

# Language Access and Domestic Violence

## Communicating with Limited English Proficient Individuals

Individuals with limited English proficiency (LEP) face challenging barriers when they seek domestic violence services. Since 1964 under Title VI of the Civil Rights Act<sup>1</sup>, the United States has had mandates in place to prevent discrimination against individuals based on race, religion or national origin. Subsequently, “national origin” has been directly tied to “language of preference,” which can help minimize language barriers for LEP individuals seeking vital health care, legal, housing, and educational services.

In domestic violence situations, both the LEP client and the service provider experience challenges in maneuvering the dynamics involved in basic communication as well as sharing critical nuanced information. Other factors also hamper the ability to effectively communicate with an LEP individual. For example, in smaller communities, confidentiality and relationship-building can pose additional barriers. Using the following standards, techniques, and resources will help you and your LEP client get the most out of your interactions.

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### **Ethical Considerations**

- Years of study are generally required to become fully proficient in a language.<sup>2</sup> It is important that all parties be able to express themselves fully using vocabulary that is natural to them.
- Well-intended but untrained bilingual neighbors, friends, family members, or staff are much more likely than professionally trained interpreters to make errors when facilitating communication between a Spanish-speaking individual and an English-speaking provider.<sup>3</sup>
- Professional interpreters are guided by codes of ethics and standards of practice specific to their area of practice, such as those established by the National Council on Interpreting in Health Care<sup>4</sup> and the National Association of Judiciary Interpreters and Translators. Standards and training, however, differ between healthcare and judicial interpreters.<sup>5</sup>
- The utilization of untrained interpreters – particularly those who know or may be involved with any of the parties – may compromise the privacy, and possibly, the safety of the victim, and/or result in an unwillingness to share private yet critical information.
- Communication with someone involved in domestic violence is very sensitive, and language -- including word choice -- is important. A trained interpreter will convey the contextual meaning of a statement to ensure accuracy and completeness, and allow for complete transparency.
- Speaking a language conversationally is not equivalent to a working knowledge in both source and target languages of the relevant vocabulary used in domestic violence situations. Varying levels of fluency may affect a person’s ability to facilitate communication effectively. For example, individuals who have learned to speak a language at home may have only been exposed to limited vocabulary. Newly immigrated refugees may not have yet attained a level of

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<sup>1</sup> US Health and Human Services Office for Civil Rights  
<http://www.hhs.gov/ocr/civilrights/faq/TitleVI/401.html> (Accessed December 16, 2011)

<sup>2</sup> Thomas, W. and Collier, V. (1997). School effectiveness for language minority students. NCBE Resource Collection Series Number 9. Washington, DC: National Clearinghouse for Bilingual Education.

<sup>3</sup> Schyve, P. “Language differences as a barrier to quality and safety in health care: The Joint Commission perspective.” *IN Journal of General Internal Medicine*. Suppl. 2: 360-1. Nov. 22, 2007.

<sup>4</sup> *National Council on Interpreting in Health Care National Code of Ethics for Interpreters in Health Care* July 2004. [http://www.ncihc.org/page/Ethics\\_Practice](http://www.ncihc.org/page/Ethics_Practice) (Accessed December 16, 2011)

<sup>5</sup> National Association of Judiciary Interpreters and Translators: Code of Ethics and Professional Responsibilities <http://www.najit.org/about/NAJITCodeofEthicsFINAL.pdf> (Accessed December 16, 2011)

fluency in English necessary to interpret accurately and completely. A trained interpreter who has been evaluated for proficiency in both languages can best help you and your LEP client.

### **Legal Considerations**

- Title VI of the Civil Rights Act of 1964 prevents federally funded organizations from discrimination on the basis of sex, race or national origin.<sup>6</sup>
- In 2000 Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," required that agencies which are recipients of Federal financial assistance provide meaningful access to their limited English proficient applicants and beneficiaries.<sup>7</sup>
- To that end, the US Department of Health and Human Services published the National Standards for Culturally and Linguistically Appropriate Services (CLAS) to guide recipients of HHS funding in regard to Title VI LEP compliance.<sup>8</sup>
- The CLAS Standards require that organizations develop a written plan that addresses goals, policies and oversight of culturally and linguistically appropriate services. Examples of Model LEP Plans can be found online.<sup>9</sup>

### **Resources Available**

- Interpreting and translation require skills beyond simply performing one's own job duties in a different language. Be sure that staff are trained and qualified to do the job they are expected to do. *Interpreting* is the process of understanding and analyzing a spoken or signed message and re-expressing that message faithfully, accurately and objectively in another language, taking the cultural and social context into account. *Translation* is the conversion of a written text into a corresponding written text in a different language. The handbook *What's in a Word: A Guide to Understanding Interpreting and Translation in Health Care* contains more details about the similarities and differences between these two specialized tasks and the specific skills required to complete them.<sup>10</sup>
- Organizations should ensure that staff have access to trained, qualified interpreters either internally, through a language service provider, or another community resource. Whether paid for their time, or engaged as volunteers, anyone providing language assistance should be held to the same standards and evaluated for their fluency in both languages, knowledge of agency-specific terminology, and ability to facilitate communication between two parties.
- Selection of the best language service provider should undergo careful scrutiny. The California Endowment has published the guide *How to Choose and Use a Language Agency*.<sup>11</sup> This resource can be utilized when selecting a language service provider.

