# Language Access in Court-Ordered Services
# Informational Materials for Courts, Justice Partners and Litigants

## *Background*

On May 17, 2019, the Judicial Council approved a new rule of court and adopted three new optional forms, all designed to support the California courts in their efforts to ensure language access in court-ordered services. The rule of court is based on recommendations (Rec. nos. 10, 11, 30 and 33) contained in the Judicial Branch's *Strategic Plan for Language Access in the California Courts*, and is responsive to the appellate court's holding in *In re J.P.* (2017) (14 Cal.App.5th 616), finding that it was an abuse of discretion on the part of the juvenile court to order a litigant with limited English proficiency to participate in substance abuse treatment, when no language services were available to enable his participation. The new rule and forms have an effective date of September 1, 2019.

## *Informational Materials for Courts and the Public*

Three informational packets have been developed to assist the courts and inform justice partners, community service providers and the public about the new rule of court and optional forms. The materials include fact sheets and instructions that can be distributed to court partners and the public, as well as informational content that may be adapted for use on local court websites. You may click on each title to access the resource online.

### Materials for Courts

- Language Access in Court-Ordered Services: Fact Sheet (Courts and Judicial Officers)
- Language Access in Court-Ordered Services: Policies, Procedures and Strategies for Courts
- Judicial Council Form Guide: LA-350 *Notice of Available Language Assistance—Service Provider*
- Judicial Council Form Guide: LA-400 *Service Not Available in My Language: Request to Change Court Order*
- Judicial Council Form Guide: LA-450 *Service Not Available in My Language: Order*

### Materials for Justice Partners and Community Providers

- Language Access in Court-Ordered Services: Fact Sheet (Service Providers)
- *Notifying the court about available language assistance*
    - Customizable content for local court websites
    - Web content for California Courts (linked to Language Access Toolkit)
- Language Access Toolkit—Justice Partners and Community Providers

### Materials for LEP Litigants

- Language Access in Court-Ordered Services: Fact Sheet (LEP Litigants)
- *If you do not speak English* (new webpage)

The rule and each form are summarized below. You may click on each title to access the resource online.

## *California Rules of Court, Rule 1.300*

The Judicial Council approved the creation of a new chapter within Title 1 of the California Rules of Court, which applies to all courts. California Rules of Court, rule 1.300 provides the following guidance to courts:

- → As soon as feasible, courts must adopt procedures to enable limited English proficient (LEP) court litigants to access services provided directly by the court to the same extent as litigants who are English proficient.
- → To the extent feasible, a court should avoid ordering an LEP litigant to participate in a private program that is not language accessible.
- → 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.
- → 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.

## *Form LA-350* Notice of Available Language Assistance—Service Provider

Courts may use the Form LA-350 to collect information about local providers of court-ordered services that offer language assistance, including American Sign Language interpretation service.

## *Form LA-400* Service Not Available in My Language: Request to Change Court Order

An LEP litigant who has been ordered to participate in a program and is unable to do so because of a language barrier may notify the court and request an extension of time or an alternative order using the Form LA-400.

## *Form LA-450* Service Not Available in My Language: Order

A court may respond to the litigant's request with an alternative order, an extension of time, or information about the availability of language assistance in conjunction with the court-ordered service using the Form LA-450.

If you have any questions regarding implementation of Rule 1.300 or use of the new forms, please contact Diana Glick, Attorney, Center for Families, Children & the Courts, at diana.glick@jud.ca.gov or 916-643-7012.

# Language Access in Court-Ordered Services
# Information for Courts and Judicial Officers

Every day in the California Courts, litigants are ordered to participate in a variety of rehabilitative services, such as counseling, Batterer Intervention Programs, parenting skills classes and substance abuse treatment. When a litigant with limited English proficiency is unable to participate in these services because of a language barrier, there are a variety of possible consequences, including probation violations, contempt of court and loss of custody and access to children.

Effective September 1, 2019, the Judicial Council has developed new guidance and resources for courts to enhance language access to these important programs and services, which include a rule of court, rule 1.300, and three new optional forms.

***New California Rules of Court, rule 1.300, is based on*:**

- Recommendations 10, 11, 30 and 33 contained in the Judicial Branch's *Strategic Plan for Language Access in the California Courts*, which set forth best practices for ensuring that limited English proficient (LEP) court users have equal access to programs and services ordered by the court.
- The appellate court's holding in *In re J.P.* (2017) (14 Cal. App. 5th 616), finding that it was an abuse of discretion on the part of the juvenile court to order a limited English proficient litigant to participate in substance abuse treatment, when no language services were available to enable his participation.

***And provides the following guidance to courts*:**

**(1)** As soon as feasible, courts must adopt procedures to enable LEP court litigants to access services provided directly by the court to the same extent as litigants who are English proficient.

**(2)** To the extent feasible, a court should avoid ordering an LEP litigant to a private program that is not language accessible.

**(3)** 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.

**(4)** 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.

**Looking for More Information and Resources?**

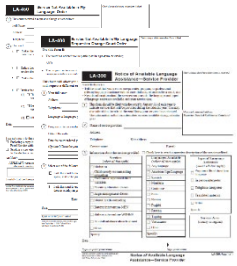
**Contact:**
LAP@jud.ca.gov

**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

***And the following optional forms*:**



- Form ***LA-350 Notice of Available Language Assistance—Service Provider***
- Form ***LA-400 Service Not Available in My Language: Request to Change Court Order***
- Form ***LA-450 Service Not Available in My Language: Order***

# 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 are 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.

## 1

**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.

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

## 3

**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.

## 4

**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?

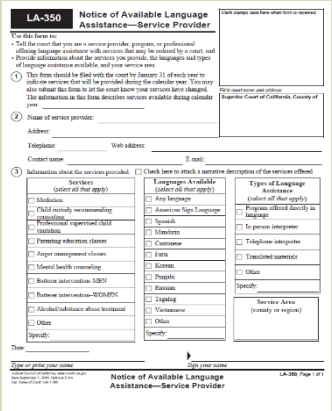
**Contact:**
LAP@jud.ca.gov

**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

# Judicial Council Form Guide: LA-350


LA-350 Notice of Available Language Assistance—Service Provider

Use this form to:
- Tell the court that you are a service provider, program, or professional offering language assistance with services that may be ordered by a court; and
- Provide information about the services you provide, the languages and types of language assistance available, and your service area.

