

New Federal Guidance for State Courts Serving Limited English Proficient (LEP) Youth and Family Members

In August 2010, the Department of Justice's Civil Rights Division issued new guidance to help state courts meet federal language access requirements.¹ Under Title VI of the Civil Rights Act of 1964, recipients of federal funding must take reasonable steps to accommodate individuals with limited English proficiency (LEP). The failure to do so constitutes national origin discrimination under Title VI of the Civil Rights Act of 1964 and puts federal funding in jeopardy.

This Justice Department guidance highlighted four specific areas of concern for courts serving LEP youth and families, which are briefly summarized below. For a more detailed description of federal language access requirements and guidance, [please click here](#).

- (1) **Courts must provide meaningful language access in all court and court-related proceedings, whether civil, criminal, or administrative.** Courts must ensure interpretation for LEP parties or witnesses during all hearings, trials, and motions. Additionally, courts must provide language assistance to necessary non-party individuals, including the parents and guardians of juvenile justice-involved youth.
- (2) **Courts must provide interpreters free of cost to parties.** Title VI prohibits practices, including requiring payment for interpretation, which have the effect of charging individuals for government services based on national origin.
- (3) **Courts must make reasonable accommodations for services conducted outside the courtroom.** Language services may not be restricted solely to courtroom proceedings, but must extend to other court functions, including offices, operations, and programs that are managed by the court.
- (4) **Failing to ensure that LEP parties and witnesses can communicate with court-appointed or supervised personnel.** Whenever court-appointed or court-supervised personnel communicate with LEP individuals, courts must enlist the support of professional interpreters if the personnel are not themselves bilingual. This includes defense counsel, court psychologists, probation officers, doctors, and other staff.

For more information, please contact:

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¹ Letter from Thomas E. Perez, U.S. Assistant Attorney Gen., to State Chief Justices and State Court Administrators (Aug. 16, 2010), http://www.justice.gov/crt/lep/final_courts_ltr_081610.pdf.