Superior Court of California, County of San Mateo

Limited English Proficiency (LEP) Plan

This Limited English Proficiency Plan received its guidance from the Judicial Council of California, and was a collaborative effort by staff from various divisions in the Superior Court of California, County of San Mateo. The intent of this plan is to provide its Limited English Proficiency (LEP) customers with access, direction and goals to court staff in order to provide timely and reasonable language assistance.

This plan will be updated regularly.

I. Legal Basis and Purpose

This document serves as the plan for the Superior Court of California, County of San Mateo to provide to persons with 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 California, County of San Mateo.

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, Court Interpreter Data Collection System (CIDCS), which aggregates court interpreter usage data received from the California trial courts, the most frequently used languages for interpreters in California courts, based on the Interpreter Usage Report for Fiscal Year 2021-22, are (in descending order of frequency):

1. Spanish
2. Mandarin
3. Vietnamese
4. American Sign Language
5. Cantonese

B. Superior Court of California, County of San Mateo

The Superior Court of California, County of San Mateo 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, based on the Interpreter Usage Report for Fiscal Year 2021-22. Those languages are:

1. Spanish
2. Tagalog
3. Cantonese
4. Portuguese
5. Mandarin

The Court's electronic case management system tracks interpreter needs of parties, witness and involved non-parties. As such, the Court expects to be able to refine its assessment of the language access needs, its progress in meeting those needs, and strategies for expanding language access services. To the same end, the Court is also soliciting input from justice partners and court users, by its use of a process to collect and evaluate complaints regarding the Court's language access services.

III. Language Access Resources

A. Interpreters Used in the Courtroom

1. Providing Interpreters in the Courtroom

Providing spoken-language interpreters in court proceedings is based in whole or in part on statutory and case law. In the Superior Court of California, County of San Mateo, interpreters may, upon request, be provided at no cost to court customers 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 section 756:

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

Additionally, in the Superior Court of California, County of San Mateo, interpreters may, upon request, be provided at no cost to court customers for:

- Witnesses in criminal hearings
- Witnesses in juvenile hearings
- Litigants who need assistance when using family court services, to the extent that grant funding for these services continues to be provided

2. When an Interpreter is Not Available Upon Request

The interpreter coordinator will run and review a daily report identifying any interpreter assignments that have not been filled. In the event that an interpreter was requested in advance and no interpreter is available, the coordinator, or designee, will immediately notify the courtroom clerk to inform them that an interpreter was not secured for this matter. The courtroom clerk will confirm that the judge is aware that an interpreter is unavailable.

During the hearing, the judge will state on record that an interpreter was requested, but is not available for the proceedings, and will reset this matter to a future date when the interpreter is available, or proceed with taking a waiver of the interpreter for those proceedings only, as deemed appropriate.

In order to provide information and further instruction for the LEP court user during their hearing, the coordinator or designee will utilize a telephone interpreter through a contracted, licensed vendor. Contact will be made through the vendor's program by phone by the coordinator or designee, and translation will occur through a phone and speaker system in the courtroom.

If a telephone interpreter is not available, the coordinator or designee will be available in person with equipment that allows voice to text translation (VTT). The Court is part of a pilot program with the Judicial Council of California to determine appropriate usage of VTT. The CA Courts Translator application is a cloud-based real-time voice translation program that can be used with court provided tablets. It will allow the coordinator or designee to provide basic instructions through the translation application informing the LEP court user that an interpreter is unavailable, in addition to providing information about the rescheduled court date.

When an in-person interpreter is not available, video remote interpreting (VRI) services may be used for short in-court proceedings or in other exigent circumstances at the discretion of the judicial officer or court staff, in accordance with the governing local labor agreement. Telephone interpreters, who cannot see visual cues, should only be considered if both an in-person interpreter and VRI services are unavailable.

- Strategic Plan for Language Access in the California Courts (2015), page 96:
    - Video remote interpreting (VRI) is generally preferred over other methods of remote interpreting that do not provide visual cues, such as telephonic interpreting. However, there will be situations where VRI is not possible or is not necessary.

