

NORTHWEST JUSTICE PROJECT

PROGRAM POLICY NO. 34

RE: Access to NJP Services for People Who Are Limited English Proficient

DATE APPROVED BY BOARD OF DIRECTORS: January 29, 2005

Introduction: The Northwest Justice Project is committed to overcoming access barriers caused by language differences that impede equal access to and receipt of legal representation. NJP and its staff have an obligation to identify barriers to representation of individual clients on the basis of language and to affirmatively take steps to overcome them. This policy is intended to set out NJP's plans for addressing the language assistance needs of clients who are not proficient in English.

Identification of LEP Clients: A limited English-proficient (LEP) client must be adequately identified and be able to obtain and receive legal representation through the use of his or her non-English language. An LEP client is someone who is not sufficiently able to speak and/or read English such that he or she cannot receive effective legal representation through communication only in English. When it is apparent a client's first language is other than English, the client should be asked if he or she speaks another language at home, and if so, the client should be asked to identify the language. The client should also be asked how well he or she speaks or understands English. The non-English language identified must be recorded in CASS or other case management system used by NJP. The client should be offered the opportunity to communicate through the language in which he or she is most proficient.

Bilingual Staff: NJP endeavors to hire local office staff who are able to communicate in the predominant non-English languages of the LEP populations in the local communities. Where multi-lingual staff resources are not available, NJP will communicate with LEP clients through the use of interpreters or other competent individuals able to meet the language assistance needs of the clients. Staff members who are asked to provide interpretation and language translation services will be given opportunities for improving techniques, obtaining or maintaining certification, or otherwise refreshing language skills that may be in need of improvement.

Training: NJP will provide training on its program of services to LEP clients in each of its offices and will incorporate such training as part of new employee orientation. Training will include: the requirements of this policy; information on the LEP populations served by NJP; the resources within NJP to meet the language assistance needs of clients; translated materials available through NJP's website at www.washingtonlawhelp.org; and instructions on how to obtain language assistance services through community resources or other Language Line services.

Interpreter Conduct: To promote client trust and to maintain the integrity of NJP, it is mandatory that interpreters and translators hired by NJP abide by NJP's Confidentiality Rules and the Rules of Professional Conduct for Interpreters. RCW Chapter 2.43 sets out the right to an interpreter in legal proceedings. The Code of Conduct for Court Interpreters (GR 11.1), attached as Appendix A, is a good model of the high standards necessary for successful formal interpreting. Any interpreter or translator hired by NJP must either enter into the Professional Conduct Agreement attached as Appendix B, or have signed a similar agreement to which they are bound as a condition of their employment by the interpretation service with which NJP contracts for language assistance services.

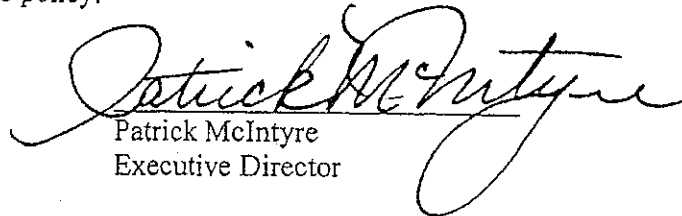
Ensuring the Interpreter is Qualified: Because most interviews for legal assistance require exact and careful communication and the preservation of client confidences, NJP staff must avoid the use of family members and friends as interpreters in working with clients. Interpreters hired by NJP must be qualified to interpret. NJP staff will make adequate inquiry as to the interpreter's qualifications prior to an initial use of an interpreter in client matters. NJP staff should inquire whether the interpreter knows the client and whether the interpreter lives in the client's community. If the interpreter or the client indicates they know the other person, the client must affirmatively consent to the use of the particular interpreter. The client's consent must be reflected in the case record. Interpreter qualifications may be demonstrated by proof in order of preference by one of the following:

- "Certification" by the Washington State Administrator for the Courts (AOC);
- "Certification" by the Washington State Department of Social and Health Services (DSHS);
- "Qualification" by DSHS;
- By formal inquiry and adequate response into the interpreter's experience and education, including years for each language (English and the other language) spoken; years of formal training (both languages); country of origin and level of education (particularly for written translation skills); number of years and kind of interpreting experience (frequency and whether oral or written translation); demonstration of language skill in a formal client setting; and understanding of Rules of Interpreter Conduct. (See Guidelines for Interpreters); or,
- An interpreter provided by Language Line or one of the other professional interpreter service providers with which NJP contracts for services should be presumed to be competent to interpret, but should also be asked about their knowledge of the client or the community in which the client resides.

If the NJP staff member does not believe the interpreter is qualified, or if the client seems uncomfortable with the interpreter, the staff member will notify his or her supervising attorney and determine if the problem is correctable or identify another interpreter for future interactions.

Interpreter/Translator Certification: Whenever NJP intends to submit to a court or other tribunal a document that has been translated on behalf of a client, the document shall include a certification in an appropriate form that demonstrates both the translation and the apparent understanding of the content of the document by the client/witness or other person for whom the document was translated. A model certification form shall be provided to all staff.

Implementation: In order to provide adequate and effective representation, NJP shall instruct all staff who work with clients on how to arrange for and use interpretation and translation services, including providing practical tips and guidelines for how best to facilitate client communication through interpreters. NJP shall develop, maintain, and keep current a LEP Handbook to implement the policy, which shall be available in each of its local offices and on its internal website. The guidelines attached as Appendix C will assist staff in implementing this policy.



Patrick McIntyre
Executive Director

Attachments

Appendix A GR 11.1, Code of Conduct for Interpreters
Appendix B Interpreter/Translator Confidentiality Agreement
Appendix C Guidelines for Use of Interpreters

APPENDIX A

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RULE 11.1

CODE OF CONDUCT FOR COURT INTERPRETERS

PREAMBLE. All language interpreters serving in a legal proceeding, whether certified or uncertified, shall abide by the following Code of Conduct:

A language interpreter who violates any of the provisions of this code is subject to a citation for contempt, disciplinary action or any other sanction that may be imposed by law. The purpose of this Code of Conduct is to establish and maintain high standards of conduct to preserve the integrity and independence of the adjudicative system.

(a) A language interpreter, like an officer of the court, shall maintain high standards of personal and professional conduct that promote public confidence in the administration of justice.

(b) A language interpreter shall interpret or translate the material thoroughly and precisely, adding or omitting nothing, and stating as nearly as possible what has been stated in the language of the speaker, giving consideration to variations in grammar and syntax for both languages involved. A language interpreter shall use the level of communication that best conveys the meaning of the source, and shall not interject the interpreters personal moods or attitudes.

(c) When a language interpreter has any reservation about ability to satisfy an assignment competently, the interpreter shall immediately convey that reservation to the parties and to the court. If the communication mode or language of the non-English speaking person cannot be readily interpreted, the interpreter shall notify the appointing authority or the court.

(d) No language interpreter shall render services in any matter in which the interpreter is a potential witness, associate, friend, or relative of a contending party, unless a specific exception is allowed by the appointing authority for good cause noted on the record. Neither shall the interpreter serve in any matter in which the interpreter has an interest, financial or otherwise, in the outcome. Nor shall any language interpreter serve in a matter where the interpreter has participated in the choice of counsel.

(e) Except in the interpreters official capacity, no language interpreter shall discuss, report, or comment upon a matter in which the person serves as interpreter. Interpreters shall not disclose any communication that is privileged by law without the written consent of the parties to the communication, or pursuant to court order.

