

1 **Superior Court of Ventura County**

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

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6 **I. Legal Basis and Purpose**

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

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

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20 **II. Needs Assessment**

21 **A. Statewide**

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

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

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

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37 **B. Superior Court of Ventura County**

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39 The Superior Court of Ventura County will make every effort to provide services to all LEP
40 persons. However, the following list shows the foreign languages that are most frequently used
41 in this court's geographic area:

- 42
43 1. Spanish
44 2. *Mixteco Bajo

- 45 3. Mandarin
- 46 4. Korean
- 47 5. Farsi

48
49 The first two languages mentioned are the most requested in the last five years, the others vary
50 from year to year. This information is based on data collected from our internal records and the
51 AOC's Court Interpreters Data Collection System.

52
53 * This is an indigenous language from Mexico that doesn't have written form. Mixteco
54 interpreters speak fluent Spanish but not English.

55 **III. Language Assistance Resources**

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

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

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59 Providing spoken-language interpreters in court proceedings are based in whole or in part on
60 statutory and case law. These are set out in Attachment A. In the Superior Court of Ventura
61 County, interpreters will be provided at no cost to court customers who need such assistance
62 under the following circumstances:

- 63 • For litigants and witnesses in criminal hearings;
- 64 • For litigants and witnesses in juvenile hearings;
- 65 • For litigants and witnesses in hearings involving domestic violence and elder abuse,
66 family law and child support cases, to the extent that funding is provided; and,
- 67 • For litigants who need assistance when using family court services, to the extent that
68 funding is provided.

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71 Responsibility for the cost for spoken-language interpreters for litigants and witnesses in other
72 civil proceedings will be determined at the discretion of the officiating judge. Additionally,
73 courts may use interpreters who are providing mandated interpreting services for issues such as
74 criminal or juvenile cases for incidental use in civil courtrooms. The Superior Court of Ventura
75 County recognizes the significant benefits to both the public and the court by providing
76 interpreters in civil cases and will attempt whenever possible to provide such interpreters through
77 incidental use.

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79
80 When possible, the Court Interpreters Office provides Spanish and ASL staff interpreters in
81 Small Claims, Unlawful Detainers, Conservatorships and other short civil proceedings, such as
82 adoptions, and name changes.

84 **2. Determining the Need for an Interpreter in the Courtroom**
85

86 The Superior Court of Ventura County may determine whether an LEP court customer needs an
87 interpreter for a court hearing in various ways.

88
89 The need for a court interpreter may be identified prior to a court proceeding by the LEP person
90 or on the LEP person’s behalf by counter staff, self-help center staff, family court services, or
91 outside justice partners such as probation officers, attorneys, and social workers.

92
93 The need for an interpreter also may be made known in the courtroom at the time of the
94 proceeding. The Superior Court of Ventura County will display a sign translated into the five
95 most frequently used languages that states: “You may have the right to a court-appointed
96 interpreter in a court case. Please check with a court employee for assistance.” The Superior
97 Court of Ventura County will display this sign at the following locations:

- 98
99 • In the lobby areas of all 3 courthouses, public counters and the self-help centers.

100
101 Also, the judge may determine that it is appropriate to provide an interpreter for a court matter.
102 California’s Standards of Judicial Administration offer instruction to judges for determining
103 whether an interpreter is needed. Section 2.10 provides that an “interpreter is needed if, after an
104 examination of the party or a witness, the court concludes that: (1) the party cannot understand
105 and speak English well enough to participate fully in the proceedings and to assist counsel, or
106 (2) the witness cannot speak English so as to be understood directly by counsel, court, and jury.”
107 The court is directed to examine the party or witness “on the record to determine whether an
108 interpreter is needed if: (1) a party or counsel requests such examination, or (2) it appears to the
109 court that the person may not understand or speak English well enough to participate fully in the
110 proceedings.”

111
112 To determine if an interpreter is needed, standard 2.10(c) provides that “the court should
113 normally ask questions on the following: (1) identification (for example: name, address, birth
114 date, age, place of birth); (2) active vocabulary in vernacular English (for example: ‘How did
115 you come to the court today?’ ‘What kind of work do you do?’ ‘Where did you go to school?’
116 ‘What was the highest grade you completed?’ ‘Describe what you see in the courtroom.’ ‘What
117 have you eaten today?’ Questions should be phrased to avoid ‘yes’ or ‘no’ replies; (3) the court
118 proceedings (for example: the nature of the charge or the type of case before the court), the
119 purpose of the proceedings and function of the court, the rights of a party or criminal defendant,
120 and the responsibilities of a witness.”

121
122 Standard 2.10(d) calls on the court to state its conclusion on the record regarding the need for an
123 interpreter. “The file in the case should be clearly marked and data entered electronically when
124 appropriate by court personnel to ensure that an interpreter will be present when needed in any
125 subsequent proceeding.”
126

127 Our Vision Program can generate reports of future need for interpreters once the defendant has
128 made his/her first appearance in the courtroom.

