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2
3 **Superior Court of California, County of Riverside**

4 **2015 Limited English Proficiency (LEP) Plan**

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8 **I. Legal Basis and Purpose**

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

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

23
24 **II. Needs Assessment**

25 **A. Statewide**

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

29
30 According to the May 2010, Language Need and Interpreter Use in California Superior
31 Courts study from the California Judicial Council the most frequently used languages for
32 interpreters in California courts are (in descending order of frequency):

- 33
34 1. Spanish
35 2. Vietnamese
36 3. Korean
37 4. Mandarin
38 5. Russian

39
40 **B. Superior Court of California, County of Riverside**

41
42 The Superior Court of California, County of Riverside will make every effort to provide
43 services to all LEP persons. The following list shows the most frequently used
44 languages in 2014 in this court's geographic area.

- 45
46 1. Spanish
47 2. American Sign Language
48 3. Mandarin
49 4. Arabic
50 5. Vietnamese

51
52 This information is based on data collected from the Judicial Council's Court Interpreters
53 Data Collection System (CIDCS) and the Court's internal countywide language Access
54 report.

55
56 **III. Language Assistance Resources**

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

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

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

- 64
65 • For litigants and witnesses in criminal (including traffic) hearings;
66 • For litigants and witnesses in juvenile dependency and delinquency hearings;
67 • For litigants and witnesses in mental competency hearings or other matters in
68 which an interpreter at court cost is required by other state or federal laws
69 (mandated case types);
70 • For litigants and witnesses involving domestic violence and elder abuse, and civil
71 harassment cases under CCP section 527.6(w)

72
73 Additionally, per G.C. 26806(c), courts may use interpreters who are providing
74 mandated interpreting services for matters such as criminal or juvenile cases in civil
75 matters, if interpreters are available and no longer needed for the mandated areas and
76 when a qualified interpreter is present and available at the court location and no higher
77 priority action is taking place at that location during the period of time for which the
78 interpreter has already been compensated.

79 The Superior Court of California, County of Riverside recognizes the significant benefits
80 to both the public and the court by providing interpreters in civil cases and will attempt

81 whenever possible to provide such interpreters through priority order level 1 and
82 incidental use per GC 26806(c).

83
84 In order to increase the Superior Court of California, County of Riverside's ability to
85 provide equal access to the services it offers to LEP individuals, in 2011, the Court
86 piloted an ASL Video Remote Interpreting Program, and continued to provide VRI
87 service at the conclusion of the pilot. Video remote interpreting (VRI) is a form of
88 communication that incorporates the use of video conferencing technology and skilled
89 interpreters. VRI allowed for the Court and the Deaf client to participate in a secure
90 video conference call with a remotely located interpreter using desktop and
91 conventional video conferencing equipment. The use of VRI has increased Riverside
92 Court's ability to effectively communication with its Deaf or Hard of Hearing court users.
93 The Superior Court of California, County of Riverside is currently pursuing expanding
94 VRI to the Limited English Speaking (LEP) individuals inside the courtroom in matters
95 appropriate for VRI and outside the courtroom for individuals seeking court services in
96 their legal matters.

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

98
99 The Superior Court of California, County of Riverside tries to determine whether an LEP
100 court customer needs an interpreter for a court hearing in various ways. The need for a
101 court interpreter may be identified prior to a court proceeding by the LEP person or on
102 the LEP person's behalf by counter staff, self-help center staff, family court services, or
103 outside justice partners such as local attorneys, law enforcement agencies, district
104 attorney, public defender, conflict panel, department of social services, juvenile defense
105 panel, probation, or county counsel.

106
107 The need for an interpreter may be made known to the judge in the courtroom at the
108 time of the proceeding, at which time the judge would determine the need for an
109 interpreter for a court matter and request an interpreter to be present.

110
111 California's Standards of Judicial Administration offer instruction to judges for
112 determining whether an interpreter is needed. Section 2.10 provides that an "interpreter
113 is needed if, after an examination of the party or a witness, the court concludes that: (1)
114 the party cannot understand and speak English well enough to participate fully in the
115 proceedings and to assist counsel, or (2) the witness cannot speak English so as to be
116 understood directly by counsel, court, and jury." The court is directed to examine the
117 party or witness "on the record to determine whether an interpreter is needed if: (1) a
118 party or counsel requests such examination or (2) it appears to the court that the person
119 may not understand or speak English well enough to participate fully in the
120 proceedings."