① This form should be filed with the court by January 31 of each year to indicate services that will be provided during the calendar year. You may also submit this form to let the court know your services have changed. The information in this form describes services available during calendar year _____

Clerk stamps date here when form is received.

Fill in court name and address:
Superior Court of California, County of

② Name of service provider: _____
Address: _____
Telephone: _____ Web address: _____
Contact name: _____ E-mail: _____

③ Information about the services provided. ☐ Check here to attach a narrative description of the services offered.

| Services (select all that apply) | Languages Available (select all that apply) | Types of Language Assistance (select all that apply) |
|---|---|---|
| ☐ Mediation | ☐ Any language | ☐ Program offered directly in language |
| ☐ Child custody recommending counseling | ☐ American Sign Language | ☐ In-person interpreter |
| ☐ Professional supervised child visitation | ☐ Spanish | ☐ Telephone interpreter |
| ☐ Parenting education classes | ☐ Mandarin | ☐ Translated materials |
| ☐ Anger management classes | ☐ Cantonese | ☐ Other |
| ☐ Mental health counseling | ☐ Farsi | Specify: |
| ☐ Batterer intervention- MEN | ☐ Korean | Service Area (county or region) |
| ☐ Batterer intervention–WOMEN | ☐ Punjabi | |
| ☐ Alcohol/substance abuse treatment | ☐ Russian | |
| ☐ Other | ☐ Tagalog | |
| Specify: | ☐ Vietnamese | |
| | ☐ Other | |
| | Specify: | |

Date: _____

Type or print your name ▸ Sign your name

Notice of Available Language Assistance—Service Provider

LA-350, Page 1 of 1

**Form Group:** Language Access (LA)
**Form Number:** LA-350
**Form Name:** *Notice of Available Language Assistance—Service Provider*
**Optional or Mandatory:** Optional
**Effective Date:** September 1, 2019
**Legal Citation:** California Rules of Court, rule 1.300
**Who will fill out this form?** Providers of court-ordered services that offer language assistance in conjunction with their services
**Who will receive and process this form?** Court clerk's office, Language Access Representative, and/or ADA or Disability Coordinator

## Purpose

The purpose of this form is to assist courts with the collection of information about service providers in the community that offer language assistance to facilitate access to court-ordered services, such as counseling, substance abuse treatment and parenting classes.

## Legal Basis

Under California Rules of Court, rule 1.300, 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.

## Instructions for Service Providers

If your local court keeps a list of providers that offer language assistance, the court may ask you to fill out this form and return it to the court by January 31 of each year.

**Item 1**: Provide the calendar year in which you are offering the services

**Item 2**: Provide the name of your organization/service provider and contact information

**Item 3**: Identify the services your organization provides, the languages available, including American Sign Language or other sign languages, and the type of language assistance provided. Indicate the service area covered by your organization, which may be one or more counties or regions.

Date, print your name, and sign the form before submitting it to the court.

**Looking for More Information and Resources?**

**Contact:**
LAP@jud.ca.gov

**California Court Forms:**
https://www.courts.ca.gov/forms.htm

**Language Access Toolkit:**
https://www.courts.ca.gov/lap-toolkit-courts.htm

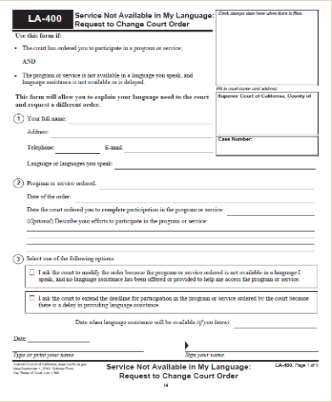
**Directory of Language Access Representatives:**
https://jrn.courts.ca.gov/programs/lap/documents/LAP-LAR-Directory.pdf

## Instructions for Courts

If the local court decides to develop and maintain a list of service providers that offer language assistance using the LA-350, the following steps are recommended:

1) Identify a staff member who will receive and process the form
2) Place an announcement, the instructions for service providers above, instructions for submitting the form to the court, and a link to the form on the local court's website (see model web content)
3) Develop a plan to communicate information about language accessible services to bench officers

# Judicial Council Form Guide: LA-400



LA-400 Service Not Available in My Language: Request to Change Court Order

Use this form if:

- The court has ordered you to participate in a program or service;

AND

- The program or service is not available in a language you speak, and language assistance is not available or is delayed.

This form will allow you to explain your language need to the court and request a different order.

1. Your full name:
   Address:
   Telephone: E-mail:
   Language or languages you speak:
2. Program or service ordered:
   Date of the order:
   Date the court ordered you to complete participation in the program or service:
   (Optional) Describe your efforts to participate in the program or service:
3. Select one of the following options:
   - ☐ I ask the court to modify the order because the program or service ordered is not available in a language I speak, and no language assistance has been offered or provided to help me access the program or service.
   - ☐ I ask the court to extend the deadline for participation in the program or service entered by the court because there is a delay in providing language assistance.

