

AMENDMENTS TO THE CALIFORNIA RULES OF COURT
Adopted by the Judicial Council on May 17, 2019, effective September 1, 2019

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1 **Chapter 8. Language Access Services**

2
3 **Rule 1.300. Access to programs, services, and professionals**

4
5 **(a) Definitions**

6
7 As used in this chapter, unless the context or subject matter otherwise requires, the
8 following definitions apply:

- 9
10 (1) “Court-provided programs, services, and professionals” are services offered
11 and provided by court employees or by contractors or vendors under
12 agreement with the court.
- 13
14 (2) “Court litigant” is a person who is a party in a court case or other legal
15 proceeding.
- 16
17 (3) “Language services” are services designed to provide access to the legal
18 system to limited English proficient court litigants and may include in-person
19 interpretation, telephonic interpreter services, video remote interpreting
20 services, and services provided by assigned bilingual employees and
21 bilingual volunteers.
- 22
23 (4) “Limited English proficient” describes a person who speaks English “less
24 than very well” and who, as a result, cannot understand or participate in a
25 court proceeding.
- 26
27 (5) “Private programs, services, and professionals” are services provided by
28 outside agencies, organizations, and persons that court litigants may be
29 required to access by court order.

30
31 **(b) Provision of language services in court-ordered and court-provided programs,**
32 **services, and professionals**

33
34 As soon as feasible, each court must adopt procedures to enable limited English
35 proficient court litigants to access court-ordered and court-provided programs,
36 services, and professionals to the same extent as persons who are proficient in
37 English.

38
39 **(c) Provision of language services in private programs and services, and by**
40 **private professionals**

41

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

4
5 **(d) Delay in access to services**

6
7 If a limited English proficient court litigant is unable to access a private program,
8 service, or professional within the time period ordered by the court due to
9 limitations in language service availability, the court litigant may submit a
10 statement to the court indicating the reason for the delay, and the court may, for
11 good cause, enter an alternative order or extend the time for completion. Court
12 litigants may use *Service Not Available in My Language: Request to Change Court*
13 *Order* (form LA-400) for this purpose. The court may respond to the request using
14 *Service Not Available in My Language: Order* (form LA-450).

15
16 **(e) Use of technology**

17
18 Courts should seek out opportunities to collaborate with each other and with
19 community partners in the provision of language services, and should employ
20 technology to promote the sharing of bilingual staff and certified and registered
21 court interpreters among courts, as appropriate.

22
23 *Rule 1.300 adopted effective September 1, 2019.*

24
25 **Advisory Committee Comment**

26
27 **Subdivision (b).** The goal of this rule is to connect limited English proficient court litigants
28 ordered by courts to access programs or professionals with services in the languages spoken by
29 the litigants. Recognizing that not all program providers will be willing or able to meet the
30 language needs, the rule is intended to help courts become aware of those language services
31 available in the community so that limited English proficient court litigants are not placed in a
32 position where they are unable to comply with court orders because the required services are not
33 available in a language they understand.

34
35 To facilitate equal access to justice, when courts order limited English proficient litigants to
36 access court-provided programs, services, and professionals, to the greatest extent possible, courts
37 should ensure that the services are language accessible.

38
39 To the extent feasible and as permitted by law, any memorandum of understanding or other
40 written agreement for agency-referred programs, services, and professionals that trial courts enter
41 into or amend after the implementation date of this rule should include the goals of providing
42 language services in the languages spoken by limited English proficient court users and of

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

3
4 **Subdivision (c).** Courts are encouraged to offer neutral, nonendorsing information about private
5 programs, services, and professionals providing multilingual services or language assistance to
6 enable limited English proficient court litigants to access their programs. Private programs,
7 services, and professionals that would like to be included on a court’s informational list may
8 confirm in writing to the court annually that they offer language services, indicating the
9 languages covered by the program, service, or professional. Courts may require providers to use
10 *Notice of Available Language Assistance—Service Provider* (form LA-350) for this purpose.

