

Language Access in Court-Ordered Services Policies, Procedures and Strategies for Courts

Purpose

Each court has an internal process for the development and approval of new policies and procedures and for the development of new initiatives. The purpose of this document is to provide sample policies and strategies that courts may customize and apply toward their efforts to ensure language access in noncourtroom settings, such as batterer intervention programs, counseling, parenting skills classes and substance abuse treatment.

Under [California Rules of Court, rule 1.300](#):

- (1) As soon as feasible, courts must adopt procedures to enable court litigants with limited English proficiency (LEP) to access services provided directly by the court to the same extent as litigants who are English proficient.
- (2) Courts should seek out opportunities to partner with other courts and with community service providers in the use of technology to expand access to bilingual staff members and interpreters among courts.
- (3) Courts are encouraged to keep a list of language-accessible services available in their geographic region and to provide this information on a neutral and non-endorsing basis to bench officers and litigants, as appropriate.
- (4) To the extent feasible, a court should avoid ordering an LEP litigant to a private program that is not language accessible.

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Consider policies that state:

- If a court-ordered service is provided by court personnel, language assistance will be made available to LEP litigants
- If a court-ordered service is provided by a social services agency or other entity under contract with the court, the court will, in its Memorandum of Understanding or other written contract, obtain assurances from the agency or entity that it will provide language assistance to LEP litigants.

Sample Contract Language:

“The Contractor will provide services that meet the needs of LEP and deaf and hard of hearing clients through the use of bilingual employees, translation and interpretation and other auxiliary aids and services, as appropriate.”

2

Consider collaborations:

- With other courts, to share bilingual employee resources, using technology as appropriate; and
- With justice partners and other community services agencies to develop and provide programs in an online format that can be translated and delivered remotely.

Consult:

- [Technological Options for Providing and Sharing Court Language Access Services Outside the Courtroom](#)
- [Language Access Toolkit: Strategic Planning](#)

For additional strategies and suggestions for collaborations that leverage technology to enhance language access.

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Courts are encouraged to keep a list of private providers in the community that offer language assistance in conjunction with their services. This can be accomplished through the distribution and use of new form [LA-350 Notice of Available Language Assistance—Service Provider](#). See the Judicial Council Form Guide for the LA-350 [link] for detailed information on the use of this form.

Designate a court employee to:

- Distribute annually the LA-350 in the provider community
- Receive the LA-350 and maintain the list of providers with a current version on file
- Provide guidance to judicial officers and information on the use of the LA-400 and the LA-450
- Provide information to judicial officers about local providers that offer language assistance
- Provide information to LEP litigants who have been ordered to participate in a program and are seeking resources

This employee may be the court's Language Access Representative or another employee.

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Courts should avoid ordering an LEP litigant to participate in a service when that service is not available in their language.

Establish internal processes for:

- Responding to requests for information from judicial officers about the availability of language accessible services
- Assisting LEP litigants with the identification of language accessible providers of court-ordered services

If an LEP litigant has been ordered to participate in a program or service and is unable to do so because of a language barrier, the litigant may file form [LA-400 Service Not Available in My Language: Request to Change Court Order](#). The court may respond to the request using form [LA-450 Service Not Available in My Language: Order](#).

Courts are encouraged to provide information about this process on their local court websites and may also link to the Judicial Council for information in English and Spanish and additional translations of the forms.

Looking for More Information and Resources?

Contact:

LAP@jud.ca.gov

Judicial Council Language Access Webpage:

<https://www.courts.ca.gov/languageaccess.htm>

Language Access

Toolkit:

<https://www.courts.ca.gov/lap-toolkit-courts.htm>

Directory of

Language Access Representatives:

<https://jrn.courts.ca.gov/programs/lap/documents/LAP-LAR-Directory.pdf>