     Date when language assistance will be available (if you know):

Date:

Type or print your name — Sign your name

Service Not Available in My Language: Request to Change Court Order — LA-400, Page 1 of 1

**Form Group:** Language Access (LA)
**Form Number:** LA-400
**Form Name:** *Service Not Available in My Language: Request to Change Court Order*
**Optional or Mandatory:** Optional
**Effective Date:** September 1, 2019
**Legal Citation:** California Rules of Court, rule 1.300
**Who will fill out this form?** LEP court litigants
**Who will receive and process this form?** Court clerk's office

## Purpose

The purpose of this form is to allow a limited English proficient (LEP) litigant to notify the court that they have not been able to access a court-ordered program or service because of a language barrier. The LEP litigant may request a modification to the order or an extension of time to allow the litigant to access the program or service.

## Legal Basis

Under California Rules of Court, rule 1.300:

→ As soon as feasible, courts must adopt procedures to enable limited English proficient (LEP) court litigants to access services provided directly by the court to the same extent as litigants who are English proficient.

→ To the extent feasible, a court should avoid ordering an LEP litigant to a private program that is not language accessible.

## Instructions for LEP Court Litigants

If the court has ordered you to participate in a program or service and you are unable to participate because of a language barrier, you can use this form to notify the court and ask for a different order.

**Item 1**: Provide your name, contact information, and languages you speak
**Item 2**: Provide information about the court's order
**Item 3**: Select one checkbox to either 1) ask the court to change your order; or 2) ask the court for more time to access the program or service. If you are asking for more time and know when language assistance will be available, provide that date to the court.

Date, print your name, and sign the form before filing it with the court.

**Looking for More Information and Resources?**

**Contact:**
LAP@jud.ca.gov

**California Court Forms:**
https://www.courts.ca.gov/forms.htm

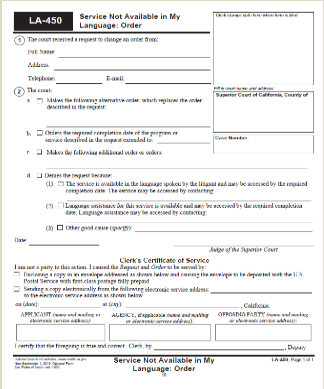
**Language Access Toolkit:**
https://www.courts.ca.gov/lap-toolkit-courts.htm

**Directory of Language Access Representatives:**
https://jrn.courts.ca.gov/programs/lap/documents/LAP-LAR-Directory.pdf

## Instructions for Courts

If an LEP litigant submits this form to request a modified order or an extension of time, it is important to have a process for allowing the bench officer to review the application, set a hearing if more information is required, and respond to the request using the LA-450. Courts may want to consider linking to Judicial Council web content that provides the above instructions on the use of the LA-400 in English and Spanish, and any additional translations of the forms that are made available by the Judicial Council.

# Judicial Council Form Guide: LA-450


LA-450 Service Not Available in My Language: Order

**Form Group:** Language Access (LA)
**Form Number:** LA-450
**Form Name:** *Service Not Available in My Language: Order*
**Optional or Mandatory:** Optional
**Effective Date:** September 1, 2019
**Legal Citation:** California Rules of Court, rule 1.300
**Who will fill out this form?** Bench officers, clerks
**Who will receive this form?** LEP litigants; attorneys, social service agencies, opposing parties

## Purpose

The purpose of this form is to allow the court to use a standardized order form to respond to a request from an LEP litigant to modify an order or extend a deadline for completion of a program based on a language barrier. The LEP litigant may, but is not required to, use form LA-400 *Service Not Available in My Language: Request to Change Court Order* to make their request to the court.

## Legal Basis

Under California Rules of Court, rule 1.300:

- → As soon as feasible, courts must adopt procedures to enable limited English proficient (LEP) court litigants to access services provided directly by the court to the same extent as litigants who are English proficient.
- → To the extent feasible, a court should avoid ordering an LEP litigant to a private program that is not language accessible.

## Instructions for LEP Court Litigants

If you have notified the court of a language barrier in accessing a court-ordered service, the court may use this order form to respond to your request.

**Item 1**: This section contains information about you. You may submit a copy to the court with this section filled out and leave the rest of the form blank.

**Item 2**: This section contains the court's response to your request. The court may (a) make a different order, (b) extend a deadline for completion of a program, (c) make an additional order, or (d) deny your request and provide information about how to access the court-ordered program or service.

**Looking for More Information and Resources?**

**Contact:**
LAP@jud.ca.gov

**California Court Forms:**
https://www.courts.ca.gov/forms.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

## Instructions for Courts

If the court uses the LA-450 to respond to a request from an LEP litigant for an alternative order or an extension of time to access a court-ordered service, it will be important to have a process established for consulting with Language Access Representatives or other court personnel who may have information about community resources available in the required language, and process for court clerks to serve the form on: 1) the applicant; 2) any social services agency involved in the case; and 3) the opposing party.

# Language Access in Court-Ordered Services
# Justice Partners and Community Providers

Every day in the California Courts, litigants are ordered to participate in a variety of rehabilitative services, such as counseling, Batterer Intervention Programs, parenting skills classes and substance abuse treatment. When a litigant with limited English proficiency is unable to participate in these services because of a language barrier, there are a variety of possible consequences, including probation violations, contempt of court and loss of custody and access to children.

