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Serving Limited English Proficient (LEP) Battered Women: A National Survey of the Courts' Capacity To Provide Protection Orders

The National Center for State Courts

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Abstract

This study explored the capacity of Limited English Proficient (LEP) petitioners to receive orders of protection. It was carried out by using a multi-method study design that included a national survey of courts, an intensive survey of a select group of courts and community-based organizations within their jurisdictions, and the assessment of selected sites that can serve as national models.

Findings from the national survey of 158 courts (76 percent response rate) demonstrated that courts had inadequate resources, including a shortage of interpreters. Courts had sparse informational or instructional material on protection orders in languages other than English and rarely posted signs informing the public of the availability of interpreter services. Court relationships with community-based organizations were limited. Furthermore courts had poor data collection and information management systems that did not track requests for language assistance. The study concludes that the courts have unmet needs in the area of language assistance to protection order petitioners.

A subset of 40 courts and 84 community-based organizations (CBOs) participated in structured telephone interviews. Both court and CBO respondents recognized three service gaps in interpreter services: (1) a major gap in the provision of interpreters occurs at the filing level; (2) language determines the quality and timeliness of interpreter services; and (3) the courts vary considerably in their use of qualified interpreters. Generally, respondents advised that language services could be improved by taking the following actions: (1) provide information in multiple languages, (2) improve outreach to LEP communities, (3) collect data, (4) increase human resources, and (5) professionalize interpretation.

Three sites (Miami-Dade County, Florida; King County, Washington, and Washington, DC) were selected for further study based on the high quality of their court programs and community collaboration. The results of the site visits were used to develop five components of an effective court response to the language assistance needs of LEP domestic violence survivors. The components underscore the collection of language and ethnicity data, access to the courts, professional court interpretation, collaboration with community-based organizations, and the use of national networks to expand resources.

In conclusion, courts have serious challenges in providing access to LEP protection order petitioners, especially those who speak languages less commonly spoken in the community the court serves. Yet there are a number of promising practices that can be implemented by courts and community-based organizations that can improve access to justice for LEP domestic violence survivors.

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Executive Summary

In 2003, the National Institute of Justice awarded the National Center for State Courts a grant to study the capacity of Limited English Proficient (LEP) petitioners to receive orders of protection. The project was guided by a national advisory board represented by judges, court staff, linguistic experts, government officials, and community-based service providers. The primary goal of the research project was to collect national-level information on the provision of protection orders for non-English speaking applicants.

Research Design

The multi-method study design included a national survey of courts, an intensive survey of a select group of courts and community-based organizations within their jurisdictions, and the assessment of selected sites that can serve as national models. The national survey, based on a systematic sample of counties stratified by population and state resulted in a nationally representative sample of courts. The response rate for the national survey of courts was 76 percent, resulting in a final sample of 158 courts. The overwhelming majority of courts were general jurisdiction courts that handled a variety of criminal, civil, and/or family matters. The national survey was followed by an intensive survey of a subset of courts, and local community-based organizations (CBOs) that served domestic violence victims. Courts selected for this phase had promising practices, such as language assistance plans in civil cases and the use of certified interpreters. The intensive survey included telephone interviews of court and CBO representatives and a fax survey for CBOs. The response rate for the courts was 93 percent, yielding a sample of 40 courts. The response rate for CBOs was 90 percent, resulting in 84 participating CBOs. Finally, three case studies were conducted to develop promising practices.

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Results from the National Survey

Population size was a critical factor in determining language needs and resources provided by the courts. Four county population tiers were use to document differences by size of jurisdiction: (1) population centers (800,000 or more), (2) metropolitan (400,000 to 799,999), (3) mid-sized (100,000 to 399,999) and (4) rural (5,000 to 99,999). Findings showed that language diversity increased as population increased. For example, 70 percent of responding courts in population centers reported that protection order petitioners as a group may represent four or more non-English languages, compared to 11 percent of the rural courts. In terms of language needs, Spanish was the predominant non-English language spoken in most communities. Other more common languages include Vietnamese, Russian, Korean, Arabic, and French.

There was a gap between persons seeking assistance with issues related to protection orders and the corresponding "availability of interpreters as needed." Across the board, courts did not have the capacity to provide interpreters for LEP persons seeking assistance with issues related to protection orders. The availability of interpreters as needed was extremely limited for the bottom third of languages among the list of commonly spoken languages. On average, for the bottom third of these languages, the interpreter availability was less than 50 percent in population centers and 16 percent in the rural counties. Overall, the courts' capacity to provide interpreters fell substantially short of what was required to meet the needs of the LEP population they served.

The courts seldom provided interpreters to assist petitioners with the application for a protection order, but did use interpreters for protection order court hearings. Courts used both formal and informal means to acquire interpreters. The use of contractual interpreters as needed

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was the most common means to providing services, especially among courts located in more urban areas. Courts also looked to bilingual CBO staff and court staff to interpret court proceedings. But of particular concern was the use of adult family members and friends of the petitioner, and especially minors, who were asked to interpret. About 30 percent of the courts in non-rural counties acknowledged relying on adult family members and friends of the petitioner to interpret at a court hearing. Additionally, more than seven percent of all courts acknowledged that a minor was asked to interpret at the hearing.

Almost 60 percent of courts in population centers had a language assistance plan that included civil cases, including protection orders. In contrast, 26 percent of the courts in rural areas had such a plan. Fewer than 17 percent of the courts used language identification cards or posted signs informing the public of the availability of free interpretation services. When signs were posted, they were almost never translated into multiple languages nor did they specifically mention the availability of free interpretation services in protection order cases. Courts in population centers and metropolitan counties often had some information material in languages other than English. The courts rarely, however, provided documents such as petitions, affidavits, or protection orders in languages other than English.

Court relationships with community-based organizations (CBOs) were limited. Collaboration was greatest in the area of informing LEP petitioners of the court's services, but fewer than half of the courts outside of the population centers collaborated in this manner. Courts located in more urban areas were more likely to work with local CBOs than were courts in smaller jurisdictions.

The majority of courts provided data on the number of civil temporary protection orders filed in their courts, but most courts were unable to provide data on the number of permanent

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protection orders filed and issued and the number of protection hearings. Fewer than one in four courts could provide data on the number of protection order hearings in which an interpreter was used. About 23 percent of courts in the population centers collected data on the primary language of the protection order petitioner—courts in smaller jurisdictions were even less likely to collect this data. The vast majority of courts simply did not collect data specific to LEP issues and protection orders, and there was no provision in place to gauge the quality or sufficiency of their services.

Despite the lack of resources and data, more than 59 percent of courts in all population tiers felt that they had sufficient services to meet the needs of those with limited English proficiency seeking protection orders. The survey found that resources dramatically declined as population decreased, yet 79 percent of the rural courts claimed to have sufficient resources to meet the needs of LEP petitioners. Among the courts that acknowledged that they did not have sufficient services to meet the needs of those with limited English proficiency seeking protective orders, respondents indicated that the greatest needs of the court in LEP area were: (1) better and increased availability of interpreters, (2) more diversity of language interpretation among staff, (3) increased availability of instructional material in languages other than English, and (4) increased funding.

Findings from the national survey demonstrate that courts have inadequate resources, including a shortage of interpreters. Courts have sparse informational or instructional material on protection orders in languages other than English and rarely post signs informing the public of the availability of interpreter services. Court relationships with community-based organizations are limited. Furthermore courts have poor data collection and information management systems that do not track requests for language assistance. Courts in rural counties appear to have the

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least capacity to address the needs of the LEP population. Nationally, there is a gap in the needs of the LEP population seeking protection orders and the courts' capacity to serve this population.

Perspectives from Courts and Community-Based Organizations

A subset of 40 courts and 84 community-based organizations (CBOs) that provided direct services to protection order petitioners in those court jurisdictions participated in structured telephone interviews. The courts used in this phase of the research project were not typical. They were selected because they reported that the court (1) had a language assistance plan, (2) used qualified interpreters, (3) used language ID cards, and/or (4) posted signs in multiple languages. Based on these criteria, the courts included in the telephone interviews represented those courts that have better practices and greater awareness of the issue than the typical court. The interviews were designed to gather information on court or organizational structure and language issues, the provision of services, court and community coordination, and successes and challenges.

Generally, court organization of interpreter services fell into three general approaches. Within each approach, specific court operations varied significantly. In the first approach, the court had its own office of interpreter services. Many of these courts had staff or contract interpreters in the court on a daily basis for Spanish and other languages spoken commonly in the jurisdiction. A second approach was a state-centered approach in which individual courts contacted the state's administrative office of the courts to arrange for interpreters to serve at court proceedings. The third approach was a multi-method response in which the court used a variety of resources, such as contractual interpreters, telephonic interpreters, bilingual court staff, and friends or family members of the parties to the case to provide interpreter services.

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Significantly, for the majority of courts funding was not as big an impediment to providing interpreters as finding qualified interpreters.

The ability of courts to provide quality language assistance varied for the different components of the process for obtaining a protection order (intake/filing, issuance of a temporary order, and hearing on a final order) and based upon the language spoken by the petitioner. Most courts were able to provide an interpreter at the hearing for a final order for most languages encountered, although smaller courts may not have been able to provide professionally qualified interpreters. Interpreters were generally not available at the intake and temporary order stages in courts in smaller jurisdictions, and in larger jurisdictions interpreters were readily available only for commonly spoken languages (primarily Spanish). Finally, immigration status of petitioners and their children did not affect the availability of protection orders or the court process.

While the predominant non-English language group was Spanish in nearly all jurisdictions, many courts noted increases in people from Eastern Europe, Russia, and Africa. Two general trends were reported by the courts. First, Spanish-speaking LEP groups were increasing generally across the country, and particularly in less urban areas experiencing growth. Second, LEP groups from various trouble spots around the world were increasing in a number of urban areas.

Courts and CBOs were asked to assess how well the court addressed the language assistance needs of protection order petitions and to identify ways in which language services can be improved. The majority of respondents who were able to provide an assessment of the courts ranked the court's provision of language services to protection order petitioners as 'excellent' or 'good.' The relatively high rankings were likely an outcome of the selection of courts that met specific performance criteria for this phase of the study. Court respondents were

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more likely to rank the courts higher than were their community-based counterparts. This finding suggests a gap between court and community-based perceptions on the needs of LEP protection order petitioners and how well the courts meet those needs.

A number of common themes influenced court and CBO assessments of the court's ability to provide language assistance to protection order petitioners: (1) court staff, (2) language resources, (3) accommodation and outreach, and (4) interpreter services. Two issues arose in the context of court staff. First, court and CBOs noted the value of bilingual court staff, especially in the clerk's office where protection orders are filed. Second, a number of individuals noted the importance of training programs for court staff on issues related to cultural and language diversity, including legal rights of immigrant victims. In terms of language resources, courts were encouraged to translate informational brochures, forms, and documents into multiple languages. Assessments of court performance were also influenced by the level of communication and accommodation between the courts and the local service providers. Finally, the most significant factor that affected assessments of the court's provision of language assistance was interpreter services. Both court and CBO respondents recognized three service gaps in interpreter services:

1. A major gap in the provision of interpreters occurs at the filing level.
2. Language determines the quality and timeliness of interpreter services.
3. The courts vary considerably in their use of qualified interpreters.

Court and CBO respondents were prompted to provide suggestions on how language services can be improved for those seeking protection orders. Their recommendations corresponded to the challenges previously identified. Generally, respondents advised that language services could be improved by taking the following actions: (1) provide information

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and court forms in multiple languages, (2) improve outreach to LEP communities, (3) collect data, (4) increase language resources, and (5) professionalize interpretation.

Promising Practices

Three sites were selected for further study based on the high quality of their court programs and community collaboration. Research staff visited each site to observe proceedings, collect background information, and interview staff from the courts and local community-based organizations. The results of the site visits, combined with the information accumulated from the national and intensive surveys, were used to identify promising practices. The three jurisdictions selected for participation in the case study analysis were (1) Miami-Dade County, Florida, (2) King County, Washington, and (3) Washington, DC.

In each of the case study sites the project team observed numerous programs, services, policies, and practices that promoted access to justice for domestic violence survivors who have limited English proficiency. These observations were distilled into five components of an effective court response to the language assistance needs of LEP domestic violence survivors.

1. Know the language and ethnicity of individuals who seek protection orders.

- Collect data at intake on native language, level of English speaking ability, and ethnicity for case management, staff assignments, obtaining interpreters for particular languages, identifying training needs.
- Track the number of court interpreters needed for which languages and numbers needed at each stage of the case, including filing, temporary protection order, permanent protection order hearings, and enforcement.

2. Create a court environment that encourages LEP individuals to access the court's services.

- Court staff should reflect the communities the court serves.
- Courthouses should have signage in multiple languages and use language identification cards.

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- The court should employ bilingual staff at all stages of the protection order process for the primary language groups served by the court.
- Court documents used in the protection order process should be available in the more common languages spoken by LEP petitioners, including petitions, temporary and final orders, instructions, and materials about services (see examples from the District of Columbia Superior Court (http://www.dccourts.gov/dccourts/superior/dv/forms.jsp).
- Provide training to judges and court staff on interpreter qualifications and how to assess them, when and how to request an interpreter, how to work with interpreters in the courtroom, language and cultural diversity, including immigrants' legal rights to access to justice, and sensitivity to concerns of immigrants and other LEP persons.
- The court should not inquire about immigration status of parties and guarantee that the protection order process is the same for all persons.

3. Ensure the quality and professionalism of court interpretation.

- For the languages most commonly spoken by LEP petitioners require certification through the state's certification body, the Consortium for State Court Interpretation, the Federal Court Interpreter Certification Examination Program, The National Association of Judiciary Interpreters and Translators or the local court.
- Ensure that interpreters adhere to the Model Code of Professional Responsibility for Interpreters in the Judiciary. (see http://www.ncsconline.org/wc/publications/ Res_CtInte_ModelGuidePub.pdf***)***.
- Pay court interpreters at a rate that is reasonably competitive with other government agencies and the local private sector. (see www.uscourts.gov/interpretprog/rates.html).
- Provide an opportunity for court users and service providers to identify problems in the quality or performance of interpreters and offer suggestion for addressing concerns.

4. Work collaboratively with community-based organizations to achieve a coordinated community response to the language assistance and service needs of LEP communities served by the court.

- Establish or revive a domestic violence coordinating council that includes justice system partners, domestic violence service providers, and organizations serving specific immigrant and ethnic communities and groups.
- Engage in proactive outreach to community-based organizations to identify immigrant communities that may not access the court, to learn about cultural issues that may be barriers for LEP and immigrant domestic violence survivors.
- Use community networks to find qualified court interpreters.

5. Participate in and use national networks to expand resources for providing appropriate language assistance services.

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- Use on-line resources available from the U.S. Department of Justice (www.lep.gov), the U.S. Department of Health and Human Services (e.g., (www.4woman.gov/minority/), the Consortium for State Court Interpretation (www.ncsconline.org/D_Research/CourtInterp.html), and The National Association of Judiciary Interpreters and Translators (www.najit.org).
- Use the internet to gather information on languages and cultures of LEP groups in the community.
- Work with universities and other courts nationally to develop mechanisms for securing interpreters in less frequently called for languages.
- Creatively use in-person and telephonic interpreting to fill gaps and provide interpretations for all languages at all stage of the protection order process.

In conclusion, the nation's courts need to increase their institutional capacity to identify, develop, and implement an effective system so as to provide equal and "meaningful access" to protection orders and court services for the LEP population.

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1 - Introduction

In 2003, the National Institute of Justice awarded the National Center for State Courts a grant to study the capacity of Limited English Proficient (LEP) petitioners to receive orders of protection. The project was guided by a national advisory board represented by judges, court staff, linguistic experts, government officials, and community-based service providers. This chapter provides a literature review and discusses the methodology used to conduct the study.

Literature Review

> *To a minority for whom English is not the primary language, language barriers only heighten the desperation that justice is simply beyond reach, no matter what the truth or consequences.*
>
> —Florida Supreme Court Task Force on Racial and Ethnic Bias[1]

The courts increasingly serve a population with limited English proficiency. Data from the 2000 Census of the United States indicate that 18 percent of the adult population speak a language other than English at home—nearly 5 percent speak English "not well" or "not at all."[2] These figures underestimate the extent of the non-English speaking population, as the Census Bureau historically undercounts minorities, immigrants, children, and the poor.[3]

Despite federal and state guidelines, most courts have not had the budget or resolve to create the capacity to provide sufficient language services. The need for interpreters, culturally-sensitive staff, and language-specific documents may be greatest in the case of battered and

---

1 Cited in the National Center for State Courts' home page for court interpreting (www.ncsconline.org).

2 U.S. Census Bureau, Census 2000, Summary File 3, Tables P19, PCT13, and PCT14; Internet release date: February 25, 2003. More current estimates are not available as the Census Bureau collects this particular data once every decade.

3 The U.S. Census Monitoring Board, established by Congress in 1997, estimates that the 2000 Census missed 6.4 million people.

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stalked women who seek reprieve with protection orders. The courts' ability to assist limited English proficient (LEP) petitioners essentially determines whether a woman takes an important step toward ending an abusive relationship or whether she is further alienated from the justice system and her safety jeopardized. This literature review documents the extent of the LEP population in the United States, summarizes applicable federal laws, discusses the courts' role, and provides information on domestic violence.

The LEP Population in the United States

"Limited English proficient" is a term generally used to encompass persons who are "non-English speaking" as well as persons who do not speak English with sufficient fluency to function effectively in a particular setting without oral interpretation or written translation assistance (Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System, 2003). The extent of the population with limited English proficiency is not entirely known, although Census Bureau data provide some rough estimates. The Census Bureau estimates that the nation's foreign-born population numbered 32.5 million in 2002, accounting for 12 percent of the total U.S. population (United States Department of Commerce, 2003). Among the foreign-born population, 52 percent were born in Latin America, 26 percent in Asia, 14 percent in Europe, and the remaining 8 percent in other regions of the world. The Census data suggest that the needs of the foreign-born population are extensive and are especially likely to impact agencies in metropolitan areas.[4]

The Census Bureau compiles data on languages spoken at home. Of the adult population, nearly 18 percent of the population speak a language other than English at home. Furthermore, the proportion of the non-English speaking language population varies considerably by state.

[4] More than one-fifth of the foreign-born had less than a ninth grade education and the foreign-born are more likely to live in central cities of metropolitan areas (43 percent) compared to the native population (27 percent).

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Exhibit 1.1 lists the 13 states that have a higher-than-average percentage of residents who speak a language other than English at home.

Exhibit 1.1: Non-English Speaking Population, United States and Individual States above the National Average, 2000

	Population 18 years and over	Speak non-English language at home	Percent of Population
United States	**209,279,149**	**37,171,829**	**17.8**
States above National Average			
California	24,650,185	9,522,061	38.6
New Mexico	1,311,478	498,746	38.0
Texas	14,977,890	4,629,865	30.9
Hawaii	917,212	262,567	28.6
New York	14,302,266	4,034,403	28.2
New Jersey	6,332,876	1,635,003	25.8
Arizona	3,767,931	945,176	25.1
Florida	12,347,806	2,836,454	23.0
Nevada	1,488,526	334,335	22.5
Rhode Island	800,810	157,898	19.7
Illinois	9,180,064	1,760,058	19.2
Massachusetts	4,853,130	908,415	18.7
Connecticut	2,565,991	475,551	18.5

The 2000 Census reports that over 300 languages are spoken in the United States. The Department of Justice's Executive Office of Immigration provides some indication of the use of languages in the United States. The Department identifies language by three categories, based on usage and the number of requests for interpreters:

1. Spanish (19,501 requests),
2. Common – includes Mandarin, Foo Chow, Creole, Arabic, Russian, Armenian, Albanian, Punjabi, French, Indonesian, Portuguese, Urdu, Fulani, Somali, and Amharic (1,135 to 8,232 request), and
3. Uncommon – includes 299 languages (0 to 954 requests).

Generally, resources and interpreter services are more plentiful for Spanish and common languages than uncommon languages.

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Title VI and Executive Order 13166

In 1964, President John F. Kennedy signed Title VI of the Civil Rights Act (Title VI, 42 U.S.C. § 2000d et seq.) The landmark legislation prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.[5] A decade later, the Supreme Court, in *Lau V. Nichols* (414 U.S. 563, (1974)), addressed the problem of language barriers and their consequences on the effective participation of non-English speaking individuals in federal benefits and services. The case centered on the failure of the San Francisco school system to provide English language instruction to approximately 1,800 students of Chinese ancestry who did not speak English. The Supreme Court held that, under these circumstances, the school's practice violated the Title VI prohibition against discrimination on the basis of national origin. The ruling opened a new era in federal civil rights enforcement under the so-called "Lau Remedies."[6]

On August 11, 2000, President Clinton signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." The Executive Order requires federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency, and develop and implement a system to provide "meaningful access" to services for the LEP population. Under the Executive Order, each federal agency must prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. The Department of Justice has the responsibility to act as a clearinghouse for the federal agency LEP plans. In addition, the Executive Order requires that every federal agency that provides financial assistance to non-federal entities must publish guidance on how

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5 Section 601 of Title VI provides that "No person in the United State shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

6 See the Federal Register, vol. 65, no. 159, August 16, 2000, pp. 50123-50125 for more information.

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those recipients can provide meaningful access to LEP persons, and thus comply with the nondiscrimination provisions of Title VI. The Department of Justice, which has responsibility to authorize publication of federal agency Title VI recipient guidance, has identified a four-factor analysis to help agencies determine whether the standard of "reasonable steps to ensure meaningful access" has been satisfied:

- Number or proportion of LEP persons in the eligible service population,
- Frequency of contact with the program,
- Nature and importance of the program, and
- Resources available and costs.

Title VI and its implementing regulations require that federal agencies and recipients of federal funds provide meaningful access to their programs to LEP individuals. While most local and state government agencies, including criminal justice agencies and courts, are supported through federal funds, a number of states and local jurisdictions have recently passed "English-only" laws.[7] According to the Department of Justice's Civil Rights Division:

> State or local "English-only" laws do not relieve an entity that receives federal funding from its responsibilities under federal anti-discrimination laws. Entities in States and localities with "English-only" laws are certainly not required to accept federal funding – but if they do, they have to comply with Title VI, including its prohibition against national origin discrimination by recipients of federal assistance.[8]

The enforcement of Title VI and Executive Order 13166 in the context of "English-only" laws is likely to reach the Supreme Court. In 2001, the Supreme Court addressed the scope of the Title VI disparate impact regulations in *Alexander v. Sandoval* (121 S. Ct. 1511 (2001)). The Court ruled that, even if the Alabama Department of Public Safety's policy of administering driver's license examinations only in English violates the Title VI regulations, a private party

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7 For instance, in Arizona, voters passed Proposition 203, which requires that students learning English cannot take any subjects in their native language unless they are determined to be an "English speaker." The law went into effect in 2004.

8 "Commonly Asked Questions and Answers Regarding Executive Order 13166," Coordination and Review Section, Civil Rights Division, Department of Justice (http://www.usdoj.gov/crt/cor/Pubs/lepqa.htm).

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could not bring a case to enjoin Alabama's policy. The Department of Justice holds that, while "*Sandoval* holds principally that there is no private right of action to enforce the Title VI disparate impact regulation… it did not address the validity of those regulations or EO 13166."[9] The Justice Department maintains that the Executive Order remains in force.

Limited English Proficiency and the Courts

In 2001, the Conference of Chief Justices (CCJ) passed "Leadership to Promote Equal Justice,"a resolution encouraging judicial leaders to establish partnerships with state and local bar organizations, legal service providers, and others to "remove impediments to access to the justice system, including physical, economic, psychological and language barriers."[10] A year later, CCJ noted that many states were already pursuing "effective strategies," such as state or local task forces to promote racial and ethnic fairness, educational awareness programs, interpreter service programs, and multilingual court forms.[11] The CCJ resolutions, combined with activity in the areas of state task forces and court interpreter certification, suggest a heightened awareness of the importance of language access to justice in the courts.

Court interpretation, and the qualification of interpreters, have been a major focus of a number of task forces. In many courts interpreters are not provided, clients are asked to bring their own interpreter, or the interpreter provided is not competent. One expert observer, Robert Joe Lee, Court Executive of Language Services for the New Jersey Administrative Office of the Courts, coined the term "appearance standard" to describe how the qualifications and preferred standing on the roster of interpreters are usually determined. The "appearance standard" consists

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9 Memorandum for Heads of Departments and Agencies General Counsels and Civil Rights Directors, From Ralph. F. Boyd, Jr., Assistant Attorney General, Civil Rights Division, Department of Justice, October 26, 2001 (public document available on the Internet).

10 Conference of Chief Justices, Resolution 23, Adopted January 25, 2001.

11 Conference of Chief Justices, Resolution 28 (In Support of State Courts' Responsibility to Address Issues of Racial and Ethnic Fairness), Adopted August 1, 2002.

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of five criteria: (1) the person is available, (2) the person shows up on time, (3) the person dresses appropriately and appears professional, (4) the person appears to be bilingual, and (5) no one complains about the person (cited in Hewitt, 1995). Yet court interpretation "is a highly specialized form of interpreting that cannot be effectively performed without commensurate specialized training and skills" (Hewitt, p. 16). An interpreter's level of qualification can only be determined through testing.[12]

There is considerable variance in the provision of court interpreters and document translation across states, courts, and even case types. The New Jersey Judiciary regards itself as the "flagship" for state court initiatives designed to assure equal access to courts for linguistic minorities. For example, the state has court interpreters on staff, training is provided to municipal court judges, a code of professional responsibilities for interpreters has been approved, and a pilot telephone interpreting program has been instituted (New Jersey Supreme Court Committee on Minority Concerns, 2002).[13] The New Jersey task force's recommendation in the 2000-2002 report is ambitious: "The Supreme Court should require that a qualified interpreter is provided for every person who needs an interpreter" (p. 101).

Variances in the provision of court interpreters appear closely related to membership in the Consortium for State Court Interpreter Certification program. The Consortium, which has grown to 35 member states, was founded in 1995 for the purpose of developing and regulating the use of court interpreter proficiency tests.[14] Generally, a certified interpreter is someone who has passed an examination mandated by legislation to assess interpreter competency for court

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[12] Reliable and valid oral testing is conducted by some interpreter testing entities, including the Consortium for State Court Interpreter Certification Examination program, the National Association for Judicial Interpreters and Translators, and the State of California's testing program.

[13] In 1996-97, the Superior Court needed interpreters for 45,188 events spread among 46 languages, and an estimated 90,000 interpreted events in the Municipal Courts.

[14] The Consortium was one of 15 finalists for the prestigious Innovations in American Government Award in 2002, sponsored by Harvard University's John F. Kennedy School of Government.

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proceedings. Some states have no certification for court interpreters, while other states test interpreters but don't certify them.

Participation in the Consortium and state requirements to use certified interpreters do not assure equal access to LEP persons in every court, but these steps are likely to improve services generally. For example, Nebraska, a member of the Consortium, notes a shortage of certified language interpreters in the state (Nebraska Minority and Justice Task Force, 2003). Thus, with so few certified interpreters available, non-certified interpreters are hired to interpret locally by the county and district court clerks. The appointment of an interpreter is left to the discretion of the court. In this regard, the Nebraska task force noted that some judges refused to appoint an interpreter for civil cases, despite state law, and were confused over payment for services.[15]

A recent report from Pennsylvania, which is now a member of the Consortium, vividly demonstrates the plight of non-English speakers in the state courts. Findings from the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System (2003) include the following:

- Some courts routinely allow untrained, non-professional individuals, including relatives and friends, to act as interpreters.
- Paid court interpreters are permitted to interpret without any demonstrated competency, especially when they are working under contract.
- The lack of standards in Pennsylvania for the use of interpreters and for determining interpreter competency compounds the problem of providing access to justice for LEP persons.

The Committee concluded that "the ability of the court system to determine facts and dispense justice is compromised by inadequate language services" (p. 41).

The wide assortment of language services, or lack thereof, across states and courts is compounded by the types of cases to which courts are obligated to provide services. Until

[15] "In any proceeding the presiding judge shall appoint an interpreter to assist any person unable to communicate the English language for preparation and trial of his or her case" (Neb. Rev. Stat. § 25-2403 (Reissue 1995)).

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recently, most courts provided court interpretation in criminal cases only. But some jurisdictions have begun mandating the provision of interpreters for LEP litigants in civil court proceedings. For instance, Florida's Judicial Management Council's Committee on Trial Court Performance and Accountability recommends interpreter services in all criminal contempt proceedings, as well as certain types of cases, including domestic violence cases (injunctions, extensions, hearings). In 1997, the American Bar Association also adopted a resolution that "recommends that all courts be provided with qualified language interpreters in order that parties and witnesses…may fully and fairly participate in court proceedings" (ABA Resolution, Rep. No 109, adopted August 1997).

Domestic Violence and the LEP Population

The LEP population shares just one feature: it is unable to speak or understand English enough to function effectively in specific settings. Otherwise, the LEP population is extremely heterogeneous in terms of race, class, ethnic background, and national origin. Consequently, a solid body of research does not exist for domestic violence in the LEP population. Rather, this project is informed by studies of domestic violence among immigrant groups.

The early 1990s reflected a growing recognition of the devastating impact immigration law and procedure had on immigrant victims of domestic violence.[16] The Violence Against Women Act of 1994 (P.L. 103-322) contained some recourse for battered immigrants—specifically, the Act provides relief by enabling battered immigrants to attain lawful permanent residence.[17] Despite subsequent reforms to protect immigrant battered women, immigration

[16] The first piece of legislation that recognized domestic violence as a problem experienced by immigrants dependent on their abusive citizen and lawful permanent resident spouses for legal immigration status was the "battered spouse waiver" (INA § 216(c)(4), 8 U.S.C. § 1186a(c)(4) (2001)).

[17] Between March 1996 and 2000, the INS received more than 11,000 VAWA self-petitions and had approved over 6,500 (Strack, 2000).

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status continues to be used as a means to control intimate partners. For example, Dutton, Orloff, and Hass (2000) found that 72 percent of the battered Latinas surveyed in their study reported that their spouses never filed immigration petitions for their wives even though 51 percent of the victims qualified to have petitions filed on their behalf.[18] In addition, those abusers who did eventually file petitions for their spouses took almost four years to do so. Fear of deportation is a very powerful tool used by abusers to prevent battered immigrant women from seeking help and to keep them in violent relationships.

Immigrant women experiencing domestic violence are subject to additional "weapons" that set them apart from others. In particular, the batterer often threatens the victim with deportation, destruction of essential paperwork, including passports and lawful permanent residency cards that demonstrate legal status, the removal of children, or reporting victims to the Department of Homeland Security (DHS) for alleged immigration violations. When battered immigrant women do seek assistance, they face countless challenges, including family and community resistance, fear of official institutions, and the lack of services (Abraham, 2000; Dasgupta, 1998; Shetty & Kaguyutan, 2002; Supriya, 1996; Warrier, n.d.). Immigrant women may also be wary of requesting help from official institutions based on experiences with similar institutions in their home country (Erez, 2000).

Language barriers further isolate immigrant women from community resources and legal remedies. For example, Erez (2000) suggests that some immigrant women do not know or understand the provisions of protection orders (which are predominantly English-only documents). Interpreting services are woefully inadequate. For example, law enforcement officers sometimes file a report based on information gathered from the abusive partner, his extended family, or the victim's children when official interpreters are not available (see Orloff,

[18] Individuals can now file on their own behalf.

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Dutton, Hass, and Ammar 2003). Moreover, when official interpreting services are available, the interpretation itself may be part of the problem. Community members are sometimes called into service—community members who may disagree with the woman's actions, lack interpreting skills, and are only vaguely familiar with the dialect being spoken (Abraham, 2000; Erez; Warrier, n.d.).

Research Design

The primary goal of the research project was to collect national-level information on the provision of protection orders for non-English speaking applicants. There were six objectives:

1. To determine the extent of LEP women seeking protection orders on a national scale—with documentation of languages represented and geographic distribution;
2. To assess current policies and procedures regarding LEP requests for protection orders;
3. To estimate the courts' current level of language services and assistance to LEP women seeking protection orders;
4. To identify and assess court collaborations with local community-based organizations;
5. To examine budget, staffing, and coordination issues that facilitate delivery of services to LEP clients; and
6. To develop national service and delivery models based on promising local practices.

The multi-method study design included a national survey of courts, an intensive survey of a select group of courts and community-based organizations within their jurisdictions, and the assessment of selected sites that can serve as national models. The research design incorporated three separate phases.

- Phase I –A national survey of 158 courts was carried out to gather data and general information on the extent of LEP battered women seeking protection orders and the ability of the courts to provide services.

- Phase II: An intensive survey was administered to a sample of 40 individual courts and the community-based organizations (CBOs) that provided services to the LEP population, primarily in the area of domestic violence.

- Phase II: Court services in the area of protection orders to LEP battered women were

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detailed in three metropolitan areas to explore service delivery and relationships between courts and CBOs.

The study was guided by a national advisory board comprised of a diverse panel of experts in the courts, domestic violence, interpretation, and ethnic/cultural/language issues (see Attachment A for a list of members). The advisory board assisted the research team with the development of the questionnaires, provided recommendations for case studies, guided the creation of a White Paper and practitioner-based products, and generally informed the research team. Members of the advisory board participated in listserv discussions and attended an advisory board meeting on March 8-9, 2005, held at the National Center for State Courts' headquarters in Williamsburg, Virginia.

Phase I: National Survey

The goal of the national survey was to gauge the extent of LEP women seeking protection orders and the courts' ability to provide services. The national survey involved three steps. First, a stratified systematic sample of counties was drawn. Second, a survey instrument was designed, with input from members of the national advisory board. Third, the survey was administered by research staff.

Sample Selection

This study began at the county level as the county tends to be the basic unit of court jurisdiction in most states. The county also afforded the opportunity to build a representative national sample based on political boundaries and population density, using the US Census Bureau county population figures as the data source. In 2000, there were 3,141 counties in the United States, ranging in population from 67 (Loving County, Texas) to 9.5 million (Los Angeles County). Three steps were used to draw a stratified sample representative of the

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population distribution in the United States:

Step 1 – Counties were stratified into four tiers based on population.
Step 2 – Within each tier, the counties were grouped by state and sorted by descending population.
Step 3 – Every n^{th} county was selected, with greater representation from the most populous counties.[19]

The sampling technique, an extension of the sampling design used in the National Center for State Courts' Civil Trial Court Network Project,[20] assured geographic representation within each population tier. While three of the tiers were strictly based on population, one tier included an additional geographical dimension (tier one consisted of the most populous county in each state).[21] Exhibit 1.2 shows the selection criteria and number of counties selected within each tier.

Exhibit 1.2: Sample Selection

Tier	Population Criteria	Interval Sampling
Tier 1: Most Populous County in Each State 20.5% of population	• Most populous county within each state and D.C. (24 counties have populations over 800,000) • 51 counties	Every county = 51 counties
Tier 2: Metropolitan Counties 31.0% of population	• Pop: 400,000 or greater • 110 counties (excluding population centers)	Every 3rd county = 37 counties
Tier 3: Mid-Sized Counties 24.0% of population	• Pop: 100,000 to 399,999 • 365 counties	Every 10th county = 37 counties
Tier 4: Rural 24.4% of population	• Pop: 5,000 to 99,999 • 2,324 counties	Every 66th county = 35 counties

In addition, members of the advisory board were asked to nominate additional counties for inclusion in the survey—only one county (Oakland County, Michigan) was added to the sample.

