



JUDICIAL COUNCIL OF CALIFORNIA

LANGUAGE ACCESS PLAN
IMPLEMENTATION TASK FORCE

www.courts.ca.gov/LAP.htm
LAP@jud.ca.gov

Model Language Access Services Complaint Form Packet (As of February 2018)

Item Description

1. Model Complaint Form and Instructions for LEP Court Users
2. Model Recommended Procedures to Process and Respond to Complaints
3. California Rules of Court, Rules 2.850 and 2.851
4. Chart: Responding to Common Language Access Services Complaints

Note: The Model Complaint Form and Instructions have been made into an interactive, clickable PDF in English and the following languages: Eastern Armenian, Chinese (Simplified and Traditional), Farsi, Korean, Punjabi, Russian, Spanish, Tagalog and Vietnamese. Please go to the Language Access Toolkit: <http://www.courts.ca.gov/33865.htm> for the English and translated forms. Courts will need to save the files on their computer, fill in the fields that are particular to their court, resave the files, and then the files are ready to be posted on the court's web page. Court users will be able to fill out the other fields and then submit the form to the court. As noted in this packet, courts will need to determine what languages they may be able to receive and/or translate language access services complaint forms that are submitted in non-English languages. Courts should feel free to contact the Judicial Council for any assistance at LAP@jud.ca.gov.



Language Access Services Complaint Form



Superior Court of California, County of [\[insert your county here\]](#)
[\[local physical address\]](#)

 [\[insert local url\]](#)

 [\[insert local phone number\]](#)

 [\[insert local email\]](#)

Instructions

The California courts want all Californians, including those who do not speak English well, to have access to the courts. If you have a complaint about language access services at a local court, or if you would like to provide feedback about language access services, fill out and turn in the complaint form.

Please keep the following in mind:

- If you need language access services for an active court case, send us your complaint as soon as possible.
- Fill in as much information as you can. *You do not have to give your name*, but it is helpful to know how to contact you so we can get more information if needed.
- You can use the form to provide comments or suggestions about language access services.
- Language access complaints may be submitted orally or in other written formats. However, use of the court's local form is encouraged to ensure tracking and that the court received full information of the complaint.
- Filing a complaint will not negatively affect your court cases or the services you get at the court.
- Your complaint will NOT become a part of your case file or part of your case.
- If you are making this complaint on behalf of someone else, fill out the information of the person we should contact about the complaint.
- You can fill out the form and turn it in at your local courthouse by hand, postal mail or e-mail it at the addresses below. You can also fill it out and turn it in online.

For complaints about services at your local court related to staff, court interpreters, or local translations, fill out and mail or e-mail your complaint form to:

Superior Court of California,
County of [\[insert your county here\]](#)
Attn: Language Access Representative
Address Line 1
Address Line 2
E-mail: [\[insert local email\]](#)

The form is available for free both in hard copy at the courthouse and online on the court's website.

For complaints about the Judicial Council's services—Judicial Council meetings, forms, or other translated material hosted on www.courts.ca.gov — **do not use this form**. Please go to www.courts.ca.gov/languageaccess.htm to submit your complaint.

Thank you for taking the time to let us know how we are doing, and for helping us to improve our language access services for all Californians.



Language Access Services Complaint Form

Fill out this form to complain about language access services in the California courts. Provide as much detail as possible. You do not *have to* give your name or contact information if you do not want to, but it will help us investigate your complaint.

Your complaint will NOT become a part of your case file. Do not use this form if you have a complaint about the outcome of your case.

If you want to provide other comments and suggestions (not a complaint), fill out Part 2 of this form, under “Give Us Feedback.”

Information about Person with Complaint:

Today’s date: _____

Name: _____

Telephone: _____

Address: _____

E-mail: _____

Primary language you speak: _____

Primary language you write: _____

Best contact method: mail e-mail phone

If you are filling out this form for another person, please provide your contact information below:

Today’s date: _____

Name: _____

Organization: _____

Telephone: _____

Address: _____

E-mail: _____

Primary language you speak: _____

Primary language you write: _____

Best contact method: mail e-mail phone

PART 1. Describe the Complaint

Check and fill out all that apply.

