



Legal Aid Society of Palm Beach County, Inc.

Plan for Provision of Services and Benefits to Clients with Limited English Proficiency (LEP)

Statutory and Regulatory Basis

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d *et. seq.* states: “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.”

Regulations implementing Title VI, provide in part at 45 C.F.R. Section 80.3 (b):

- 1) “A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on ground of race, or color, or national origin:
 - i. Deny an individual any service, financial aid, or other benefit provided under the program:
 - ii. Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others in the program;
- 2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program or the class of individuals to whom, or the situations in which such services, financial aid or other benefits, or facilities will be provided... *may not directly, or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination, because of their race, color or national origin, or have the effect of defeating or substantially impairing accomplishments of the objectives of the program with respect to individuals of a particular race, color, or national origin.*” (emphasis added)

Basic Requirements Under Title VI

“...The key to providing meaningful access for LEP persons is to ensure that the recipient/covered entity and LEP person can communicate effectively. The steps taken by a covered entity must ensure that the LEP person is given adequate information, is able to understand the services and benefits available, and is able to receive those for which he or she is eligible. The covered entity must also ensure that the LEP person can effectively communicate the relevant circumstances of his or her situation to the service provider.”

--Office of Civil Rights Policy Guidance, sect. C.(2), par. 3

<http://www.hhs.gov/ocr/civilrights/resources/specialtopics/lep/>

The intent of the following plan is to ensure that persons with Limited English Proficiency (LEP) are guaranteed “meaningful access” to services provided by the Legal Aid Society of Palm Beach County, Inc.

The fundamental components of this plan are:

- I. Identifying and Assessing Language Needs of LEP Clients
- II. Providing Notice of the Right to Free Language Assistance
- III. Providing for a Range of Oral Language Assistance Options
- IV. Providing for Translation of Written Materials in Certain Circumstances

For the purposes of this plan, “interpretation” is a term used for oral language only; “translation” is a term used for written language only.

I. Identification and Assessment of Language Needs of LEP Clients

- A. All projects will regularly review available data to assess the language assistance needs of populations served. The operative definition of “population served” includes not only those likely to be eligible for services/benefits, but those who may be directly affected as well (which could include household members, dependents, parents, etc.).
- B. All projects will regularly review their ability to meet the language assistance needs of populations served.
- C. LEP clients will be identified at first contact, and project staff will maintain a consistent, common electronic method of collecting, storing, and recalling LEP status and needs data.
- D. Those who provide direct service to clients will have varying degrees of language assistance need. A critical factor to consider is that of **potential consequences** to the client if language assistance is not competently delivered. The potential for negative consequences—e.g., civil actions (custody/guardianship); denial, reduction, or termination of benefits; criminal prosecution; erroneous determination of eligibility—should be a primary consideration in identifying where enhanced language assistance is needed.

II. Notice of Free Language Assistance

- A. The notice of the right to free language assistance in a language the client can understand should be offered at any time LEP clients request information or assistance from the agency or its staff.
- B. The agency will prominently post written notices of the right to free language assistance through the use of such methods as signage and pamphlets translated in the most common languages encountered. Staff at points of contact will also have access to language interpretation service contact information.
- C. The agency will include statements of the right to free language assistance in all outreach material that is routinely disseminated to the public (including electronic text).

The practice of allowing clients to use family/friends to translate or interpret on their behalf is strongly discouraged, except in cases of emergency. The client can be allowed to have friends or family involved with a transaction, but the agency retains a compelling interest in ensuring competent and effective communication through a disinterested party, and should use an interpreter or translator (even in the presence of the client’s family member or friend), where

circumstances warrant. The use of minor children as interpreters/translators should not be allowed, except in cases of emergency, where conditions preclude the ability to obtain professional interpretation or translation.

III. Oral Language Assistance Options

- A. The agency will identify and make available a range of oral language assistance options which will include but not be limited to:
 - 1. On-site bilingual staff
 - 2. Off-site contract interpreters and document translators
 - 3. Telephone interpretation
- B. The agency will actively recruit bilingual staff at all levels, especially for direct service provision.
- C. The agency will contract in writing with interpretation and telephone interpretation service providers to establish expectations and standards in regard to compensation rates, response time, qualifications of interpreters, etc.
- D. The agency will create, monitor, and adjust LEP-specific caseloads to accommodate client needs where conditions warrant.

IV. Translation of Written Materials in Certain Circumstances

- A. The agency will provide translation of written materials that would routinely be provided to those clients proficient in English, including forms; vital documents*; outreach, marketing, and informational material; and electronic text to those LEP populations that comprise a significant number of those eligible to be served or likely to be directly affected by programs administered by the agency, or by information disseminated by the agency.
- B. The agency will minimally provide translation of vital documents to those LEP populations that comprise a substantial number of those eligible to be served or likely to be directly affected by programs administered by the agency, or by information disseminated by the agency.
- C. The agency will provide written notice in the primary language of LEP populations with minimal representation of those eligible to be served or likely to be directly affected of the right to receive competent oral translation of written materials.

* Vital documents are those containing critical instructions or information for the client.

Examples include, but are not limited to:

- Intake forms
- Retainer agreements
- Correspondence
- Legal documents
- Case plans