

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

Superior Court of Riverside County

Limited English Proficiency (LEP) Plan

I. Legal Basis and Purpose

This document serves as the plan for the Superior Court of Riverside 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 Riverside 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 May 2010, Language Need and Interpreter Use in California Superior Courts study from the California Judicial Council Administrative Office of the Courts (AOC), the most frequently used languages for interpreters in California courts are (in descending order of frequency):

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

B. Superior Court of Riverside County

The Superior Court of Riverside County will make every effort to provide services to all LEP persons. However, the following list shows the foreign languages that were most frequently used in 2010 in this court's geographic area.

1. Spanish

- 45 2. Mandarin
- 46 3. Korean
- 47 4. Arabic
- 48 5. Tagalog

49

50 This information is based on data collected from the AOC's Court Interpreters Data
51 Collection System (CIDCS) and the court's internal countywide language Access report.

52

53 **III. Language Assistance Resources**

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

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

56

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

61

- 62 • For litigants and witnesses in criminal (including traffic) hearings;
- 63 • For litigants and witnesses in juvenile delinquency hearings;
- 64 • For litigants and witnesses in juvenile dependency hearings where court has
65 appointed counsel for parent or child and witnesses;
- 66 • For litigants and witnesses in hearings involving domestic violence and elder
67 abuse, family law and child support cases, to the extent that funding is provided;
68 and
- 69 • For litigants who need assistance when using family court services, to the extent
70 that funding is provided.

71

72 Responsibility for the cost for spoken-language interpreters for litigants and witnesses in
73 other civil proceedings will be determined at the discretion of the officiating judge.
74 Additionally, courts may use interpreters who are providing mandated interpreting
75 services for issues such as criminal or juvenile cases for incidental use in civil
76 courtrooms.

77

78 The Superior Court of Riverside County recognizes the significant benefits to both the
79 public and the court by providing interpreters in civil cases and will attempt whenever
80 possible to provide such interpreters through incidental use. The Superior Court of
81 Riverside County will also provide interpreters for Small Claims and civil matters when
82 interpreters hired for a mandated hearings become available and are no longer needed
83 for the mandated areas.

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

85

86 The Superior Court of Riverside County may determine whether an LEP court customer
87 needs an interpreter for a court hearing in various ways. The need for a court interpreter
88 may be identified prior to a court proceeding by the LEP person or on the LEP person's
89 behalf by counter staff, self-help center staff, family court services, or outside justice
90 partners such as local attorneys, law enforcement agencies, district attorney, public
91 defender, conflict panel, department of social services, juvenile, probation, mediators or
92 county counsel.

93
94 The need for an interpreter may also be made known in the courtroom at the time of the
95 proceeding in which the judge may determine that it is appropriate to provide an
96 interpreter for a court matter.

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

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

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

123
124 Many people who need an interpreter will not request one because they do not realize
125 that interpreters are available or because they do not recognize the level of English
126 proficiency or communication skills needed to understand the court proceeding.

127
128 To assist these individuals, the Superior Court of Riverside County displays signage at
129 the public counters in twenty (20) languages informing the public "Interpretation

130 Services are Available". The signage is posted at the following locations: criminal,
131 traffic, civil, family law, probate, appeals, public counters, self-help centers and
132 mediation areas countywide.
133

134 In a case where the court is mandated to provide an interpreter, but one is not available
135 at the time of the proceeding, even after the court has made all reasonable efforts to
136 locate one, whenever possible the case will be postponed and continued on a date
137 when an interpreter is available and can be provided.
138

139 The court does not have funding to provide interpreters for non-mandated proceedings.
140 However, the court can provide some assistance when an interpreter hired for a
141 mandated area becomes available.
142

143 When an interpreter is unavailable for a case in which the court is not mandated to
144 provide one, the court takes the following actions:
145

- 146 • All requests for an interpreter for non-mandated matters are entered into the
147 Court's case management system. These requests are then scheduled on the
148 internal Interpreter's daily schedule for proper coordination in providing
149 interpreter coverage for non-mandated matters.
- 150 • When calendaring a hearing on a non-mandated matter needing an interpreter
151 for an exotic language, Judicial Officers and staff are encouraged to use of the
152 Exotic Language Future calendar posted on the courts intranet listing interpreters
153 already hired for a future date for a mandated hearing in their court location that
154 can provide assistance with non-mandated proceedings when interpreters
155 become available.
- 156 • Only if the interpreter coordinator cannot provide interpreter assistance, does the
157 court default to using the next available options.
- 158 • Continue the case to allow the party time to bring an interpreter to assist in the
159 court proceeding.
- 160 • For short matters, use Language Line Services (Telephonic interpreting).
- 161 • Use bilingual volunteers, a friend or relative for assistance.
162

163 **2. Court Interpreter Qualifications**

164

165 The Superior Court of Riverside County hires interpreters for courtroom hearings in
166 compliance with the rules and policies set forth by Government Code section 68561 and
167 California Rules of Court, rule 2.893. The AOC maintains a statewide roster of certified
168 and registered interpreters who may work in the courts. This roster is available to court
169 staff and the public on the Internet at
170 www.courtinfo.ca.gov/programs/courtinterpreters/master.htm.
171

172 When an interpreter coordinator has made a "due diligence" effort to find a certified or
173 registered court interpreter and none is available, the interpreter coordinator then seeks

174 an interpreter whom has been provisionally qualified in accordance with California Rules
175 of Court 2.893 by the presiding judge or designee under Government Code 68561 (C)
176 as eligible to interpret in a criminal or juvenile delinquency proceeding for a period of six
177 months.