(f) A language interpreter shall report immediately to the appointing authority in the proceeding any solicitation or effort by another to induce or encourage the interpreter to violate any law, any provision of the rules which may be approved by the courts for the practice of language interpreting, or any provisions of this Code of Conduct.

(g) Language interpreters shall not give legal advice and shall refrain from the unauthorized practice of law.

[Adopted effective November 17, 1989.]

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APPENDIX B



Northwest Justice Project

INTERPRETER/TRANSLATOR CONFIDENTIALITY RULES & RULES OF PROFESSIONAL CONDUCT AGREEMENT

(To be used for all interpreter/translator appointments, other than the Language Line)

To promote the trust and integrity of our client cases, it is mandatory that interpreters and translators hired by Northwest Justice Project to perform interpreting and translating services abide by Northwest Justice Project's Confidentiality Rules and Rules of Professional Conduct.

1. No language interpreter or translator shall discuss, report or comment upon a matter or case in which the person serves as an interpreter or translator.
2. Interpreters and translators shall not offer an opinion to anyone regarding the prospective outcome of a case or any other matter.
3. Interpreters shall not disclose any communication that is privileged by law without the written consent of authorized parties to the communication, or pursuant to court order.

Any circumstance which poses a possible violation of the confidentiality rules above shall be called to the immediate attention of the interpreter and will be a direct violation of Northwest Justice Project's Rules of Professional Conduct.

STATEMENT OF RECEIPT AND UNDERSTANDING

I certify that I have received a copy of and read the Northwest Justice Project Interpreter/Translator Confidentiality Rules and agree to abide by these confidentiality rules. I also understand that any violation of the Interpreter/Translator Confidentiality Rules will be a direct violation of the Rules of Professional Conduct adopted by Northwest Justice Project.

Date: _____

Interpreter Signature

Print Name

APPENDIX C

GUIDELINES FOR USE OF INTERPRETERS

- I. DEFINITION: A Limited English-proficient (LEP) client is one who is limited in his or her ability to speak and/or read the English language such that he or she cannot receive effective legal representation through communication only in English.
- II. LANGUAGE OF COMMUNICATION: Upon undertaking legal assistance, Northwest Justice Project staff shall determine whether a client is LEP and how communication will occur. The staff member shall give great weight to the client's preferred language choice; if however, the client selects English and the staff member determines that adequate communication cannot occur in English, that staff member will seek the client's consent to use an interpreter fluent in the client's native language. The language of communication will be noted in the file. Clients will be informed that any communication made with the aid of an interpreter is confidential.
- III. USE OF INTERPRETERS FOR ORAL COMMUNICATION: Oral communication with the client shall be conducted by bilingual Northwest Justice Project staff or, if such staff are unavailable, by outside interpreters. Family members of the client should not be used to interpret substantive discussions which require client confidentiality. The client's family members may be used for communication regarding such issues as requesting a call back or setting an appointment only if the client has given permission for such contacts.
 - A. OBTAINING OUTSIDE INTERPRETERS: Each Northwest Justice Project office will maintain a list of interpreters in its LEP Handbook (see ADMINISTRATION, below). When possible, these interpreters should be court-certified. Court-certified interpreters currently are available for Spanish, Russian, Cambodian, Cantonese, Mandarin, Korean, Laotian and Vietnamese.
 - B. COMMUNICATION BY PHONE: Each Northwest Justice Project office will note in its list of interpreters which interpreters are available for telephonic communication. For CLEAR communication and when a local interpreter is not available, Northwest Justice Project staff will use the language line or other approved telephonic service, as noted in the office LEP Handbook.
- IV. WRITTEN COMMUNICATION: Northwest Justice Project shall ensure that an LEP client or prospective client receives all important correspondence, including any communication on the status, outcome, and acceptance of the case, in the client's primary language. Documents which establish a client's rights and obligations (e.g., parenting plans) will be translated as appropriate. Informational copies of pleadings or documents provided for the client's personal records (e.g., a letter written to the Department of Social and Health Services on the client's behalf) may be provided in

English so long as a relevant explanation of the content and import of the document is provided in the client's primary language. ~~NJP will provide fully translated documents if the client requests them. If the client is unable to read any written language, Northwest Justice Project staff shall provide the information in a way that the client can understand.~~

OBTAINING WRITTEN TRANSLATIONS: Requests for the translation of a written document will be made in one of two ways, depending on the type of document. Prior to obtaining translations of administrative forms or community education material, Northwest Justice Project staff will consult the office LEP Handbook or Northwest Justice Project's web site to see if the document already exists in translation.

1. **CLIENT CORRESPONDENCE AND DOCUMENTS:** Requests for the translation of client correspondence and documents shall be made on LEP Form A and submitted to the staff member designated in each Northwest Justice Project office for the processing of such requests. Requests shall include the date by which the translation is required and shall carry the date of the translation.
2. **ADMINISTRATIVE FORMS AND COMMUNITY EDUCATION MATERIALS:** Requests for the translation of client representation forms (e.g., retainer agreements) and community education materials, including CLEAR publications, shall be made on the Interpreter Request Form and submitted to the Northwest Justice Project Website Administrator.

V. ADMINISTRATION

- A. **LEP HANDBOOK:** Each Northwest Justice Project office will prepare and maintain an LEP Handbook which will contain a list of qualified interpreters staff may use for communication with LEP clients. Information on each interpreter shall include the name of the interpreter, employment agency, if any, phone numbers where the interpreter may be reached, qualified languages spoken, whether the interpreter is court-certified and whether the interpreter is available for telephonic interpreting and written translation of documents. The LEP Handbook will also contain information on the availability and use of telephonic interpretation services. See LEP Handbook.
- B. **ROLE OF LEP HANDBOOK ADMINISTRATOR:** Each Northwest Project office will designate an administrator of the LEP Handbook. The administrator will ensure that:
 1. The list of available interpreters and translators is updated regularly. If there are concerns about the qualifications of a particular interpreter or translator, the LEP Handbook Administrator should remove that name from the list. An updated list of court-certified interpreters and translators is provided on a quarterly basis to the NJP Publications

Manager who will make the list available to staff in the Administrative section of the NJP web site;

2. A current list of administrative documents and community education materials available in translation is included in the LEP Handbook;
3. Information on contacting a telephonic interpretation service is available and current;
4. A letter introducing Northwest Justice Project and explaining its interpretation and translation policies is provided to new interpreters. A sample of an Interpreter Confirmation of Services letter is contained in the LEP Handbook; and
5. The LEP Handbook is accessible to other staff.

C. **ROLE OF STAFF DESIGNATED FOR CLIENT TRANSLATIONS AND INTERPRETATION:** Every staff member designated to obtain interpreters and translation of client materials will consult the local LEP Handbook to locate qualified interpreters and translators. Upon receipt of a request for an interpreter or translator on the Interpreter Request Form, the staff member will obtain a qualified interpreter or translator, complete the "Confirmation" portion of the Interpreter Request Form and return a copy of the Interpreter Request Form to the requestor. Billing: see Payment of Interpreter Services outlined in the LEP Handbook and use the Interpreter Services Payment Form provided in the LEP Handbook.

D. **ROLE OF PUBLICATIONS WEBSITE MANAGER:** To facilitate efficient and cost-effective translation of program-wide community education and CLEAR materials, the Seattle Office Publications Manager will coordinate translation. The Publications Manager will maintain a list of qualified translators and will be in charge of updating translations when materials are updated. Requests for translation of an administrative or community education document should be routed to the Publications Manager on Form A. Where bilingual staff have already translated materials, a copy of these materials will be forwarded to the Publications Manager for statewide dissemination and posting. The Publications Manager will also coordinate and prioritize requests for translation which are not done for current client contact but in anticipation of future need. The Publications Manager shall, to the extent possible, ensure that translated administrative forms and community education materials are available on the Northwest Justice Project web site.

