

Fostering Access to Courts for Survivors with Limited English Proficiency: Texas Law

Texas has additional laws protecting people with LEP from unfair treatment in civil and criminal courts.

Chapter 21 of the Civil Practice and Remedies Code: In Civil Courts an interpreter must be provided for people who are D/deaf or hard of hearing and the expenses of the interpreter are paid by the county's general fund.

Section 21.02 of the Texas Civil Practice and Remedies Code: Along with mandating access to interpreters for people who are D/deaf and hard of hearing, this code allows for the discretion of judges in certain border counties to employ Spanish speaking interpreters in civil court proceedings.

Section 57.002 of the Government Code: A court shall appoint a certified court interpreter or a licensed court interpreter if a motion for the appointment of an interpreter is filed by a party or requested by a witness in a civil or criminal proceeding in the courts.

Section 81.002 of the Family Code: An applicant may not be assessed with fees in connection with the filing, servicing or entering protective orders or "a fee for any other service related to a protective order" including interpretation fees.

What Legal Advocates Can Do

Be proactive. Provide the latest federal mandates and recommendations to court administrators to **develop a language access plan** to ensure meaningful access for survivors with LEP. Sample language access plans can be found at Limited English Proficiency A Federal Interagency website: www.justice.gov/crt/lep/

Legal advocates should assist survivors with LEP to **formally request interpreters** and translated materials in court, prior to the hearing if possible. Interpreters can be found at the Texas Society of Interpreters for the Deaf www.tsid.org and the Texas Licensed Court Interpreters www.license.state.tx.us/court.htm.

Help survivors understand their rights. If you feel a survivor's rights have been violated by an entity receiving federal funds, the survivor can file a discrimination complaint form www.justice.gov/crt/complaint/index.php#five or by calling (888) 848-5306.

"DOJ Guidance makes clear that court proceedings are among the most important activities conducted by recipients of federal funds, and emphasizes the need to provide interpretation free of cost."

—Thomas E. Perez, U.S. Assistant Attorney General



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We the People...
我々、一体感で前進
Nosotros, el Pueblo...
Nous, le peuple...
Wir, das Volk...
Noi, Popolo...
Nós, o Povo ...
We the People...
我々、一体感
Nosotros, el Pueblo...
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Limited English Proficiency:

From Rights to Reality

For Legal Advocates assisting survivors of Family Violence and limited English Proficiency (LEP)



Realities about Limited English Proficiency in Texas

Persons with limited English proficiency (LEP) include individuals who have a limited ability to read, speak, or understand English, which includes people who are D/deaf or hard of hearing.

In Texas, 34% of the population speaks a language other than English in the home, and 98% of family violence legal advocates report currently serving survivors with LEP. All victims of family violence face obstacles when participating in the criminal and civil justice process, but victims with LEP face additional barriers such as:

- Limited understanding of court proceedings and official procedure
- Limited access to qualified interpreters
- Postponement of hearings to find interpreters
- Economic burden of having to pay for interpreters
- Limited understandings of the protections afforded in protective orders

Advocates for survivors of family violence with LEP stated that qualified interpreters are critical to fostering safety for their clients and their children.

According to a 2009 TCFV Survey:

*One advocate stated that her client **lost custody** of her children, because she did not understand her court hearing without an interpreter*

Rights of Survivors with Limited English Proficiency

Individuals with LEP have historically experienced barriers to meaningful access to the civil and criminal justice systems. It is important for legal advocates to help survivors of family violence with LEP understand and advocate on behalf of their rights.

These rights include:

The right to legal representation and full protection of all legal rights.

The right to personal safety and a life free of violence and abuse.

The right to the issuance and enforcement of protective orders regardless of immigration status and language ability.

The right to equal and meaningful access in the civil and criminal justice systems.

Furthermore, survivors with LEP have the right to an interpreter in any court proceeding without cost to them as mandated by Title VI of the Civil Rights Act of 1964.

Fostering Access to Courts for Survivors with Limited English Proficiency: Federal Law

Recipients of federal funds must comply with federal laws. All Texas courts receive federal funding and must offer people with LEP equal access to the justice system through interpretation, translation and auxiliary aids.

Title VI of the Civil Rights Act of 1964:

Prohibits national origin discrimination by recipients of federal funds. Different treatment based on a person's inability to speak English may be a type of national origin discrimination.

Executive Order 13166 issued in 2000:

Emphasizes that recipients of federal funding must provide meaningful access to LEP persons to comply with Title VI of the Civil Rights Act. This Order requires recipients of federal funds to develop a plan for effectively serving survivors with LEP.

Americans with Disabilities Act:

State entities are required to provide American Sign Language (ASL) interpreters or auxiliary aids to ensure effective communication with D/deaf and hard of hearing individuals.