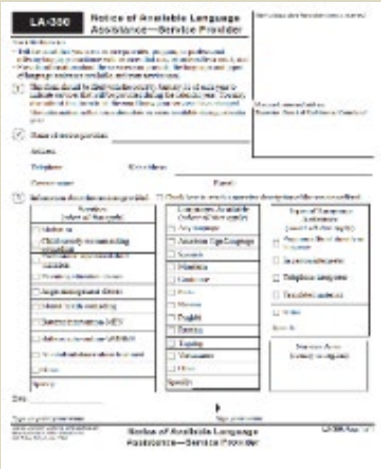
Effective September 1, 2019, the Judicial Council has developed new guidance and resources for courts and service providers to increase access to these important programs and services, which include a new rule of court, rule 1.300, and form LA-350 *Notice of Available Language Assistance—Service Provider*.

***California Rules of Court, rule 1.300* provides new guidance to courts, depending on the type of relationship it has with the service provider:**

**(1)** If your agency has an agreement with the court to provide services, any new or revised Memorandum of Understanding developed after September 1, 2019, should include provisions to address how the language needs of limited English proficient litigants will be met.

**(2)** Courts are encouraged to keep a list of private 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.

**New form LA-350 *Notice of Available Language Assistance—Service Provider***



If your local court keeps a list of providers that offer language assistance, your agency may be asked to submit form *LA-350 Notice of Available Language Assistance—Service Provider* in order to appear on this list.

More information and instructions on the use of the LA-350 is available at this link: *Language Access in Court-Ordered Services: Notifying the court about available language assistance*.

**Looking for More Information and Resources?**

**Contact:**
LAP@jud.ca.gov

**Language Access Toolkit: Justice Partners and Community Providers**

**Language Access in Court-Ordered Services: Notifying the court about available language assistance**

**LA-350 *Notice of Available Language Assistance—Service Provider***

# Language Access in Court-Ordered Services: Information for Justice Partners and Community Providers

*Notifying the court about available language assistance*

As a justice partner or private service provider of court-ordered services, your agency has an important role to play in ensuring full access to rehabilitative and correctional services for limited English proficient court users.

Under ***California Rules of Court, rule 1.300***, 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.

[ABC Superior Court] maintains a list of community providers offering language assistance with their services. If you are a service provider that offers language assistance in conjunction with court-ordered services and would like to be included on the court's list of providers, please fill out and submit form LA-350 *Notice of Available Language Assistance - Service Provider*.

## Where to find this form:

Click to download Form LA-350.

## How to fill out this form:

**Item 1**: Provide the calendar year in which you are offering the services
**Item 2**: Provide the name of your organization/service provider and contact information
**Item 3**: Identify the services your organization provides, the languages available, including American Sign Language or other sign languages, and the type of language assistance provided. Indicate the service area covered by your organization, which may be one or more counties or regions.

Date, print your name, and sign the form before submitting it to the court. ***Remember to fill out this form and return it to the court by January 31 of each year.***

## How to submit this form:

The form may be submitted to ABC Superior Court by fax, email, or USPS, as follows:

Attention: [Name of LAR or assigned staff member]

Courthouse address

Email address

Fax Number

You may also hand in a copy of the form to [Name of LAR] in Room X.

**New Toolkit Web Content**: Language Access in Court-Ordered Services: Notifying the court about available language services



# Language Access in Court-Ordered Services

## Notifying the court about available language assistance

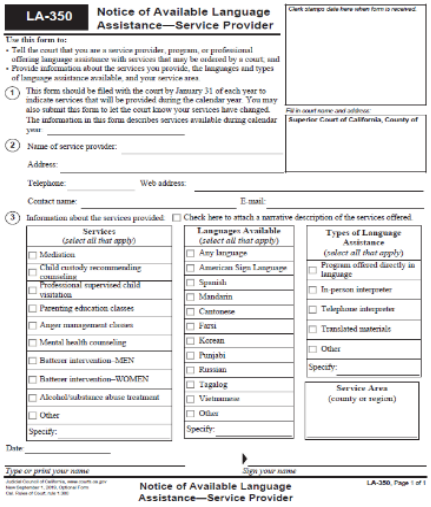


All justice partners and private community providers have important roles to play in ensuring that persons with limited English proficiency have access to court-ordered services.


**RELATED LINKS**

Federal Clearinghouse of Tools and Resources for Language Access


If you are a service provider that offers language assistance in conjunction with court-ordered services, one way to let the courts in your service area know about the language assistance you offer is to fill out and submit form **LA-350 *Notice of Available Language Assistance - Service Provider***.



**LA-350** Notice of Available Language Assistance—Service Provider

Clerk stamps date here when form is received.

Use this form to:
- Tell the court that you are a service provider, program, or professional offering language assistance with services that may be ordered by a court; and
- Provide information about the services you provide, the languages and types of language assistance available, and your service area.

(1) This form should be filed with the court by January 31 of each year to indicate services that will be provided during the calendar year. You may also submit this form to let the court know your services have changed. The information in this form describes services available during calendar year: _____

File in court name and address:
Superior Court of California, County of

(2) Name of service provider: _____
Address: _____
Telephone: _____ Web address: _____
Contact name: _____ E-mail: _____

(3) Information about the services provided: ☐ Check here to attach a narrative description of the services offered.

| Services (select all that apply) | Languages Available (select all that apply) | Types of Language Assistance (select all that apply) |
|---|---|---|
| ☐ Mediation | ☐ Any language | ☐ Program offered directly in language |
| ☐ Child custody recommending counseling | ☐ American Sign Language | ☐ In-person interpreter |
| ☐ Professional supervised child visitation | ☐ Spanish | ☐ Telephone interpreter |
| ☐ Parenting education classes | ☐ Mandarin | ☐ Translated materials |
| ☐ Anger management classes | ☐ Cantonese | ☐ Other |
| ☐ Mental health counseling | ☐ Farsi | Specify: _____ |
| ☐ Batterer intervention–MEN | ☐ Korean | Service Area (county or region) |
| ☐ Batterer intervention–WOMEN | ☐ Punjabi | |
| ☐ Alcohol/substance abuse treatment | ☐ Russian | |
| ☐ Other | ☐ Tagalog | |
| Specify: _____ | ☐ Vietnamese | |
| | ☐ Other | |
| | Specify: _____ | |

Date: _____

Type or print your name ▶ Sign your name

Notice of Available Language Assistance—Service Provider

LA-350, Page 1 of 1

## Purpose

The purpose of this form is to assist courts with the collection of information about service providers in the community that offer language assistance to facilitate access to court-ordered services, such as counseling, substance abuse treatment and parenting classes.