- Recommended Guidelines and Minimum Specs for VRI for Spoken Language–Interpreted Events (May 2021), page 4:
    - The initial analysis for determining whether a court proceeding is appropriate for VRI may be made by the interpreter coordinator, judicial officer, and/or court staff. The interpreter coordinator, judicial officer, and/or court staff should consider all of the following points when using VRI:
        - The anticipated length and complexity of the event, including complexity of the communications involved
        - The relative convenience or inconvenience to the court user
        - Whether the matter is uncontested
        - Whether the proceeding is of an immediate nature, such as arraignments for in-custody defendants, bail reductions, and temporary restraining orders

3. Determining the Need for an Interpreter in the Courtroom

The Superior Court of California, County of San Mateo may determine whether a LEP court customer needs an interpreter for a court hearing in various ways.

Through its public website, the Court invites court users to electronically identify their interpreter needs in advance of a court hearing by submitting a request form to the Court Interpreter Division. The Court developed an online mechanism for court users to communicate their interpreter needs by language, case name and number, and date of hearing. Additionally, a customer may submit a request for an interpreter by submitting Judicial Council Form INT-300, or by providing the language, case name and number, and date of hearing, by email to courtinterpreter@sanmateocourt.org.

The need for a court interpreter may be identified prior to a court proceeding by the LEP person or on the LEP person's behalf by counter staff, self-help center staff, family court services, family law facilitator's office staff, or outside justice partners such as the District Attorney, Private Defender, probation/parole officers, attorneys, court investigators or social workers.

The need for an interpreter also may be made known in the courtroom at the time of the proceeding. The courtroom clerk will use the language identification card, referred to as the I Speak Card to assist in identifying the need for an interpreter when the LEP person is unable to understand the proceedings in English.

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

participate fully in the proceedings."

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

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

4. Court Interpreter Qualifications

The Superior Court of California, County of San Mateo hires interpreters for courtroom hearings in compliance with the rules and policies set forth by Government Code section 68561 and California Rules of Court, rule 2.893. The Judicial Council maintains a statewide roster of certified and registered interpreters who may work in the courts. This roster is available to court staff and the public on the Internet at *www.courts.ca.gov/programs-interpreters.htm*.

If, despite diligent efforts, the Court's interpreter coordinator is 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 of good cause. Before using a noncertified interpreter in the courtroom, judicial officers will inquire into the interpreters' skills, professional experience and potential conflicts of interest to provisionally qualify the interpreter. Only in usual 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. See California Rules of Court, rule 2.893(d)(4).

B. Language Services Outside the Courtroom

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

The two most common points of service outside the courtroom are at the court's public counters and self-help center. Bilingual assistance is provided at the public counter by the placement of bilingual staff as is practical. The court also periodically calls on other bilingual

staff from elsewhere in the court to assist at a public counter. Similarly, the court's self-help center strives to recruit and employ bilingual staff to provide self-represented litigants with assistance in understanding and completing necessary forms.

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

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

- Court and contract interpreters, to the extent permitted under the applicable memorandum of understanding or independent interpreter contract
- Bilingual employees
- Bilingual volunteers
- A court website with key pages translated into Spanish
- Self-Help content on the website that is translated into Spanish, Chinese (simplified and traditional), Portuguese, Russian, and Tagalog
- Voice-To-Text (VTT) translation application
- Video Remote Interpretation (VRI) capability for hearings
- Telephonic and remote interpreter services

The National Center for State Courts ("NCSC") (a national nonprofit organization that provides programs and services to support efforts among local and state courts nationwide) completed a full assessment of the Court's website and submitted a report in January 2019 regarding website utilization. Based on the results of that report, the Court translated the self-help portions of our web content into the five most commonly spoken non-English languages in San Mateo County according to our Interpreter Division. These languages are Spanish, Chinese (simplified and traditional), Portuguese, Russian, and Tagalog. The final translated content was migrated to the Self-Help website for posting on May 26, 2020.

Additionally, NCSC was asked to translate the Court's general webpages into "plain" English and Spanish. NCSC directed its efforts on high traffic webpages that linked directly to self-help content (e.g. Family Law and Small Claims). Priority was given to webpages that had a high connection to self-help (i.e. pages used by unrepresented persons) and had high frequency of page views according to Google Analytics. The identified website sections included the Court's home page, traffic, criminal, civil, family law, juvenile, small claims and Alternative Dispute Resolution. NCSC analyzed the identified webpages for "translation-readiness" based on their overall readability and accessibility statistics.

