

1 **Superior Court of Tuolumne County**

2
3 **Limited English Proficiency (LEP) Plan**

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5 **I. Legal Basis and Purpose**

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7 This document serves as the plan for the Superior Court of Tuolumne County to provide to
8 persons with limited English proficiency (LEP) services that are in compliance with Title VI of
9 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. §
10 42.101–42.112). The purpose of this plan is to provide a framework for the provision of timely
11 and reasonable language assistance to LEP persons who come in contact with the Superior Court
12 of Tuolumne County.

13
14 This LEP plan was developed to ensure meaningful access to court services for persons with
15 limited English proficiency. Although court interpreters are provided for persons with a hearing
16 loss, access services for them are covered under the Americans with Disabilities Act rather than
17 Title VI of the Civil Rights Act, and therefore will not be addressed in this plan.

18
19 **II. Needs Assessment**

20 **A. Statewide**

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

24
25 According to the Judicial Council of California (JCC) Court Interpreter Data Collection System
26 (CIDCS), which aggregates court interpreter usage data received from the California trial courts,
27 the most frequently used languages for interpreters in California courts in 2005 were (in
28 descending order of frequency):

- 29
30 1. Spanish
31 2. Vietnamese
32 3. Korean
33 4. Armenian
34 5. Mandarin

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36 **B. Superior Court of Tuolumne County**

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38 The Superior Court of Tuolumne County will make every effort to provide services to all LEP
39 persons. However, the foreign languages that are most frequently used in this court’s geographic
40 area are *Spanish and Mandarin*. This information is based on data collected from the JCC’s
41 Court Interpreters Data Collection System and United States Census Bureau data for California.

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45 **III. Language Assistance Resources**

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

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

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

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

68 **2. Determining the Need for an Interpreter in the Courtroom**
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70 The Superior Court of Tuolumne County may determine whether an LEP court customer needs
71 an interpreter for a court hearing in various ways.
72

73 The need for a court interpreter may be identified prior to a court proceeding by the LEP person
74 or on the LEP person's behalf by counter staff, Self Help Center staff, family court services, or
75 outside justice partners such as probation/parole officers, attorneys, social workers or
76 correctional facilities.
77

78 The need for an interpreter also may be made known in the courtroom at the time of the
79 proceeding. The Superior Court of Tuolumne County will display a sign translated into the five
80 most frequently used languages that states: "You may have the right to a court-appointed
81 interpreter in a court case. Please check with a court employee for assistance." The Superior
82 Court of Tuolumne County will display this sign at the following locations: Clerk's Offices.
83

84 Also, the judge may determine that it is appropriate to provide an interpreter for a court matter.
85 California's Standards of Judicial Administration offer instruction to judges for determining

86 whether an interpreter is needed. Section 2.10 provides that an “interpreter is needed if, after an
87 examination of the party or a witness, the court concludes that: (1) The party cannot understand
88 and speak English well enough to participate fully in the proceedings and to assist counsel; or
89 (2) The witness cannot speak English so as to be understood directly by counsel, court, and
90 jury.” The court is directed to examine the party or witness “on the record to determine whether
91 an interpreter is needed if: (1) A party or counsel requests such examination; or (2) It appears to
92 the court that the person may not understand or speak English well enough to participate fully in
93 the proceedings.”

94
95 To determine if an interpreter is needed, standard 2.10(c) provides that “the court should
96 normally ask questions on the following: (1) Identification (for example: name, address, birth
97 date, age, place of birth); (2) Active vocabulary in vernacular English (for example: ‘How did
98 you come to the court today?’ ‘What kind of work do you do?’ ‘Where did you go to school?’
99 ‘What was the highest grade you completed?’ ‘Describe what you see in the courtroom.’ ‘What
100 have you eaten today?’ Questions should be phrased to avoid ‘yes’ or ‘no’ replies; and (3) The
101 court proceedings (for example: the nature of the charge or the type of case before the court), the
102 purpose of the proceedings and function of the court, the rights of a party or criminal defendant,
103 and the responsibilities of a witness.”

104
105 Standard 2.10(d) calls on the court to state its conclusion on the record regarding the need for an
106 interpreter. “The file in the case should be clearly marked and data entered electronically when
107 appropriate by court personnel to ensure that an interpreter will be present when needed in any
108 subsequent proceeding.”

109
110 Many people who need an interpreter will not request one because they do not realize that
111 interpreters are available or because they do not recognize the level of English proficiency or
112 communication skills needed to understand the court proceeding. The court does not have
113 funding to provide interpreters for non-mandated proceedings. However, the court can provide
114 some assistance within existing funding restrictions and will endeavor to do so for non-mandated
115 proceedings.

116
117 In a case where the court is mandated to provide an interpreter, but one is not available at the
118 time of the proceeding, even after the court has made all reasonable efforts to locate one, as
119 previously outlined in this plan, the case will be postponed and continued on a date when an
120 interpreter can be provided.

121
122 When an interpreter is unavailable for a case in which the court is not mandated to provide one,
123 the court takes the following actions: A one-time continuance would be granted to allow the
124 party or parties to bring, or arrange for, an interpreter. Also, the language line may be utilized to
125 facilitate a continuance.

