

Language Access Coalition Conference

April 4, 2014

Collaborative Efforts Can Increase Language Access in Family Law and Abuse Prevention Order Cases Workshop

Report of the Workshop – including some useful hyperlinks

Prepared by Jeff Wolf

The Collaborative Efforts workshop was attended by legal services attorneys and advocates and domestic violence service provider advocates. Also, Edgar Moros, Office of Court Interpreter Services Translation Specialist and Leonor Figueroa-Feher, OCIS Program Manager for Training joined us.

Where are the language access barriers?

Presenter: Ellen Wilbur, Legal Director, Community Legal Services And Counseling Center

Barriers between litigants and courts:

- Courthouse signage
- Metal detectors: Security guards are unsure of how to communicate with litigants and the detectors may frighten some litigants
- Issue with phones: Some courts do not allow litigants to bring their phones in; other courts do not allow anybody to bring phones in – There is no way to know this policy
- Difficult to know where to go once inside court – this is a signage issue
- The court is asking an LEP litigant to deal with the government without an interpreter, and the government does not always have the best connotations for some litigants. Many LEP litigants come from countries where the government is feared; they may have been traumatized by the government in their home countries.
 - This experience can make some litigants very anxious
 - The nerves and anxiety may decrease the amount of English someone will be able to speak. A survivor of DV who goes into court and knows some English, may be too nervous/frightened to remember the English that she does know.
 - It is the role of the advocate/attorney to speak for the client when DV and LEP are together. The client may not feel as though their legal needs are properly

expressed. Lawyers and advocates speaking for litigants is a barrier to litigant expression.

Other Barriers

- At police stations: There are not always resources here to reach out and tell clients about the policy on cell phones and courts
 - For an emergency order, some police departments try and get access for the language needed
 - However, in some police departments, the officers tell folks to go to Court instead of get emergency order then and there
- Forms are being translated, but they still might have to be filled out in English
- “Lost in translation” issue: When survivors of DV who are low in literacy write an affidavit, even in their own language, it might be difficult to understand
 - Even with translated forms, people are not always thinking about cultural issues
 - When something is lost in translation – others may think that the client is lying.
 - We need to improve their access and lessen this barrier
- Need to train court personnel about interpretation and how things can be “lost in translation”
 - Similar to how the Health Center as a “culturally responsive team,” – the Court system needs something like this

Translated court forms can help

Presenter: Caroline Robinson, website coordinator for MassLegalHelp.org

- Access to Justice task forces are working on making the information online more accessible
- The 209A forms (all 11 of them) are being translated into Spanish, Portuguese, Haitian-Creole, one form of Chinese, Arabic, Khmer, Vietnamese, and Russian. Edgar Moros reported that they should be ready this summer.
- MassLegalHelp has many supporting webpages about 209A that are translated into multiple languages – for example [How Can a 209A Protective Order Help Me?](#) Is translated into [Spanish](#), [Vietnamese](#), [Russian](#), [Portuguese](#), and [Haitian Creole](#). You can see which webpages are translated into which languages by looking at the languages in the upper right corner of each page (the Language Box) – and clicking on the language to see the page in that language
- The Financial Statement is on the Court website in [English](#), [Spanish](#), and [Portuguese](#) as of now.

- The [Do It Yourself Child Support Court Forms](#) module is online – product of a collaborative efforts involving legal services and the Probate & Family Court – the module is in [Spanish](#)
 - You can file a Financial Statement prepared using the DIY module on regular white paper – you don't have to use the pink paper forms issued by the P&FC.
 - Appendices are added to the form so litigants can put in all of their employers to it – this is an improvement over the court issued FS form
- Caroline and Jeff plan to develop DIY online 209A forms – and the module will also be in (at least) Spanish
 - 209A forms do not require much writing, mostly checking boxes next to printed text
 - Some forms will be bilingual
 - hopefully courts will have a computer available where litigants can fill out the 209A forms

Question: How come some District Courts who should issue a 209A tell litigants to go to Probate and Family Court to take care of their child support?

- The Abuse Prevention Guidelines say that DC judges should not do that.
- PLEASE EMAIL ELLEN WILBUR, EWilbur@clsacc.org when this happens
- There is a page on Masslegalhelp.org that has information about specifically which Guidelines say that a DC judge should not automatically send you to P&FC for child support. The page is in [English](#), [Spanish](#), [Vietnamese](#), [Russian](#), [Portuguese](#), and [Haitian-Creole](#).

Some collaborations about court forms have not worked as well as they should

- Affidavit of Indigency: The web location of the form changed, and Caroline, who had been working with the Trial Court on this form, was not notified so now 140 links on masslegalhelp.org are broken.

Courthouse navigation

Presenter: Jeff Wolf, consulting attorney Community Legal Services And Counseling Center and MassLegalHelp.org

How can you ask for an interpreter?

- [Flyer “I Speak...”](#) Litigants can point to the language that they speak – The flyer says, in about 30 languages “You have a right to an interpreter at no cost to you. Please point to your language. An interpreter will be called. Please wait.”
- However, when the flyer is enlarged and put up as a poster, it doesn’t really work as it should. At one Court it is placed on a bulletin board above the copy machine, far from where litigants are
- It should be on court counters in the clerk’s office.
- Suggestion: Possibly give client an “I speak...” card/flier that they can bring with them when they go to Court
- It should also be known what the limitations are on this flyer – not all of the languages are represented

How can you find out where to file a case?

