



Superior Court of California, County of El Dorado Limited English Proficiency Plan

I. Legal Basis and Purpose

This document outlines the Limited English Proficiency (LEP) Plan for the Superior Court of California, County of El Dorado (Court), ensuring 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 establish a framework for providing timely and reasonable language assistance to people with limited English proficiency who interact with the Court.

This LEP Plan is designed to ensure meaningful access to court services for people with LEP. Although interpreters are provided for people with hearing loss, those services fall under the Americans with Disabilities Act (ADA) rather than Title VI and are not covered by this plan.

II. Needs Assessment

A. Statewide

The State of California offers court services to a diverse population, including those who speak limited or no English. These services span the California Supreme Court, the Courts of Appeal, and the superior courts across 58 counties.

According to the Judicial Council of California's (JCC) Language Access Metrics Report – Spring 2024, the most frequently used languages for interpreters in California courts in 2020 were:

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

B. Superior Court of California, County of El Dorado

The Court strives to provide language assistance to all people with LEP. Based on data from the JCC's Court Interpreter Data Collection System, the most frequently requested languages in this Court's geographical area for FY 2022-23 are:

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

III. Language Assistance 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 Constitutional provisions, case law, and statutory mandates (see Appendix A).

The Court provides spoken-language interpreters at no cost to people with LEP under the following circumstances:

- For litigants and witnesses in criminal, juvenile, and traffic hearings.

In civil cases (excluding small claims), interpreter services may be provided pursuant to Evidence Code § 756 and Government Code § 68092.1. Given funding limitations, priority is given to providing interpreters in these case types:

1. Domestic violence cases
2. Family law cases involving domestic violence
3. Elder or dependent adult physical abuse cases
4. Unlawful detainer or eviction cases

If an interpreter is unavailable for mandated cases, even after the Court has made all reasonable efforts to locate one, the proceeding will be continued until an interpreter is available.

If an interpreter is unavailable in non-mandated cases, the Court may:

1. Provide an interpreter for priority civil matters if funding is available.
2. Provide a list of interpreters for direct contact.
3. Use Language Select or a comparable telephonic interpreter service.

Interpreters are reassigned to other departments when no longer needed for statutory hearings.

2. Determining the Need for an Interpreter in the Courtroom

The need for an interpreter may be identified through:

- Requests by people with LEP

- On behalf of the person with LEP by a counter staff, self-help center staff, family court services, or justice partners
- The courtroom at the time of the proceeding
- Judicial determination under California Standards of Judicial Administration, Standard 2.10

The Court will display signage translated in the five (5) most frequently used languages in the geographical area informing court users that interpreters are available at no cost and to ask/contact Court staff regarding available service. Signage will be displayed at all Court locations when it is made available by the JCC.

2. Court Interpreter Qualifications

The Court hires interpreters for courtroom hearings in compliance with the rules and policies set forth by Gov. Code § 68561 and California Rules of Court (CRC), rule 2.893. The JCC 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 <https://languageaccess.courts.ca.gov/court-interpreters-resources/search-interpreter>.

When an interpreter coordinator has made a “due diligence” effort to find a certified or registered court interpreter and none is available, the interpreter coordinator then seeks a noncertified, nonregistered court interpreter, in accordance with the governing local labor agreement. Whenever a noncertified interpreter is used in the courtroom, to either provisionally qualify the interpreter or find cause to permit them to interpret the proceeding, judges must, pursuant to CRC, rule 2.893(d), inquire into the interpreter’s skills, professional experience, and potential conflicts of interest. A provisionally qualified interpreter is one who, upon findings prescribed in the rule, is designated by the judge as eligible to interpret for one (1) year. Limits on provisional appointment may apply.

B. Language Services Outside the Courtroom

The Court ensures meaningful access to language services outside the courtroom through:

- Court interpreters (when available)
- Bilingual staff (Spanish only)
- CA Courts Translator (Voice-to-Text Program)
- Language Select telephone interpretation services in 230+ languages

Key service points include public counters, the Self-Help Center, and child custody recommending counseling sessions.