## Legal Basis

Under ***California Rules of Court, rule 1.300***, 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.

## Instructions for Service Providers

If your local court keeps a list of providers that offer language assistance, the court may ask you to fill out this form and return it to the court by January 31 of each year. If you are unsure whether your court keeps a list of providers that offer language assistance, you may still fill out this form and submit it to the Language Access Representative in your local court.

**Item 1**: Provide the calendar year in which you are offering the services
**Item 2**: Provide the name of your organization/service provider and contact information
**Item 3**: Identify the services your organization provides, the languages available, including American Sign Language or other sign languages, and the type of language assistance provided. Indicate the service area covered by your organization, which may be one or more counties or regions. Write in any service, language or type of assistance not listed on the form.

Remember to date, print your name, and sign the form before submitting it to the court.

**New Web Page**: Language Access Toolkit—Justice Partners and Community Providers



# Language Access Toolkit—Justice Partners and Community Providers

This page contains resources for court justice partners and private service providers in the community to support their efforts to extend language access as part of their services.



## Language Access in Court-Ordered Services

**Notifying the court about available language assistance**

If you are a service provider that offers language assistance in conjunction with court-ordered services, one way to let the courts in your service area know about the language assistance you offer is to fill out and submit form LA-350 *Notice of Available Language Assistance - Service Provider*. This document provides information about how to use and submit this form and other ways to communicate with the court about the language services you provide.

## Limited English Proficiency

**Federal Interagency Website: Limited English Proficiency**

Source: www.lep.gov

Description: This site acts as a clearinghouse, providing and linking to information, tools, and technical assistance regarding limited English proficiency and language services for federal agencies, recipients of federal funds, users of federal programs and federally assisted programs, and other stakeholders.

## Notice of Language Access Services

**Multilingual Notice of Language Access Services**

This multilingual notice contains information in the following languages: Spanish, Traditional Chinese, Arabic, Farsi, Korean, Punjabi, Russian, Tagalog and Vietnamese.

*This document can be modified to include contact information for your agency.*

## Technology and Language Access

**Technological Options for Providing and Sharing Court Language Access Services Outside the Courtroom**

This report is a descriptive survey of programs in California and in other state courts that leverage technology to expand and improve access to the court for LEP court users. Drawing from successful technology initiatives already underway in the courts, the report contains a general description of each type of technology and information on how it has or could be used in a court setting to enhance language access and provides brief highlights of existing court-based implementations. Each section concludes with a set of concrete suggestions on next steps for those court employees interested in exploring the technology to enhance language access in their own courts.

# Language Access in Court-Ordered Services
# Limited English Proficient Court Litigants

As part of your court case, the judge may order you to participate in a program or service outside of the courtroom. Some examples of these programs are: counseling, batterer intervention programs, parenting skills classes, and substance abuse treatment. The outcome of your case may depend on your ability to follow the instructions of the judge and participate in one of these classes or services.

If you do not speak English very well, and the judge orders you to participate in a program outside the courtroom, here are some things you can do:

## Speak up in Court

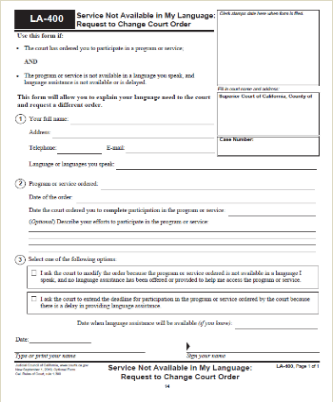
If the judge orders you to participate in a program while you are in court, you can ask the judge if there is a program available in your language. You can ask this question through your attorney or interpreter.

## Ask for Help

Every court has a Language Access Representative, who may be able to help you find a program that offers services in your language or that provides interpreters. Look for this symbol for language help at your courthouse or on your local court's website:

## Ask for a Different Order

If you have been ordered to participate in a program or service and cannot because there is no language assistance available, you can tell the court and ask for a different order, using form *LA-400 Service Not Available in My Language: Request to Change Court Order*.



LA-400 Service Not Available in My Language: Request to Change Court Order

Use this form if:

- The court has ordered you to participate in a program or service;

AND

- The program or service is not available in a language you speak, and language assistance is not available or is delayed.

This form will allow you to explain your language need to the court and request a different order.

1. Your full name:
   Address:
   Telephone: E-mail:
   Language or languages you speak:
2. Program or service ordered:
   Date of the order:
   Date the court ordered you to complete participation in the program or service:
   (Optional) Describe your efforts to participate in the program or service:
3. Select one of the following options:
   - ☐ I ask the court to modify the order because the program or service ordered is not available in a language I speak, and no language assistance has been offered or provided to help me access the program or service.
   - ☐ I ask the court to extend the deadline for participation in the program or service ordered by the court because there is a delay in providing language assistance.

   Date when language assistance will be available (*if you know*):

Date:

Type or print your name: Sign your name:

Service Not Available in My Language: Request to Change Court Order

LA-400, Page 1 of 1

[Click to learn about how to use the LA-400 to ask for a different order.]