- Need to have posters letting litigants know where to file a case
 - Legal services and domestic violence advocates prepared 4 prototype posters about where to file a 209A, and met with a Boston Municipal Court judge and legal counsel. They made plans to visit BMC courthouses and figure out specifically what the navigation poster would say. That was back in May, 2012. The courthouse visit never took place. This is a collaborative effort that could be revived and/or tried elsewhere.
 - Legal services advocates prepared a plain English language navigation poster for the Suffolk Registry of Probate. They and OCIS staff met with Suffolk Register of Probate in the spring of 2013: They came to an understanding to translate the Plain English poster into other languages and set up a phone link to OCIS for interpreted litigant-court clerk interactions. Those things did not happen. This is another example of a collaborative effort that might be revived and/or tried elsewhere.
- There is a mission to have an information office at each court – Everyone could stop in and get more information on where to go in the Court. A place for DV folks to get information

Getting an interpreter in an emergency – such as the initial *ex parte* 209A hearing

Presenter: Ellen Wilbur, Legal Director, Community Legal Services And Counseling Center.

- Not having an interpreter in an emergency creates unsafe situations for survivors of domestic violence.
- In some courts, litigants may be told to come back in two days in order to get an interpreter
- The OCIS posts a [list of the individuals](#) and contact information of who (the Court Liaison) in each courthouse is responsible for getting interpreters. You can go online, find the contact person, call and ask for an interpreter
 - Suggestion to advocates: meet with Court Liaisons to create a relationship – so that advocates and CL's can collaborate to get interpreters in emergency situations.
 - It is important to get to know these Court Liaisons, to inspire them to work with LEP litigants; survivors of domestic violence.
- The [OCIS Standards and Procedures manual](#) (section 8.00) says that restraining order and custody cases are the same high priority for having an interpreter as criminal cases. That section also says that OCIS will provide interpreters for filling out court forms and filing a case.
- Leonor said that OCIS will be doing training for Court Liaisons. Legal services and domestic violence advocates should be involved.

Training interpreters about domestic violence

Presenter: Katia Santiago-Taylor, Manager of Systems Advocacy, Boston Area Rape Crisis Center

Interpreters that understand domestic violence

- provide meaningful access to non English speakers to the system
- enhance safety of survivors in the court
- provide critical links between survivors and their advocates who are not bilingual
- help survivors better understand what their restraining orders say
- better understand the role of the advocate

What is domestic violence training for interpreters?

- Basics (legal definition v. power and control)
- Domestic Violence 101 – examples: understanding “Why don’t they just leave?” –and “blaming the victim”
- Challenges when interpreting in Domestic/Sexual Violence Cases
- The importance of words and their different meanings
- Interpreters safety, creating boundaries, and self care

- Best practices, understanding race/class, importance of words and context, safety, boundaries, and self-care
- Cultural sensitivity
- Interpreters hear a lot of information and a training on how to best handle that information would go a long way
- Important to work with OCIS
- Talk about boundary and role of advocate
- We also need to get feedback from the interpreters
- Interpreters provide meaningful access to survivors
- It is important for survivors to be able to communicate with their advocate – Interpreters provide the platform for this relationship
- Interpreters need to understand the role of advocate

The training was provided by

- From the Multicultural Immigrant Coalition Against Violence (MICAV) Mass. Office of Victim Assistance; Transition House; Mass. Association of Portuguese Speakers
- From OCIS: Leonor Figueroa-Feher, Program Manager for Training

The training was received by

- 70 OCIS interpreters
- There were 2 events

What can you do to train interpreters about domestic violence?

- Collaborate with OCIS
- Set clear boundaries
- Understand each other's roles
- Self care

National experiences and resources

Presenter: Wendy Lau, Project Coordinator of the Interpretation Technical Assistance and Resource Center, Asian Pacific Islander Institute on Domestic Violence

- Wendy does technical assistance and is a national provider. Works on language access
- California
 - Collaboration: the DOJ filed a complaint against Courts – the language access team worked to translate forms, and be able to file in their native language

- [Multilingual Online Self-Help Center](#)
- Work with coalitions. The [National DV hotline](#) negotiated one rate for the language line usage
- New Mexico
 - had a training for law enforcement and created a curriculum for incoming cadets on language access; how to work with interpreters and DV & LEP survivors
 - [Language Access Planning for New Mexico State Courts](#) – final grant report, August, 2013
- Model Court: King County Courthouse in Seattle, WA
 - [Interpreter services](#) at the King County Courthouse
 - There are great relations with the Court - personnel meet often, education for the Judges, making sure everyone in the Courts know about language access
 - They have a Judge's taskforce which has great coordination
- Resources
 - Look at State and National DV groups. Everyone with funding can get technical assistance
 - Grant makers at the [Office for Violence Against Women](#) and the [Department of Health and Human Services](#)
 - Technical assistance providers at OVW are able to assist grantees and potential grantees
 - Staff at APIIDV can refer questions out if they relate to the [Domestic Violence Preventive Services Act](#).