[19] Counties with populations less than 5,000 were excluded from the sample because they are not likely to have an infrastructure that would merit the analysis of court practices at the county level.

[20] The Civil Trial Court Network (CTCN) project receives funding from the Bureau of Justice Statistics.

[21] The counties were later classified solely by population size to ensure appropriate statistical analysis based on a single dimension.

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Phase I used a sample of 161 counties, which allowed the project to be manageable while maximizing the representativeness of the sample. While the inclusion of state population centers assured representation from each state, the overall sample favored highly populated states (e.g., California, Texas, Florida). In addition, the sample was weighted to more heavily represent metropolitan areas, where the greatest percentage of the LEP population resides. The sample also included a sufficient number of rural counties to ensure that language issues affecting less-populated jurisdictions are represented. A complete listing of counties that were selected for participation can be found in Attachment B.

Survey Instrument

A survey instrument, which was designed with assistance from members of the advisory board and pilot tested at a number of courts, contained three sections (see Attachment C). Background information was collected in part I of the survey and included requests for:

- Type of court,
- Filing and assistance with protection order applications,
- Languages spoken by those seeking protection orders,
- Court practices and services,
- Language resources,
- Interpreter and translator qualifications,
- Language assistance plans, and
- Strengths and challenges.

Part II of the survey focused on court relationships with community-based organizations (CBOs). Courts were asked to identify specific areas in which they worked with local CBOs and to provide contact information for local domestic violence organizations. In part III of the survey, courts were asked to provide data on the number of civil temporary and permanent protection orders filed and issued and number of requests for language assistance.

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Survey Administration

The survey was administered by research staff from the National Center for State Courts, using the court as the initial entry point. The administration of the survey included the following steps: (1) jurisdictional mapping, (2) identifying key contacts, and (3) conducting the survey.

Jurisdictional mapping was essential to identify the appropriate contacts at each selected site. For example, in some counties, a general jurisdiction court was responsible for handling a variety of civil and criminal matters, including protection orders. In other counties, a municipal court, justice of the peace court, and/or family court handled protection orders depending on the type of case. In addition, larger counties sometimes had specialized domestic violence courts with jurisdiction over all protection orders. Therefore, the first step in survey administration was jurisdictional mapping. The source of jurisdictional mapping information was derived from state and county-based Internet web sites and other resources (e.g., *BNA's Directory of State and Federal Courts, Judges, and Clerks*).

In localities served by multiple limited jurisdiction courts, research staff searched for data on the number of protection orders filed in each court to identify the courts with the highest volume of cases. Where no data was available, staff made calls to the courts serving larger populations to inquire about the number of protection order filings. The research team selected, at most, the three highest volume courts in counties served by multiple courts. Ultimately, 207 courts from 161 counties were selected for inclusion in the phase I survey.

Each court has a court administrator or manager to oversee operations. Research staff contacted each court administrator at the selected courts, by email and/or telephone, to seek his or her participation in the survey and to direct us to the most appropriate respondent. Because each court differed in structure, the type of respondent varied occupationally and included judges, court administrators, court clerks, court interpreter managers, and domestic violence

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court staff. The surveys were administered by email or fax, with frequent follow-up reminders to improve the response rate.

Response Rate

The response rate for the survey was 76 percent (158 of 207 courts completed the survey). Attachment D lists the responding courts. The response rate varied by county population—as county population decreased, the response rate decreased. Exhibit 1.3 shows the response rates for each population tier.

Exhibit 1.3: National Survey Response Rates by Population Tier

Population Tier	Courts Surveyed	Courts Responding	Response Rate
ıs County in Each State	67	56	84%
(400,000 or more)	53	40	75%
00,000 to 399,999)	50	35	70%
to 99,999)	39	27	69%
Total	**209**	**158**	**76%**

Phase II: Intensive Survey

The national survey documented the general capacity of courts to respond to the needs of LEP battered women in the context of protection orders. In Phase II, perspectives from community-based organizations were added to the design. Based on specific criteria, 43 courts and community-based service providers operating within those jurisdictions were asked to participate in a more intensive telephone interview. Phase II involved sample selection, the design of an interview protocol, and the administration of the interviews.

Sample Selection

The goal of the intensive survey was to document practices and policies at courts and local organizations that appear to hold promise in providing services to LEP petitioners. Thus,

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the sample selection was based on objective criteria as well as subjective assessment. Three steps were taken to select a diverse sample of courts. First, only a subset of courts were eligible for this portion of the study based on their responses to selected items from the national survey. Second, no more than one court was selected to represent a single county. Third, a qualitative assessment of responses from the national survey was undertaken to determine the final sample selection.

Eligibility was determined by examining responses from the national survey on four items:

1. Existence of a language assistance plan in civil cases,
2. Use of certified interpreters,
3. Use of language identification cards (see Attachment E for a sample), and
4. Posting signs in the courthouse informing the public of interpretation services.

The four items are indicative of court practices favorable to LEP petitioners. However, two of these practices (use of language identification cards and posting signs) were seldom marked by responding courts. Research staff used a combination of these four criteria to select courts eligible for inclusion in the Phase II survey. The result was a sample of 58 courts in 49 counties.

Seven counties had two or more courts meet the eligibility criteria. To maintain geographic representation, the next step was to select a single court from each county. Results from the national survey, and the volume of protection orders handled by each court, were used to select the court that appeared to have the most promising practices. For instance, if one court used had a language assistance plan, used qualified interpreters, posted signs, and provided data, it would be selected over another court in the same county that could not provide data and did not post signs. In cases where multiple courts from a single county were drawn, a comparison of the court responses to the national survey clearly distinguished a court that was more pro-active in the LEP area than others. This exercise resulted in an eligibility list of 49 courts.

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Finally, the survey responses from each eligible court were reviewed. Two factors—completeness of the national survey and the number of protection orders—were used to select the final sample. In total, six courts were precluded from selection because either they handled fewer than five protection orders on an annual basis or their responses to the national survey included a high proportion of missing information. The final sample used for the intensive survey was 43 courts, with over-representation from the population centers and metropolitan courts. Attachment F lists the 43 courts.

The selection of courts for the intensive survey was followed by the identification and selection of community-based organizations that served in the courts' jurisdictions. Four sources were used to initially identify domestic violence and ethnic/culturally-based organizations. First, many of the courts provided contact information for local CBOs when responding to the national survey. Second, the National Immigrant Victim Service Provider Resource Director, housed at the Legal Momentum website, was used to identify additional local resources.[22] Third, CBO representatives who participated in the interviews were asked to identify other organizations in their community that assisted domestic violence victims. Fourth, research staff conducted an Internet search (www.google.com) to identify additional CBOs operating in the selected localities. While this strategy resulted in a long list of eligible organizations, only those CBOs that provided direct assistance to individuals seeking protection orders were included in the final sample. A total of 133 CBOs were initially contacted—40 of those CBOs were excluded because they did not provide direct services to protection order petitioners or did not work in the court's jurisdiction. The final list of 93 CBOs asked to participate in the telephone interviews is provided in Attachment G.

[22] See http://www.legalmomentum.org/issues/imm/directory.php.

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Survey Instruments

Three instruments were designed for the intensive survey: (1) closed-ended fax-back survey for CBOs, (2) interview protocol for courts, and (3) interview protocol for CBOs. The closed-ended fax-back survey for CBOs was designed to screen out CBOs that did not provide direct services and to gather background information on the types of organizations that responded to the survey and their activities (see Attachment H). The interview protocols for courts and CBOs had similar formats (see Attachment I and Attachment J). Both protocols had four parts, with questions refined for the type of respondent. Part I included questions on court or organizational structure and language issues, and sought to gain a general overview of processes and practices. Part II addressed the provision of services and focused on how services might differ based on whether the language of the petitioner was commonly or less commonly encountered by the court (or organization). Part III solicited information on court and community coordination. Part IV included items to capture information on the successes and challenges the court faced in the provision of language services in protection order cases.

Survey Administration

The research team contacted those individuals from each of the 43 selected courts who had previously completed the national survey. Potential respondents were asked to participate in a telephone interview and were faxed or emailed a copy of the court interview protocol. The research team arranged personal interviews with each respondent and sent reminders to increase the likelihood that the interview would be completed as scheduled.

Community-based organizations were not contacted until a commitment from the court was secured. The CBOs were contacted by email or telephone and asked to initially complete the fax-back survey. Research staff then arranged for a telephone interview with the appropriate

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CBO representative. CBO representatives were contacted at least five times before they were considered a non-respondent. The telephone interviews, on average, were completed in 30 to 40 minutes.

Response Rates

The response rates for both courts and CBOs were high. Of 43 courts surveyed, only 3 refused to participate—a response rate of 93 percent. The response rate for CBOs was 90 percent. Exhibit 1.4 provides details of the response rates for courts and CBOs by population tier.

Exhibit 1.4: Intensive Survey Response Rates by Population Tier

Population Tier	Courts Surveyed	Courts Responding	Response Rate
Most Populous County in Each State	14	14	100%
Metropolitan (400,000 or more)	15	13	87%
Mid-sized (100,000 to 399,999)	11	10	91%
Rural (5,000 to 99,999)	3	3	100%
Total	**43**	**40**	**93%**

Population Tier	CBOs Contacted*	CBOs Surveyed	CBOs Responding	Response Rate
Most Populous County in Each State	70	51	48	94%
Metropolitan (400,000 or more)	47	33	28	85%
Mid-sized (100,000 to 399,999)	12	9	8	89%
Rural (5,000 to 99,999)	4	0	0	NA
Total	**133**	**93**	**84**	**90%**

* A number of CBOs that were contacted did not provide direct services or did not work in the jurisdiction under study, excluding them from the sample.

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Phase III: Case Studies

Phase III included the assessment of three jurisdictions that had practices that aim to improve access to the courts for LEP battered women. Potential sites were identified through a combination of results from the intensive survey and recommendations from the national advisory board. Case studies entailed the collection of data and documents as well as on-site activities.

Selection of Case Studies

The intensive survey, which included in-depth telephone interviews with courts and the CBOs that provided local services within those jurisdictions, was the basis of case selection. Originally, the research team had planned on visiting at least one jurisdiction in a mid-sized or rural county. However, all of the stellar programs were located in metropolitan areas. The criteria used to select sites for inclusion in the case study were:

1. The courts received consistently high marks from community-based organizations.
2. The courts had excellent protection order processes and a reputation for outstanding provision of language assistance.
3. The courts actively engaged in outreach to the community.
4. The courts provided certified interpreters to assist petitioners with the filing process and court hearing.
5. Court and CBO staff were willing to host a site visit from the research team.

In addition to the criteria included above, research staff worked to enlist three jurisdictions that had heterogeneous populations and could provide data on the numbers of petitioners and requests for language assistance. The three jurisdictions selected for participation in the case study analysis were (1) Washington, DC, (2) Miami-Dade County, Florida, and (3) King County, Washington.

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On-Site Activities

Site visits served two purposes. First, the site visits were used to *independently* document local practices. Second, the site visit explored promising practices that can be implemented by other courts and community-based organizations. On-site activities included observing protection order hearings and interviewing staff. A team of two researchers visited each site for approximately three days. Interview protocols were used to capture consistent information across sites—samples can be found in Attachments K and L. Separate protocols were developed for each site and to cover each different professional type. A variety of individuals were interviewed at each site and included the following professional types: judges, court managers, court interpreters, attorneys, victim assistance, and advocates. Managers as well as line staff were interviewed. In addition, the research team observed a domestic violence coordinating council meeting in Miami-Dade County.

Data Analysis

The study resulted in quantitative data as well as rich qualitative contextual information. The quantitative data from the national survey and the CBO fax-back survey were entered into two SPSS datasets. Survey data was analyzed using descriptive statistical tools, such as cross-tabulations and percentages. In addition, court and CBO interview data were entered into and analyzed in NVivo—a qualitative analysis software that is used for exploring and interpreting text data and analyzing fine details.

Study Limitations

Three limitations impact the accuracy and reliability of study findings. First, the survey may not be truly representative of the courts for the simple matter that the court structure in the

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United States lacks national uniformity. The reliance on the county jurisdiction to build the sample, while necessary, does not adequately reflect the diversity and volume of limited jurisdiction courts. Yet there is no master list of local, county, and state courts in the United States, and certainly no listing of courts that handle civil protection orders. Essentially, the limitations of the sample design affect the representativeness of the courts used in the surveys. Second, because the sample was drawn from counties, the study overlooks tribal courts. Findings must therefore be limited to policies and practices in state courts, rather than tribal courts. Finally, the study collects data and information from both official and organizational sources. It does not, however, collect information directly from petitioners. The experiences of LEP petitioners would have provided valuable information on processes that both hinder and improve their willingness to pursue and obtain an order or protection. Unfortunately, the logistics and expenses of including LEP petitioners in the study design proved overwhelming. Future studies would benefit from the inclusion of personal interviews and/or focus groups of battered persons who petition the court for a protection order.

Practitioner-Focused Products

In addition to the research reports provided to the National Institute of Justice, members of the national advisory board, working in conjunction with the National Center for State Courts' research team, guided the development of the following products.

- **Judicial Benchcard: Court Interpretation in Protection Order Hearings** (see Attachment M)

  The judicial benchcard, designed to be used as a one-page back-to-back document to guide judges in protection order hearings, covers three basic questions: (1) how do I appoint an interpreter? (2) what should I expect from the interpreter, and (3) how can I assist communication in interpreted proceedings. The guide includes advice on how to locate an interpreter and how to know if the interpreter is qualified. It includes sample questions to assess understanding of English, sample questions to assess

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interpreter qualifications, and a sample interpreter's oath. The benchcard also includes a short list of basic resources.

- **Brochure for Service Providers** (see Attachment N)

  The brochure provides a general definition of a temporary and permanent protection order, describes the rights of LEP individuals, and offers a checklist of resources for community-based organizations.

- **Code of Professional Responsibility for Interpreters Serving Limited English Proficiency (LEP) Victims of Domestic Violence Outside of the Courtroom and Judicial Settings** (see Attachment O)

  The Code of Professional Responsibility for Interpreters was designed for non-judicial settings, such as intake and meetings with service providers, interviews with police, and communications with advocates and medical personnel.[23] The Code of Professional Responsibility covers ten canons, on issues such as accuracy and completeness, impartiality and avoidance of conflict of interest, confidentiality, and duty to provide ethical violations.

- **Web-based Module: Limited English Proficiency Resource Guide** (see Attachment P)

  The web-based module (located at http://www.ncsconline.org/WC/Education/CtInteLEPGuide.htm) provides resources for the courts. The module includes links to online publications and resources and cites print publications. Topics include LEP laws and compliance, LEP policies and policy guidance, tips and tools, LEP and domestic violence, sample LEP policies and plans, and miscellaneous LEP reports and resources.

- **White Paper: Improving the Courts' Capacity to Serve Limited English Proficient Persons Seeking Protection Orders** (see Attachment Q)

  The White Paper makes policy recommendations and call for action to improve the state courts' capacity to identify, develop, and implement a system that ensures "meaningful access" to services for limited English proficient individuals seeking protection orders. The Paper includes a statement of the problem, call to action, barriers to "meaningful access," and recommendations.

[23] A code of professional responsibility for interpreters in courtroom settings already exists.

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2 – Results from the National Survey

This chapter presents findings from a national survey of a sample of 158 courts with jurisdiction over domestic violence civil protection orders. The sample of courts was initially drawn from a list of counties in the United States. Counties were stratified by population and state, and the final sample was selected systematically to ensure geographic representativeness. Within each county, the courts responsible for handling protection orders were surveyed.[24]

Population was the primary variable used in the analysis of the survey data. Courts were grouped into four tiers, based on county population: (1) population centers, which includes counties with a population of 800,000 or more, (43 courts) (2) metropolitan counties, which consist of counties with a population of 400,000 to 799,999 (36 courts), (3) mid-sized counties with populations between 100,000 and 399,999 (52 courts), and (4) rural counties with populations of 5,000 to 99,999 (27 courts). An overall response rate of 76 percent was achieved.

The survey instrument was divided into three sections. Background information addressed issues such as type of court, filing and assistance with protection order applications, languages spoken by those seeking protection orders, court practices and services, language resources, interpreter and translator qualifications, language assistance plans, and strengths and challenges. In a section on court relationships with community-based organizations (CBOs), courts were asked to identify specific areas in which they worked with local CBOs and to provide contact information for local domestic violence organizations. Finally, courts were asked to provide data on the number of civil temporary and permanent protection orders filed

[24] The number of courts sampled in each county was limited to the three courts with the highest volume of protection orders. This applies to counties in which a number of limited jurisdiction courts handle civil protection orders.

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and issued and number of requests for language assistance.

As with any survey, the quality of the information is dependent on the knowledge and accuracy of the respondent. In addition, some respondents may have been inclined to respond more favorably to present a better perception of their court—especially since the survey was administered by the National Center for State Courts. Given these caveats, some caution should be used in interpreting the findings.

Background Information and Service Provision

The population of the county played a significant role in nearly every survey item. Generally, more populous counties had more heterogeneous populations with greater language demands than less populous counties. Consequently, the level of need was higher in more populous counties. The data presented in this section cover a wide variety of topics, including general court resources, perceptions of language diversity and resources, and court practices.

General Court Resources

The majority of the courts in our survey are general jurisdiction courts that handle a variety of criminal, civil, and family cases. The jurisdiction of the court does not appear to affect the availability of resources or court practices. Rather, the most significant difference in general court protection order resources is population. Two measures in particular are indicative of court resources: (1) the "availability of a specialized unit or dedicated staff" to assist petitioners with temporary protection order applications and (2) "on site availability of domestic violence advocates" to assist petitioners. The availability of court resources for temporary protection orders decreases in accordance with the size of the county.

- The percentage of courts with a specialized unit or dedicated staff to assist petitioners with temporary order applications was 69 percent in population centers, 86 percent in

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metropolitan counties, 62 percent in mid-sized counties, and 26 percent in rural counties.

- The percentage of courts with domestic violence advocates on site to assist petitioners was 67 percent in population centers, 69 percent in metropolitan counties, 54 percent in mid-sized counties, and 26 percent in rural counties.

Language Diversity and Interpreter Resources

The survey instrument included a list of languages other than English commonly spoken in the courts—the list was compiled from Language Line's number of court requests for interpreters. Respondents were also offered an "other" category in which they could note additional languages. Within each language, respondents identified whether the language was "commonly spoken", "less commonly spoken" or "not spoken" by persons seeking assistance with issues related to protection orders. Respondents were then requested to note, for each language, the "availability of interpreters as needed." Findings indicate that (1) language diversity decreases as population decreases, and (2) courts do not have the capacity to provide interpreters for LEP persons seeking assistance with issues related to protection orders.

Exhibit 2.1 shows the number of languages other than English spoken by protection order petitioners. The data on the number of languages commonly spoken includes both categories of "commonly spoken" or "less commonly spoken."[25] While some level of response error is expected, the data demonstrate that language diversity increases as population increases. For example, 70 percent of responding courts in population centers reported that protection order petitioners as a group may represent four or more non-English languages, compared to 11 percent of the rural courts. Given the fewer resources in rural courts, even this relatively low level of language diversity in rural courts is notable.

[25] Unless otherwise noted throughout this document, languages referred to as "commonly spoken" include languages identified as "commonly spoken" and "less commonly spoken."

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Exhibit 2.1: Number of Languages other than English Spoken by Protection Order Petitioners

Number of Languages Commonly Spoken*	Population Centers 800,000+	Metropolitan 400,000 to 799,999	Mid-sized 100,000 to 399,999	Rural 5,000 to 99,999	Total
No Other Languages	7%	17%	12%	26%	14%
One	9%	14%	27%	41%	22%
Two	5%	6%	15%	19%	11%
Three	9%	6%	10%	4%	8%
Four or more	70%	58%	37%	11%	46%

Item: What languages other than English are spoken by persons seeking assistance with issues related to protection orders?

** Includes "commonly spoken" and "less commonly spoken" languages.*

Exhibit 2.2 shows that, among 84 percent of the responding courts, Spanish was the most commonly spoken language by persons seeking assistance with issues related to protection. The next language commonly spoken in the courts was Vietnamese (47 percent of the courts), followed by Russian (41 percent), Korean (37 percent), Arabic (34 percent), and French (34 percent).

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Exhibit 2.2: Non-English Languages Commonly Spoken by Persons Seeking Assistance with Issues Related to Protection Orders*

Language	Population Centers 800,000+	Metropolitan 400,000 to 799,999	Mid-sized 100,000 to 399,999	Rural 5,000 to 99,999	Total
Albanian	37.2%	16.7%	9.6%	3.7%	17.7%
Arabic	53.5%	50.0%	21.2%	7.4%	34.2%
Armenian	34.9%	22.2%	11.5%	3.7%	19.0%
Bosnian	44.2%	25.0%	15.4%	3.7%	23.4%
Cantonese	48.8%	44.4%	15.4%	3.7%	29.1%
Farsi	46.5%	33.3%	13.5%	3.7%	25.3%
French	51.2%	44.4%	23.1%	14.8%	34.2%
Haitian Creole	41.9%	33.3%	17.3%	3.7%	25.3%
Korean	55.8%	41.7%	36.5%	3.7%	37.3%
Laotian	39.5%	36.1%	23.1%	18.5%	29.7%
Mandarin	51.2%	44.4%	13.5%	11.1%	30.4%
Polish	46.5%	33.3%	15.4%	3.7%	25.9%
Portuguese	46.5%	41.7%	26.9%	3.7%	31.6%
Punjabi	30.2%	25.0%	13.5%	7.4%	19.6%
Russian	62.8%	50.0%	30.8%	14.8%	41.1%
Spanish	90.7%	83.3%	84.6%	74.1%	84.2%
Tagalog	37.2%	19.4%	15.4%	3.7%	20.3%
Vietnamese	60.5%	50.0%	46.2%	22.2%	46.8%

Item: What languages other than English are spoken by persons seeking assistance with issues related to protection orders?

** Percentages include respondents who indicated a language was either "commonly spoken" or "less commonly spoken."*

Exhibit 2.3 graphically presents the higher level of diversity in urban counties, measured as a combination of Spanish (the most commonly spoken language in most courts) and additional languages. The data show that 68 percent of the courts in population centers have Spanish and four or more other languages commonly spoken among persons seeking assistance with issues related to protection orders, compared to 58 percent in metropolitan counties, 35 percent in mid-sized counties, and 11 percent in rural counties.

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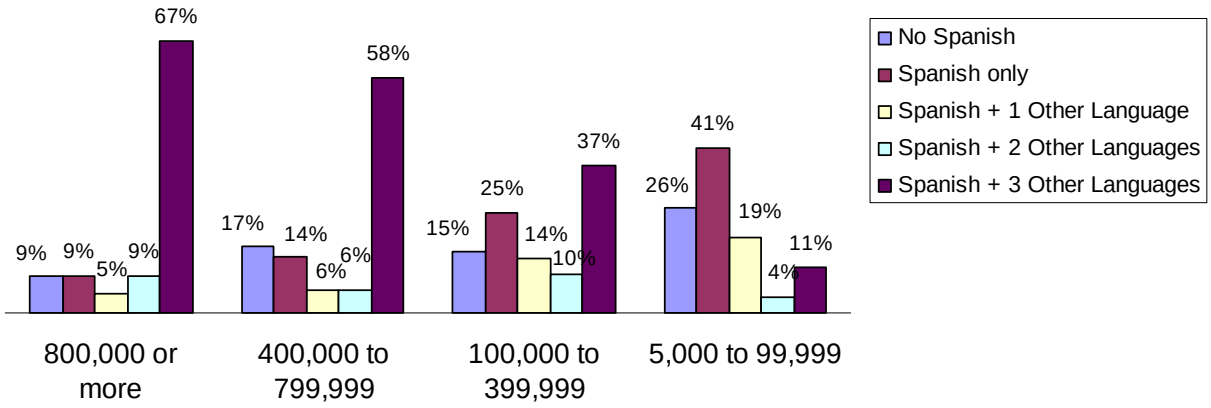
Exhibit 2.3: Number of Languages Commonly Spoken among LEP Population Seeking Protection Orders*



Item: What languages other than English are spoken by persons seeking assistance with issues related to protection orders?
** Includes "commonly spoken" and "less commonly spoken" languages.*

While the courts in the population centers have the greatest language diversity, about 41 percent of the courts in rural counties noted that Spanish was commonly spoken among protection order petitioners. Fully 67 percent of courts located in population center counties reported that Spanish and at least three other non-English languages were commonly spoken by protection order petitioners. This figure dropped to 58 percent in metropolitan courts, 37 percent in mid-sized courts, and to 11 percent in rural courts.

Interpreter Resources

The primary language resource that should be provided by the courts is interpretation, preferably carried out by certified interpreters. But there is a gap between persons seeking assistance with issues related to protection orders and the corresponding "availability of interpreters as needed." Courts in all four population tiers do not have the capacity to provide

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interpreters for LEP persons seeking assistance with issues related to protection orders. There is also considerable variance in the provision of court interpreters by language. The highest availability of interpreters is for Spanish with 85 percent in population centers, 82 percent in mid-sized counties, 77 percent in metropolitan counties, and 62 percent in rural counties. Interpreter availability was substantially lower for the next five languages (Vietnamese, Russian, Korean, French and Arabic). For example, interpreter availability for Vietnamese-speaking persons ranged from 66 percent in population centers to 33 percent in rural counties. Also, for each of these languages, the interpreter availability was much lower in rural courts as compared to courts in population centers.

The large differences in the availability of interpreters between population centers and rural areas for each of languages demonstrate a lack of capacity particularly in rural counties. However, the substantial difference in interpreter availability for Spanish compared to the other languages should not be over emphasized, given the relatively large size of the LEP Spanish-speaking population in the United States as compared to the other languages spoken by the LEP population. Moreover, the existing interpreter availability for Spanish falls short of meeting the needs of the Spanish-speaking LEP population that seek assistance with issues related to protection orders.

The availability of interpreters as needed is extremely limited for the bottom third of languages among the list of commonly spoken languages. On average, for the bottom third of these languages, the interpreter availability is less than 50 percent in population centers and 16 percent in the rural counties. Exhibit 2.4 shows interpreter availability for the top and bottom third of the commonly spoken languages, by population tier. Overall, the courts' capacity to provide interpreters falls substantially short of what is required to meet the needs of the LEP

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population they serve.

Exhibit 2.4: Interpreter Availability for the Top and Bottom Third of Commonly Spoken Languages*

Interpreter Availability "as needed" for the Top Third of Commonly Spoken Languages	Population Tier	Interpreter Availability "as needed" for the Bottom Third of Commonly Spoken Languages
62%	Population Centers	48%
61%	Metropolitan	41%
51%	Mid-sized	34%
31%	Rural	16%

Item: Please indicate by checking from the table below the languages spoken and whether court interpreters are generally available for these languages.
** Includes "commonly spoken" and "less commonly spoken" languages.*

Interpreter Services and Practices

A shortage of interpreter resources will impact services and court practices. This section of the report documents responsibilities for arranging court interpreter services, the qualifications of interpreters, and the formal and informal provision of interpreters for protection order court hearings.

Responsibility for Arranging Interpreter Services

In all four population tiers, the courts are primarily responsible for arranging interpreter services. Over 75 percent of the courts in mid-sized counties, metropolitan counties, and population centers were responsible for arranging interpreter services. In contrast, just 60 percent of the courts in rural counties stated that they were responsible for arranging interpreter services—the responsibility otherwise lies with the local domestic violence organizations or "others."

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Qualifications of Interpreters

Courts use a variety of resources to identify available interpreters, and prefer to use interpreters that have passed some type of certification requirement. As shown in Exhibit 2.5, courts most often use interpreters that meet state guidelines. This figure varied from a high of 71 percent of courts in population centers to 48 percent of courts in rural counties. At least 35 percent of all courts rely on a state register of qualified interpreters. American Translator Association (ATA) certification is either rarely or never used to determine the qualification of translators of brochures. While courts may rely on state certified interpreters, many do not have any formal means to determine the qualifications of interpreters and translators.

Exhibit 2.5: Qualifications of Interpreters

	Population Centers	Metropolitan	Mid-sized	Rural
Interpreters meet state certification guidelines.	71%	69%	61%	48%
The court uses a state register of qualified interpreters.	37%	54%	41%	44%
Translators of court brochures are ATA certified.	15%	11%	6%	0%
The court does not have any formal means to determine the qualifications of interpreters and translators.	12%	17%	25%	35%

Item: How does the court determine the qualifications of interpreters and translators?

Formal and Informal Provision of Interpreters

Interpreters are seldom available to assist petitioners with the application for a protection order. However, court hearings are considered serious matters for which qualified interpreters are required. Courts are resourceful and use formal and informal means to acquire interpreters.

- Formally, interpretation may be provided for court hearings through (1) on-site interpreters available during business hours, (2) contractual interpreters that provide services as needed, (3) telephone interpreters used through a commercial service, and (4) interpreters provided through a community-based organization.

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- Language services for court hearings may also be provided informally through (1) bilingual staff/volunteers from a community-based organization who assist petitioners, (2) bilingual court staff, (3) the petitioner, who must make the arrangements for an interpreter, (4) adult family members and friends of the petitioner who may be present are asked to interpret, and (5) minors (children of petitioners) who may be present are asked to interpret.

Exhibit 2.6 shows the formal provision of interpreters by population tier. The use of contractual interpreters as needed is most common among the forms of formal provision of interpreter services in protection order court hearings. The use of contractual interpreters decreases as population decreases. The availability of on-site interpreter during business hours is more prevalent in population centers and metropolitan counties, than in mid-sized and rural counties. The use of commercial telephone interpreting services and interpreters provided through community-based organization tends to be the least common form of formal provision of interpreter services as reported by the responding courts.

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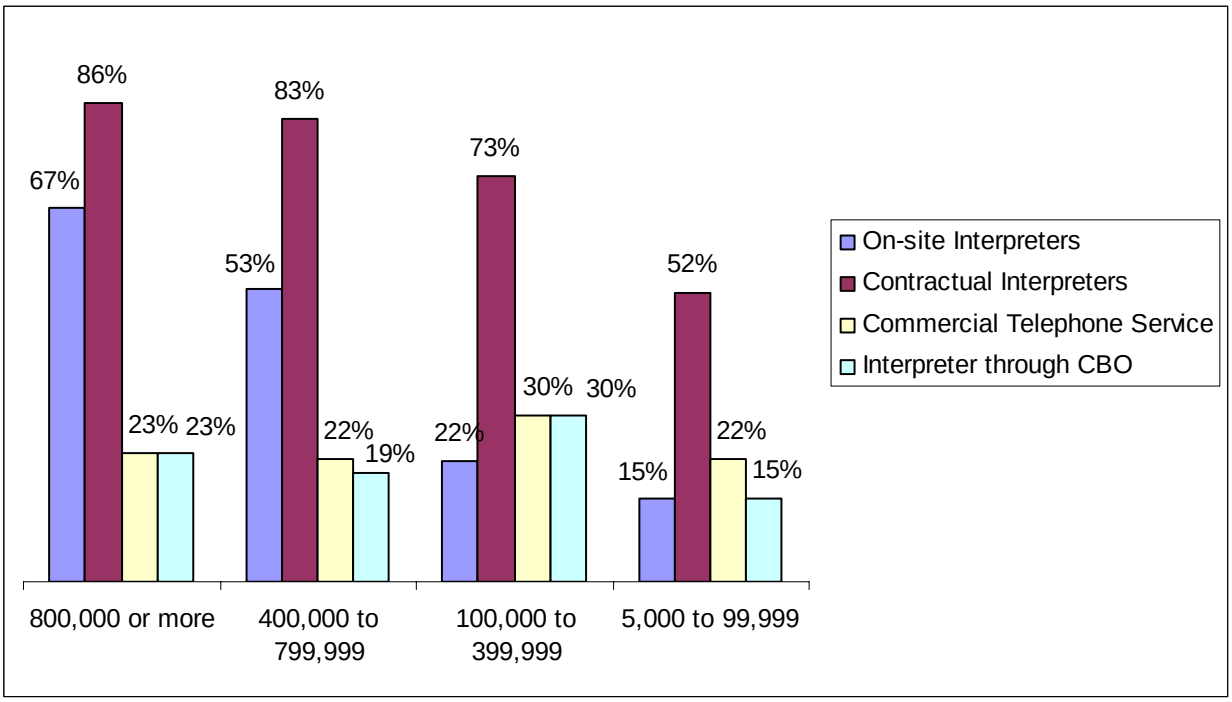
Exhibit 2.6: Formal Provision of Interpreters for Protection Order Court Hearings



Item: What language services are provided to protection order petitioners for filings and hearings—by either the court or another agency? Please check whether services are available for petitioners filing protection orders and whether they are provided for hearings. Check all that apply.

In addition to the formal use of interpreting services, courts rely on informal sources, especially in cases where the language is seldom spoken. Exhibit 2.7 shows the informal provision of interpreters for protection order hearings. Generally, the use of bilingual CBO staff who volunteer to act as an interpreter and the use of bilingual court staff to interpret court proceedings were relatively popular ways to provide interpretation. But of particular concern is the use of adult family members and friends of the petitioner, and especially minors, who may be present being asked to interpret. About 30 percent of the courts in non-rural counties acknowledged relying on adult family members and friends of the petitioner to interpret at a court hearing. Additionally, more than seven percent of all courts acknowledged that a child was asked to interpret at the hearing. While the data does not indicate how frequently this occurs, the percentage of courts that have indicated using family, friends, and children to interpret in a court

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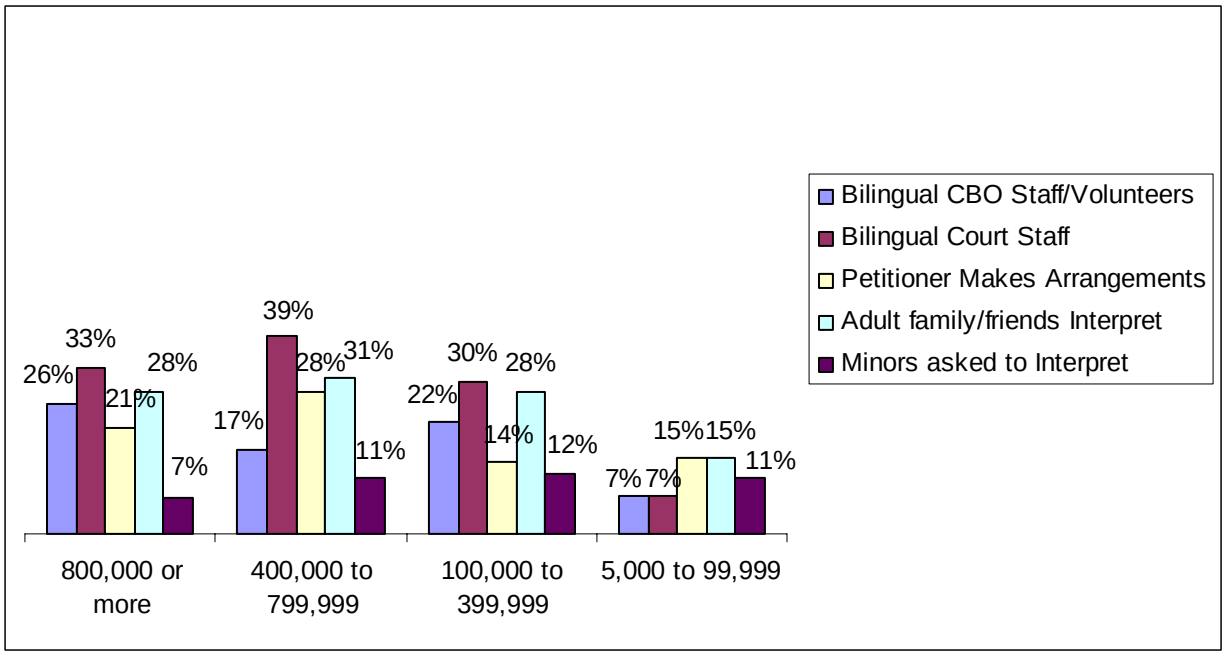
hearing is problematic and potentially harmful to both petitioner and interpreter.

