

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**
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**Family Law Interpreter Pilot Program
Report to the Legislature**

In 1998 the California Legislature enacted Family Code section 3032, which directed the Judicial Council to establish a state-funded one-year pilot project to appoint interpreters in specified child custody and domestic violence proceedings. (Assem. Bill 1884 (Stats. 1998, ch. 981).) This statute further directed the Judicial Council to submit findings and recommendations to the Legislature.

In January 2000 the Family Law Interpreter Pilot Program (FLIPP) was established in seven counties. (The statute required that pilot projects be established in at least two counties, including Los Angeles County.) In FLIPP, interpreters were appointed in any child custody proceeding, including mediation proceedings pursuant to Family Code section 3170; any action or proceeding under division 10 (commencing with section 6200); any action or proceeding under the Uniform Parentage Act (part 3 commencing with Section 7600 of division 12); and any proceeding for dissolution or nullity of marriage or legal separation of the parties in which a protective order had been granted or was being sought pursuant to section 6221. An evaluation of FLIPP was conducted by Constantine Research and Evaluation Systems, Lafayette, California. It found that there was an acute need for interpretation in these proceedings. This report summarizes the findings of the evaluation and recommends that the Legislature fund interpreting branchwide as provided by FLIPP.

Program Summary

Since 1979, California has required that certified interpreters (in designated languages) and registered interpreters (in all other languages) be provided to defendants in criminal cases. As mandated by Government Code section 68560, the Judicial Council implemented a comprehensive program to improve

interpreting services in the courts. Until recently, court interpreters in California could be certified in eight languages: Arabic, Cantonese, Japanese, Korean, Portuguese, Spanish, Tagalog, and Vietnamese. In October 2000 the Judicial Council designated five additional languages for certification: Armenian, Cambodian, Mandarin, Punjabi, and Russian. Registered court interpreters provide interpreting for all other languages. According to the U.S. Census Bureau, 224 languages and innumerable dialects are spoken in California.

FLIPP made funding available for certified interpreters of the designated languages and for registered interpreters of other languages. Seven courts participated in FLIPP: those in Fresno, Los Angeles, Sacramento, Santa Clara, San Francisco, Stanislaus, and Ventura counties. The one-year pilot program ran from January through December 2000.

AB 1884 specified two conditions that must be met to appoint an interpreter at court expense, notwithstanding Government Code section 68092:

1. One or both of the parties is unable to participate fully in the proceeding due to a lack of proficiency in the English language; and
2. The party who needs an interpreter appears in forma pauperis, pursuant to section 68511.3 of the Government Code, or the court otherwise determines that the parties are financially unable to pay the cost of an interpreter.

FLIPP funded interpreter fees and expenses for mileage when an interpreter traveled into another county where no appropriate interpreter was available. Statewide daily compensation for certified and registered court interpreters was \$265 per day or \$147 per half day.

The study found strong consensus among judicial officers in the pilot counties that interpreting of family and domestic violence proceedings was a fundamental factor contributing to the quality of justice in their courts. As one judicial officer put it, “Having interpreters equates to having a bailiff or a record of the proceedings, it is just that basic. The service needs to be provided.” When actual FLIPP costs are used as the basis for estimating the cost of providing the program branchwide, projections are lower than originally estimated. These projections, discussed in detail later in this report, assume current levels of usage and the current employment status of interpreters.

Evaluation Methods

To stay within the time frame set forth by statute, the evaluation had to take place while FLIPP programs were in operation. The evaluation gathered data about initial program startup issues (covering the first six months of the program)

and cost, utilization, and short-term outcomes once the programs were established (covering the final six months of the program).

Throughout the pilot year, the evaluator conducted monthly conference calls with program administrators to assess program operation and resources. Program design and initiation were measured using a questionnaire completed by program administrators. During the final six months of the program, the evaluator conducted site visits at six of the seven courts. The site visits included face-to-face interviews with judges, administrators, mediators, interpreters, interpreter coordinators, and others involved in the program. Data from questionnaires were gathered from program administrators in the participating courts. Judicial officers in pilot courts provided data about the impacts of the pilot program through 13 face-to-face interviews and 30 questionnaires. Among those participating were presiding judges in six of the pilot counties.

FLIPP estimated the incremental cost of providing interpreter services in family and civil domestic violence proceedings above that of proceedings already covered by the Court Interpreters Program. Each of the courts submitted a monthly report covering utilization and cost for each interpreting service conducted with funding from the pilot program. This report included a daily log showing each proceeding or event interpreted and the time required (a half-day or full day). Data for the evaluation also included a report on the use of Language Line Services in the Superior Court of Sacramento County pilot project.

Evaluation Findings

A majority (60 percent) of the judicial officers reported that the services of court interpreters reduced the amount of courtroom time needed for hearings. Most (66 percent) thought that non-English-speaking litigants who received interpreting services from the court appeared more consistently at subsequent hearings than did non-English speakers who did not receive this service from the court. Half of the judicial officers completing the survey found that the availability of interpreters substantially reduced the number of delays in custody hearings when one or both parties did not speak English, and an additional 43 percent said that interpreters moderately reduced these kinds of delays. Only 7 percent categorized the effect as a slight or no reduction in the number of delays. Nearly all (93 percent) of the judicial officers reported that interpreting had a moderate or substantial impact on avoiding continuances. Seventy percent believed that interpreting would improve the ability of litigants to understand orders, and 53 percent predicted that interpreting would have a great or moderate impact on compliance with orders. Seventy-five percent of those who reported backlogs in custody cases believed that providing funding for interpreting was very helpful in reducing the backlog.