To provide linguistically accessible services for LEP individuals, the Superior Court of California, County of San Mateo provides the following:

- Self-Help center services that include bilingual self-help center staff, interns, and volunteers that provide self-help services in Spanish and Tagalog
- Bilingual Spanish speaking Child Custody Recommending Counselors for custody and visitation matters
- Bilingual Spanish speaking Probate Court Investigators to assist with conservatorship and guardianship, including Special Immigrant Juvenile Status
- Joint workshops between self-help center staff and community service providers serving LEP populations
- Written informational and educational materials and instructions in Spanish

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 California, County of San Mateo currently uses Judicial Council forms and instructional materials translated into Spanish. 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.

Some of these translated forms are available on the court's website (www.sanmateo.courts.ca.gov) for internal use and are available to the public at (www.courts.ca.gov/selfhelp-languages.htm) as well as at the court's Self-Help center.

The Court has translated the following documents into Spanish:

ADR
Juvenile Delinquency and Dependency Mediation Evaluation Forms
All Juvenile Delinquency and Dependency Mediation Program Correspondence
Civil ADR General Information

Criminal
CR-1B – Advice of Rights
CRC-2 – PDP Court Appointed Counsel
CRC-6 – Declaration Concerning a Plea or Change of Plea to Guilty or Nolo (felonies)
CR-33 – Declaration Concerning a Plea or Change of Plea to Guilty or Nolo (misdemeanors)
CR-36 – DUI Advisement of Rights, Waiver, and Plea Form
CR-39 – Waiver of Rights for Admission of Probation Violation
CR-160 – DV Criminal Protective Order
CR-161 – Non-DV Criminal Protective Order
CR-165 – Criminal Protective Order Termination

Family Court Services
Domestic Violence/Restraining Order & Child Custody Handout
Guardianship Information Form
In-Person/Online Parent Orientation Presentation

Online Parent Handbook
Separate Mediation/Support Person Policy
Separate Mediation/Support Person Guidelines & Acknowledgment
Interpreter Information
Interpreter Acknowledgment
New Appointment Notice
Party Information Intake Slips (for new appointments)

Family Law & Probate
Domestic Violence Information Sheet
Guardianship Information Form

Family Law Facilitator
Dissolution of Marriage/Legal Separation/Nullity Forms
FL – 100: Petition-Marriage/Domestic Partnership
FL – 110: Summons; Family Law
FL – 120: Response to Petition-Marriage/Domestic Partnership
FL – 130: Appearance, Stipulations, and Waivers
FL – 144: Stipulation and Waiver of Final Declaration of Disclosure
FL – 160: Property Declaration
FL – 160A: Continuation of Property Declaration
Summary Dissolution Packet and Information
FL – 800: Joint Petition for Summary Dissolution
FL – 810: Summary Dissolution Information

Declaration of Disclosure Forms
FL – 140: Declaration of Disclosure
FL – 142: Schedule of Assets and Debts
FL – 141: Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration
FL – 150: Income and Expense Declaration
Establishment of Parental Relationship forms
FL – 200: Petition to Establish Parental Relations
FL – 210: Summons; Parentage – Custody and Support
FL – 220: Response to Petition to Establish Parental Relations

Custody and Support Forms
FL – 210: Summons; Parentage – Custody and Support
FL – 260: Petition for Custody and Support
FL – 270: Response to Petition for Custody and Support

Service (Bi-lingual)
FL – 115: Proof of Service of Summons
FL – 330: Proof of Service by Personal Service
FL – 335: Proof of Service by Mail

Additional Forms
FW-001: Request to Waive Court Fees
FW-002: Order on Court Fee Waiver
FL – 2: Notice of ADR Options
FL – 105: Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)
FL – 150: Income and Expense Declaration
FL – 180: Judgement
FL – 300: Request for Order
FL – 320: Responsive Declaration to Request for Order

Domestic Violence Restraining Order
DV – 100: Request for Domestic Violence Restraining Order
DV – 120: Response to Request for Domestic Violence Restraining Order