### Looking for Help in Your Language?

**If you do not speak English:** Multilingual resources coming soon

**California Courts Self-Help Center** (Centro de ayuda): https://www.courts.ca.gov/selfhelp.htm?rdeLocaleAttr=es

**Translated Forms:**

**Formularios legales**

**法律形式**

**법적 형식**

**hình thức pháp lý**

**New Web Page**: If you do not speak English

# If you do not speak English


Getting Started

**Court Basics**

- How Courts Work
- Types of Cases
- **Services at Your Court**
- Representing Yourself
- Basics of Court Forms
- Court Basics FAQs

Lawyers and Legal Help

Preparing for Court

Researching the Law

Resolving Your Dispute Out of Court

FAQs


Print Español

If you do not speak English well, you can get help *inside* the courtroom when you talk to the judge, and *outside* the courtroom, to participate in programs or other services that the judge orders.

## Inside the courtroom

If you don't speak or understand English very well, you may need an interpreter to help you in court.

Click to learn more about court interpreters and how to request one. Court interpreter information also available in Arabic, Chinese (Simplified), Chinese(Traditional), Farsi, Korean, Punjabi, Russian, Tagalog, or Vietnamese.

Look for this symbol at your courthouse or ask the clerk for a Language Access Representative. The Language Access representative can tell you about language services available at your court.

## Outside the courtroom

As part of your case, a judge may order you to participate in an activity outside of the courtroom.

Examples are:

- Parenting classes
- Batterer intervention classes
- Drug testing
- Substance Abuse Treatment
- Counseling

If you do not speak English very well, and the judge orders you to participate in a program outside the courtroom, here are some things you can do:

### *Speak up in Court*

If the judge orders you to participate in a program while you are in court, you can ask the judge if there is a program available in your language. You can ask this question through your attorney or interpreter.

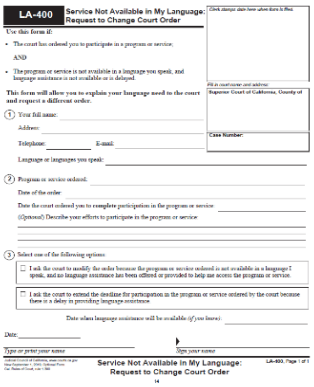
# **New Web Page**: If you do not speak English

## *Ask for Help*

Every court has a Language Access Representative, who may be able to help you find a program that offers services in your language or that provides interpreters. Look for this symbol for language help at your courthouse or on your local court's website.

## *Ask for a Different Order*

If the judge ordered you to participate in a class or program and you cannot do what the judge ordered because the class or program is not in your language, you can tell the judge and ask for help.



LA-400 Service Not Available in My Language: Request to Change Court Order

Clerk stamp date here when form is filed.

Use this form if:

- The court has ordered you to participate in a program or service;

  AND

- The program or service is not available in a language you speak, and language assistance is not available or is delayed.

This form will allow you to explain your language need to the court and request a different order.

Fill in court name and address:
Superior Court of California, County of

Case Number:

1. Your full name: _____
   Address: _____
   Telephone: _____ E-mail: _____
   Language or languages you speak: _____
2. Program or service ordered: _____
   Date of the order: _____
   Date the court ordered you to complete participation in the program or service: _____
   (Optional) Describe your efforts to participate in the program or service: _____
3. Select one of the following options:
   - ☐ I ask the court to modify the order because the program or service ordered is not available in a language I speak, and no language assistance has been offered or provided to help me access the program or service.
   - ☐ I ask the court to extend the deadline for participation in the program or service ordered by the court because there is a delay in providing language assistance.

     Date when language assistance will be available (if you know): _____

Date: _____

Type or print your name _____ Sign your name ▶ _____

Service Not Available in My Language: Request to Change Court Order

LA-400, Page 1 of 1

Use this form if:

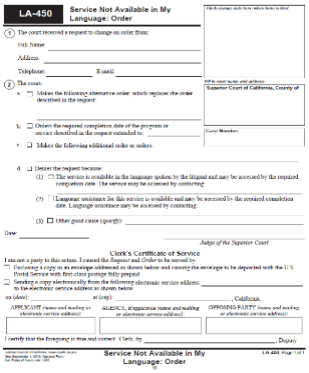
- The court has ordered you to participate in a program or service;

  AND

- The program or service is not available in a language you speak, and language assistance is not available or is delayed.

This form will allow you to explain your language need to the court and request a different order.

# **New Web Page**: If you do not speak English



LA-450 Service Not Available in My Language: Order

Clerk stamps date here when form is filed

① The court received a request to change an order from:

Full Name: _____

Address: _____

Telephone: _____ E-mail: _____

② The court:

a. ☐ Makes the following alternative order which replaces the order described in the request: _____

b. ☐ Orders the required completion date of the program or service described in the request extended to: _____

c. ☐ Makes the following additional order or orders: _____

d. ☐ Denies the request because:

(1) ☐ The service is available in the language spoken by the litigant and may be accessed by the required completion date. The service may be accessed by contacting: _____

(2) ☐ Language assistance for this service is available and may be accessed by the required completion date. Language assistance may be accessed by contacting: _____

(3) ☐ Other good cause (specify): _____

Fill in court name and address:

Superior Court of California, County of

Case Number:

Date: _____

*Judge of the Superior Court*

Clerk's Certificate of Service

I am not a party to this action. I caused the *Request and Order* to be served by:

☐ First-class mail: Depositing a copy in an envelope addressed as shown below and causing the envelope to be deposited with the U.S. Postal Service with first class postage fully prepaid.

