

1 **Superior Court of Modoc County**

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

4
5
6 **I. Legal Basis and Purpose**

7
8 This document serves as the plan for the Superior Court of Modoc 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 Modoc County.

14
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.

19
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

36
37
38 **B. Superior Court of Modoc County**

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

- 43
44 1. Spanish

45 This information is based on data collected from the AOC’s Court Interpreters Data Collection
46 System.

47
48 **III. Language Assistance Resources**

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

50 **1. Providing Interpreters in the Courtroom**
51

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

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

62
63 Responsibility for the cost for spoken-language interpreters for litigants and witnesses in other
64 civil proceedings will be determined at the discretion of the officiating judge. Additionally,
65 courts may use interpreters who are providing mandated interpreting services for issues such as
66 criminal or juvenile cases for incidental use in civil courtrooms. The Superior Court of Modoc
67 County recognizes the significant benefits to both the public and the court by providing
68 interpreters in civil cases and will attempt whenever possible to provide such interpreters through
69 incidental use.
70

71 **2. Determining the Need for an Interpreter in the Courtroom**
72

73 The Superior Court of Modoc County may determine whether an LEP court customer needs an
74 interpreter for a court hearing in various ways.

75
76 The need for a court interpreter may be identified prior to a court proceeding by the LEP person
77 or on the LEP person’s behalf by counter staff, self-help center staff, family court services, or
78 outside justice partners such as probation, police, child protection, district attorney’s office and
79 local attorneys.
80

81 The need for an interpreter also may be made known in the courtroom at the time of the
82 proceeding. The Superior Court of Modoc County will display a sign translated into the five
83 most frequently used languages that states: “You may have the right to a court-appointed
84 interpreter in a court case. Please check with a court employee for assistance.” The Superior
85 Court of Modoc County will display this sign at the following locations: front lobby and

86 entrance to the courtroom.

87
88 Also, the judge may determine that it is appropriate to provide an interpreter for a court matter.
89 California's Standards of Judicial Administration offer instruction to judges for determining
90 whether an interpreter is needed. Section 2.10 provides that an "interpreter is needed if, after an
91 examination of the party or a witness, the court concludes that: (1) the party cannot understand
92 and speak English well enough to participate fully in the proceedings and to assist counsel, or
93 (2) the witness cannot speak English so as to be understood directly by counsel, court, and jury."
94 The court is directed to examine the party or witness "on the record to determine whether an
95 interpreter is needed if: (1) a party or counsel requests such examination or (2) it appears to the
96 court that the person may not understand or speak English well enough to participate fully in the
97 proceedings."

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

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

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

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

125
126 When an interpreter is unavailable for a case in which the court is not mandated to provide one,
127 the court takes the following actions

- 128 • For face-to-face encounters, as well as telephone conversations, the Superior Court of
129 Modoc County uses the Language Line when on-site interpreters are not available.

130 **2. Court Interpreter Qualifications**
131

132 The Superior Court of Modoc County hires interpreters for courtroom hearings in compliance
133 with the rules and policies set forth by Government Code section 68561 and California Rules of
134 Court, rule 2.893. The AOC maintains a statewide roster of certified and registered interpreters
135 who may work in the courts. This roster is available to court staff and the public on the Internet
136 at www.courtinfo.ca.gov/programs/courtinterpreters/master.htm.
137

138 When an interpreter coordinator has made a “due diligence” effort to find a certified or registered
139 court interpreter and none is available, the interpreter coordinator then seeks a noncertified,
140 nonregistered court interpreter, in accordance with the governing local labor agreement.

141 Whenever a noncertified interpreter is used in the courtroom, to either provisionally qualify the
142 interpreter or find cause to permit him or her to interpret the proceeding, judges must, pursuant to
143 rule 2.893, inquire into the interpreter’s skills, professional experience, and potential conflicts of
144 interest. A provisionally qualified interpreter is one who, upon findings prescribed in the rule, is
145 designated by the judge as eligible to interpret in a criminal or juvenile delinquency proceeding
146 for a period of six months.
147

148 **B. Language Services Outside the Courtroom**
149

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

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

163 Providing language services outside the courtroom entails both daily communications and
164 interactions between court staff and LEP individuals to provide accessibility of court services,
165 such as self-help and mediation services to LEP court users.
166

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

- 169 • Court interpreters, to the extent permitted under the active memorandum of
170 understanding or independent interpreter contract;
- 171 • Bilingual volunteers;
- 172 • Multilingual signage throughout courthouse locations in the following languages:
173 Spanish;

- 174 • Language Line services, which are available to provide assistance in the clerk’s office
175 and at the court’s self-help center. The Language Line contract services provides
176 interpretation services via the telephone in over 170 languages; and,
177 • A court public phone line with key instructions provided in Spanish to request court
178 services.

