



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No. 22-083

For Circulating Order CO-22-02 on: May 10, 2022

Title

Trial Court Budget: Court Interpreter
Employee Incentive Grant Award
Recommendations

Agenda Item Type

Action Required

Effective Date

May 10, 2022

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

April 14, 2022

Recommended by

Trial Court Budget Advisory Committee
Hon. Jonathan B. Conklin, Chair
Ms. Rebecca Fleming, Vice-Chair

Contact

Douglas G. Denton, 415-865-7870

Douglas.Denton@jud.ca.gov

Eunice Lee, 415-865-7748

Eunice.Lee@jud.ca.gov

Executive Summary

The Trial Court Budget Advisory Committee recommends grant awards to nine superior courts that applied for grants to implement Senate Bill 170, which amended the Budget Act of 2021 and provides \$30 million in one-time General Fund through the establishment of the Court Interpreter Employee Incentive Grant. This grant provides funding for one year of salary and training costs to establish new, full-time court interpreter employee positions. The committee also recommends that a future grant application cycle take place for fiscal year 2022–23, since remaining grant funding is available until June 30, 2024.

Recommendation

The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective May 10, 2022:

1. Approve the proposed allocations for the Court Interpreter Employee Incentive Grant for fiscal year (FY) 2021–22;

2. Direct Judicial Council Budget Services staff to distribute grant awards to courts no later than the June 2022 distribution; and
3. Direct Judicial Council Budget Services and Language Access Services staff to initiate a future grant application cycle for FY 2022–23.

This recommendation was presented to the Judicial Branch Budget Committee on April 6, 2022 and approved for consideration by the Judicial Council.

Relevant Previous Council Action

As the Court Interpreter Employee Incentive Grant (CIEIG) is a new program in FY 2021–22, there is no previous council action.

Analysis/Rationale

SB 170 (Stats. 2021, ch. 240)¹ amended the Budget Act of 2021 in September 2021 and provided an additional \$30 million in one-time General Fund to the Court Interpreters Program as restricted funding for one-year grants to support a year of salary and training and to create new, full-time court employee interpreter positions in the superior courts.

The CIEIG is intended to increase the number of new, full-time court interpreter employees in trial courts and to increase language access services for court users inside courthouses. The grant funding may help courts reduce or, at a minimum, maintain the overall percentage spent on independent interpreter contractors or part-time interpreter employees to 20 percent or less. Courts are expected to maintain grant-funded positions beyond the grant year as long-term positions. There are two categories of grants under the CIEIG and courts are permitted to apply for only one of the two:

- Category 1—\$18 million is dedicated to one year of salary and associated costs, including training, for new, full-time court interpreter employee positions.
- Category 2—\$12 million is dedicated to one year of salary and associated costs, including training, for new, full-time court interpreter employee positions to provide out-of-courtroom and in-courtroom services.

To be eligible for category 1 grant funding, the court must demonstrate that for at least two consecutive years in the previous four years it spent more than 20 percent of its interpreter funds on interpreter contractors or part-time interpreter employees who provided services in any of the languages listed in Civil Code section 1632(b): Spanish, Chinese (Mandarin, Cantonese), Tagalog, Vietnamese, or Korean.

¹ See Attachment B, SB 170 language regarding the CIEIG.

To be eligible for category 2 grant funding, the court must demonstrate that at least 80 percent of interpreter services in any of the languages listed in Civil Code section 1632(b) are currently provided by court interpreter employees.

Courts may apply for grants to hire interpreters in any certified (including American Sign Language) or registered languages if the court can demonstrate that there is a local need for interpreter employees in these languages. Courts must use grant funds to create new full-time interpreter employee positions and may not use funds to support current interpreter vacancies. Courts may convert part-time interpreter positions into full-time positions, if the funding helps reduce or maintain the overall percentage spent on interpreter contractors or part-time interpreter employees to 20 percent or less. Grants cannot be used for wage increases for current positions.

