bilingual volunteers that provide self-help services to the LEP persons in Spanish.
- Individual assistance with filling out paperwork on topics such as: divorce, paternity, child/spousal/partner support provided in Spanish.
- Bilingual family court services mediators for custody and visitation matters;
- Written informational and educational materials and instructions in Spanish. Please see attachment B for a list of education materials provided 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 Tulare 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 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 has translated the following documents into other languages:
Please see attachment B

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

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

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

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

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

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232 **B. Recruitment of Volunteers for Language Access**

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

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 - In self-help centers, to assist LEP users;
 - 237 • At public counters to provide interpretive services between staff and the LEP public; and
 - 238 • To serve as interpreter trainees by helping LEP individuals in areas outside of the
 - 239 courtroom, to develop skills in preparation for the certified interpreter examination.
 - 240 • In the Family Court Services Center to assist with mediation interviews.

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243 **V. Judicial and Staff Training**

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245 The Superior Court of Tulare County is committed to providing LEP training opportunities for
246 all judicial officers and staff members. Training and learning opportunities currently offered by
247 the Superior Court of Tulare County will be expanded or continued as needed. Those
248 opportunities include:

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 - Interpreter coordinator training;
 - 250 • Diversity Training;
 - 251 • Cultural competency training;
 - 252 • LEP plan training;
 - 253 • Statewide conferences on language access or conferences that include sessions dedicated
 - 254 to topics on language access;
 - 255 • New employee orientation training; and,
 - 256 • Judicial officer orientation on the use of court interpreters and language competency.

257 **VI. Public Outreach and Education**
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259 To communicate with the court's LEP constituents on various legal issues of importance to the
260 community and to make them aware of services available to limited English speakers, the
261 Superior Court of Tulare County will provide community outreach and will seek input from its
262 LEP constituents to further improve services. Outreach efforts in the next year will include:

- 263 • Public service announcements in Spanish provided through local television stations
264 to inform the public of the Courts free Self Help Resource Center. The commercial
265 will advise the public of the following in Spanish: "Going to court can be a
266 confusing, even frightening experience. You can help yourself by being educated
267 and prepared. Contact the Tulare County Superior Court Self Help Resource Center
268 to learn how to represent yourself in court for your family law related legal matters.
269 The help is free to everyone, regardless of income or legal status. Staff is available
270 to assist you at several locations. For more information call 559-737-5500 or check
271 out our website at www.tularesuperiorcourt.ca.gov".
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274 **VII. Public Notification and Evaluation of LEP Plan**
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276 **A. LEP Plan Approval and Notification**

277 The Superior Court of Tulare County's LEP plan is subject to approval by the presiding judge
278 and court executive officer. Upon approval, a copy will be forwarded to the AOC, LEP
279 Coordinator. Any revisions to the plan will be submitted to the presiding judge and court
280 executive officer for approval, and then forwarded to the AOC. Copies of Superior Court of
281 Tulare County's LEP plan will be provided to the public on request. In addition, the court will
282 post this plan on its public Web site, and the AOC will post a link to it on the Judicial Council's
283 public Web site at www.courtinfo.ca.gov.
284

285 **B. Annual Evaluation of the LEP Plan**

286 The Superior Court of Tulare County will routinely assess whether changes to the LEP plan are
287 needed. The plan may be changed or updated at any time but reviewed not less frequently than
288 once per year.

289 Each year the court's LEP Plan Coordinator will review the effectiveness of the court's LEP plan
290 and update it as necessary. The evaluation will include identification of any problem areas and
291 development of corrective action strategies. Elements of the evaluation will include:
292

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

302
303 **C. Trial Court LEP Plan Coordinator:**

304 Amy MacDonald
305 Courtroom Services Manager II
306 221 S. Mooney Blvd Room 303
307 Visalia, CA 93291
308 (559) 730-5000 extension 1289, amacdonald@tulare.courts.ca.gov

309
310 **D. AOC LEP Plan Coordinator:**

311 Mark Garcia
312 Senior Court Services Analyst
313 Equal Access Program
314 Administrative Office of the Courts
315 455 Golden Gate Avenue
316 San Francisco, CA 94102-3688
317 (415) 865-4367, mark.garcia@jud.ca.gov

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319 **E. LEP Plan Effective date: 10/24/2008**