179
180 To provide linguistically accessible services for LEP individuals, the Superior Court of Modoc
181 County provides the following:

- 182 • Self-help center services that include telephonic language assistance, and volunteers that
183 provide self-help services to LEP persons in their primary language;
184 • Bilingual family court services mediators for custody and visitation matters;
185 • Joint workshops between self-help center staff and community service providers serving
186 LEP populations; and,
187 • Written informational and educational materials and instructions in Spanish.

188

189 **C. Translated Forms and Documents**

190

191 The California courts understand the importance of translating forms and documents so that LEP
192 individuals have greater access to the courts’ services. The Superior Court of Modoc County
193 currently uses Judicial Council forms and instructional materials translated into commonly used
194 languages.

195

- 196 • These translated forms are available at the court’s Web site for internal use and are
197 available to the public at www.courtinfo.ca.gov/selfhelp/languages as well as at the
198 court’s self-help center;

199

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

202

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

204

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

206

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

209

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

214

215

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

215 The court also recruits and uses volunteers to assist with language access in the following areas:
216

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

221
222
V. Judicial and Staff Training

223 The Superior Court of Modoc County is committed to providing LEP training opportunities for
224 all judicial officers and staff members. Training and learning opportunities currently offered by
225 the Superior Court of Modoc County will be expanded or continued as needed. Those
226 opportunities include:
227
228

- 229 • Diversity Training;
- 230 • Cultural competency training;
- 231 • LEP plan training;
- 232 • Statewide conferences on language access or conferences that include sessions dedicated
233 to topics on language access;
- 234 • New employee orientation training; and,
- 235 • Judicial officer orientation on the use of court interpreters and language competency.

236
237
238
VI. Public Outreach and Education

239 To communicate with the court's LEP constituents on various legal issues of importance to
240 the community and to make them aware of services available to all language speakers, the
241 Superior Court of Modoc County provides community outreach and education and seeks
242 input from its LEP constituency to further improve services. Outreach and education efforts
243 include:
244

- 245 • Public service announcements in Spanish provided periodically through local
246 radio/newspapers. Examples of the type of announcements include radio spot
247 announcement on court access issues or legal tip of the day, provided in Spanish;
248 radio/print/flyers on the availability of self-help center services and public workshops;
249 and,
- 250 • Partnerships and collaborations with public libraries and neighboring counties to provide
251 a court presence in the LEP community. The court will solicit input from the LEP
252 community and its representatives through written surveys and will seek to inform
253 community service organizations on how LEP individuals can access court services.

254
255
256

257 **VII. Public Notification and Evaluation of LEP Plan**

258
259

A. LEP Plan Approval and Notification

260 The Superior Court of Modoc County’s LEP plan is subject to approval by the presiding judge
261 and court executive officer. Upon approval, a copy will be forwarded to the AOC, LEP
262 Coordinator. Any revisions to the plan will be submitted to the presiding judge and court
263 executive officer for approval, and then forwarded to the AOC. Copies of Superior Court of
264 Modoc County’s LEP plan will be provided to the public on request. In addition, the court will
265 post this plan on its public Web site, and the AOC will post a link to it on the Judicial Council’s
266 public Web site at *www.courtinfo.ca.gov*.

267
268

B. Annual Evaluation of the LEP Plan

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

272

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

276

- Number of LEP persons requesting court interpreters/language assistance;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Solicitation and review of feedback from LEP communities within the county;
- Assessment of whether court staff adequately understand LEP policies and procedures and how to carry them out;
- Review of feedback from court employee training sessions; and,
- Customer satisfaction feedback.

285

C. Trial Court LEP Plan Coordinator:

286 Linda L. Ostoja
287 205 South East Street
288 Alturas, CA 96102
289 (530)233-6526
290 linda.ostoja@modoc.courts.ca.gov

291

D. AOC LEP Plan Coordinator:

292
293
294 [Mark Garcia](#)
295 [Senior Court Services Analyst](#)
296 [Equal Access Program](#)
297 [Administrative Office of the Courts](#)

298
299
300
301
302
303
304
305
306
307
308
309
310
311

[455 Golden Gate Avenue](#)
[San Francisco, CA 94102-3688](#)
[\(415\) 865-4367, mark.garcia@jud.ca.gov](#)

Field Code Changed

E. LEP Plan Effective date: 11/01/2008

F. Approved by:

Presiding Judge: _____ Date: 11/01/2008
Francis W. Barclay

Court Executive Officer: _____ Date: 11/01/2008
Linda L. Ostoja