

# **RULE OF COURT 1.300**

**LANGUAGE ACCESS IN  
COURT-ORDERED SERVICES**

# TOPICS FOR TODAY

- Language access in the California courts
- Rule 1.300
- Language Access (LA) forms
- What can you do?
- Q&A

# BEFORE WE GET STARTED...

Who are you?



How do you come into contact with LEP parties?

# BEHOLD! THE RISE OF THE SELF-REPRESENTED LITIGANT...

## 4.3 million self-represented court users per year

- 1.2M unrepresented parties visit court self-help centers each year
- 90% of family law cases have at least one party without an attorney
- 90% of tenants in eviction cases represent themselves
- More than 75% of civil cases have at least one party without an attorney

# FACTS ABOUT CALIFORNIANS

- Median household income: \$\_\_\_\_\_
- \_\_\_\_\_% report having at least one disability
- \_\_\_\_\_% have high school diploma
- \_\_\_\_\_% live in rural areas
- \_\_\_\_\_% speak a language other than English at home
- \_\_\_\_\_% report speaking English “less than very well”
- \_\_\_\_\_% are foreign born



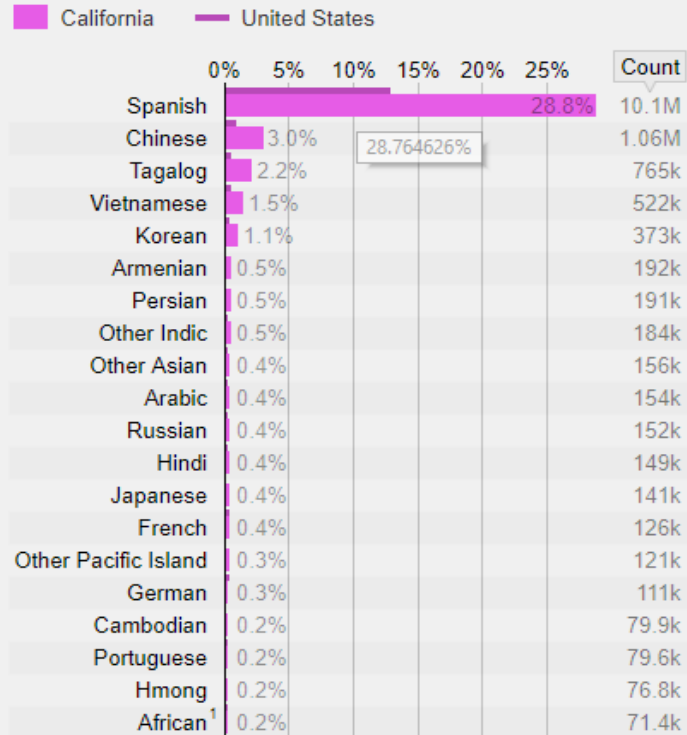
# WHAT LANGUAGES?

## Languages in California (State)

### Language Spoken At Home #1

Percentage of the total population living in households in which a given language is spoken at home.

Scope: population of the United States and California



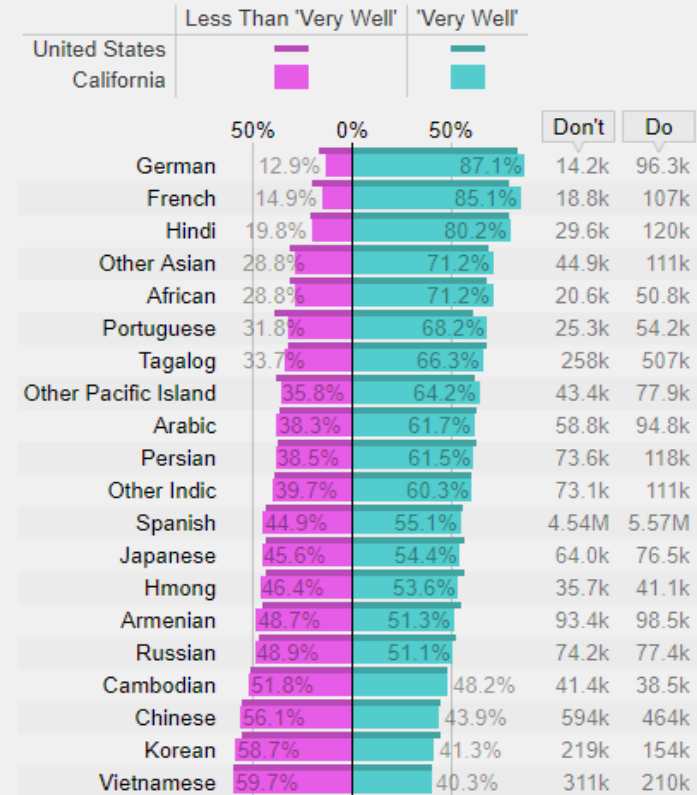
Count number of people speaking given language at home

<sup>1</sup> Amharic, Ibo, Twi, Yoruba, Bantu, Swahili, Somali

### Speaking English 'Very Well' #2

Percentage of people living in households in which a given language is spoken at home.