I asked for an **interpreter** but did not get one.

Tell us when (date) and where (location) this happened: _____

Case number (if any): _____

I am not satisfied with the services of the **interpreter**.

Name of the interpreter: _____

Interpreter badge #: _____ Date of interpreter service: _____

Location: _____ Case number (if any): _____

Why were you not satisfied with the interpreter services? _____

Other problem with **court staff** related to language access.

Date of incident: _____

Name of staff person: _____

Department: _____

Describe incident: _____

The **form** I need is not in my language.

Give form number, name, or description: _____

The **information** I need is not in my language.

Specify what information you need translated: _____

The translation of the form or information I received has **mistakes**.

Describe document or information: _____

Describe mistakes: _____

Other complaint related to language access.

Have you complained to another agency about this problem? Yes No

If Yes, provide the name of the agency: _____

Add any other information that may help us review your complaint: _____

PART 2. Give Us Feedback

Other comments or suggestions: _____

Thank you. We will contact you within **60 days** of receiving this form.

You can fill out the form and turn it in at your local courthouse by hand, postal mail or e-mail it at the addresses below.

Superior Court of California, County of [\[list your county here\]](#)

[\[local physical address\]](#)



[\[insert local url\]](#)



[\[insert local tel\]](#)



[\[insert local email\]](#)

Note: The following language could be provided by the court to the individual submitting the complaint via e-mail or as an automatic online response if submitting it online.

Your complaint or comments have been submitted.

We will contact you within **60 days** of receiving your complaint or comments.

We may need to contact you using the contact information you provided.

If your complaint, comments, or suggestions are about an issue not related to language access services, we will send it to the appropriate court, agency, or department.

Recommended Procedures: Language access services complaint form and general requirements for submitting and responding to complaints

The following are suggested procedures that courts can adapt for their own use in processing language access complaints. The *Strategic Plan for Language Access in the California Courts*, adopted by the Judicial Council in January 2015, recommends that each court will produce and make available a single form on which court users may register a complaint about the provision of, or the failure to provide, language access. To support the plan's recommendations, the Judicial Council approved Rules 2.850 (Language Access Representatives) and 2.851 (Language Access Services Complaints). The Language Access Representative serves as a language access resource to court users and court staff, and will receive and process court user complaints regarding language access. Under Rule 2.851 (Language Access Services Complaints), courts must implement Rule 2.851 (and establish a language access services complaint form and related procedures to respond to language access complaints) as soon as reasonably possible, but no later than December 31, 2018.

The language access services complaint form will allow court users to submit language access complaints regarding court services that relate to staff or court interpreters, or to local translations. The form, written in plain language, should be available for free both in hard copy at the courthouse and online on the courts' web page(s), and may be downloaded for printing and completion by court users in writing. Courts may choose to model their form on the model statewide Language Access Services Complaint form prepared by the Judicial Council. Language access complaints may be submitted orally or in other written formats. However, use of the court's local form is encouraged to ensure tracking and that complainants provide full information to the court. Courts may translate the form into additional languages based on their local population needs.

Complaints regarding Judicial Council services that relate to Judicial Council meetings, forms or other translated material hosted on www.courts.ca.gov, should be submitted directly to the Judicial Council by visiting the council's Language Access page: www.courts.ca.gov/languageaccess.htm

Courts may decide whether notices for court users should include language regarding court user complaints.

(a) Submission and referral of local language access complaints

Once a language access services complaint form has been completed, the form should be submitted or referred to the court as indicated below:

- (1) Court Services: Language access complaints regarding court services that relate to staff or court interpreters, or to local translations, should be submitted to the court at issue by turning in by hand, postal mail or emailing a

filled out language access complaint form to the court's designated Language Access Representative. The language access services complaint form for courts should clearly state the court's mailing address and the contact information for the court's designated Language Access Representative.