Northwest Justice Project

**LIMITED ENGLISH-PROFICIENT (LEP)
HANDBOOK**

February, 2005

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Introduction

This handbook is to be maintained at each Northwest Justice Project by the office legal assistant. It is also a resource for all staff who work with Limited English Proficient ("LEP") clients.

This handbook will provide you with information on how to arrange an interpreter when any LEP person contacts a NJP office. It will also give you the forms you need to: arrange for interpreter services; track interpreter service charges; work effectively with an interpreter; and fill out a grievance if the interpreter is inadequate.

Finally, it contains the list of interpreters maintained by the NJP King County office that may be helpful to other offices which need an interpreter for telephone intake. Each office should also separately generate and maintain a similar list of interpreters in their area.

**I. GUIDELINES FOR WORKING WITH AN
INTERPRETER/TRANSLATOR**

GUIDELINES FOR WORKING WITH AN INTERPRETER/TRANSLATOR Northwest Justice Project

Interpreting is the term used to refer to oral interpretation of one language into another; translating is the term used for written interpretation. When working with an interpreter/translator, it is important to keep in mind that good interpreting is a highly skilled activity that differs greatly from the informal kinds of interpreting found in conversations between two people that do not speak the same language.

Informal interpreting often includes summaries, additions/deletions of material, and advocacy by the interpreter on behalf of one of the parties. It does not involve any of the protections of confidentiality.

By contrast, *formal* interpreting usually consists of a word-for-word interpretation of all communication (including non-verbal) between two parties by a trained interpreter who acts purely as a confidential conduit of information.

RCW Chapter 2.42 sets out the right to an interpreter in legal proceedings. The Washington State Code of Conduct for Interpreters (GR 11) is a good model of the high standards necessary for successful formal interpreting. Because most interviews for legal assistance require exact, careful, and confidential communication, you must avoid the use of family members and friends in your work with clients. The following tips are given with the goal of assisting you in successfully working with an interpreter for communicating with your client.

A. ARRANGING FOR AN INTERPRETER

If a client who appears to be limited English proficient contacts the office by phone or in person, be sure to immediately identify the language needed and get an interpreter on the telephone if a bi-lingual staff person is not available. A list of local interpreters should be maintained in each office. If a local interpreter is not immediately available, staff should contact the Language Line (for instructions on how to set up and bill the call, see the Quick Reference Guide) and arrange for an interpreter.

1. IS THERE ANY REASON THE INTERPRETER SHOULD NOT ASSIST THIS PARTICULAR CLIENT?

Before proceeding further, staff should inquire whether the interpreter knows the client personally, whether the interpreter has interpreted for the client before, and if so, whether the client and interpreter both agree that the interpreting can proceed without violating the rules of professional conduct. Sometimes, interpreters are familiar with the client because they have interpreted for them in another setting, such as a doctor's office. In this case, clients may actually prefer someone they already know. On the other hand, clients who know the interpreter as a neighbor, or acquaintance at their church, or apartment building, may be unwilling to provide confidential information and may wish to ask for another interpreter. Keep in mind that

the Language Line services may potentially draw interpreters from around the country, including in your town or city, and if a community is small, clients may know the interpreter. Finally, assure the client that their identity and information are completely confidential. Be aware that in cases of domestic violence or human trafficking, considerations of safety make it especially important to ensure that interpreters keep confidential all information regarding the client's identity, whereabouts, etc.

2. IS THE INTERPRETER QUALIFIED TO INTERPRET?

In general, it is a good idea to ask the interpreter for his/her qualifications before the interview begins. Many interpreters in Washington State are certified. The Washington State Administrator for the Courts uses a process which tests knowledge of English and the target language in written and oral form. Interpreters must demonstrate knowledge of legal vocabulary and an ability to do both consecutive (translate the sentence when the speaker pauses) and simultaneous (translate the sentence just a few words behind the speaker as the speaker continues) interpretation. The Washington State Department of Social and Health Services (DSHS) uses two procedures: one in which an interpreter is "certified" in a process which is less rigorous than the court test, but still tests fluency in both languages; another in which an interpreter is "qualified" in a test which measures knowledge of English and interpreter code of ethics. Neither agency tests in all languages.

Whether or not the interpreter is certified, there are two things you can do to check interpreting:

- (1) *Ask about experience and education.* This includes the following: years of each language (English and the other language), spoken years of formal training (both languages), country where language training took place, level of education (particularly for written translation skills), number of years and kind of interpreting experience (ask about frequency and whether oral or written).
- (2) *Listen to the interpreter during the interview.* Even though you do not speak the client's language, by paying careful attention to the interpreter and the client, you can pick up some important clues about the quality of the interpretation.

Signs of a trained interpreter:

- The interpreter uses the 1st person when interpreting the client's conversation (e.g., "I don't remember when I left the country." Contrast this with "He doesn't remember when he left the county.")
- The interpreter takes notes during the conversation to ensure accuracy.
- The interpreter asks you or the client to pause when the sentence is at risk of becoming too long to interpret.
- The interpreter interprets responses from the client verbatim even when the responses are incoherent or indicate stammering or nonsense. (*This is especially important when you are trying to ascertain disability or competency of the client.*)
- The interpreter explains when clarification is needed.

Signs of lack of training:

- The interpreter appears to be giving a much shorter version of what the client is saying. (Occasionally, the interpreter gives a **longer** version because there are no easy words in the target language and the interpreter must explain in detail).
- The interpreter has "side bar" conversations with the client without explaining to you what these conversations are about.
- The interpreter's facial expressions, tone, or body language conveys a lack of respect for the client.

Remember, if you do not believe the interpreter is qualified, or if your client seems uncomfortable with the interpreter, you must try to find out what the problem is and correct it or locate another interpreter for a future interview. It is always a good idea to inform the interpreter during the interview if you see any signs of lack of training. For example, you might remind the interpreter to ask the client to pause, or to interpret every word, if this is not being done. However, if the interpreter does not respond to these requests, it is important to avoid the use of the interpreter in the future. Please fill out the Interpreter Grievance Form so that the agency (including Language Line Services) can be notified that we prefer not to use the interpreter in the future.

B. HOW DO YOU WORK WITH THE INTERPRETER DURING THE INTERVIEW?

1. EXPLAIN THE ROLE OF THE INTERPRETER

Start off the interview by telling the client that the interpreter is present to interpret both your and the client's conversation word-for-word to ensure that you clearly understand each other. Remind the interpreter that this also includes all statements, even those that are not responsive or not coherent. Remind the client to ask you if there is anything that he/she does not understand. Explain that all of the conversation is confidential. You may need to continue to remind the client of this if you are discussing issues such as domestic violence, certain health problems, and mental illness. In these situations, cultural factors may require that you find an interpreter of similar age and gender. Finally, tell the interpreter (and thus the client) that you will ask him/her to raise a hand to request a pause if either party is going on too long to make interpreting possible.

2. STRUCTURE THE INTERVIEW TO FACILITATE COMMUNICATION

- a. *Speak slowly and clearly but be sure to talk directly to the client.* You should place yourself so that you are still able to have direct eye contact with the client. Ideally, this is done by having the interpreter sit on one side of a table while you and the client sit across from one another.

(Note: Some clients and interpreters may be used to a different setting such as medical offices where the interpreter sits behind the client.)

