

*Superior Court of California
County of Santa Clara*



**Limited English
Proficiency Plan**

January 2019

Superior Court of California, County of Santa Clara Limited English Proficiency (LEP) Plan

I. Legal Basis and Purpose

The Superior Court of California, County of Santa Clara (the Court) is committed to ensuring meaningful access to justice for people regardless of English proficiency. This LEP Plan outlines the Court's efforts to provide timely and reasonable language access services consistent with the [Strategic Plan for Language Access in the California Courts](#) (California LAP) and Title VI of the Civil Rights Act of 1964. (42 U.S.C. § 2000d et seq.; 45 C.F.R. § 80.1 et seq.; 28 C.F.R. §§ 42.101 - 42.112.)¹

II. Needs Assessment

The State of California provides court services to the most linguistically diverse population in the country. According to United States Census data for 2015:

- 44% of California households speak one of more than 200 languages other than English;
- Nearly 7 million Californians speak English "less than very well."
- 19% of Californians cannot access the court system without language assistance.

Santa Clara County is the largest and, at 1.9 million residents, the most populous of the Bay Area counties. Of the most populous counties in the state, Santa Clara is second only to Los Angeles in both the percentage of five-year residents who speak a language other than English in the home (51.2%) and the percentage who report speaking English "less than very well" (21.3%). More than one in five members of our community need some form of language assistance to participate meaningfully in the justice system.

The Court makes every effort to provide language access services to people of limited English proficiency, irrespective of their language of origin. Other than English, the written languages most frequently used in Santa Clara County are:

- | | |
|---------------|------------|
| 1. Spanish | 4. Hindi |
| 2. Vietnamese | 5. Korean |
| 3. Chinese | 6. Tagalog |

The most common spoken languages other than English are:

- | | |
|---------------|------------|
| 1. Spanish | 4. Tagalog |
| 2. Vietnamese | 5. Korean |
| 3. Mandarin | 6. Punjabi |

¹ Because persons of limited or impaired hearing are covered under the Americans with Disabilities Act ("ADA") rather than Title VI of the Civil Rights Act, the provision of sign language interpreters will not be addressed in this plan. More information on ADA accommodations can be found at http://www.sccscourt.org/general_info/ada.shtml.

The Court actively participates in the language needs assessment the Judicial Council of California conducts every five years. (Govt. Code, § 68563.) As part of that assessment, the Court provides the Judicial Council information about the language needs of Santa Clara County court users.

By implementing a unified electronic case management system that tracks the interpreter needs of parties, witnesses and involved non-parties, the Court expects to further refine its assessment of language access needs, its progress in meeting those needs and strategies for expanding its language access services. To the same end, the Court is also soliciting input from its justice partners and court users, by developing a system to collect and evaluate complaints regarding the Court's language access services.

III. Language Assistance Resources

Court employees – interpreters and administrators, clerks and judges – are integral to the Court's language access services. The Court's Language Access Representatives serve as a resource for all court users, as well as court staff and judicial officers: they recruit and deploy the skilled professionals qualified to do the exceptionally challenging work of interpreting court proceedings in real time, and they facilitate access to other available language resources, such as multilingual written information, for court users and court staff alike. In addition, the Court encourages its diverse staff to seek certification by the County of Santa Clara to provide bilingual services to the public, and the Court's Human Resources Division maintains a record of all employees who are qualified to do so.

A. Language Services In the Courtroom

The Court provides spoken-language interpreters where needed by any litigant, witness or non-party whose presence or participation in a court matter is necessary or appropriate. Interpreters are provided at no cost for all criminal, traffic, and juvenile law cases. In 2015, the Court expanded no-cost interpreter services to all case types, including probate, mental health, limited and unlimited civil proceedings, subject to availability. Where demand for interpreter services exceeds availability on a given day, the Court follows the priorities established in Evidence Code § 756:

1. Domestic violence, civil harassment cases where there is no fee to file, elder abuse cases where there is physical abuse or neglect
2. Unlawful detainers (evictions)
3. Termination of parental rights
4. Guardianship and conservatorship
5. Cases where one person is asking for sole custody or visitation
6. Other civil harassment and elder abuse cases
7. Other family law cases
8. Other civil cases

1. DETERMINING THE NEED FOR AN INTERPRETER

Through its public website and its justice partners, the Court invites court users to identify their interpreter needs in advance of a court hearing by contacting a Language Access Representative. The Court is now developing an online mechanism for court users to communicate their interpreter needs by language, case name and number, and date of hearing, using Judicial Council Form INT-300 submitted through the Court's website or by email to interpreterrequest@scscourt.org.

Absent a request by a party or other court user, judicial officers and staff members are trained to recognize the need for language assistance. Consistent with Standard 2.10 of California's Standards of Judicial Administration, if a doubt exists as to whether a party, witness or person involved in the case understands and speaks English well enough to participate fully in the proceedings, the judicial officer will err on the side of providing an interpreter.

2. INTERPRETER QUALIFICATIONS

The Court currently relies on 27 professional staff interpreters and up to 124 interpreter contractors for court proceedings. The Court hires spoken-language interpreters for courtroom hearings in compliance with the rules and policies set forth in Government Code section 68561 and Rule 2.893 of the California Rules of Court. While continuing its recruitment of permanent staff interpreters, the Court also draws from a statewide pool of certified and registered interpreters available to meet the needs of court users and alleviate the burdens on staff interpreters on a contract basis. This roster is available to court staff and the public on the Internet at <http://www.courts.ca.gov/35273.htm>.