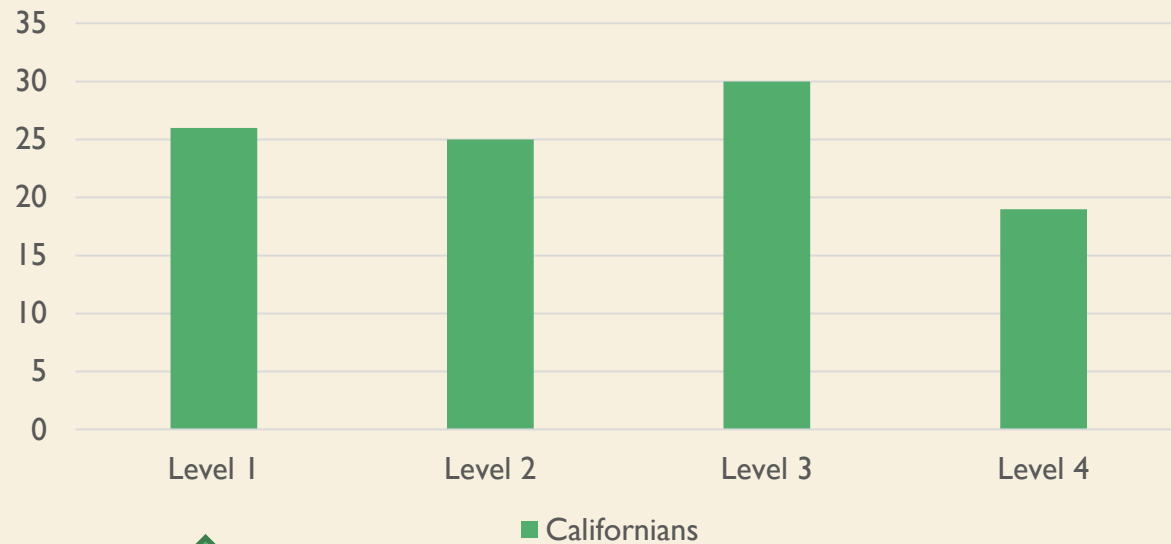
Scope: population of the United States and California



Don't number of people that don't speak English 'very well'

Do number of people that do speak English 'very well'

# LITERACY LEVELS IN CALIFORNIA



59% of this group was foreign-born

34% have a high school diploma or GED

Level 1 = “Many adults in this level were successful in performing simple, routine tasks involving **brief and uncomplicated texts and documents**. For example, they were able to total the entries on a deposit slip, locate the time or place of a meeting on a form, and identify a piece of specific information in a brief news article. Others did not perform these types of tasks successfully, however, and some had such limited skills that they were unable to respond to much of the survey.”