The court's Language Access Representative must be given notice of the complaint and an opportunity to respond.

- (2) Anonymous complaints: Anonymous complaints may be submitted but will not receive acknowledgement of receipt or a notice of final action.
- (3) Complaints submitted to wrong location: A complaint will not be dismissed because it was submitted to the improper entity. The receiving entity should immediately forward the complaint to the appropriate (to the extent it can be determined) court or Judicial Council for its review and resolution if contact information is not given.
- (4) If a complaint alleges action against a court employee that could lead to discipline, the court will process the complaint consistent with the court's applicable Memoranda of Understanding, personnel policies, and/or rules.
- (5) Court user complaints regarding language access that relate to Judicial Council meetings, forms or other translated material hosted on www.courts.ca.gov, should be submitted directly to the Judicial Council at www.courts.ca.gov/languageaccess.htm.

(b) Acknowledgment of complaint

Except where the complaint is submitted without contact information, within 30 days after the complaint is received, the court's Language Access Representative should send the complainant a written acknowledgment that the court has received the complaint. For non-complicated language access-related complaints that can be resolved quickly, a written response to complainant indicating that the complaint has been resolved will suffice as both acknowledgement of the complaint and notice of outcome. Courts should maintain the privacy of individuals named in the complaint.

(c) Preliminary review and disposition of complaints

Priority should be given to immediately address and respond to court user complaints regarding denial of a court interpreter for pending cases. Within 60 days, the court's Language Access Representative should conduct a preliminary review of all complaints to determine whether the complaint can be informally resolved or closed, or whether the complaint warrants additional investigation. Court user complaints regarding denial of a court interpreter for a courtroom proceeding for pending cases should be given priority.

(d) Procedure for complaints not resolved through the preliminary review

If a complaint cannot be resolved through the preliminary review process within 60 days, the court's Language Access Representative should inform complainant that the complaint warrants additional review.

(e) Notice of final action

- (1) Within 60 days after receipt of the complaint, the court must send the complainant notice of the final action taken on complaints that can be resolved during the preliminary review period. Courts should maintain the privacy of individuals named in the complaint.
- (2) If the complaint was not closed during the preliminary review period, the court must send notice of the final action to the complainant upon completion of a review.
- (3) For noncomplicated language access-related complaints that can be resolved quickly, a written response to the complainant indicating the complaint has been resolved will suffice as both acknowledgement of the complaint and notice of outcome.

(f) Dissatisfaction with outcome

If a complainant is dissatisfied with the final action taken on his or her complaint, within 90 days of the date the court sends notice, he or she may submit a written follow-up statement to the Language Access Representative indicating that he or she is dissatisfied with the outcome of the complaint. The follow-up statement should be brief, specify the basis of the disagreement, and describe the reasons the complainant believes the court's action lacks merit. For example, the statement should indicate why the complainant disagrees with the notice of outcome or believes that he or she did not receive an adequate explanation in the notice of outcome. The court's response to any follow-up statement submitted by complainant after receipt of the notice of outcome will be the final action taken by the court on the complaint.

(g) Promptness

The court must process complaints promptly.

(h) Records of complaints

The court and Judicial Council should maintain information about each complaint and its disposition to identify any history or patterns of complaints submitted under this rule. The court must report to the Judicial Council on an annual basis the number and kinds of complaints received, the resolution status of all complaints and any additional information about complaints requested by Judicial Council staff to facilitate the monitoring of the *Strategic Plan for Language Access in the California Courts*.