121
122 To determine if an interpreter is needed, standard 2.10(c) provides that the court should
123 normally ask questions on the following: (1) identification (for example: name, address,

124 birth date, age, place of birth); (2) active vocabulary in vernacular English (for example:
125 “How did you come to the court today?” “What kind of work do you do?” “Where did you
126 go to school?” “What was the highest grade you completed?” “Describe what you see in
127 the courtroom.” “What have you eaten today?”) Questions should be phrased to avoid
128 ‘yes’ or ‘no’ replies; (3) the court proceedings (for example: the nature of the charge or
129 the type of case before the court), the purpose of the proceedings and function of the
130 court, the rights of a party or criminal defendant, and the responsibilities of a witness.”

131
132 Standard 2.10(d) calls on the court to state its conclusion on the record regarding the
133 need for an interpreter. “The file in the case should be clearly marked and data entered
134 electronically when appropriate by court personnel to ensure that an interpreter will be
135 present when needed in any subsequent proceeding.”

136
137 Many people who need an interpreter will not request one because they do not realize
138 that interpreters are available or because they do not recognize the level of English
139 proficiency or communication skills needed to understand court proceedings.

140
141 To assist these individuals, the Superior Court of California, County of Riverside display
142 signage at the public counters in twenty (24) languages informing the public
143 “Interpretation Services are Available”. The signage is posted at the following locations:
144 criminal, traffic, civil, family law, probate, appeals, public counters, self-help centers and
145 family court service areas countywide.

146
147 In a case where the court is mandated to provide an interpreter, and the court has made
148 all reasonable efforts to locate an interpreter, but one is not available at the time of the
149 proceeding, , the case will be postponed and continued on a date when an interpreter is
150 available and can be provided.

151
152 The court does not have funding to provide interpreters for all case types that are non-
153 mandated. However, per G.C. 26806(s), the court can provide some assistance when
154 an interpreter hired for a mandated area, such as criminal, becomes available.

155
156 When an interpreter is unavailable for a case in which the court is not mandated to
157 provide an interpreter, the court takes the following actions:

- 158
- 159 • All requests for an interpreter for non-mandated matters are entered into the
160 Court’s case management system. These requests are then scheduled on the
161 internal Interpreter’s daily schedule for proper coordination in providing
162 interpreter coverage for non-mandated matters from the mandated interpreter
163 pool when they become available.
 - 164 • When calendaring a hearing on a non-mandated matter needing an interpreter
165 for an exotic language (other than Spanish), Judicial Officers and staff are
166 encouraged to use the “Exotic Language Future Calendar” posted on the courts
167 intranet listing exotic language interpreters already hired for a future date for a

168 mandated hearing in their own court location that can provide assistance with
169 non-mandated proceedings when the interpreters their mandated assignments.

- 170 • Only if the court services coordinator cannot provide interpreter assistance per
171 the above methods, does the court default to using the next available options:
172 ○ Continue the case to allow the party time to bring an interpreter to assist in
173 the court proceeding.
174 ○ Use bilingual volunteers, a friend or relative for assistance.
175 ○ For short matters, use Language Select Services (Telephonic
176 interpreting).

177 178 **3. Court Interpreter Qualifications**

179
180 The Superior Court of California, County of Riverside hires certified or registered
181 interpreters for courtroom hearings in compliance with the rules and policies set forth by
182 Government Code section 68561, 71802, and California Rules of Court, rule 2.893. The
183 Judicial Council maintains a statewide roster of certified and registered interpreters who
184 may work in the courts. This roster is available to court staff and the public on the
185 Internet at www.courtinfo.ca.gov/programs/courtinterpreters/master.htm.

186
187 When a court services coordinator has made a “due diligence” effort to find a certified or
188 registered court interpreter per G.C. 71802, and none is available, the court services
189 coordinator then seeks a provisionally qualified interpreter who has been “provisionally”
190 qualified in accordance with California Rules of Court 2.893 by the presiding judge or
191 designee under Government Code 68561 (C) as eligible to interpret in a criminal, traffic,
192 juvenile dependency, juvenile delinquency and other civil proceeding for a period of six
193 months.

194
195 Whenever a provisionally qualified (noncertified or nonregistered) court interpreter is
196 used in the courtroom, judges must, pursuant to CRC 2.893, inquire about the
197 interpreter’s skills, professional experience, and potential conflicts of interest.

