

## **24 LANGUAGE ACCESS POLICY & PROCEDURES**

### **A. Mission and Language Policy**

1. Mission Statement for SC Legal Services - South Carolina Legal Services is a statewide law firm that provides civil legal services to protect the rights and represent the interests of low income South Carolinians.
2. SC Legal Services will provide free quality language services to our clients in the language needed to ensure that Limited English Proficient (“LEP”), deaf/hard of hearing, and/or low vision/blind clients have full access to our legal services. Language services and other auxiliary services and aids will be provided as necessary to ensure quality legal representation and to minimize delay or discomfort to the client.
3. Assessment At least once annually, South Carolina Legal Services will conduct an assessment of the language needs of its eligible client population, utilizing census data, data from client files, data from community agencies and organizations, and other relevant sources. Based on this assessment, South Carolina Legal Services will develop an annual plan regarding points of contact where language assistance is likely to be needed, the scope of assistance to be provided, the resources needed to provide assistance, and arrangements that must be made to access these resources in a timely fashion.

### **B. Non-discrimination in Service**

SC Legal Services will not discriminate in the provision of services to LEP, deaf/hard of hearing, or blind/low vision clients, and will supply free of charge such ancillary services not normally provided to English proficient clients as will make timely delivery of advocacy to those needing language services to fully access our legal services.

### **C. Outreach**

SC Legal Services will endeavor to make the statewide community aware that free language services are available to make legal services accessible to every South Carolina citizen. Through active outreach, advertising, multi-lingual posters in every office, bi-lingual (Spanish/English) telephone answering services by employing qualified bi-lingual personnel, and by translating all vital and basic informational documents into Spanish and other languages as required. SCLS will provide information that free language services are available. Through Spanish/English telephone answering services, in-house bi-lingual staff, use of fee-based interpreters, subscription to a telephone interpretation service, and cooperation with community based language service providers, SC Legal Services will provide timely access to the full spectrum of our services to persons requiring language services.

### **D. Oversight and Compliance**

The Language Access Committee in conjunction with our Language Access Coordinator, on behalf of SC Legal Services, has the responsibility for the language services program to ensure SCLS Procedure Manual (*THIS IS NOT A CONTRACT*) August 2010 116 that communication between staff and clients is not compromised as a result of the limited English proficiency or hearing or visual needs of the client.

### **E. Assessing the Need for Language Services**

#### **1. Language Services include:**

- a. Interpreting by staff
- b. Contracted professional fee-based in-person interpretive service
- c. Telephone interpreters (via Language Line)
- d. Document translation services

e. Volunteer community based interpretation services

## **2. Initial Assessment of Need**

a. At the point of initial contact with an applicant for services, whether through Intake Office or at in-office intake, staff trained in the procedure for handling LEP clients will make an initial assessment of the need for language services, and shall procure such services if they are needed to effectively communicate with the applicant.

b. Primary language. If the applicant's language is not readily known, use of Language Access Cards, multi-lingual posters, or Language Line will be used for assistance. Advocates having continuing contact with LEP clients will review language service needs and provide them as needed. Advocates will not encourage or require clients to bring others with them to interpret. Clients will be strongly encouraged to allow the Firm to provide interpreter services in order to forego any potential conflicts of interest and ensure the confidentiality of the advocate's interactions with the client.

c. Client preference. Language services shall be provided to any client upon request at no cost to the client, unless it is clear that the request is wholly unfounded.

## **3. Advocate responsibility.**

a. Advocates shall encourage LEP clients to use language services where there is any doubt as to the client's English language proficiency, or where failure to provide needed language services could compromise the Firm's ability to provide quality legal services and/or may present ethical issues for the advocate.

b. In such cases, after consultation with the managing attorney and the Language Access coordinator, language services should be provided even if the client says they are not necessary. The advocate may explain that the services are required to assist the advocate in providing quality legal services.

c. Advocates will seek information and training as necessary regarding some of the cultural differences that may impact representation for our clients needing language services.

d. Advocates and all other staff will be trained in the use of interpreters.

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e. Bi-lingual staff fluent in a language other than English will be encouraged to pursue certification as an interpreter.

