

LANGUAGE ASSISTANCE POLICY FOR LIMITED ENGLISH PROFICIENT (LEP) INDIVIDUALS AND INDIVIDUALS WITH HEARING OR VISUAL IMPAIRMENTS

The Legal Aid Society of Mid-New York, Inc. (LASMNY) recognizes that the population of low-income individuals eligible for its services includes individuals who are "limited English proficient" (LEP), i.e., unable to speak, read, write or understand the English language at a level that permits them to interact effectively with social service providers and other agencies, as well as individuals who are hearing or visually impaired. It is the goal of LASMNY to ensure meaningful access to services to LEP and/or hearing and/or visually impaired individuals. Accordingly, pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination on the basis of national origin or disability by recipients of federal financial assistance, LASMNY adopts the following policy to ensure that LEP and hearing and/or visually impaired individuals can communicate effectively with staff and receive adequate information and legal assistance.

I. Assessment

At least once annually, LASMNY 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, LASMNY 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.

II. Policy on Language Assistance

A. Oral Language Interpretation

1. LASMNY is committed to providing trained and competent interpreters at each stage of representation where oral communication is needed, at no charge to the client. LASMNY will provide interpreters by hiring bilingual staff where possible, by contracting with outside interpreter services or voluntary community interpreters where available, and by use of telephone language interpreting services when other competent services in the client's native language are not timely available.
2. LASMNY will ensure that persons providing interpreting services for its clients understand their obligation to maintain client confidentiality.
3. LASMNY staff will not, under any circumstances, require clients to provide their own interpreters or rely on friends or family

members for interpreting services. If a client wishes to use the services of his or her own chosen interpreter rather than one provided by LASMNY, the client's choice will be noted in his or her client file, after the client has been advised of his or her right to receive interpreting services free of charge. Depending on the circumstances, LASMNY staff may request that the client allow an interpreter provided by LASMNY to be present during oral communications, in the event that the assistance of the interpreter is needed.

4. Telephone communications with hearing impaired individuals shall be made timely available through the use of TTY devices and/or the New York State relay service.

B. Translation of Written Materials

1. LASMNY will post and maintain signs in regularly encountered languages other than English in its waiting rooms, reception areas and other initial points of entry. The posted signs will be conspicuous and inform individuals seeking services of their right to free language assistance services, as well as inviting such individuals to identify themselves as persons needing language assistance services.
2. LASMNY will make use of language identification cards which allow individuals seeking services to identify their language needs to staff.
3. LASMNY staff will record each client's language assistance needs in his or her client file.
4. LASMNY will provide written translation of vital documents (i.e., Retainer Agreement, Statement of Clients' Rights and Responsibilities, Authorization for Release of Information, etc.) into the non-English language of each regularly encountered LEP group likely to be eligible for its services. Translation of vital documents will also be provided in large print, braille and/or tape recorded form for individuals with visual impairments.
5. For those language groups constituting a significant percentage of the eligible client population, LASMNY will provide written translation of its outreach materials. For all other groups, LASMNY will provide written notice, in the form of a card attached to the materials in all languages regularly encountered by the program, of the right to have the materials orally translated free of charge.

III. Training of Staff

LASMNY will provide periodic training on the above policy to all staff, and maintain a training registry recording the names and dates of each employee's training.

IV. Monitoring

Based on the results of annual assessment, this policy may be revised to more effectively meet the language needs of the eligible client population. Factors that may warrant a revision of this policy include changes in local populations or frequency of encounters, availability of resources, continued availability of prior sources of assistance and development of new sources of assistance, effectiveness of the policy in meeting language assistance needs, and effectiveness of staff in implementing the policy.