# WHAT OTHER CHALLENGES DO *YOUR* COURT USERS EXPERIENCE?

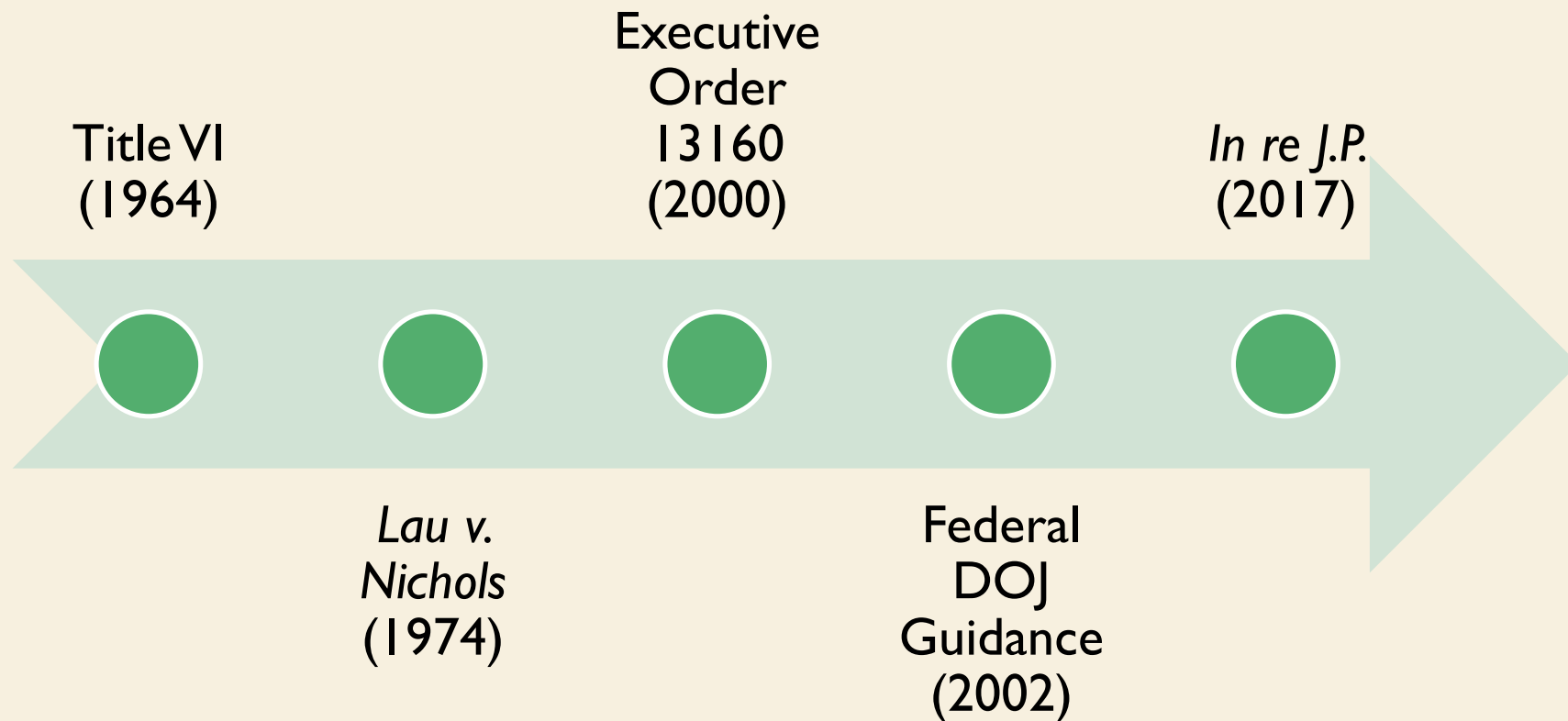


➔ How do these challenges impact their ability to successfully participate in a legal process?



# FROM TITLE VI TO RULE 1.300

## *CONNECTING THE DOTS...*



# **TITLE VI**

## **CIVIL RIGHTS ACT OF 1964**

“No person in the United States shall, on the ground of race, color, or **national origin**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or **activity receiving Federal financial assistance.**”

# ***LAU V. NICHOLS (1974)***

“...there is no equality of treatment merely by providing students with the **same** facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any **meaningful** education.”

# EX. ORD. NO. 13166 (2000)

## US DOJ GUIDANCE (2002)

- Requirement to development LEP plans
- Specific guidance for state courts receiving federal funding
  - “Courts have significant contact with the public outside of the courtroom. **Providing meaningful access to the legal process for LEP individuals might require more than just providing interpreters in the courtroom.** Recipient courts should assess the need for language services all along the process, particularly in areas with **high numbers of unrepresented individuals**, such as family, landlord-tenant, traffic, and small claims courts.”

# WHAT ABOUT TRANSLATION?

DOJ Guidance recommends translation of vital documents.

These can include:

- Information sheets
- Court forms
- Court orders
- Written notices of rights, denial, loss or decreases in benefits or services, parole, and other hearings
- Notices of available language access services

# ***IN RE: J.P. (2017)***

“Our dependency laws require reasonable reunification services for parents...**but those services are fundamentally for the protection of the children.** A dependent child is at risk if a parent with an untreated serious alcohol problem is given custody of, or visitation with, such child, without a program to address the problem. That DCFS could not easily arrange for services in a language a parent could understand is of no consolation to a child who has been abused or neglected.”