C. Translated Forms and Documents

Translated forms and instructional materials in frequently requested languages are available as follows:

- The Court's website at <https://www.eldorado.courts.ca.gov/self-help/interactive-online-forms> and the Court's Self-Help Center.
- The California Judicial Branch website at <https://www4.courts.ca.gov/partners/53.htm>.
- The State Bar of California provides the Court with multiple informational documents, pamphlets, booklets, and forms in other languages available in our clerk's offices or lobby areas within our branches.

Interpreters 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 Court is an equal opportunity employer who may recruit for and hire a limited number of bilingual staff to assist people with LEP outside of the courtroom.

V. Judicial and Staff Training

The Court is committed to providing LEP training opportunities for all judicial officers and employees. These opportunities include, but are not limited to the following topics:

- Diversity
- Language Select
- Courtroom Processing Procedures for Interpreter Services
- Using a Court Interpreter: The Basics
- For judicial officers - Use of Court Interpreters and Language Competency

VI. Public Notification and Evaluation of LEP Plan

A. Approval and Notification

The LEP Plan, including revisions, is subject to approval by the presiding judge of the court and court executive officer. Upon approval, a copy of the plan will be forwarded to the JCC's LEP Coordinator. In addition, the plan is accessible through the Court's website at <https://www.eldorado.courts.ca.gov/general-information/court-interpreters> and interested people may request a copy from the Court.

B. Annual Evaluation

The court executive officer or their designee will review the LEP Plan no less than annually to ensure it remains effective and is up to date. The evaluation will include identification of any problem areas and development of corrective action strategies. Elements of the evaluation will include:

- Assessing current language needs.
- Reviewing staff knowledge of LEP policies and procedures.
- Evaluating training and customer feedback.

C. Trial Court LEP Plan Coordinator:

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 Court Executive Officer
 El Dorado County Superior Court
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D. Judicial Council of California LEP Plan Coordinator:

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E. LEP Plan Effective date:

April 4, 2025

F. Approved by:



 Vicki Ashworth, Presiding Judge of the Court

4/3/2025

 Date



 Shelby Wineinger, Court Executive Officer

4/3/2025

 Date

Appendix A: Citations on the Use and Payment of Interpreters in Court Proceedings

Policies for providing interpreters in court proceedings are based on the following Constitutional provisions, case law, and statutory mandates:

- Article 1, section 14 of the California Constitution provides that a “person unable to understand English who is charged with a crime has the right to an interpreter throughout the proceedings.” There is no corresponding right in civil proceedings. *Jara v. Municipal Court* (1978) 21 Cal.3d 181 held that non-English-speaking indigent civil litigants do not have a right to a court interpreter appointed at public expense. However, the court does have the inherent right to waive filing fees if justice requires.
- *Jara* let stand an earlier opinion, *Gardiana v. Small Claims Court* (1976) 59 Cal.App.3d 412, which held that in small claims proceedings, the court has a statutory duty to appoint an interpreter free of charge if it finds the litigant is unable to speak or understand English. *Jara* reasoned that because attorneys are not permitted in small claims proceedings, non-English-speaking small claims litigants without an interpreter are “effectively barred from access to the small claims proceedings.” (*Jara*, 21 Cal.3d 185.) (See also the two (2) items below regarding interpreters in small claims matters.)
- Witnesses with limited English proficiency must also be provided with an interpreter. Under Evidence Code (Evid. Code) § 752, the court must appoint an interpreter whenever “a witness is incapable of understanding the English language or is incapable of expressing himself or herself in the English language so as to be understood directly by counsel, court, and jury....” Appointment of a translator is also required whenever “the written characters in a writing offered in evidence are incapable of being deciphered or understood directly.” (Evid. Code § 752)
- In small claims proceedings, if the court determines that a litigant does not speak or understand English sufficiently to comprehend the proceedings or give testimony and needs assistance in doing so, the court may permit another individual (other than an attorney) to assist that party. (Code of Civil Procedure (C.C.P.) § 116.550(a).) If a competent interpreter is not available at the first hearing of the case, the small claims court shall postpone the hearing one (1) time only to allow the party the opportunity to obtain another individual to assist that party. Any additional continuances shall be at the court’s discretion. (C.C.P. § 116.550(b)). California Rules of Court (CRC), rule 3.61(5) provides that any costs for a court-appointed interpreter in a small claims action must be waived if an application to proceed in forma pauperis is granted.
- In proceedings involving domestic violence and proceedings regarding parental rights, dissolution of marriage, or legal separation involving a protective order, a