Reporting to the Judicial Council regarding the overall numbers, kinds and disposition of

language access-related complaints will not include the names of individuals or any other information that may compromise an individual's privacy concerns. The council anticipates that it will begin asking courts for information regarding language access complaints later in 2018 (however, please note that courts will have until December 31, 2018 to implement the provisions of Rule 2.851). The kind of information requested by the council will include (TBD) the following:

Please indicate the total number of complaints received for the following areas within the last twelve months:

Kind of complaint	Number of complaints received
Interpreter not provided	
Quality of interpretation not satisfactory	
Form/information not translated	
Quality of translation not satisfactory	
Other (please explain)	
<i>Total Number of Complaints Received</i>	

For complaints received, please describe the status of the dispositions reported above:

Disposition Status	Number of complaints resolved or pending
Complaints resolved within 30 days	
Complaints resolved within 60 days	
Resolution status pending	
<i>Total Number of Complaints Resolved or Pending (total should match total number of complaints received)</i>	

(i) Complaints regarding court interpreters

For Phase 2 of implementation, pursuant to LAP Recommendation 64, the Professional Standards and Ethics Subcommittee of the Court Interpreters Advisory Panel (CIAP) is currently developing a process by which the quality and accuracy of an interpreter's skills and adherence to ethical requirements can be reviewed. The Task Force is partnering with the Professional Standards and Ethics Subcommittee of CIAP, as appropriate, to ensure consistency between (1) the model complaint form and proposed rules, and (2) CIAP's development of related policies and procedures regarding interpreter review and discipline. The National Center for State Courts (NCSC) is working in consultation with the Judicial Council staff to assist the CIAP on LAP Recommendation 64, but their work is not anticipated to be completed, including any public comment and revision regarding new rules or procedures, until 2019 or 2020.

Pending completion of the court interpreter review and/or disciplinary process being undertaken by the CIAP, courts should continue to handle court interpreter complaints under their existing procedures and those to be adopted pursuant to the rule. Courts are encouraged to consult the Judicial Council's Court Interpreters Program for guidance if a substantiated complaint rises to a level that may require corrective action, including revoking a court interpreter's status as a certified or registered interpreter. Court interpreter complaints that rise to this level are rare, but a court should address and remedy such complaints following their existing procedures, working closely with the staff at the Judicial Council, as appropriate.

(j) Acceptance/translation of non-English complaints

Some courts may find that having language access complaints submitted in English may expedite processing, but the Task Force recognizes the importance of not placing court users who are limited-English speakers in a position where — because of limited English proficiency — they are not able to submit a complaint in English. Depending on their available translation resources, individual courts should consider whether they can most effectively meet the needs of court users by accepting language access complaints in specified non-English languages, or, if they are unable to do so, by helping LEP individuals complete and submit the court's language access complaint form in English. For example, if resources are available, the court can provide either in-person or telephonic language access assistance to help a LEP individual fill out and submit the language access complaint form in English. Moreover, to assist court users, the Judicial Council plans to translate the model form into at least the state's top eight languages. It will be at the discretion of local courts to determine if the form should be translated into additional languages based on their local population needs.

(k) Privacy and recordkeeping

Courts should maintain the privacy of individuals named in the complaint. Language access services complaints will not become part of case files. However, it is recommended that the Language Access Representative maintain copies of language access services complaints to assist with any future reporting to the Judicial Council, or in case there are future follow-up questions regarding a particular language access services complaint.

Rules 2.850 and 2.851 of the California Rules of Court are adopted, effective January 1, 2018, to read:

1 **Title 2. Trial Court Rules**

2
3 **Chapter 4. Language Access**

4
5 **Article 1. General Provisions**

6
7
8 **Rule 2.850. Language Access Representative**

9
10 **(a) Designation of Language Access Representative**

11
12 The court in each county will designate a Language Access Representative. That
13 function can be assigned to a specific job classification or office within the court.

14
15 **(b) Duties**

16
17 The Language Access Representative will serve as the court’s language access
18 resource for all court users, as well as court staff and judicial officers, and should
19 be familiar with all the language access services the court provides; access and
20 disseminate all of the court’s multilingual written information as requested; and
21 help limited English proficient (LEP) court users and court staff locate language
22 access resources.

