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**Superior Court of Shasta County  
Limited English Proficiency (LEP) Plan**

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**I. Legal Basis and Purpose**

This document serves as the plan for the Superior Court of Shasta 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 Shasta 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.

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**II. Needs Assessment**

**A. Statewide**

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

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

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

**B. Superior Court of Shasta County**

The Superior Court of Shasta County will make every effort to provide services to all LEP persons. However, according to the US 2000 Census, Shasta County has a population of 153,584 over five years of age and 9,989 of them speak a language other than English. Of this, 3,676 indicated that they speak English less than “very well”. These individuals identified themselves as speaking the following languages, 1,798 Spanish, 439 other Indo-European languages, 1,349 other Asian and Pacific Island languages, and 90 who spoke some other

45 language.

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48 **III. Language Assistance Resources**

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

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

51  
52 Providing spoken-language interpreters in court proceedings is based in whole or in part on  
53 statutory and case law. These are set out in Attachment A. In the Superior Court of Shasta  
54 County, interpreters will be provided at no cost to court customers who need such assistance  
55 under the following circumstances:

- 56 • For litigants and witnesses in criminal hearings;
- 57 • For litigants and witnesses for traffic infraction cases;
- 58 • For litigants and witnesses in juvenile hearings;
- 59 • For litigants and witnesses in hearings involving domestic violence and elder abuse,  
60 family law and child support cases, to the extent that funding is provided; and,
- 61 • For litigants who need assistance when using family court services, to the extent that  
62 funding is provided.

63  
64 Responsibility for the cost for spoken-language interpreters for litigants and witnesses in other  
65 civil proceedings will be determined at the discretion of the officiating judge. Additionally,  
66 courts may use interpreters who are providing mandated interpreting services for issues such as  
67 criminal or juvenile cases for incidental use in civil courtrooms. The Superior Court of Shasta  
68 County recognizes the significant benefits to both the public and the court by providing  
69 interpreters in civil cases and will attempt whenever possible to provide such interpreters through  
70 incidental use.

71  
72 **2. Determining the Need for an Interpreter in the Courtroom**

73  
74 The Superior Court of Shasta County may determine whether an LEP court customer needs an  
75 interpreter for a court hearing in various ways.

76  
77 The need for a court interpreter may be identified prior to a court proceeding by the LEP person  
78 or on the LEP person’s behalf by counter staff, self-help center staff, or outside justice partners  
79 such as social workers and correctional facilities. The need for an interpreter also may be made  
80 known in the courtroom at the time of the proceeding. When made available by the  
81 Administrative Office of the Courts the Superior Court of Shasta County will display a sign  
82 translated into the most common used languages that states: “You may have the right to a court-  
83 appointed interpreter in a court case. Please check with a court employee for assistance.” The  
84 Superior Court of Shasta County will display this sign at the following locations: entry point of  
85 the courthouse, self-help counter, family court services counter, jury services counter, traffic

86 counter, civil counter, and criminal counter.

87  
88 Also, the judge may determine that it is appropriate to provide an interpreter for a court matter.  
89 California’s Standards of Judicial Administration offer instruction to judges for determining  
90 whether an interpreter is needed. Section 2.10 provides that an “interpreter is needed if, after an  
91 examination of the party or a witness, the court concludes that: (1) the party cannot understand  
92 and speak English well enough to participate fully in the proceedings and to assist counsel, or  
93 (2) the witness cannot speak English so as to be understood directly by counsel, court, and jury.”  
94 The court is directed to examine the party or witness “on the record to determine whether an  
95 interpreter is needed if: (1) a party or counsel requests such examination or (2) it appears to the  
96 court that the person may not understand or speak English well enough to participate fully in the  
97 proceedings.”

98  
99 To determine if an interpreter is needed, standard 2.10(c) provides that “the court should  
100 normally ask questions on the following: (1) identification (for example: name, address, birth  
101 date, age, place of birth); (2) active vocabulary in vernacular English (for example: ‘How did  
102 you come to the court today?’ ‘What kind of work do you do?’ ‘Where did you go to school?’  
103 ‘What was the highest grade you completed?’ ‘Describe what you see in the courtroom.’ ‘What  
104 have you eaten today?’ Questions should be phrased to avoid ‘yes’ or ‘no’ replies; (3) the court  
105 proceedings (for example: the nature of the charge or the type of case before the court), the  
106 purpose of the proceedings and function of the court, the rights of a party or criminal defendant,  
107 and the responsibilities of a witness.”

108  
109 Standard 2.10(d) calls on the court to state its conclusion on the record regarding the need for an  
110 interpreter. “The file in the case should be clearly marked and data entered electronically when  
111 appropriate by court personnel to ensure that an interpreter will be present when needed in any  
112 subsequent proceeding.”