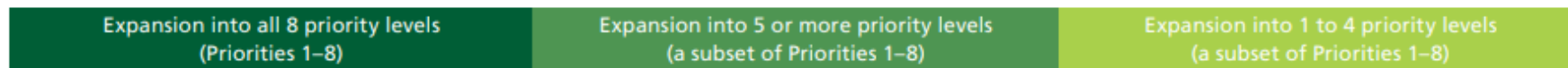
# LANGUAGE ACCESS IN THE CALIFORNIA COURTS

- January 2015: *Strategic Plan for Language Access in the California Courts* (LAP) adopted by the Judicial Council
- ↓
- March 2015-February 2019: Language Access Plan Implementation Task Force
- ↓
- March 2019-ongoing: Language Access Subcommittee of the Advisory Committee on Providing Access & Fairness

# CIVIL EXPANSION

## Civil Expansion Status, 2015–2017

This bar graph shows the progress of the courts toward providing interpreters under all eight priority levels.<sup>†</sup> Since 2015, courts have made significant progress and are close to full civil expansion.



- 51 courts** (88% of 58 courts): As of December 31, 2017, 51 of 58 responding courts indicated that they were able to provide interpreters under all eight priorities. The languages provided and the estimated interpreter coverage for each priority vary by court. Recent information gathered regarding each court’s estimated coverage will help the Judicial Council with funding and other targeted efforts designed to help all 58 courts reach full expansion.
- 6 courts** (10.3% of 58 courts): As of December 31, 2017, 6 courts (1 large, 1 medium, 1 small/medium, and 3 small-sized courts) indicated they have expanded into five to seven priority levels.
- 1 court** (1.7% of 58 courts): As of December 31, 2017, 1 large-sized court indicated that it was able to expand into four priority levels.

### Evidence Code section 756, Priority Levels of Civil Cases

**Priority 1:** Domestic violence, civil harassment where fees are waived (Code Civ. Proc., § 527.6(y)), elder abuse (physical abuse or neglect)

