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**Superior Court of California  
County of Santa Cruz  
Limited English Proficiency (LEP) Plan**

**I. Legal Basis and Purpose**

This document serves as the plan for the Superior Court of Santa Cruz County (“Court”) 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 Court.

This plan was developed to ensure meaningful access to court services for persons with limited English proficiency. Although 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 California Judicial Council (JCC) Court Interpreter Data Collection System (CIDCS), which aggregates court interpreter usage data received from the California Superior Courts, the most frequently used languages for interpreters in California courts reported in the 2017 *Language Access Metrics Report* were as follows (in descending order of frequency):

1. Spanish
2. Vietnamese
3. Korean
4. American Sign Language
5. Mandarin

**B. Superior Court of Santa Cruz County**

The Court will make every effort to provide services to all LEP persons; however, the following list shows the foreign languages that are most frequently used in Santa Cruz:

- 42 1. Spanish
- 43 2. Mayan languages
- 44 3. American Sign Language
- 45 4. Mandarin
- 46 5. Japanese

47  
48 This information is based on data collected from the JCC's Court Interpreters Data Collection  
49 System.

### 50 **III. Language Assistance Resources**

#### 51 **A. Interpreters Used in the Courtroom**

##### 52 **1. Providing Interpreters in the Courtroom**

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55 Providing spoken-language interpreters in court proceedings are based in whole or in part on  
56 statutory language and case law. (See Attachment A) Interpreters will be provided in court at no  
57 cost to court users who need assistance under the following circumstances:

- 58 • For litigants and witnesses in criminal hearings;
- 59 • For litigants and witnesses in non-criminal hearings;
- 60 • For litigants and witnesses in juvenile hearings;
- 61 • For litigants and witnesses in hearings involving domestic violence, elder abuse,  
62 proceedings involving parental rights, dissolution of marriage, or legal separation  
63 involving a protective order, and child support cases; and,
- 64 • For litigants who need assistance when using family court services,.

65  
66 Although interpreters are currently provided by the Court in all case types, criminal and juvenile  
67 hearings are considered a first priority. Court provided interpreters resources are sometimes  
68 limited and some individuals may be asked to delay their proceedings until an interpreter is  
69 available.

##### 70 **2. Determining the Need for an Interpreter in the Courtroom**

71  
72 The Court may determine whether an LEP court user needs an interpreter for a court hearing in  
73 various ways.

74  
75 The need for a court interpreter may be identified prior to a court proceeding by the LEP person  
76 or on the LEP person's behalf by counter staff, Self-Help Center staff, family court services, or  
77 outside justice partners such as probation, police/sheriff, child protection, or district attorneys for  
78 early identification of interpreter needs.

79  
80 The need for an interpreter also may be made known in the courtroom at the time of the

81 proceeding. Court staff either in the courtroom or at a public counter may use a language  
82 identification card to determine the language of an individual needing interpretation. The  
83 language card displays numerous languages with the following phrase:

84  
85 *Point to your language. An interpreter will be called. The interpreter is provided at no cost to*  
86 *you.*

87  
88 Please check with a Court employee for assistance. Languages other than Spanish may be  
89 translated over the phone on short notice and also when the Court is unable to hire an in-person  
90 contract interpreter.

91  
92 When a judge determines that it is appropriate to provide an interpreter for a court matter,  
93 California's Standards of Judicial Administration offer instruction to judges for determining  
94 whether an interpreter is needed. Section 2.10 provides that an "interpreter is needed if, after an  
95 examination of the party or a witness, the Court concludes that:

- 96 (1) The party cannot understand and speak English well enough to participate fully in  
97 the proceedings and to assist counsel; or  
98 (2) The witness cannot speak English so as to be understood directly by counsel, court,  
99 and jury."

100  
101 The Court is directed to examine the party or witness "on the record to determine whether an  
102 interpreter is needed if:

- 103 (1) A party or counsel requests such examination; or  
104 (2) It appears to the Court that the person may not understand or speak English well  
105 enough to participate fully in the proceedings."