- b. *Pause after each sentence.* Remember to allocate extra time since most interviews will take longer with the consecutive mode of interpretation. Avoid the use of simultaneous interpretation where the conversation is being recorded or the client has difficulty hearing.
- c. *Be aware of the possibility for misunderstandings arising from cultural and linguistic differences.* One way to ask about this is to ask the interpreter before the interview if there are any special cultural issues that might be barriers to communication. Be alert to cultural views of age and gender that could impede open communication.
- d. *At some point in the conversation, it is helpful to find out how much English the client understands and speaks.* This does not mean giving the impression that you want the client to do his/her best to speak in English. If the client speaks good English, compliment him/her but explain that the interpreter is present to ensure that complicated language and communication can be fully understood. Asking simple questions such as "Do you speak English?" gives you an opportunity to speak directly to the client. Don't underestimate the importance of offering something to drink or having some informal conversation. These gestures are even more important in the context of an interpreted interview since they can help create trust and connection with the client in a situation which involves communicating through a third party.
- e. *Before you conclude the interview, make sure to discuss how you plan to communicate in the future.* You might want to schedule another appointment. You will want to have the interpreter give a written translation of any instructions to the client. Discuss both how the client can contact you and you can contact the client. Many clients will not know that you will be able to use a three-way call to contact them at home. Explain that this is what you do when you need to contact them. It is also helpful to tell them that if they want to leave you a message, they can either call the interpreter, who will then directly interpret the message for you, or alternatively call and if you are not available, leave a message for you with just their name. This will indicate to you that you need to call back with an interpreter. (It is generally not helpful to have the client leave a substantive message in her own language unless you have bi-lingual staff available to interpret the message from your machine).

Where possible, it is best to use the same interpreter for future communication. (For a three-way call, you will want to call the interpreter first, then press the "conference" button on your phone before you call the client. You can usually connect all parties by pressing the "conference"

button once more). If you need to leave a long message on a client's message machine, it is generally best to call the interpreter first and have her write out the message, so that she can speak it into the machine in the client's language. Trying to get both English and the interpreted version on a limited time recorder can be a challenge!

- f. *Ask the client if he/she has any questions.* This is a good opportunity to make sure the client has understood your advice and questions. It is often helpful to restate the important parts of your advice in simple terms. Be sure to look at the client and evaluate by his/her demeanor (sad, anxious, relieved, confused, etc.) whether you still need to clarify any information.
- g. *Don't forget to ask whether the client wants all copies of your correspondence translated.* As a general rule, all written client communication should be translated. When deciding whether or not to translate communications with another party, take into account the client's wishes, the importance of the communication, whether the client will understand the translated version (because of legal terminology, etc.) and whether or not you have summarized the communication to the client already. Faxing or e-mailing a document to be translated to the interpreter can reduce the delay. Most interpreters can return a translated document within a few days. If you are likely to need the document again, ask for it on disk or ask for an electronic copy so that you can reduce the cost when minor changes need to be made. Written translations can be expensive, so practice being clear and concise!

C. WHAT DO INTERPRETERS CHARGE?

Interpreters charge somewhat differently depending upon the language and it is a good idea to discuss the rate ahead of time and confirm the rate in writing (if the interpreter is with an agency, this is usually handled by the agency). The average rate is usually no more than \$50.00 per hour. Issues that most frequently need clarification are:

1. Does the interpreter charge if the client misses the appointment? If so, remind the client to be sure to contact you at least 24 hours in advance, so the interpreter can be canceled.
2. Does the interpreter charge for phone conversations as a full hour or by increments of .15, .25, .30, etc. of an hour?
3. If the interpreter is with an agency, does the interpreter need you to fill out verification that the interpreter was present and provided service? If the interpreter is not with an agency and is submitting an individual invoice, the interpreter should be notified of our billing procedure: for accounting purposes, all invoices are due within 15 days from the date of service. A social security number or employer identification number, billing address, hours worked, rate of pay, client name and attorney name will be required on the invoice for payment.

II. INTERPRETER FORMS

A. Arranging an Interpreter



Language Line
services

QUICK REFERENCE GUIDE NORTHWEST JUSTICE PROJECT

Keep this Quick Reference Guide (QRG) nearby for easy reference to effectively utilize Language Line® Over-the-phone Interpretation Service.

When receiving a call:

1. **USE CONFERENCE HOLD** to place the non-English speaker on hold.
2. **DIAL 1 877 245-0386**
3. **Give Information:**
 - Client ID number: **7 4 3 1 3 7**
 - Organization name: **NORTHWEST JUSTICE PROJECT**
 - Language needed
 - Personal Code: << Callers First and Last Name >>

An Interpreter will be connected to the call.

3. **BRIEF THE INTERPRETER.** Summarize what you wish to accomplish and give any special instructions.
4. **ADD THE NON-ENGLISH SPEAKER** to the line.
5. **SAY "END OF CALL"** to the Interpreter when the call is completed.

NOTE: When placing a call to a non-English speaker, begin at Step 2. If you need assistance when placing a call to a non-English speaker, you may press 0 to transfer to a representative at the beginning of the call.

Following are important tips to help you optimise your experience.

UNKNOWN LANGUAGE – If you do not know which language to request, our Customer Agent will help you.

LINE QUALITY PROBLEMS - If you experience problems with the sound quality, call us. Explain the problem and ask the Customer Agent to stay on the line to check for sound quality. If you have problems while using Automated Access, press "0" to be transferred to a Customer Agent for assistance.

WORKING WITH AN INTERPRETER - Give the Interpreter specific questions to relay. Group your thoughts or questions to help conversation flow quickly.

LENGTH OF CALL - Expect interpreted comments to run a bit longer than English phrases. Interpreters convey meaning-for-meaning, not word-for-word. Concepts familiar to English speakers often require explanation or elaboration in other languages and cultures.

INTERPRETER IDENTIFICATION - Our Interpreters identify themselves by first name and number only. For reasons of confidentiality, they do not divulge either their full names or phone number.

DEMONSTRATION LINE – To hear a recorded demonstration of over-the-phone interpretation call our demonstration line at 1 800 996-8808 or visit our website at www.LanguageLine.com.

DOCUMENT TRANSLATION – We also provide written translation services, for more information you can contact our Document Translation Department at 1 888 763-3364 or e-mail us at Translation@LanguageLine.com.

SALES TELEPHONE NUMBERS: from the U.S. 800 752-6096 opt.9 ext.7510, from Canada: 800 811-2075

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INTERPRETER REQUEST FORM

Requestor: _____
Today's Date: _____

INTERPRETATION

LANGUAGE: _____

IN PERSON ☐ TELEPHONIC ☐

DAY/DATE &
TIME NEEDED:

Day

Date

Time ☐ a.m. ☐ p.m.

PLACE: NJP ☐ ☐ Other: _____

Address

CLIENT NAME: _____

CASS NO.: _____

FUNDING SOURCE: _____

TRANSLATION OF DOCUMENT

LANGUAGE: _____

DAY/DATE &
TIME NEEDED:

Day

Date

Time ☐ a.m. ☐ p.m.

