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**Superior Court of Madera County**

**Limited English Proficiency (LEP) Plan**

**I. Legal Basis and Purpose**

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

**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 Judicial Council of California (JCC) Court Interpreter Data Collection System (CIDCS) in documentation sent out October 3, 2013, which aggregates court interpreter usage data received from the California trial courts, the most frequently used languages for interpreters in California courts were (in descending order of frequency):

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

**B. Superior Court of Madera County**

The Superior Court of Madera County 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 this court's geographic area.

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- 45 1. Spanish
- 46 2. Lao
- 47 3. Punjabi
- 48 4. Khmer (Cambodian)
- 49 5. Mixteco

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

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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  
59 courtroom proceedings and in all court-ordered/court-operated events. Where immediate  
60 expansion of language access into all civil proceedings overtaxes 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**

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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 ///

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

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

95  
96 Also, the judge may determine that it is appropriate to provide an interpreter for a court matter.  
97 California’s Standards of Judicial Administration offer instruction to judges for determining  
98 whether an interpreter is needed. Section 2.10 provides that an “interpreter is needed if, after an  
99 examination of the party or a witness, the court concludes that: (1) the party cannot understand  
100 and speak English well enough to participate fully in the proceedings and to assist counsel, or  
101 (2) the witness cannot speak English so as to be understood directly by counsel, court, and jury.”  
102 The court is directed to examine the party or witness “on the record to determine whether an  
103 interpreter is needed if: (1) a party or counsel requests such examination; or (2) it appears to the  
104 court that the [person] may not understand or speak English well enough to participate fully in  
105 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: (1) identification (for example: name, address, birth  
109 date, age, place of birth); (2) active vocabulary in vernacular English (for example: “How did  
110 you come to the court today?” “What kind of work do you do?” “Where did you go to school?”  
111 “What was the highest grade you completed?” “Describe what you see in the courtroom.” “What  
112 have you eaten today?”) Questions should be phrased to avoid “yes” or “no” replies; (3) the  
113 court proceedings (for example: the nature of the charge or the type of case before the court, the  
114 purpose of the proceedings and function of the court, the rights of a party or criminal defendant,  
115 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.”

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

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

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

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### 140 **3. Court Interpreter Qualifications**

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142 The Superior Court of Madera County hires interpreters for courtroom hearings in compliance  
143 with the rules and policies set forth by Government Code section 68561 and California Rules of  
144 Court, rule 2.893. The JCC maintains a statewide roster of certified and registered interpreters  
145 who may work in the courts. This roster is available to court staff and the public on the Internet  
146 at <http://www.courts.ca.gov/programs-interpreters.htm>

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148 When an interpreter coordinator has made a "due diligence" effort to find a certified or registered  
149 court interpreter and none is available, the interpreter coordinator then seeks a noncertified,  
150 nonregistered court interpreter, in accordance with the governing local labor agreement.

151 Whenever a noncertified interpreter is used in the courtroom, to either provisionally qualify the  
152 interpreter or find cause to permit him or her to interpret the proceeding, judges must, pursuant to  
153 rule 2.893, inquire into the interpreter's skills, professional experience, and potential conflicts of  
154 interest. A provisionally qualified interpreter is one who, upon findings prescribed in the rule, is  
155 designated by the judge as eligible to interpret in a criminal or juvenile delinquency proceeding  
156 for a period of six months.

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### 158 **B. Language Services Outside the Courtroom**

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160 The Superior Court of Madera County is also responsible for taking reasonable steps to ensure  
161 that LEP individuals have meaningful access to services outside the courtroom. This is perhaps  
162 the most challenging situation facing court staff, because in most situations they are charged with  
163 assisting LEP individuals without an interpreter present. LEP individuals may come in contact  
164 with court personnel via the phone and the public counter.

165

166 The two most common points of service outside the courtroom are at the court's public counters  
167 and self-help center. Bilingual assistance is provided at the public counter by the placement of  
168 bilingual staff as is practical. The court also periodically calls on other bilingual staff from  
169 elsewhere in the court to assist at a public counter. Similarly, the court's self-help center recruits  
170 and employs bilingual staff to provide self-represented litigants with assistance in understanding  
171 and completing necessary forms.

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174 Providing language services outside the courtroom entails both daily communications and  
175 interactions between court staff and LEP individuals to provide accessibility of court services,  
176 such as self-help and mediation services to LEP court users.

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

179

- 180 • Court interpreters, to the extent permitted under the active memorandum of  
181 understanding or independent interpreter contract;
- 182 • Bilingual employees;

183

184 To provide linguistically accessible services for LEP individuals, the Superior Court of Madera  
185 County provides the following:

186

- 187 • Self-help center services that include bilingual self-help center staff that provide self-help  
188 services to LEP persons in their primary language;
- 189 • Interpreter services to assist in family court services mediations for custody and visitation  
190 matters;
- 191 • Written informational and educational materials and instructions in Spanish when  
192 available.

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

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

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- 201 • These translated forms are available at the court's Web site for internal use and are  
202 available to the public at <http://www.courts.ca.gov/forms.htm> as well as at the court's  
203 self-help center;
- 204 • The court also has access to instructional materials that have been translated by other  
205 courts at <http://www.courts.ca.gov/partners/equalaccess.htm>.

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

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

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

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

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- 216 • Court interpreters to serve as permanent employees of the court;
- 217 • Bilingual staff to serve at public counters;
- 218 • Bilingual staff in the court’s self-help centers; and,
- 219 • Bilingual staff who are on call to assist with contacts from LEP individuals, as needed.

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

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

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

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

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

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

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

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

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

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- Number of LEP persons requesting court interpreters;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Assessment of whether court staff adequately understand LEP policies and procedures and how to carry them out; and
- Review of feedback from court employee training sessions.

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

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**E. LEP Plan Effective date:** January \_\_, 2016

**F. Approved by:**

Presiding Judge:



ERNEST J. LICALSI

Date: 12-22-15

Court Executive Officer:



BONNIE THOMAS

Date: 12-22-15