☐ Sending a copy electronically from the following electronic service address: _____ to the electronic service address as shown below:

on (date): _____ at (city): _____, California.

| APPLICANT (name and mailing or electronic service address) | AGENCY, stipulation (name and mailing or electronic service address) | OPPOSING PARTY (name and mailing or electronic service address) |
|---|---|---|
| | | |

I certify that the foregoing is true and correct. Clerk, by _____, Deputy

Service Not Available in My Language: Order

LA-450, Page 1 of 1

If you told the court you could not participate in a court-ordered service because of a language barrier and asked for more time or for a different order, the court may respond to your request using Form LA-450 *Service Not Available in My Language: Order* [link to form]

Instructions for reading this form:

**Item 1**: This section contains information about you. You may submit a copy to the court with this section filled out and leave the rest of the form blank.

**Item 2**: This section contains the court's response to your request.

The court may:

- → make a different order in section (a);
- → extend a deadline for completion of a program in section (b);
- → make an additional order in section (c); or
- → deny your request and provide information about how to participate in the court-ordered program or service. The court will use section (d) to provide this information.

**Clerk's Certificate of Service**

This section will be filled out by the court clerk to indicate who received a copy of the order, including you, the other party or parties to the case, and any government agencies involved.

*Please note that, instead of using this form, the judge may respond to your request in a hearing*.

## Looking for Help in Your Language?

| **If you do not speak English:** | **Translated Forms:** |
|---|---|
| Si no habla inglés [link] | **Formularios legales** |
| 如果你不会说英语 [link] | **法律形式** |
| 영어를 못하면 [link] | **법적 형식** |
| Nếu bạn không nói tiếng anh [link] | **hình thức pháp lý** |

Rule 1.300 of the California Rules of Court is adopted, effective September 1, 2019, to read:

## Chapter 8. Language Access Services

### Rule 1.300. Access to programs, services, and professionals

**(a) Definitions**

As used in this chapter, unless the context or subject matter otherwise requires, the following definitions apply:

(1) "Court-provided programs, services, and professionals" are services offered and provided by court employees or by contractors or vendors under agreement with the court.

(2) "Court litigant" is a person who is a party in a court case or other legal proceeding.

(3) "Language services" are services designed to provide access to the legal system to limited English proficient court litigants and may include in-person interpretation, telephonic interpreter services, video remote interpreting services, and services provided by assigned bilingual employees and bilingual volunteers.

(4) "Limited English proficient" describes a person who speaks English "less than very well" and who, as a result, cannot understand or participate in a court proceeding.

(5) "Private programs, services, and professionals" are services provided by outside agencies, organizations, and persons that court litigants may be required to access by court order.

**(b) Provision of language services in court-ordered and court-provided programs, services, and professionals**

As soon as feasible, each court must 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.

**(c) Provision of language services in private programs and services, and by private professionals**

To the extent feasible, a court should avoid ordering a limited English proficient court litigant to a private program, service, or professional that is not language accessible.

**(d) Delay in access to services**

If a limited English proficient court litigant is unable to access a private program, service, or professional within the time period ordered by the court due to limitations in language service availability, the court litigant may submit a statement to the court indicating the reason for the delay, and the court may, for good cause, enter an alternative order or extend the time for completion. Court litigants may use *Service Not Available in My Language: Request to Change Court Order* (form LA-400) for this purpose. The court may respond to the request using *Service Not Available in My Language: Order* (form LA-450).

**(e) Use of technology**

Courts should seek out opportunities to collaborate with each other and with community partners in the provision of language services, and should employ technology to promote the sharing of bilingual staff and certified and registered court interpreters among courts, as appropriate.

**Advisory Committee Comment**

**Subdivision (b).** The goal of this rule is to connect limited English proficient court litigants ordered by courts to access programs or professionals with services in the languages spoken by the litigants. Recognizing that not all program providers will be willing or able to meet the language needs, the rule is intended to help courts become aware of those language services available in the community so that limited English proficient court litigants are not placed in a position where they are unable to comply with court orders because the required services are not available in a language they understand.

To facilitate equal access to justice, when courts order limited English proficient litigants to access court-provided programs, services, and professionals, to the greatest extent possible, courts should ensure that the services are language accessible.

To the extent feasible and as permitted by law, any memorandum of understanding or other written agreement for agency-referred programs, services, and professionals that trial courts enter into or amend after the implementation date of this rule should include the goals of providing language services in the languages spoken by limited English proficient court users and of

notifying the court if the language needs of a limited English proficient court litigant referred to the program, service, or professional cannot be accommodated.

**Subdivision (c).** Courts are encouraged to offer neutral, nonendorsing information about private programs, services, and professionals providing multilingual services or language assistance to enable limited English proficient court litigants to access their programs. Private programs, services, and professionals that would like to be included on a court's informational list may confirm in writing to the court annually that they offer language services, indicating the languages covered by the program, service, or professional. Courts may require providers to use *Notice of Available Language Assistance—Service Provider* (form LA-350) for this purpose.

**Subdivision (d).** When a defendant is required to participate in a batterer intervention program under section 1203.097(a)(6) of the California Penal Code, the court may order "another appropriate counseling program" if a batterer's program is unavailable in the language spoken by the court litigant. In addition, a judge may, for good cause, excuse the requirement to complete the 52-week program within 18 months. The application of a similar standard to all orders to participate in noncourtroom services, whereby the unavailability of language assistance would constitute good cause to make an alternative order or to excuse delay in completion, would provide the court with flexibility to address situations in which a program or service is unavailable in the language spoken by a limited English proficient court user.

Two optional forms, *Service Not Available in My Language: Request to Change Court Order* (form LA-400) and *Service Not Available in My Language: Order* (form LA-450), were developed to facilitate communication between the court and a limited English proficient court litigant who is unable to comply with a court order because of a lack of language assistance.

