

## Rule 1.300 Language Access in Court-Ordered Services Frequently Asked Questions (September 2019)

### *Keeping Track of Service Providers*

#### **Q: How should courts communicate with their justice partners and local service providers in the community? Who in the court can do that?**

This will vary by court. In many counties, court clerks maintain lists of approved providers in various areas of law and will have lines of communication established with community providers. The county Probation department has a role in formally approving certain service providers, such as those that provide batterer intervention programs, and may already have a means of communicating with court clerks to regularly supply this information. In some courts, Language Access Representatives (LARs) are well-positioned to communicate with the various justice partners and community providers that offer services to litigants, while in other courts, self-help center staff have the most contact with both service providers and litigants. Form [LA-350 Notice of Available Language Assistance—Service Provider](#) can be distributed on an annual basis to justice partners and community providers, which will allow them to provide updated information on the language assistance they provide. Courts may also want to consider customizing and posting content on their local court websites that describes the process for notifying the court about language assistance offered by justice partners and community providers, and can refer agencies to the [Language Access Toolkit page](#) that provides resources specifically for these community providers.

### *Forms and Other Materials*

#### **Q: Are the new forms translated? To which languages and how can courts access this resource?**

The [LA-400](#) and the [LA-450](#) are available in the following languages:

##### **Chinese**

[LA-400 C Service Not Available in My Language: Request to Change Court Order](#)

[LA-450 C Service Not Available in My Language: Order](#)

##### **Russian**

[LA-400 R Service Not Available in My Language: Request to Change Court Order](#)

[LA-450 R Service Not Available in My Language: Order](#)

##### **Spanish**

[LA-400 S Service Not Available in My Language: Request to Change Court Order](#)

[LA-450 S Service Not Available in My Language: Order](#)

## **Vietnamese**

[LA-400 V Service Not Available in My Language: Request to Change Court Order](#)

[LA-450 V Service Not Available in My Language: Order](#)

### **Q: Are the forms available in MSWord so we can customize them for our court?**

Judicial Council forms are not developed in Word, and therefore we cannot provide them in that format. The forms are provided as fillable, savable PDF forms. The forms are designed so any user can tab through the fields, fill them out and save the forms with relevant data, using nothing but the free software Adobe Reader. If you wish to convert forms yourself, we do ask that you make your request in writing, and that you agree to specific terms of use, as well as all applicable California Rules of Court and legislation. Please contact:

Judicial Council of California

Legal Services Office

455 Golden Gate Ave, 5<sup>th</sup> Fl

San Francisco, CA 94121

### **Q: Are courts expected to accept forms completed in another language?**

No, the business of the court is to be conducted in English and the court will only accept forms in the English language. Translated forms and materials are made available to the public for educational purposes and for assistance with the completion of forms in English.

### **Q: Will the materials for litigants be translated?**

The new web content will be translated into Spanish during the near term for posting on the mirror site of the California Courts Self-Help webpages. The LEP litigant fact sheet will also be translated into Spanish as soon as possible. Other languages will be added as budgets permit.

## *Appointing and Paying for Interpreters*

### **Q: If a judge orders an interpreter to assist with a court-ordered activity outside of the courtroom, would the court then be responsible for providing interpreter services to an outside program?**

Rule 1.300 states that "Language services" are services designed to provide access to the legal system to limited English proficient court litigants and may include the following: in-person interpretation, telephonic interpreter services, video remote interpreting services, and services provided by assigned bilingual employees and bilingual volunteers. While a judge may order a LEP to undertake a program or service, the rule does not require that the program or service be provided by a court employee interpreter or an independent contractor interpreter. Courts have labor agreements known as memoranda of understanding (MOUs) with the unions representing court

employee interpreters. These MOUs define the scope of work that can be assigned to court interpreters, who primarily provide services for LEPs in the courtroom. Consistent with their Regional MOU, it is up to individual courts to decide: (1) how to allocate their court interpreter or bilingual staff resources for in-court services or programs; (2) whether they want to use telephonic or video remote services; and (3) whether they want to use technology to partner with other courts to help provide appropriate in-court language services for LEPs. The rule also does not require courts to provide interpreter or bilingual staff services to outside service providers. Form [LA-350 Notice of Available Language Assistance—Service Provider](#) allows providers to indicate to the court if they can provide services in different languages.