178
179 Whenever a provisionally qualified noncertified, nonregistered court interpreter is used
180 in the courtroom, judges must, pursuant to rule 2.893, inquire into the interpreter's skills,
181 professional experience, and potential conflicts of interest.

182 183 **B. Language Services Outside the Courtroom**

184
185 The Superior Court of Riverside County is also responsible for taking reasonable steps
186 to ensure that LEP individuals have meaningful access to services outside the
187 courtroom. This is perhaps the most challenging situation facing court staff, because in
188 most situations they are charged with assisting LEP individuals without an interpreter
189 present. LEP individuals may come in contact with court personnel via the phone, the
190 public counter, self help centers, jury services, WEB-Master e-mail, correspondence via
191 mail / fax or the court's internet.

192
193 The three most common points of service outside the courtroom are at the court's public
194 counters, jury assembly rooms and self-help centers. Bilingual assistance is provided at
195 the public counter and jury assembly rooms by the placement of bilingual staff as is
196 practical. The court also periodically calls on other bilingual staff from elsewhere in the
197 court to assist at the public counter and jury assembly rooms. Similarly, the court's self-
198 help center employs bilingual staff to provide self-represented litigants with assistance
199 in understanding and completing necessary forms.

200
201 Providing language services outside the courtroom entails both daily communications
202 and interactions between court staff and LEP individuals to provide accessibility of court
203 services, such as self-help and mediation services to LEP court users.

204
205 To facilitate communication between LEP individuals and court staff, the Superior Court
206 of Riverside County uses the following resources to the degree that resources are
207 available:

- 208
209
- 210 • Court interpreters, to the extent permitted under the active memorandum of
211 understanding or independent interpreter contract;
 - 212 • Bilingual employees;
 - 213 • Bilingual volunteers (family members, friends or other court user's who volunteer
214 to interpret for the LEP individual at the public counter or in small claims court).
 - 215 • Language Line services, which are available to provide assistance in the clerk's
216 office and at the court's self-help center. The Language Line contract services
217 provide interpretation services via the telephone in over 170 languages.

- 218 • Court staff unable to determine the language a customer is speaking may use “I
219 Speak” cards for assistance. The cards address many languages.
- 220 • Riverside Superior Court, Blythe Courthouse, has developed an internal phone
221 list of bilingual employees who may provide assistance to LEP customers when
222 necessary.

223
224 To provide linguistically accessible services for LEP individuals, the Superior Court of
225 Riverside County provides the following:

- 226
- 227 • Bilingual family court services mediators for custody and visitation matters;
- 228 • Certified Interpreter Staff trained to assist with Alternative Dispute Resolutions,
229 when available.
- 230 • Interactive Voice Recognition (IVR) court phone system in Spanish.
- 231 • Joint workshops between self-help center staff and community service providers
232 serving LEP populations (such as Family Preservation Court); and,
- 233 • Riverside Superior Court Internet site can be translated in 59 languages via
234 Goggle Translation software.
- 235 • Self-help center services that include bilingual self-help center staff and
236 telephonic language assistance,
- 237 • Workshops in Spanish regarding Family Law Parent Orientation for custody and
238 visitation matters.
- 239 • Written informational and educational materials and instructions in Spanish.

240 241 **C. Translated Forms and Documents**

242
243 The California courts understand the importance of translating forms and documents so
244 that LEP individuals have greater access to the courts’ services. The Superior Court of
245 Riverside County currently uses Judicial Council forms and instructional materials
246 translated into commonly used languages.

- 247
- 248 • These translated forms are available at the court’s Web site for internal use and
249 are available to the public at www.courtinfo.ca.gov/selfhelp/languages as well as
250 at the court’s self-help center;
- 251
- 252 • The court also has access to instructional materials that have been translated by
253 other courts at www.courtinfo.ca.gov/programs/equalaccess/trans.htm.
- 254
- 255 • The court has translated the following documents in Spanish and can be found in
256 our court countywide:
 - 257
 - 258 ▪ Advisement of Rights for Department of Child Support Services Criminal
259 Cases
 - 260 ▪ Advocates for Domestic Violence Pamphlets
 - 261 ▪ Agreement for Installment Payment of Bail and Bail Forfeiture

- 262 ▪ Alcohol Program Form
- 263 ▪ Brochure in Family Law
- 264 ▪ Customer Service Survey Cards
- 265 ▪ Education Program for Parents
- 266 ▪ Emancipation Pamphlet
- 267 ▪ Financial Affidavit
- 268 ▪ Home Study Traffic School
- 269 ▪ Mail Payment Card for payments made in installments
- 270 ▪ Mediation Intake Form
- 271 ▪ Misdemeanor Advisement Script
- 272 ▪ Payment Installment Agreement
- 273 ▪ Payment Rejection Notice from Payment Processing Center
- 274 ▪ Petition to Vacate Civil Assessment FTA
- 275 ▪ Petition to Vacate Civil Assessment FTP
- 276 ▪ Referral to Work Release Program
- 277 ▪ Small Claims Instructions
- 278 ▪ Traffic Options
- 279 ▪ Weekend Commitment form

280
281 Interpreters at court hearings are expected to provide sight translations of court
282 documents and correspondence associated with the case.

