**COLLABORATIVE EFFORTS CAN INCREASE LANGUAGE ACCESS IN FAMILY LAW AND ABUSE PREVENTION ORDER CASES**

Language Access Coalition Conference

April 4, 2014

**WHO’S ON THE PANEL?
WHICH COLLABORATIONS?**

Ellen Wilbur

Legal Director at Community Legal Services & Counseling Center (CLSACC)

* Legal services, domestic violence advocates, Trial Court collaborations

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Ester Serra Luque –

Community Liaison at Transition House

* Legal services, domestic violence advocates, Trial Court collaborations

Caroline Robinson

Websites Project Coordinator for Masslegalhelp.org

* Court Forms Task Force
* Self-Help Materials Task Force
* Access to Justice Working Group on Web & Technology

Mass. Law Reform Institute, 99 Chauncy St., suite 500, Boston, MA 02111. 617-357-0700

Katia Santiago-Taylor

Manager of Systems Advocacy, Boston Area Rape Crisis Center (BARCC), previously at the Massachusetts Office of Victim Assistance (MOVA) in several capacities.

* Legal services, domestic violence advocates, Trial Court collaborations

Wendy Lau

Project Coordinator of the Interpretation Technical Assistance and Resource Center (ITARC) at the Asian Pacific Islander Institute on Domestic Violence

Jeff Wolf (moderator)

consulting attorney at Community Legal Services & Counseling Center(CLSACC); senior editor of family law and domestic violence webpages at Masslegalhelp.org

* + Legal services, domestic violence advocates, Trial Court collaborations
	+ Court Forms Task Force

**WORKSHOP FOCUS**

Presenters will highlight national and local collaborative efforts to increase language access to the courts in family law and abuse prevention order cases for

* people with low literacy,
* people with low incomes,
* unrepresented litigants,
* survivors of domestic violence, and
* members of diverse linguistic and cultural communities

**WORKSHOP GOALS**

1. To share experiences about some collaborative successes, challenges, and works in progress
2. To identify resources for increasing language access in the courts
3. To inspire the development and implementation of collaborative language access initiatives in your own regions and communities

**OVERVIEW - CRITERIA FOR COLLABORATIVE EFFORTS**

* The effort can be achieved relatively quickly
* The effort can be achieved relatively inexpensively
* The effort will help a lot of people in the affected communities and populations

**OVERVIEW - FORMS OF COLLABORATION**

Funded by grants

* participants are accountable
* strong potential for changing court structures; institutional change
* for example: online [Do-It-Yourself Child Support Court Forms](http://www.masslegalhelp.org/legal-forms) – English and [Spanish](http://www.masslegalhelp.org/spanish/legal-forms) funded by a Legal Services Corporation Technology Innovation Grant

Unfunded

* Informal, *ad hoc*
* strong potential for changing court culture; attitudinal change
* for example: domestic violence training for interpreters

**COLLABORATIONS**

1. Legal services and domestic violence advocates.
2. Legal services, domestic violence advocates, and staff from the Administrative Office of the Trial Court (AOTC)
3. Access to Justice Initiatives Court Forms Task Force
4. Access to Justice Initiatives Self-Help Materials Task Force
5. Legal services, domestic violence advocates, and the Boston Municipal Court
6. Legal services and the Suffolk Register of Probate

**THE LEGAL SERVICES AND DOMESTIC VIOLENCE ADVOCATES COLLABORATION**

February, 2010. The legal services and domestic violence advocates collaboration made recommendations to the Trial Court, including:

1. Produce multilingual 209A forms
2. Train interpreters about domestic violence
3. Produce courthouse navigation materials for filing a 209A case
4. Develop court/domestic violence advocate collaborations to facilitate the timely presence of an interpreter for 209A hearings.

**THE LEGAL SERVICES, DOMESTIC VIOLENCE ADVOCATES, AND ADMINISTRATIVE OFFICE OF THE TRIAL COURT (AOTC) COLLABORATION**

April 1, 2010. The legal services, domestic violence advocates, and key AOTC staff (Office of Court Interpreter Services, staff attorneys, and the VAWA STOP Grant Coordinator) met to begin collaborations to implement the recommendations.

**WHERE ARE THE LANGUAGE ACCESS BARRIERS?** An interactive conversation

Where are the barriers between

* litigants and courts?
* litigants and their advocates and lawyers?
* litigants and their service providers?

**HOW DO TRANSLATED COURT FORMS HELP?**

Having translated court forms and plain language multilingual instructions and support materials helps affected communities and populations more than having to get an interpreter for each litigant to interpret the forms.