On October 14, 2021, the Trial Court Budget Advisory Committee received an informational memorandum from council staff that summarized the CIEIG budget language and proposed a process for soliciting and approving grant awards. After consultation with the Department of Finance and legislative staff, grant guidelines based on the Budget Act language were prepared that described background information and the objectives of the grant, the criteria for grant awards, the application timeline and process, and the distribution of funding to the courts. On January 21, 2022, the guidelines, the application form, and court interpreter expenditure data were distributed to presiding judges, court executive officers, and court staff. On February 3, 2022, council staff conducted a webinar for the courts to review the grant application process and to answer questions. The deadline for applications was February 18, 2022.

A total of six courts applied for category 1 grants, and a total of three courts applied for category 2 grants. For the \$18 million available for category 1, a total of approximately \$1.645 million was requested for one year of salary and training for 12 new positions, leaving approximately \$16.355 million in remaining funding. For the \$12 million available for category 2, a total of approximately \$831,000 was requested for one year of salary and training for six new positions, leaving approximately \$11.169 million in remaining funding (see Attachment A).

For category 1, Kern, Marin,² Mendocino, San Benito, Shasta, and Ventura courts requested a total of 12 new, full-time court interpreter positions in Mixteco (1) and Spanish (11). The courts confirmed their commitment to lowering interpreter contractor costs and shared that the grant funding would make court services more versatile in meeting the needs of the public on a daily basis. One court mentioned the difficulties of being located in a rural area in hiring interpreter contractors and stated that the new position would provide immediate access to interpreting services for limited English proficient court users and ensure they are receiving quality interpreting. Another court stated that it would like to become less dependent on interpreter contractors who are in high demand in nearby counties, and the grant funding will enable the court to fill a daily need for court interpretation in a language of lesser diffusion like Mixteco.

² Marin's grant request is for converting a part-time interpreter position into a full-time interpreter position.

For category 2, Alameda, San Bernardino, and San Diego courts requested six new full-time court interpreter positions, including for American Sign Language (1), Certified Deaf Interpreter (1), Chinese (1), and Spanish (3). The courts shared that the grant funding would help to increase the number of interpreters available to assist with court-ordered mediations, investigations, and psychological evaluations as well as fill the increasing need for interpreter coverage in all case types. In addition, one court stated that while the need is greater than the grant request, the court cannot responsibly anticipate being able to sustain a greater request given their current interpreter funding allocation.

The Trial Court Budget Advisory Committee approved the proposed allocations in Attachment A on March 14, 2022. The Judicial Branch Budget Committee approved the proposed allocations in Attachment A on April 6, 2022.

Policy implications

None.

Comments

This proposal was not circulated for public comment, and no public comments were received.

Alternatives considered

The guidelines and application process were developed consistent with the budget language of SB 170. The purpose of the CIEIG is limited to grants to support the establishment of new, full-time court interpreter employee positions as described in the budget language (see Attachment B).

Fiscal and Operational Impacts

Upon Judicial Council approval, courts will be notified that they have been approved for grant awards. Grant funding is anticipated to be distributed no later than June 2022. Council staff in Language Access Services will assist courts with recruitment for new positions supported under the grants. The \$30 million one-time grants awarded in FY 2021–22 will be available for expenditure or encumbrance until June 30, 2024. In order to distribute the remaining grant funding, council staff will initiate another grant application process for the CIEIG in FY 2022–23.

The court must demonstrate that a new, full-time employee hired pursuant to this grant is intended to remain employed beyond the grant year to replace a roughly equivalent expenditure on independent contractor interpreter services, reducing or maintaining contractor expenses to 20 percent or less. Courts will have more than one year to accomplish this goal (the budget language does not include a time frame for reaching the 20 percent threshold). If an interpreter employee funded under the grant for one year of salary leaves the court before 12 months, the court will notify council staff and will need to return unspent grant funding.

Council staff anticipate that there will be continued discussions with the Administration and the Legislature regarding long-term funding augmentations to the Court Interpreters Program that

would support new employee positions beyond the grant year. However, any future augmentation requests must be approved by the Administration and the Legislature, and there is no guarantee of future funding.