113  
114 Many people who need an interpreter will not request one because they do not realize that  
115 interpreters are available or because they do not recognize the level of English proficiency or  
116 communication skills needed to understand the court proceeding. The court does not have  
117 funding to provide interpreters for non-mandated proceedings. However, the court can provide  
118 some assistance within existing funding restrictions and will endeavor to do so for non-mandated  
119 proceedings.

120  
121 In a case where the court is mandated to provide an interpreter, but one is not available at the  
122 time of the proceeding, even after the court has made all reasonable efforts to locate one, as  
123 previously outlined in this plan, the case will be postponed and continued on a date when an  
124 interpreter can be provided.

125  
126 When an interpreter is unavailable for a case in which the court is not mandated to provide one,  
127 the case may be continued for a reasonable time to allow the individual time to obtain an  
128 interpreter.

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**3. Court Interpreter Qualifications**

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

When the court has made a “due diligence” effort to find a certified or registered court interpreter and none is available, the court then seeks a noncertified or nonregistered court interpreter, in accordance with the governing Region 3 labor agreement. Whenever a noncertified interpreter is used in the courtroom, to either provisionally qualify the interpreter or find cause to permit him or her to interpret the proceeding, judges must, pursuant to rule 2.893, inquire into the interpreter’s skills, professional experience, and potential conflicts of interest. A provisionally qualified interpreter is one who, upon findings prescribed in the rule, is designated by the judge as eligible to interpret in a criminal or juvenile delinquency proceeding for a period of six months.

**B. Language Services Outside the Courtroom**

The Superior Court of Shasta County is also responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to services outside the courtroom. This is perhaps the most challenging situation facing court staff, because in most situations they are charged with assisting LEP individuals without an interpreter present. LEP individuals may come in contact with court personnel via the phone, the public counter, jury services, self-help and family law mediation.

The two most common points of service outside the courtroom are at the court’s public counters and self-help center. The court periodically calls on bilingual staff from elsewhere in the court to assist at the public counter if needed.

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

- Per diem Interpreters or those covered under the Region 3 labor agreement active memorandum of understanding;
- Bilingual employees;
- Once available, signage with applicable messages will be posted in the court.

**C. Translated Forms and Documents**

The California courts understand the importance of translating forms and documents so that LEP individuals have greater access to the court’s services. The Superior Court of Shasta County currently uses Judicial Council forms and instructional materials translated into commonly used

174 languages.

- 175
- 176 • These translated forms are available to the public at
- 177 [www.courtinfo.ca.gov/selfhelp/languages](http://www.courtinfo.ca.gov/selfhelp/languages) as well as at the court's self-help center;
- 178
- 179 • The court also has access to instructional materials that have been translated by other
- 180 courts at [www.courtinfo.ca.gov/programs/equalaccess/trans.htm](http://www.courtinfo.ca.gov/programs/equalaccess/trans.htm).
- 181
- 182 • The court provides Spanish translated activity books for children.
- 183
- 184

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

#### 187

#### 188 **IV. Court Staff and Volunteer Recruitment**

##### 189 **A. Recruitment of Bilingual Staff for Language Access**

- 190 • The Superior Court of Shasta County is an equal opportunity employer and recruits and
- 191 hires bilingual staff to serve its LEP constituents whenever possible.
- 192

#### 193 **V. Judicial and Staff Training**

194

195 The Superior Court of Shasta County is committed to providing LEP training opportunities for  
196 all judicial officers and staff members. Training and learning opportunities currently offered by  
197 the Superior Court of Shasta County will be expanded or continued as needed. Those  
198 opportunities include:

- 199 • Interpreter coordinator training;
- 200 • Diversity Training;
- 201 • Cultural competency training;
- 202 • Statewide conferences on language access or conferences that include sessions dedicated
- 203 to topics on language access; and,
- 204 • New employee orientation training;
- 205

#### 206 **VI. Public Notification and Evaluation of LEP Plan**

##### 207 **A. LEP Plan Approval and Notification**

208

209 The Superior Court of Shasta County's LEP plan is subject to approval by the presiding judge  
210 and court executive officer. Upon approval, a copy will be forwarded to the AOC, LEP  
211 Coordinator. Any revisions to the plan will be submitted to the presiding judge and court  
212 executive officer for approval, and then forwarded to the AOC. Copies of Superior Court of  
213 Shasta County's LEP plan will be provided to the public on request. In addition, the court will

214 post this plan on its public Web site, and the AOC will post a link to it on the Judicial Council's  
215 public Web site at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov).

216

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

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

221

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

225

- 226 • Number of LEP persons requesting court interpreters;
- 227 • Assessment of current language needs to determine if additional services or translated  
228 materials should be provided; and,
- 229 • Consideration of feedback offered to the court about its LEP Plan from the community  
230 and court professionals.