TYPE OF DOCUMENT: ☐ Administrative (Route to Danielle Rebar)
☐ Community Education (Route to Danielle Rebar)

☐ Client Correspondence (Route to Designated Office Support Staff)

CLIENT NAME: _____

CASS NO.: _____

FUNDING SOURCE: _____

Confirmation of Interpreter

Interpreter Name: _____

Agency: _____

Address: _____ City _____ State _____ Zip _____

Telephone: () _____ Pager: () _____

Fax: () _____ E-Mail: _____

Confirmed by: _____ Date: _____

NORTHWEST JUSTICE PROJECT
INTERPRETER CONFLICT CHECK

Intake No. _____

Date: _____

Completed By: _____

Interpreter Name: _____

Language: _____

Does the interpreter know the client personally? ☐ Yes ☐ No

Has the interpreter interpreted for the client before? ☐ Yes ☐ No

Does the interpreter have a conflict
with the client? ☐ Yes ☐ No

Client Name: _____

The client has been given the name of the
interpreter that will be interpreting for
his/her case? ☐ Yes ☐ No

Does the client know the interpreter personally? ☐ Yes ☐ No

Does the client have a conflict
with the interpreter? ☐ Yes ☐ No

Comments: _____



Northwest Justice Project

INTERPRETER/TRANSLATOR CONFIDENTIALITY RULES & RULES OF PROFESSIONAL CONDUCT AGREEMENT

(To be used for all interpreter/translator appointments, other than the Language Line)

To promote the trust and integrity of our client cases, it is mandatory that interpreters and translators hired by Northwest Justice Project to perform interpreting and translating services abide by Northwest Justice Project's Confidentiality Rules and Rules of Professional Conduct.

1. No language interpreter or translator shall discuss, report or comment upon a matter or case in which the person serves as an interpreter or translator.
2. Interpreters and translators shall not offer an opinion to anyone regarding the prospective outcome of a case or any other matter.
3. Interpreters shall not disclose any communication that is privileged by law without the written consent of authorized parties to the communication, or pursuant to court order.

Any circumstance which poses a possible violation of the confidentiality rules above shall be called to the immediate attention of the interpreter and will be a direct violation of Northwest Justice Project's Rules of Professional Conduct.

STATEMENT OF RECEIPT AND UNDERSTANDING

I certify that I have received a copy of and read the Northwest Justice Project Interpreter/Translator Confidentiality Rules and agree to abide by these confidentiality rules. I also understand that any violation of the Interpreter/Translator Confidentiality Rules will be a direct violation of the Rules of Professional Conduct adopted by Northwest Justice Project.

Date: _____

Interpreter Signature

Print Name



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RULE 11.1
CODE OF CONDUCT FOR COURT INTERPRETERS

PREAMBLE. All language interpreters serving in a legal proceeding, whether certified or uncertified, shall abide by the following Code of Conduct:

A language interpreter who violates any of the provisions of this code is subject to a citation for contempt, disciplinary action or any other sanction that may be imposed by law. The purpose of this Code of Conduct is to establish and maintain high standards of conduct to preserve the integrity and independence of the adjudicative system.

(a) A language interpreter, like an officer of the court, shall maintain high standards of personal and professional conduct that promote public confidence in the administration of justice.

(b) A language interpreter shall interpret or translate the material thoroughly and precisely, adding or omitting nothing, and stating as nearly as possible what has been stated in the language of the speaker, giving consideration to variations in grammar and syntax for both languages involved. A language interpreter shall use the level of communication that best conveys the meaning of the source, and shall not interject the interpreters personal moods or attitudes.

(c) When a language interpreter has any reservation about ability to satisfy an assignment competently, the interpreter shall immediately convey that reservation to the parties and to the court. If the communication mode or language of the non-English speaking person cannot be readily interpreted, the interpreter shall notify the appointing authority or the court.

(d) No language interpreter shall render services in any matter in which the interpreter is a potential witness, associate, friend, or relative of a contending party, unless a specific exception is allowed by the appointing authority for good cause noted on the record. Neither shall the interpreter serve in any matter in which the interpreter has an interest, financial or otherwise, in the outcome. Nor shall any language interpreter serve in a matter where the interpreter has participated in the choice of counsel.

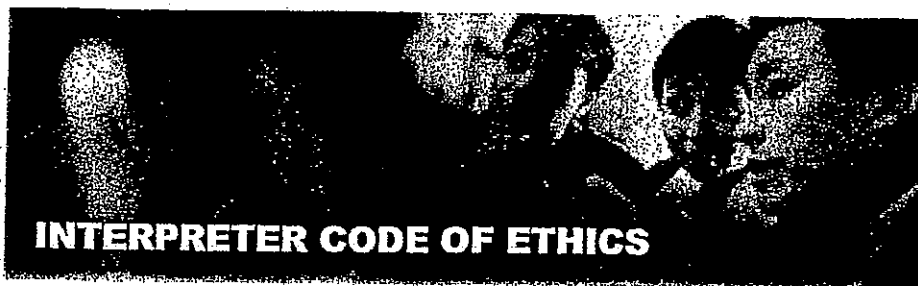
(e) Except in the interpreters official capacity, no language interpreter shall discuss, report, or comment upon a matter in which the person serves as interpreter. Interpreters shall not disclose any communication that is privileged by law without the written consent of the parties to the communication, or pursuant to court order.

(f) A language interpreter shall report immediately to the appointing authority in the proceeding any solicitation or effort by another to induce or encourage the interpreter to violate any law, any provision of the rules which may be approved by the courts for the practice of language interpreting, or any provisions of this Code of Conduct.

(g) Language interpreters shall not give legal advice and shall refrain from the unauthorized practice of law.

[Adopted effective November 17, 1989.]

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The Language Line Services Interpreter shall limit him/herself to interpreting. While performing his/her professional duties, the Interpreter shall not give advice, express personal opinions, or engage in any other activity that may be construed to constitute a service other than interpreting. The Language Line Services Interpreter shall comply fully with this Code of Ethics.

CONFIDENTIALITY The Interpreter shall respect all confidences received in the course of interpretation. All information gained by the Interpreter in the course of his/her professional duties shall remain strictly confidential. This information shall not be communicated, published or in any way divulged to any organization or person, other than the organization or person engaging the services of the Interpreter. **ACCURACY & COMPLETENESS** The Interpreter shall render, to the best of his/her ability, a complete and accurate interpretation without altering or omitting anything that is stated. Interpreter shall not add to what is said nor provide unsolicited explanation. **IMPARTIALITY** The Interpreter shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. He/she shall not allow personal opinions to interfere with his/her duties nor add unsolicited comments or make recommendations except to assist communication. **CONFLICT OF INTEREST** The Interpreter shall disclose any real or perceived conflict of interest. He/she shall not take personal advantage, financial or otherwise, of information obtained in the course of his/her work. **DISQUALIFICATION & IMPEDIMENTS** The Interpreter shall, at all times, assess his/her ability to maintain Language Line Services' highest standards for professional interpretation. He/she shall immediately convey any reservations about his/her ability to successfully complete the assignment, for the customer. The Interpreter shall decline any assignment he/she believes to be beyond his/her technical knowledge or linguistic ability. **ACCREDITATION** The Interpreter shall only interpret for the language(s) for which he/she is authorized to interpret by Language Line Services and as certified by Language Line Services. **PROFESSIONAL COURTESY** Interpreter shall provide excellent customer service. He/she shall maintain a professional demeanor, be courteous and use the tone of voice appropriate to the situation. Interpreter shall defer to instructions from clients. **PROFESSIONAL DEVELOPMENT** Interpreter shall continually improve his/her skills and knowledge. Interpreter shall maintain and improve his/her Interpreter skills and knowledge through activities such as professional training or education and interaction with colleagues and specialists in related fields. The Interpreter shall keep informed of, adhere to, and conform his/her practices to Language Line Services policies and guidelines that relates to his/her professional duties. **HIGH STANDARDS OF CONDUCT** The Interpreter shall act at all times in accordance with the standards of conduct, and decorum appropriate to his/her profession as an over-the-phone Interpreter.