Exhibit 2.7: Informal Provision of Interpreters for Protection Order Court Hearings



Item: What language services are provided to protection order petitioners for filings and hearings—by either the court or another agency? Please check whether services are available for petitioners filing protection orders and whether they are provided for hearings. Check all that apply.

Court Responses to the LEP Population

Court responses were measured in several ways. First, the development and distribution of a formal language assistance plan (LAP) by the courts can be used to determine needs and formalize procedures. Second, the use of language identification cards, which lists a number of languages in the native alphabet, is helpful for court staff to determine the language of the petitioner. Third, signage in multiple languages is an important resource to LEP petitioners. Fourth, protection order brochures and information guides in multiple languages can improve access to the courts for LEP petitioners.

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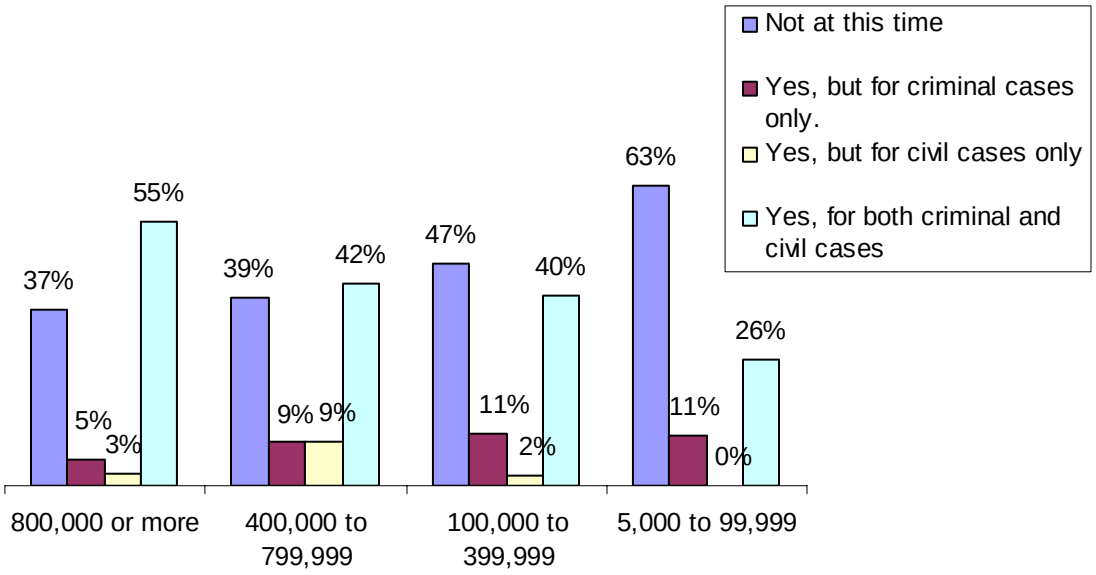
Language Assistance Plans

Not all courts have a comprehensive plan for language assistance to LEP persons. Over 60 percent of courts in rural counties do not have a comprehensive language assistance plan. Courts located in urban counties are much more likely to have a language assistance plan than their counterparts in less populated counties. Urban courts are also much more likely to have a plan that includes civil cases, which typically cover protection order proceedings. These data are shown in Exhibit 2.8.

Exhibit 2.8: Language Assistance Plans by Population Tier



Item: Does the court have a comprehensive plan for language assistance to LEP persons? The plan may include coverage for specific types of criminal or civil cases. Please check all that apply.

Language Identification Cards and Posted Signs

Fewer than 17 percent of the courts use language identification cards or posted signs informing the public of the availability of free interpretation services. When signs are posted, they are almost never translated into multiple languages, nor do they specifically mention the availability of free interpretation services protection order cases. The limited use of language

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identification cards and posted signs across courts in all population tiers suggests a lack of awareness of the needs of the LEP population.

Brochures and Informational Guides

The courts provide some informational or instructional material about protection orders through brochures and written material. Although these materials are primarily in English, courts in population centers and metropolitan counties also have some material in languages other than English. The courts rarely, however, provide documents such as petitions, affidavits, or protection orders in languages other than English.

Court Relationships with Community-Based Organizations

Court relationships with community-based organizations (CBOs) are limited. Exhibit 2.9 shows collaborative efforts between the courts and the CBOs. Collaboration is greatest in the area of informing LEP petitioners of the court's services, but fewer than half of the courts in mid-sized and rural counties collaborate in this manner. The courts in all four population tiers do not work in any significant way with CBOs to address immigration issues in domestic violence cases. Courts located in more urban areas are more likely to work with local CBOs than courts in smaller jurisdictions. For instance, 60 percent of the courts in the population centers work with CBOs to inform LEP petitioners of the court's services, whereas 38 percent of the rural courts did so.

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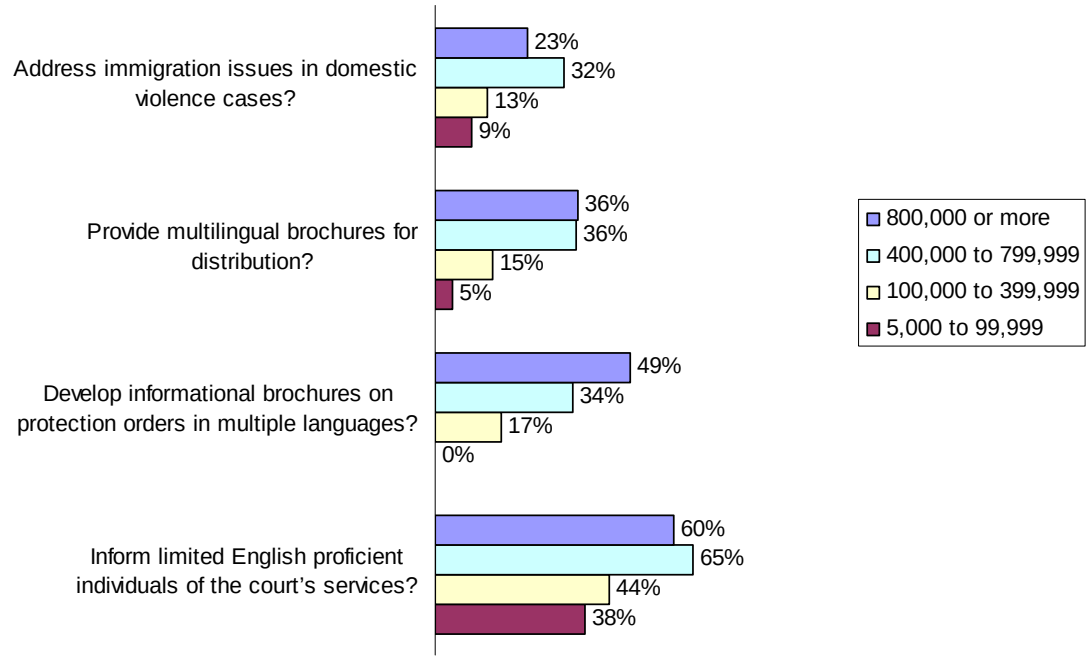
Exhibit 2.9: Court Relationships with Community-based Organizations



Data Collection and Information Management Systems

In some states, a single court is responsible for protection orders within the county. In other states, people can file an order of protection in a number of different courts. To gauge the volume of protection orders handled, the survey instrument requested each court to provide data (where available) from the county or equivalent and their individual court. Results are shown in Exhibit 2.10. The majority of courts (58 percent) provided data on the number of civil temporary protection orders filed in their courts, but most courts were unable to provide data on the number of permanent protection orders filed and issued and the number of protection hearings. Fewer than one in four courts could provide data on the number of protection order hearings in which an interpreter was used.

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Exhibit 2.10: Data collected on Volume of Protection Orders Handled

Data reported for Calendar or Fiscal year? N=120		Calendar 93	Fiscal 27	
	n	**Percent Reporting**	**Mean**	**Median**
Jurisdiction				
b. Number of Civil Temporary Protection Orders Filed	56	35.4	2,272	769
c. Number of Civil Permanent Protection Orders Filed	35	22.2	1,485	189
d. Number of Civil Permanent Protection Orders Issued	39	24.7	950	326
e. Number of Civil Protection Hearings	32	20.3	1,524	271
Court				
f. Number of Civil Temporary Protection Orders Filed	92	58.2	1,927	816
g. Number of Civil Permanent Protection Orders Filed	59	37.3	1,142	367
h. Number of Civil Permanent Protection Orders Issued	61	38.6	863	367
i. Number of Civil Protection Hearings	58	36.7	2,875	617
Language Assistance for Court				
j. Number of Civil Temporary Protection Orders Filed Requiring Language Assistance	31	19.6	54	1
k. Number of Civil Permanent Protection Orders Filed Requiring Language Assistance	28	17.7	48	1
l Number of Civil Permanent Protection Orders Issued Requiring Language Assistance	27	17.1	30	1
m. Number of Civil Protection Hearings in which an Interpreter was Used	36	22.8	30	1

The survey instrument asked courts if they collected data on (1) the primary language of protection order petitioners, (2) the primary language of protection order respondents, (3) petitioner satisfaction with interpreter services, and (4) grievances or complaints due to language access issues. As demonstrated in Exhibit 2.11, the courts in all county population tiers do a poor job of data collection on LEP issues. Outside of population centers, less than 7 percent of courts collect data on the primary language of the protection order petitioner. The vast majority of courts simply do not collect data specific to LEP issues and protection orders, and there is no provision in place to gauge the quality or sufficiency of their service provision.

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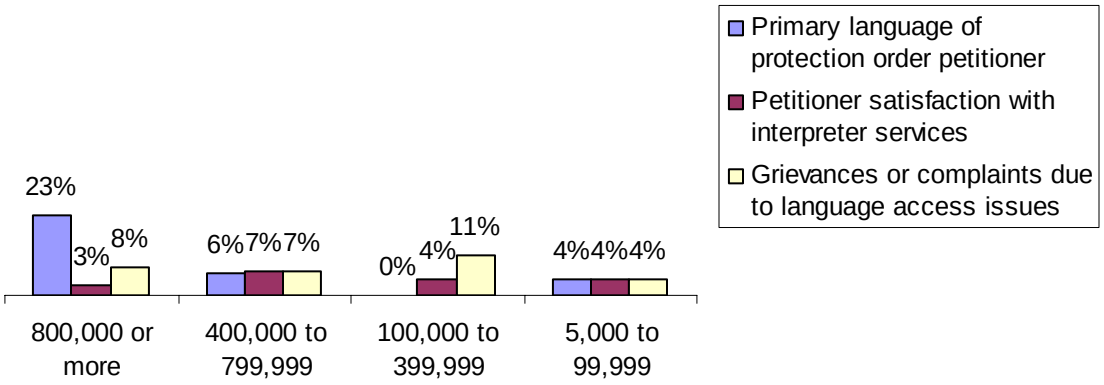
Exhibit 2.11: Data Collection on LEP Issues



Item: Does the court collect data on:

Sufficiency of Services

Despite the lack of resources and data, more than 59 percent of courts in all population tiers felt that they had sufficient services to meet the needs of those with limited English proficiency seeking protection orders (see Exhibit 2.12). The survey found that resources dramatically decline as population decreases, yet 79 percent of the rural courts claimed to have sufficient resources to meet the needs of LEP petitioners. The inverse relationship was also noted in the fact that just 59 percent of courts in the population centers indicated they had sufficient services. Quite likely, rural courts have so few requests for language assistance that they feel their services are sufficient, whereas urban courts have far greater needs from their linguistically diverse communities.

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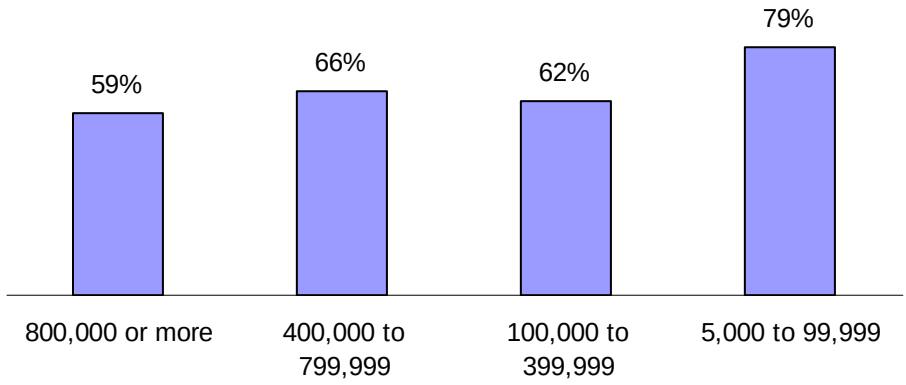
Exhibit 2.12: Court Claims to have Sufficient Services for LEP Individuals Seeking Protection Orders



Item: From your perspective, does the court have sufficient services to meet the needs of those with limited English proficiency seeking protection orders?

Among the courts that acknowledged that they did not have sufficient services to meet the needs of those with limited English proficiency seeking protective orders, respondents indicated that the greatest needs of the court in LEP area are:

- ***Better and increased availability of interpreters***
  This included needs such as more on-site interpreters, more certified interpreters, the availability of interpreters for some of the less commonly or rarely spoken languages, someone that can come to the courthouse to interpret when needed, immediate availability to interpreters, greater availability of qualified interpreters - especially for Spanish, Spanish-speaking interpreters employed by the court available to family law division, more interpreters to avoid significant delays in court hearings, interpreters of various languages available when petitioners file, cases to be set when interpreter is available, someone in each office to act as an interpreter (for the people who handle protection orders), certified or trained interpreters, more full time Spanish interpreters at the intake office, criteria for determining qualifications for interpreters, on-call interpreters for court hearings, custody mediations, a phone based system in which a pool of interpreters can be contracted for less spoken languages, and someone who knows ASL and ASL interpreters.

- ***More diversity of language interpretation among staff***
  This included needs such as bilingual courtroom staff and qualified Spanish-language interpreters**,** more certified Spanish interpreters on staff**,** information on resources available to courts, and staff available for immediate assistance with protection orders.

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- ***Increased availability of instructional material in languages other than English***
  This included needs such as instructions and forms in multiple languages, more brochures, more written materials, forms that have the English to Spanish interpretation included, brochures and materials written in Spanish, and Signage/translations of forms in languages other than Spanish.

- ***Increased Funding***
  This included needs such as funding for occasional local interpretation services, funding for an on staff interpreter, funding for enough Certified Court Interpreters for all case types, more funds for translation, State funded court interpreter program, and funds to pay for more translation services.

Summary of Findings from National Survey

Overall, the court's capacity to meet the needs of the LEP population fell short of meeting the needs of the LEP population it serves. This potentially reduces the range, efficacy and quality of services that LEP person receive and thereby limits their meaningful access to the courts. Below is a summary of the findings of the courts capacity to provide services to LEP individuals seeking protection orders.

1. **Courts Have Inadequate Resources**

   Courts have inadequate resources to meet the needs of LEP population. However, there are vast differences in resources among courts based on the county population size for those seeking protection orders. These differences in resources are most apparent between the courts in population centers and rural counties.

2. **Courts Have Limited Language Diversity**

   There is limited diversity in the languages that the courts serve for those LEP persons seeking protection orders. Courts in rural counties have the least language diversity. Despite the heterogeneous population and the multitude of languages spoken in the United States, particularly in the population centers and metropolitan counties, there are courts in all four county population tiers that have contact only with those that speak English. This suggests a lack of awareness or preparation by the courts for the diversity of languages in their counties or their inaccessibility to LEP persons seeking protection orders in languages other than English.

3. **Courts Have a Shortage of Interpreters**

   A gap exists between persons seeking assistance with issues related to protection orders and the corresponding "availability of interpreters as needed." Courts in all four population tiers do not have the capacity to provide interpreters for LEP persons seeking

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assistance with issues related to protection orders. There is also considerable variance in the provision of court interpreters by language. There is a shortage of trained professional interpreters for the less common languages.

4. **Courts Use a Variety of Professional and Unprofessional Interpreters for Protection Order Court Hearings**

   The majority of courts prefer to use contractual interpreters that provide services as needed for protection order hearings. However, many courts have also used bilingual staff from community-based organizations, bilingual court staff, adult family members and friends of the petitioner, and minors (children of petitioners) to interpret at hearings. The level to which each of these services was availed by the courts varies for the different population tiers. Of particular concern is the number of courts that have requested children and adult family members and friends to act as interpreters in protection order hearings

5. **Courts Vary in Standards for Interpreters**

   Court interpretation "is a highly specialized form of interpreting that cannot be effectively performed without commensurate specialized training and skills" (Hewitt, 1995, p. 16). Yet the courts vary in determining qualifications of interpreters and translators. From 15 to 30 percent of the courts, depending on population, had no formal means to determine the qualifications of their interpreters and translators.

6. **Courts Have Sparse Informational or Instructional Material on Protection Orders in Languages Other Than English**

   The courts provide some informational or instructional material about protection orders through brochures and written material. While the courts in urban counties have some material in languages other than English, the availability of translated material is extremely limited in rural courts. Overall courts rarely provide documents such as petitions, affidavits, or protection orders in languages other than English.

7. **Courts Rarely Use Language Identification Cards and Posted Signs Informing of the Availability of Services**

   Fewer than 20 percent of the courts use language identification cards or posted signs informing the public of the availability of free interpretation services. Posted signs were almost never translated into multiple languages nor did they specifically mention the availability of free interpretation services protection order cases.

8. **Courts Vary in the Development of Language Assistance Plans**

   Many courts do not have a comprehensive language assistance plan in civil cases, including protection orders. The percentage of courts that have a plan that covers civil cases is about 50 percent for non-rural courts and just 21 percent for rural courts.

9. **Court Relationships with Community-based Organizations**

   Court relationships with community-based organizations (CBOs) are limited. The court relationship with CBOs is primarily geared toward working to inform LEP individuals of the court's services. Courts do not work with community-based organizations to address immigration issues that arise in protection order cases.

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10. **Courts Have Poor Data Collection and Information Management Systems**

    The courts lack information systems for data collection to assess the overall number of protection orders handled by individual courts or by the county. There is no systematic data collection that would allow courts to assess the quality and range of their service provision to LEP persons. The courts do a poor job of data collection on LEP issues on primary language of petitioners, petitioner satisfaction with interpreter services, and documenting grievances or complaints due to language access issues.

11. **Courts Vary in Their Perception of Sufficiency of Services**

    Despite the lack of resources and data, courts generally perceive that they have sufficient services to meet the needs of those with limited English proficiency seeking protection orders. Although rural county courts almost consistently have the least resources and service capacity, they tend to view themselves as having sufficient services even more so than courts in urban counties. Similarly, courts in population centers that offer more services to LEP persons are less likely to consider their services as sufficient than courts in less populous counties.

12. **Courts Have Unmet Needs**

    Some of the greatest needs of the court to improve the provision of services in the LEP area include better and increased availability of interpreters, more diversity of language interpretation among staff to assist LEP persons, increased availability of instructional material in languages other than English, and increased funding to improve resources and services.

Conclusion

In 1997, the American Bar Association adopted a resolution that "recommends that all courts be provided with qualified language interpreters in order that parties and witnesses…may fully and fairly participate in court proceedings."[26] In 2001, the Conference of Chief Justices (CCJ) passed a resolution, "Leadership to Promote Equal Justice," encouraging judicial leaders to establish partnerships with state and local bar organizations, legal service providers, and others to "remove impediments to access to the justice system, including physical, economic, psychological and language barriers."[27] A year later, CCJ noted that many states were already pursuing "effective strategies," such as state or local task forces to promote racial and ethnic fairness, educational awareness programs, interpreter service programs, and multilingual court

[26] ABA Resolution, Rep. No 109, adopted August 1997.
[27] Conference of Chief Justices, Resolution 23, Adopted January 25, 2001.

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forms.[28] The CCJ resolutions, combined with activity in the areas of state task forces and court interpreter certification, suggest a heightened awareness of the importance of language to justice in the courts.

Although there is no previous baseline for assessing the improvement in service provision, the findings from this first phase of the national study conducted by the National Center for State Courts, offer a snapshot of the courts' current level of language services and assistance to LEP women seeking protection orders. This snapshot demonstrates that there are vast differences based on population size in terms of court resources, language diversity, and attention to the problem of LEP individuals seeking protection orders. Courts in rural counties appear to have the least capacity to address the needs of the LEP population. Nationally, there is a gap in the needs of the LEP population seeking protection orders and the courts' capacity to serve this population. Overall, the courts need to increase their institutional capacity to identify, develop, and implement an effective system so as to provide equal and "meaningful access" to protection orders and court services for the LEP population.

[28] Conference of Chief Justices, Resolution 28 (In Support of State Courts' Responsibility to Address Issues of Racial and Ethnic Fairness), Adopted August 1, 2002.

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3 – Perspectives from Courts and Community-Based Organizations

A subset of 40 courts and 84 community-based organizations (CBOs) that provide direct services to protection order petitioners in those court jurisdictions participated in structured telephone interviews. The interviews were designed to gather information on court or organizational structure and language issues, the provision of services, court and community coordination, and successes and challenges. Additionally, community-based organizations were asked to complete a short fax-back survey requesting organizational information. This chapter summarizes the results from the intensive survey of the courts and CBOs.

Overview of Responding Courts and CBOs

The courts used in this phase of the research project are not typical. They were selected because they reported that the court (1) had a language assistance plan, (2) used qualified interpreters, (3) used language ID cards, and/or (4) posted signs in multiple languages. As such, the courts included in the telephone interviews represent those courts that have better practices and greater awareness of the issue than the average courts.

Courts

Of the 40 courts that participated in follow-up telephone interviews, 33 are members of the Consortium for State Court Interpreter Certification. They are located in counties that range in population size from very rural to urban. The courts were selected based on their responses to the national survey—30 of the courts surveyed in this phase have a comprehensive language assistance plan and use interpreters that meet state certification guidelines. About one-third of

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the courts reported using language identification signs or posting signs in multiple languages informing the public of the availability of free interpretation services.

The court structure, organization of calendars, and assignment of judges were quite varied across the courts participating in the telephone interviews. While the majority of the courts were courts of general jurisdiction, several were limited jurisdiction courts that hear only a subset of cases (such as misdemeanors, civil matters up to specified monetary limits, and family law issues such as custody, visitation, and child support). Only three courts were dedicated domestic violence courts, but most of the larger courts had dedicated calendars for temporary and final protection order hearings. In about one-third of the courts, protection orders were heard in the family division, and in another third of the courts judges heard protection orders along with a mix of all case types. In two-thirds of the courts only judges heard protection order cases, and in the other third about half had referees or hearing masters and half had a mix of judges and other judicial officers.

The number of protection orders heard by the courts in the interview sample varied by the size of the court. Smaller and more rural courts had lower caseloads than larger courts. One rural court had only about 20 protection order filings in a year, while a typical annual caseload for a metropolitan court was about 3,000 to 4,000. The forty participating courts in the survey sample have a variety of protection order processes; some of the variation stems from differences in the states' statutes governing protection orders. For example, the time period within which the court sets a hearing on a final protection order varies from 7 days to 30 days after a temporary order has been granted. Most courts indicated that final protection orders are valid for one year. Courts are about evenly split on whether a judge or hearing officer holds an ex parte hearing for temporary protection orders or makes a ruling based on the petition and affidavit.

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The intake process typically involved the court clerk's office and/or a specialized intake office. In the majority of cases, the intake process is shared in varying ways among intake office staff, clerk's office staff and advocates from community-based organizations. Most commonly, the court clerk's office is solely responsible for intake, which typically involves providing instructions for completing the forms and providing a place to complete them. This model is most prevalent among smaller jurisdictions. The next most common model is an intake office staffed by court employees and advocates from a community-based organization.

Community-Based Organizations

Background characteristics of participating community-based organizations (CBOs) were compiled by a fax-back survey that each CBO were asked to complete prior to their telephone interview. Eighty-one of the 84 CBOs that were interviewed returned the fax-back survey. The fax-back survey collected information similar to what was collected in the surveys sent to courts in the national survey. Exhibit 3.1 shows that the CBOs are actively involved in assisting petitioners with protection orders—74 of the 81 CBOs accompany petitioners to protection order hearings and almost 26 of the CBOs report they have staff housed in the courthouse. Furthermore, 54 of organizations report that CBO bilingual staff interpret for the petitioner during the application process; 27 of the CBOs indicated that their bilingual staff had interpreted at protection order hearings in the court.

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Exhibit 3.1: CBO Practices Related to Protection Orders

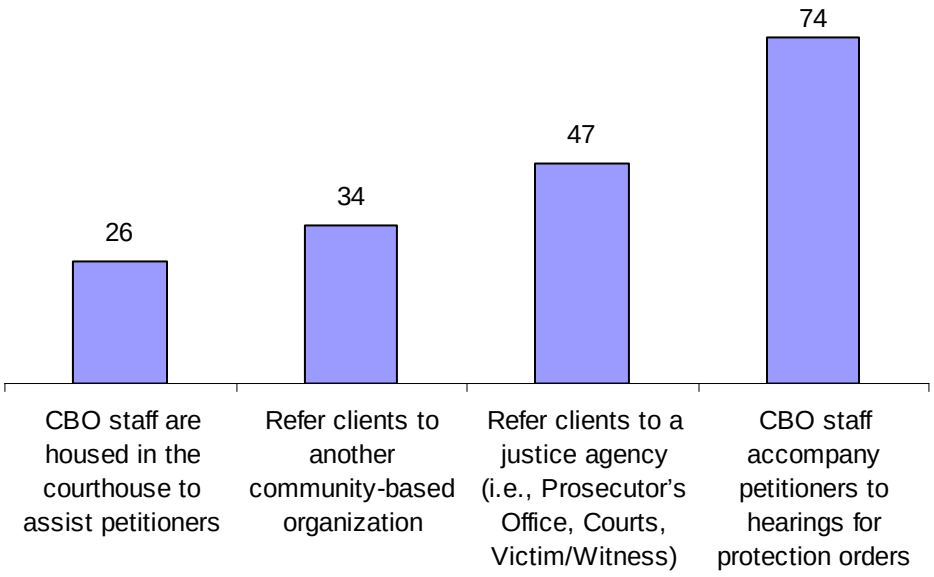

Exhibit 3.2 shows the number of CBOs that work with petitioners on specific issues, and indicates the proportion of those CBOs that work with the court on those issues. Generally, the CBOs had little direct involvement with the court in providing services. For instance, 73 of the 81 CBOs reported working with petitioners on immigration issues, but of those, only 5 work with the court.

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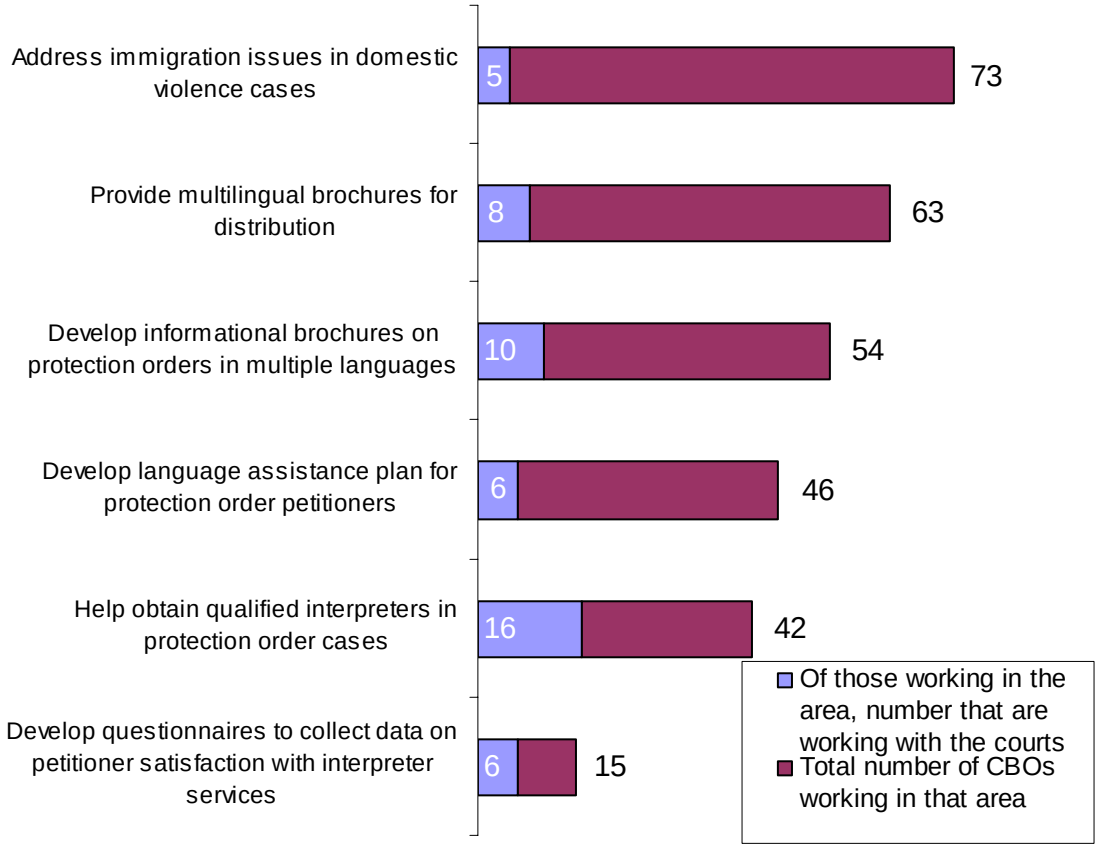
Exhibit 3.2: CBO Assistance to Petitioners and Involvement with Courts



Language Issues

Courts and CBOs were asked to respond to identify language issues impacting the provision of language services in the courts. Four items were addressed in the interviews: (1) interpreter services, (2) the local LEP population, (3) trends in language assistance, and (4) funding.

Interpreter Services

Courts are responsible for providing interpreters, at least in court hearings. Generally, court organization of interpreter services fall into three general approaches. Within each approach, specific court operations can vary significantly.

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Approach 1: The court has its own office of interpreter services.

- Many of these courts have staff or contract interpreters in the court on a daily basis for Spanish and other languages spoken commonly in the jurisdiction.
- Examples: King County, Washington; Miami-Dade County, Florida; Washington, DC; Clark County, Nevada; Milwaukee County, Wisconsin; and El Paso County, Colorado

Approach 2: The state's administrative office of the courts arranges interpreters.

- The court notifies the AOC that an interpreter is needed and the AOC obtains an interpreter from its resource list. The interpreter is paid directly by the AOC.
- Examples: Barnstable County, Massachusetts; Virginia Beach, Virginia; Fayette County, North Carolina

Approach 3: Courts use a variety of methods to secure interpreter services.

- Interpreter services can be provided in a number of ways. Interpreters might include those listed on internal and state lists, bilingual court and CBO staff, friends or family members, or contractual telephonic interpreters.
- Examples: The Jefferson County (Kentucky) Family Court and the District Court of Suffolk County, New York reported using telephone interpreting service regularly.

Local LEP Population

The most predominant language group is Spanish in nearly all jurisdictions. Many courts identified Spanish as one group, but Spanish speakers include people from many different countries and cultures, including Central America, South America, and the Caribbean. In some large urban areas, such as Chicago and New York, Polish was identified as a common language. Chinese (Mandarin and Cantonese), Vietnamese, and other Southeast Asian LEP populations (Pakistan and India) also were prevalent in large urban areas and on the West Coast. Courts in Minnesota noted large populations of Hmong. Many courts in various parts of the country noted increases in litigants from Eastern Europe, Russia, and Africa.

Two general trends were reported by the courts. First, Spanish-speaking LEP groups are increasing generally across the country, and particularly in less urban areas experiencing

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growth. Second, LEP groups from various trouble spots around the world are increasing in places such as Seattle, which has become a refugee hub, and in other jurisdictions with active church groups or charitable organizations. As a court respondent in Erie County, New York, stated, "trends come and go." The respondent went on to note the increase in demand for Bosnian and Croatian language assistance during the ethnic war in the former Yugoslavia; the increase in the number of requests for Russian in the wake of the decline of the former Soviet Union; and the surge in language assistance needs in Amharic and Sudanese dialects as war and economic crises created refugees from Ethiopia and Sudan.

Trends in Language Assistance

The majority of the courts reported positive changes in the provision of language assistance to protection order petitioners. Several courts reported improvement in coordination of services, either through the administrative office of the court (Kentucky, Missouri, North Carolina) or the local court. For example, the Milwaukee County Civil and Family Courts in Wisconsin, and the El Paso County Combined Courts in Colorado, created an in-house coordinator position, which had improved the process significantly.

Three California courts noted the positive impact that a state pilot project to provide interpreters for protection order cases had made on improving services.[29] The San Francisco County Superior Court has seen a "400 percent" increase in interpreters as a result of the pilot grants. Other courts mentioned adding bilingual staff (Ramsey County District Court, Minnesota) and adding more interpreters (Washington, D.C. Superior Court and Brockton District Court, Massachusetts) or full-time Spanish interpreters in the court every day (8th

[29] The grants were provided through the California Administrative Office of the Courts, the Center for Children and Family Services of the California. Some courts no longer have the grants and have absorbed the costs into their budgets.

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Judicial District Court in Clark County, Nevada and the Suffolk County District Court, New York).

Funding

Although a few courts cited the lack of funds to pay for interpreters, for the majority of courts funding is not as big an impediment to providing interpreters as finding a qualified interpreter is. As one court respondent noted, "I've never been able to say I can't provide interpreters due to lack of funds; the problem is the availability of the interpreter, not the money." In several states the administrative office of the courts (AOC) pays for some or all of the cost of interpreter services (e.g., Minnesota, Missouri, North Carolina, Virginia). However, some courts in two of these states do not provide interpreters for protection order cases and do not appear to know that the AOC will provide these funds.

One court expressed concern that funds will not continue to be available: "Funding is always a concern, especially as the need increases and the recognition that the courts need to offer the service in more areas. Right now criminal cases and these protection from abuse cases are considered priority, but the courts are moving toward providing services where we typically do not that will have a major funding impact as these services expand."

Provision of Services

Court and CBO representatives were asked to describe how the courts provide language services to petitioners with limited English proficiency (LEP) during the various stages of the protection order process, including intake, issuing a temporary order, and at the hearing on a final order. The ability of courts to provide quality language assistance varies for the different components of obtaining a protection order (intake/filing, issuance of a temporary order, and

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hearing on a final order) and for the language spoken by the petitioner. Three general findings are:

1. Most courts are able to provide an interpreter at the hearing for a final order for most languages encountered, but smaller courts may not be able to provide professionally qualified interpreters.
2. Interpreters are generally not available at the intake and temporary order stages in courts in smaller jurisdictions, and in larger jurisdictions interpreters are readily available only for commonly spoken languages (primarily Spanish).
3. Courts do not inquire about the immigration status of a petitioner and the protection order process does not change based on immigration status. Several courts attempt to connect undocumented LEP petitioners to legal and other services.