198 199 **B. Language Services Outside the Courtroom**

200
201 The Superior Court of California, County of Riverside is also responsible for taking
202 reasonable steps to ensure that LEP individuals have meaningful access to services
203 outside the courtroom. This is perhaps the most challenging situation facing court staff,
204 because in most situations they are charged with initially assisting LEP individuals
205 without an interpreter present. LEP individuals may come in contact with court
206 personnel via the phone, the public counter, self-help centers, jury services, WEB-
207 Master e-mail, and correspondence via mail/fax or the court’s internet.

208 The three most common points of service outside the courtroom are at the court’s public
209 counters, jury assembly rooms and self-help centers. Bilingual assistance is provided at
210 the public counter and jury assembly rooms by the placement of bilingual staff as
211 bilingual resources are available, and by utilizing our internal interpreter hotline

212 telephone. The court also periodically calls on other bilingual staff from court locations
213 within the Court to assist at the public counter and jury assembly rooms Similarly, the
214 court's self-help center employs bilingual staff to provide self-represented litigants with
215 assistance in understanding and completing necessary forms.

216
217 Providing language services outside the courtroom entails both daily communications
218 and interactions between court staff and LEP individuals to provide accessibility of court
219 services, such as self-help and family court services.

220
221 The Superior Court of California, County of Riverside negotiated the Interpreter's
222 Memorandum of Understanding (MOU) to allow staff Interpreters, when not interpreting
223 for court proceedings, to assist the clerical staff with interpreting between the customer
224 and the court staff at the Clerk's Office, Self-Help Center, Echange Collection Division,
225 family court services, and at any other court division/units. The development of the
226 internal interpreter hotline telephone has assisted greatly in this area.

227
228 To facilitate communication between LEP individuals and court staff, the Superior Court
229 of California, County of Riverside uses the following resources to the degree that
230 resources are available:

- 231
- 232 • Staff and hired Court interpreters - to the extent permitted under the active MOU
233 or independent interpreter contract;
 - 234 • Bilingual employees;
 - 235 • Bilingual volunteers (family members, friends or other court users who volunteer
236 to interpret for the LEP individual at the public counter or in small claims court).
 - 237 • Telephonic Interpreting Service (Language Select), which are available to
238 provide assistance in the clerk's office and at the court's self-help center. The
239 Language Select contract services provide interpretation services via the
240 telephone in over 200 languages.
 - 241 • Court staff trying to determine the language a customer is speaking can assist
242 the LEP individual by using the "I Speak" cards for assistance. The cards list the
243 phrase "Mark this box if you read or speak English (applicable language would
244 be listed)" in many languages that the LEP individual can point at to identify their
245 native language.
 - 246 • Internal interpreter hotline phone to connect LEP individuals with staff or hired
247 Spanish interpreters at the public counter.
 - 248 • Internal phone list of bilingual employees countywide who may provide
249 assistance to LEP customers when necessary.

250
251 To provide linguistically accessible services for LEP individuals, the Superior Court of
252 California, County of Riverside provides the following:

- 253
- 254 • Permanently marking of cases in the case management system with interpreter
255 needs from onset.

- 256 • Bilingual Child Custody Recommending Counselors (CCRC) for custody and
257 visitation matters;
- 258 • Internal Spanish Interpreter Hotline
- 259 • Interactive Voice Recognition (IVR) court phone system in Spanish.
- 260 • Joint workshops between self-help center staff and community service providers
261 serving LEP populations (such as Family Preservation Court); and,
- 262 • The Court's Internet site can be translated in 59 languages via Goggle
263 Translation software.
- 264 • Self-help center services that include bilingual self-help center staff and
265 telephonic language assistance,
- 266 • Online Workshops in Spanish regarding Family Law Parent Orientation for
267 custody and visitation matters.
- 268 • Workshops in Spanish for Family Law Divorce Petition's
- 269 • Workshops in Spanish for Response to Divorce Petition
- 270 • Workshops in Spanish for Family Law Default Judgment's
- 271 • Workshops in Spanish for Family Law Request for Order
- 272 • Written informational and educational materials and instructions in Spanish.
- 273 • Interpreter assistance in Family Law Triage Pilot
- 274 • Assigning available Interpreters to the Public Counter, Family Court Services,
275 and Self-Help Centers.
- 276 • Adding information to request an interpreter on our Traffic Courtesy Notice Bail
277 Quotes.

278
279 The Superior Court of California, County of Riverside is currently pursuing expanding
280 VRI to the Limited English Speaking (LEP) individuals by utilizing the VRI in our self-
281 help centers and outside the courtroom.