Northwest Justice Project

[Date]

[Insert Interpreter Name]

[Address]

Re: Confirmation of Interpreter Services

Dear _____:

This letter confirms your interpreting appointment at Northwest Justice Project on _____, 2005, at _____ a.m./p.m. The client name is _____ and the attorney you will be meeting with is _____. Please sign the Interpreter Sign-In Log at the front desk when you arrive and complete the pink Interpreter Job Encounter Form upon completion of the appointment and leave the pink Interpreter Job Encounter Form at the front desk.

Rate of pay is \$_____ per hour, and because we are a non-profit organization, we do not pay for parking or mileage reimbursement. You will need to submit an invoice to Northwest Justice Project for your services. Please include the following on your invoice for payment:

Date of Service

Your Employer ID Number or Social Security Number

Mailing Address of where you want your check mailed to

Client Name

Attorney Name

Amount Due

Invoices must be submitted **within 15 days from the date the service** was rendered. Our Accounting Department will mail you a check within 15 days from the date of receipt of your invoice.

Northwest Justice Project is located on the corner of 2nd Avenue South and Jackson Street in the downtown Seattle Pioneer Square District. The name of the building is Court In The Square. Take the elevators to your right to the 4th floor when you enter the building.

Thank you for assisting us. If you have any questions regarding driving directions, I can be reached at 206-464-1519, ext. _____.

Sincerely,

_____, Legal Assistant
Northwest Justice Project

NORTHWEST JUSTICE PROJECT

Interpreter Grievance Form

Date of Interpreter Service: _____

☐ Telephone Call ☐ In-Person

Interpreter Name or
Interpreter Language Line ID No. _____

The above interpreter recently provided interpreter services that were unsatisfactory in the areas of:

- ☐ Inappropriate communication with client
- ☐ Confidentiality
- ☐ Not skilled in the language interpreted

To promote the trust and integrity of our client cases, it is mandatory that interpreters and translators hired by Northwest Justice Project to perform interpreting and translating services, abide by Northwest Justice Project's Confidentiality Rules and Rules of Professional Conduct.

This grievance form is being forwarded to you to notify you that we will no longer be utilizing this interpreter for future services.

Dated

Signature

Print Name

cc: _____

B. Payment of Interpreter Services



Northwest Justice Project

INTERPRETER FRONT DESK SIGN IN LOG
2005

PLEASE PRINT

DATE	INTERPRETER NAME	TIME IN	CLIENT NAME	ATTORNEY NAME

2005 Interpreter Front Desk Sign In Log
03/16/05

LSC



Northwest Justice Project

INTERPRETER JOB ENCOUNTER FORM

(This is not an invoice for payment. Please complete this form and leave this form at the front desk. All interpreters are required to submit a separate invoice for payment.)

DATE: _____

In Person ☐

By Telephone ☐

Agency Name: _____

Interpreter Name: _____

(First Name)

(Last Name)

Client Name: _____

Attorney Name: _____

Time IN:	
Time OUT:	

Total Hours: _____

NJP USE ONLY

Please review the above hours, sign below and return to the appropriate legal assistant

Date

NJP Attorney

When an invoice is received from the interpreter, this form is to be matched to the interpreter's invoice for payment.

NORTHWEST JUSTICE PROJECT
Translator and/or Interpreter Services Payment Form

Office: _____

Staff Member: _____

Section 1:

Translator/Vendor Name: _____

Translator/Vendor Address: _____

Employer ID Number
(if a business) _____

Social Security Number
(if an individual and no Employer ID Number available) _____

Language Translated: _____

Section 2:

1. Is this TRANSLATOR/INTERPRETER SERVICE needed for one of the following?

Open Case: _____

Intake: _____

If either of the above has been checked, complete the following Litigation/Case information:

NJP Case Number: _____

Funding Source: ☐ LSC Basic ☐ LSC-NA ☐ LS-FW ☐ VOCA ☐ AOA
☐ IOLTA ☐ SHA ☐ Other _____

Client's Name: _____

Date of Service: _____

2. Is this TRANSLATOR/INTERPRETER SERVICE needed for translation of written materials such as pamphlets, flyers, etc. or is the service needed for community education, and not related to an open case? ☐ Yes ☐ No If no, is this service for:

☐ Written translation ☐ Interpreting

Payment Information:

Invoice attached _____ *Vendor Billing Seattle Admin. Office directly _____

*The above information should be gathered over the phone, form completed and sent to Accounts Payable at the NJP Seattle Accounting Office to be matched with invoice when it arrives.

Attorney/Authorized Signature

Date

C. Translated Documents

INTERPRETER CERTIFICATION OF TRANSLATED DOCUMENT

I am fluent/[certified] in the _____ language and I have translated this entire document [insert document name] for the [petitioner/respondent] from English to the language of _____. The [petitioner/respondent] has acknowledged his/her understanding of both the translation and the subject matter of this document.

I certify under penalty of perjury, under the laws of the State of Washington, that the foregoing is true and correct.

DATED this _____ day of _____, at _____, Washington.

Interpreter Signature

Client Signature

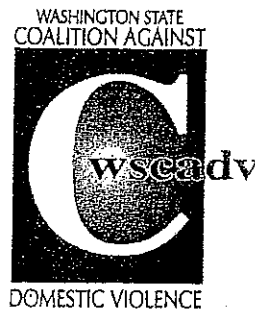
Interpreter Name (Please Print or Type)

Client Name (Please Print or Type)

[NOTARY SEAL]

MODEL PROTOCOL

On Services for Limited English Proficient Immigrant and Refugee Victims of Domestic Violence



Prepared by Lupita Patterson for the
Washington State Coalition
Against Domestic Violence

November 2002

ACKNOWLEDGEMENTS

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The Washington State Coalition Against Domestic Violence
is a statewide non-profit organization committed to ending
domestic violence through advocacy and action for social change.

Washington State Coalition Against Domestic Violence
www.wscadv.org

1402 Third Avenue, Suite 406
Seattle, WA 98101
Phone: 206-389-2515
Fax: 206-389-2520
TTY: 206-389-2900

101 N. Capitol Way, Suite 302
Olympia, WA 98501
Phone: 360-586-1022
Fax: 360-586-1024
TTY: 360-586-1029

MODEL PROTOCOL ON SERVICES FOR LIMITED ENGLISH PROFICIENT IMMIGRANT AND REFUGEE VICTIMS OF DOMESTIC VIOLENCE

Historically, in order to avoid being targeted by authorities, immigrant and refugee communities in the United States have tended to keep a low profile. This phenomenon is linked to various factors, often based on negative experiences with law enforcement and the military in their home countries. This is particularly the case for people who are escaping war, dictatorship or an authoritarian government. Other factors are migrant status, cultural differences and language barriers.

For these reasons, immigrant and refugee women with abusive partners are often reluctant to seek the services of a domestic violence agency in the U.S. How immigrant and refugee victims of domestic violence find out that agencies are prepared to serve them in their native language depends on the efforts of the domestic violence agencies themselves. Outreach campaigns are essential in linking non-English-speaking victims to the services available. Such outreach efforts can include the distribution of posters and pamphlets and giving presentations in the community, which affirm the agency's plan and commitment to serve immigrant clients in their native languages.