Within these broad findings, major differences exist among courts. In addition, there is a significant difference in the provision of services based on language.

A number of courts provide bilingual staff or on-call interpreters to assist LEP petitioners who speak a language commonly encountered by the court, primarily Spanish. For languages less commonly encountered by the court, few courts provide interpreters at intake for the temporary order. In Washington, King County Superior Court attempts to provide an interpreter the same day, but petitioners often have to return the next day. For final hearings, nearly all courts can provide an interpreter, but there may be some delays if the language is very rare. In some smaller jurisdictions, the court may use any person who speaks that language.

The findings from the telephone survey indicate that all courts need some type of assistance in serving the language assistance needs of LEP protection order petitioners. Responses from courts in a few states (California, Maryland, Massachusetts, Missouri, and North Carolina) indicate that the administrative office of the courts can play an important role by developing materials and resources that courts across the states can use. Community-based organizations also have much to offer courts in developing strategies and resources for improving language assistance to LEP domestic violence survivors.

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Court and Community Coordination

Court respondents were asked to discuss their court's relationship with CBOs to provide language services in regard to domestic violence cases. The courts could be generally classified into three types of responses.

1. The courts did not have any type of working relationship with CBOs.
2. The courts' role was primarily limited to referrals to domestic violence agencies.
3. The courts were actively engaged in outreach to CBOs and to LEP communities.

Some of the courts, primarily located in more rural areas, were unaware of any local CBOs active in either domestic violence or language issues. The more active courts were all located in urban jurisdictions. Only a handful of courts considered outreach to the community to be an important role of the court. A few examples of courts that provide outreach are provided below.

- In New York, the Erie County Family Court works with a committee that includes domestic violence advocates, attorneys, and probation officers to provide outreach to the minority and foreign communities in the area.
- In Washington state, the King County Superior Court's Office of Interpreter Services conducts training at community legal clinics and at various community groups. The court has a judges speakers bureau that conducts outreach to some of the ethnic-based communities. The court works with a number of organizations that work with refugees and immigrants.
- The Washington DC Superior Court has worked with a local CBO to conduct theater skits in the community to better inform people on how the court works.
- In Illinois, Cook County Circuit Court staff attend network meetings with community agencies and are actively engaged in community outreach.

Nearly all CBO staff interviewed described their relationship with the courts in positive terms—many noted that their relationship was "wonderful," "excellent," or "very good"—even in cases where there was no formal working relationships between courts and CBOs. The CBOs, engaged in the day-to-day activity of advocating on behalf of domestic violence victims/survivors, based their perceptions on the quality of interaction they had with individual

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judges and court staff. In addition, many of the CBOs were very active in local task forces that included court representation, and their views of the court were shaped by these activities. For instance, in Milwaukee County, Wisconsin, CBO staff are members of the Milwaukee Commission on Domestic Violence and Sexual Assault. In this capacity, they participate in subcommittees that include court staff, domestic violence judges, police officers, and community members. The committee is charged with developing ways to better serve their clients and to translate materials into non-English languages. In Alameda County, California, the local domestic violence organizations receive referrals from the court and participate in the Family Violence Council with court staff. Such activities forged a sense of shared goals between the CBOs and the courts.

The courts and CBOs often work together on larger issues related to domestic and/or family violence. They seldom work together to address issues specific to the LEP population. For this reason, most courts and CBOs were unable to specifically address the strengths and challenges in working together to address language access needs with each other. Nevertheless, the responses are suggestive of the nature of court-community coordination.

Court respondents indicated that the greatest strength in working with CBOs was that they were able to improve their outreach to specific communities. Also, the interaction and interchange between the courts and CBOs can be used to improve services for LEP petitioners and to increase court staff cultural sensitivity. For example, in Stanislaus County, California, the Superior Court incorporates cultural sensitivity issues raised by CBOs into its court staff training program. From the court's perspective, coordination and communication can also increase the level of trust the CBOs and ethnic-based communities have in the courts.

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The challenges most often noted were particular to those courts that provide space and resources for community-based advocates to assist protection order petitioners—some of the advocates also provided translation and/or interpretation services for LEP petitioners. In many cases, the courts have become dependent on advocates to provide individual assistance to petitioners. Yet the advocates are not employees of the court, which can create some confusion over roles. Some of the courts also noted that the precarious grant-based funding of CBOs is a challenge to maintaining a strong relationship.

Respondents from community-based organizations shared their perceptions of strengths and challenges in working with the courts. The greatest strength was in the collaboration itself, which increased the CBOs' access to judges and court staff and helped them gain respect from the courts. At the same time, collaboration was also seen as a challenge. As a service provider from a CBO in Milwaukee County, Wisconsin observed, "There is always the challenge of balancing aggressive advocacy with maintaining a good relationship." An advocate in Montgomery County, Maryland, also mentioned the tension of being seen as part of the system while keeping the focus on the client. A number of those surveyed also cited the high levels of bureaucracy within courts as a challenge to collaborating effectively. Finally, several respondents cited that an additional challenge is that too frequently, judges and court staff are not well versed in cultural diversity issues that affect domestic violence victims/survivors. This seemed particularly relevant for CBOs who work with communities that speak less common languages (e.g., the Hmong community in Milwaukee County, Wisconsin and the Arab American community in Wayne County, Michigan).

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Successes and Challenges

The telephone interviews with courts and community-based organizations concluded with a discussion of the successes and challenges for the courts in providing language access and services to LEP petitioners. Respondents were asked to provide an assessment of the court and provide a rationale for the assessment. Finally, respondents were asked to provide suggestions on how language services could be improved for those seeking protection orders.

Assessments of the Courts

Courts and CBOs were asked to assess how well the court addresses the language assistance needs of protection order petitions and to identify ways in which language services can be improved. Respondents were asked to rank the court's current provision of language services as excellent, good, fair, or poor. Exhibit 3.3 shows the ratings of the courts provided by courts and CBOs. Three courts, all located in mid-sized or rural counties, could not provide a ranking, primarily because they have little experience with LEP petitioners (Houston County Superior Court in Georgia, the District Court in Washington County, Minnesota, and the Dallas County Circuit Court in Missouri). Additionally, a relatively large proportion of staff from CBOs did not provide a definitive rating of the courts. In some cases this was due to the lack of knowledge of the court's provision of language services. In other cases, an overall rating was not assigned because the court's performance varied greatly by language.

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Exhibit 3.3: Court and CBO Assessment of Court Provision of Language Assistance to Protection Order Petitioners

	Courts			CBOs	
	Number	Percentage		Number	Percentage
Excellent	16	40.0		10	11.9
Good	17	42.5		28	33.3
Fair	3	7.5		13	15.5
Poor	1	2.5		4	4.8
Rating not provided	3	7.5		29	34.5

Item: Please give us your overall assessment of how you think your court addresses the language assistance needs of protection order petitioners/plaintiffs. Would you rate the court's provision of language services as excellent, good, fair, or poor?

Over 80 percent of the courts surveyed in this phase considered their provision of language services to protection order petitioners as 'excellent' or 'good.' Almost 45 percent of CBOs gave the court an 'excellent' or 'good' rating—although this figure is artificially low because of the high proportion of those who did not provide a rating. The exclusion of non-responders brings these figures up to 89 percent of courts and 69 percent of CBOs. While the vast majority of both courts and CBOs find the courts' provision of language services as 'good' or 'excellent', courts were more likely to rate their courts higher than were the CBOs. [30]

Common Themes

A number of common themes influenced court and CBO assessments of the court's ability to provide language assistance to protection order petitioners. These themes are grouped into the following categories: (1) court staff, (2) language resources, (3) accommodation and outreach, and (4) interpreter services.

[30] Correlations between courts and CBOs are not available for the draft report. Staff are currently merging qualitative and quantitative data, which will enable correlation coefficients to be provided in the final report.

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Court Staff

Two issues arose in the context of court staff. First, court and CBO interviewees noted the value of bilingual court staff, especially in the clerk's office where protection orders are filed. Second, a number of individuals noted the importance of training programs for court staff on issues related to cultural and language diversity. Bilingual staff, for both courts and CBOs, was seen as an important consideration in the hiring process. While a number of courts have taken specific measures to hire bilingual court staff, there is a growing and unmet need for additional bilingual staff.

- In New Hanover County, North Carolina, there is no one in the court's office who can speak Spanish. The CBO noted that the hiring of a Spanish-speaking staff would help improve communication for Spanish-speaking clients
- In Solano County, California, the CBO encouraged the clerk's office to hire more bilingual staff.
- In Ramsey County, Minnesota, the CBOs noted an improvement in services for Spanish-speaking petitioners with the addition of a Spanish-speaking clerk.
- In Suffolk County, New York, the CBO respondent stated that courts and CBOs should be willing to increase salaries to bring in bilingual staff.

Court staff should be trained on diversity issues. Several CBO respondents felt that the judges and court staff are not particularly sensitive to diversity issues and "can be a little abrupt or dismissive to LEP petitioners." Several courts noted training and educational programs that are designed to improve cultural sensitivity among staff. At least one state (Colorado) requires all state court employees to take classes on diversity. At the local level, several courts mentioned specific training programs to improve sensitivity and response to language needs.

- In Massachusetts, the Chelsea District Court trains judges on sensitivity issues on LEP issues.
- In Washington, the King County Superior Court's Office of Interpreter Services has an orientation session to educate judges and commissioners about protocols and ethics of interpreting.

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- In Miami-Dade County, Florida, the Eleventh Circuit Court has a special training program for interpreters.

Language Resources

English is the official language of the courts. Some states have laws that discourage or forbid the translation of official documents. Consequently, the ability of the courts to provide non-English documents, forms, and informational brochures is influenced by state laws, interpretation of those laws, and the initiative of the court. For example, in Kentucky, the Jefferson County Family Court was unable to use multi-language forms developed by the Center for Women and Families because Kentucky has designated English the official language of the state.

The absence of translated protection orders in particular, is a compliance issue. Staff in Alameda County Superior Court in California noted that LEP petitioners and respondents walk out of the courtroom with an English-language protection order that they cannot read. While an interpreter provides the terms and conditions of the order at the hearing, LEP petitioners and respondents have no written information in their native language to which to refer to after the hearing. With few exceptions, the use of English-only protection orders is a national norm and quite often, a state requirement. Only a handful of courts, such as the Eleventh Circuit Court in Miami-Dade County and the Washington DC Superior Court have translated protection orders into non-English languages. In addition, a number of courts have translated informational brochures into multiple languages.

Accommodation and Outreach

Assessments of court performance were influenced by the level of communication and accommodation between the courts and the local service providers. For instance, some courts have made an effort to inform advocates of the status of interpreters for hearings. Additionally,

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CBOs staff may have a preference for specific interpreters who work well with domestic violence or sexual assault victims. CBOs from a number of jurisdictions, such as Ramsey County and Washington County in Minnesota, noted that the courts have been very accommodating to requests for specific interpreters.

Court outreach and participation in local task forces and committees can affect service levels and perceptions of CBOs. In Milwaukee County, Wisconsin, a CBO respondent cited the creation of a dedicated court, participation on the local task force, and the creation of a county interpreter coordinator position as reasons for a positive assessment of the court. Finally, staff from King County Superior Court in Washington offered a telling comment, "We have built up trust with the agencies bringing the clients in."

Interpreter Services

The most significant factor that affects assessments of the court's provision of language assistance is interpreter services. While courts might perform well in areas related to court staff, language resources, and accommodation and outreach, the provision of interpreters is critical to LEP petitioners. Despite the favorable assessments of the courts' provision of language assistance, both court and CBO respondents recognized three service gaps in interpreter services:

1. A major gap in the provision of interpreters occurs at the filing level.
2. Language determines the quality and timeliness of interpreter services.
3. The courts vary considerably in their use of qualified interpreters.

The Filing Gap

Generally, courts are diligent in securing certified or qualified interpreters for court hearings. However, LEP petitioners must typically secure their own assistance in completing the application for a protection order. For instance, in Minnesota, the Scott County District Court

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respondent noted that LEP services were simply not available at the paperwork level—as a last recourse, the court would have to use a commercial telephonic interpreter service (the application is six pages long and it would be extremely cumbersome to spell out all the legal terms). In most jurisdictions, CBO staff have simply assumed the responsibility of helping LEP petitioners with the application process.

The availability of in-house court interpreters increases the likelihood that the petitioner will receive assistance with the application process. For example, the Washington D.C. Superior Court has in-house interpreters who are ready to assist protection order petitioners with paperwork, although court hearings take priority. In-house interpreters are typically available for Spanish—non-Spanish-speaking LEP applicants would have to be resourceful to get assistance at the filing stage.

The Language Gap

In every court participating in this study, there is a major service gap between the provision of Spanish and all other languages. In many communities, the Spanish-speaking population is the largest "minority" community and represents the largest need for interpreter services. Yet there are other linguistic groups with high levels of need that do not receive services similar to those received by Spanish-speaking petitioners. Consequently, LEP petitioners with primary languages other than Spanish are often subjected to delays and uncertified interpreters, which ultimately impact access to justice. Several examples highlight the difficulties in providing interpreter services for less than common languages.

- A CBO respondent in Ramsey County, Minnesota, shared the experiences of a domestic violence victim who spoke the African language of Mandingo. The inability to find a Mandingo interpreter led to numerous delays in the court proceeding.

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- In Milwaukee County, Wisconsin, a CBO respondent noted the low number of certified Hmong interpreters and the subsequent delays in temporary restraining orders and protection orders.
- In Alameda County, California, a CBO respondent mentioned that it's more difficult to get an interpreter for the Asian languages than it is for Spanish.

An additional concern in working with LEP petitioners from a smaller community is that the interpreter may know the petitioner and/or respondent. In such cases, battered women may be extremely reluctant to speak to someone from their own LEP community. In addition, anecdotal information suggests that the interpreters of some of the less commonly used languages do not interpret correctly and instead, may be encouraging petitioners to drop their requests for a protection order.

The Qualifications Gap

The courts participating in the intensive survey tend to use certified interpreters (in those languages where certification is available). Some courts, such as the King County Superior Court and the Washington D.C. Superior Court, have additional qualifications or screening tools that interpreters must meet to work in the court environment. Other courts do not have any formal means to measure the qualifications of interpreters.

Many CBO respondents noted that judges and judicial officers recruited unqualified persons to interpret, including CBO staff, in official proceedings. The use of unqualified interpreters is more likely to occur in cases where the LEP petitioner speaks a less commonly known language, where standards are generally lower for interpreters. Some courts used family members, including in-laws and children, to interpret at hearings. While this is not standard procedure for courts, the use of family and advocates happens on a circumstantial basis. For example, a CBO respondent in Cumberland County, Maine, noted that if an interpreter does not appear for a hearing, the judge may enlist someone who happens to be in the court, including

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family members, to interpret.

Suggestions for Improvement

Court and CBO respondents were prompted to provide suggestions on how language services can be improved for those seeking protection orders. Their recommendations correspond to the challenges they previously identified. Generally, respondents advised that language services could be improved by taking the following actions:

1. **Provide Information in Multiple Languages**
   - Post signs in multiple languages.
   - Translate brochures, documents, and forms.
   - Provide informational brochures, websites, and CDs that describe the protection order process in multiple languages.
   - Use language identification cards to identify the language of the petitioner.
2. **Improve outreach to LEP communities.**
   - Create a public awareness campaign.
   - Ensure communities that immigration status is not a matter for the local court.
3. **Collect data.**
   - Collect data on protection order filings, issuances, hearings, and language assistance needs.
   - Evaluate satisfaction with interpreter services.
4. **Increase language resources.**
   - Hire bilingual and culturally diverse staff.
   - Have certified interpreters in the court where demand is high.
   - Use contractual interpreters as necessary.
   - Ensure an adequate pool of qualified interpreters.
   - Train and educate judicial and court staff on diversity and language issues.
   - Develop a pool of qualified interpreters who are on call to provide interpretation assistance as needed in multiple languages.
5. **Professionalize interpretation.**
   - Never use family members or children to interpret.
   - Create a centralized interpreters office in the court.
   - Maintain high standards for all interpreters.
   - Insist on certified interpreters in languages where certification is possible.

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Summary

Courts participating in the intensive survey included 40 courts that exemplified promising practices, such as the drafting of a language assistance plan, the use of certified interpreters, the use of language identification cards, and posting signs in multiple languages. In each of the 40 court jurisdictions, community-based organizations (CBOs) that provided direct services to protection order petitioners were identified through a variety of means and contacted to solicit their participation in a fax survey and telephone interviews. The response rate for courts was 93 percent; the response rate for CBOs was 90 percent (84 CBOs participated).

Courts generally used three approaches to administer interpreter services: (1) the court has its own office of interpreter services, (2) the state's administrative office of the courts provides interpreters, and (3) the courts use a variety of methods to secure the services of an interpreter. Respondents noted that the Spanish-speaking population and various LEP groups from trouble spots around the world are increasing generally across the country. In recent years, the courts have made some positive changes in response to growing language demands, such as the coordination of services and the hiring of bilingual court staff. The biggest concern for the court was finding qualified interpreters.

The ability of courts to provide quality language assistance varies for the different components of obtaining a protection order (intake/filing, issuance of a temporary order, and hearing on a final order) and for the language spoken by the petitioner. Most courts are able to provide an interpreter at the hearing for a final order for most languages encountered, but smaller courts may not be able to provide professionally qualified interpreters. Interpreters are generally not available at the intake and temporary order stages in courts in smaller jurisdictions, and in larger jurisdictions interpreters are readily available only for commonly spoken languages

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(primarily Spanish). Finally, courts do not inquire about the immigration status of a petitioner; the availability of protection orders and the process are not affected by immigration status.

Court-CBO relationships were classified into three general types: (1) the courts did not have any type of working relationship with CBOs, (2) the courts' role was primarily limited to referrals to domestic violence agencies, and (3) the courts were actively engaged in outreach to CBOs and to LEP communities. Nearly all CBO staff interviewed described their relationship with the courts in positive terms, even in cases where there was no formal working relationship. Court respondents indicated that the greatest strength in working with CBOs was that they were able to improve their outreach to specific communities. For community-based organizations, the greatest strength was in the collaboration itself, which increased the CBOs' access to judges and court staff and helped them gain respect from the courts. The primary challenge for courts and CBOs was recognizing the different philosophies and roles of both CBO and court staff.

Courts and CBOs were asked to assess how well the court addresses the language assistance needs of protection order petitions and to identify ways in which language services can be improved. While the vast majority of both courts and CBOs find the courts' provision of language services as 'good' or 'excellent', courts were more likely to rate their courts higher than were the CBOs. The following themes influenced court and CBO assessments of the court's ability to provide language assistance to protection order petitioners: (1) court staff, (2) language resources, (3) accommodation and outreach, and (4) interpreter services.

The most significant factor that affects assessments of the court's provision of language assistance is interpreter services. Despite the favorable assessments of the courts' provision of language assistance, both court and CBO respondents recognized three service gaps in interpreter services: (1) a major gap in the provision of interpreters occurs at the filing level, (2) language

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determines the quality and timeliness of interpreter services, and (3) the courts vary considerably in their use of qualified interpreters. Finally, court and CBO respondents made the following suggestions for improving language services for LEP protection order petitioners.

1. Provide Information in multiple languages.
2. Improve outreach to LEP communities.
3. Collect data.
4. Increase language resources.
5. Professionalize interpretation.

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4 - Promising Practices

Three sites were selected for further study based on the high quality of their court programs and community collaboration. Research staff visited each site to observe proceedings, collect background information, and interview staff from the courts and local community-based organizations. The results of the site visits, combined with the information accumulated from the national and intensive surveys, were used to identify promising practices for assisting LEP petitioners in the protection order process.

Case Study Selection and Methodology

The criteria used to select sites for inclusion in the case study were:

1. The courts received consistently high marks from community-based organizations.
2. The courts had efficient protection order processes that incorporated safety planning and other supportive services.
3. The courts had a reputation for outstanding provision of language assistance.
4. The courts provided certified interpreters to assist petitioners with the filing process and court hearing.
5. The courts actively engaged in outreach to the community.
6. Court and CBO staff were willing to host a site visit from the research team.

In addition to the criteria included above, research staff worked to enlist three jurisdictions that had heterogeneous populations and could provide data on the number of petitioners and requests for language assistance. The three jurisdictions selected for participation in the case study analysis were (1) Miami-Dade County, Florida, (2) King County, Washington, and (3) Washington, DC.

Site visits served two purposes. First, the site visits were used to *independently* document local practices. Second, the site visit explored promising practices that can be implemented by other courts and community-based organizations. On-site activities included observing

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protection order intake processes and protection order hearings, collecting background information and data, and conducting in-depth interviews.[31] Interview protocols were used to capture consistent information across sites (see Attachments K and L). Separate protocols were developed for each site and to cover each different professional group.

Case Study Profiles

Each of the selected sites has a heterogeneous population with multiple languages. Exhibit 4.1 provides basic demographic information for each of the three jurisdictions. The percentage of the population over age 5 that speak a language other than English at home ranges from 17 to 18 percent in Washington DC and King County, Washington, to 68 percent in Miami-Dade County.

Exhibit 4.1: Language Demographics of Three Case Study Sites

	Miami-Dade FL	King County WA	Washington DC
Population 5 years and older	2,108,512	1,632,553	539,658
Language Spoken at Home			
English only	32.1%	81.6%	83.2%
Language other than English	67.9%	18.4%	16.8%
Spanish spoken at home	1,248,616	69,351	49,461
-- Percent who speak English "less than well"	52.8%	46.7%	51.3%
Other Indo-European language spoken at home	155,369	75,204	23,721
-- Percent who speak English "less than well"	40.0%	35.2%	24.5%
Asian and Pacific Island language spoken at home	16,395	137,921	8,974
-- Percent who speak English "less than well"	47.5%	52.4%	50.2%
Percent of population in linguistically isolated households*	21.0%	5.3%	4.7%

* Linguistically isolated household is one in which no member 14 years old and over (1) speaks only English or (2) speaks a non-English language and speaks English "very well." In other words, all members 14 years and over have at least some difficulty with English.

Source: United States Bureau of the Census, 2000.

[31] Interviews were conducted with judges, court managers, court clerks, protection order intake staff and advocates, court interpreters, prosecutors, and staff of community-based organizations that provide services to domestic violence survivors.

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Each of the selected sites varies with regard to diversity in language and immigrant groups. Miami's LEP population speaks primarily Spanish and Creole and its major immigrant communities are from Latin America and the Caribbean Basin, including Cuba, Puerto Rico, Haiti, and more recently, Venezuela. Washington, D.C. has a large Spanish speaking population and more Asian, Southeast Asian, and African immigrants and languages than Miami. Seattle is the most diverse in terms of immigrant groups and languages, largely because the area has become a hub for refugee populations. In addition to communities from Latin America, Asia, and Southeast Asia, Seattle has numerous immigrants from Eastern European and African countries where civil war and ethnic conflicts have created large refugee populations.

In all the case study sites the protection order process in the court entails four basic steps: (1) an intake process in which petitioners complete petitions and other required paperwork; (2) a judicial decision to grant or deny the temporary order; (3) clerk's office processing of the order, which includes certification, filing in the court's case information system and transmittal to a law enforcement agency for service on the respondent; and (4) a hearing on the final order. For each of these four steps, the details of the process vary to some degree across the three sites. For example, in each of the sites a petitioner can begin the protection order process in either the clerk's office or in a specialized intake office. However, each court has a different model for organizing, managing and staffing the intake office. In the discussion of the individual sites below, the descriptions of the protection order process follow the four basic steps and provide details for each of them.

Although the case study sites differ in the composition of their LEP groups and in the details of the protection order process, they have some common philosophies and characteristics

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regarding language assistance services that translate to promising practices for all jurisdictions. These are:

1. The court leadership and staff are committed to providing culturally appropriate language assistance for LEP persons as an essential element of access to justice.
2. The courts gather and use data to identify LEP groups using the protection order system and to hire and assign bilingual staff and court interpreters.
3. The courts have well organized offices for court interpretation services with state or federally qualified staff interpreters supplemented by contract interpreters to cover a wide range of languages.
4. The courts provide language assistance for all stages of the protection order process—intake, temporary orders and final orders.
5. The courts are partners in a coordinated community response to domestic violence, which helps the courts identify new and growing LEP groups, extend their access to qualified interpreters, and collaborate with community based organizations on developing language assistance resources.
6. The courts and community based organizations are proactive in accessing and sharing resources across a national network.
7. The court leadership and staff value and encourage on-going education about the cultural differences and influences among the various immigrant and LEP groups the courts serve.

Miami-Dade County, Florida[32]

In 2000, 57 percent of the Miami-Dade County population was Hispanic or Latino (U.S. Census, 2000). This statistic is consistent with court staff reports that the predominant LEP groups requiring court interpreters are Spanish and Creole and that its major immigrant communities are from Latin America and the Caribbean Basin, primarily Cuba, Puerto Rico, and Haiti. The site visits identified three notable features of Miami Dade's response to LEP domestic violence survivors:

[32] Members of the research team visited Miami-Dade County February 21-23, 2006. The participants in the site visit included the Eleventh Judicial Circuit Court (the Domestic Violence Division, the Domestic Violence Case Management Unit, the Domestic Violence Clerk's Office, and the Domestic Violence Court Interpreter's Office (Civil Interpreters Unit), the Domestic Violence Intake Unit, the State's Attorney's Office, the Victim's Compensation Fund, Safespace (shelters operated by the Department of Social Services),and Community Based Organizations - Legal Aid, The Lodge, LUCHA, and MUJER, Inc..

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1. *The community is highly networked and takes a collaborative approach to obtaining and sharing resources to address the needs of domestic violence survivors and their families, as well as the various LEP groups.* For example, one organization, the Advocate Program, coordinates grant applications to address the community's needs as whole, not individual agencies' needs.
2. *The court places a high value on staff diversity and cultural competence.* The court leadership strongly believes that the court should reflect the communities that the court serves. It places a high priority on providing language assistance, including having bilingual staff and certified court interpreters.
3. *The court takes case management very seriously.* It has implemented automated case management systems, calendaring systems, program policies and procedures that track cases filed, languages LEP petitioners speak, languages for which bilingual staff is most needed, resources needed and in which locations.

The Eleventh Judicial Circuit Court

The Eleventh Judicial Circuit includes the Circuit Court and County Court serving Miami-Dade County. In 1992, the Eleventh Judicial Circuit created a dedicated Domestic Violence Division to hear all domestic violence protection orders (called civil injunctions) and domestic violence misdemeanor crimes. In 2005, the Domestic Violence Division's caseload included 8,436 civil injunctions and 4,687 criminal misdemeanor filings.

The Domestic Violence Division has seven full-time judges who hear both injunctions and criminal cases, and another eight part-time judges who hear civil injunction cases at the three branch/satellite courts. All the judges assigned to the Domestic Violence Division also hear family law matters, such as child custody and support, visitation, paternity. Support services for the Domestic Violence Division include: (1) an intake unit, and (2) a domestic violence case management unit.

The Intake Unit assists all petitioners for injunctions. The intake process has two components. One is to assist the petitioner in completing the injunction process, which entails gathering the information needed for an injunction, preparing the petition, affidavit, and other paperwork. The second component has a social services function to assess the needs of the

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petitioner, assist in safety planning, and make referrals to appropriate services. Most intake counselors are seasoned staff with advanced degrees who are highly qualified for performing the social service function of the Intake Unit.

The Intake Unit originally was funded and managed by the Administrative Office of the Courts (AOC). However, the Clerk of Courts recently assumed management and fiscal responsibility for the Intake Unit as a consequence of a state constitutional amendment regarding funding for state courts. Under the new management plan, staff of the Clerk's Office of the Family Division handles the filing of the paperwork and entry of petitions into the case management system, while staff of the Department of Human Services (DHS) assists petitioners in the preparation of the petition and the social services component of the intake process. Continuity and quality of services have been preserved because the intake counselors who formerly were employed by the AOC are now employees of DHS. Furthermore, the Clerk's Office of the Family Division has always worked cooperatively with staff of the Intake Unit and that collaborative spirit is expected to remain the same with DHS.

The Case Management Unit is staffed by attorneys who provide support to the judges in injunction cases. Case Managers work with the parties to structure court orders regarding visitation schedules, child support, treatment referrals, and other specialized conditions that may be necessary. Case Managers also provide information to the parties about the injunction process and assist in scheduling emergency hearings and requests to modify the conditions of an injunction.

The Protection Order Process

Step 1: Intake. The process for obtaining a protection order typically begins in the Domestic Violence Intake Unit (Intake Unit), but some cases are initiated in the Clerk's Office. Intake Unit staff works cooperatively with Clerk's Office staff to process protection order cases,

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and Clerk's Office staff may assist petitioners on very busy days. Temporary orders also are available after hours and on weekends. The Clerk's Office is open until 10:45 p.m. on weekdays and on Saturdays until 6:45 p.m. On-call judges review the petitions, which staff courier to the judge and back to the courthouse.

The Intake Unit is a spacious and attractive suite of offices that includes two waiting areas. In the first area petitioners complete the paperwork in the intake packet. The second waiting area is for those who have met with an intake counselor and are waiting for the signed protection order, hearing notice, and other paperwork. The second waiting area also is used as a separate waiting area if the respondent named in a protection order seeks an order against the petitioner in that case.

The receptionist, who is Spanish-English bilingual, works in a small office that is accessible from four directions: the hallway, the two waiting areas, and the counselors' offices. The flow of paperwork is managed and tracked through the reception area. A form that accompanies each case file is used to track the progress of the case through each step of the process, including the time the file passed to each staff and what steps staff have completed. Staff working on that case initial the form for each step they complete so staff always knows who had the file last, what the next step is, and how long the case has been in the Intake Unit.

When a person first comes to the reception window, the receptionist gives her an intake packet and directs her to complete it in the first waiting area. The packets are available in English, Spanish, and Creole. The first page of the packet is a form with a set of questions used to determine whether the person meets the statutory requirements for a protection order. The second page of the packet asks for demographic and other information about the petitioner and the respondent, including place of birth, ethnic background, whether either party needs an

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interpreter, and if so, for what language.[33] The next step is to meet with an intake counselor, who assists the person through the rest of the process, including completing the petition and discussing safety issues and assessing the need for other services.

Step 2: Temporary Order. The paperwork goes to the Clerk' Office, where staff create the case in DOVES, which is the court's networked case management information system. At this time, staff runs the names of the petitioner and respondent through DOVES to determine if any cases are pending between the parties. Staff also can determine whether the respondent has filed a petition in one of the branch courthouses. If both parties have filed petitions, Intake Unit or Clerk's Office staff sends both to the same judge to review.

Court staff courier the paperwork to and from the judge assigned to review petitions that day. Temporary orders are issued based on the written petition. Judges in any location can review petitions filed in any other location, which gives the system great flexibility. Petitioners can stay in the second waiting area while their petition is being reviewed. They also can start the intake process for legal representation by Legal Aid in its office next to the Intake Unit. Petitioners can provide feedback on their experience in the Intake Unit by completing an evaluation form and placing it in a suggestion box on the wall in this waiting area.

Step 3: Filing and Service. If the temporary order is granted the Clerk's Office certifies the order and prepares two packets for the petitioner; one is for her to keep and the other is to give to a law enforcement officer to serve in the event the petitioner has to call for police assistance before the injunction has been served by the Miami Dade Police Department (which

[33] If the person's responses to the questions on the first page indicate that the person may not qualify for a protection order the receptionist calls the intake supervisor. The intake supervisor brings the person back to an office and discusses the person's situation to determine if she did not understand the questions or if she needs to file a different type of action. If it appears that the person qualifies for a protection order, the intake supervisor escorts her back to the receptionist to continue with the process. If the person's situation calls for a different type of action, the intake supervisor directs her to the appropriate office.

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is responsible for service of temporary injunctions). The court has developed service packets in Spanish.

Step 4: Final Order Hearing. Hearings on final orders are set within two weeks of the issuance of the temporary injunction. Case managers work with the parties when they appear for the hearing. If the respondent contests the order, the judge hears the testimony of the parties and witnesses to determine whether to grant a permanent order and what the terms and length of the order will be. Permanent orders can be for one year or longer and may be for and indefinite amount of time.

The Legal Aid Society of Miami Dade provides free representation for domestic violence survivors in protection order hearings. Staff attorneys also represent indigent individuals in family law, housing, public benefits, and guardianship matters, regardless of immigration status. Legal Aid has an office in the courthouse next to the Domestic Violence Intake Unit and four satellite offices, all of which are open 8:30-4:30 Monday through Friday. Petitioners can start the intake process for Legal Aid while they are waiting for the judge to review their protection order petition. Legal Aid has a total of 20 attorneys who represent approximately 1,000 clients per year. About 70 percent of these clients are LEP.

Court Provision of Language Assistance Services

The Administrative Office of the Court is responsible for interpretation and translation services. The Civil Interpreters Unit provides interpretation services for the Domestic Violence Court, the Family Court, the Child Support Enforcement, Probate, the State Attorney, the Public Defender's Office, and General Magistrates. The Civil Interpreters Unit also translates court documents, and letters, motions, and answers from the parties; transcribes tapes of 911 calls; and provide sight translation of items offered as evidence in hearings, such as emails. For protection

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orders, the Civil Interpreters Unit provides interpreting and translation services for petition preparation when the language is other than Spanish (English-Spanish bilingual staff interpret and translate for Spanish speakers) and for hearings on final orders. In 2005 the Civil Interpreter's Unit provided interpretation services for 63,106 proceedings.

The Civil Interpreters Unit has eight staff interpreters who are qualified in Spanish, Haitian Creole, Russian, Portuguese, French, Italian, and American Sign Language. The Unit also has 10 to 12 regular contractors for Spanish. All staff and contract Spanish interpreters are certified through the Consortium for State Court Interpretation, the Federal Court Interpreter Certification Examination Program, or the Eleventh Judicial Circuit. For other languages, the court contracts with a local agency called LINK and with individuals who are on a list of qualified interpreters. The agency has its own qualification standards.

The court works with Florida International University to test prospective interpreters. All interpreters must complete a six week general training program on courtroom procedures. They also must learn a glossary of legal terms and vocabulary for different Spanish-speaking countries. Interpreters are encouraged to participate in the "Domestic Violence University" offered by the Domestic Violence Division. Interpreters serve a six-month probationary period before they are certified by the Eleventh Judicial Circuit.

Two economic issues have the potential to jeopardize the ability of the court to continue to provide high quality interpreter services. The more pressing issue is the low pay rate for staff and contract interpreters. Staff salaries are relatively low, and many of the current staff interpreters stay for their dedication to the work and for the benefits of longevity in the state retirement system. It currently is difficult to recruit new staff interpreters and as retirements occur the court may not be able to maintain an adequate number of staff interpreters. The

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situation regarding contract interpreters is even more dire; contractors who are paid only $25 per hour, which is far below the hourly rate paid by the federal courts and in the private sector.[34] Recruiting and retaining interpreters who are well qualified and experienced in court interpretation is also becoming problematic.

The second issue is the move to state funding of local courts, which pays for only essential services. Although the court has no plans to cut back or curtail the provision of interpreters for civil cases, including protection orders, the potential exists for this to occur. However, the court and its community partners are likely to ensure that the court can continue its current level and quality of language assistance services given the emphasis the Miami Dade community has placed on providing access to justice for domestic violence survivors.