282 **C. Translated Forms and Documents**

283
284 The California courts understand the importance of translating forms and documents so
285 that LEP individuals have greater access to the courts' services. The Superior Court of
286 California, County of Riverside currently uses Judicial Council forms and instructional
287 materials translated into commonly used languages.

288
289 The Superior Court of California, County of Riverside negotiated in the Interpreter's
290 MOU to allow staff Interpreters, when not interpreting for court proceedings, to assist
291 with the translation of documents. The court has two interpreters that are proficient in
292 translations and assist with the translating of documents.

- 293
- 294
- 295 • These translated forms are available at the court's Web site for internal use.
- 296 • Translated forms for self-help users are also available to the public at
297 www.courtinfo.ca.gov/selfhelp/languages. The court also has access to
298 instructional materials that have been translated by other courts at
299 www.courtinfo.ca.gov/programs/equalaccess/trans.htm.

- 300 • Judicial Council provided 2015 Holiday signs announcing dates the Court is
301 closed are posted in public lobbies.
- 302
- 303 • The court has translated the following documents in Spanish and are used in our
304 court countywide:
 - 305
 - 306 ▪ Advisement of Rights for Department of Child Support Services Criminal
 - 307 Cases
 - 308 ▪ Agreement for Installment Payment of Bail and Bail Forfeiture
 - 309 ▪ Alcohol Program Form
 - 310 ▪ Emancipation Pamphlet
 - 311 ▪ Financial Affidavit
 - 312 ▪ Mail Payment Card for payments made in installments
 - 313 ▪ Child Custody Recommending Counselor Intake Form
 - 314 ▪ Misdemeanor Advisement Script
 - 315 ▪ Payment Installment Agreement
 - 316 ▪ Payment Rejection Notice from Payment Processing Center
 - 317 ▪ Petition to Vacate Civil Assessment FTA
 - 318 ▪ Petition to Vacate Civil Assessment FTP
 - 319 ▪ Referral to Work Release Program
 - 320 ▪ Traffic Options
 - 321 ▪ Weekend Commitment form
 - 322 ▪ SWJC Monitor Query Slide for Public
 - 323 ▪ Instructions to Defendant regarding Alcohol Programs
 - 324 ▪ Family Law Information Sheet
 - 325 ▪ Notice of Electronic Court Records Sign
 - 326 ▪ IVR Phone Script
 - 327 ▪ Interpreter Signage
 - 328 ▪ E-Minder Notice for Divorce Case & Parentage –Proof of Service,
 - 329 Default/Response/ and Judgment
 - 330 ▪ Divorce Flow Chart
 - 331 ▪ Paternity Flow Chart
 - 332 ▪ Case Management Order Checklist- Divorce & Parentage
 - 333 ▪ Order to Attend Child Custody Appointment for Family Law, Probate and
 - 334 DV-Video
 - 335 ▪ Order Re: Cameras/Recorders
 - 336 ▪ No Food Signs – J3
 - 337 ▪ Summons – Family Law Code 2040
 - 338 ▪ Signs for Public Service Window, Traffic Appointment Line, Traffic
 - 339 Payment Line, Traffic Payment Line, Kiosk Traffic Payment Line,
 - 340 Telephone Assistance, Traffic Appointment Window, Traffic/Criminal
 - 341 Payment Window, Civil, Small Claims, Family Law Mediation, Attorney
 - 342 Services Window, Attorney Service Line, Kiosk Traffic Payments, Self
 - 343 Help, Traffic Terminal, Traffic Payment Box, Traffic Appointment Waiting,

- 344 ▪ Temecula Redirection Notice
- 345 ▪ Misdemeanor Plea Form
- 346 ▪ Instructions to Defendant
- 347 ▪ Driving Under the Influence Penalties
- 348 ▪ Driving on a Suspended License Penalties
- 349 ▪ Queuing of Slides for Moreno Valley
- 350 ▪ Information on Traffic School
- 351 ▪ Welcome Sign
- 352 ▪ Traffic Kiosk Slides
- 353 ▪ 2K Looping Video
- 354 ▪ Riverside POP Video Script
- 355 ▪ Financial Affidavit – ECD
- 356 ▪ Spanish Dialer Message
- 357 ▪ Riverside Traffic English Spanish Phrase List
- 358 ▪ Riverside Criminal Kiosk Payments

359
360 Interpreters at court hearings are expected to provide sight translations of court
361 documents and correspondence associated with the case.

