

Draft 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. Under the *Strategic Plan for Language Access in the California Courts*, adopted by the Judicial Council in January 2015, 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. The 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 should be available in both 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.

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

(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, mailing 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.

(b) Acknowledgment of complaint

Within 10 days, the court's Language Access Representative should send the complainant a written acknowledgment that the court has received 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 90 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.

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

If a complaint cannot be resolved through the preliminary review process within 90 days, the court's Language Access Representative should inform complainant that the complaint warrants additional investigation.

(e) Notice of final action

- (1) Within 90 days, the court must send the complainant notice of the final action taken on complaints that can be resolved during the preliminary review period (i.e., provide the court user with a brief explanation regarding the outcome of language access complaints that are uncomplicated and do not warrant additional investigation).
- (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 an investigation.

(f) Dissatisfaction with Final Action

If a complainant is dissatisfied with the final action taken on his or her complaint, within 90 days, he or she may submit a written statement to the Language Access Representative indicating that he or she is dissatisfied with the outcome of the complaint. The statement should be brief and indicate the reasons why the complainant is dissatisfied. For example, the statement should indicate why the complainant disagrees with the notice of final action or believes that he or she did not receive a satisfactory explanation in the notice of final action. If available, courts may want to have a different staff member review the statement, notice of final action, and the original complaint submitted by a complainant, to confirm that the complaint has been resolved properly, and/or whether any other action is needed. If appropriate, courts should promptly respond by phone or writing to any follow-up statement submitted by a complainant after receipt of notice of final action.

(g) Promptness

The court must process complaints promptly at all stages.

1
2
3
4
5
6
7
8
9
10

(h) Records of complaints

The court and Judicial Council should maintain sufficient information about each complaint and its disposition to identify any history or patterns of complaints submitted under this rule. Beginning January 2017, each quarter, the Judicial Council will send a reporting template to courts, and courts will be required to report on the number and kinds of complaints received, the resolution status of all complaints, and any additional information necessary to assist in the ongoing monitoring of the overall implementation and success of the *Strategic Plan for Language Access in the California Courts*.

Complaint Form

Language Access Services

Español | Tiếng Việt | 한국어 | 中文 | Հայերեն

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.”

Complainant Personal Information: Today's date: _____ Name: _____ Telephone: _____ Address: _____ _____ E-mail: _____ Primary language you speak: _____ Primary language you write: _____ Best contact method: <input type="checkbox"/> mail <input type="checkbox"/> e-mail <input type="checkbox"/> phone	Are you submitting this complaint on behalf of another individual? If yes, 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: <input type="checkbox"/> mail <input type="checkbox"/> e-mail <input type="checkbox"/> 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): _____

August 2016 – Model Statewide Complaint Form and Instructions for Court Users

- ☐ 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.

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: _____

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 90 days of receiving this form.

Instructions for Language Access Services Complaint Form

Español | Tiếng Việt | 한국어 | 中文 | Հայերեն

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 at the Judicial Council of California, 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:

- 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.
- 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.
- If you need language access services for an active court case, send us your complaint as soon as possible.
- You can fill out the form and turn it in at your local courthouse in person, or mail it 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 [to be customized]
Attention: [to be customized], Language Access Representative
Address Line 1 [to be customized]
Address Line 2 [to be customized]
E-mail: [to be customized]

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.

[Note: The following language could be provided 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 **90 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.

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.