Provision of Interpretation Services for the Protection Order Process

Language assistance for Spanish and Creole speaking LEP petitioners is available more readily and quickly than it is for LEP petitioners who do not speak either Spanish or Creole. For example, the court's telephone voice response system is provided in English and Spanish. Formerly, it was also provided in Creole but technical difficulties caused the court to discontinue this option. However, the court will be installing a new system that will accommodate more languages, and Creole will then be offered again.

For LEP petitioners who speak Spanish or Creole, the intake and petition process can be conducted in their native language by bilingual court and Intake Unit staff. At least six Clerk's Office staff and several Intake Unit staff are Spanish-English bilingual, including the receptionist. One Intake Unit staff in a satellite office is Creole-English bilingual, and she is available by telephone to the other three intake offices. Many court materials are available in

[34] The 2006 federal court fees for contract interpreters who are certified and professionally qualified was $355 per day ($44.38/hour). Rates can be found at www.uscourts.gov/interpretprog/rates.html.

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Spanish and Creole, including the intake packet and documents that describe the relief available in a protection order and the process for obtaining one. The Intake Unit also has created Spanish language summaries of each document used in the intake process. All court forms can be translated into Spanish and Creole by the Civil Interpreter's Unit staff interpreters.

For LEP petitioners who do not speak Spanish or Creole, the court provides interpreters for the intake process, but there typically is some delay in providing the services. Intake Unit staff may allow a friend or advocate from a community based agency to interpret in order to expedite the process. Documents can be translated into other languages, but the process typically is longer.

For the final hearings, court interpreters are assigned to interpret for all LEP parties. One interpreter interprets for both the petitioner and the respondent. The court never allows family members or friends to interpret. For Spanish and Creole, there may be a delay in hearing the case because the interpreters for these languages cover numerous matters within the courthouse and they may be held up in another proceeding. For other languages, the Intake Unit schedules an interpreter in advance, so delays are less common. In a rare instance, the court may need to reschedule a hearing because an interpreter could not be found in time.

Community-Based Organizations

Miami Dade is fortunate to have numerous community based organizations to serve domestic violence survivors and other women, children and families in the LEP, immigrant, and farm worker communities. As noted above, most of these service providers are networked and work cooperatively with each other to address the various needs of the community as a whole. They also work with the court to address domestic violence and LEP issues. At least two agencies, the Advocate Program and LUCHA, serve primarily to coordinate services, make

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referrals, and provide training and support to other service providers. All of these community based organizations have bilingual staff and program materials in the languages of their primary client groups.

The NCSC project team interviewed representatives of Legal Aid, LUCHA (component of the Florida Immigrant Advocacy Center), MUJER, and The Lodge. These community based organizations provide an array of services, including legal representation for protection orders, family law, public benefits, immigration and other legal issues; legal advocacy in court proceedings; shelter, counseling and support services for survivors and their children; services to strengthen families, including parenting and conflict resolution workshops, health fairs and literacy classes. MUJER targets its service to Spanish speaking LEP women and LUCHA focuses on facilitating access to immigration relief to domestic violence survivors and Human Trafficking.

The CBOs interviewed by the project team work collaboratively with the DV Court and the DV Interpreter's Office. They participate in trainings for judges and courts staff and have ready access to program managers to discuss issues and concerns about language assistance services. The representatives of these agencies are generally very supportive of the court's efforts to provide meaningful access to protection orders, understand the fiscal constraints on the court, and appreciate the court's openness to addressing challenges related to language assistance services. Some representatives expressed concern, however, that the court provides only one interpreter for both parties if they speak the same language. This concern is particularly acute for LEP women in small immigrant communities where the interpreter may know the litigants or their families. These LEP petitioners may feel a lack of privacy and trust that inhibits them from presenting the best evidence to the court or from seeking services at all.

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King County (Seattle), Washington[35]

King County is a highly diverse community that recently has become a hub for refugees. Last year, Seattle was identified as being the second largest refugee resettlement area in the country. Two factors make Seattle a desirable place for resettlement: many refugees already have family in the area and several agencies have been established to assist refugee groups.

The continual influx of immigrant groups requires the community to be resourceful in addressing their language assistance needs. The King County Superior Court Office of Interpreter Services (OIS) rises to this challenge by collaborating very closely with community based organizations that serve LEP, immigrant, and refugee communities. The dedication of the OIS is reflected in its insistence on quality interpretation services as well as the high number and diversity of languages for which it has provided interpretation and translation services. To date that number is 114, and it includes Anywok, Bemba, Chuj, Esan, Krio, Maraka, Palau, Sarahule and Twi.

The King County Superior Court

The King County Superior Court is a court of general jurisdiction with 51 judges and 10 commissioners. Judges hear felony cases, civil litigation, family law and juvenile cases. Commissioners hear family law and juvenile cases. Protection order cases are heard in the Family Law Department. The court does not have a specialized domestic violence division. Four to five commissioners are assigned each day to hear ex parte petitions and hold hearings on

[35] The research project team visited King County on February 28 to March 2, 2006. The participants in the site visit included: the King County Superior Court (judges, and family law commissioners, and court manager; the Office of Court Interpreter Services; and the Clerk's Office), the Protection Order Advocate Program, the Domestic Violence Unit of the Prosecutor's Office, and service agencies and community based organizations - CONSEJO, Eastside Domestic Violence Program, Abused Deaf Women's Advocacy Services, Domestic Abuse Women's Network (DAWN), CHAYA, Northwest Justice Center, New Beginnings Shelter, the Chinese Information Service Center, and the Refugee Women's Alliance.

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final orders. If the parties to a protection order have a family law case pending, the protection order may be assigned to the judge hearing the family law matter. The Superior Court has three sites. The downtown Seattle courthouse and the Regional Justice Center in Kent hear the same types of cases, including family law cases and protection orders. The Juvenile Court is in a separate location. The District Courts and municipal courts also have jurisdiction for protection orders, but if the parties have children in common or a pending family law case, the hearing on the final order will be in the Superior Court.

The Protection Order Process

Step 1: Intake. In the downtown courthouse of the Superior Court, the protection order process can begin in either the Clerk's Office on the sixth floor or in the Protection Order Advocates Office (Protection Order Program) on the second floor. The process in the Clerk's Office takes less time because staff refer petitioners to Protection Order Program advocates, rather than address safety issues or other service needs themselves. If a petitioner has been to a community based service provider, she may opt for filing directly through the Clerk's Office because she is receiving assistance for safety planning and other services from that agency. If Clerk's Office staff perceives that a petitioner may benefit from talking with the Protection Order Program advocates or is limited English proficient and without accompaniment, they direct the person to the Protection Order Program.

The Protection Order Program is a component of the King County Prosecutor's Office, which has a domestic violence unit. The staff of the Protection Order Program are employees of the Prosecutors Office, and the staff who assist petitioners are called advocates. In the downtown Seattle courthouse, the Protection Order Program has two full-time and two part-time advocates, as well as a part-time intern. The office in Kent has two full-time advocates.

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Advocates assist petitioners in completing and filing petitions and at the hearing on the final order. They address only the protection order issues and do not coordinate with advocates in the prosecutor's office who might be working with the person through a criminal case against the respondent. The Protection Order Program may assist both parties to a protection order case, but it cannot assist a party if the prosecutor is pursuing charges against him or her. In these instances, the Protection Order Program sends the person to the Clerk's Office to obtain the paperwork for filing a petition.

The process of obtaining a temporary order through the Protection Order Program takes two to three hours. Advocates explain the protection order process and assist petitioners in constructing the narrative for the petition. They also discuss the person's situation and needs, counsel victims on safety issues, make safety plans if needed, and suggest service referrals. These referrals can be for shelter, housing, domestic violence support services, substance abuse treatment, and legal services. An important aspect of promising practice is that brochures for many of these services are printed in several languages and are prominently displayed in the reception area of the Protection Order Program office.

Step 2: Temporary Order. When the paperwork is complete, the advocate gives the person a sheet of paper that explains the next steps the person needs to take and where to go. The person is directed to the Ex Parte Clerk on the third floor, where ex parte hearings are held by commissioners. The Ex Parte Clerk manages the flow of petitioners through the ex parte hearings.

Step 3: Filing and Service. After the petitioner has appeared before a commissioner and the decision on the ex parte order is made, the Ex Parte Clerk sends the petitioner to the Clerk's

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Office on the sixth floor, where the case is entered into the case management system and copies of the order are made.

Municipal police and the King County Sheriff's Department are responsible for serving protection orders and hearing notices. Law enforcement agencies fax copies of returns of service to the Protection Order Program, which tracks the service process. Advocates also check the court file at the end of each day to note whether the return of service has been entered into the file. Service of orders can be problematic in the Seattle area. To address this problem the court allows service by mail after two court continuances for lack of service.

Step 4: Final Hearing. Hearings for final orders are scheduled within 14 days of issuance of the temporary order. Advocates work with petitioners before the hearing to review the process, coordinate witnesses, and reach agreements on issues such as custody and visitation. Petitioners sit at a table in the courtroom with other petitioners and advocates and advocates shuttle back and forth to the respondent to facilitate consent orders and resolution of details such as visitation arrangements. After the commissioner hears the evidence and rules on the case, advocates assist in getting the paperwork to the parties in the courtroom and addressing any questions the parties may have.

Court Provision of Language Assistance Services

The Office of Interpreter Services (OIS), a part of the Court Operations Division, manages and coordinates the provision of interpreter services in all three locations of the King County Superior Court. The philosophy and procedures developed and followed by the OIS illustrate several promising practices for the provision of language assistance services. The OIS was established in 1992 to ensure the provision of qualified interpreters for the court. The OIS is funded through the court's budget and is guided by a standing interpreter committee composed

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of Superior Court judges and commissioners. The manager of OIS serves as staff to the standing committee, which meets regularly to address issues such as interpreter ethics and contractor payment policies.

The OIS manager, assistant manager, and one staff member are certified court interpreters for Spanish. All other interpreters are hired on contract. Washington State provides court interpreter certification for seven languages. For these languages the OIS uses only court certified interpreters (with the occasional exception of Lao because only one person in Washington is a court certified interpreter in Lao). The OIS rarely uses an agency to find interpreters. Instead, OIS staff screens potential contractors to ensure they adhere to high standards of professionalism and, for individual case assignment, that they do not know any party in the case for which they are interpreting. To date, the OIS has offered language assistance services in 114 languages, including indigenous languages and services for deaf litigants and jurors.

An important promising practice is that OIS uses its extensive network of resources to find interpreters when a new language is requested. The OIS manager and Assistant Manager are both very active locally and nationally and have a reputation and expertise on interpreting issues. They also provide volunteer service with local ethnic communities. When a person comes to the court needing interpreter services for a language new to the court, the OIS staff gathers information on the language and the culture of the people who speak it. Through e-mail, the internet and referrals, the OIS has developed excellent contacts, including universities and other courts around the country. OIS uses these relationships creatively to address interpretation needs in multiple languages. For example, an interpreter in New York City who speaks six

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African languages as well as English has provided telephone interpreting for the court when the OIS could not find an in-person interpreter.

The Assistant Manager translates court documents into Spanish. OIS contracts with individuals in the Seattle area and across the country to translate documents into languages other than Spanish. The Court may pay for translation services in some civil matters, but in others the parties must pay the costs.

The OIS provides an individual orientation to the services of OIS to every new commissioner and judge. The orientation includes information on interpreter qualifications and how to assess them, when and how to request an interpreter, language and cultural diversity, and sensitivity to concerns of immigrants and other LEP persons. OIS staff also observes the first few times a new judicial officer presides in matters proceedings involving interpreters so they can offer tips and answer any questions the judicial officer might have.

The OIS has developed an effective manual interpreter management and case tracking system that provides an excellent model that can be used by jurisdictions that do have automated tracking systems or are in rural counties with limited resources.. The OIS has not yet automated its system for assigning and coordinating interpreters because staff has not found a software program that can perform all the functions that OIS currently performs with its manual system. OIS's manual system has three components:

(1) A *language bank,* which is a three-ring binder containing names, qualifications, and contact information for interpreters the court uses;

(2*) A case file*, which are 3x5 index cards with the case number, names of the parties, which parties need an interpreter for what language, when the hearing is scheduled, and when it was completed; these cards are kept in three boxes: one for Spanish, one for other languages, and one for juvenile cases using any language; and

(3) "*The Book,"* which is an 8 ½ by 11 calendar that captures all the hearings requiring interpreters in the three court sites each day across two pages, with Spanish and other languages highlighted in different colors, so that staff can take one look and see the whole picture for that day. Each of the court locations maintains it own copy of the

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scheduling book so interpreters and court staff in each site can determine who is needed for which hearings. OIS staff check the scheduling book at the end of each day to review the needs for the next two days. This system minimizes the number of cases that fall through the cracks and maximizes the courts' flexibility to provide interpreters on short notice.

Provision of Interpretation Services for the Protection Order Process

The OIS provides interpretation services for all phases of the protection order process. On average, two to three petitioners require interpretation services each day. The Protection Order Office calls the OIS to request an interpreter when an LEP petitioner comes into the office. Part of the intake process is to establish indigence by completing an "in forma pauperis" petition. Only those who are indigent can receive interpretation services through the court's Office of Interpreter Services (OIS). The OIS has worked out a process to allow an interpreter to assist in the intake process before the form is completed and filed. If the form has not been filed with the temporary order, advocates ensure that a form is completed at the hearing on the final order.[36]

For Spanish and Vietnamese, the two most commonly spoken languages, an interpreter often can be arranged fairly quickly and certainly the same day. The interpreter stays with the petitioner through intake, the ex parte hearing, and filing in the Clerk's Office. The OIS attempts to provide same day service for other languages, but in some instances the person may have to return the next day. Many LEP petitioners are accompanied by advocates from community based organizations who speak the petitioner's language. These advocates may provide interpretation for the intake process, but a court interpreter typically is present for the ex parte hearing.

The hearing on the final order is set for 2 weeks after filing the ex parte petition. Depending on where the petitioner began the protection order process, either the Protection

[36] About 98 percent of petitioners qualify for free services, although some receive a "one-time only" approval. Petitioners who do not qualify are required to pay the costs of $45 per hour for court certified interpreters, and $35 per hour for non-certified interpreters.

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Order Program or the Clerk's Office submits the request for interpreters needed for the final hearing when the temporary order is filed. A request form is attached to a copy of the first page of the temporary order and sent to the OIS though the inter-court mail system. OIS then secures the interpreter(s), puts the interpreter's name(s) on the request sheet and sends it back to the Protection Order Program so they will know who the name of the interpreter assigned to interpret at the hearing. If OIS is having difficulty finding an interpreter for a hearing, it notifies the Protection Order Program a few days ahead of time to alert the advocates that the hearing may have to be rescheduled. Interpreters are provided for both parties and two separate interpreters are scheduled in virtually all cases. After the hearing, the interpreter for the petitioner accompanies the party to the Clerk's Office to interpret during the filing of the final order.

Community-Based Organizations

The Seattle area has an extensive network of community based organizations (CBOs) serving domestic violence survivors, LEP communities, and refugee communities. NCSC project team interviewed representatives of nine CBOs: the Abused Deaf Women's Advocacy Services, the Chinese Information Service Center, CHAYA (serving the South Asian community), CONSEJO (serving primarily the Latin American community), Domestic Abuse Women's Network (DAWN), Eastside Domestic Violence Program, New Beginnings Shelter, Northwest Justice Center, and the Refugee Women's Alliance (ReWA). The range of immigrant groups served by these agencies reflects the extent to which Seattle is an immigration and refugee center: Spanish, Vietnamese and Cambodian, Laotian, Chinese (Mandarin and Cantonese), Punjabi, Hindi, Bosnian, Ethiopian, Nigerian, Congolese, and Somali.

The Seattle area's community based organizations provide wide range of services, including legal representation for protection orders, family law, public benefits, immigration and

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other legal issues; legal advocacy in court proceedings, including criminal, civil, and protection orders; shelter, counseling, and referral services for survivors and their children; mental health and substance abuse treatment. Because Seattle has attracted many refugee groups, several of the area's CBOs, including the Chinese Information Service Center, CHAYA, CONSEJO, the Northwest Justice Project, and ReWA, focus their services to assist primarily the immigrant and refugee communities, including immigration and resettlement issues, health services, language translation, and training community volunteers to become advocates and provide language interpretation for other service providers.

One of the collaborative projects of Seattle's CBOs is called the Multi-Lingual Access Project (MAP). This project will establish a cellular telephone crisis line to be used after business hours. The crisis line will provide assistance in 21 languages. Various CBOs are taking responsibility for the different languages (e.g., CONSEJO will handle Spanish). The City of Seattle is providing the funding from federal monies. Law enforcement and CBOs will be able to access the MAP crisis line. The MAP is scheduled to be operational by the end of 2006.

The CBOs interviewed by the project team work collaboratively with the Office of Interpreter Services. They participate in community activities and projects with the court and the OIS and have ready access to the Manager and staff of the OIS to discuss issues and concerns about language assistance services. The representatives of these agencies are generally very supportive of the court's efforts to provide meaningful access to protection orders, understand the constraints in finding qualified interpreters for the numerous languages spoken in the Seattle area, and appreciate the court's openness to addressing challenges related to language assistance services. Two concerns expressed by some CBO representatives relate to the court in general, not specifically the protection order process: (1) the lack of signage in Spanish and other more

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commonly spoken languages to assist petitioners in finding their way around the courthouse, and (2) the lack of a brochure or other materials in other languages to describe the court, its services, and how to access those services.

Washington, DC[37]

Washington, D.C. has a diverse LEP population. Spanish speakers from Latin America predominate, but the city has relatively large communities from Asia, Southeast Asia, and Africa. To respond to the growing need for language assistance services for these LEP groups, the District of Columbia Superior Court's Office of Court Interpreting Services (OCIS) developed a language assistance plan in 2004 as part of a larger effort by the District of Columbia Courts to improve court performance in a number of areas. The plan addresses three D.C. Courts goals: (1) to administer justice promptly and efficiently; (2) to administer justice fairly and impartially without regard to race, ethnicity, gender, sexual orientation, economic status, or mental or physical disability; and (3) to provide the public with information that is easily understandable and readily available. For each goal, the OCIS plan includes specific strategies, objectives, action steps, expected outcomes, collaborating entities, performance targets, data sources and methods, budget resources, individuals responsible for particular tasks, and timelines for completing them.

The District of Columbia Superior Court

The District of Columbia Superior Court is a unified trial court. In 1996, the Superior Court implemented a Domestic Violence Unit (DVU) after extensive planning and collaboration

[37] The NCSC project team visited Washington, D.C. October 5 & 6, 2005. The participants in the case study of Washington, D.C. were the District of Columbia Superior Court (Domestic Violence Unit, Office of Court Interpreting Services, and Crime Victims Compensation Program); the Office of the Attorney General; Ayuda, the Asian Pacific Islander Domestic Violence Resource Project, the District of Columbia Coalition Against Domestic Violence, and WEAVE.

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with justice system partners and community based organizations. The DVU has jurisdiction for civil protection orders and domestic violence criminal misdemeanors. In 2004, the DV Unit's caseload included 3,845 filings for protection orders and 4,244 new arrests for criminal misdemeanors. Six judges serve in the Domestic Violence Unit. The Domestic Violence Unit has a separate Domestic Violence Clerk's Office and collaborates very closely with the Domestic Violence Intake Center (DVIC), which is not a part of the Superior Court. The DV Clerk's Office and the DVIC are located close to each other on the fourth floor of the courthouse.

The DVIC is staffed and managed by a partnership of several community-based organizations and government agencies, including the District of Columbia Coalition Against Domestic Violence, WEAVE (Women Empowered Against Violence), the Office of the Attorney General for the District of Columbia (including a child support officer), the D.C. Metropolitan Police Department, and the U.S. Attorney's Office. The DVIC also has a satellite office with representatives from each of these agencies at the Greater Southeast Center. Petitioners may file and receive Temporary Protection Orders in the Southeast Office via a video conference link to the main courthouse.

The D.C. Superior Court also administers the Crime Victim Compensation Program (CVCP), and approximately 48 percent of claims for victim compensation are made by domestic violence victims. The program pays or reimburses expenses for needed services, including medical and mental health care, temporary emergency housing, moving expenses, transportation, food, and clean-up of the crime scene. The average claim is $3,500, which typically includes $3,000 for temporary emergency housing, $400 for food, and $100 for transportation. The CVCP collaborates with D.C. area domestic violence service agencies for service referrals and to provide case management for domestic violence victims staying in hotels. The CVCP has ten

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staff, four of whom speak Spanish and another speaks French and Vietnamese. The CVCP has a relationship with the Chinatown Service Center for Chinese interpreters. For other languages, CVCP staff calls upon the Office of Court Interpreting Services. CVCP program brochures are translated into Spanish.

The Protection Order Process

Step 1: Intake. The process for obtaining a protection order begins in either the DVIC or the DV Clerk's Office. Persons seeking a protection order first are directed to the DVIC, where they complete an intake form. The intake form asks for information on the person's ability to speak English and his/her preferred language. Staff screen for conflicts (i.e., the person is seeking an order against someone who already has been served by the Intake Center). If there is a conflict, the person is directed to the DV Clerk's Office. The court and DVIC recognize that they may miss the "real" victim in these cases, but the advocates in the DVIC can assist only the person who came to the DVIC first. In some cases, a petitioner can obtain a TPO in less time by going to the DV Clerk's Office directly because the DV Clerk's Office does only the petition process. This option is the preferable one used by persons who have been working with a community-based service provider to prepare their protection order case before coming to the courthouse. Those who file for protection orders through the DV Clerk's Office do not receive the benefits of safety planning and other assistance provided in the DVIC unless they are receiving these services through a community-based organization.[38]

DVIC advocates from the partner agencies meet with petitioners to discuss their needs, including child support, emergency shelter, safety planning, and other needs. DVIC advocates assist the petitioners in completing the paperwork needed to file for a Temporary Protection

[38] Many D.C. based organizations and law schools have specialized domestic violence programs that assist victims in obtaining protection orders.

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Order (TPO). Petitioners are directed to go to the DV Clerk's Office, which prepares the court file and checks the court's records system for previous and pending cases involving the parties so the judge can have all relevant information for the ex parte hearing.

Step 2: Temporary Protection Order. Petitioners are then sent to the courtroom where a judge is assigned to hear ex parte petitions for TPOs. When all six judges are sitting, one is devoted to hearing temporary protection orders and the process moves swiftly. When there are only five judges, there may be delays because a judge is not available immediately. On those days the court has to determine who can take the case in the shortest time (i.e., when the judge can take a break from other cases to hear the TPO). If the judge grants the TPO, the courtroom clerk gives a copy to the petitioner. The petitioner also is given the date and time for the permanent order hearing. Petitioners can also file for a permanent protection order and have the case set for hearing without seeking a temporary protection order. In these cases, and in cases where the TPO was denied, the case is set for hearing on the full permanent order within fourteen days.

Step 3: Filing and Service. After a TPO has been issued, the petitioner returns to the DV clerk's Office to file it. The DV Clerk's Office prepares a service packet for the Metropolitan Police Department (MPD). The packets are available in English and Spanish. The MPD has reciprocity arrangements with surrounding cities and counties in northern Virginia and Maryland for service of faxed TPOs. Temporary orders can also be served by private process servers if the petitioner so elects. Following a safety protocol, the DVIC advocate calls the person before the final hearing date to offer encouragement and support to come to the hearing.

Step 4: Final Order Hearing. TPOs are valid for 14 days, within which period of time a hearing on final order (Civil Protection Order/CPO) is held. For the hearings on final orders, the

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court has a check-in process in the morning to determine which parties have appeared. When both the petitioner and respondent have appeared, one of two Attorney Negotiators, who are court employees, works through the negotiation process with each party individually and in private to determine if a CPO is possible and, if so, its terms. The Attorney Negotiators prepare proposed final Civil Protection Orders—the form is in the court's computer system—and can add or change conditions as the parties decide. The case then goes in front of judge to review and accept a consent order. If the parties cannot agree on a consent CPO, the court will hold a contested hearing on all or parts of the petition.

The Office of the Attorney General (OAG) provides legal representation to petitioners in hearings on final orders. Several local community-based organizations, including Ayuda, WEAVE, and area law school clinics also provide legal representation to petitioners for temporary and permanent orders. The OAG has a VAWA grant that funds two attorneys to represent LEP domestic violence survivors; both attorneys speak Spanish, as does the OAG Chief. All Spanish speaking LEP petitioners who wish to be represented have counsel who speak Spanish.

Court Provision of Language Assistance Services

The Office of Court Interpreting Services (OCIS) provides interpreters for the District of Columbia Courts. Funding is provided through the court's budget, which is controlled by Congress. For protection orders, interpreting and translation services are provided for petition preparation, TPO hearings, and hearings on final orders. The OCIS has three staff interpreters—one for American Sign Language and two for Spanish. All other interpreters are contractors with the court.

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Monday through Friday, the court has five contract Spanish interpreters and the two OCIS staff, for a total of seven Spanish interpreters. For other languages, interpreters are arranged by request. The OCIS has developed a form for requesting an interpreter that can be faxed to the OCIS office. OCIS is in the process of creating an on-line request for interpreter form on the DC courts' website, which should become operational in 2006. The OCIS staff interpreters are federally certified. Many contractors are federally certified in the languages for which there is federal certification, and others may be certified through the 32-member Consortium for State Court Interpreter Certification. The OCIS also uses its own test to qualify interpreters.

Certified interpreters participate in an orientation to the court process, which addresses general courtroom procedures, courtroom protocol, and the interpreter's code of ethics. OCIS also plans to institute an Interpreter's Oath that each court contracted interpreter must sign. In addition to interpreter orientation, the OCIS provides training on court interpreting services and issues related to LEP and deaf persons to new judges in their two-week orientation training. It also produced a bench book for judges in 1995, which uses information taken from the *Fundamentals of Court Interpretation.*

The process for obtaining language assistance differs for Spanish and non-Spanish speaking LEP protection order petitioners. A Spanish-English bilingual paralegal assists Spanish speaking petitioners to complete the interview and paperwork process and calls the Office of Court Interpreting Services (OCIS) to arrange an interpreter for the TPO hearing. If the petitioner speaks another language, the DVIC calls the OCIS to request an interpreter for a language the petitioner speaks comfortably (e.g., a petitioner may speak his or her native language and another language such as French). The OCIS will track these cases and note

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hearing dates to provide an interpreter when the case is called as "ready" on the date of the hearing. Unless a specific interpreter has been requested, the interpreter who is on call will handle the hearing. All protection order proceedings, including TPO and CPO hearings, are recorded. This record provides the OCIS with the ability to respond to questions from judges and parties when interpretation issues arise.

Process for Spanish-speaking LEP protection order petitioners

When a Spanish-speaking person first comes through security at the front door of the courthouse, U.S. Marshal security staff should send the person to the DVIC on the fourth floor. There also is a Spanish-speaking bilingual staff at the information desk on first floor, to the left of security, but this office is behind a glass enclosed window with no signage in a language other than English.

The person comes up to the DVIC, where a Spanish-English bilingual intake staff signs her in, notes the time, and gives her an intake form to complete. When there is a conflict, the person goes directly to the DV Clerk's Office. If there is no conflict, a Spanish-English bilingual paralegal conducts the interview process, including safety planning and other services (housing, custody, child support). If the person is eligible for and wishes to file for a TPO, the bilingual paralegal draws up the petition in English and Spanish and reviews it with the person. When the petition is complete, the paralegal brings the petitioner to the DV Clerk's Office next door (adjoining room) to see the Spanish-English bilingual clerk and then escorts the petitioner to the courtroom.

The judge conducts the TPO hearing with a Spanish interpreter. (Spanish speaking interpreters are on call in the courtrooms throughout the day.) There is a short wait for interpreters, although there may be delays on Mondays when the court is very busy and sometimes in the afternoons. The interpreter helps court staff complete the TPO order and

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service packet in Spanish. Spanish language court order forms and petitions are completed in addition to the English language versions. The court asks interpreters working with LEP petitioners and respondents to translate civil protection orders into the language of the LEP parties.

At the hearings on final orders, the English-Spanish bilingual Attorney Negotiator works through the negotiation process with the parties that have appeared. The Attorney Negotiator prepares a written translation of the order – the form is in the court's computer system – and can add or change conditions as the parties decide. The case then goes in front of judge, where an interpreter interprets for the petitioner (and respondent, if necessary).

The Office of the Attorney General (OAG) or other local CBO or law school-based program, provides legal representation to petitioners in hearings on final orders. The OAG has a VAWA grant that funds two attorneys to represent LEP domestic violence survivors; both attorneys speak Spanish, as does the OAG Chief.

Process for LEP petitioners who speak a language other than Spanish

The petitioner often comes in with an advocate from a community-based organization or a friend or family member who speaks some English. The DVIC or Clerk's Office typically asks that person what language the petitioner speaks and then calls the OCIS for an interpreter. The OCIS has access to 40 different languages and the U.S. State Department. OCIS staff provides an estimate of the time it will take to get an interpreter; which typically can be 2 hours and up to 4 hours. It is unusual that an interpreter cannot be obtained that day, however. In very few cases, the court uses a telephone interpretation service. For scheduled hearings, delays generally are shorter because the interpreters are arranged ahead of time. An interpreter works with the Attorney Negotiator and the parties in the negotiation process as it is done for all litigants and then interprets during the court hearing.

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Community-Based Organizations

The NCSC project team interviewed representatives of the Asian Pacific Islander Domestic Violence Resource Project (DVRP), Ayuda, the D.C. Coalition Against Domestic Violence (DCCADV), and WEAVE (Women Empowered Against Domestic Violence). These community based organizations provide an array of services, including legal representation for protection orders, family law, public benefits, immigration and other legal issues; legal advocacy in court proceedings; counseling, financial counseling and support services for survivors and their children; and services to strengthen communities, including health services and training community volunteers to become advocates and provide language interpretation for other service providers. Each of these agencies has bilingual staff and program materials in the languages of their primary client groups. Ayuda and DVRP require staff to be bilingual.

Two of these agencies, DCCADV and WEAVE, are partner agencies in the DVIC. WEAVE provides legal representation to petitioners.[39] The DCCADV offers legal advocacy, safety planning, and court accompaniment for each petitioner who wants the service. Advocates also collaborate with the Spanish-English bilingual clerk in the DV Clerk's Office to connect LEP petitioners who could not use the DVIC to the advocacy services provided by DCCADV.

The DVRP is one of three agencies that provide services to domestic violence survivors in the Asian/Pacific Islander communities the area (the other two are the API Resources Center and Boatpeople SOS). The DVRP has three programs to serve the Asian and Pacific Islanders residing in the District of Columbia, Virginia, and Maryland: direct services, community education and outreach, and technical assistance to other service providers. DVRP staff trains

[39] Other area agencies that provide legal representation to petitioners include Ayuda and law school clinical programs at Catholic, American, George Washington, and Georgetown universities.

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community members to become advocates for DVRP clients and currently has 25 advocates who speak approximately 13 languages.

Ayuda provides legal representation in civil protection orders, family law, and immigration matters, translation of court and other documents, referrals to other support services, and training for judges, court staff, and other professionals. Ayuda's primary client population is Spanish speaking. For family law matters, which include protection orders, Ayuda has three attorneys, one paralegal, one social worker, and one case manager. For immigrations matters, staff includes four full time attorneys, one half-time attorney, two paralegals, and one case manager.

The CBO representatives expressed general support for the efforts the court has made to improve access to language assistance services. They also appreciate the outreach the court had made to the Latino community. The CBO representatives perceive that petitioners who speak Spanish receive the same level of access to justice in the DV Unit as do non-LEP persons. However, for LEP persons who do not speak Spanish the system is considerably less accessible, primarily for intake and obtaining a temporary protection order. These critical access points are difficult to navigate without the assistance of a CBO providing services in the LEP person's native language.

Promising Practices

In each of the case study sites the project team observed numerous programs, services, polices, and practices that promote access to justice for domestic violence survivors who have limited English proficiency. This section distills these observations into five components of an effective court response to the language assistance needs of LEP domestic violence survivors.

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For each component, examples of practices and policies identified in the case study sites are provided.

1. Know the language and ethnicity of individuals who seek protection orders.

- Collect data at intake on native language, level of English speaking ability, and ethnicity for case management, staff assignments, obtaining interpreters for particular languages, identifying training needs.
- Track the number of court interpreters needed for which languages and numbers needed at each stage of the case, including filing, temporary protection order, permanent protection order hearings, and enforcement.

2. Create a court environment that encourages LEP individuals to access the court's services.

- Court staff should reflect the communities the court serves.
- Courthouses should have signage in multiple languages and use language identification cards.
- The court should employ bilingual staff at all stages of the protection order process for the primary language groups served by the court.
- Court documents used in the protection order process should be available in the more common languages spoken by LEP petitioners, including petitions, temporary and final orders, instructions, and materials about services (see examples from the District of Columbia Superior Court (http://www.dccourts.gov/dccourts/superior/dv/forms.jsp).
- Provide training to judges and court staff on interpreter qualifications and how to assess them, when and how to request an interpreter, how to work with interpreters in the courtroom, language and cultural diversity, including immigrants' legal rights to access to justice, and sensitivity to concerns of immigrants and other LEP persons.
- The court should not inquire about immigration status of parties and guarantee that the protection order process is the same for all persons.

3. Ensure the quality and professionalism of court interpretation.

- For the languages most commonly spoken by LEP petitioners require certification through the state's certification body, the Consortium for State Court Interpretation, the Federal Court Interpreter Certification Examination Program, The National Association of Judiciary Interpreters and Translators or the local court.
- Ensure that interpreters adhere to the Model Code of Professional Responsibility for Interpreters in the Judiciary. (see http://www.ncsconline.org/wc/publications/Res_CtInte_ModelGuidePub.pdf).

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- Pay court interpreters at a rate that is reasonably competitive with other government agencies and the local private sector. (see www.uscourts.gov/interpretprog/rates.html).
- Provide an opportunity for court users and service providers to identify problems in the quality or performance of interpreters and offer suggestion for addressing concerns.

4. Work collaboratively with community-based organizations to achieve a coordinated community response to the language assistance and service needs of LEP communities served by the court.

- Establish or revive a domestic violence coordinating council that includes justice system partners, domestic violence service providers, and organizations serving specific immigrant and ethnic communities and groups.
- Engage in proactive outreach to community-based organizations to identify immigrant communities that may not access the court, to learn about cultural issues that may be barriers for LEP and immigrant domestic violence survivors.
- Use community networks to find qualified court interpreters.

5. Participate in and use national networks to expand resources for providing appropriate language assistance services.

- Use on-line resources available from the U.S. Department of Justice (www.lep.gov), the U.S. Department of Health and Human Services (e.g., (www.4woman.gov/minority/), the Consortium for State Court Interpretation (www.ncsconline.org/D_Research/CourtInterp.html), and The National Association of Judiciary Interpreters and Translators (www.najit.org).
- Use the internet to gather information on languages and cultures of LEP groups in the community.
- Work with universities and other courts nationally to develop mechanisms for securing interpreters in less frequently called for languages.
- Creatively use in-person and telephonic interpreting to fill gaps and provide interpretations for all languages at all stage of the protection order process.