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

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

364
365 The Superior Court of California, County of Riverside is an equal opportunity employer
366 and recruits and hires bilingual staff to serve its LEP constituents. Primary examples
367 include but are not limited to:

- 368
- 369 • Court interpreters to serve as permanent employees of the court;
- 370 • Bilingual staff to serve at public counters;
- 371 • Bilingual staff in the court's self-help centers; and,
- 372 • Bilingual staff to answer telephone at the Court's Traffic Telephone Center
- 373 • Bilingual staff on list to assist with contacts from LEP individuals, as needed.

374 **B. Written Translations**

375
376 The Superior Court of California, County of Riverside has an employee interpreter
377 designated to assist with the translation of documents. When this employee is not
378 available, the court will outsource the translation work.

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

380
381

382 The Superior Court of California, County of Riverside is committed to providing LEP
383 training opportunities for all judicial officers and staff members. Training and learning
384 opportunities currently offered by the Court will be expanded or continued as needed.
385 Training includes:

- 386
- 387 • Alternative Dispute Resolution
- 388 • Disability Awareness
- 389 • Beyond Bias
- 390 • CJER Educational videos for interpreter staff
- 391 • Core 40 training
- 392 • Customer Service training
- 393 • Diversity Training
- 394 • Ethics training
- 395 • Interpersonal Communication training
- 396 • Interpreter coordinator training;
- 397 • Interpreter Services Division Training for clerk's office
- 398 • Judicial officer orientation on the use of court interpreters
- 399 • LEP Plan Training
- 400 • New employee orientation training
- 401 • Procedures and Guidelines to Appoint a non-certified/non-registered interpreter
- 402 • Statewide conferences on language access or conferences that include sessions
- 403 dedicated to topics on language access.
- 404 • Team interpreting
- 405

406 **VI. Public Outreach and Education**

407 To communicate with the court's LEP constituents on various legal issues of
408 importance to the community and to make them aware of services available to all
409 language speakers, and to increase the awareness for the need of interpreters, the
410 Superior Court of California, County of Riverside has provided community outreach
411 and education to further improve services to the public.

- 412
- 413 A. The interpreter Manager participates in the orientation for the Professional
414 Interpretation and Translation Certificate Program at the University of California
415 Riverside. The purpose is to provide students information about the courts and
416 promote the interpreter career and inform them of the need for interpreters.
- 417
- 418 B. Riverside Court partnered with DPSS on Adoption Day by providing interpreter
419 volunteers to assist with LEP individuals participating on Adoption Day.
- 420
- 421 C. Riverside Court sends court staff interpreters to participate in Career Day at local
422 schools within the county.
- 423

424 Future outreach and education efforts to be pursued include:

- 425
- 426
- 427
- 428
- 429
- 430
- 431
- 432
- 433
- 434
- Partnerships and collaborations with the bar associations, educators, community representatives, other governmental agencies and volunteer organizations to educate the public about the court and provide a court presence in the LEP community.
 - Public brochures to be distributed within the community.
 - Public service announcements in other languages through either local television, radio, or newspapers to discuss availability to self-help centers and other services;

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

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

437

438 The Superior Court of California, County of Riverside's LEP plan is subject to approval

439 by the presiding judge and court executive officer. Upon approval, a copy will be

440 forwarded to the Judicial Council, LEP Coordinator. Any revisions to the plan will be

441 submitted to the presiding judge and court executive officer for approval, and then

442 forwarded to the Judicial Council. Copies of the Superior Court of California, County of

443 Riverside's LEP plan will be provided to the public upon request. In addition, the court

444 will post this plan on its public Web site at www.riverside.courts.ca.gov and on the

445 Judicial Council will post a link to the LEP plan on the Judicial Council's public Web site

446 at www.courtinfo.ca.gov.

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

448

449 The Superior Court of California, County of Riverside will routinely assess whether

450 changes or additions to the LEP plan are needed. The plan may be changed or updated

451 at any time but reviewed at least once a year.