**4. Preferred Order for Use of Language Services.** Interpretation services should be provided in the following order, with some strong cautions:

a. In-house bi-lingual staff with fluency in the language with first preference going to staff certified in translation/interpretation, second to staff trained in translation/interpretation but not yet certified, and finally bilingual staff with fluency in the language, with proofreading done (on document translations) by Language Access Coordinator or other trained staff.

b. Use, as available, PAI bi-lingual attorneys.

c. Contracted professional in-person interpretation for in-person meetings, hearings, and mediations.

d. A telephone based interpretation service.

e. Community-based organization or volunteer community-based interpreter, and only after the client has been made aware that free interpreter services are provided by SC Legal Services.

f. Use of adult relatives or friends of a client is strongly discouraged, and then allowed only in emergency situations. A notation in the case management system shall be made of such use and of the need to have the client come in for an additional interview with a qualified

interpreter present when the opportunity presents.

g. Use of a minor child as an interpreter is forbidden except in extreme emergency situations after consultation with the managing attorney and the Language Access Coordinator and then only to ascertain the nature of the emergency. A notation in the case management system shall be made of such use.

## **5. Translation.**

a. Translation of all vital documents into Spanish will be completed as needed on an ongoing basis. Translations into other languages will be made as needed or requested by the client and/or deemed necessary in order to provide the client full understanding of the import and meaning of the document. Translation of brochures and other documents deemed necessary for client's full understanding will be provided on an ongoing basis. Additional translation of affidavits, court documents, and attorney letters will be provided to each client as needed. If a question arises as to the need for a particular translation, the advocate should consult with the Language Access coordinator to determine if a written translation is required, or if an oral translation or some other services will better serve the advocate's purpose.

b. Translations should be done by in-house personnel and reviewed by the Language Access Coordinator and/or certified staff interpreters when possible. Outside contracted translation may be used if in-house personnel are not available. Pre-approval of the managing SCLS Procedure Manual (*THIS IS NOT A CONTRACT*) August 2010 118 attorney or the Language Access coordinator is required before contracting for outside translation services.

## **F. Case and File Management**

**1.** All staff opening or receiving open files from other staff must insure that the intake sheet and case management system data correctly and prominently identify the primary language of the client, whether the client is literate in their primary language, and the need for an interpreter.

a. **Primary Language.** In the case management system, select the language preferred by the client. If not obvious, the language will be chosen by the client. If doubt exists as to which language is primary, enter the non-English language. The field will not default to "English" and a selection must be made.

b. **Language Services Box.** Select "Yes" in this field if the client is not fluent in English and therefore requires language services to insure effective representation and communication. The field will not default to "No" and a selection must be made.

c. **Translation Field.** Staff and advocates shall inquire of all LEP clients, and record in the case management system, whether the client can read in English, read in his/her preferred language, and which language is preferred for written communication. This field will not default to "English" and staff must indicate the language needed for written communication.

**2. File Management.** All staff and advocates must make conspicuous notes in the file indicating the client's primary language, need for interpretation, and if translation is required for communication and other documents. All documents in the file that are sent to the client as the addressee must be in both the client's preferred language for receiving written communications and English. Other documents on which the client is copied or is sent a courtesy copy (i.e. pleadings) do not have to be translated unless the advocate, managing attorney, and Language Access Coordinator deem it necessary. However, for documents that are not translated, the advocate must send a letter to the client along with the document explaining the contents of the

document in the client's native language.

**3. Timekeeping.** All time spent by bi-lingual staff providing language services in a specific case must be recorded in the case management system by those staff required to record time under a special funding code for the client file.

**G. Interpreters.**

1. Interpreters will abide by the Rules of Professional Conduct for Interpreters and Translators, and for each interpreting event shall sign an "agreement of confidentiality" to be kept in the client's file.

2. In person-to-person interpretation, an interpreter shall function only as a conduit between the client and advocate. Interpreters are not expected to communicate with the client in the absence of the advocate with the exception of in-house interpreters in situations where they would ordinarily communicate directly with English speaking clients for others. Interpreters are SCLS Procedure Manual (*THIS IS NOT A CONTRACT*) August 2010 119 not expected to advocate on behalf of the client, add, or omit any information relayed during the interpretation by the client and/or the advocate.

3. When required, English-only staff should use interpreters to communicate with LEP clients during telephone calls, intake, and client interviews and meetings.

4. Hearings, Mediations, and Settlement Conferences. English-only advocates may consider the need to provide an interpreter at hearings, mediations, and settlement conferences to facilitate client communication even if a court interpreter will be present.

**H. Use of Interpreters.**

1. SC Legal Services will provide and each office will keep updated, a Handbook for Use of Interpreters and Translators in addition to a handbook outlining the procedure for handling an LEP intake from initial contact through follow-up surveys.