Summary

All of the case study sites, Miami, Florida; Seattle, Washington; and Washington, D.C., demonstrate the court's commitment to developing promising practices that build the court's ability to provide meaningful access to Limited English proficient persons seeking protection orders. While no one site provides a total delivery model of promising practices that can be

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replicated nationwide, the commitment by each of these courts to ensure quality interpretation, translate materials, hire bilingual staff, and attempt to understand the communities they serve through collaborations with community based organization are significant steps in the right direction. Other courts, including urban, mid-sized, and rural, can adopt some variation of the policies and practices implemented by the courts in the case study sites to make "meaningful access" to protection orders and the relief they offer for LEP persons a reality nationally.

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ATTACHMENTS

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Attachment A

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Attachment B

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Jurisdiction	State
Tier One: State Population Centers	
Anchorage Borough	AK
Jefferson County	AL
Pulaski County	AR
Maricopa County	AZ
Los Angeles County	CA
Denver County	CO
Fairfield County	CT
District of Columbia	DC
New Castle County	DE
Miami-Dade County	FL
Fulton County	GA
Honolulu County	HI
Polk County	IA
Ada County	ID
Cook County	IL
Marion County	IN
Sedgwick County	KS
Jefferson County	KY
Orleans Parish	LA
Middlesex County	MA
Montgomery County	MD
Cumberland County	ME
Wayne County	MI
Hennepin County	MN
St. Louis County	MO
Hinds County	MS
Yellowstone County	MT
Mecklenburg County	NC
Cass County	ND
Douglas County	NE
Hillsborough County	NH
Bergen County	NJ
Bernalillo County	NM
Clark County	NV
Kings County	NY
Cuyahoga County	OH
Oklahoma County	OK
Multnomah County	OR
Philadelphia County	PA
Providence County	RI
Greenville County	SC
Minnehaha County	SD
Shelby County	TN
Harris County	TX
Salt Lake County	UT
Fairfax County	VA
Chittenden County	VT
King County	WA
Milwaukee County	WI

Jurisdiction	State
Tier Two: Metro (400,000 or more)	
Pima County	AZ
San Bernardino County	CA
Alameda County	CA
San Francisco County	CA
Kern County	CA
Stanislaus County	CA
El Paso County	CO
New Haven County	CT
Hillsborough County	FL
Duval County	FL
Volusia County	FL
Cobb County	GA
Lake County	IL
Lake County	IN
East Baton Rouge Parish	LA
Suffolk County	MA
Plymouth County	MA
Baltimore County	MD
Baltimore city	MD
Macomb County	MI
Oakland County	MI
Ramsey County	MN
Guilford County	NC
Monmouth County	NJ
Ocean County	NJ
Morris County	NJ
Burlington County	NJ
Suffolk County	NY
Erie County	NY
Onondaga County	NY
Hamilton County	OH
Lucas County	OH
Allegheny County	PA
Delaware County	PA
Davidson County	TN
Bexar County	TX
Hidalgo County	TX
Virginia Beach city	VA
	N=38

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Kanawha County	WV
Laramie County	WY
	N=51

Jurisdiction	State
Tier Three: 100,000 to 399,999	
Mobile County	AL
Washington County	AR
Solano County	CA
El Dorado County	CA
Douglas County	CO
Seminole County	FL
St. Lucie County	FL
Santa Rosa County	FL
Houston County	GA
Kootenai County	ID
Tazewell County	IL
Porter County	IN
Fayette County	KY
Barnstable County	MA
Penobscot County	ME
Berrien County	MI
Washington County	MN
Jasper County	MO
New Hanover County	NC
Robeson County	NC
Merrimack County	NH
Dona Ana County	NM
Saratoga County	NY
Stark County	OH
Greene County	OH
Ashtabula County	OH
York County	PA
Washington County	PA
Lebanon County	PA
Anderson County	SC
Rutherford County	TN
Montgomery County	TX
Brazos County	TX
Randall County	TX
Richmond city	VA
Thurston County	WA
Kenosha County	WI
	N= 37

Jurisdiction	State
Tier Four: Rural (5,000 to 99,999)	
Conecuh County	AL
Scott County	AR
Yuma County	CO
Bulloch County	GA
Dade County	GA
Marion County	IA
Davis County	IA
Lee County	IL
Wayne County	IN
Benton County	IN
Gray County	KS
McCreary County	KY
St. Martin Parish	LA
Lincoln County	ME
Scott County	MN
Lac qui Parle County	MN
Dallas County	MO
Lincoln County	MS
Big Horn County	MT
Macon County	NC
Dakota County	NE
Los Alamos County	NM
Washington County	OH
Cherokee County	OK
Hood River County	OR
Marlboro County	SC
Jefferson County	TN
Bowie County	TX
Houston County	TX
Franklin County	TX
Suffolk city	VA
Buckingham County	VA
Stevens County	WA
Bayfield County	WI
Park County	WY
	N=35

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Attachment C

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National Court Survey

Civil Protection Orders and Language Issues

Project Summary

The National Center for State Courts (NCSC) is conducting a national survey of the courts' capacity to provide services to Limited English Proficient (LEP) individuals in the context of civil protection orders. The project is funded by the National Institute of Justice and is guided by a national advisory board.

Definitions used in the Survey

In this survey, the generic term *civil protection orders* is used to refer to civil orders issued by the courts for the protection of victims of domestic violence. *Temporary* orders of protection refer to emergency, or *ex parte* orders that are issued by the court and short-lived; while *permanent* orders, typically issued after a full hearing, are of a longer duration. *LEP* refers to limited English proficiency.

Contact Information

Thank you for taking the time to participate in this survey. Please contact the survey director, Brenda Uekert, with any questions (757-259-1861 or buekert@ncsc.dni.us).

Fax the completed survey to the National Center for State Courts
757-564-2123
Please Respond by Friday, June 18

Name of Court (please verify):
[insert from database]

ID # [insert from database]

Main Contact Person (please verify)
[insert from database]

Person(s) Completing the Survey:

Name	Title	Phone	Email

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Part I: Background Information

1. What types of cases are handled by your court? (check all that apply)
   - ☐ Criminal
   - ☐ Civil
   - ☐ Family

2. The civil protection order process often varies depending on whether the order is *temporary* or *permanent*. So that we understand processes in your jurisdiction, please indicate whether the following statements apply to *temporary* and *permanent* orders. Check all that apply.

		Temporary Orders	Permanent Orders
	FILING OF APPLICATIONS		
a.	Petitioners are required to come to the courthouse to file an application.	☐	☐
b.	Petitioners may download a protection order application from the Internet.	☐	☐
c.	E-filing is available.	☐	☐
d.	Civil orders of protection may be filed through the prosecutor's office.	☐	☐
	ASSISTANCE WITH APPLICATIONS		
e.	The court has a specialized unit or dedicated staff to assist petitioners with protection order applications.	☐	☐
f.	Domestic violence advocates are available on-site to assist petitioners.	☐	☐
g.	Petitioners who seek assistance are referred to off-site community-based advocates.	☐	☐
h.	The court permits staff to assist petitioners.	☐	☐
	HEARINGS		
i.	Petitioners are required to attend hearings.	☐	☐

3. What languages other than English are spoken by persons seeking assistance with issues related to protection orders? Please indicate by checking from the table below the languages spoken and whether court interpreters are generally available for these languages.

		Commonly spoken	Less commonly spoken	Not spoken	**Check this Box if Court Interpreters are Available as Needed**
a.	Albanian	○	○	○	☐
b.	Arabic	○	○	○	☐
c.	Armenian	○	○	○	☐
d.	Bosnian	○	○	○	☐
e.	Cantonese	○	○	○	☐
f.	Farsi	○	○	○	☐
g.	French	○	○	○	☐
h.	Haitian Creole	○	○	○	☐
i.	Korean	○	○	○	☐
j.	Laotian	○	○	○	☐
k.	Mandarin	○	○	○	☐
l.	Polish	○	○	○	☐

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		Commonly spoken	Less commonly spoken	Not spoken	**Check this Box if Court Interpreters are Available as Needed**
m.	Portuguese	○	○	○	☐
n.	Punjabi	○	○	○	☐
o.	Russian	○	○	○	☐
p.	Spanish	○	○	○	☐
q.	Tagalog	○	○	○	☐
r.	Vietnamese	○	○	○	☐
	Other Languages:	○	○	○	☐
s.	_____	○	○	○	☐
t.	_____	○	○	○	☐
u.	_____	○	○	○	☐
v.	_____	○	○	○	☐

4. Does your court use language identification cards?
○ No ○ Yes ○ Not Sure

5. Does the court post signs informing the public of the availability of any free interpretation services?
○ Not applicable – court does not provide free interpretation services (go to #6)
○ No (go to #6)
○ Yes

5.1. Have the signs been translated into multiple languages?
○ No (go to #5.3) ○ Yes

5.2 If yes, in what languages have signs been translated?
_____
_____
_____

5.3. Do the signs specifically mention the availability of free interpretation services in protection order cases?
○ No
○ Yes
○ Not applicable – the court does not provide free interpretation services in protection order cases.

6. What language services are provided to protection order petitioners for filings and hearings—by either the court or another agency? Please check whether services are available for petitioners filing protection orders and whether they are provided for hearings. Check all that apply.

		Are services available? Protection Order Filings	Court Hearings
a.	Interpreters are available 24 hours a day.	☐	☐
b.	On-site interpreters are available during business hours.	☐	☐
c.	Contractual interpreters provide services as needed.	☐	☐
d.	Telephone interpreters are used through a commercial service.	☐	☐

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		Are services available? Protection Order Filings	Court Hearings
e.	Interpreters are provided through a community-based organization.	☐	☐
f.	Bilingual staff/volunteers from a community-based organization assist petitioners.	☐	☐
g.	Bilingual court staff assist petitioners.	☐	☐
h.	The petitioner must make arrangements for an interpreter.	☐	☐
i.	Adult family members and friends of the petitioner who may be present are asked to interpret.	☐	☐
j.	Minors (children of petitioners) who may be present are asked to interpret.	☐	☐
k.	Other (explain) _____ _____	☐	☐

7. Which agency or organization is primarily responsible for arranging interpreter services in protection order cases?
   - ○ Courts
   - ○ Prosecutor's Office
   - ○ Local Domestic Violence Organization
   - ○ Interpreter services arranged on an ad hoc basis—no particular agency/organization is in charge
   - ○ Interpreter services are not provided in protection order cases.
   - ○ Other _____

8. Are language services provided without cost to defendants attending protection order hearings?
   ○ No ○ Yes ○ This court does not hold hearings

9. From your perspective, does the court have sufficient services to meet the needs of those with limited English proficiency seeking protection orders?
   ○ No ○ Yes (go to #10)

   9.1 If not, what is your single greatest need?
   _____
   _____

10. What types of informational or instructional materials does the court provide about its protection order services? In what languages are these materials available?

Does the court provide . . .	Brochures/Written Materials? ○Yes ○No	Videos/DVDs? ○Yes ○No	CD-ROMs? ○Yes ○No	World Wide Web Page? ○Yes ○No
In what languages other than English?				

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11. What types of court documents related to protection orders are available in languages other than English?

Do protection order court documents include . . .	Petitions? ○Yes ○No	Affidavits? ○Yes ○No	Protection Orders? ○Yes ○No	Other? ○Yes ○No
In what languages other than English?				

12. How does the court determine the qualifications of interpreters and translators? (check all that apply)
- ☐ Interpreters must meet state certification guidelines.
- ☐ The court uses a state register of qualified interpreters.
- ☐ Interpreters must meet local performance standards.
- ☐ Interpreters are selected based on a formal interview by a language professional.
- ☐ Interpreters are selected based on referral.
- ☐ Interpreters are selected through a formal application process.
- ☐ Translators of court brochures are ATA certified.
- ☐ The court does not have any formal means to determine the qualifications of interpreters and translators.
- ☐ Other (explain) _____

13. Does the court have a comprehensive plan for language assistance to LEP persons? The plan may include coverage for specific types of criminal or civil cases. Please check all that apply.
- ○ Not at this time (go to #14)
- ○ Yes, but for criminal cases only (go to #14)
- ○ Yes, but for civil cases only
- ○ Yes, for both criminal and civil cases

13.1. If your court has a comprehensive plan for language assistance to LEP persons in civil cases, does the plan include protection orders?

○ No ○ Yes ○ Not Sure

14. What are the court's strengths in terms of its response to LEP protection order petitioners? Does your court have any promising practices?

15. What are the court's challenges in terms of its response to LEP protection order petitioners?

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Part II: Court Relationships with Community-Based Organizations

16. Does the court work with community based organizations to:

		Yes	No
a.	Inform limited English proficient individuals of the court's services?	○	○
b.	Develop informational brochures on protection orders in multiple languages?	○	○
c.	Develop language assistance plan for protection order petitioners?	○	○
d.	Provide multilingual brochures for distribution?	○	○
e.	Develop questionnaires to collect data on petitioner satisfaction with interpreter services?	○	○
f.	Help secure qualified interpreters in protection order cases?	○	○
g.	Address immigration issues in domestic violence cases?	○	○

17. Please provide the organization name and contact information for domestic violence organizations in the community that serve the needs of women with limited English proficiency. If there is only a single domestic violence organization serving your community, please provide that information.

Organization	**Main Contact**	**Phone**	**Check this box if the Court Works with this Organization**
			☐
			☐
			☐
			☐
			☐

Part III: Data and Information Systems

18. In many states, a single court is responsible for protection orders within the county. In other states, people can file a protection order in a number of different courts. To get a better sense of the volume of protection orders handled by your court, we ask that you provide us with data (where available) from the county (or equivalent) and your individual court. We are also seeking information on whether language assistance is documented by the courts. Data may not exist for all of the items—in which case, please enter "NA" in the appropriate place. ***Also, if data exist for 2002 only, please enter that data and note the change.***

a. Is the data reported for the calendar year or fiscal year?
○ Calendar Year ○ Fiscal Year

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DATA FOR [INSERT JURISDICTION FROM DATABASE]	**2003 Data**
b. Number of Civil Temporary Protection Orders Filed	
c. Number of Civil Permanent Protection Orders Filed	
d. Number of Civil Permanent Protection Orders Issued	
e. Number of Civil Protection Hearings	
DATA FOR THE [INSERT NAME OF COURT]	
f. Number of Civil Temporary Protection Orders Filed	
g. Number of Civil Permanent Protection Orders Filed	
h. Number of Civil Permanent Protection Orders Issued	
i. Number of Civil Protection Hearings	
LANGUAGE ASSISTANCE DATA FOR THE [INSERT NAME OF COURT]	
j. Number of Civil Temporary Protection Orders Filed Requiring Language Assistance	
k. Number of Civil Permanent Protection Orders Filed Requiring Language Assistance	
l. Number of Civil Permanent Protection Orders Issued Requiring Language Assistance	
m. Number of Civil Protection Hearings in which an Interpreter was Used	

19. Does the court collect data on:

		Yes	No
a.	Primary language of protection order petitioner?	○	○
b.	Primary language of protection order defendant?	○	○
c.	Petitioner satisfaction with interpreter services?	○	○
d.	Grievances or complaints due to language access issues?	○	○

20. Do you have any additional comments?

Thank you for your participation in this survey. If you would like to receive a summary of results from this survey, please provide us with a fax number or an email address:

Fax Number: _____

Email Address: _____

Fax the completed survey to the National Center for State Courts
757-564-2123

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Attachment D

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Jurisdiction	State	Responding Court
N = 158 responding courts		
Anchorage Borough	AK	Superior Court, 3rd District
Anchorage Borough	AK	Anchorage District Court
Jefferson County	AL	Bessemer Family Court
Conecuh County	AL	Circuit Court - Family Division
Scott County	AR	15th Judicial Circuit Court
Washington County	AR	Circuit Court
Maricopa County	AZ	Maricopa County Superior Court
Maricopa County	AZ	Phoenix Municipal Court
Maricopa County	AZ	Glendale Municipal Court
Pima County	AZ	Pima County Superior Court
Pima County	AZ	Pima Consolidated Justice Courts
Pima County	AZ	Tucson Municipal Courts
Solano County	CA	Solano County Superior Court
El Dorado County	CA	El Dorado County Superior Court
Stanislaus County	CA	Family Law Division, Stanislaus Superior Court
Kern County	CA	Superior Court Family Law
San Francisco County	CA	San Francisco County Superior Court
Alameda County	CA	Alameda Superior Court, Oakland Branch
Los Angeles County	CA	Los Angeles Superior Court
San Bernardino County	CA	San Bernardino Superior Court
El Paso County	CO	El Paso County Combined Courts
Denver County	CO	Denver County Courts
Douglas County	CO	Douglas Combined Court
Yuma County	CO	Yuma Combined Court
Fairfield County	CT	Fairfield Superior Court - Family Division
New Haven County	CT	New Haven Superior Court - Family Division
District of Columbia	DC	DC Superior Court Intake Center
New Castle County	DE	Family Court - New Castle
Seminole County	FL	Seminole County Circuit Court
Miami-Dade County	FL	11th Circuit Court
Volusia County	FL	7th Circuit Court, Volusia County
Hillsborough County	FL	Hillsborough Circuit Court, 13th Circuit
St. Lucie County	FL	St. Lucie County Circuit Court
Houston County	GA	Houston County Superior Court
Fulton County	GA	Fulton County Superior Court
Fulton County	GA	State Court of Fulton County
Honolulu County	HI	Ka'ahumanu Hale
Polk County	IA	Polk County District Court-DV and Mental Health Department
Marion County	IA	District Court
Kootenai County	ID	Kootenai District Court
Ada County	ID	Ada County District Court
Cook County	IL	Cook County Circuit Court
Lake County	IN	Lake County Circuit Court
Porter County	IN	Porter County Superior Courts
Marion County	IN	Marion County Superior Court
Benton County	IN	Brenton County Circuit Court
Wayne County	IN	Wayne County Circuit Court

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Sedgwick County	KS	Sedgwick County District Court
Gray County	KS	16th District Court
Fayette County	KY	Fayette Family Court - Domestic Violence Division
McCreary County	KY	McCreary County District Court
Jefferson County	KY	Jefferson Family Court
Orleans Parish	LA	Orleans Civil District Court
East Baton Rouge Parish	LA	East Baton Rouge Family Court
St. Martin Parish	LA	St. Martin Parish District Court
Plymouth County	MA	Brockton District Court
Plymouth County	MA	Plymouth Probate and Family Court
Plymouth County	MA	Wareham District Court
Barnstable County	MA	Barnstable District Court
Barnstable County	MA	Falmouth District Court
Suffolk County	MA	Chelsea District Court
Suffolk County	MA	Boston Municipal Court
Middlesex County	MA	Lowell District Court
Middlesex County	MA	Malden District Court
Middlesex County	MA	Woburn District Court
Baltimore County	MD	3rd Judicial District, Baltimore County
Baltimore County	MD	Baltimore County Circuit Court (3rd)
Montgomery County	MD	Montgomery District Court
Montgomery County	MD	6th Circuit Court, Montgomery County
Baltimore City	MD	Baltimore City District Court
Baltimore City	MD	8th Circuit Court, Baltimore City
Lincoln County	ME	Wiscasset District Court
Penobscot County	ME	Bangor District Court
Penobscot County	ME	Lincoln District Court
Cumberland County	ME	Portland District Court
Cumberland County	ME	Bridgton District Court
Macomb County	MI	Family Court Division of 16th Circuit Court
Oakland County	MI	Oakland County Circuit Court
Wayne County	MI	Wayne County Circuit Court Family Division
Berrien County	MI	Berrien County Circuit Court
Scott County	MN	Scott County District Court
Ramsey County	MN	Ramsey County District Court
Lac qui Parle County	MN	District Court, Lac Qui Parle County
Washington County	MN	Washington County District Court
Jasper County	MO	Jasper County Circuit Court
Dallas County	MO	Dallas County Circuit Court
St. Louis County	MO	Circuit Court - Family Division
Hinds County	MS	Hinds County Justice Court
Big Horn County	MT	22nd Judicial District Court
Big Horn County	MT	Justice/City Court
Yellowstone County	MT	Justice of the Peace Court
Yellowstone County	MT	Billings Municipal Court
Macon County	NC	Macon County District Court
New Hanover County	NC	New Hanover District Court
Robeson County	NC	Robeson District Court
Cass County	ND	Cass County District Court
Douglas County	NE	District Court

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Dakota County	NE	District Court
Merrimack County	NH	Concord District Court
Hillsborough County	NH	Nashua District Court
Hillsborough County	NH	Manchester District Court
Hillsborough County	NH	Hillsborough Superior Court (North)
Morris County	NJ	Morris County Superior Court
Dona Ana County	NM	District Court
Bernalillo County	NM	District Court (Family Court Division)
Los Alamos County	NM	District Court
Clark County	NV	Family Division of the 8th Judicial District Court
Onondaga County	NY	Syracuse City Court
Suffolk County	NY	Suffolk County Family Court
Suffolk County	NY	Suffolk County District Court
Suffolk County	NY	Suffolk County Court
Erie County	NY	Erie County Family Court
Erie County	NY	Erie County Court
Erie County	NY	Buffalo City Court
Kings County	NY	Manhattan Family Court
Cuyahoga County	OH	Cuyahoga County Court of Common Pleas, Domestic Relations Division
Ashtabula County	OH	Court of Common Pleas
Washington County	OH	Court of Common Pleas
Greene County	OH	Greene County Court of Common Pleas, Domestic Relations Division
Stark County	OH	Family Court
Lucas County	OH	Lucas County Domestic Relations Court
Oklahoma County	OK	Oklahama County District Court
Hood River County	OR	Hood County Circuit Court
Multnomah County	OR	Multnomah County Court
Lebanon County	PA	Lebanon County Court of Common Pleas
York County	PA	York County Court of Common Pleas
Allegheny County	PA	Allegheny County Court of Common Pleas
Philadelphia County	PA	Court of Common Pleas, Philadelphia First Judicial District
Washington County	PA	Washington County Court of Common Pleas
Providence County	RI	Providence County Family Court
Greenville County	SC	Greenville County Family Court
Minnehaha County	SD	Minnehaha County Circuit Court
Jefferson County	TN	Jefferson County Chancery Court
Rutherford County	TN	Rutherford County Chancery Court
Rutherford County	TN	Rutherford County Circuit Court
Shelby County	TN	Shelby Co. General Sessions Criminal Court
Davidson County	TN	Davidson County Civil Circuit Court
Davidson County	TN	Davidson County General Sessions Court
Suffolk city	VA	Suffolk Juvenile and Domestic Relations Court
Richmond city	VA	Richmond Juvenile and Domestic Relations Court
Richmond city	VA	Thirteenth Judicial District
Virginia Beach city	VA	Virginia Beach Juvenile and Domestic Relations Court
Fairfax County	VA	Fairfax Juvenile and Domestic Relations Court
Milwaukee County	WI	Civil & Family Courts Division
Kenosha County	WI	Kenosha County Circuit Court

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Bayfield County	WI	Bayfield County Circuit Court
Kanawha County	WV	Kanawha County Magistrate Court
Kanawha County	WV	Kanawha County Circuit Court
Laramie County	WY	Laramie County Circuit Court
Park County	WY	Park County Circuit Court (Powell)
Bowie County	TX	Bowie County District Court
Bexar County	TX	Bexar County District Court
Hidalgo County	TX	Hidalgo County District Court
Montgomery County	TX	County Court at Law 1
King County	WA	King County Superior Court
King County	WA	King County District Court
King County	WA	King County District Court
Thurston County	WA	Thurston County Superior Court
Thurston County	WA	Thurston County District Court
Stevens County	WA	Stevens County Superior Court
Stevens County	WA	Stevens County District Court

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Attachment E

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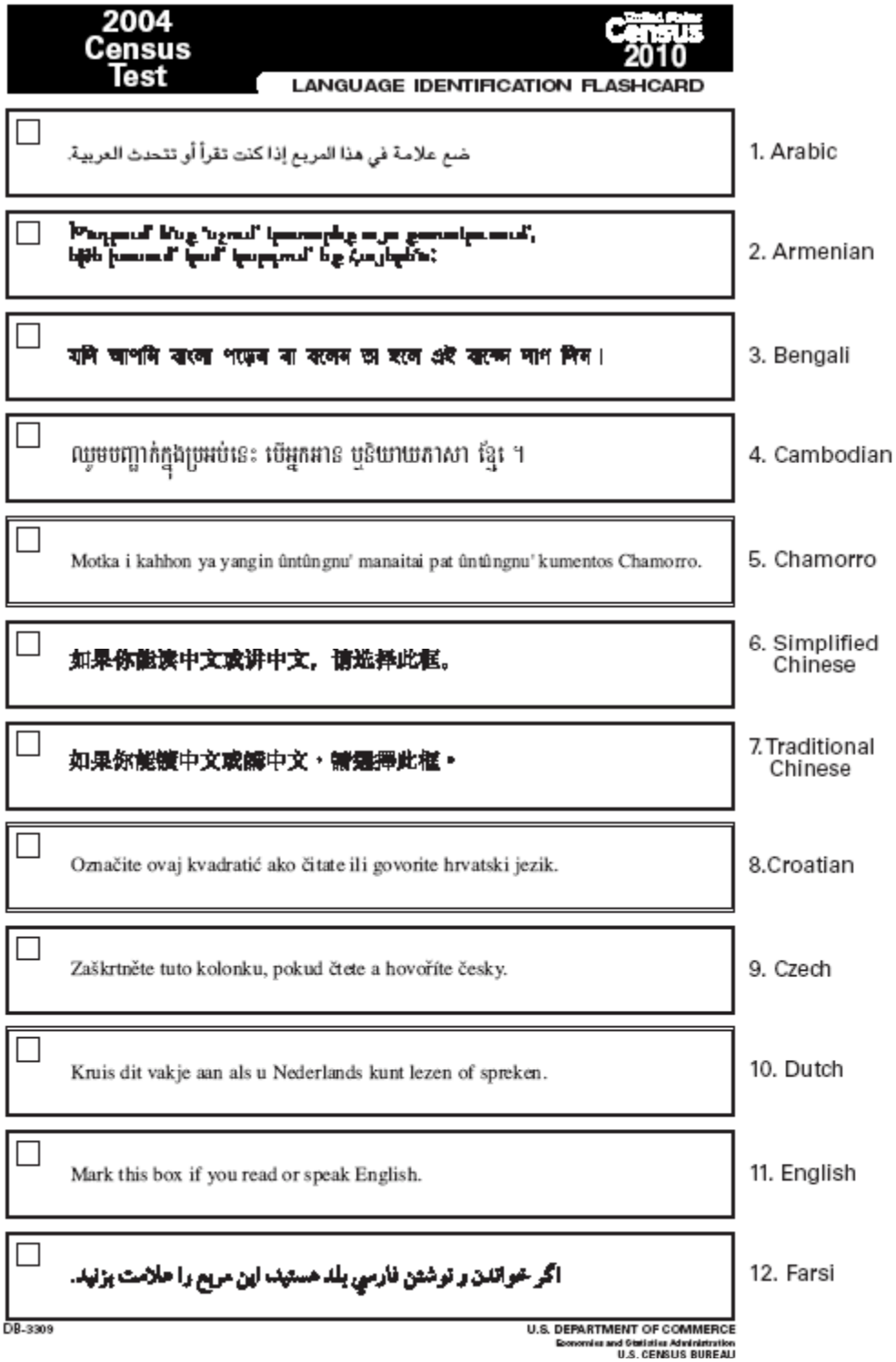

2004 Census Test

United States Census 2010

LANGUAGE IDENTIFICATION FLASHCARD

☐ ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
☐ [illegible]	2. Armenian
☐ যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।	3. Bengali
☐ ឈូមបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	4. Cambodian
☐ Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.	5. Chamorro
☐ 如果你能读中文或讲中文，请选择此框。	6. Simplified Chinese
☐ 如果你能讀中文或講中文，請選擇此框。	7. Traditional Chinese
☐ Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8. Croatian
☐ Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech
☐ Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch
☐ Mark this box if you read or speak English.	11. English
☐ اگر خواندن و نوشتن فارسی بلد هستید این مربع را علامت بزنید.	12. Farsi

DB-3309

U.S. DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. CENSUS BUREAU

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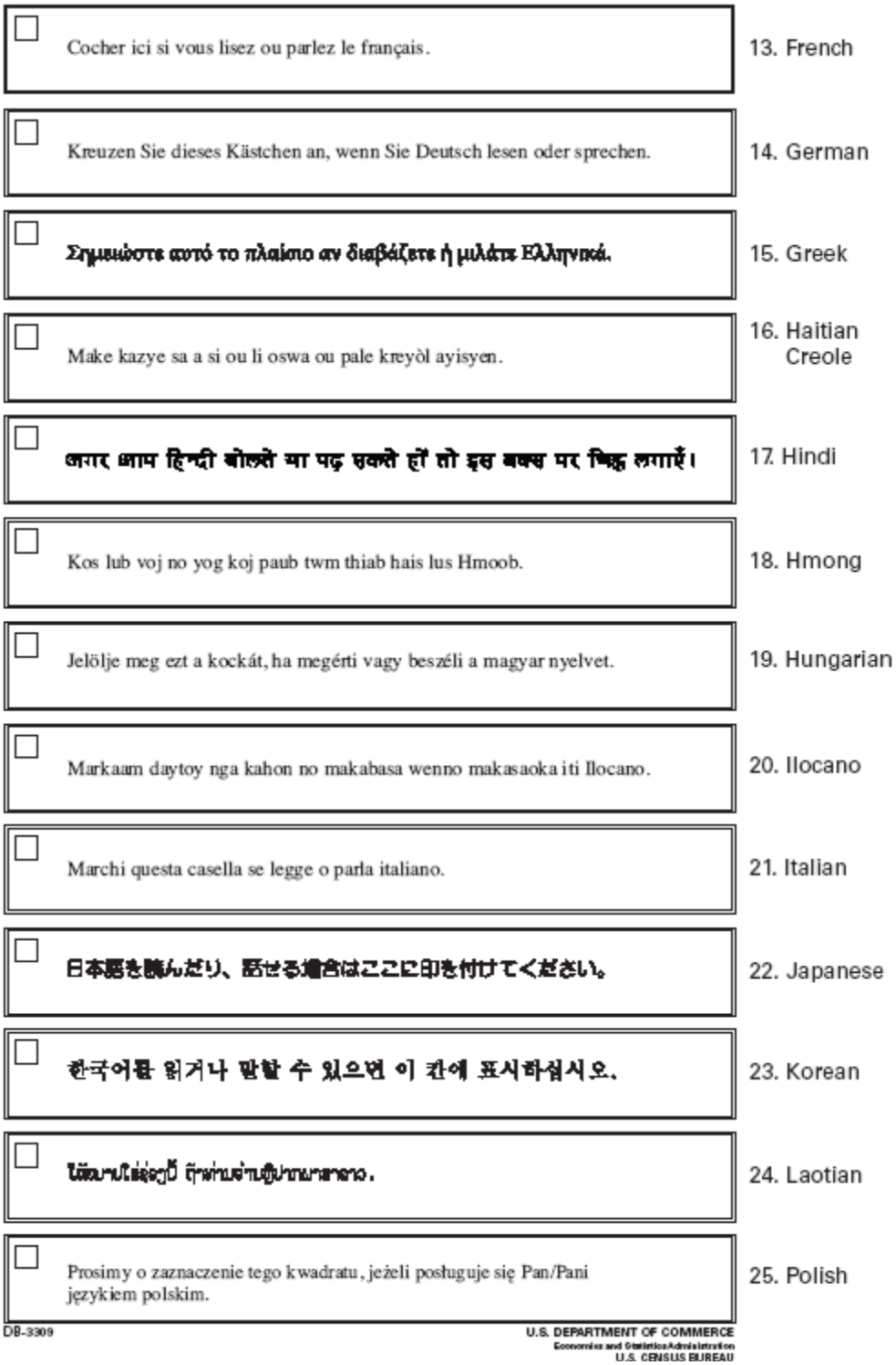

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☐ Assinale este quadrado se você lê ou fala português.	26. Portuguese
☐ Însemnaţi această căsuţă dacă citiţi sau vorbiţi româneşte.	27. Romanian
☐ Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
☐ Обележите овај квадратић уколико читате или говорите српски језик.	29. Serbian
☐ Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
☐ Marque esta casilla si lee o habla español.	31. Spanish
☐ Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
☐ ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.	33. Thai
☐ Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
☐ Відмітьте цю клітинку, якщо ви читаєте або говорите українською мовою.	35. Ukranian
☐ اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
☐ Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
☐ באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

DB-3309

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Attachment F

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Jurisdiction	State	Responding Court	Size
N = 43 Responding Courts			
Washington	DC	Superior Court - DV Intake Center	PopCtr
Jefferson	KY	Jefferson Family Court	PopCtr
New Orleans	LA	Orleans Civil District Court	PopCtr
Cumberland	ME	Portland District Court	PopCtr
St. Louis	MO	Circuit Court - Family Division	PopCtr
Milwaukee	WI	Milwaukee County Civil & Family Courts	PopCtr
King	WA	King County Superior Court	PopCtr
Miami-Dade	FL	Eleventh Circuit Court	PopCtr
Cook	IL	Cook County Circuit Court	PopCtr
Middlesex	MA	Malden District Court	PopCtr
Montgomery	MD	Sixth Circuit Court	PopCtr
Wayne	MI	Circuit Family Division	PopCtr
Clark	NV	Family Division - 8th Judicial District	PopCtr
Multnomah	OR	Multnomah County Court	PopCtr
Pima	AZ	Tucson City Court	Metro
Alameda	CA	Alameda Superior	Metro
San Francisco	CA	San Francisco Superior	Metro
Plymouth	MA	Brockton District	Metro
Ramsey	MN	Ramsey County District	Metro
Morris/Sussex Vicinage	NJ	Superior Court	Metro
Suffolk	NY	Suffolk District Court	Metro
Stanslaus	CA	Stanislaus Superior	Metro
El Paso	CO	El Paso County Combined Courts	Metro
Suffok	MA	Chelsea District Court	Metro
Baltimore	MD	Third Judicial District	Metro
Baltimore	MD	Baltimore City District Court	Metro
Oakland	MI	Oakland County Circuit Court	Metro
Erie	NY	Erie County Family Court	Metro
Virginia Beach	VA	Virginia Beach Juvenile & Domestic Relations Court	Metro
Solano	CA	Solano County Superior Court	Mid-size
El Dorado	CA	El Dorado County Superior Court	Mid-size
Barnstable	MA	Barnstable District	Mid-size
Washington	AR	Circuit Court	Mid-size
Merrimack	NH	Concord District Court	Mid-size
Washington	MN	District Court	Mid-size
Jasper	MO	Jasper County Circuit Court	Mid-size
Houston	GA	Houston County Superior Court	Mid-size
Fayette	KY	Fayette Family Court, DV Division	Mid-size
New Hanover	NC	New Hanover County Superior Court	Mid-size
Robeson	NC	Robeson District Court	Mid-size
Lac Qui Parle	MN	Lac Qui Parle County District Court	Rural
Dallas	MO	Dallas County Circuit Court	Rural
Scott	MN	Scott County District Court	Rural

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Attachment G

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Jurisdiction	State	Responding CBOs
N = 93 Responding Community-based Organizations (CBOs)		
Washington	AR	Project for Victims of Family Violence
Pima	AZ	The Brewster Center
Alameda	CA	Law Center for Families
		Family Violence Law Center
		Shelter Agianst Violent Environments (SAVE)
		Building Futures with Women and Children
		Tri Valley Haven
		Bay Area Legal Aid
San Francisco	CA	Cooperative Restraining Order Clinic
		Asian Women's Shelter
		La Casa de Las Madres
		Riley Center
		Community United Against Violence
		Donaldina Cameron House
		Asian Pacific Islander Legal Outreach
Stanislaus	CA	Haven (hotline)
Solano	CA	SafeQuest Solano (originally identified as Solano Women's Crisis Center)
El Paso	CO	T.E.S.S.A.
Washington	DC	Ayuda
		Asian Pacific Islander Domestic Violence Resource Project
		Boat People SOS
		DC Coalition Against Domestic Violence
		WEAVE
Miami-Dade	FL	Florida Immigrant Advocacy Center LUCHA
		Miami-Dade Advocates for Victims
		Legal Aid Society of Miami-Dade
Cook	IL	Rainbow House
		Legal Assistance Foundation of Metropolitan Chicago
		Mujeres Latinas en Accion
		Korean American Community Services
		Interfaith Refugee and Immigration Ministries
		Friends of Battered Women and Their Children
		Korean American Women in Need (KAN-WIN)
		The Women's Program of Chicago Connection
		Chicago Abused Women Coalition
		Life Span Center for Legal Services and Advocacy
		Sarah's Inn
		Apna Ghar
		Domestic Violence Legal Clinic, formerlyPro Bono Advocates
		Casa Central
		Family Rescue
		Metropolitan Family Services
		Constance Morris House
Jefferson	KY	Center for Women and Families
Fayette	KY	Spouse Abuse Center nka Blue Grass Domestic Violence Program
		Blue Grass Rape Crisis Center

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New Orleans	LA	Catholic Charities Immigrant DV Program
Plymouth	MA	Safe Plan
		Cape Verdean Association
		Brockton Family & Community Resources
Suffolk	MA	Harbor COV
		The Haven at MGH
Barnstable	MA	Independence House
Montgomery	MD	House of Ruth (In-Court Program)
		Asian Pacific Islander Domestic Violence Resource Project
		Migrant and Refugee Cultural Support Inc.
Baltimore City	MD	Multi Ethnic Domestic Violence Program
		House of Ruth
Cumberland	ME	Catholic Charities Immigrant DV Program
		Familiy Crisis Services
		Pine Tree Legal Assistance
Wayne	MI	First Step Shelter
		Access
Ramsey	MN	CSD of Minnesota
		Women of Nations
		Centro Legal, Inc.
		Casa de Esperanza
		St. Paul Domestic Abuse Intervention Project
		Southern Minnesota Regional Legal Services
		Asian Women United of Minnesota
Washington	MN	Tubman Family Alliance
St. Louis	MO	Legal Advocates for Abused Women
Jasper	MO	Women's Shelter - Lafayette House
New Hanover	NC	Domestic Violence Shelter Services
Robeson	NC	Southeastern Family Violence Center
Morris/Sussex Vicinage	NJ	Jersey Battered Women Services
Clark	NV	Safe Nest
		Safe House
Suffolk	NY	Victims Information Bureau
		Suffolk County Coalition Against Domestic Violence, Inc.
Multnomah	OR	El Programa Hispano
King	WA	Refugee Women's Alliance
		Consejo Counseling and Referral Service
		Northwest Justice Project
		Chinese Information Service Center
		New Beginnings
		Domestic Abuse Women's Network (DAWN)
		Eastside Domestic Violence Program
		Chaya for South Asian Women
		Abused Deaf Women's Advocacy Services
Milwaukee	WI	Task Force on Family Violence
		UMOS - Latina Resource Center
		Hmong American Friendship Association

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Attachment H

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Project Summary

The National Center for State Courts (NCSC) is conducting a national study of the courts' capacity to provide services to Limited English Proficient (LEP) individuals in the context of civil protection orders. The project is funded by the National Institute of Justice and is guided by a national advisory board.