Since the terrorist tragedy of September 11, 2001, immigrant and refugee communities have been targets of an increased number of investigations, and in several cases have been harassed by law enforcement authorities under the guise of improving "homeland security." This climate of fear directed against immigrants has resulted in a crisis of safety in those communities, as victims may now be more reluctant to utilize law enforcement as a part of their safety plan. Because of this, it is essential for an advocate who is working with a Limited English Proficient (LEP) immigrant or refugee to be well-informed of their immigration and legal rights. For more details and resources, see the "Know Your Rights" attachment to this document.

The goal of this protocol and policy model is to support domestic violence agencies in the state of Washington to increase and extend their services to immigrant women whose first language is not English. The statutes mentioned in this protocol (e.g., Title VI) are mandates which recipients of federal funds must adhere to and should be a part of agency policy. However, some of the procedures may not be attainable or practical for every program, although they are an ideal to which programs should aspire.

BACKGROUND

Any organization or individual that receives federal financial assistance (e.g., FVPSA, VOCA, STOP, HUD), either directly or indirectly, through a grant, contract or subcontract, must comply with several federal civil rights laws, including Title VI of the Civil Rights Act of 1964 ("Title VI") and the Omnibus Crime Control and Safe Streets Act of 1968 ("Safe Streets Act"), as amended. These laws prohibit discrimination on the basis of race, color, religion, national origin and sex in the delivery of services.

National origin discrimination includes discrimination on the basis of limited English proficiency. To ensure compliance with Title VI and the Safe Streets Act, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary.

Furthermore, Title VI regulations¹ prohibit intentional discrimination as well as policies and practices that appear neutral but have a discriminatory effect. That is, an organization's policies and practices need not be intentionally discriminatory, but may violate Title VI if they "have an adverse effect on the ability of national origin minorities to meaningfully access programs and services." For details regarding Title VI, see <http://www.hhs.gov/ocr/lep/guide.html> or <http://www.lep.gov>.

Understanding a program's legal obligations under federal and state laws will help protect against liability claims for discrimination based on national origin. Furthermore, having a language access policy and plan in place will help battered immigrant and refugee women get the assistance they need.

¹ 67 Fed. Reg. 4968 (February 1, 2002); 67 Fed. Reg. 19237 (April 18, 2002).

RECOMMENDED POLICY

[Name of agency] shall work to ensure meaningful language access for all recipients of services by developing and implementing a comprehensive language assistance plan that includes:

1. Developing policies and procedures for identifying and assessing the language needs of its Limited English Proficient (LEP) applicants/clients.
2. Providing for a range of oral language assistance options.
3. Communicating to LEP persons (either verbally or in written form) their right to language assistance.
4. Providing written translation of materials that are often used when working with a LEP client.
5. Developing a budget plan to implement comprehensive language assistance.
6. Periodic training of staff.
7. Monitoring of the program.

RECOMMENDED PROCEDURES

It is essential to keep in mind the legal obligations outlined in Title VI to provide services to Limited English Proficient (LEP) clients. The following procedural recommendations should be considered as models for service delivery, although not all of them may be realistic for every program to implement. These recommendations can support bilingual and non-bilingual staff and volunteers in their work with LEP clients.

Initial Contact/Crisis Intervention

This is a critical opportunity to provide support and information for the LEP victim of domestic violence. The advocate's ability to communicate through knowledge of the language or using qualified interpretation may save the victim's life and the life of her children.

During the initial contact/crisis intervention with the LEP victim, advocates should:

1. Determine the LEP person's native language.
2. Ensure that everyone who is in contact with the client knows how to access a qualified interpreter or the interpreter line.
3. Contact a qualified interpreter.²
4. Tell the client that she has the right to have a qualified interpreter.
5. With the help of a qualified interpreter, tell the LEP client how to contact the police and explain to her what her legal rights are, as well as what to expect from a police response.
6. Ensure that the information that the interpreter provides is clear for the LEP client.
7. Work with the client on a safety plan that includes language access and continuing contact with the agency.

In the Shelter

This can be a very intimidating time for the LEP victim, as she is now in an unknown environment where she may not be able to communicate with others around her. That is why it is essential that the shelter advocates communicate with her as soon as she arrives at the shelter.

² [Name of the agency] will screen potential qualified interpreters to ensure the quality of the interpretation as well as a basic understanding of domestic violence and issues of confidentiality. For a complete guide on how to work with interpreters, see the "Working Effectively with Interpreters" attachment to this document.

Shelter advocates should:

1. Contact a qualified interpreter.
2. Tell the client that she has the right to have a qualified interpreter.
3. Ensure that the client feels comfortable with the interpreter.
4. Provide intake form to the client in her own language.
5. Construct a plan for communication between shelter advocates and the LEP client in the future.
6. Provide all written materials that are essential for the client in her own language and explain them with the help of an interpreter.
7. With the help of a qualified interpreter, ensure that the LEP client will be able to participate in shelter meetings (such as house meetings, individual and support meetings, parenting meetings) by providing interpretation or by providing groups/meetings in her own language.
8. With the help of an interpreter, tell the client about the resources that are available to her and her children in the shelter (such as food, clothing, children's program, legal advocacy program) and how to access those services.
9. If the client has children with her, schedule time to meet with each child individually, along with a qualified interpreter, to assess their needs and inform them of services available.
10. With the help of a qualified interpreter, make a plan for scheduling appointments and meetings that the LEP client needs to attend.
11. Work with the client on a safety plan that includes language access and continuing contact with the agency.

In the Community Advocacy Program

When working with a LEP victim of domestic violence in the community program, this is a difficult moment for the victim. It may be the first time that this individual has made a contact for support, so is very important to be prepared to serve her. Also, when talking on the phone with a LEP client, advocates need to remember that for a person who does not speak English fluently, this kind of communication can be a difficult process.

Community advocates should:

1. Contact a qualified interpreter.
2. Tell the client that she has the right to have a qualified interpreter.
3. Ensure that the client feels comfortable with the interpreter.
4. Provide intake form to the client in her own language
5. Construct a plan for communication between advocates and the LEP client in the future.

6. Make sure the community advocate voicemail message is in different languages or develop a plan with clients for them to be able to leave messages.
7. Provide all written materials that are essential for the client in her own language and explain them with the help of an interpreter.
8. Make sure that the LEP client will be able to participate in support groups by providing interpretation or by providing support groups in her own language.
9. If the client has children with her, schedule time to meet with each child individually, along with a qualified interpreter, to assess their needs and inform them of services available.
10. With the help of a qualified interpreter, make a plan for scheduling appointments and meetings that the LEP client needs to attend.
11. Work with the client on a safety plan that includes language access and continuing contact with the agency.

In the Transitional Housing Program

Because a client will remain for a longer period of time in this program, this is a key opportunity for the advocate to be able to link a LEP person with resources in the community to help her and her children. These resources may include: English as a Second Language (ESL) classes, health care providers, legal resources, community activities and culturally relevant events.

In order to do this, advocates should:

1. Contact a qualified interpreter.
2. Tell the client that she has the right to have a qualified interpreter.
3. Ensure that the client feels comfortable with the interpreter.
4. Work with the client on a safety plan that includes language access.
5. Make a plan with the LEP client that includes how to access community resources using language accessibility options.
6. Construct a plan for communication between housing staff and the LEP client during the client's transitional housing stay.
7. Provide all written materials that are essential for the client in her own language and explain them with the help of an interpreter.
8. Make sure that the LEP client will be able to participate in support groups by providing interpretation or by providing support groups in her own language.
9. Make sure that the transitional housing advocate voicemail message is in different languages or develop a plan with clients for them to be able to leave messages.
10. If the client has children with her, schedule time to meet with each child individually, along with a qualified interpreter, to assess their needs and inform them of services available.