**THE MULTILINGUAL FINANCIAL STATEMENT**

[Financial Statement](http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/documents/cjd301shortform.pdf)

<http://www.mass.gov/courts/docs/forms/probate-and-family/cjd301shortform.pdf>

in [Spanish](http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/documents/cjd301s-spanish-financial-statement-short-form.pdf) <http://www.mass.gov/courts/docs/forms/probate-and-family/cjd301s-spanish-financial-statement-short-form.pdf> and

[Portuguese](http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/documents/cjd301s-port-financial-statement-short-form.pdf) <http://www.mass.gov/courts/docs/forms/probate-and-family/cjd301s-port-financial-statement-short-form.pdf>

challenge: the form is not mostly plain language. One solution: use the interactive online Do-It-Yourself Child Support Court Forms package to create your Financial Statement by answering the avatar Angela’s plain language questions (in English or Spanish) about your finances.

**MULTILINGUAL 209A FORMS**

209A forms are good for translation: the 209A complaint and order forms are mostly text with check boxes. For example

209A complaint – page 1

<http://www.mass.gov/courts/docs/forms/trial/209a/fa-1.pdf>

209A order – page 1

<http://www.mass.gov/courts/docs/forms/trial/209a/fa-2.pdf>

or mostly text without check boxes. For example

Plaintiff’s Affidavit in Support of Request for a Child Support Order

<http://www.mass.gov/courts/docs/forms/trial/209a/fa-11.pdf>

Supporting materials on Masslegalhelp.org are translated into multiple languages. For example

How Can a 209A Protective Order Help Me?

<http://www.masslegalhelp.org/how-can-a-209a-protective-order-help-me2>

**COLLABORATION WITH COURTS, LEGAL AID, AND DV ADVOCATES**

[Online Do-It-Yourself Child Support Court Forms](http://www.masslegalhelp.org/legal-forms) – online now – English <http://www.masslegalhelp.org/legal-forms>

and [Spanish](http://www.masslegalhelp.org/spanish/legal-forms) <http://www.masslegalhelp.org/spanish/legal-forms>

**COURTHOUSE NAVIGATION - How can you ask for an interpreter?**

[I-Speak](http://www.mass.gov/courts/admin/interpreters/poster-right-to-interpreter.pdf)  Your Right to an Interpreter flyer

<http://www.mass.gov/courts/docs/admin/interpreters/poster-right-to-interpreter.pdf>

Where and how have these been deployed?

**COURTHOUSE NAVIGATION - How can you find where to file a case?**

 Boston Municipal Court 209A navigation signage

draft prototype

what is the status of this project?

* Legal services and domestic violence advocates prepared four prototype navigation posters
* A legal services attorney, a Trial Court attorney, manager of OCIS and two domestic violence advocates met with a BMC judge and BMC legal counsel in May, 2012; came to an understanding to start with the Roxbury Division; selected one of the four prototypes
* Planned to visit Roxbury Division to see where to post the sign and what the directions should say

Suffolk Registry of Probate navigation

draft proposed English language version

what is the status of this project?

* Legal services prepared a plain English language navigation poster
* Legal services and manager of OCIS met with Suffolk Register of Probate in spring, 2013: proposed translating the plain English poster into other languages; came to understanding with the Register that the multilingual posters be deployed in the Registry

Interactive conversation: Where else do you think a courthouse navigation project would be successful and effective?

**COURTHOUSE NAVIGATION – What can you do?**

* To make sure that I-Speak materials are developed and properly deployed?
* To develop multilingual navigation signage to help people find
	+ Where to file a case
	+ Where the courtroom is
	+ What ever else they need to find in the courthouse

**GETTING AN INTERPRETER IN AN EMERGENCY - What are the barriers to getting an interpreter in an emergency such as for an initial ex parte 209A hearing?**

1.       Getting information to litigants who are not working with an advocate or agency

2.       Court interpreters need to be scheduled through a court liaison

3.       Lack of interpreters in certain languages

4.       Litigants or opposing parties know the interpreters

5.       Expense and logistical availability of “Language Line” or other telephone interpreting services

6.       Obtaining an emergency 209A at a police station when the court is closed

7.       “Shedding” by certain District Courts – they send litigants to Probate & Family Court

8.       Client trauma

**GETTING AN INTERPRETER IN AN EMERGENCY – What can advocates do about it?**

* + - Advocates can use contact information for each court’s Court Liaison <http://www.mass.gov/courts/docs/admin/interpreters/court-liaison-list.pdf>
		- Advocates can build relationships with Court Liaisons
		- Advocates’ building relationships with Court Liaisons can provide significant safety for survivors of domestic violence who need an interpreter in an emergency, e.g., for an initial 209A hearing.