Attachments and Links

1. Attachment A: Proposed CIEIG Awards for FY 2021–22
2. Attachment B: SB 170 language regarding the CIEIG

Attachment A: Proposed CIEIG Awards for FY 2021-22**Category 1 - \$18 million**

Court	Number of Interpreters	Language	Amount	Court Total Awarded
Marin	1	Spanish	\$ 63,378.37	\$ 63,378.37
Mendocino	1	Spanish	\$ 159,345.00	\$ 159,345.00
Kern	1	Spanish	\$ 160,234.00	
Kern	1	Spanish	\$ 160,234.00	
Kern	1	Spanish	\$ 160,234.00	
Kern	1	Spanish	\$ 160,234.00	
Kern	1	Spanish	\$ 160,234.00	\$ 801,170.00
San Benito	1	Spanish	\$ 114,000.00	\$ 114,000.00
Shasta	1	Spanish	\$ 131,767.42	\$ 131,767.42
Ventura	1	Spanish	\$ 125,250.47	
Ventura	1	Spanish	\$ 125,250.47	
Ventura	1	Mixteco	\$ 125,250.47	\$ 375,751.41
			Total Requested:	\$ 1,645,412.20
			Total Provided for Grants:	\$ 18,000,000.00
			Amount Remaining:	\$ 16,354,587.80

Category 2 - \$12 million

Court	Number of Interpreters	Language	Amount	Court Total Awarded
Alameda	1	Chinese	\$ 130,040.00	
Alameda	1	ASL	\$ 130,040.00	
Alameda	1	Deaf (CDI)	\$ 130,040.00	\$ 390,120.00
San Bernardino	1	Spanish	\$ 143,016.00	
San Bernardino	1	Spanish	\$ 143,016.00	\$ 286,032.00
San Diego	1	Spanish	\$ 154,744.00	\$ 154,744.00
			Total Requested:	\$ 830,896.00
			Total Provided for Grants:	\$ 12,000,000.00
			Amount Remaining:	\$ 11,169,104.00

SB 170, Budget Act of 2021

Item 0250-101-0932, Provision 29

The Court Interpreter Employee Incentive Grant is hereby created. Of the amounts appropriated in Schedule (4), \$30,000,000 shall be allocated by the Judicial Council as follows:

- (a) Of this amount, \$18,000,000 shall be allocated as one-time grants to eligible local courts. This funding shall pay for the first year of employment and associated costs, including training, of any new hire of a court interpreter employee if all of the following conditions are met:
 - (1) The local court can demonstrate that for at least two consecutive years in the previous four years it spent more than 20 percent of its interpreter funds on independent contractor interpreters or part-time employees who provided services in any of the languages described in subdivision (b) of Section 1632 of the Civil Code.
 - (2) The local court can demonstrate that the grant will be exclusively used to hire full-time court employee interpreters providing language interpreter services for the languages described in subdivision (b) of Section 1632 of the Civil Code, in order to reduce the percentage of the court's interpreter funds spent on independent contractors or part-time employees to 20 percent or less than 20 percent.
 - (3) The local court can demonstrate that a new full-time employee hired pursuant to this grant is intended to remain employed beyond the grant year to replace a roughly equivalent expenditure on independent contractor interpreter services.
 - (4) The local court commits to retaining the court interpreter employee position beyond the grant year.
 - (5) Nothing in this subdivision is intended to reduce the amount of funding provided statewide or to local courts for interpreter services, and the amounts allocated by this provision cannot be used to supplant an existing, pending, or prior interpreter employee position.
- (b) Of this amount, \$12,000,000 in one-time grants, shall be allocated by the Judicial Council, to increase language access in local courts through the hiring of certified court interpreter employees who shall provide interpreter services inside courthouses in support of court users. "Interpreter services" includes assistance at self-help centers and interpreting interviews between district attorneys and witnesses and criminal defense attorneys and their clients. A local court is eligible to receive these funds only if at least 80 percent of interpreter services in the languages described in subdivision (b) of Section 1632 of the Civil Code are provided by court interpreter employees.
- (c) Courts may apply for grants to hire interpreters in other languages if the court can demonstrate that there is a local need for interpreter employees in other languages.
- (d) The \$30 million for one-time grants in fiscal year 2021-22 shall be available for expenditure or encumbrance until June 30, 2024.