106  
107 To determine if an interpreter is needed, Standard 2.10(c) provides that "the Court should  
108 normally ask questions on the following:

- 109 (1) Identification (for example: name, address, birth date, age, place of birth);  
110 (2) Active vocabulary in vernacular English (for example: 'How did you come to the  
111 court today?' 'What kind of work do you do?' 'Where did you go to school?' Questions  
112 should be phrased to avoid 'yes' or 'no' replies;  
113 (3) The Court proceedings (for example: the nature of the charge or the type of case  
114 before the court), the purpose of the proceedings and function of the Court, the rights of  
115 a party or criminal defendant, and the responsibilities of a witness."

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

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

125  
126 In a case where the Court is mandated to provide an interpreter, but one is not available at the  
127 time of the proceeding, even after the Court has made all reasonable efforts to locate one, as  
128 previously outlined in this plan, the case will be postponed and continued to a date when an  
129 interpreter can be provided. When an interpreter is unavailable for a case in which the  
130 Court is not mandated to provide one, the Court may take the following actions: asks the party to  
131 provide their own interpreter and may continue the matter to a date when the party can bring in  
132 an interpreter.

## 133 134 **2. Court Interpreter Qualifications**

135  
136 The Court hires interpreters for courtroom hearings in compliance with the rules and policies set  
137 forth by Government Code section 68561 and California Rules of Court, rule 2.893. The Judicial  
138 Council maintains a statewide database of certified and registered interpreters who may work in  
139 the courts. This database is available at <http://www.courts.ca.gov/35273.htm>.

140  
141 When an interpreter coordinator, who is employed by the court, has made a “due diligence”  
142 effort to find a certified or registered interpreter and none is available, the interpreter coordinator  
143 then seeks a noncertified, nonregistered court interpreter, in accordance with the governing local  
144 labor agreement. Whenever a noncertified interpreter is used in the courtroom, to either  
145 provisionally qualify the interpreter or find cause to permit him or her to interpret the  
146 proceeding, judges must, pursuant to rule 2.893, inquire into the interpreter’s skills, professional  
147 experience, and potential conflicts of interest. A provisionally qualified interpreter is one who,  
148 upon findings prescribed in the rule, is designated by the judge as eligible to interpret in a  
149 criminal or juvenile delinquency proceeding for a period of six months.

### 150 151 **B. Language Services Outside the Courtroom**

152  
153 The Court is also responsible for taking reasonable steps to ensure that LEP individuals have  
154 meaningful access to services outside the courtroom. This is perhaps the most challenging  
155 situation facing court staff because in most situations they are charged with assisting LEP  
156 individuals without an interpreter present. LEP individuals may come in contact with court  
157 personnel via the phone, the public counter, or other means.

158  
159 The two most common points of service outside the courtroom are at the Court’s public counters  
160 and Self-Help Center. Bilingual assistance is provided at the public counter by the placement of  
161 bilingual staff as is practical. The Court also periodically calls on other bilingual staff from  
162 elsewhere in the Court to assist at a public counter. Similarly, the Court’s Self-Help Center  
163 recruits and employs bilingual staff to provide self-represented litigants with assistance in  
164 understanding and completing necessary forms.

165  
166 Providing language services outside the courtroom entails both daily communications and  
167 interactions between court staff and LEP individuals to provide accessibility of court services,  
168 such as Self-Help and mediation services to LEP court users.

169  
170 To facilitate communication between LEP individuals and court staff, the Court uses the  
171 following resources to the degree that resources are available:

- 172 • Bilingual employees and volunteers – The Court has some bilingual employees and to a  
173 lesser extent volunteers in Spanish;
- 174 • Multilingual signage throughout the Watsonville courthouse in *Spanish*;
- 175 • *Language Line* services, which are available to provide assistance in the clerk's office  
176 and at the Court's Self-Help Center. (*Language Line* contract services provides  
177 interpretation services via the telephone in over 170 languages);
- 178 • Some public phone instructions provided in Spanish; and
- 179 • Court interpreters for courtroom proceedings.