129
130 Many people who need an interpreter will not request one because they do not realize that
131 interpreters are available or because they do not recognize the level of English proficiency or
132 communication skills needed to understand the court proceeding. The court does not have
133 funding to provide interpreters for non-mandated proceedings. However, the court can provide
134 some assistance within existing funding restrictions and will endeavor to do so for non-mandated
135 proceedings.

136
137 In a case where the court is mandated to provide an interpreter, but one is not available at the
138 time of the proceeding, even after the court has made all reasonable efforts to locate one, as
139 previously outlined in this plan, the case will be postponed and continued on a date when an
140 interpreter can be provided.

141
142 When an interpreter is unavailable for a case in which the court is not mandated to provide one,
143 the court takes the following action: The party is provided a list of interpreters in the particular
144 language, the Internet link to the AOC's Master list of interpreters or s/he is asked to contact the
145 Interpreters Office for assistance.

146 147 **2. Court Interpreter Qualifications**

148
149 The Superior Court of Ventura County hires interpreters for courtroom hearings in compliance
150 with the rules and policies set forth by Government Code section 68561 and California Rules of
151 Court, rule 2.893. The AOC maintains a statewide roster of certified and registered interpreters
152 who may work in the courts. This roster is available to court staff and the public on the Internet
153 at www.courtinfo.ca.gov/programs/courtinterpreters/master.htm.

154
155 When an interpreter coordinator has made a "due diligence" effort to find a certified or registered
156 court interpreter and none is available, the interpreter coordinator then seeks a noncertified,
157 nonregistered court interpreter, in accordance with the governing local labor agreement.

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

164 165 **B. Language Services Outside the Courtroom**

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167 The Superior Court of Ventura County is also responsible for taking reasonable steps to ensure
168 that LEP individuals have meaningful access to services outside the courtroom. This is perhaps
169 the most challenging situation facing court staff, because in most situations they are charged with
170 assisting LEP individuals without an interpreter present. LEP individuals may come in contact

171 with court personnel via the phone or the public counter.

172
173 The two most common points of service outside the courtroom are at the court's public counters
174 and self-help center. Bilingual assistance is provided at the public counter by the placement of
175 bilingual staff as is practical. The court also periodically calls on other bilingual staff from
176 elsewhere in the court to assist at a public counter. Similarly, the court's self-help center recruits
177 and employs bilingual staff to provide self-represented litigants with assistance in understanding
178 and completing necessary forms.

179
180 Providing language services outside the courtroom entails both daily communications and
181 interactions between court staff and LEP individuals to provide accessibility of court services,
182 such as self-help and mediation services to LEP court users.

183
184 To facilitate communication between LEP individuals and court staff, the Superior Court of
185 Ventura County uses the following resources to the degree that resources are available:

- 186
- 187 • Court interpreters, to the extent permitted under the active memorandum of
 - 188 understanding or independent interpreter contract;
 - 189 • Bilingual employees/volunteers;
 - 190 • Multilingual volunteers - the SHLA Center has volunteers who speak Spanish,
 - 191 Tagalog, Farsi, Arabic, Hindi, Japanese, Vietnamese, Cantonese, and Korean;
 - 192 • Written information in with some limited information in Korean,
 - 193 Cantonese/Mandarin, Vietnamese, and Tagalog;
 - 194 • Spanish on how to access and navigate the court;
 - 195 • A DVD of the constitutional rights is played in arraignment courtrooms with
 - 196 captioning for ADA compliance. The same DVD is played in Spanish. Other DVD's
 - 197 explain procedures in certain courtrooms; they are played in English and Spanish.

198
199 To provide linguistically accessible services for LEP individuals, the Superior Court of Ventura
200 County provides the following:

- 201
- 202 • Self-help center services that include bilingual self-help center staff, telephonic
 - 203 language assistance, and multilingual volunteers that provide self-help services to
 - 204 LEP persons in their primary language, which include Spanish, Tagalog, Farsi,
 - 205 Arabic, Hindi, Japanese, Vietnamese, Cantonese, and Korean;
 - 206 • Workshops in Spanish regarding divorce, custody, support, restraining orders, and
 - 207 probate guardianship of the person;
 - 208 • Bilingual family court services mediators for custody and visitation matters;
 - 209 • Joint workshops between self-help center staff and community service providers
 - 210 serving LEP populations; and,
 - 211 • Written informational and educational materials and instructions in English, Spanish,
 - 212 and to a lesser extent, Korean, Vietnamese, Mandarin/Cantonese, and Tagalog.
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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 courts' services. The Superior Court of Ventura County currently uses Judicial Council forms and instructional materials translated into commonly used languages.

- These translated forms are available at the court's Web site for internal use and are available to the public at www.courtinfo.ca.gov/selfhelp/languages as well as at the court's Self-Help Centers;
- The court also has access to instructional materials that have been translated by other courts at www.courtinfo.ca.gov/programs/equalaccess/trans.htm.
- The court has translated the following documents into other languages
 - Brochures in a variety of proceedings are available in Spanish in our Self-Help Centers;
 - Instructions for completing fee waivers in Spanish;
 - Instructions for expunging a misdemeanor record in Spanish;
 - Instructions for responding to an unlawful detainer case in Spanish;
 - Brochure with instructions on how to file a real estate fraud claim with law enforcement in Spanish and Korean.
 - We also carry State Bar of California produced brochures and materials on a host of legal topics in English, Spanish, Mandarin/Cantonese, Korean, Tagalog and Vietnamese.