**TRAINING INTERPRETERS ABOUT DOMESTIC VIOLENCE - Why is this important?**

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

**TRAINING INTERPRETERS ABOUT DOMESTIC VIOLENCE - What is domestic violence training for interpreters?**

* + Basics (legal definition v. power and control)
	+ Domestic Violence 101
	+ Challenges when interpreting in Domestic/Sexual Violence Cases
	+ The importance of words and their different meanings
	+ Interpreters safety, creating boundaries, and self care

**TRAINING INTERPRETERS ABOUT DOMESTIC VIOLENCE**

**Who were the collaborators?**

* + Multicultural Immigrant Coalition Against Violence (MICAV)
	+ Office of Court Interpreters Services (OCIS)

**Who provided the training?**

* + From MICAV: Mass. Office of Victim Assistance; Transition House; Mass. Association of Portuguese Speakers
	+ From OCIS: Leonor Figueroa-Feher, Program Manager for Training

**Who received the training?**

* 70 OCIS interpreters

**TRAINING INTERPRETERS ABOUT DOMESTIC VIOLENCE - What can you do to train interpreters about domestic violence?**

* + Collaborate with OCIS
	+ Set clear boundaries
	+ Understand each other’s roles
	+ Self care

**COMMUNITY COLLABORATIONS**

* AOC California Legal Aid Collaboration
* Language Line Usage
	+ DV and SA organizations collaborating (HI)
	+ Group Rate ( National DV hotline)
* Law Enforcement
	+ Language Access Planning (NM)
		- Meaningful Access
		- Academy Curriculum
		- Addressing LEP DV issues for first responders

**MODEL DV COURTHOUSE**

* King County Courthouse
	+ DV Court
	+ Judges Taskforce
	+ Coordinators working across courts
	+ Victim Centered Collaboration
		- Local Service Providers
		- Offender Accountability

**RESOURCES**

* State DV Coalitions / National Orgs.
* CCI Court Open House – Building collaborative efforts with advocates, judges, and court administrators
* Technical Assistance Providers (OVW, HHS)
	+ TA providers at OVW are able to assist OVW grantees and potential OVW grantees.
	+ Staff at APIIDV can refer questions out if they relate to the Domestic Violence Preventive Services Act

**Boston Municipal Court – Prototype 209A Navigation**

**TRIAL COURT OF THE COMMONWEALTH**

**BOSTON MUNICIPAL COURT**

**ROXBURY DIVISION**

**Do you need a restraining order? Go to the “Clerk’s Office” on the 2nd floor**

**Necesita una orden de restriccion? Vaya a la “Clerk’s Office” en el 2o piso**

**Avez-vous besoin d'une ordre de restriction? Allez à la « Clerk’s Office » au 2ème étage**

**Suffolk Registry Of Probate - Proposed English Language Version**

**WELCOME TO THE**

**SUFFOLK REGISTRY OF PROBATE**

**If you need an interpreter, please tell one of the court staff at the front desk. You may need to wait for an interpreter to be called.**

**1. Get court forms**

Go to the front desk as you enter the office to get the court forms you need to file your case.

Tell the forms clerk if you need

an interpreter to talk about what forms you need.

an interpreter to tell you what the forms say and to put your information in English.

an “Affidavit of Indigency”, if you are low income and cannot afford to pay any fees.

**2. Get the court file**

Follow the red line on the floor to the window.

Get and fill out a white file request card at the desk. (You need to write the docket number of your case on the request card. If you do not know the docket number of your case, you can search for it on the computers in front of the window).

Give it to the clerk at the window. The clerk will get the file and give it to you.

**3. Fill out your court forms**

**4. File papers**

Wait at the blue line on the floor to speak with one of the clerks who sit behind the desks.

The clerk will review and approve your papers .

Take the file to the scheduling clerk at the front counter if you need a court date.

**5. Pay filing fees**

Go to the window at the “Cashier” sign to pay any fee.

Get a receipt for paying your filing fee.

**Courtrooms are on the fourth floor.**

**A list of cases and courtrooms is on the wall of clerk’s office by the open door.**

**Restrooms are on every floor near the elevators.**

**Patricia Patty Campatelli, Register of Probate**