Informational Brochures and Flyers
DCSS Smith Ostler (Bonus Tables)
Family Law Facilitators Office/Self-Help Center Brochure
Divorce Workshop Fliers (One Day Divorce)
Bay Area Legal Aid Domestic Violence Restraining Order Flyers
Legal Aid Landlord/Tenant Housing Clinic Fliers
Rally Visitation Center Brochure
San Mateo County Department of Child Support Flyer
A Quick Reference Guide to the California Courts Self-help Centers and Family Law Facilitators
Instructions on What to Do with Your Restraining Order
Instructions for Filing and Serving the Petition (Dissolution)
Instructions for Filing and Serving the Petition (Non-Dissolution)
Instructions for Filing and Serving the Petition & RFO (Non-Dissolution)
Instructions for Filing and Serving the Response (Dissolution)
Instructions for Filing and Serving the Response (Non-Dissolution)
Instructions for Filing and Serving Documents (RFO)
Instructions for Filing and Serving Documents (Response)
Ex-Parte Instructions
CORA Brochure (multilingual)
HERA Brochure (multilingual)
Can't Afford to Pay Your Ticket?
LAS Guardianship Project
CalVCB – Crime Victim Assistance
County of San Mateo DA's Office Victim's Assistance
Peninsula Conflict Resolution Center Flyer - general
Peninsula Conflict Resolution Center Flyer – landlord/tenants

Juvenile
Notice of Responsibility for Reimbursement for Court Appointed Counsel in Dependency Proceedings
Declaration of Financial Condition Made Under Penalty of Perjury to Obtain the Services of Court Appointed Counsel

Waiver Form with Advisements, Stipulations, Declarations, Findings & Orders

Traffic
Advice of Rights (TR-21) – also available in Chinese
Waiver of Rights for Entry of Plea of Guilty or Nolo 14601.1(A) VC (TR22a)
Waiver of Rights Informal Hearing 40901 (TR-23a)
Waiver of Rights for Entry of Pleas of Guilty or Nolo Contendere (CR-TR-33a)

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

IV. Court Staff and Volunteers

A. Court Bilingual Staff for Language Access

The Superior Court of California, County of San Mateo 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
- Bilingual staff to serve at public counters
- Bilingual staff in the court's self-help centers
- Bilingual staff assists with contacts from LEP individuals, as needed

B. Volunteers for Language Access

The court uses volunteers to assist with language access in the self-help center.

V. Judicial and Staff Training:

The Superior Court of California, County of San Mateo 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 California, County of San Mateo will be expanded or continued as needed. Those opportunities include:

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

VI. Public Outreach and Education

To communicate with the court's LEP constituents on various legal issues of importance to the community and to make them aware of services available to all language speakers, the Superior

Court of California, County of San Mateo provides community outreach and education and seeks input from its LEP constituency to further improve services. Outreach and education efforts include:

- Bilingual Flyers that announce the availability of self-help center services and public workshops
- Workshops conducted in English and Spanish
- Instruction sheets and brochures in Spanish on a variety of legal issues
- Collaboration with community-based agencies, legal service providers, and county agencies to provide access to legal resources during Community Law Night to further assist our LEP constituency
- As part of the Strategic Planning process, public forums will be held with interpreters available for our LEP constituency
- Multilingual staff that can assist our LEP constituency by providing information and assistance

VII. Public Notification and Evaluation of LEP Plan

A. LEP Plan Approval and Notification

The Superior Court of California, County of San Mateo's LEP plan is subject to approval by the Presiding Judge and Court Executive Officer. Upon approval, a copy will be forwarded to the Judicial Council's LEP Coordinator. Any revisions to the plan will be submitted to the Presiding Judge and Court Executive Officer for approval, and then forwarded to the Judicial Council.

Copies of Superior Court of California, County of San Mateo's LEP plan will be provided to the public on request. In addition, the Court will post this plan on its public website, and the Judicial Council will post a link to it on the Judicial Council's public website at *www.courts.ca.gov*.

B. Annual Evaluation of the LEP Plan

The Superior Court of California, County of San Mateo will routinely assess whether changes to the LEP plan are needed. The plan may be changed or updated at any time but reviewed not less frequently than one year. The evaluation will include identification of any problem areas and development of corrective action strategies.

Elements of the evaluation will include:

- 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
- Review of feedback from court employee training sessions

C. Trial Court LEP Plan Coordinator:

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E. LEP Plan Effective date: October 10, 2023

F. Approved by:

Honorable Elizabeth K. Lee
Presiding Judge: _____ Date: October 10, 2023

Neal Taniguchi
Court Executive Officer: _____ Date: October 10, 2023