231

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

233 Linda Richardson  
234 Court Administrative Manager  
235 1500 Court Street, Room 205  
236 Redding CA 96001  
237 (530) 225-6761

238

239 **D. AOC LEP Plan Coordinator:**

240 Mark Garcia  
241 Senior Court Services Analyst  
242 Equal Access Program  
243 Administrative Office of the Courts  
244 455 Golden Gate Avenue  
245 San Francisco, CA 94102-3688  
246 (415) 865-4367, [mark.garcia@jud.ca.gov](mailto:mark.garcia@jud.ca.gov)

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249 **E. LEP Plan Effective date:**

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252 **F. Approved by:**

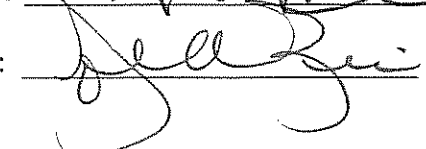
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254 Presiding Judge:

 Date: 3/9/10

255

256 Asst. Court Executive Officer:

 Date: 3/9/10

1 Attachment A to Trial Court Limited English Proficiency Plan

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3 **Citations on the Use and Payment**  
4 **of Interpreters in Court Proceedings**  
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7 Policies for providing interpreters in court proceedings are based on the following Constitutional  
8 provisions, case law, and statutory mandates:  
9

- 10 • Article 1, section 14 of the California Constitution provides that a “person unable to  
11 understand English who is charged with a crime has the right to an interpreter throughout  
12 the proceedings.” There is no corresponding right in civil proceedings. *Jara v. Municipal*  
13 *Court* (1978) 21 Cal.3d 181 held that non-English-speaking indigent civil litigants do not  
14 have a right to a court interpreter appointed at public expense. However, the court does  
15 have the inherent right to waive filing fees if justice so requires.  
16
- 17 • *Jara* let stand an earlier opinion, *Gardiana v. Small Claims Court* (1976) 59 Cal.App.3d  
18 412, which held that in small claims proceedings, the court has a statutory duty to appoint  
19 an interpreter free of charge if it finds the litigant unable to speak or understand English.  
20 *Jara* reasoned that because attorneys are not permitted in small claims proceedings, non-  
21 English-speaking small claims litigants without an interpreter are “effectively barred  
22 from access to the small claims proceedings.” (*Jara*, 21 Cal.3d 185.) (See also the two  
23 bulleted items below regarding interpreters in small claims matters.)  
24
- 25 • Witnesses with limited English proficiency must also be provided with an interpreter.  
26 Under Evidence Code section 752, the court must appoint an interpreter whenever “a  
27 witness is incapable of understanding the English language or is incapable of expressing  
28 himself or herself in the English language so as to be understood directly by counsel,  
29 court, and jury. . . .” Appointment of a translator is also required whenever “the written  
30 characters in a writing offered in evidence are incapable of being deciphered or  
31 understood directly.” (Evid. Code, § 753.)  
32
- 33 • In small claims proceedings, if the court determines that a litigant does not speak or  
34 understand English sufficiently to comprehend the proceedings or give testimony and  
35 needs assistance in doing so, the court may permit another individual (other than an  
36 attorney) to assist that party. (Code Civ. Proc., § 116.550(a).) If a competent interpreter  
37 is not available at the first hearing of the case, the small claims court shall postpone the  
38 hearing one time only to allow the party the opportunity to obtain another individual to  
39 assist that party. Any additional continuances shall be at the court’s discretion. (Code  
40 Civ. Proc., § 116.550(b)). Rule 3.61 (5) of the California Rules of Court provides that any  
41 costs for a court-appointed interpreter in a small claims action must be waived if an  
42 application to proceed in forma pauperis is granted.  
43
- 44 • In proceedings involving domestic violence and proceedings regarding parental rights,  
45 dissolution of marriage or legal separation involving a protective order, a party who does

46 not proficiently speak or understand English shall have a certified interpreter present to  
47 assist communication between the party and his or her attorney (Evid. Code, § 755(a)).  
48 The interpreter's fees shall be paid by the litigants "in such proportions as the court may  
49 direct," except that the fees shall be waived for a party who has a fee waiver (Evid. Code,  
50 § 755(b) and Gov. Code, § 68092). However, the authorizing statute (Evid. Code, §  
51 755) provides that compliance with its requirements is mandatory only if funds are  
52 available under the Federal Violence Against Women Act (P.L. 103-322) or from  
53 sources other than the state. The Judicial Council provides special funding through its  
54 Trial Court Improvement Fund to allow courts to provide interpreters for these matters  
55 and for elder abuse cases. This funding may also be used for general family law matters  
56 in and out of the courtroom, on a priority basis and to the degree funding is available.  
57