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

I. Legal Basis and Purpose

This document serves as the plan for the Superior Court of California, County of Kern 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 California, County of Kern.

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 May 2010 Language Need and Interpreter Use in California Superior Courts study from the California Judicial Council, the most frequently used languages for interpreters in California courts are (in descending order of frequency)

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

B. Superior Court of California, County of Kern

The Superior Court of California, County of Kern will make every effort to provide services to all LEP persons. The following list shows frequently used languages in 2015 in this court's geographic area.

1. Spanish
2. American Sign Language
3. Punjabi
4. Arabic
5. Mandarin

This information is based on the Superior Court of California, County of Kern's current usage of interpreters provided in Kern County courts.

III. Language Assistance Resources

A. Interpreters Used in the Courtroom

1. Providing Interpreters in the Courtroom

Providing spoken-language interpreters in court proceedings are based in whole or in part on statutory and case law. In the Superior Court of California, County of Kern and in compliance with California State law, interpreters will be provided at no cost to court customers who need such assistance under the following circumstances:

- For Litigants and witnesses in criminal hearings
- For litigants and witnesses in juvenile hearings
- For litigants and witnesses in hearings involving domestic violence and elder abuse, family law and child support cases, to the extent that funding is provided
- For litigants who need assistance when using family court services, to the extent that funding is provided
- When ordered by a judge in criminal, juvenile and traffic cases

2. Determining the Need for an Interpreter in the Courtroom

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

The need for a court interpreter may be identified prior to a court proceeding by counter staff, self-help center staff, family court services, or outside justice partners such as probation/parole officers, attorneys, correctional facilities and law enforcement.

The need for an interpreter may also be made known in the courtroom at the time of the proceeding. 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 is directed to examine the 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 ask 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."

Many people who need an interpreter will not request one because they do not realize that interpreters are available or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding.

To assist these individuals, the Superior Court of California, County of Kern displays a message on all Court calendar monitors, which are located at each Court location excluding 3131 Arrow St., Bakersfield, CA 93308 (Traffic Court).

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

When an interpreter is unavailable for a case, the court determines and follows the best option that is appropriate for the situation, including:

- Designating an individual to act as an interpreter for the proceeding
- Continuing the proceeding to a day when the calendar shows the incidental availability of an interpreter for that language

3. Court Interpreter Qualifications

The Superior Court of California, County of Kern 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 984.2. The Judicial Council maintains a statewide roster of interpreters who may work in courts. This roster is available to court staff and the public on the internet at:
http://www.courts.ca.gov/programs-interpreters.htm

When the court has made a "due diligence" effort to find a certified or registered court interpreter and none is available, the court then seeks a noncertified or nonregistered court interpreter, in accordance with the governing local labor agreement. Whenever a noncertified interpreter is used in the courtroom, judges must inquire into the interpreter's skills, professional experience, and potential conflicts of interest to qualify him/her, pursuant to rule 2.893.

The Superior Court of California, County of Kern requires a noncertified or nonregistered court interpreter to fill out a Judicial Council form, which can be found on the California Courts web page or by clicking on the form number INT-110.

B. Language Services Outside the Courtroom

The Superior Court of California, County of Kern is also responsible for taking reasonable steps to provide meaningful access to LEP individuals 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. LEP individuals may come in contact with court personnel via the phone, 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 where necessary. The court also periodically calls on other bilingual staff from elsewhere in the court to assist at a public counter and at the self-help center.

Providing language services outside the courtroom entails both daily communications and interactions between court staff and LEP individuals to provide accessibility of 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 Kern uses the following resources to the degree that resources are available:

- Court interpreters, to the extent permitted under the active memorandum of understanding or independent interpreter contract
- Bilingual employees
- Internal phone list for court employees to refer to with a list of bilingual employees who may provide assistance to LEP customers when necessary and when no staff person is available from that department to provide assistance either by phone or in person
- When court staff does not know what language a customer is speaking, they use "I Speak" cards, which are available in many languages
- A link on the court website to the California Courts Online Self Help Center translated into Spanish
- Bilingual family court services mediators for custody and visitation matters

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. The Superior Court of California, County of Kern and the public have access to Judicial Council forms and instructional materials translated into commonly used languages and can be found at: http://www.courts.ca.gov/35273.htm

The court also has access to instructional materials that have been translated by other courts at: http://www.courts.ca.gov/partners/equalaccess.htm

Interpreters at court hearings are expected to provide sight translations of court documents and correspondence associated with the case. Pursuant to Court Interpreter Memorandum of Understanding, "work shall include, but is not necessarily limited to simultaneous or consecutive interpretation of court proceeding and court-ordered programs for which an interpreter is required such as: sight translation of court documents". (Section 15.03a)

IV. Court Staff

Recruitment of Bilingual Staff for Language Access

The Superior Court of California, County of Kern 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 and answer telephonic queries

V. Training

The Superior Court of California, County of Kern is committed to providing LEP training opportunities for staff members. New employees as well as current employees of the Superior Court of California, County of Kern will receive future training to make them aware of the Court's LEP plan and goals.

VI. Public Notification and Evaluation of LEP Plan

A. LEP Plan Approval and Notification

The Superior Court of California, County of Kern'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, LEP Coordinator. Any revision 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 Kern'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: http://www.courts.ca.gov/languageaccess.htm

B. Evaluation of the LEP Plan

The Superior Court of California, County of Kern 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 once a year.

Each year court staff will review and consider the effectiveness of the court's LEP plan and update it as necessary.

In reviewing the plan, the following points will be considered:

- Any related changes in court procedures or in the LEP public's needs
- Changes in the numbers of LEP persons requesting services
- Changes in applicable technology that might be made available to the court
- Review of services and translated materials provided
- Consideration of feedback provided about the court's LEP services

C. Language Access Complaint Form

The Court has developed a language access complaint form and process, available at http://www.courts.ca.gov/documents/LAP-LanguageAccessComplaintForm.pdf or by contacting the Language Access Office at the locations specified below to address the failure to provide language access services, or issues with the provision of services, including interpreter services, qualified multilingual assistance at all points of contact with the court, and translations of local court forms or other materials.

All complaints regarding the local provision, or failure to provide, language access services are handled by the court. All complaints are also reported to the Judicial Council to assist in the ongoing monitoring of the overall implementation and success of the California Language Access Plan, consistent with Recommendation No. 63 of the California LAP.

D. Language Access Office

Any concerns and requests for information regarding this LEP Plan, its content, implementation, or the language access services provided by the Superior Court of California, County of Kern, should be directed to:

Language Access Office
Angelina Rosales
Court Services Supervisor
1415 Truxtun Avenue
Bakersfield, CA 93301
661-868-2640
angelina.rosales@kern.ccurts.ca.gov

E. Judicial Council LEP Plan Coordinator

The Judicial Council LEP Plan Coordinator for the State is:
Catharine Price
Manager/Statewide Language Access Coordinator
Court Operations Services
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102
415-865-7783
car.price@jud.ca.gov

F. LEP Plan Approval Needed

The LEP Plan must be approved by the Superior Court of California, County of Kern Presiding Judge and Court Executive Officer

Presiding Judge: Charles Brehmer
Court Executive Officer: Tamarah Harber-Pickens

G. LEP Plan Effective Date

The LEP Plan effective date is September 14, 2018

H. Approved by:

Charles Brehmer
Presiding Judge

Date: 9/13/18

Tamarah Harber-Pickens
Court Executive Officer

Date: 9/14/18