Form LA-400 allows the court litigant to notify the court of the unavailability of language assistance in a court-ordered program and to request a modified order or an extension of the time for completion of the program. Form LA-450 allows the court to issue a modified order or to extend the time for completion of a court-ordered program or service. A request may be denied if the court receives information that a program is available in the language of the court litigant or that language assistance is available to help the court litigant access the program, and that the program or service may be accessed within the time mandated by the court for completion. If a request is denied on this basis, the court should provide contact information that will allow the court litigant to access the program. In addition, a request may be denied if the court finds there is good cause to believe that the request was brought for an improper purpose or that the court litigant knowingly provided false information on form LA-400.

**Subdivision (e).** It is the policy of the California courts to encourage the efficient and effective use of human and technological resources in the provision of language services while ensuring meaningful access for limited English proficient court users. For noncourtroom interpretation events, courts may consult the report, *Technological Options for Providing and Sharing Court*

1 *Language Access Services Outside the Courtroom* (January 2018) for opportunities to collaborate
2 with other courts and service providers to enhance language access for LEP court users.

# LA-350 Notice of Available Language Assistance—Service Provider

Clerk stamps date here when form is received.

Fill in court name and address:

**Superior Court of California, County of**

**Use this form to:**

- Tell the court that you are a service provider, program, or professional offering language assistance with services that may be ordered by a court; and
- Provide information about the services you provide, the languages and types of language assistance available, and your service area.

**1** This form should be filed with the court by January 31 of each year to indicate services that will be provided during the calendar year. You may also submit this form to let the court know your services have changed.

The information in this form describes services available during calendar year: _____

**2** Name of service provider: _____

Address: _____

Telephone: _____ Web address: _____

Contact name: _____ E-mail: _____

**3** Information about the services provided: ☐ Check here to attach a narrative description of the services offered.

| **Services** (*select all that apply*) |
|---|
| ☐ Mediation |
| ☐ Child custody recommending counseling |
| ☐ Professional supervised child visitation |
| ☐ Parenting education classes |
| ☐ Anger management classes |
| ☐ Mental health counseling |
| ☐ Batterer intervention–MEN |
| ☐ Batterer intervention–WOMEN |
| ☐ Alcohol/substance abuse treatment |
| ☐ Other |
| Specify: _____ |

| **Languages Available** (*select all that apply*) |
|---|
| ☐ Any language |
| ☐ American Sign Language |
| ☐ Spanish |
| ☐ Mandarin |
| ☐ Cantonese |
| ☐ Farsi |
| ☐ Korean |
| ☐ Punjabi |
| ☐ Russian |
| ☐ Tagalog |
| ☐ Vietnamese |
| ☐ Other |
| Specify: _____ |

| **Types of Language Assistance** (*select all that apply*) |
|---|
| ☐ Program offered directly in language |
| ☐ In-person interpreter |
| ☐ Telephone interpreter |
| ☐ Translated materials |
| ☐ Other |
| Specify: _____ |

**Service Area** (county or region)

_____

Date: _____

_____ ▶ _____

*Type or print your name* *Sign your name*

# LA-400 Service Not Available in My Language: Request to Change Court Order

*Clerk stamps date here when form is filed.*

**Use this form if:**

- The court has ordered you to participate in a program or service;

  **AND**

- The program or service is not available in a language you speak, and language assistance is not available or is delayed.

*Fill in court name and address:*

**Superior Court of California, County of**

**Case Number:**

**This form will allow you to explain your language need to the court and request a different order.**

1 Your full name: _____

Address: _____

Telephone: _____ E-mail: _____

Language or languages you speak: _____

2 Program or service ordered: _____

Date of the order: _____

Date the court ordered you to **complete** participation in the program or service: _____

(*Optional*) Describe your efforts to participate in the program or service:

_____

_____

_____

_____

3 Select one of the following options:

☐ I ask the court to modify the order because the program or service ordered is not available in a language I speak, and no language assistance has been offered or provided to help me access the program or service.

☐ I ask the court to extend the deadline for participation in the program or service ordered by the court because there is a delay in providing language assistance.

Date when language assistance will be available *(if you know)*: _____

Date: _____

_____
*Type or print your name*

▶ _____
*Sign your name*

# LA-450 Service Not Available in My Language: Order

*Clerk stamps date here when form is filed.*

*Fill in court name and address:*

**Superior Court of California, County of**

**Case Number:**

1 The court received a request to change an order from:

Full Name: _____

Address: _____

Telephone: _____ E-mail: _____

2 The court:

a. ☐ Makes the following alternative order, which replaces the order described in the request:

_____

b. ☐ Orders the required completion date of the program or service described in the request extended to: _____

c. ☐ Makes the following additional order or orders:

_____

d. ☐ Denies the request because:

(1) ☐ The service is available in the language spoken by the litigant and may be accessed by the required completion date. The service may be accessed by contacting:

_____

(2) ☐ Language assistance for this service is available and may be accessed by the required completion date. Language assistance may be accessed by contacting:

_____

(3) ☐ Other good cause (*specify*): _____

Date: _____

_____
*Judge of the Superior Court*

## Clerk's Certificate of Service

I am not a party to this action. I caused the *Request* and *Order* to be served by:

☐ Enclosing a copy in an envelope addressed as shown below and causing the envelope to be deposited with the U.S. Postal Service with first-class postage fully prepaid

☐ Sending a copy electronically from the following electronic service address: _____ to the electronic service address as shown below

on (*date*): _____ at (*city*): _____ , California.

| APPLICANT *(name and mailing or electronic service address)*: | AGENCY, if applicable *(name and mailing or electronic service address)*: | OPPOSING PARTY *(name and mailing or electronic service address)*: |
|---|---|---|
| | | |

I certify that the foregoing is true and correct. Clerk, by _____, Deputy