23
24 **Advisory Committee Comment**

25
26 **Subdivision (a), see Recommendation No. 25 of the [Strategic Plan for Language Access in](#)**
27 **[the California Courts](#), adopted by the Judicial Council on January 22, 2015.**

28
29 **Rule 2.851. Language access services complaints**

30
31 **(a) Purpose**

32
33 The purpose of this rule is to ensure that each superior court makes available a form
34 on which court users may submit a complaint about the provision of, or the failure
35 to provide, language access and that each court has procedures for handling those
36 complaints. Courts must implement this rule as soon as reasonably possible but no
37 later than December 31, 2018.

38
39 **(b) Complaint form and procedures required**

40
41 Each superior court must adopt a language access services complaint form and
42 complaint procedures that are consistent with this rule.

1
2 **(c) Minimum requirement for complaint form**

3
4 The language access services complaint form adopted by the court must meet the
5 following minimum requirements:

- 6
7 (1) Be written in plain language;
8
9 (2) Allow court users to submit complaints about how the court provided or
10 failed to provide language services;
11
12 (3) Allow court users to specify whether the complaint relates to court
13 interpreters, other staff, or local translations;
14
15 (4) Include the court's mailing address and an e-mail contact to show court users
16 how they may submit a language access complaint;
17
18 (5) Be made available for free both in hard copy at the courthouse and online on
19 the courts' website, where court users can complete the form online and then
20 submit to the court by hand, postal mail, or e-mail; and
21
22 (6) Be made available in the languages spoken by significant portions of the
23 county population.

24
25 **(d) General requirements for complaint procedures**

26
27 The complaint procedures adopted by the court must provide for the following:

- 28
29 (1) Submission and referral of local language access complaints
30
31 (A) Language access complaints may be submitted anonymously.
32
33 (B) Language access complaints may be submitted orally or in other written
34 formats; however, use of the court's local form is encouraged to ensure
35 tracking and that complainants provide full information to the court.
36
37 (C) Language access complaints regarding local court services should be
38 submitted to the court's designated Language Access Representative.
39
40 (D) A complaint submitted to the improper entity must immediately be
41 forwarded to the appropriate court, if that can be determined, or, where
42 appropriate, to the Judicial Council.
43

1 (2) Acknowledgment of complaint

2
3 Except where the complaint is submitted anonymously, within 30 days after
4 the complaint is received, the court's Language Access Representative must
5 send the complainant a written acknowledgment that the court has received
6 the complaint.

7
8 (3) Preliminary review and disposition of complaints

9
10 Within 60 days after receipt of the complaint, the court's Language Access
11 Representative should conduct a preliminary review of every complaint to
12 determine whether the complaint can be informally resolved or closed, or
13 whether the complaint warrants additional investigation. Court user
14 complaints regarding denial of a court interpreter for a courtroom proceeding
15 for pending cases should be given priority.

16
17 (4) Procedure for complaints not resolved through the preliminary review

18
19 If a complaint cannot be resolved through the preliminary review process
20 within 60 days after receipt of the complaint, the court's Language Access
21 Representative should inform the complainant (if identified) that the
22 complaint warrants additional review.

23
24 (5) Notice of outcome

25
26 Except where the complaint is submitted anonymously, the court must send
27 the complainant notice of the outcome taken on the complaint.

28
29 (6) Promptness

30
31 The court must process complaints promptly.

32
33 (7) Records of complaints

34
35 The court should maintain information about each complaint and its
36 disposition. The court must report to the Judicial Council on an annual basis
37 the number and kinds of complaints received, the resolution status of all
38 complaints, and any additional information about complaints requested by
39 Judicial Council staff to facilitate the monitoring of the Strategic Plan for
40 Language Access in the California Courts.

41
42 (8) Disagreement (Disputing) Notice of Outcome

1
2 If a complainant disagrees with the notice of the outcome taken on his or her
3 complaint, within 90 days of the date the court sends the notice of outcome,
4 he or she may submit a written follow-up statement to the Language Access
5 Representative indicating that he or she disagrees with the outcome of the
6 complaint. The follow-up statement should be brief, specify the basis of the
7 disagreement, and describe the reasons the complainant believes the court’s
8 action lacks merit. For example, the follow-up statement should indicate why
9 the complainant disagrees with the notice of outcome or believes that he or
10 she did not receive an adequate explanation in the notice of outcome. The
11 court’s response to any follow-up statement submitted by complainant after
12 receipt of the notice of outcome will be the final action taken by the court on
13 the complaint.