180 To provide linguistically accessible services for LEP individuals, the Court provides the  
181 following:

- 182 • Self-Help Center employs some bilingual staff who speak both English and Spanish. The  
183 Self Help Center also works with the *Language Access to Court Project* (LAC), a joint  
184 project between the Watsonville Law Center and the Santa Cruz County Superior Court.  
185 LAC provides Spanish-speaking, self-represented litigants language access to the courts  
186 through the provision of in-language legal information and assistance with court forms  
187 and pleadings at the Court's Self-Help Center. LAC does NOT provide legal  
188 representation, and may assist multiple parties in obtaining access to forms and  
189 information;
- 190 • Family Court mediators use court interpreters for custody and visitation matters;
- 191 • Joint workshops between Self-Help Center staff and community service providers serving  
192 LEP populations; and,
- 193 • Written informational and educational materials and instructions in Spanish

### 194 195 **C. Translated Forms and Documents**

196  
197 The California courts understand the importance of translating forms and documents so that LEP  
198 individuals have greater access to court services. The Court currently uses Judicial Council forms  
199 and instructional materials translated into commonly used languages. These translated forms are  
200 available on the Web at <http://www.courts.ca.gov/forms.htm?filter=TS>. Other resources are also  
201 publically available at <http://www.courts.ca.gov/programs-equalaccess.htm>.

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

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

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

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

- 212 • Court interpreters to serve as permanent employees of the Court;
- 213 • Bilingual staff to serve at public counters;
- 214 • Bilingual staff in the Self-Help Center; and
- 215 • Bilingual staff to assist with contacts from LEP individuals, as needed.

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

218 Court programs that involve third-party service providers may also involve bilingual volunteers  
219 to assist LEP individuals with language access. For example, the Court uses a third-party service  
220 provider to deliver small claims mediation services and that provider uses a Spanish volunteer  
221 who can assist monolingual Spanish speakers.

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

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The Court is committed to providing LEP training opportunities for all judicial officers and staff  
members. Staff is instructed about LEP policies and procedures, as described in this LEP on an  
annual basis and the Court may provide the following:

- 228 • Diversity training;
- 229 • Cultural competency training;
- 230 • LEP plan training; and
- 231 • New employee and judicial officer orientation that incorporates information about the use  
232 of court interpreters and language competency.

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#### **VI. Public Notifications and Evaluation of LEP Plan**

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

237 The Court's LEP plan is subject to approval by the Presiding Judge and Court Executive Officer.  
238 Upon approval, a copy will be forwarded to the Judicial Council, LEP Coordinator. Any  
239 revisions to the plan will be submitted to the Presiding Judge and Court Executive Officer for  
240 approval, and then forwarded to the Judicial Council. Copies of Superior Court of Santa Cruz  
241 County's LEP plan will be provided to the public upon request and posted to the Court's public  
242 Website.

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244

**B. Evaluation of the Court's LEP Plan**

245 The Court periodically assesses whether changes to the LEP plan are needed. The plan may be  
246 changed or updated at any time but reviewed not less frequently than once every other year. The  
247 evaluation will include identification of any problem areas and development of corrective action  
248 strategies. Elements of the review may also include the following:

- 249 • Determining the number of LEP persons requesting court interpreters;
- 250 • Assessment of current language needs to determine if additional services or translated  
251 materials are needed;
- 252 • Assessment of whether Court staff adequately understand LEP policies and procedures  
253 and how to carry them out; and
- 254 • Review of feedback from the public and court employees to inform further training  
255 sessions.

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**C. Language Access Complaint Process**

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259 The Court takes all complaints about language access very seriously and will address the  
260 concerns in an appropriate manner. Please be aware that the Language Access Coordinator does  
261 not have the authority to change or modify any decision made by a judicial officer and that its  
262 review of the complaint does not, in any way, affect or extend any applicable deadlines or  
263 procedural requirements such as filing motions, appeals, modifications, etc. Complaints may be  
264 hand deliver to the judge's chambers reception area at the Santa Cruz Courthouse at 701 Ocean  
265 Street or you can email it to [access@santacruzcourt.org](mailto:access@santacruzcourt.org).

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**D. Trial Court LEP Plan Coordinator**

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**E. LEP Plan Effective date:** October 31, 2008

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**F. Approved by:**

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Presiding Judge:



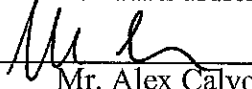
Date: 04/2018 (revised)

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Hon. Paul Burdick

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Court Executive Officer:

  
Mr. Alex Calvo

Date: 04/2018 (revised)

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## Attachment A

### Citations on the Use 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.