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321 **F. Approved by:**

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323 Presiding Judge: _____ Date: _____

324
325 Court Executive Officer: _____ Date: _____

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333 **ATTACHMENT A**

334 **Citations on the Use and Payment**

335 **Of Interpreter in Court Proceedings**

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

- 338
- 339 • Article 1, section 14 of the California Constitution provides that a “person unable to
340 understand English who is charged with a crime has the right to an interpreter throughout
341 the proceedings.” There is no corresponding right in civil proceedings. *Jara v. Municipal*
342 *Court* (1978) 21 Cal.3d 181 held that non-English-speaking indigent civil litigants do not
343 have a right to a court interpreter appointed at public expense. However, the court does
344 have the inherent right to waive filing fees if justice so requires.
345
 - 346 • *Jara* let stand an earlier opinion, *Gardiana v. Small Claims Court* (1976) 59 Cal.App.3d
347 412, which held that in small claims proceedings, the court has a statutory duty to appoint
348 an interpreter free of charge if it finds the litigant unable to speak or understand English.
349 *Jara* reasoned that because attorneys are not permitted in small claims proceeding, non-
350 English-speaking small claims litigants without an interpreter are “effectively barred
351 from access to the small claims proceedings.” (*Jara*, 21 Cal.3d185.) (See also the two
352 paragraphs below regarding interpreters in small claims matters.)
353
 - 354 • Witnesses with limited English proficiency must also be provided with an interpreter.
355 Under Evidence Code section 752, the court must appoint an interpreter whenever “a
356 witness is incapable of understanding the English language or is incapable of expressing
357 himself or herself in the English language so as to be understood directly by counsel,
358 court, and jury. . . .” Appointment of a translator is also required whenever “the written
359 characters in a writing offered in evidence are incapable of being deciphered or
360 understood directly.” (Evid. Code, § 753).
361
 - 362 • In small claims proceedings, if the court determines that a litigant does not speak or
363 understand English sufficiently to comprehend the proceedings or give testimony and
364 needs assistance in doing so, the court may permit another individual (other than an
365 attorney) to assist that party. (Code Civ. Proc., § 116.550(a)). If a competent interpreter
366 is not available at the first hearing of the case, the small claims court shall postpone the
367 hearing one time only to allow the party the opportunity to obtain another individual to
368 assist that party. Any additional continuances shall be at the court’s discretion. (Code
369 Civ. Proc., § 116.550(b)). California Rules of Court, rule 3.61(5) provides that any costs
370 for a court-appointed interpreter in a small claims action must be waived if an application
371 to proceed in forma pauperis is granted.
372
 - 373 • In proceedings involving domestic violence, and proceedings regarding parental rights,

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

- 405
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- 408 Spanish brochure titled: "Self-Help Resource Center & Family Law Facilitator"
- 409 Spanish brochure titled: "Welcome to the Superior Court County of Tulare"
- 410 Spanish brochure titled: "Mediation Questions and Answers"
- 411 Spanish brochure titled: "The Establishment of Parenthood for You and Your Child"
- 412 Spanish brochure titled: "The Supervised Visits and You"
- 413 Spanish brochure titled: "Parents: Domestic Violence Hurts the Children"
- 414 Spanish brochure titled: "Helping to Achieve Your Goals as a Young Father"
- 415 Spanish brochure titled: "There Is an Option. Do Not Leave the Baby"
- 416 Spanish brochure titled: "Resolving Problems with the Case of Children Maintenance"
- 417 Spanish brochure titled: "Information for Parents Who Never Married"
- 418 Spanish brochure titled: "Parents Are for the Whole Life"
- 419 Spanish brochure titled: "Information for the Parent Without Custody"
- 420 Spanish brochure titled: "Information on Child Maintenance for Fathers That Are in Jail or Prison"
- 421 Spanish brochure titled: "Service of Lawyer's Reference"
- 422 Spanish brochure titled: "Tulare/Kings County Legal Aid"
- 423 Spanish brochure titled: "A Declaration of Parenthood Can Help You and Your Baby"
- 424 Spanish brochure titled: "Helping You to Face Your Goals as an Adolescent Father"
- 425 Spanish brochure titled: "Helping the Community One Family as a Time"
- 426 Spanish Step Parent Adoption Questionnaire
- 427 Spanish copy of Family Code Section 3044
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- 429