2. SC Legal Services and the Language Access Coordinator will provide each office with a periodically updated list of approved interpreters and translation services for in-person interpretations and document translations.

3. Every interpreter shall sign an "agreement to maintain confidentiality" for each interpreting event and the form shall be placed in the client's file.

4. Training in the use of interpreters and translators will be provided annually to appropriate staff and advocates, and orientation to the use of interpreters, Language Line, and translators will be included in all new personnel training.

5. After each interpreting session, the staff member and the client will fill out an evaluation of the interpreter and return the evaluation to the Language Access Coordinator in order to assist in quality control efforts with interpreter selection.

**I. Grievance**

All limited English proficiency clients shall be informed that they may exercise the right to grieve pursuant to the SCLS grievance policy by using the services of Language Line, which can be accessed by calling any office of SC Legal Services.

**LANGUAGE ACCESS POLICY FOR CLIENTS WHO ARE DEAF AND HARD OF HEARING AND/OR BLIND AND/OR LOW VISION**

Pursuant to Title III of the Americans with Disabilities Act (ADA), no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any private entity who owns, leases (or leases to), or operates a place of public accommodation. This includes the offices of an attorney.

South Carolina Legal Services will provide auxiliary aids or services necessary to ensure effective

communication with deaf, hard of hearing, blind and/or low vision clients and applicants in SCLS Procedure Manual (*THIS IS NOT A CONTRACT*) August 2010 120 accordance with the method of communication used by the client, the nature, length, and complexity of the communication involved and the context in which the communication is taking place. These services will be provided free of charge to the client/applicant.

All correspondence that originates from South Carolina Legal Services will include the following information: **If you are a person with a disability and require accommodations, please discuss your needs with SCLS contact person at SCLS contact person's telephone number.**

### **1. Initial Assessment of Need**

a. At the point of initial contact with an applicant for services, whether through Intake Office or at in-office intake, staff trained in the procedure for handling deaf and/or hard of hearing clients will make an initial assessment of the need for appropriate auxiliary aids and services, and shall procure such services if they are needed to effectively communicate with the applicant.

b. Advocates having continuing contact with deaf, hard of hearing, blind, and/or low vision clients will review auxiliary aids and services and provide as needed. Advocates will not encourage or require clients to bring others with them to interpret. Clients will be strongly encouraged to allow the Firm to provide interpreter services, and/or other auxiliary aids or services that facilitate communication in order to forego any potential conflicts of interest and ensure the confidentiality of the advocate's interactions with the client.

c. Client preference. Auxiliary aids and services shall be provided to any client upon request at no cost to the client, unless it is clear that the request is wholly unfounded.

### **2. Advocate responsibility.**

a. Advocates shall encourage hard of hearing, blind or low vision clients to use auxiliary aids and services where there is any doubt as to the client's ability to communicate effectively, or where failure to provide needed services could compromise the Firm's ability to provide quality legal services and/or may present ethical issues for the advocate.

b. In such cases, after consultation with the managing attorney and the Language Access coordinator, auxiliary aids and services should be provided even if the client says they are not necessary. The advocate may explain that the services are required to assist the advocate to provide quality legal services.

c. Advocates will seek information and training as necessary regarding some of the cultural differences that may impact representation for our deaf and/or hard of hearing clients.

d. Advocates and all other staff will be trained in the use of auxiliary aids and services.

**3. Preferred Order for Use of Language Services for Deaf Clients.** Interpretation services should be provided in the following order, with some strong cautions:

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a. Contracted qualified, professional in-person interpretation for in-person meetings, hearings, and mediations.

b. A telephone based video relay service.

c. TTY Services.

d. Community-based organization or volunteer community-based interpreter, and only after the client has been made aware that free interpreter services are provided by SC Legal Services.

e. Use of adult relatives or friends of a client is strongly discouraged, and then allowed only when there appears to be an emergency situation. A notation in the case

management system shall be made of such use and of the need to have the client come in for an additional interview with a qualified interpreter present when the opportunity presents.

f. Use of a minor child as an interpreter is forbidden except in extreme emergency situations after consultation with the managing attorney and the Language Access Coordinator and then only to ascertain the nature of the emergency. A notation in the case management system shall be made of such use.

Advocates who are assigned cases for deaf, hard of hearing, blind, and/or low vision clients are encouraged to contact the Language Access Coordinator for any questions or concerns they have regarding using auxiliary aids and or services to provide effective legal representation for their clients.