As part of our national study, we have selected the [insert court] to participate in this project. We are interviewing court staff to learn about challenges and promising practices in the provision of language assistance to protection order petitioners. To complement and assess court responses and learn about collaborative efforts, we are also seeking input from community-based organizations that work in the area of domestic violence. By completing this short fax-back survey and participating in a telephone interview, you will help us identify and develop national service and delivery models based on promising local practices. Please keep a copy of this survey, in the event that the fax transmission is incomplete. A cover sheet is not necessary.

Definitions Used in the Survey

- In this survey, the generic term **civil protection orders** is used to refer to civil orders issued by the courts for the protection of victims of domestic violence.
- **LEP** refers to limited English proficiency.

Contact Information

Thank you for taking the time to participate in this survey. Please contact the survey director, Brenda Uekert, with any questions (757-259-1861 or buekert@ncsc.dni.us).

Participating Court: Court ID#:

Your Organization (please verify): ID #

Main Contact Person (please verify)

Person(s) Completing/participating in the Survey

Name	Title	Phone	Email

Preferred Date and Time for Telephone Interview:

Date:_____ Time: _____

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1. We would like some general information about your organization's work in the area of domestic violence and protection orders. Does your organization provide assistance to those who seek protection orders? Please check the appropriate response.

		Yes	No
a.	Our organization provides direct assistance to individuals seeking protection orders.	○	○
b.	We have staff housed in the courthouse to assist petitioners.	○	○
c.	We refer clients who seek assistance with protection orders to another community-based organization.	○	○
d.	We refer clients who seek assistance with protection orders to a justice agency (i.e., Prosecutor's Office, Courts, Victim/Witness).	○	○
e.	Our staff accompany petitioners to hearings for protection orders.	○	○
f.	Other (Elaborate) _____ _____	○	○

2. What languages other than English are spoken by persons seeking assistance from your organization for domestic violence issues? Please indicate by checking from the table below the languages spoken. Please add any languages spoken but not listed.

		Commonly spoken	Less commonly spoken	Not spoken
a.	Albanian	○	○	○
b.	Arabic	○	○	○
c.	Armenian	○	○	○
d.	Bosnian	○	○	○
e.	Cantonese	○	○	○
f.	Farsi	○	○	○
g.	French	○	○	○
h.	Haitian Creole	○	○	○
i.	Korean	○	○	○
j.	Laotian	○	○	○
k.	Mandarin	○	○	○
l.	Polish	○	○	○
m.	Portuguese	○	○	○
n.	Punjabi	○	○	○
o.	Russian	○	○	○
p.	Spanish	○	○	○
q.	Tagalog	○	○	○
r.	Vietnamese	○	○	○
	Other Languages:			
s.	_____	○	○	○
t.	_____	○	○	○
u.	_____	○	○	○
v.	_____	○	○	○

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3. To the best of your knowledge, what language assistance is provided to protection order petitioners/plaintiffs for protection order filings and court hearings? Check all that apply.

		Protection Order Filings	Court Hearings
a.	Interpreters are provided through your organization for court proceedings.	☐	☐
b.	The court uses independent contractual interpreters to provide services as needed.	☐	☐
c.	Bilingual staff/volunteers from your organization act in the capacity of interpreters for petitioners.	☐	☐
d.	Bilingual court staff act in the capacity of interpreters for petitioners.	☐	☐
e.	Petitioners must obtain interpreters for court activities and hearings on their own.	☐	☐
f.	The court may ask adult family members and friends of the petitioner to interpret instructions and proceedings.	☐	☐
g.	The court may ask children of the petitioner to interpret instructions and proceedings.	☐	☐
h.	Other (explain) _____ _____	☐	☐

4. Does your organization work to:

		Yes	If yes, in partnership with the court?
a.	Inform limited English proficient individuals of the court's services?	○	☐
b.	Develop informational brochures on protection orders in multiple languages?	○	☐
c.	Develop language assistance plan for protection order petitioners?	○	☐
d.	Provide multilingual brochures for distribution?	○	☐
e.	Develop questionnaires to collect data on petitioner satisfaction with interpreter services?	○	☐
f.	Help obtain qualified interpreters in protection order cases?	○	☐
g.	Address immigration issues in domestic violence cases?	○	☐
h.	Other (explain) _____ ____ _____ ____	○	☐

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5. Does your organization collect data on:

		Yes	No
a.	Number of protection orders filed by clients?	○	○
b.	Primary language of protection order petitioners?	○	○
c.	Petitioner satisfaction with interpreter services provided for court actions or hearings?	○	○
d.	Grievances or complaints due to language access issues in the courts?	○	○

6. To what extent do you provide services to LEP individuals seeking protection orders? (If you do not collect data in this area, please give us your best estimate)

   a. How many clients do you assist with protection orders each year? _____

   b. How many clients that you assist with protection orders each year are limited English proficient (LEP)? _____

7. What other organizations in your community should we speak to in regard to language access issues and the protection order process? Please provide contact information where available.

Organization	**Main Contact**	**Phone**	**Email**

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Attachment I

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Introduction

Last summer, you kindly responded to our survey on civil protection orders and language issues. We received information from 151 courts across the nation, from those serving large metropolitan areas to smaller courts in rural counties. In our efforts to identify promising practices that can be incorporated by other courts, we have now moved into a second phase of the research project. In this phase, we are asking only those courts that appear to be more proactive in providing language assistance to participate in a telephone survey.

We would like to arrange a time that we can speak to you about how language services are provided to those who seek an order of protection. The survey could take up to 45 minutes, depending on the level of diversity and complexity of the issue in your jurisdiction. We will also be talking to community-based organizations that serve battered women with limited English proficiency (LEP) so that we can document community-based approaches that complement any court-based programs.

We kindly request that you provide us with a date and time when we can speak with you. You may do this by contacting Tracy Peters at tpeters@ncsc.dni.us or 757-259-1503. We are including the questions below so that we can make the best use of your time and get as much information as possible. If you have any additional questions, please contact the project director, Brenda Uekert, PhD, at buekert@ncsc.dni.us or 757-259-1861.

My interview is scheduled for _____ at _____.

Our staff will confirm your requested interview time and date with an email or telephone call. We look forward to speaking with you and appreciate your continued participation in our project.

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Part 1: Court Structure and Language Issues

This survey is being administered to a variety of courts throughout the United States. Some courts are located in rural counties while others serve large metropolitan areas. There are great variances in resources, demand, and diversity. For this reason, we ask that you share some background information on court structure and limited English proficient (LEP) groups in your community.

1A. Briefly tell us about the structure of the [Insert court name]. What types of cases does the court hear? Which division handles protection orders? Can you give us a sense of the volume of protection orders and the number of judicial officers/judges who hear the cases? How are interpreter services arranged for protection order petitioners? What is the role of the state administrative office of the courts (AOC) in assisting the court with language services?

1B. Could you please briefly describe the protection order process?

1C. Please tell us about the various limited English proficient (LEP) groups that are served by the court. Can you tell us about any recent trends concerning language services you provide, such as an increase or decrease in protection order petitioners who need language assistance? In which languages? What is the source of that information?

1D. Have there been any changes in your court's provision of language services in protection order cases over the last five years? What accounts for any changes you have seen?

1E. What types of funding issues impact the court's ability to provide language assistance, such as interpreter and translation services, to those seeking protection orders?

Part 2: Provision of Services

The next series of questions focus on the protection order process and language services provided to petitioners with limited English proficiency (LEP). *Please refer to the attachment for a list of items to include when discussing the processes.*

2A. An LEP battered woman seeks a protection order. She speaks a language (other than English) that is commonly encountered by your court. Please describe the typical process followed and any language services provided by the court or other organizations, from petitioning for an order of protection through issuance of a final order.

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2B. What might be done differently for a protection order petitioner who speaks a language that is less commonly encountered by your court? Please give us examples of less commonly encountered languages and refer to the items noted in the previous question.

2C. Does the process differ if the battered LEP petitioner is an undocumented immigrant? Does immigration status affect the protection order process and the provision of language services? Please include any efforts to work with local organizations to assist battered immigrant women.

Part 3: Court and Community Coordination

In this section, we ask that you describe any efforts in the area of language assistance for protection order petitioners/plaintiffs that involve both the court and community-based organizations. This could include activities such as participation in task forces, collaborating to provide interpreters, and working together to translate brochures or other materials.

3A. Please discuss the court's relationship with any community-based organizations to provide language services in regard to domestic violence cases. Which organizations do you work with and in what capacity? Who participates and how frequent is the interaction?

3B. What are the particular strengths and challenges in working on language access needs with community-based organizations?

3C. Are there any limited English proficient (LEP) groups or organizations in the community that you think the court should work with but currently does not? Which ones? Please explain.

Part 4: Successes and Challenges

In this section, we are interested in challenges the court may face in the provision of language services in protection order cases. We also seek your input on successful practices that may benefit other courts.

4A. Please give us your overall assessment of how you think your court addresses the language assistance needs of protection order petitioners/plaintiffs. Would you rate your court's provision of language services as excellent, good, fair, or poor? Please tell us more about what works and what doesn't.

4B. What can be done to improve language services to those seeking protection orders? What would you need to accomplish that?

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Would you like us to send you a report when this project is completed? Please provide an email address or mailing address.

_____

Thank you for participating in this interview! Do you have any additional comments?

Attachment

Items to Consider when Discussing Part 2: Provision of Services

Questions 2A and 2B: Process

- Please give us examples of languages commonly and less commonly encountered by your organization.

  Commonly Encountered: _____

  Less Commonly Encountered: _____

- What screening might be done to identify the language needs of the petitioner/plaintiff and respondent/defendant?

- If a battered LEP woman seeks a protection order, is she more or less likely to seek assistance directly from the court on an individual basis? Or is it more likely that a bilingual advocate or staff from a local organization will accompany the petitioner?

- Does the court provide any interpreter or translation services to assist the plaintiff in the preparation of paperwork required for the protection order?

- Is an interpreter provided for protection order hearings?
  For the petitioner? ____
  For the respondent? ____

- Would the same interpreter assist both the petitioner and respondent? If so, under what conditions?

- How does the court obtain interpreters?

- What is the typical timeframe in which an interpreter can provide assistance?

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- What types of delays might be incurred in the protection order process?
- How does the court determine the interpreter's qualifications? Are interpreters certified?
- Are there any conditions in which family members or friends are used to interpret or translate documents?
- If the plaintiff does not receive language assistance, how does the case progress?
- In what languages are documents translated?
  Which documents? _____
  Which languages? _____
- If there is a need for translations of documents, how do you find a translator?
- How do you determine qualifications of the translator? Describe the process.

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Attachment J

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Introduction to the Interview

The National Center for State Courts (NCSC) is conducting a national study of the courts' capacity to provide services to limited English proficient (LEP) individuals in the context of civil protection orders. The project is funded by the National Institute of Justice and is guided by a national advisory board.

As part of our national study, we have selected the [Insert name of Court] to participate in this project. We are interviewing court staff to learn about challenges and promising practices in the provision of language assistance to protection order petitioners. To complement and assess court responses and learn about collaborative efforts, we are also seeking input from community-based organizations that work in the area of domestic violence. Your organization was identified in an earlier survey given to the [Insert name of Court] as providing local services or assistance in domestic violence or language interpretation.

We would like to arrange a time in which we can speak to you about language issues as they impact domestic violence survivors. The survey could take up to 45 minutes, depending on the level of diversity and complexity of the issue in your jurisdiction.

We kindly request that you provide us with a date and time when we can speak with you. You may do this by contacting Tracy Peters at tpeters@ncsc.dni.us or 757-259-1503. We are including the questions below so that we can make the best use of your time and get as much information as possible. If you have any additional questions, please contact the project director, Brenda Uekert, PhD, at buekert@ncsc.dni.us or 757-259-1861.

My interview is scheduled for _____ at _____.

Our staff will confirm your requested interview time and date with an email or telephone call. We look forward to speaking with you and appreciate your participation in this national study of court responses to language issues.

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Part 1: Organizational Structure and Language Issues

1A. In what capacity do you work with domestic violence survivors? What is your organization's role in assisting those in need of protection orders? Do you screen clients for eligibility? Do you charge clients for services?

1B. Please tell us about the various limited English proficient (LEP) groups that are served by your organization. Can you tell us about any recent trends, such as an increase or decrease in protection order petitioners who need language assistance? In which languages?

1C. Can you tell us about the provision of interpreters and/or translators for non-English speaking clients for protection order cases? Who provides the interpreter? The courts? Your organization? Another agency or organization? Do you know how this is funded? How are the qualifications of the interpreters determined?

1D. Have there been any changes in the provision of language services, for your organization or the court, in protection order cases over the last five years? What accounts for any changes you have seen?

Part 2: Provision of Services

The next series of questions focus on the protection order process and language services provided to petitioners with limited English proficiency (LEP). *Please refer to the attachment for a list of items to include when discussing the processes.*

2A. An LEP battered woman seeks a protection order. She speaks a language (other than English) that is commonly encountered by your organization. Please describe the typical process followed and any language services provided by your organization and the court, from petitioning for an order of protection through issuance of a final order.

2B. What might be done differently for a protection order petitioner who speaks a language that is less commonly encountered by your organization? Please give us examples of less commonly encountered languages and refer to the items noted in the previous question.

2C. Does the process differ if the battered LEP petitioner is an undocumented immigrant? Does immigration status affect the protection order process and the provision of language services? Please include any efforts to work with the [Insert name of Court] and federal immigration officials.

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Part 3: Court and Community Coordination

In this section, we ask that you describe any efforts in the area of language assistance for protection order petitioners that involve both your organization and the court. This could include activities such as participation in task forces, collaborating to provide interpreters, and working together to translate brochures or other materials.

3A. How would you describe your current relationship with the court? Which divisions in the court do you work with and in what capacity? Do you work with the court on language access issues?

3B. What are the particular strengths and challenges in working with the court? Please describe efforts in both the protection order and language access areas, if relevant.

Part 4: Successes and Challenges

In this section, we are interested in the challenges that the court may face in providing language services in protection order cases. We also seek your input on successful practices that may benefit other courts.

4A. Please give us your overall assessment of how you think the court addresses the language needs of protection order petitioners. Would you rate the court's provision of language services as excellent, good, fair, or poor? Please tell us more about what works and what doesn't.

4B. What can be done to improve language services to those seeking protection orders? What would be needed to accomplish that?

Would you like us to send you a report when this project is completed? Please provide an email address or mailing address.

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Thank you for participating in this interview! Do you have any additional comments? Attachment

Items to Consider when Discussing Part 2: Provision of Services

Questions 2A and 2B: Process

- What screening might be done (by your organization and by the court) to identify the language needs of the petitioner/plaintiff and respondent/defendant?
- If a battered LEP woman seeks a protection order, is she more or less likely to first approach your organization (or another organization) prior to approaching the court?
- What types of language assistance (interpretation, translation) are available for filing a protection order and for any hearings?
- What is the typical timeframe in which an interpreter can provide assistance?
- What types of delays might be incurred in the protection order process?
- Are there any conditions in which family members or friends are used to interpret or translate documents?

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Attachment K

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Site: Seattle

Interview Questions for Judges

1. What extra challenges are posed by the use of interpreters in protection order cases?

    a. How do you make sure that the interpreter is qualified and is interpreting correctly?

    b. Have you heard of any concerns about inconsistencies in the quality of interpretation?

    c. Have you heard concerns about inconsistencies in the level of knowledge interpreters have about DV, sexual assault, stalking, cultural issues, immigration issues, and differences in level of literacy/competency of clients in their native language?

    d. Please describe the training the court requires for interpreters who work in the DV court

    e. Are the orders written in English, or are they translated into the language of the respondent?

    f. Are there any service issues (packets in Spanish, Creole; immigrant community issues)?

2. How does culture affect petitioner and respondent views on domestic violence and the role of protection orders? Can you give us some examples?

3. Is there any judicial training offered that addresses domestic violence and cultural sensitivity? If so, what type of training and have you attended?

Promising practices

4. What programs or services of the court would you consider to be best/promising practices for addressing the language assistance needs of LEP persons in the protection order process?

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Improvements needed/how to achieve

5. Do you have a formal LEP plan? Can you share it with us? Is it updated regularly?

6. What things would you change about the protection order process to make it more accessible to LEP persons?
   - More bilingual staff
   - More interpreters
   - Materials/court documents in Spanish and Creole, and other languages as possible
   - Training for interpreters on DV, SA, stalking, cultural issues, immigration issues, variations of individual client's competency in native language
   - Training for judges on cultural and immigration issues

7. The court and community-based organizations seem to work very well together on domestic violence issues; have there been coordinated efforts to address the needs of LEP battered women and to develop best practices? What could be done to strengthen/enhance these efforts?

Recommendations for other jurisdictions

8. What advice would you give to judges or magistrates in communities that are ill-prepared to provide services to persons with limited English proficiency?

9. Are there any local or national resources for judges in this area? Have you used any of these resources? If so, would you recommend them to other judges and courts?

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Attachment L

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Site: Miami

Onsite Interview Questions

Addressing needs of agency's LEP clients/cross training

1. Do you collect data on the language needs of your clients and adverse parties (i.e., both petitioners and respondents)? If so, how do you collect the data (e.g., a checkbox or other mechanism on your intake forms)? How do you use this information?

2. Do you have any formal plans or policies that outline your organization's response to limited English proficient clients? If so, how were they developed?

3. Are your documents translated? Into what languages? Who does the translation? Are translators certified?

4. What types of outreach do you do in the local communities? Do you have outreach to immigrant communities? Who participates in outreach?

5. We understand that your agency has provided training for court staff and that your staff also participates in trainings offered by the court. Can you tell us some examples of training topics (e.g., interpreting, court processes, or cultural sensitivity issues)? What resources have you developed/obtained to initiate these cross trainings and what keeps the momentum going to continue?

Interpretation services

6. Do you have any difficulties in finding interpreters for certain languages? Are there any tensions between your organization and the interpreters, and between the interpreters and the community (e.g., interpreters know the client because that immigrant community is small)? How are interpreters qualified?

7. We have heard some concerns about inconsistencies in the quality of interpretation services by court interpreters. Do you have any concerns about the quality of interpretation? What do you think the court could do to improve/ensure the quality of interpretation?

8. We also have heard some concerns about inconsistencies in the level of knowledge interpreters have about DV, sexual assault, stalking, cultural issues, immigration issues, and differences in level of literacy/competency of clients in their native language. Do you share these concerns? Do you think interpreters have adequate training on these issues?

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Court services in DV cases

9. Can you compare the services the court offers to those with limited English proficiency with services offered to those who are able to communicate effectively in English? How do services vary depending on the language (e.g., Spanish and Creole different from other languages)?

10. Are there any differences in how the Intake Unit operates now that the Clerk of Court has responsibility for intake?

Best practices

11. Does your organization have any programs or services that you would consider to be best practices for addressing the language assistance needs of LEP persons in the protection order process?

12. Does the court have any programs or services that you would consider to be best practices for addressing the language assistance needs of LEP persons in the protection order process?

Improvements needed/how to achieve

13. What can the court do to better serve the needs of limited English proficient battered women?
    - More interpreters
    - Materials/court documents in Spanish and Creole, and other languages as possible
    - Training for interpreters on DV, SA, stalking, cultural issues, immigration issues, variations of individual client's competency in native language
    - Training for judges on cultural and immigration issues

14. What can your organization do to better serve the needs of limited English proficient battered women?

15. The court and community-based organizations seem to work very well together on domestic violence issues; have there been coordinated efforts to address the needs of LEP battered women and to develop best practices? What could be done to strengthen/enhance these efforts?

16. We have heard concerns from several people that funding for court and social services is decreasing and the decreases will result in fewer interpreters and bilingual staff. Do you know of any efforts to find alternative sources of funds for these resources for LEP persons?

17. What advice can you give to other community-based organizations on working with the courts to improve access to protection orders for limited English

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proficient clients? Do you have any suggestions or advice for courts or community-based organizations that work in rural communities?

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Attachment M

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National Center for State Courts

COURT INTERPRETATION IN PROTECTION ORDER HEARINGS

JUDICIAL BENCHCARD

Judges have a critical role in ensuring access to justice in protection order proceedings. Petitioners with limited English proficiency (LEP) face special challenges when they attempt to use the judicial system. Courts should provide qualified interpreters to assist the parties in protection order proceedings to place non-English speaking and English-speaking parties of equivalent background and education on equal footing before the bench. See *Resources* for additional information.

HOW DO I KNOW IF A PARTY OR WITNESS NEEDS AN INTERPRETER?

- When an attorney or a pro se litigant advises the court that a party or witness has limited English proficiency and requests an interpreter.
- When any party involved in a case does not appear to understand court proceedings in English.
- If you are unsure, ask a few questions to determine the party's level of English understanding.

Sample Questions to Assess Understanding of English

- Please tell the court your name.
- Please also tell us how old you are.
- How did you come to court today?
- What kind of work do you do?
- How comfortable are you in proceeding with this matter in English?
- Would you like the court to provide you with free assistance in understanding this proceeding?

- Determine the language of the party using language ID cards
- *If the party cannot read, or if language ID cards are not available, contact a court interpreter or a commercial telephonic service, if you have access to one, to determine the language of the party requiring services.*

HOW DO I APPOINT AN INTERPRETER?

HOW DO I LOCATE AN INTERPRETER?

- If your local court has an interpreter services office, contact it to request an interpreter.
- If your court does not have someone responsible for securing interpreters, then: (1) Check a Federal or State certified list; (2) Check a locally accredited list; and (3) Call local universities and community-based organizations.
- Under only *very* limited circumstances, use a commercial telephonic interpreter service, if you have access to one.

HOW DO I KNOW IF THE INTERPRETER IS QUALIFIED?

- Interpreting requires specialized knowledge of: legal and other specialized terminology, slang, idioms and dialectal variations.
- Interpreting requires specialized skills, such as: memory, comprehension, attentiveness, and multi-tasking.
- *Being bilingual does not qualify a person to interpret. Children and relatives should never be used to interpret. Judges, attorneys, and court personnel should not function as interpreters.*
- If you are unsure, ask a few questions to determine the interpreter's qualifications.
- If you are assured that the interpreter is qualified, administer an oath of interpretation

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Sample Questions to Assess Interpreter Qualifications

- What training or credentials do you have as an interpreter?
- Are you certified in the State of _____?
- Are you familiar with the Code of Professional Responsibility for interpreters? What are its main points?
- How did you learn English?
- How did you learn (*non-English language*)?
- Do you have any potential conflict of interest in this case? (E.g., do you know any of the parties in this case?)

Sample Interpreter's Oath

Do you solemnly swear or affirm that you will interpret accurately, completely and impartially, follow all official guidelines established by this court for legal interpreting or translating, and discharge all of the duties and obligations of legal interpretation and translation?

WHAT SHOULD I EXPECT FROM THE INTERPRETER?

A **g**ood **i**nterpreter **will:**

- Interpret in the first person and address the court in the third person, to keep a clear record.
- Interpret everything said in the courtroom, with no additions, omissions, explanations, or personal input.
- Request clarification if a phrase or word is not understood.
- Use appropriate interpreter tools such as a language dictionary and note-taking materials.
- Be as unobtrusive and professional as possible.

HOW CAN I ASSIST COMMUNICATION IN INTERPRETED PROCEEDINGS?

- Instruct all parties as to the role of the interpreter.
- Allow the interpreter to view the court file to review names, parties and unique vocabulary.
- Allow the interpreter to briefly converse with the non-English speaker to ensure understanding of dialect and pronunciation differences.
- Instruct all participants to speak loudly and clearly.
- Allow only one person to speak at a time.
- Speak directly to the party or witness, not to the interpreter.
- Speak and read slowly and clearly enough for the interpreter to keep up during simultaneous interpretation.
- Speak in logical, meaningful phrases, pausing to allow the interpreter to keep the pace, during consecutive interpretation (witness testimony).
- Do not ask the interpreter to explain or restate anything said by the party and do not allow attorneys to ask that of an interpreter.
- Allow the interpreter to take a break after 30 minutes.

RESOURCES

- U.S. Department of Justice Web Site (http://www.lep.gov)
- Model Code of Professional Responsibility for Interpreters in the Judiciary (http://www.ncsconline.org/wc/publications/Res_CtInte_ModelGuidePub.pdf)
- State Court Interpreter Programs (http://www.ncsconline.org/D_Research/CourtInterp.html)
- The National Association of Judiciary Interpreters and Translators (NAJIT) (http://www.najit.org)

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NCSC
National Center for State Courts

Protection Orders and Limited English Proficient (LEP) Individuals

National Center for State Courts
300 Newport Ave
Williamsburg, VA 23185-4147
http://www.ncsconline.org

Phone: 1-800-616-6164
Fax: 1-757-564-2022
Email: webmaster@ncsc.dni.us

Protection Orders and Limited English Proficient (LEP) Individuals

An informational brochure for Community-Based Organizations

National Center for State Courts

Phone: 1-800-616-6164

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What is a Protection Order?

A **Protection Order (PO)** is an order by the court commanding an abuser not to threaten or hurt the petitioner.* Violations have legal consequences and can result in arrest and court action against the abuser. Depending upon state laws and case circumstances, a PO can also give temporary custody of children, set a visitation schedule, order an abuser to leave a shared residence, grant possession of essential personal items, or order an abuser to attend counseling.

A **temporary Protection Order (TPO)** is issued *ex parte* meaning an abuser does not need to be present for a petitioner to receive immediate, temporary protection. To receive long-term protection the petitioner must return to the court for a full hearing when the abuser has a right to be present. At the hearing the court will decide whether to issue a **permanent Protection Order (PPO)**, which lasts for a fixed period of time.

Helping LEP individuals access the courts reduces the barriers they face in the search for protection from abuse...

Some of the barriers faced by LEP petitioners are listed below, with suggestions for service providers to assist LEP respond provided in italics.

Court assumes language proficiency because LEP person nods and appears to understand

- *Encourage LEP clients, if they are having difficulty understanding or communicating, to request an interpreter.*

Lack of access to qualified interpreters

- *Lobby with the state Administrative Office of the Courts (AOC) or the local courts to obtain the resources necessary to provide certified or otherwise qualified interpreters.*

Postponed hearings due to lack of interpreters

- *Notify the court prior to a hearing if an interpreter is needed for any party—abused or abuser. This will allow the court to prepare and may help prevent postponed hearings.*

* Petitioner is a term used by the court to refer to the person that initiates a lawsuit.

What are the Rights of LEP Individuals?

Courts may be required to provide an interpreter

Any organization or court that receives federal funds must provide meaningful access to limited English proficient (LEP) persons under Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency" and Title VI of the Civil Rights Act of 1964.

- Executive Order 13166 specifies when a petitioner is entitled to an interpreter. The Department of Justice provides information at *http://www.usdoj.gov/civilliberties.htm and http://www.lep.gov/community.html*
- Whenever possible, request a trained court interpreter rather than relying on an advocate interpreter
- Minors and family members should never be asked to act as an interpreter.

Immigration status and language should not be a barrier to protection

Some LEP persons may have concerns related to immigration status. Law enforcement officers must enforce Protection Orders even if the petitioner is an undocumented immigrant.

All entities receiving federal funds are required to comply with Title VI.

Under Executive Order 13166 all government offices and Community-Based Organizations that receive federal funds may be required to provide interpreting services.

Checklist of Resources for Community-Based Organizations

✓ **Administrative Office of the Courts (AOC)**

Go to *http://www.ncsconline.org/wc/publications/kis_admOCtStateLinks.pdf* for a list of State AOCs or call 1-800-616-6164. State AOCs will generally have information about the local courts and who to contact, and may have copies of PO forms online.

✓ **Court Interpreting Services**

Many states have court interpreting web sites that include rosters of interpreters. You can link to many of those web sites from *http://www.ncsconline.org/D_Research/CourtInterp.html*

✓ **Legal Services Resources**

✓ **Consortium for State Court Interpreter Certification**

The Consortium provides testing and training for interpreters, and education for agencies and organizations that utilize the services of interpreters.

To find out more call 1-800-616-6109 or visit *http://www.ncsconline.org/D_Research/CourtInterp.html*

✓ **Other National Resources**

- National Immigrant Victim Service Provider Resource Directory 1-212-925-6635 or *http://www.legalmomentum.org/issues/imm/nivsprd.shtml*
- National Domestic Violence Hotline 1-800-799-7233 or *http://www.ndvh.org* (1-800-787-3224 TTY)

If services that are required by Title VI *Prohibition Against National Origin Discrimination Affecting LEP Persons* are denied by any entity receiving federal funds, you can file a **Discrimination Complaint Form**. The form can be found at http://www.lep.gov/community.html or by calling 1-888-848-5306.

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Attachment O

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The National Advisory Board of *"Serving Limited English Proficient (LEP) Battered Women: A National Survey of the Courts' Capacity to Provide Protection Orders"* recommends that the following Code of Professional Responsibility for Interpreters Serving Limited English Proficiency (LEP) Victims of Domestic Violence be read, understood, and strictly adhered to by interpreters providing services to victims of domestic violence. These canons cover interpreting services in ***non-judicial*** settings, such as intake and meetings with service providers, interviews with police, and communications with advocates and medical personnel. Although the following Code relates to domestic violence cases, the canons are equally applicable to cases involving sexual assault.

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Code of Professional Responsibility for Interpreters Serving Limited English Proficiency (LEP) Victims of Domestic Violence outside of the courtroom and judicial settings

These Canons apply to interpreters who are serving limited – English proficiency (LEP) victims of domestic violence in non-judicial settings such as intake and meetings with service providers, interviews with police, and communications with advocates and medical personnel. For judicial proceedings, interpreters are governed by, and must strictly observe the provisions of the Code of Professional Responsibility for Interpreters in the Judiciary.

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CANON 1: ACCURACY AND COMPLETENESS

Interpreters shall render a complete and accurate interpretation or sight translation, without additions or omissions.

Commentary:

The interpreter has a threefold duty: 1) to ensure that conversations and discussions in English are interpreted accurately for an LEP individual; 2) to ensure that information and discussions in the LEP person's language are interpreted accurately for English speaking individuals; and 3) to place the LEP person on an equal footing with those who understand English.

Therefore, interpreters are obligated to apply their best skills and judgment to preserve faithfully the meaning of what is said, including the style or register of speech. Verbatim, "word for word," or literal oral interpretations are not appropriate if they distort the meaning of the source language, but *every spoken statement, even if it appears non-responsive, obscene, rambling, or incoherent should be interpreted*. This includes apparent misstatements. The interpretation of all spoken statements will help the interviewer more clearly understand the LEP speaker's limitations, philosophy, attitude, or lack of understanding.

Interpreters should convey the emotional emphasis of the LEP speaker without re-enacting or mimicking the speaker's emotions or dramatic gestures.

Interpreters should not interject their own words, phrases, or expressions as a substitute for what is actually said. If the need arises to explain an interpreting problem or a linguistic barrier in order to facilitate communication between the LEP person and the interviewer, the interpreter should ask for the interviewer's permission to provide an explanation. If a discussion of the problem or barrier becomes necessary, the interpreter should be careful to include the LEP individual in the entire discussion. The interpreter must refrain from acting as a cultural expert and must never attempt to explain "cultural differences" or provide culture-based advice.

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CANON 2: REPRESENTATION OF QUALIFICATIONS

Interpreters shall accurately and completely represent their certification, training, and pertinent experience.

Commentary:

Acceptance of a job by an interpreter conveys linguistic competency and interpreting skills. It is therefore essential that interpreters present a complete and truthful account of their training, certification and experience prior to providing interpreting services. Persons providing services to victims of domestic violence should always seek a competent, trained interpreter to insure that the interpretation is accurate and complete. No bilingual court employee should be coerced or forced to act as an interpreter. If a non-qualified interpreter is interpreting for a LEP victim in a non-judicial setting, the interpreter must convey his/her limitations to the English speaking person for whom the services are provided.