**Priority 2:** Unlawful detainer

**Priority 3:** Termination of parental rights

**Priority 4:** Conservatorship, guardianship

**Priority 5:** Sole legal or physical custody, visitation

**Priority 6:** Other elder abuse, other civil harassment

**Priority 7:** Other family law

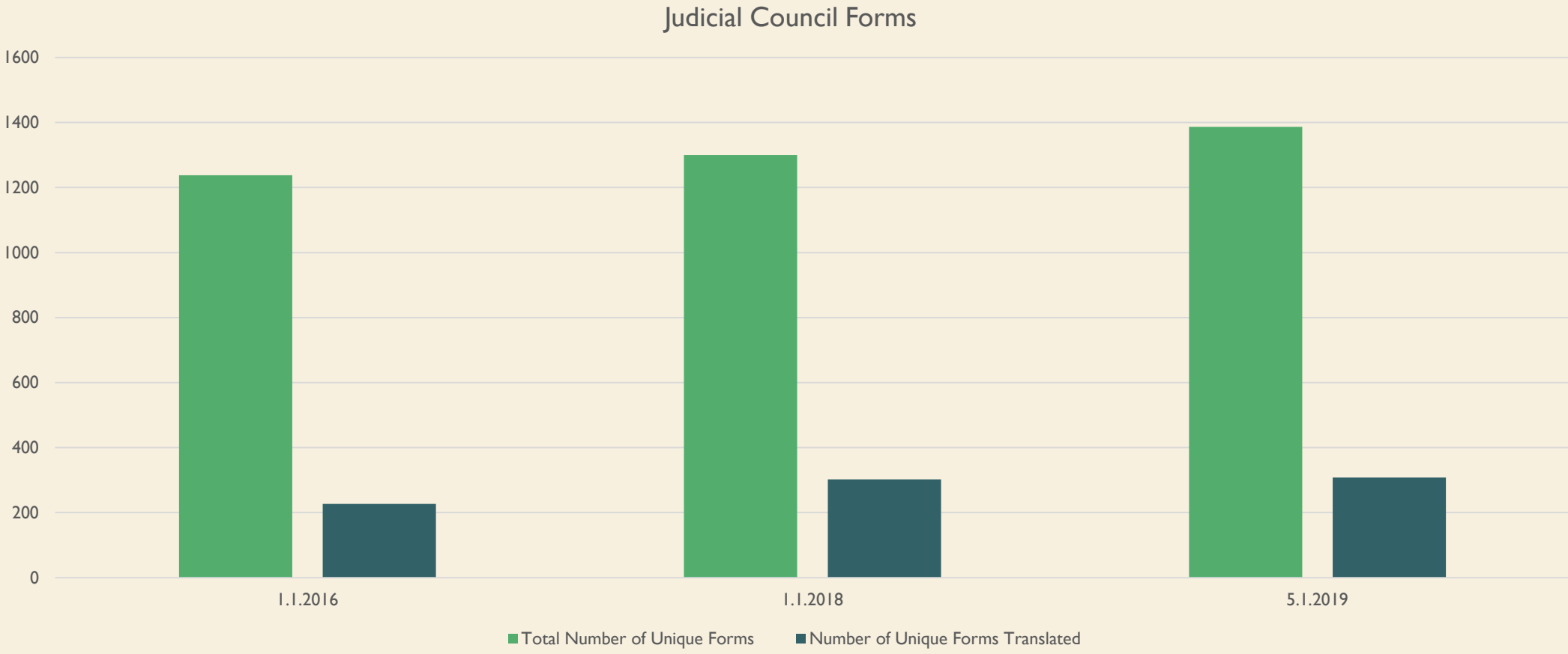
**Priority 8:** Other civil

\* Strategic Plan for Language Access in the California Courts, Goal 2.

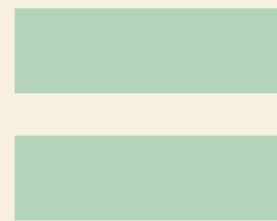
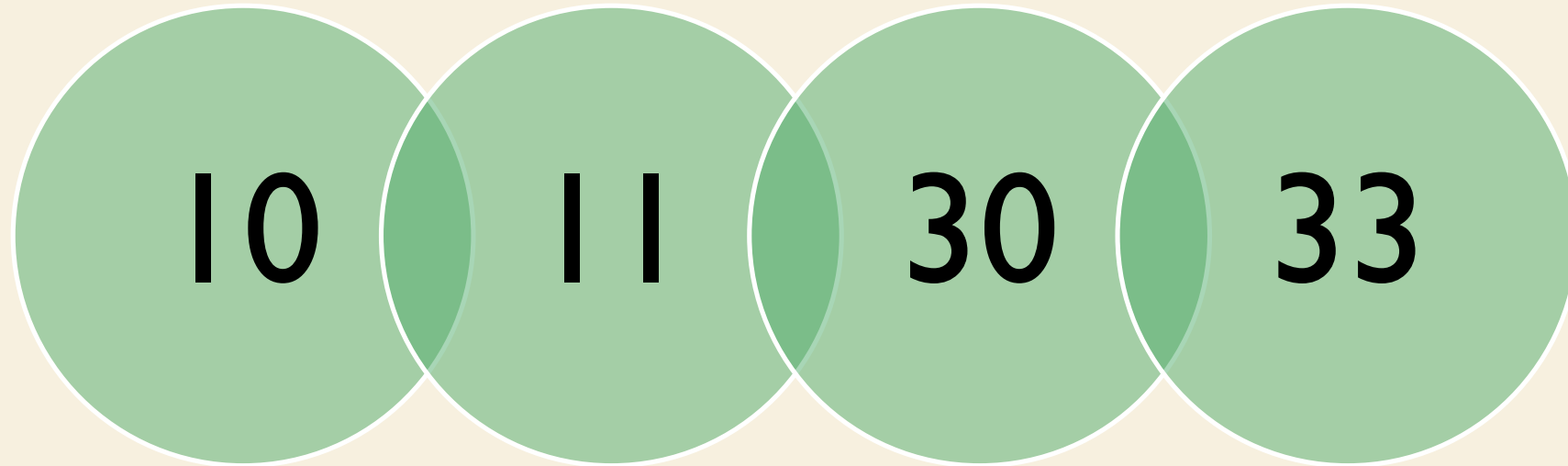
† Dark, medium, and light green represent courts that have expanded into all 8, 5 or more, and 1 to 4 priority levels, respectively. Gray represents courts that did not respond.