party who does not proficiently speak or understand English shall have a certified interpreter present to assist communication between the party and his or her attorney (Evid. Code § 755(a)). The interpreter's fees shall be paid by the litigants "in such proportions as the court may direct," except that the fees shall be waived for a party who has a fee waiver (Evid. Code § 755(b) and Gov. Code § 68092). However, the authorizing statute (Evid. Code § 755) provides that compliance with its requirements is mandatory only if funds are available under the Federal Violence Against Women Act (P.L. 103–322) or from sources other than the state. The Judicial Council of California (JCC) provides special funding through its Trial Court Improvement Fund to allow courts to provide interpreters for these matters and for elder abuse cases. This funding may also be used for general family law matters in and out of the courtroom, on a priority basis and to the degree funding is available.

- AB 1657, which went into effect January 1, 2015, repeals Evid. Code § 755 and instead enacts Evid. Code § 756 requiring the JCC, to the extent required by other state or federal laws, to reimburse courts for court interpreter services provided in civil actions and proceedings to any party who is present in court and who does not proficiently speak or understand the English language for the purpose of interpreting the proceedings in a language the party understands, and assisting communications between the party, their attorney, and the court. If AB 1657 funding is insufficient to provide an interpreter to every party that meets the standard of eligibility, court interpreter services in civil cases shall be prioritized by case type in the following order:
 1. Actions and proceedings under Division 10 (commencing with § 6200) of the Family Code, actions or proceedings under the Uniform Parentage Act (Part 3 (commencing with § 7600) of Division 12 of the Family Code) in which a protective order has been granted or is being sought pursuant to § 6221 of the Family Code, and actions and proceedings for dissolution or nullity of marriage or legal separation of the parties in which a protective order has been granted or is being sought pursuant to § 6221 of the Family Code; actions and proceedings under subdivision (w) of § 527.6 of the C.C.P.; and actions and proceedings for physical abuse or neglect under the Elder Abuse and Dependent Adult Civil Protection Act (Chapter 11 (commencing with § 15600) of Part 3 of Division 9 of the Welfare and Institutions Code).
 2. Actions and proceedings relating to unlawful detainer.
 3. Actions and proceedings to terminate parental rights.
 4. Actions and proceedings relating to conservatorship or guardianship, including the appointment or termination of a probate guardian or conservator.
 5. Actions and proceedings by a parent to obtain sole legal or physical

custody of a child or rights to visitation.

6. All other actions and proceedings under C.C.P. § 527.6 or the Elder Abuse and Dependent Adult Civil Protection Action (commencing with Welfare & Institutions Code § 15600).
7. All other actions and proceedings related to family law.
8. All other civil actions or proceedings.

If funds are not available to provide an interpreter to every party that meets the standard of eligibility, preference shall be given for parties proceeding *in forma pauperis* pursuant to Gov. Code § 68631 in any civil action or proceeding described in paragraph (3), (4), (5), (6), (7), or (8) above.

As authorized by statute, courts may provide an interpreter for a party outside the priority order above when a qualified interpreter is present and available at the court location and no higher priority action is taking place at that location during the period for which the interpreter has already been compensated.