452

453 Each year the Court's LEP Plan Coordinator will review the effectiveness of the court's

454 LEP plan and update it as necessary. The evaluation will include identification of any

455 problem areas and development of corrective actions and strategies. Elements of the

456 evaluation will include:

- 457
- 458
- 459
- 460
- 461
- 462
- 463
- Assessment of current language needs to determine if additional interpreter or bilingual services needed or if additional translated materials should be provided;
 - Assessment of whether court staff adequately understand LEP policies and procedures and how to carry them out;
 - Customer satisfaction feedback.
 - Number of LEP persons requesting court interpreters and language assistance;

- Review of feedback from court employee training sessions; and,
- Solicitation and review of feedback from LEP communities within the county;

C. Trial Court LEP Plan Coordinator

The Superior Court of California, County of Riverside has assigned the LEP Plan Coordinator as:

Geri Gilmore, Deputy Executive Officer
Interpreter Services Division, Countywide
4100 Main Street
Riverside, CA 92501
(951) 777-3703, Geri.Gilmore@riverside.courts.ca.gov

D. Judicial Council LEP Plan Coordinator

The Judicial Council LEP Plan Coordinator for the State is:

Catharine Price, Manager/Statewide
Language Access Coordinator
Court Operation Services
Operations and Programs Division
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688
(415) 865-7783 car.price@jud.ca.gov/www.courts.ca.gov

E. LEP Plan Approval Needed

The LEP Plan must be approved by the Riverside Superior Court, County of Riverside Presiding Judge and Court Executive Officer.

Presiding Judge: Harold Hopp
Court Executive: W. Samuel Hamrick, Jr.

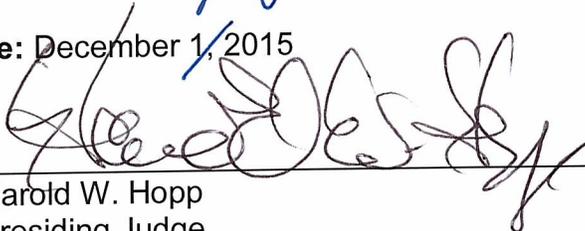
F. LEP Plan Effective Date

The LEP Plan Effective Date is December 1, 2015

This plan is approved:

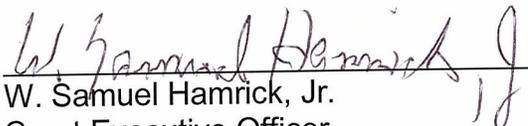
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in Hopp
Effective: December 1, 2015



Harold W. Hopp
Presiding Judge

Date: 12/2/15



W. Samuel Hamrick, Jr.
Court Executive Officer

Date: 1/23/2015

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 constitutional right to an interpreter in civil proceedings. In *Jara v. Municipal Court* (1978) 21 Cal.3d 181, the court 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. The *Jara* court reasoned that because attorneys are not permitted in small claims proceedings, and that the parties themselves are often the only witnesses, non-English-speaking small claims litigants without an interpreter are “effectively barred from access to the small claims proceedings.” (*Jara, supra*, 21 Cal.3d at 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, “[i]f 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).) Furthermore, 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 3.55 (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.
- AB 1657, which went into effect January 1, 2015, repeals Evidence Code § 755, and instead enacts § 756 of the Evidence Code requiring the Judicial Council, to the extent required by other state or federal laws, to reimburse courts for court interpreter services provided in civil actions and proceedings to any party who is present in court and who does not proficiently speak or understand the English language for the purpose of interpreting the proceedings in a language the party understands, and assisting communications between the party, his/her attorney, and the court. Provides that if sufficient funds are not appropriated to provide an interpreter to every party that meets the standard of eligibility, court interpreter services in civil cases reimbursed by the Judicial Council, pursuant to the provision above, shall be prioritized by case type by each court in the following order:
 1. Actions and proceedings under Division 10 (commencing with § 6200) of the Family Code, actions or proceedings under the Uniform Parentage Act (Part 3 (commencing with § 7600) of Division 12 of the Family Code) in which a protective order has been granted or is being sought pursuant to § 6221 of the Family Code, and actions and proceedings for dissolution or nullity of marriage or legal separation of the parties in which a protective order has been granted or is being sought pursuant to § 6221 of the Family Code; actions and proceedings under subdivision (w) of § 527.6 of the Code of Civil Procedure; and actions and proceedings for physical abuse or neglect under the Elder Abuse and Dependent Adult Civil Protection Act (Chapter 11 (commencing with § 15600) of Part 3 of Division 9 of the Welfare and Institutions Code).
 2. Actions and proceedings relating to unlawful detainer.
 3. Actions and proceedings to terminate parental rights.
 4. Actions and proceedings relating to conservatorship or guardianship, including the appointment or termination of a probate guardian or conservator.

5. Actions and proceedings by a parent to obtain sole legal or physical custody of a child or rights to visitation.
6. All other actions and proceedings under § 527.6 of the Code of Civil Procedure or the Elder Abuse and Dependent Adult Civil Protection Action (commencing with W&I Code § 15600).
7. All other actions and proceedings related to family law.
8. All other civil actions or proceedings.