# TRANSLATED JUDICIAL COUNCIL FORMS



# LANGUAGE ACCESS PLAN RECOMMENDATIONS



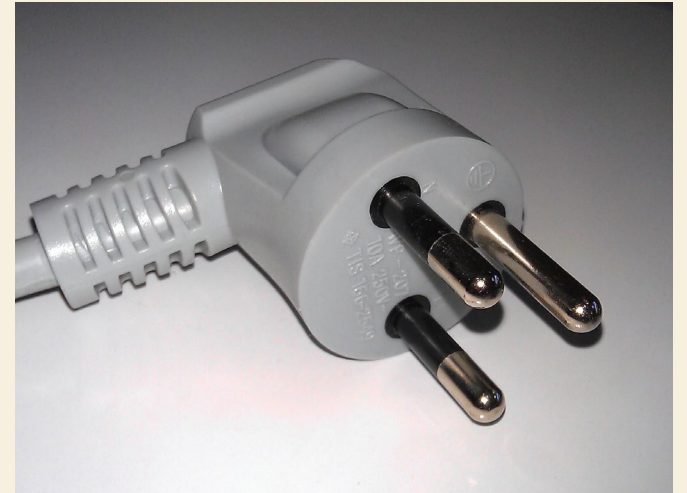
# COURT-ORDERED SERVICES

- Are statutorily mandated or ordered by a judge
- Take place outside the courtroom
- May be offered by:
  - Court employees
  - Justice partners
  - Private community providers
- Common examples
  - counseling
  - substance abuse treatment
  - batterer intervention programs
  - parenting classes
  - mediation



# A THREE-PRONGED STRATEGY

1. Provide guidance to courts on ensuring language access in court-ordered services
2. Encourage courts to collaborate with providers
3. Help litigants communicate with the court



# RULE 1.300

Courts **must**, as soon as feasible:

- ✓ **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.

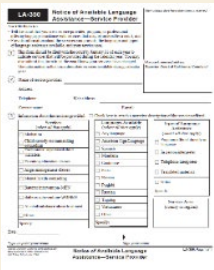
Courts **are encouraged**, to the extent feasible, to:

- ✓ **Avoid ordering** an LEP litigant to a private program that is not language accessible.
- ✓ **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.
- ✓ **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.

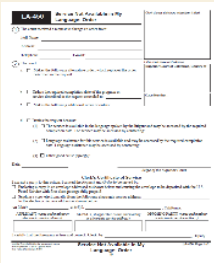
# LANGUAGE ACCESS (LA) FORMS

New forms category: Language Access (LA)

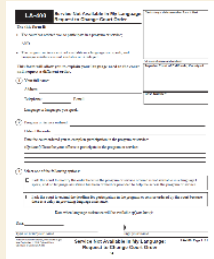
Form LA-350 *Notice of Available Language Assistance—  
Service Provider*



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



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



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

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

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

For More Information, see: Judicial Council Form Guide: LA-350

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

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)*: \_\_\_\_\_

For More Information, see: Judicial Council Form Guide: LA-400



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

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*

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

Case Number: \_\_\_\_\_

For More Information, see: Judicial Council Form Guide: LA-450

# WHAT CAN YOU DO?

- Evaluate your written materials/signage
- Look for language skills in new hires
- Include provisions for language assistance in new/existing MOUs
- Distribute annually the LA-350 in the provider community
- Maintain a list of providers that offer language assistance
- Respond to requests for information
- Provide information to LEP litigants



# WHO ARE YOUR POTENTIAL PARTNERS?

Language Access  
Representatives

ADA/Disability  
Coordinators

Family  
Court  
Services

Community  
Providers

Justice  
Partners

Court  
Clerks

Self-Help  
Center Staff

Family Law  
Facilitators



# LANGUAGE ACCESS TOOLKIT

 [Print](#)

## Language Access Toolkit

### Resources for the Courts

Find tools and resources to improve language access at your court



#### Entrance & Security

There are many ways to welcome non-English speaking members of the public to your court, starting at the front door. This section contains sample signs in various languages and other tools for the entrance to your court.

[View Resources](#)



#### Clerk's Office/Points of Contact

If you work in the Clerk's Office or another point of contact with non-English speaking litigants, you receive many kinds of inquiries on a daily basis. This section contains resources in other languages about court proceedings, as well as information about how to request an interpreter and what other language access services may be available.

[View Resources](#)

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

# QUESTIONS?

→ I'll do my best!

→ See our existing FAQ:

[https://www.courts.ca.gov/documents/LAP-Rule1300\\_FAQ.pdf](https://www.courts.ca.gov/documents/LAP-Rule1300_FAQ.pdf)

**THANK YOU! ¡GRACIAS!**

*I am happy to receive feedback and answer additional questions at any time:*

**Diana Glick**

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