**Q: Does this rule require the use of certified interpreters?**

No. See answer above.

**Q: Are these assignments exempt from the provisions of Gov. Code sec. 71802(c)(2) (the “100-day limit”)?**

The 100-day limit applies to independent contractors performing bargaining unit work when employee interpreters are unavailable. The 100-day limit may not apply depending on the regional MOU’s definition of bargaining unit work. Courts are encouraged to consult with their regional chair to determine if the limit applies.

**Q: If the court authorizes an interpreter for a program, will the court be reimbursed for the cost of the interpreter?**

If the interpreter service provided **in court** is attributed to a case number, the court will be reimbursed for the interpreter service provided **in the court**. Interpreter services provided **outside the court** will not be reimbursed.

**Q: Do you anticipate the Daily Activity Log (DAL) being modified to incorporate “outside the courtroom” activity?**

No. Instances of interpreter activity for court-ordered activities provided in the court should be reported like any other instance of language services provided in that case.

**Q: If the court authorizes an interpreter be present for a private program/service, and the court pays for the interpreter, will this cost be eligible for reimbursement via the CIP 0150037 fund?**

No. See above.

**Q: How do we allocate interpreter resources when some of our court-ordered services are offered by court personnel, while others are offered by outside agencies?**

It is up to individual courts to decide how to allocate their court interpreter or bilingual staff resources for in-court services; whether they want to use telephonic or video remote services; and whether they want to use technology to partner with other courts to help provide appropriate in-court language services for LEPs. The rule does not require courts to provide interpreter or bilingual staff services to outside service providers. Form [LA-350 Notice of Available Language Assistance—Service Provider](#) allows providers to indicate to the court if they can provide services in different languages.

**Q: If our probate investigators are court employees, do we need to send an interpreter with them to conduct investigations for guardianships and conservatorships?**

Rule 1.300 requires each court to adopt procedures to enable limited English proficient court litigants to access court-ordered and court-provided programs, services, and professionals to the same extent as persons who are proficient in English. Depending on its resources, courts may elect a variety of ways to ensure language assistance is provided in these services, including but not limited to in-person support by bilingual employees or interpreters, and remote solutions such as telephonic interpretation and video remote interpretation.

### *MOUs*

**Q: Some MOUs with CFI preclude the court interpreter from going outside the courthouse.**

Courts should continue to follow the provisions of their MOUs and any other agreements with court employees and independent contractors.

**Q: How do we renegotiate MOUs with agencies, if the MOU is not between the court and the agency? (i.e., the county enters into the MOU)**

Authorized representatives from the court may want to get in touch with the county contact and let them know that the court is interested in assuring language access in these services going forward, to ensure that this issue is discussed the next time the MOU is negotiated. If the county receives federal funding, it will also be aware of these issues and will likely be willing to work with the court on a solution.

### *Other Questions*

**Q: Will courts be required to hire bilingual staff to help in non-courtroom areas?**

It is up to individual courts to decide how to allocate their court interpreter or bilingual staff resources for in-court services, consistent with MOU requirements. Courts will also decide whether they want to use telephonic or video remote services, and whether they

want to use technology to partner with other courts to help provide appropriate in-court language services for LEPs.

**Q: What is the meaning of the September 1 implementation date? Do courts need to be in compliance with something on that date?**

The rule goes into effect on September 1, however, there is no expectation that courts will have all systems in place to support implementation of the rule by September 1.

**Q: How can I find out what other courts are doing?**

LARs and Interpreter Coordinators have their own listservs, which they often use to communicate about these issues. There will also be opportunities to share strategies and learn about the approaches of the courts to this issue at future meetings of the LARs.

**Q: How will you make these materials available to LARs, clerks, providers, and litigants?**

The materials have been distributed to Presiding Judges and Court Executive Officers at a recent meeting, to LARs through their listserv, to self-help centers on their listserv, and published on Court News Update. They are also available on the Language Access Toolkit and for court employees, on the Language Access Resource Center webpage of the Judicial Resources Network.