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

IV. Court Staff and Volunteer Recruitment

A. Recruitment of Bilingual Staff for Language Access

The Superior Court of Ventura 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:

- Court interpreters to serve as permanent employees of the court; and
- Bilingual staff to serve at public counters including the self-help centers.

B. Recruitment of Volunteers for Language Access

The court also recruits and uses volunteers to assist with language access in the following areas:

- 255 • In self-help centers to assist LEP users;
- 256 • At public counters to provide interpretive services between staff and the LEP public; and
- 257 • To serve as interpreter trainees by helping LEP individuals in areas outside of the
- 258 courtroom, to develop skills in preparation for the certified interpreter examination.

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V. Judicial and Staff Training

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

- 268 • Diversity Training, mandatory for all new employees, includes:
 - 269 ➤ Beyond Bias: Sexual Orientation in the Court
 - 270 ➤ Beyond Bias: Persons with Disabilities in the Court
 - 271 ➤ Interacting with Persons with Disabilities: Rule 1.100
- 272 • Cultural Competency Training, mandatory for all new employees, includes:
 - 273 ➤ Beyond Bias: Fairness in the Court
 - 274 ➤ Interacting with Persons with Disabilities: Rule 1.100
- 275 • Statewide conferences on language access or conferences that include sessions dedicated
- 276 to topics on language access;
- 277 • Mandatory Training for all new employees includes:
 - 278 ➤ Ethics
 - 279 ➤ Effective Communication
 - 280 ➤ Effective Customer Service
 - 281 ➤ Handling Difficult People Part 1
 - 282 ➤ Handling Difficult People Part 2

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VI. Public Outreach and Education

286 To communicate with the court's LEP constituents on various legal issues of importance to
287 the community and to make them aware of services available to all language speakers, the
288 Superior Court of Ventura County provides community outreach and education and seeks
289 input from its LEP constituency to further improve services. Outreach and education efforts
290 include:

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- 292 • Public service announcements made live in Spanish are provided Monday through Friday
- 293 mornings on a local radio station. Announcements have included: information on
- 294 landlord and eviction issues, restraining orders, child custody and support, contracts,
- 295 driver's licenses, automobile insurance, child safety seats, bad checks, and vehicle
- 296 accidents. Other tips focus on the court's programs and services, such as its Self-Help
- 297 Centers, the Children's Waiting Room, assistance with family related matters, the

- 298 availability of interpreters, and its website.
299 • Partnerships and collaborations have been formed with: each of our local mainstream and
300 minority bar associations, including the Ventura County Bar Association; Mexican
301 American Bar Association and Asian American Bar Association. We also collaborate
302 with the local Mexican Consulate office, particularly for help with indigeneous language
303 speakers (mostly Mixteco-Bajo) from the Oaxaca region of Mexico. We also partner with
304 the Japanese American Citizens League, the local chapter of Global Exchange, and other
305 non-profits to reach our various immigrant populations.
306

307 The court will solicit input from the LEP community and its representatives through
308 forums/meetings and will seek to inform community service organizations on how LEP
309 individuals can access court services.
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313 **VII. Public Notification and Evaluation of LEP Plan**

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

316 The Superior Court of Ventura County's LEP plan is subject to approval by the presiding judge
317 and court executive officer. Upon approval, a copy will be forwarded to the AOC, LEP
318 Coordinator. Any revisions to the plan will be submitted to the presiding judge and court
319 executive officer for approval, and then forwarded to the AOC. Copies of Superior Court of
320 Ventura County's LEP plan will be provided to the public on request. In addition, the court will
321 post this plan on its public Web site, and the AOC will post a link to it on the Judicial Council's
322 public Web site at www.courtinfo.ca.gov.
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324 **B. Annual Evaluation of the LEP Plan**

325 The Superior Court of Ventura County will routinely assess whether changes to the LEP plan are
326 needed. The plan may be changed or updated at any time but reviewed not less frequently than
327 once a year.
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329 Each year the court's senior analyst will review the effectiveness of the court's LEP plan and
330 update it as necessary. The evaluation will include identification of any problem areas and
331 development of corrective action strategies. Elements of the evaluation will include:
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- 333 • Number of LEP persons requesting court interpreters and/or language assistance;
- 334 • Assessment of current language needs to determine if additional services or translated
335 materials should be provided;
- 336 • Assessment of whether court staff adequately understand LEP policies and procedures
337 and how to carry them out; and
- 338 • Review of feedback from court employee training sessions.
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340 **C. Trial Court LEP Plan Coordinator:**
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358 **E. LEP Plan Effective date:** November 1, 2008
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361 **F. Approved by:**
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363 Name: Michael D. Planet, Court Executive Officer

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365 Signature:  Date: 10/21/08
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