

1 **Superior Court of Madera County**

2
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 Madera 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 Madera County.

14
15 This LEP plan was developed to ensure meaningful access to court services for persons with
16 limited English proficiency. Although court interpreters are provided for persons who are deaf or
17 hard of hearing, access services for them are covered under the Americans with Disabilities Act
18 rather than Title VI of the Civil Rights Act, and therefore will not be addressed in this plan.

19
20 **II. Needs Assessment**

21 **A. Statewide**

22 The State of California provides court services to a wide range of people, including those 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 Judicial Council of California (JCC) Court Interpreter Data Collection System
27 (CIDCS) in documentation sent out October 3, 2013, which aggregates court interpreter usage
28 data received from the California trial courts, the most frequently used languages for interpreters
29 in California courts were (in descending order of frequency):

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

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37
38 **B. Superior Court of Madera County**

39
40 The Superior Court of Madera 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.

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44 ///

- 45 1. Spanish
- 46 2. Mixteco
- 47 3. Punjabi
- 48 4. Mandarin
- 49 5. Hmong

50

51 This information is based on data collected from the JCC's Court Interpreters Data Collection
52 System.

53

54 **III. Language Assistance Resources**

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

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

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58 Qualified interpreters will be provided in the California courts to LEP court users in all mandated
59 courtroom proceedings and in all court-ordered/court-operated events. Where immediate
60 expansion of language access into all civil proceedings overtakes a court's resources, either in
61 terms of availability of appropriately qualified interpreters or availability of funding for
62 interpreting services, language access will be phased in by case type as follows:

- 63 • Domestic Violence (including actions and proceedings under Division 10 (commencing
64 with Section 6200) of the Family Code, as well as actions and proceedings in the
65 following matters in which protective order has been granted or is being sought: (1) the
66 Uniform Parentage Act; (2) dissolution, nullity, or legal separation; and (3) physical
67 abuse or neglect under the Elder Abuse and Dependent Adult Civil Protection Act,
68 commencing with Section 15600 of the Welfare and Institutions Code).
- 69 • Unlawful Detainers
- 70 • Determination and Termination of Parental Rights
- 71 • Conservatorships/Guardianships

72 Where resources permit providing qualified interpreters in additional case types, courts will
73 provide interpreters in the following cases, in order:

- 74 • Other Family Law
- 75 • Civil Harassment
- 76 • Other Civil

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

78

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

81

82 The need for a court interpreter may be identified prior to a court proceeding by the LEP person
83 or on the LEP person's behalf by counter staff, self-help center staff, family court services, or
84 outside justice partners such as probation/parole officers, attorneys, district attorneys,

85 Department of Child Support Services, social workers, child protection agencies, police
86 agencies, state and local correctional facilities.

87
88 The need for an interpreter also may be made known in the courtroom at the time of the
89 proceeding. The Superior Court of Madera County will display a sign translated into Spanish that
90 states: “You may have the right to a court-appointed interpreter in a court case. Please check
91 with a court employee for assistance.” The Superior Court of Madera County will display this
92 sign on the digital calendar displays outside the courtrooms.

93
94 Also, the judge may determine that it is appropriate to provide an interpreter for a court matter.
95 California’s Standards of Judicial Administration offer instruction to judges for determining
96 whether an interpreter is needed. Section 2.10 provides that an “interpreter is needed if, after an
97 examination of the party or a witness, the court concludes that: (1) the party cannot understand
98 and speak English well enough to participate fully in the proceedings and to assist counsel, or
99 (2) the witness cannot speak English so as to be understood directly by counsel, court, and jury.”
100 The court is directed to examine the party or witness “on the record to determine whether an
101 interpreter is needed if: (1) a party or counsel requests such examination; or (2) it appears to the
102 court that the [person] may not understand or speak English well enough to participate fully in
103 the proceedings.”

104
105 To determine if an interpreter is needed, standard 2.10(c) provides that “the court should
106 normally ask questions on the following: (1) identification (for example: name, address, birth
107 date, age, place of birth); (2) active vocabulary in vernacular English (for example: “How did
108 you come to the court today?” “What kind of work do you do?” “Where did you go to school?”
109 “What was the highest grade you completed?” “Describe what you see in the courtroom.” “What
110 have you eaten today?”) Questions should be phrased to avoid “yes” or “no” replies; (3) the
111 court proceedings (for example: the nature of the charge or the type of case before the court, the
112 purpose of the proceedings and function of the court, the rights of a party or criminal defendant,
113 and the responsibilities of a witness.”)

114
115 Standard 2.10(d) calls on the court to state its conclusion on the record regarding the need for an
116 interpreter. “The file in the case should be clearly marked and data entered electronically when
117 appropriate by court personnel to ensure that an interpreter will be present when needed in any
118 subsequent proceeding.”

119
120 Many people who need an interpreter will not request one because they do not realize that
121 interpreters are available or because they do not recognize the level of English proficiency or
122 communication skills needed to understand the court proceeding. The court does not have
123 funding to provide interpreters for non-mandated proceedings. However, the court can provide
124 some assistance within existing funding restrictions and will endeavor to do so for non-mandated
125 proceedings.