11
12 **Subdivision (d).** When a defendant is required to participate in a batterer intervention program
13 under section 1203.097(a)(6) of the California Penal Code, the court may order “another
14 appropriate counseling program” if a batterer’s program is unavailable in the language spoken by
15 the court litigant. In addition, a judge may, for good cause, excuse the requirement to complete
16 the 52-week program within 18 months. The application of a similar standard to all orders to
17 participate in noncourtroom services, whereby the unavailability of language assistance would
18 constitute good cause to make an alternative order or to excuse delay in completion, would
19 provide the court with flexibility to address situations in which a program or service is
20 unavailable in the language spoken by a limited English proficient court user.

21
22 Two optional forms, *Service Not Available in My Language: Request to Change Court Order*
23 (form LA-400) and *Service Not Available in My Language: Order* (form LA-450), were
24 developed to facilitate communication between the court and a limited English proficient court
25 litigant who is unable to comply with a court order because of a lack of language assistance.

26
27 Form LA-400 allows the court litigant to notify the court of the unavailability of language
28 assistance in a court-ordered program and to request a modified order or an extension of the time
29 for completion of the program. Form LA-450 allows the court to issue a modified order or to
30 extend the time for completion of a court-ordered program or service. A request may be denied if
31 the court receives information that a program is available in the language of the court litigant or
32 that language assistance is available to help the court litigant access the program, and that the
33 program or service may be accessed within the time mandated by the court for completion. If a
34 request is denied on this basis, the court should provide contact information that will allow the
35 court litigant to access the program. In addition, a request may be denied if the court finds there is
36 good cause to believe that the request was brought for an improper purpose or that the court
37 litigant knowingly provided false information on form LA-400.

38
39 **Subdivision (e).** It is the policy of the California courts to encourage the efficient and effective
40 use of human and technological resources in the provision of language services while ensuring
41 meaningful access for limited English proficient court users. For noncourtroom interpretation
42 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.

3
4 **Rule 2.956. Court reporting services in civil cases**

5
6 (a) * * *

7
8 (b) * * *

9
10 (c) **Party may procure reporter or request reporter if granted fee waiver**

11
12 If the services of an official court reporter are not available for a hearing or trial in
13 a civil case, a party may:

14
15 (1) Arrange for the presence of a certified shorthand reporter to serve as an
16 official pro tempore reporter. It is that party's responsibility to pay the
17 reporter's fee for attendance at the proceedings, but the expense may be
18 recoverable as part of the costs, as provided by law; or

19
20 (2) In compliance with any local court rules, request that the court provide an
21 official reporter for attendance at the proceedings, if the party has been
22 granted a fee waiver and if the court is not electronically recording the hearing
23 or trial.

24
25 *(Subd (C) amended effective September 1, 2019.)*

26
27 (d)–(e) * * *

28
29 *Rule 2.956 amended effective September 1, 2019; adopted as rule 891 effective January 1, 1994;*
30 *previously amended effective January 31, 1997; previously amended and renumbered effective*
31 *January 1, 2007.*

32
33 **Rule 3.55. Court fees and costs included in all initial fee waivers**

34
35 Court fees and costs that must be waived upon granting an application for an initial fee
36 waiver include:

37
38 (1)–(4) * * *

39
40 ~~(5) Court-appointed interpreter's fees for parties in small-claims actions;~~

41
42 ~~(6)(5)~~ * * *

43

1 ~~(7)~~(6) Reporter's fees for attendance at hearings and trials, if the reporter is provided by
2 the court;

3
4 ~~(8)-(10)~~(7)-(9) * * *

5
6 ~~(11)~~(10) The clerk's fee for preparing a transcript of an official electronic recording under
7 rule 8.835 or a copy of such an electronic recording.

8
9 *Rule 3.55 amended effective September 1, 2019; adopted as rule 3.61 effective January 1, 2007;*
10 *previously amended and renumbered as rule 3.55 effective July 1, 2009; previously amended*
11 *effective January 1, 2009; and July 1, 2015.*

12
13 **Advisory Committee Comment**

14
15 The inclusion of court reporter's fees in the fees waived upon granting an application for an initial
16 fee waiver is ~~not intended to mandate that a court reporter be provided for all fee waiver~~
17 ~~recipients~~ intended to provide a fee waiver recipient with an official court reporter or other valid
18 means to create an official verbatim record, for purposes of appeal, on a request. (See *Jameson v.*
19 *Desta* (2018) 5 Cal.5th 594.) ~~Rather,~~ It is intended to include within a waiver all fees mandated
20 under the Government Code for the cost of court reporting services provided by a court.