If despite diligent efforts the Court's Language Access Representatives are unable to provide a certified or registered court interpreter, they will then – in accordance with the governing local labor agreement – seek a noncertified, nonregistered court interpreter who may be provisionally qualified to interpret in court proceedings for a limited time, upon a showing a good cause. Before using a noncertified interpreter in the courtroom, judicial officers will inquire into the interpreter's skills, professional experience and potential conflicts of interest to provisionally qualify the interpreter. Only in unusual circumstances and only for brief and routine matters may a judicial officer find sufficient cause to use a noncertified, nonregistered interpreter who is not provisionally qualified.

B. Language Services Outside the Courtroom

The Court is also committed to ensuring that people of limited English proficiency have meaningful access to its services and benefits outside of court hearings, from the earliest points of contact. To that end, the Court is in the process of translating critical resources on its website into the five most frequently used written languages and deploys a machine-translation feature for others. The Court also directs website visitors to available translations of Judicial Council forms and informational videos.

In conjunction with the National Center for State Courts and the Judicial Council, the Court is deploying translated signs to help court users independently navigate each of its facilities. In addition, the Court is recruiting bilingual volunteers to help direct visitors during peak hours. And every day, court staff in and out of the courtroom ensure that the public can access court benefits and services, such as self-help and mediation services and the public counter, regardless of language.

Currently, the two most common points of service outside the courtroom are at the Court's public counters and self-help center. When personnel encounter LEP individuals in these settings, they provide language assistance in the following ways:

- Connecting the court user to assigned bilingual staff member;
- Obtaining assistance from a bilingual staff member who is not otherwise assigned to a public counter or the self-help center;
- Requesting interpreter assistance via the Language Access Office;
- Using remote interpreter assistance available by phone, or voice- or text-based translation software.

To provide language access services in mediation matters, the Superior Court of Santa Clara County provides the following:

- Bilingual mediators in Family Court Services for custody and visitation matters, who are qualified to provide language assistance in Spanish;
- Bilingual mediators in Small Claims matters, who are qualified to provide language assistance in Spanish and Vietnamese;
- If, in connection with these mediation matters, an LEP person communicates in a language that is beyond the expertise of a bilingual mediator, an interpreter request is sent to the Court's Language Access Office.

C. Translated Forms and Documents

The California courts understand the importance of translating forms and documents so that LEP individuals have greater access to court services. Making commonly used forms and documents accessible to LEP individuals facilitates access to court services and enables LEP Court users to understand and participate more effectively in the judicial process. To that end, the Judicial Council maintains its Self-Help information webpage in Spanish, Chinese, Korean and Vietnamese, with instructional and informational material on a variety of case types. This website also offers translated Judicial Council forms that the Court makes available at its Self-Help Centers. These translated forms are available at <http://www.courts.ca.gov/selfhelp.htm>. Access to instructional materials that have been translated by other courts is available at <http://www.courts.ca.gov/partners/53.htm>. Where Judicial Council translations of forms (e.g., civil restraining orders, juvenile dependency orders) are available, judicial officers are encouraged to provide litigants with those translated forms for their reference, in addition to the endorsed-filed English-language orders.

IV. Judicial and Court Staff Training

The Court is committed to providing all judicial officers and staff members with training opportunities relevant to language access. Those opportunities include courses and seminars offered both locally and by the California Center for Judicial Education and Research on the following subjects:

- Diversity and elimination of bias;
- Disability accommodation;
- Customer Service best practices;
- Effective communication skills;
- Language access;
- Cultural competency;
- Best practices in language competency and working with court interpreters

V. Public Outreach and Education

Court leaders engage in community outreach and education to inform the public about the various services available to all language speakers. The Court also consults with its justice partners to improve its provision of language access services. To enable members of the public to comment directly on the availability of language access services in the Court, the Court has adopted a complaint procedure and complaint form, which it is translating into multiple languages.

VI. Public Notification and Evaluation of Limited English Proficiency Plan

A. Limited English Proficiency Plan Approval and Notification

This LEP plan and any later revisions are subject to approval by the presiding judge and court executive officer. Once approved, the LEP plan is forwarded to the Judicial Council. Copies of the Court's current LEP plan are available on request and on the Court's public website at <http://www.scscourt.org/documents/LEP.pdf>.

B. Opportunity for Comment

The Court invites interested members of the public to submit comments regarding this LEP plan to:

Alicia Vojnik, Director – Court Services Division
Phone Number: (408) 882-2720 / Email: avojnik@scscourt.org

To further monitor the quality of its language access services, the Court is also implementing a protocol for inviting and responding to complaints related. While this complaint process is not one by which parties may seek reconsideration of their legal cases, the Court takes seriously its

obligation to respond to the insights and experience of court users who rely on the Court for equal access to justice. Complaints regarding language access services may be submitted to:

Nancy Pruitt, Language Access Representative

Phone Number: (408) 808- 6680 / Email: languageaccesscomplaint@scscourt.org

C. Evaluation of the Limited English Proficiency Plan

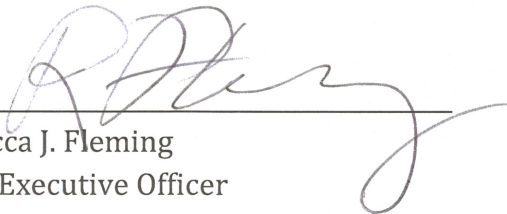
The Court will annually reevaluate this Limited English Proficiency Plan and the changes that may be needed. While the Court may revise the Plan at any time, its annual in-depth evaluation will include identification of challenges and development of strategies for improved access.

Approved by:



Honorable Deborah A. Ryan
Presiding Judge

Date: 05/01/19



Rebecca J. Fleming
Chief Executive Officer

Date: 5/1/19