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CANON 3: IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST

Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.

Commentary:

The interpreter should avoid any conduct that presents the appearance of bias against or favoritism toward any of the parties. The interpreter should strive for professional detachment. Verbal and non-verbal displays of personal attitudes, prejudices, emotions, or opinions should be avoided at all times.

An interpreter must preserve a strictly professional relationship with the LEP victim for whom he or she is interpreting. An interpreter must neither encourage nor discourage an LEP victim with regard to the case. The interpreter must not engage in conversations with the LEP victim, except as required in the discharge of interpreting duties. An interpreter should prudently and with sensitivity discourage an LEP victim's personal attachment or dependence upon the interpreter.

During the course of the case, interpreters should not converse with other parties, potential witnesses, attorneys, or with friends or relatives of the LEP victim or any other part, except as required in the discharge of interpreting duties.

If the interpreter is serving a dual role and is also acting as a LEP victim's advocate, or if the LEP individual develops a personal dependence on the interpreter, the interpreter should not accept any other interpreting assignments related to the case, including interpreting for the court or for any other party in the case. Such advocacy and dependency creates a conflict of interest for the interpreter and the interpreter must reveal that conflict to other persons providing services to the LEP victim.

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CANON 4. PROFESSIONAL DEMEANOR

Interpreters shall conduct themselves in a professional manner and should be as unobtrusive as possible.

Commentary:

Interpreters should know and observe the established protocol, rules, and procedures relating to interpreting services, including the ethical requirements of the organization for which those services are rendered. Interpreters should work without drawing undue or inappropriate attention to themselves and should dress in a manner that is consistent with the nature of the assignment.

Interpreters should avoid personal or professional conduct that discredits the interpreting profession.

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CANON 5: CONFIDENTIALITY

Interpreters shall protect the confidentiality of all privileged and other confidential information.

Commentary:

The interpreter must protect the confidentiality of communications that are protected by a legal privilege, such as the attorney-client, doctor-patient or victim-advocate privilege. Interpreters must not disclose information deemed confidential by statute, case law, or court rule or policy.

In domestic violence cases, the interpreter must not reveal information that may jeopardize the safety of the victim, including safe shelter information or the whereabouts of the victim.

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CANON 6: RESTRICTION OF PUBLIC COMMENT

Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

Interpreters must avoid speaking to the media or any other person or entity about the facts of a case and should not voice an opinion about the veracity of the parties or evidence in the case.

Interpreters providing services in a domestic violence or sexual assault case or any case wherein an order for protection is being sought should refrain from repeating or disclosing *any* information about the case, including the names of the parties and the nature of the case, regardless of whether that information is privileged or otherwise deemed confidential.

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CANON 7: SCOPE OF PRACTICE

While serving as an interpreter, interpreters shall limit themselves to interpreting or translating, and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translating.

Commentary:

Because the interpreter's only role is to enable others to communicate, the interpreter's activities are limited to interpreting or translating. Interpreters should refrain from initiating communications while interpreting unless such communications are necessary to ensure an accurate and faithful interpretation. Interpreters may be required to initiate communications when they find it necessary to seek assistance in performing their duties. Examples of such circumstances include seeking clarification if the interpreter is unable to understand or express a word or thought, requesting permission to clarify an unfamiliar regionalism, seeking permission to consult a bilingual dictionary or other resource, requesting speakers to moderate their rate of communication or repeat or rephrase a statement, correcting interpreting errors, or notifying the interviewer if the interpreter has reservations about his/her own ability to satisfy an assignment competently. To signify that the interpreter is speaking personally and not interpreting the LEP individual's words, the interpreter should refer to himself or herself in the third person; e.g. "The interpreter requests . . ." The interpreter must also include the LEP individual by interpreting the entire discussion.

An interpreter should not independently explain the purpose of forms, services, or otherwise act as counselors or advisors. The interpreter may sight translate language on a form for a LEP individual, but may not explain the form or its purpose for the individual.

The interpreter is a conduit for communication and is not an attorney, an anthropologist, a linguist, a counselor, or a psychiatrist. Therefore, the interpreter should refrain from providing services outside the scope of interpreting and translating services. If the interpreter is performing a dual role and is acting as an advocate for the LEP victim, that dual role should be explained to the LEP victim and the interpreter should not accept interpreting assignments for the case in any other setting.

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CANON 8: ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE

Interpreters shall assess at all times their ability to deliver their services. If an interpreter has any reservation about his/her ability to satisfy an assignment competently, the interpreter shall immediately convey that reservation to the person or entity retaining the interpreter.

Commentary:

If the communication mode or language of the non-English-speaking person cannot be readily interpreted, if the subject matter is likely to exceed the interpreter's skills, or if after starting an assignment, the interpreter believes he/she cannot perform competently for any reason, the interpreter should notify the person or entity retaining the interpreter.

Interpreters should also report any environmental or physical limitation that impedes the ability to deliver interpreting services adequately (e.g., the environment is not quiet enough for the interpreter to hear or be heard by the LEP person, more than one person at a time is speaking, or individuals are speaking too rapidly). Whenever possible, interpreters are encouraged to inquire into the nature and topic of the interpreting assignment before accepting the assignment. This enables interpreters to match more closely their professional qualifications, skills, and experience to potential assignments and more accurately assess the interpreter's ability to perform interpreting duties competently.

Interpreters should notify the person or entity that retained him/her of any perceived or actual personal bias relating to any aspect of the assignment. For example, an interpreter who has been the victim of a sexual assault may wish to be excused from interpreting in cases involving similar offenses, and a person convicted of domestic abuse should not interpret for any party in a domestic violence case.

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CANON 9: DUTY TO REPORT ETHICAL VIOLATIONS

Interpreters shall report to the proper authority any effort to impede their compliance with any law, any provision of this code, or any other official policy governing interpreting and translating.

Commentary:

Users of interpreting services may ask or expect interpreters to perform duties or engage in activities that violate the provisions of this code or other laws, regulations, or policies governing interpreters. It is incumbent upon the interpreter to inform such persons of an interpreter's professional obligations. If, having been apprised of these obligations, the person persists in demanding that the interpreter engage in prohibited behavior, the interpreter should turn to a supervisor, a judge, or another official with jurisdiction over interpreter matters to resolve the situation.

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CANON 10: PROFESSIONAL DEVELOPMENT

Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training, education, and interaction with colleagues and specialists in related fields.

Commentary:

Interpreters must continually strive to increase their knowledge of the languages they interpet, including past and current trends in technical, vernacular, and regional terminology as well as their application.

Interpreters should keep informed of all statutes, rules of courts and policies that relate to the performance of their professional duties.

An interpreter should seek to elevate the standards of the profession through participation in workshops and professional meetings, interaction with colleagues, and reading current literature in the field.

Interpreters providing services to LEP victims of domestic violence are encouraged to engage in training specific to the vocabulary, procedures, and dynamics of such cases.

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Additional considerations when language interpreters

are needed for a Limited English Proficiency (LEP)

Protection Order Petitioner or domestic violence victim:

1. For jurisdictions that use volunteer interpreters for LEP protection order petitioners during case processes that take place outside the courtroom (meetings, interviews, intake process, etc.), before beginning any interpreting services, the volunteer should be provided with a copy of these Canons, required to read this document in its entirety, and to sign an oath agreeing to abide by the canons.
2. The intake officer or interviewer requesting the services of an interpreter for processes that take place outside the courtroom should read these canons in their entirety in order to better understand the function of an interpreter and to better utilize the interpreter's expertise.
3. The intake officer or interviewer should ensure that the LEP individual is fully informed about the responsibilities of an interpreter and the role that the interpreter plays.
4. In no case and under no circumstance should a minor, a family member, friend, relative, minister, police officer, or other bilingual individual who has a connection of any kind to the case be allowed to serve as interpreter for an LEP protection order petitioner, and no such individual should be coerced into acting as an interpreter or substituting for an interpreter.

These canons are excerpted from the Model Code of Professional Responsibility for Interpreters in the Judiciary and are modified somewhat to help interpreters better understand their role when interpreting outside of the courtroom in a protection from abuse or sexual assault proceeding. These canons are only applicable outside of the courtroom and judicial proceedings – when interpreting for the judiciary, the interpreter is governed by the Model Code of Professional Responsibility for Interpreters in the Judiciary (or a similar Code that has been adopted by the state in which the interpreter works).

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Limited English Proficiency (LEP) Resource Guide

Knowledge & Information Services

NCSC Publications and Resources

Online Publications and Resources

Articles and Reports

NCSC Publications and Resources:

NCSC Documents relating to court interpretation.

NCSC Library's Digital Archive on court interpretation.

Uekert, Brenda K. "The Court's Capacity to Provide Protection Orders: The Case of Limited English Proficiency." Family Violence Forum 3, no. 3 (Fall/Winter 2004). The Family Violence Forum's Web site provides preliminary findings on the National Center for State Courts' research concerning the ability of courts to provide protection orders for petitioners with limited English proficiency.

Uekert, Brenda K. "Serving Limited English Proficient Battered Women: A National Survey of the Court's Capacity to Provide Protection Orders." NCSC Research Project descriptions. The research project seeks to collect nationwide information on the access non-English-speaking women have to protection orders and to identify potential model court practices to be implemented in the future.

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Online Publications and Resources:

LEP Laws & Compliance

LEP Resolutions and Case Law. LEP Task Force. The National LEP Task Force Web site provides information on the organization's advocacy for the rights of individuals who have limited English proficiency through support of the laws, regulations, and policies, which prohibit discrimination based on language and cultural differences.

Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency. Civil Rights Division. U.S. Department of Justice, Coordination and Review Section. Listed here are Title VI-related guidance, links, and resources on Executive Order 13166, which require federal agencies to improve access to services by individuals with Limited English Proficiency (LEP).

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Commonly Asked Questions and Answers Regarding Executive Order 13166. U.S. Department of Justice, Civil Rights Division. This page provides information concerning Executive Order 13166, which addresses current issues of meaningful access to individuals with limited English proficiency, through a question-and-answer format.

"Lawsuit Challenging HHS Guidance on Services for LEP Persons Dismissed." National Immigration Law Center. Immigration Rights Update 19, no. 3 (March 31, 2005).

LEP: Thinking Outside the Box in delivering service to all persons regardless of race, color, or national origin. LEP.gov. This document describes how to affirm LEP access and compliance in federal and federally assisted programs.

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LEP Policies & Policy Guidance

Letter to the State Court Administrators on LEP Policies and Procedures. U.S. Department of Justice (December 1, 2003). The Civil Rights Division of the U.S. Department of Justice sent this letter to court administrators across the country to discuss the impact of Executive Order 13166 concerning people with limited English proficiency.

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. U.S. Department of Justice. Federal Register 67, no. 117 (June 18, 2002). This report from the Department of Justice provides information and guidance concerning Executive Order 13166 and its implementation across the country.

Comments to the Department of Justice Regarding Guidance on Limited English Proficiency. Asian and Pacific Islander American Health Forum. This letter and subsequent report present the APIAHF's position and findings concerning the prohibition of discrimination based on national origins and limited English proficiency by the recipients of federal financial assistance.

LEP Policy Guidance. Health and Human Services. This page provides policy guidance from the Office for Civil Rights concerning the prohibition of national-origin discrimination concerning persons with limited English proficiency.

LEP Policy Guidance. Federal Register 67, no. 117 (January 17, 2001). Office of Civil Rights. U.S. Department of Justice. The General Services Administration (GSA) is publishing policy guidance on prohibition against national-origin discrimination as it affects limited English proficient persons. GSA provides this policy guidance for its recipients of federal financial assistance to ensure meaningful access to federally assisted programs and activities for persons with limited English proficiency.

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. Health and Human Services. This HHS Web page is a policy-guidance document that gives the background and legal history of Ex. Order 13166, provides guidance to complying with this order, outlines who is covered by the order, and answers a host of questions regarding the order.

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Tips & Tools for Serving LEP Clients

Supporting Limited English Communities. U.S. Department of Justice. Office of Justice Programs (July 2005). This 22-page report summarizes results from a survey that determined the extent to which people

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with limited English proficiency (LEP) are being served in Weed and Seed communities. The report also provides tips on how to develop LEP programs.

Khashu, Anita, and Kari Almo. Translating Justice: A Guide for New York City's Justice and Public Safety Agencies to Improve Access for Residents with Limited English Proficiency. New York: Vera Institute of Justice, 2005. The Translating Justice report is intended to provide guidance for the agencies of criminal and juvenile justice in New York City concerning persons with limited English proficiency to support the needs of individual government agencies and their respective clients.

Executive Order 13166: Limited English Proficiency Resource Document: Tips and Tools from the Field. U.S. Department of Justice, Civil Rights Division, September 21, 2004.

Chapter 5: "Tools Specific to Courts." Executive Order 13166: Limited English Proficiency Resource Document: Tips and Tools from the Field. U.S. Department of Justice, Civil Rights Division, September 21, 2004.

Expanding Legal Services: Serving Limited English Proficient Pacific Asian and Pacific Islanders. Los Angeles: Asian Pacific American Legal Center, 2003.

Promising Practices for Legal Service Providers Who Serve the LEP Population. National Limited English Proficient Advocacy Task Force. These Web pages provide examples of several programs across the United States that provide specialized services to LEP clients.

LEP Information and Resources. Health and Human Services. These Web pages provide fact sheets and guidance to programs serving LEP clients and answer LEP questions.

Increasing Access to Persons with Limited English Proficiency. National Immigration Law Center Issue Brief (August 7, 2003). This seven-page issue brief provides helpful information about providing access to LEP clients.

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LEP & Domestic Violence

Patterson, Lupita. Model Protocol on Services for Limited English Proficient Immigrant and Refugee Victims of Domestic Violence. Seattle: Washington State Coalition Against Domestic Violence, 2002. The goals of this protocol and model policy are 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. Recommended policies and procedures are outlined in this report.

Chapter 4: "Tips and Tools Specific to Domestic Violence Service Providers and Specialists." Executive Order 13166: Limited English Proficiency Resource Document: Tips and Tools from the Field. U.S. Department of Justice, Civil Rights Division, September 21, 2004. This text instructs domestic violence workers in providing assistance to victims with limited English proficiency by identifying the need in the community, identifying language resources, and utilizing other resources for LEP victims of domestic violence.

Hamm, Carolyn. "Reducing Language Barriers to Combating Domestic Violence: The Requirements of Title IV." Battered Women's Justice Project. This document provides support and planning for supporting victims of domestic violence with limited English proficiency by determining the program's obligation to provide LEP services, implementing a language-assistance plan, and identifying the types of language-assistance services available. It also explains the specific requirements for state agencies, including law enforcement, prosecutors, courts, corrections, and shelter programs.

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Chen, Judy. "Lessons from Asians and Pacific Islander Domestic Violence-Related Homicides and Suicides." Washington State Coalition Against Domestic Violence. See the section discussing "Consistent Themes Regarding Experiences of Women with Limited English Proficiency."

Medina, Adelita M., and Jessica F. Vasquez. Developing Linguistically and Culturally Responsive Materials for Latina Survivors of Domestic Violence, 2nd ed. New York: National Latino Alliance for the Elimination of Domestic Violence, 2004.

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Sample LEP Policies & Plans

Minnesota LEP Court Plans:

- Hennepin County LEP Plan.
- Grant/Pope County Court LEP Plan.
- Renville County District Court LEP Plan.
- Dakota County District Court LEP Plan.
- Lac qui Pare County District Court LEP Plan.

Dane County Wisconsin Circuit Court Language Assistance Plan. Dane County, Wisconsin.

LEP Policy of the Washington Department of Developmental Disabilities. Olympia, Washington.

LEP Plan from the Legal Services Corporation

Draft Policy on Serving Persons with LEP. Legal Services Corporation.

LEP Plan and Planning Process for Legal Aid of Western Missouri. Legal Services Corporation.

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Miscellaneous LEP Reports & Resources

National LEP Advocacy Task Force. "The National LEP Advocacy Task Force advocates for the rights of individuals in the U.S. described by the federal government as (LEP)."

The Legal Services Corporation has compiled a list of documents and reports relating to serving clients with limited English proficiency. Links are provided to a number of articles, projects, and Web sites, including LEP.gov.

The Summit/Lorain Project: Resource Document for Law Enforcement: Interpretation and Translation Services. Summit County Sheriff Department and the City of Lorain (Ohio) Law Enforcement. Report focuses on policies and procedures for law-enforcement officers to serve and protect limited English proficient persons.

Language Barriers to Justice in California. California Commission on Access to Justice, September 2005. This report discusses the growing need for court interpreters, the applicable law, the problem, and the effect on the courts. The commission's findings and recommendations are also reported.

Chapter 1: "Litigants with Limited English Proficiency." Extracts from the Final Report of the Pennsylvania Supreme Court Committee on Race and Gender Bias in the Justice System. Friends of Farmworkers Web site..

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Articles and Reports

Boyd, Ralph F., Jr. "**Improving Access to Services for Persons with Limited English Proficiency.**" Police Chief 70, no. 4 (April 2003):134-35. This article outlines the U.S. Justice Department's guidelines to recipients of federal financial assistance regarding the provision of meaningful access to funded services by individuals who are limited English proficient.

Alexander v. Sandoval, 532 U.S. 575 (2001). The U.S. Supreme Court has ruled that private individuals cannot sue a grantee to challenge the lack of LEP services provided under Title VI. Accordingly, the only remedy for an individual who is denied access to programs by lack of LEP services is to file a complaint with the Civil Rights Section of the Department of Justice or the Department of Health and Human Services.

See also:

Court Interpretation FAQs and Resource Guide. NCSC CourTopics Database.

Consortium for State Court Interpreters. NCSC Research Services.

Multicultural Issues and Domestic Violence Resource Guide. NCSC CourTopics Database (2005).

Keywords: Limited English proficient, linguistic minority, non-English, language proficiency, language access.

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WHITE PAPER

Improving the Courts' Capacity To Serve Limited English Proficient Persons Seeking Protection Orders

The National Center for State Courts

"To a minority for whom English is not the primary language, language barriers only heighten the desperation that justice is simply beyond reach, no matter what the truth or consequences." (Florida Supreme Court, Task Force on Racial and Ethnic Bias)

Objective

To make recommendations and issue a call for action to improve the state courts' capacity to identify, develop, and implement a system that ensures meaningful access to services for limited English proficient individuals seeking protection orders.[40]

Introduction

The United States has an increasingly heterogeneous population, with a multitude of languages represented among its populace. This diversity of languages presents challenges and underlies the increasing importance of meeting the needs of limited English proficient (LEP) individuals. The term "limited English proficient" is generally used to encompass persons who are non-English speaking as well as persons who do not speak English with sufficient fluency to function effectively in a particular setting without oral or written language assistance (Pennsylvania Supreme Court Committee 2003).

Section 601 of Title VI provides that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." On August 11, 2000, President Clinton signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency, " that requires federally funded programs to improve access to "persons who, as a result of national origin are limited in their English proficiency."[41] This Executive Order requires all agencies that receive federal funding to examine the services they provide, identify the need for services to those with limited English proficiency, and develop and implement a system to provide meaningful access to services for the LEP population. Under the Executive Order, each agency must prepare a plan to improve

[40] Here "meaningful access" implies ensuring in significant ways the availability of effective and quality language resources, services, programs and processes so that equal access to justice is a fundamental right for all.

[41] See Executive Order No 13166, 3 C.F.R. 289 (2000).

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access to its federally funded programs and activities by eligible LEP persons.[42] It mandates that all agencies and entities receiving federal funding, including the courts, ensure access to services for LEP persons.

Statement of the problem for the courts

"This extremely important and fundamental issue [court interpretation] has been allowed to become a 'stepchild' of the justice system: understudied, under funded, and in terms of its ultimate impact, little understood." (Minnesota Supreme Court Task Force on Racial and Ethnic Bias in the Judicial System)

Despite federal and state guidelines, most courts do not have the capacity to provide needed language services. The courts face many challenges including:

- Meeting the needs of a growing number of limited English proficient persons in its jurisdiction;
- Addressing the diversity of languages other than English spoken by the LEP population; and
- Responding to public pressure for accountability and increased services from the court system.

Although many state courts in the nation have statutes, rules of court, or some other written guidelines for the provision of court interpreters for criminal defendants during court proceedings, little is known about the provision of qualified court interpreters for individuals with limited English proficiency that are seeking an order for protection. The need for interpreters, culturally sensitive staff, and language-specific documents is vital for persons who are battered and stalked and seek reprieve through protection orders.[43] The courts' lack of resources, including qualified interpreters to assist LEP individuals seeking protection orders, can lead to unequal access, or, in the worst case, a complete denial of services for this LEP population. This not only compromises the safety of LEP abused petitioners, but also has a discriminatory or adverse effect on the ability of minorities (based on national origin) to meaningfully avail themselves of programs and services. As such it violates Title VI and Executive Order 13166.

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[42] The Department of Justice, which has the responsibility of assisting agencies in developing plans and guidance documents, identified a four-factor analysis to help agencies determine whether the standard of "reasonable steps to ensure meaningful access" has been satisfied:

- Number or proportion of LEP persons in the eligible service population;
- Frequency of contact with the program;
- Nature and importance of the program; and
- Resources available and costs.

[43] The National Limited English Proficient (LEP) Advocacy Task Force, based in Maine, recently sent "testers" into the courts to find out if women with limited English proficiency could obtain orders of protection. The Task Force reported that in each case, the court clerks stated that: "(1) the court did not have interpreters to assist the women with the paperwork; and (2) the women should find someone to interpret and sent them away, denying the service. (Cited in an email announcement from the task force on a national telephone conference to discuss Domestic Violence, Language and Cultural Differences, and the Courts, February 24, 2003)

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Call to action

Access to the American justice system is a fundamental right of ***all*** individuals in the United States. When this access is denied, limited in scope, or lower in quality for any individual or segment of the population as compared to others, then justice is effectively denied. Although many state courts have appointed task forces to study racial and ethnic biases in the courts, and there is increased awareness of the needs of the LEP population in the court system, too little is being done for the LEP person seeking protection from an abusive spouse, family member, or acquaintance. The courts' ability to assist limited English proficient petitioners essentially determines whether a petitioner makes the first step toward ending an abusive relationship or is further alienated from the justice system with personal safety and safety of children jeopardized. If an individual with limited English proficiency is denied personal safety and forced to return to an abusive environment, then the courts are not living up to the promise of equal access and justice is denied. Therefore:

We Call To Action:

Policy makers, judges, court clerks, attorneys, community-based organizations, domestic violence service providers, anti violence and immigrant rights coalitions, and all individuals who believe in the right to justice for all:

- ***To recognize the importance of meaningful access to services for limited English proficient individuals seeking protection orders.***

- ***To acknowledge the current gap between LEP needs and the Court's capacity to meet those needs, and the dire consequences of limiting access to the judicial system.***

- ***To draw upon the recommendations of this White Paper and avail themselves of the specific resources created to assist community organizations, the courts, and court personnel to better understand and serve the needs of LEP individuals seeking protection orders.***

- ***To work together to build the state courts' capacity to identify, develop, and implement a comprehensive coordinated process so that <u>meaningful</u> access to services for limited English proficient individuals seeking protection orders becomes a reality both in policy and practice.***

Barriers to meaningful access

"The [. . .] court system's method of identifying and providing spoken language interpreters is inadequate to provide equal access to justice for persons with limited English proficiency and must be remedied." (Vermont Supreme Court's Committee on Fairness and Equal Access to Justice)

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The study on *Serving Limited English Proficient (LEP) Battered Women: A National Survey of the Court's Capacity to Provide Protection Orders* found that the state courts' capacity to provide services falls short of meeting the needs of the LEP population. This potentially reduces the range, efficacy, and quality of services that LEP persons receive and thereby limits their right to meaningful access to the courts. Below are some of the areas in which the courts lack capacity:

1. The courts have inadequate interpreter resources to meet the needs of the LEP population.
2. The courts have very limited diversity in the languages for which there are interpreter resources to serve those seeking protection orders.
3. The courts do not have the capacity to provide interpreters outside the courtroom for LEP persons seeking assistance with issues related to protection orders.
4. There is considerable variance between court systems in the provision of court interpreters by language with a serous paucity of viable interpreters for less common languages.
5. The courts have limited formal provision of interpreters for protection order court hearings.
6. The courts still use minors, adult family members, and friends as interpreters in protection order hearings, despite repeated recommendations by statewide task forces against doing so.
7. The courts vary widely in their standards for interpreters and translators ranging from courts that use interpreters who meet state certification guidelines to courts with no formal means to determine the qualifications of their interpreters and translators.
8. The courts have sparse informational or instructional material on ensuring that an LEP individual understands a protection order.
9. The courts rarely use language identification cards or posted signs informing the public of the availability of services, and almost never are these signs translated into languages other than English nor do they specifically mention the availability of free interpretation services for protection order cases.
10. The courts vary in the availability, quality, and comprehensiveness of language assistance plans to assist LEP persons in civil cases.
11. The courts' relationship with community-based organizations (CBOs) is non-existent or weak and limited primarily to working with CBOs to inform LEP individuals of the court's services.
12. The courts have poor data collection and information management systems to assess the number of protection orders handled by individual courts or by the county, and the quality and range of service provisions to LEP persons.
13. Courts rarely provide protection order petitions and protection order forms in languages other than English and are not using qualified translators to translate orders issued to LEP petitioners and respondents.

Recommendations

The following are recommendations to improve the courts capacity to provide meaningful access for limited English proficient petitioners who seek protection from abuse.

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Recommendation I: *Draw upon and develop model practices and delivery systems to provide meaningful access to the courts for LEP individuals*

The quality and quantity of resources and services that the courts provide shape in significant ways the ability of LEP individuals to access the judicial system. Resources for LEP individuals that are limited in scope or poorer in quality than those provided to other persons effectively deny meaningful access. Courts must make every effort to provide an equal range and quality of resources to ensure that services are not denied on the basis of English proficiency. Some courts have designed successful models of best practice that can be replicated by other courts, large and small. We recommend that the Courts:

- Increase interpreter resources and translated materials
    - Encourage court managers to search for any local, statewide, and national resources and develop a comprehensive list of available interpreters and translators.[44]
    - When interpreter services are available, inform the public of the availability through posted signs, public service announcements, and orally by frontline staff that come into contact with LEP individuals seeking protection orders.
    - Use language identification cards to accurately identify the language needs of the individual.
    - Provide informational or instructional material for judges that will help the court ensure the petitioner's understanding of the content and meaning of a protection order, including if and when to return to court; do not shirk this responsibility for persons who speak languages that are less commonly spoken, rare, or exotic.
    - Dedicate high-level support, resources, and funding for language specific outreach strategies.
    - Where allowed by state law, translate petitions and court order forms into languages of significant minority populations in the jurisdiction.
    - Distribute materials on immigrant victims' legal rights and Violence Against Women Act (VAWA) immigration protections for victims in multiple languages at courthouses. [45]

- Create a court environment that encourages LEP individuals to access the court's services.
    - Improve the environment that the LEP individual experiences when seeking a protection order by creating an approachable, non-intimidating environment with

[44] The state may have a statewide interpreter program already in existence, with best practices and resources available. Find out who the statewide interpreter program manager is and call to inquire about those resources. If qualified court interpreters are available they should always be used for in-court proceedings, even if that means paying some travel-related expenses.

[45] By September 2006, the Office of Violence Against Women will make model brochures available in Spanish, Russian, Arabic, Hindi, and English from Legal Momentum (www.legalmomentum.org).

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well trained, bilingual court staff involved in all stages of the protection order process and competent interpreters in the courtroom to provide assistance.
  - Hire court staff who are from the communities the court serves.
  - Teach cultural sensitivity and legal competency to service providers such as clerk and court staff and interpreters.
  - Make information and services user friendly and available through the use of translated signage, posters, announcements, written instructions, and court forms.
  - Use the internet and local community-based organizations to gather information on languages and cultures of LEP groups in the community.
  - Ensure that courts do not inquire about the immigration status of parties.

- Provide comprehensive training:
  - Because management of interpreter resources poses unique challenges, provide comprehensive training in best practice management techniques to court managers responsible for those resources.
  - Make training available to local interpreters, judges, court personnel, attorneys, and clerks' office personnel on interpreter qualifications and how to assess them, when and how to request an interpreter, language and cultural diversity, including immigrants' legal rights to access justice, and sensitivity to concerns of immigrants and other LEP persons.
  - Ensure through training that judges, court personnel, and the interpreters are aware of the ethical standards that interpreters should adhere to, especially in domestic violence situations.

- Ensure interpreter competency:
  - Always use tested[46] interpreters as the first choice in appointing court interpreters if testing is available for that language. After due diligence, if this is found to be impossible, only then move to appointing a non-tested court interpreter who is on a statewide roster. If this, too, is impossible, only then should the court appoint a non-tested interpreter who is not listed on the statewide roster. In certain, limited circumstances, the court might consider using a commercial telephone interpreter service, but only if no qualified interpreter can be located, the proceeding is short, and it is the only alternative to using a child, relative, or other inappropriate bilingual individual as an interpreter.
  - Provide certified and non-certified interpreters with targeted training in protection order cases, ethics, vocabulary, and processes.
  - Avoid at all times the use of family members, friends, and minors as interpreters in any stage of the protection order process.

[46] The ability and qualification of an interpreter can be tested using one of at least four recognized testing entities: The National Association of Judiciary Interpreters and Translators (NAJIT), the Consortium for State Court Interpreter Certification (CSCIC), the Federal Court Interpreter Certification Examination (FCICE) program, and the Judicial Council of California. (This list is not exhaustive.)

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  - Use the Code of Professional Responsibility for Interpreters Serving Limited English Proficiency (LEP) Victims of Domestic Violence.

- Develop a comprehensive language assistance plan
  - Include provisions for language assistance to LEP persons in civil cases.
  - Periodically assess and reevaluate the appropriateness and efficacy of the language assistance plan.

Recommendation II: *Develop data collection and information management systems for needs assessments and evaluations of services provided*

It is critical for the state courts to periodically gauge the quality or sufficiency of the level of service provided to LEP persons seeking protection orders. The courts should develop good information systems for data collection, as follows:

- Track the number of times a petitioner was turned away from the counter because there was no language assistance available, by language.
- Track the number of interpreter requests, by language, case type, and stage of case filing.
- Track the number, by language, of in-court delays or continuances that occurred because there was no language assistance available.
- Track the number of times, by language, an untrained, untested interpreter was used in a courtroom proceeding.
- Track the number of times, by language, a bilingual family member, friend, or minor was used as an interpreter at any stage of the protection order process.
- Track the number of times, by language, a translated document and/or signage would have provided a solution to a language problem.
- Track the number of times, by language, bilingual court staff was used for interpretation in a courtroom proceeding.
- Develop a reliable baseline to assess ongoing changes in the heterogeneity of the local population and the number of languages represented among its populace and monitor changes at regular intervals.
- Standardize definitions used for data collection for consistency in assessment and evaluation and to avoid misidentification or incorrect categorization.

Such documentation can illuminate ways to improve the provision of services. However, data collection and information management systems must include policies and practices that protect individual confidentiality and personal identifiers, and prevent any information sharing between agencies that can potentially jeopardize the well being, safety, and immigration status of those LEP individuals accessing the justice system.

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Recommendation III: *Increase the courts' collaboration with community-based organizations*

The number of community-based organizations working to empower abused women and other LEP persons has grown considerably in the past two decades. Hence, those organizations provide an experienced and easily accessible resource for the courts, to help develop collaborative strategies that meet the needs of the LEP community. We recommend that the courts:

- Collaborate with community-based organizations to identify LEP communities that may not access the court and to better understand the barriers to access that are faced by LEP persons, including those seeking protection orders.
- Develop effective outreach strategies to inform the local LEP community of the location of courthouse and the availability of resources and services.
- Recognize representatives of community and community-based organizations as important stakeholders at the local, state, and national level, particularly in the development of a language assistance plan.
- Together with CBOs, develop strategies to increase the pool of trained, culturally and legally competent interpreters.
- Share training opportunities and possible solutions with CBOs on language and cultural issues that deter LEP individuals from accessing the courts.
- Consider whether the CBO can provide training to clerk and court staff to help them better serve the LEP population at the help desk.
- Include appropriate representatives from the CBOs in the training process, especially if one or more community-based organizations is intricately involved in the local protection order process.
- Work with CBOs that have established trust and a record of working in the community.
- Seek the input of multiple community-based organizations, including those that immigrant women trust, when planning and implementing programs that enhance services for the LEP population.

Recommendation IV: *Initiate and support local court funding, and federal and state legislation that addresses the courts' need for additional funding to provide meaningful access to the courts for LEP individuals*

For many years, a majority of courts paid for language services from the auspices of other budget line items. The amount of funding devoted to providing qualified language assistance was minuscule when compared to other court expenses. Over the years, courts have seen the costs associated with language services grow, in parallel with the increase of LEP populations across the country. Increased funding of programs and services is a key to providing meaningful access to the courts for LEP individuals. We recommend that:

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- Courts recognize that costs associated with foreign language interpreting are increasing and allocate a significant factor in the overall budget for maintaining and improving these services.
- Seek out state and federal grants to improve local interpreter programs and translation of court related documents.
- Increase the court's budget to include language identification cards and signage to inform the general public about the availability of services and translate the signs into appropriate languages.
- Use data collection reports to initiate and support funding requests.
- Participate in national networks to expand resources for providing language assistance services.
- Support federal and state legislation that addresses the courts' need for additional funding to provide meaningful access to the courts for LEP individuals.[47]

Conclusion:

There is an ever-growing community of court users who are survivors of domestic violence or sexual assault who are being denied the protective services that should be available through the court's system, including protection orders, protections for children, and effective enforcement procedures. It is time for courts to increase their capacity to provide meaningful access to those services to the LEP population. Change is needed in almost all the court systems, in all jurisdictions, including urban and rural counties, highly and less populated states, and states with large or small LEP populations.

The National Center for State Courts project team, together with the project's National Advisory Board worked to create specific resources to assist the courts and community-based organizations to better understand the needs of the protection order petitioner who cannot speak English well enough to maneuver through the court's processes. These resources include:

- A model code of professional responsibility that will assist the volunteer interpreter, the bilingual employee, and the qualified court interpreter to better understand the role to be played by an interpreter at various stages of the process.

- A brochure to help the community-based organization find more resources and work more closely with the courts to help identify solutions.

- A brief and easy-to-use bench card to help judges deal with petitioners who need language assistance in order to enjoy access to the court's justice and better understand the court's decisions.

[47] For example, in 2005 and 2006, a Senate Bill was introduced by Senator Kohl (D-WI), that, if passed, would provide significant financial benefit to all states for the creation or improvement of statewide court interpreter programs.

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- A white paper with recommendations for changes in court procedures and processes for increasing the use of qualified interpreters to assist throughout the protection order process for all LEP petitioners.

To implement the recommendations, there must be a high level commitment to the delivery of effective language resources. To move forward, there must be coordination, collaboration, and commitment among policy makers, judges, court clerks, attorneys, community-based organizations, domestic violence service providers, anti-violence and immigrant rights coalitions, and all those individuals who believe in the right to justice for all. Working together, these stakeholders can help the state court system comply with Section 601 of Title VI and Executive Order 13166 and make meaningful access to the justice system a fundamental right and a reality for ***all*** individuals in the United States.