126
127 **3. Court Interpreter Qualifications**

128
129 The Superior Court of Tuolumne County hires interpreters for courtroom hearings in compliance

130 with the rules and policies set forth by Government Code section 68561 and California Rules of
131 Court, rule 2.893. The JCC maintains a statewide roster of certified and registered interpreters
132 who may work in the courts. This roster is available to court staff and the public on the Internet
133 at www.courtinfo.ca.gov/programs/courtinterpreters/master.htm.

134
135 When an interpreter coordinator has made a “due diligence” effort to find a certified or registered
136 court interpreter and none is available, the interpreter coordinator then seeks a noncertified,
137 nonregistered court interpreter, in accordance with the governing local labor agreement.
138 Whenever a noncertified interpreter is used in the courtroom, to either provisionally qualify the
139 interpreter or find cause to permit him or her to interpret the proceeding, judges must, pursuant to
140 rule 2.893, inquire into the interpreter’s skills, professional experience, and potential conflicts of
141 interest. A provisionally qualified interpreter is one who, upon findings prescribed in the rule, is
142 designated by the judge as eligible to interpret in a criminal or juvenile delinquency proceeding
143 for a period of six months.

144 145 **B. Language Services Outside the Courtroom**

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147 The Superior Court of Tuolumne County is also responsible for taking reasonable steps to ensure
148 that LEP individuals have meaningful access to services outside the courtroom. This is perhaps
149 the most challenging situation facing court staff, because in most situations they are charged with
150 assisting LEP individuals without an interpreter present. LEP individuals may come in contact
151 with court personnel via the phone, the public counter, or other means. The two most common
152 points of service outside the courtroom are at the court’s public counters and Self Help Center.

153
154 Providing language services outside the courtroom entails both daily communications and
155 interactions between court staff and LEP individuals to provide accessibility of court services,
156 such as Self Help and Mediation services to LEP court users.

157
158 To facilitate communication between LEP individuals and court staff, the Superior Court of
159 Tuolumne County uses the following resources to the degree that resources are available:

- 160
- 161 • Court interpreters, to the extent permitted under the active memorandum of
 - 162 understanding or independent interpreter contract;
 - 163 • A court Web site link to key pages that translate into Spanish;
 - 164 • “I Speak” cards, to identify the individual’s primary language; and
 - 165 • Language Line services, which are available to provide assistance in the clerk’s office
 - 166 and at the court’s Self Help Center. The Language Line contract service provides
 - 167 interpretation services via the telephone in over 170 languages.

168
169 To provide linguistically accessible services for LEP individuals, the Superior Court of
170 Tuolumne County provides the following:

- 171
- 172 • Self Help Center services that include telephonic language assistance; and
 - 173 • Written informational and educational materials and instructions in Spanish.

174 **C. Translated Forms and Documents**

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176 The California courts understand the importance of translating forms and documents so that LEP
177 individuals have greater access to the courts' services. The Superior Court of Tuolumne County
178 currently uses Judicial Council forms and instructional materials translated into commonly used
179 languages.

- 180
181 • These translated forms are available at the court's Web site for internal use and are
182 available to the public at www.courtinfo.ca.gov/selfhelp/languages as well as at the
183 court's Self Help Center;
184
185 • The court also has access to instructional materials that have been translated by other
186 courts at www.courtinfo.ca.gov/programs/equalaccess/trans.htm.

187
188 Interpreters at court hearings are expected to provide sight translations of court documents and
189 correspondence associated with the case.

190 **IV. Judicial and Staff Training**

191
192 The Superior Court of Tuolumne County is committed to providing LEP training opportunities
193 for all judicial officers and staff members. Training and learning opportunities currently offered
194 by the Superior Court of Tuolumne County will be expanded or continued as needed. These
195 opportunities may include:

- 196
197 • Interpreter coordinator training;
198 • Diversity training;
199 • Cultural competency training;
200 • LEP Plan training;
201 • Statewide conferences on language access or conferences that include sessions dedicated
202 to topics on language access;
203 • New employee orientation training; and,
204 • Judicial officer orientation on the use of court interpreters and language competency.

205
206 **V. Public Notification and Evaluation of LEP Plan**

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

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209 The Superior Court of Tuolumne County's LEP plan is subject to approval by the Presiding
210 Judge and Court Executive Officer. Upon approval, a copy will be forwarded to the JCC's 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 JCC. Copies of Superior Court of
213 Tuolumne County's LEP plan will be provided to the public on request. In addition, the court
214 will post this plan on its public Web site, and the JCC will post a link to it on the Judicial
215 Council's public Web site at www.courtinfo.ca.gov.

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

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

220
221 Each year the court’s Court Executive Officer will review the effectiveness of the court’s LEP
222 plan and update it as necessary. The evaluation will include identification of any problem areas
223 and development of corrective action strategies. Elements of the evaluation will include:

- 224
225 • Number of LEP persons requesting court interpreters and/or language assistance;
226 • Assessment of current language needs to determine if additional services or translated
227 materials should be provided;
228 • Assessment of whether court staff adequately understand LEP policies and procedures
229 and how to carry them out; and
230 • Customer satisfaction feedback.

231
232 **C. Trial Court LEP Plan Coordinator:**

233
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235 Court Executive Officer
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242
243 **D. AOC LEP Plan Coordinator:**

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252 **E. LEP Plan Effective date: July 1, 2015**

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F.

Approved by:

Presiding Judge: Donald Segerstrom - signature on file

Date: July 1, 2015

Court Executive Officer: Jeanine D. Tucker - signature on file

Date: July 1, 2015