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129 In a case where the court is mandated to provide an interpreter, but one is not available at the
130 time of the proceeding, even after the court has made all reasonable efforts to locate one, the case
131 will be postponed and continued on a date when an interpreter can be provided.
132

133 When an interpreter is unavailable for a case in which the court is not mandated to provide one,
134 the court takes the following actions: the court will continue the case so that the litigant can
135 provide their own interpreter or until such time as the court can secure one on the litigant's
136 behalf.
137

138 **3. Court Interpreter Qualifications**

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140 The Superior Court of Madera 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 JCC 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 <http://www.courts.ca.gov/programs-interpreters.htm>
145

146 When an interpreter coordinator has made a "due diligent" 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 Madera 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 and the public counter.
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.
170

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

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177
- Court interpreters, to the extent permitted under the active memorandum of
178 understanding or independent interpreter contract;
 - Bilingual employees;
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180
181 To provide linguistically accessible services for LEP individuals, the Superior Court of Madera
182 County provides the following:

- 183
- Self-help center services that include bilingual self-help center staff that provide self-help
184 services to LEP persons in their primary language;
 - Interpreter services to assist in family court services mediations for custody and visitation
185 matters;
 - Written informational and educational materials and instructions in Spanish when
186 available.
- 187
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191 **C. Translated Forms and Documents**

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193 The California courts understand the importance of translating forms and documents so that LEP
194 individuals have greater access to the courts' services. The Superior Court of Madera County
195 currently uses Judicial Council forms and instructional materials translated into commonly used
196 languages.

- 197
- These translated forms are available at the court's Web site for internal use and are
198 available to the public at <http://www.courts.ca.gov/forms.htm> as well as at the court's
199 self-help center;
 - The court also has access to instructional materials that have been translated by other
200 courts at <http://www.courts.ca.gov/partners/equalaccess.htm>.
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202
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205 Interpreters at court hearings are expected to provide sight translations of court documents and
206 correspondence associated with the case.

207 208 **IV. Court Staff and Volunteer Recruitment**

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

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

- 212
- Court interpreters to serve as permanent employees of the court;
- 213

- 214 • Bilingual staff to serve at public counters;
- 215 • Bilingual staff in the court's self-help centers; and,
- 216 • Bilingual staff who are on call to assist with contacts from LEP individuals, as needed.

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

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221 The Superior Court of Madera County is committed to providing LEP training opportunities for
222 all judicial officers and staff members. Training and learning opportunities currently offered by
223 the Superior Court of Madera County will be expanded or continued as needed. Those
224 opportunities include:

225

- 226 • Interpreter coordinator training, when training opportunities and budget allows;
- 227 • Diversity Training;
- 228 • Statewide conferences on language access or conferences that include sessions dedicated
229 to topics on language access;
- 230 • New employee orientation training; and,
- 231 • Judicial officer orientation on the use of court interpreters and language competency.

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233

234 **VI. Public Notification and Evaluation of LEP Plan**

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A. LEP Plan Approval and Notification

237 The Superior Court of Madera County's LEP plan is subject to approval by the presiding judge
238 and court executive officer. Upon approval, a copy will be forwarded to the JCC, LEP
239 Coordinator. Any revisions to the plan will be submitted to the presiding judge and court
240 executive officer for approval, and then forwarded to the JCC. Copies of Superior Court of
241 Madera County's LEP plan will be provided to the public on request. In addition, the court will
242 post this plan on its public Web site, and the JCC will post a link to it on the Judicial Council's
243 public Web site at *www.courtinfo.ca.gov*.

244

245

B. Annual Evaluation of the LEP Plan

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

249

250 Each year Court Administration will review the effectiveness of the court's LEP plan and update
251 it as necessary. The evaluation will include identification of any problem areas and development
252 of corrective action strategies. Elements of the evaluation will include:

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254

- Number of LEP persons requesting court interpreters;

- 255 • Assessment of current language needs to determine if additional services or translated
256 materials should be provided;
- 257 • Assessment of whether court staff adequately understand LEP policies and procedures
258 and how to carry them out; and
- 259 • Review of feedback from court employee training sessions.

260
261 **C. Trial Court LEP Plan Coordinator:**

262 Carla Ruiz
263 Coordinator of Interpreters/Administrative Services
264 200 South "G" Street
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266 (559) 232-0686
267 carla.ruiz@madera.courts.ca.gov

268
269
270 **D. JCC LEP Plan Coordinator:**

271 Douglas G. Denton
272 Supervising Analyst and
273 Statewide Language Access Coordinator for Families, Children and the Courts
274 Judicial Council of California
275 455 Golden Gate Avenue
276 San Francisco, CA 94102-3688
277 (415) 865-7870, douglas.denton@jud.ca.gov

278
279 **E. LEP Plan Effective date:** _____, 2020

280
281 **F. Approved by:**

282
283
284 Presiding Judge:



DALE J. BLEA

Date: 1-15-2020

285
286
287
288 Court Executive Officer:



ADRIENNE CALIP

Date: 1-13-2020