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

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

285
286 The Superior Court of Riverside County is an equal opportunity employer and recruits
287 and hires bilingual staff to serve its LEP constituents. Primary examples include but are
288 not limited to:

- 289
- 290 • Court interpreters to serve as permanent employees of the court;
- 291 • Bilingual staff to serve at public counters;
- 292 • Bilingual staff in the court's self-help centers; and,
- 293 • Bilingual staff on call to assist with contacts from LEP individuals, as needed.
- 294 • Staff preparing to become interpreters to volunteer to assist with LEP individuals.
- 295

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

297 The court is in the process of exploring the possibility of recruiting volunteers to assist
298 with language access in the non-mandated areas. Our goal is to recruit volunteers
299 through our courts current Volunteer Opportunities brochure with the Riverside Superior
300 Courts and related justice partners.

301 **V. Judicial and Staff Training:**

303
304 The Superior Court of Riverside County is committed to providing LEP training
305 opportunities for all judicial officers and staff members. Training and learning
306 opportunities currently offered by the Superior Court of Riverside County will be
307 expanded or continued as needed. Those opportunities include:

- 308
- 309 • Alternative Dispute Resolution
 - 310 • Americans with Abilities Fairness in the Courts training
 - 311 • Beyond Bias
 - 312 • Core 40 training
 - 313 • Customer Service training
 - 314 • Diversity Training
 - 315 • Ethics training
 - 316 • Interpersonal Communication training
 - 317 • Interpreter coordinator training;
 - 318 • Judicial officer orientation on the use of court interpreters and language
319 competency.
 - 320 • LEP Plan Training
 - 321 • New employee orientation training; and,
 - 322 • Statewide conferences on language access or conferences that include sessions
323 dedicated to topics on language access.
- 324

325 **VI. Public Outreach and Education**

326 To communicate with the court's LEP constituents on various legal issues of
327 importance to the community and to make them aware of services available to all
328 language speakers, the Superior Court of Riverside County will soon provide
329 community outreach and education to seek input from its LEP constituency to further
330 improve services to the public. Outreach and education efforts to be pursued in the
331 future include:

- 332
- 333 • Partnerships and collaborations with the bar associations, educators, community
334 representatives, other governmental agencies and volunteer organizations to
335 educate the public about the court and provide a court presence in the LEP
336 community.
 - 337 • Public brochures to be distributed within the community.
 - 338 • Public service announcements in other languages through either local television,
339 radio, or newspapers to discuss availability to self-help centers and other
340 services;
- 341

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

343 **A. LEP Plan Approval and Notification**

344

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

352
353 **B. Annual Evaluation of the LEP Plan**

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

357
358 Each year the court's LEP Plan Coordinator will review the effectiveness of the court's
359 LEP plan and update it as necessary. The evaluation will include identification of any
360 problem areas and development of corrective action strategies. Elements of the
361 evaluation will include:

- 362
- 363 • Assessment of current language needs to determine if additional services or
 - 364 translated materials should be provided;
 - 365 • Assessment of whether court staff adequately understand LEP policies and
 - 366 procedures and how to carry them out;
 - 367 • Customer satisfaction feedback.
 - 368 • Number of LEP persons requesting court interpreters and language assistance;
 - 369 • Review of feedback from court employee training sessions; and,
 - 370 • Solicitation and review of feedback from LEP communities within the county;
- 371

372 **C. Trial Court LEP Plan Coordinator:**

373 Angie Murphy, Deputy Executive Officer
374 Interpreter Services Division, Countywide
375 30755-D Auld Road
376 Murrieta, Ca 92563
377 (951) 304-5333, Angie.Murphy@riverside.courts.ca.gov

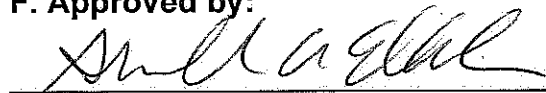
378
379 **D. AOC LEP Plan Coordinator:**

380 Mark Garcia
381 Senior Court Services Analyst
382 Equal Access Program
383 Administrative Office of the Courts
384 455 Golden Gate Avenue
385 San Francisco, CA 94102-3688
386 (415) 865-4367, mark.garcia@jud.ca.gov

388
389
390
391
392
393
394
395
396
397
398
399
400

E. LEP Plan Effective date: October 30, 2009

F. Approved by:



Sherrill Ellsworth
Presiding Judge

Date: 3-8-11



Sherri R. Carter
Court Executive Officer

Date: 3-7-11

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 application to proceed in forma pauperis is granted.

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