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<sup>6</sup> US Health and Human Services Office for Civil Rights

<http://www.hhs.gov/ocr/civilrights/faq/TitleVI/401.html> (Accessed December 16, 2011)

<sup>7</sup> The United States Department of Justice <http://www.justice.gov/crt/about/cor/Pubs/eolep.php> (Accessed December 20, 2011)

<sup>8</sup> US Department of Health and Human Services Office of Minority Health

<http://minorityhealth.hhs.gov/templates/browse.aspx?lvl=2&lvlID=15> (Accessed December 20, 2011)

<sup>9</sup> The Empire Justice Center: Model Plans and Policies

[http://onlineresources.wnyc.net/pb/orcdocs/LARC\\_Resources/LEPResources/ModelLEP/ModelLEP.htm](http://onlineresources.wnyc.net/pb/orcdocs/LARC_Resources/LEPResources/ModelLEP/ModelLEP.htm) (Accessed December 20, 2011)

<sup>10</sup> National Health Law Program: *What's in a Word? A Guide to Understanding Interpreting and Translation in Health Care* [http://www.healthlaw.org/index.php?option=com\\_content&view=article&id=240%3Alanguage-access-publications&catid=45&Itemid=196](http://www.healthlaw.org/index.php?option=com_content&view=article&id=240%3Alanguage-access-publications&catid=45&Itemid=196) (Accessed December 21, 2011)

<sup>11</sup> *The California Endowment: How to Choose and use a Language Agency* (2004)

[http://www.calendow.org/Collection\\_Publications.aspx?coll\\_id=22&ItemID=312](http://www.calendow.org/Collection_Publications.aspx?coll_id=22&ItemID=312) (Accessed December 20, 2011)



## Tips for Working with Interpreters in Domestic Violence

- Speak to and address the LEP individual directly. Do not refer your questions and comments to the interpreter, as trained interpreters will provide an accurate rendition of everything you say.
- Have a formal introduction with the interpreter and the LEP individual to be sure all parties understand the roles of each participant and any boundaries that need to be addressed. Emphasize confidentiality, accuracy and completeness of the interpretation.
- Create a seating arrangement in which the provider and the LEP individual can have direct eye contact and will speak to each other directly. This arrangement promotes the role of the interpreter, which is to serve as a voice for both parties but not intrude in or dominate the discussion.
- Be prepared to stop or repeat yourself in instances where the interpreter does not hear, cannot understand what you are saying, or feels that perhaps the question may not be understood by the LEP individual. Encourage the interpreter to do so as a means of ensuring that the message stays intact throughout the encounter.
- Do your best to avoid side conversations with the interpreter while the LEP individual is in the room. If it is necessary to dialogue with the interpreter, step out of the room momentarily, informing the LEP individual prior to leaving. This will allow the interpreter to do the job of interpreting everything said in the room and will keep the LEP individual informed.
- After the session, take some time to speak with the interpreter. This is an opportunity to clarify any areas of confusion or concern that were raised during the session, including any cultural concerns. Additionally, the interpreters may not have had as much exposure to the types of conversations that take place in this setting and may need to debrief. Encourage the interpreter to seek care if he/she feels the need to talk about this further.

## Further Reading

- National Council on Interpreting in Health Care (NCIHC) <http://www.ncihc.org>
- National Association of Judiciary Interpreters and Translators <http://www.najit.org>
- Interpretation Technical Assistance and Resource Center (ITARC) at the Asian & Pacific Islander Institute on Domestic Violence <http://www.apiidv.org/organizing/interpretation.php>
- *Developing Linguistically and Culturally Responsive Materials for Latina Survivors of Domestic Violence* published by the National Latino Alliance for the Elimination of Domestic Violence <http://www.dvalianza.org/en/informational-booklets.html>
- *Justice Department Issues Guidance Letter to State Courts Regarding Their Obligation to Provide Language Access* a press release issued by the US Department of Justice <http://www.justice.gov/opa/pr/2010/August/10-crt-930.html>