Utilization data show that the overwhelming majority of requests for interpreters were to assist clients who speak Spanish. The demand for interpreting in other designated languages was lower. Only San Francisco County reported encountering a substantial need for family law interpreting in the other seven designated languages. While the seven courts in FLIPP reported that they almost always met the need for Spanish interpreting with certified Spanish interpreters during the course of the pilot program, it was frequently not possible to find certified interpreters of other languages. The pool of interpreters in other designated languages is limited, particularly in rural areas of the state, such as the northern and central regions. As of June 2000, there are 9 Arabic, 22 Cantonese, 8 Japanese, 36 Korean, 4 Portuguese, 5 Tagalog, and 36 Vietnamese interpreters certified.

It is likely that these data underestimate the wider need for interpreting in child custody and domestic violence proceedings. Because of the short duration of FLIPP, it is unlikely that all potential users of court interpreting were aware that interpreter services were available for child custody and domestic violence proceedings. Greater demand could be anticipated with a concerted public outreach to non-English speakers. The size of the interpreter pool is likely to place a ceiling on utilization, however. As of June 2000, California had 1,108 certified court interpreters and 260 registered interpreters.

Implementation Requirements and Costs

Implementation of FLIPP required developing procedures to identify parties who met the criteria for receiving interpreting services; setting up case management strategies to efficiently calendar cases requiring interpreting; and coordinating interpreting demands with those for proceedings funded through the Court Interpreters Program.

FLIPP also showed that parties who qualified for interpreter services under FLIPP could benefit from additional language services. Many were self-represented litigants. Their ability to successfully negotiate court procedures would have been enhanced had interpretation, as appropriate, and bilingual services been extended to all steps in the court process. Translation services were also needed. Since these services were not funded under FLIPP, their scope and cost cannot be estimated within the constraints of the evaluation. Branchwide implementation might consider augmentation to include such services.

Previous cost estimates for providing interpreting in child custody and domestic violence proceedings branchwide ranged from \$4 million to \$40 million. This range reflects the difficulty in estimating potential users from available data.

In 1995, 7.7 million people living in California, one fourth of the state's population, were foreign-born. According to the 1990 U.S. Census, 31.5 percent of Californians (8,619,334) did not speak English in their homes. Those who reported that they did not speak English well or at all made up 8.8 percent of the state population (2,412,034). It is a matter of speculation what proportion of non-English speakers are potentially parties in child custody or domestic violence matters. Of these, it is also unknown what proportion would meet the proficiency and means criteria set for the pilot program funding. Previously estimated costs have had no data to use as the basis for estimates of the number of parties who would qualify for the interpreting services. FLIPP provides the first such estimates.

The cost of providing the 1,776 interpreting services was \$141,614 for the final six months of FLIPP. Projecting branchwide from these costs, the estimated annual cost of replicating FLIPP branchwide in 2001 is \$2.8 million. This estimate includes interpreter fees and travel only. FLIPP implementation data showed that the courts bore additional coordination costs for program administration. Because additional costs were not funded through the pilot, they were not measured in FLIPP. Such costs would have an impact on continued success of the expanded service if not considered.

Projected costs of FLIPP by 2005 rise to \$3 million, when growth rates are estimated using the same methodology employed by the Court Interpreters Program. A slightly higher estimated cost for 2005, \$3.2 million, results when alternative growth estimation methods are used.¹ As mentioned earlier in this report, concerted efforts to inform the public about the availability of the service will likely increase the ultimate cost of interpreter services as provided in FLIPP.

Assumptions underlying cost projections

Cost projections are based on the program as delivered in the pilots. Deviations from that model or augmentations of the services provided in FLIPP would increase the costs of interpretation. It is also important to note that the pilot is based on a sample of California's 58 county court systems. Branchwide cost estimations must assume that the 51 county court systems not included in the pilot are basically similar to those in the pilots with respect to program needs and resources.

Extensive community outreach to non-English-speaking populations could increase demand for interpreting and, consequently, the cost of delivering these

¹ Walter R. McDonald & Associates, Inc. *2000 Language Need and Interpreter Use Study*, Report released by the Judicial Council on October 31, 2000.

services. FLIPP outreach was generally restricted to signage within the courthouse and informing local domestic violence agencies about the program's existence.

Efficient case management will be essential to successful implementation of this service to an expanded pool. Limits imposed by the available certified interpreter pool as well as financial support available for the program will mean that courts will have to use innovative calendar management tools. Pilot courts carefully managed and coordinated cases to spread the time of each FLIPP interpreter across as many matters as possible --- an average of two types of appearances per each half day staffed in the program.

The limited pool of certified and registered interpreters imposes a ceiling on utilization and, consequently costs. Using efficient case management techniques, FLIPP courts were usually able to meet interpretation needs in Spanish, the most commonly interpreted language. However, the need for certified interpreters in other designated languages was more difficult to meet. The limited pool of certified interpreters in all designated languages may be a barrier to immediate branchwide implementation in all designated languages. The cost of the program would grow as more interpreters become available.

Implementation of FLIPP branchwide may be particularly difficult in remote areas where certified interpreters are scarce. The Judicial Council is currently engaged in efforts to increase the size of the interpreter pool and to evaluate alternative or supplemental modes of delivering interpreting services through such methods as regionally based services and telephonic interpretation. Such additional programs would be incremental costs not estimated by FLIPP.

Recommendation

Based on the findings of the Family Law Interpreter Pilot Program, the Judicial Council recommends that the Legislature fund interpreting branchwide as provided in the pilot program. Before implementation in the courts can take place, the Legislature must provide funding. Cost projections from FLIPP are based on the program as provided in the pilot, current levels of usage and the current employment status of interpreters. Changes to any of these elements would increase program costs. Branchwide implementation would also be more costly if it added costs for program administration and/or possible expansion of the program to include services not funded under FLIPP.