14
15
16 **Advisory Committee Comment**

17
18 **Subdivision (a)** Judicial Council staff have developed a model complaint form and model
19 local complaint procedures, which are available in the Language Access Toolkit at
20 www.courts.ca.gov/33865.htm. The model complaint form is posted in numerous languages.
21 Courts are encouraged to base their complaint form and procedures on these models. If a
22 complaint alleges action against a court employee that could lead to discipline, the court will
23 process the complaint consistent with the court’s applicable Memoranda of Understanding,
24 personnel policies, and/or rules.

25
26 **Subdivision (d)(1)** Court user complaints regarding language access that relate to Judicial
27 Council meetings, forms, or other translated material hosted on www.courts.ca.gov, should be
28 submitted directly to the Judicial Council at www.courts.ca.gov/languageaccess.htm.

29
30 **Subdivision (d)(2) and (d)(5)** For noncomplicated language access–related complaints that
31 can be resolved quickly, a written response to the complainant indicating that the complaint
32 has been resolved will suffice as both acknowledgement of the complaint and notice of
33 outcome.

34
35 **Subdivision (d)(5)** When appropriate, a written response to the complainant indicating that
36 the language access complaint has been resolved will suffice as notice of outcome. Courts
37 should maintain the privacy of individuals named in the complaint.

38
39 **Subdivision (d)(7)** Reporting to the Judicial Council regarding the overall numbers, kinds,
40 and disposition of language access–related complaints will not include the names of
41 individuals or any other information that may compromise an individual’s privacy concerns.
42

How to address common language access complaints

<p>Use of Privately Retained Interpreters</p>	<p>The court may appoint an interpreter hired by a party. The court may exercise its discretion to appoint an interpreter hired by a party, even if a court-provided, qualified interpreter is available (Gov. Code, § 71802(b)(3).) When appointing an interpreter hired by a party, the judge must ensure the impartiality of the interpretation and may choose to appoint a court-provided interpreter for certain aspects of the proceeding, such as witness testimony. If the party-retained interpreter is not a certified or registered interpreter, the court will need to provisionally qualify the interpreter pursuant to the procedures in rule 2.893 of the California Rules of Court.</p>
<p>Non-credentialed Interpreters (not performance related)</p>	<p>If a court user has a complaint regarding an interpreter that may be misstating credentials (i.e., indicating that s/he is a certified/registered court interpreter, when in fact they are not), the court user should submit a complaint with the court. The court may contact the Court Interpreters Program to verify whether an interpreter is certified or registered, or check the Judicial Council’s Master List at http://www.courts.ca.gov/35273.htm.</p>
<p>Language Access Services (local trial court)</p>	<p>If your complaint is regarding a local court's language access services, including interpreter services, court staff or bench officers, or local documents and translations provided by a court, please register your complaint with the local court at issue by asking the court clerk for a Language Access Services Complaint Form, or by visiting your court's web page to print out their local complaint form. If you need help finding your local court, go to the Find My Court page. If you cannot find the court’s complaint form online, please contact us at LAP@jud.ca.gov, and we will contact the court to help you find appropriate information on how to submit a language access complaint with the court.</p>
<p>Language Access Services (Judicial Council)</p>	<p>To submit a complaint regarding Judicial Council services (Judicial Council meetings, forms, or other translations hosted on the California Courts website), please visit the Language Access page http://www.courts.ca.gov/languageaccess.htm to submit a complaint. Please fill out the fields in the Language Access Complaint form and press the submit button or email the form to LAP@jud.ca.gov when you are finished. You may also print out a hard copy of the form, fill it out by hand, and send it by mail to the address shown. We will contact you within 90 days of receiving your complaint.</p>