11. With the help of a qualified interpreter, make a plan for scheduling appointments and meetings that the LEP client needs to attend.
12. Work with the client on a safety plan that includes language access and continuing contact with the agency.

Legal Advocacy

When doing legal advocacy with a LEP victim of domestic violence, advocates need to be aware that the client may feel threatened by the legal system. The legal advocate must be very clear in explaining to the client, with the help of a qualified interpreter, how the U.S. legal system works and explain to her that there might be situations in which a legal remedy will not be available for her case. Also, it is essential not to send LEP immigrant or refugee clients to Immigration and Naturalization Service (INS) for legal advice. Instead, refer them to immigration law experts, such as an immigration lawyer or immigrant rights agencies.

Legal advocates should:

1. Contact a qualified interpreter.
2. Tell the client that she has the right to have a qualified interpreter.
3. Ensure that the client feels comfortable with the interpreter.
4. Provide screening materials to the client in her own language.
5. Work with the client on a safety plan that includes language access.
6. Inform the LEP client of her legal and immigration rights.
7. Inform the client about legal resources that are available for her and her children.
8. Construct a plan for communication between legal advocates and the LEP client in the future.
9. With the help of a qualified interpreter, ensure that the legal information advocates provide to the client is clear and understandable.
10. Provide all written materials that are essential for the client in her own language and explain them with the help of an interpreter.
11. Accompany the LEP client to every legal meeting or procedure and make sure that she has an interpreter available.
12. With the help of a qualified interpreter, make a plan for scheduling appointments and meetings that the LEP client needs to attend.
13. Work with the client on a safety plan that includes language access and continuing contact with the agency.

Staff and Volunteer Training and Bilingual Recruitment

For the LEP victim of domestic violence, the language barrier is only one of many issues that she and her children are facing. Cultural differences can also play a large role, so training in cultural differences can help staff members and volunteers to better serve LEP clients. Recruiting bilingual staff and volunteers could provide an additional opportunity to meet the needs of LEP clients. Volunteers play an essential role in delivering services to victims of domestic violence; it is therefore very important to make sure that they receive the same level of training in providing services to LEP clients as other staff.

Community Collaboration

Immigrant and refugee victims of domestic violence may contact different community agencies, such as health providers or immigrant and refugee rights organizations, before they contact a domestic violence agency. That is why it is essential that domestic violence agencies collaborate closely with other social services agencies in order to expand their knowledge and options to better serve LEP victims of domestic violence.

Advocates must remain vigilant about confidentiality restrictions when collaborating with other community agencies and must have written releases if they are sharing information about the LEP client. Confidential information must be maintained by all parties, including domestic violence programs, immigrant rights agencies, health care providers and others. Confidentiality is essential in protecting the safety of all victims of domestic violence.

Critical Questions in Implementing a Plan to Work with Limited English Proficient (LEP) Immigrant and Refugee Victims of Domestic Violence

1. Our program occasionally works with people who are deaf and hard of hearing, as well as refugees and immigrants who do not speak English. What kind of policies do we need to have to cover all interpretation and language access issues?

Many people who are deaf and hard of hearing need interpreters to access services. Agency practices regarding interpretation and communication for both Limited English Proficient (LEP) clients and individuals who are deaf and hard of hearing can be similar. It is important to know that there are different laws that guide access for these populations—Title VI of the Civil Rights Act and the Safe Streets Act for LEP individuals, and the Americans with Disabilities Act for individuals who are deaf, hard of hearing or have other disabilities. We encourage you to review your existing policies to ensure access for people who are deaf and hard of hearing.

2. What are the types of written materials that should be provided to LEP clients?

Materials that are essential for the LEP client include the following:

- Intake form
- House rules list
- Children's permission forms
- Confidentiality waivers
- Clients' rights information sheets
- Clients' grievance policy/procedures

3. How does one determine what are reasonable steps to ensure meaningful language access?

- **Number or Proportion of LEP Individuals.** One factor is the number or proportion of persons who would be excluded from services due to language barriers. The policy guidance documentation from the U.S. Department of Justice and the U.S. Department of Health and Human Services Office of Civil Rights advises that "even those who serve very few LEP persons . . . should utilize this balancing analysis to determine whether reasonable steps are possible" and have in place a plan to serve such persons when the need arises.

- **Frequency of Contact with the Program.** How often do LEP persons come into contact with the program? For example, the guidance explains, the obligations falling on programs that frequently interact with LEP persons are greater than those applying to programs whose contact with such persons is "unpredictable or infrequent."
- **Nature and Importance of the Program.** The importance of the services provided also affects the determination of reasonableness. The guidance states, "More affirmative steps must be taken in programs where the denial or delay of access may have life or death implications than in programs that are not as crucial to one's day-to-day existence."
- **Resources Available.** The resources that programs have available are also to be considered in determining reasonableness. The guidance notes that a small program with limited resources may not have the same obligations as those falling on larger programs, "where contact is infrequent, where the total cost of providing language services is relatively high, and/or where the program is not crucial to an individual's day-to-day existence."

4. What are some examples of prohibited practices that may violate Title VI?

- Providing services to LEP persons that are more limited in scope or are lower in quality than those provided to other persons,
- Subjecting LEP persons to unreasonable delays in the delivery of services,
- Limiting participation in a program or activity on the basis of English proficiency,
- Providing services to LEP persons that are not as effective as those provided to those who are proficient in English, or
- Failing to inform LEP persons of the right to receive free interpreter services and/or requiring LEP persons to provide their own interpreter.

5. How does an agency select language assistance services?

Oral Interpretation

Agencies and providers have a number of options for providing oral language assistance. Which option to use will depend on a variety of factors, including the frequency of need and size of the population(s) being served.

Examples of oral language service options:

- Hiring bilingual staff for client contact positions
- Hiring staff interpreters
- Contracting for interpreter services

- Engaging community volunteers
- Contracting with a telephone interpreter service

6. What are the issues that arise in providing oral interpretation services?

Competency

The federal policy guidance stresses that providers should ensure that interpreters are competent, meaning:

- they should be proficient and have the ability to communicate accurately in both English and the other language,
- they should have knowledge in both languages of specialized terms,
- they should understand rules regarding confidentiality and impartiality, and adhere to their role as interpreters and not as advisors or counselors.

7. What are the kind of interpreters that the U.S. Department of Justice policy guidance discourages agencies from using?

Informal Interpreters

The policy guidance discourages the use of friends, family members and other untrained interpreters. Interpretation by friends or family of domestic violence victims is particularly problematic, and can potentially put the interpreter in harm's way. LEP individuals should never be expected or encouraged to use friends or family members as interpreters. The guidance stresses that certified interpreters should be used, particularly in the context of important legal rights such as in court and in law enforcement interrogations.

ATTACHMENTS

1. "Working Effectively with Interpreters: A Guide for Service Providers," prepared by Refugee and Immigrant Service Center, Olympia, WA
2. "Basic Rules – Dos and Don'ts for Advocates Working with Battered Immigrants," WSCADV Immigrant and Refugee Network Against Domestic Violence, adapted from materials by NOW Legal Defense and Education Fund and the National Immigration Project of the National Lawyers Guild
3. "Know Your Rights," Northwest Immigrant Rights Project, Seattle, WA

NOTE: The attachments are currently available in hard copy only, so they are not included with this .pdf file. Please contact Christine at WSCADV (206-389-2515 x100) if you would like the documents faxed to you.

