

## Limited English Proficiency Assistance Policy for the Access to Justice Foundation Legal HelpLine for Older Kentuckians

The mission of the Access to Justice Foundation (AJF) and the Legal HelpLine for Older Kentuckians (HelpLine) is to improve access to legal services and assistance to all qualified clients across the state. A key part of improving access is helping clients overcome barriers created by language and communication proficiency issues. Clients may have difficulty accessing services because of visual impairments, hearing and speech impairments, literacy, and limited English proficiency. Every member of our staff should be aware of the resources that we have available to assist client with access to our services. This memo will policy will outline many of the options that are available to help clients gain access to needed legal assistance.

### **Assessment of Need:**

Persons whose primary language is not English are a growing part of our client base. Official estimates show an estimated 50,000 Hispanic persons living in Kentucky; the actual number is likely three to four times that number. There are isolated pockets of immigrants with a primary language other than English.

The most common language access issue encountered in our service area will be limited literacy in English by clients whose primary language is English. An estimated 38% of persons age 60 and older in Kentucky have a literacy level that interferes with their ability to understand and complete application forms. Many of the clients are able to read, but are unable to comprehend the meaning of the written materials. Others are unable to read beyond a very basic level. Client's, who struggle to give you their address or telephone number, frequently have limited literacy.

Many clients, especially older clients are visually impaired. Younger client with visual impairments are frequently well connected to services that provide training and assistance, but many older clients have lost their eyesight in isolation and silence.

Mild to moderate hearing loss is relatively common among our older clients. Clients with total hearing loss are less common, but will be seen.

To fulfill our mission to provide access to legal assistance AJF and our sister legal aid programs must provide reasonable accommodations for persons with limited English proficiency and reach out to these potential clients to let them know that we are able to help them gain access to legal assistance.

### **Resources to Assist Clients with limited English Proficiency:**

AJF and our legal aid partners subscribe the Language Line live translation service. Most of the clients that the HelpLine will encounter will already be on the phone, if the client is in the office it is necessary to establish a phone call between the client and the staff member to utilize the language line service. Directions for using Language Line are attached to this policy.

For additional assistance Legal Aid of the Bluegrass, Kentucky Legal Aid and the Maxwell Street Legal Clinic (233-3840) have multi lingual staff and translators available. Before referring client needing language assistance to one of our legal aid partners, call to verify how the referral should be made.

The Legal Aid Network web page is available in Spanish.

The HelpLine has entered into an agreement with the Maxwell Street Clinic to translate relevant consumer education materials into Spanish. These materials are available in our office for distribution as needed.

The most common language access issue faced by the HelpLine is callers whose primary language is English, but who have limited literacy. It is important to remind ourselves that there are many people who can read basic English, but are unable to understand and act based on what they have read because of limited literacy.

When assisting clients who have profound literacy issues we become the clients' reader and advisor. Limited literacy is frequently the result of limited education, not limited intelligence. It is common to find that the client can read the document to us over the phone, but is unable to understand what the document means. Ask the client what something means to them, to assess their reading comprehension. Client's can fax documents to us from any of the legal aid offices across the state, and from many of the senior centers and service providers. It is important to read the necessary documentation to the client and ask them questions about it. The client's answers should reveal to you the clients' level of understanding. Assist and allow the client to make informed and rational decisions. Clients can make bad decisions, as long as they understand the risks and benefits of the decisions that they are making. As attorneys we should make recommendations, but the ultimate decisions are up to the client as long as the client understands the ramification of the choices they are making. These clients will also need assistance with completing even simple forms. Some clients may be unable to sign their name (though most can.) If a client is unable to sign, they can make a mark on the document with the intent for that to serve as a signature. It is also possible to use an authorized signature on most documents. If an authorized signature is used the acknowledgement should read that the document was signed "in the presence of and at the direction of (insert name of grantor)."

Clients who are visually impaired may be helped significantly by increasing the font size on documents. Other visually impaired clients will need every word of every document read to them. A signature template for the visually impaired is available in the office. If the client is unable to read the document a document that you have prepared the first thing to do is make sure that it says what the client wants it to say. When it comes time to sign it, arrange for the witnesses to spend a few minutes following alone. With the clients permission, give copies of the document to the witnesses and have them following along as you read the document to the client, line by line, and word for word. Pause often to verify that the client understands what you have read, and that the document reflects the clients wishes. Add a paragraph verifying that the witnesses listened and verified that you have read and explained the entire document to the client

and that the client has acknowledged that they understand and agree with the contents of the document.

Hearing loss comes in many degrees from mild to total. For clients with mild to moderate hearing loss, normal communication can be achieved by careful communication. For greatest effect remove all background noises, and close your office door. Speak and enunciate clearly. Look the clearly at the person when you speak, the visual clues from your face will help them understand (and if they cannot hear you, they will not know that if they can not see you speaking to them. A lower tone of voice is likely to be of more help then a loud voice. For most people shouting will not help. Speak loudly, but do not shout.

If verbal communication does not work, written communication may. Ask the person if it is possible to communicate in writing. E-mail and fax can be powerful tools for working with a client who is hearing impaired.

The state of Kentucky also operated a free telephone TTY relay service for persons with hearing impairment. This service requires no special equipment on the end of the call for the person who can hear. A trained operator serves as a translator reading the messages from the hearing impaired person and typing into a special terminal the message to the hearing impaired person. To use this service you must know that the hearing impaired person has the necessary terminal. If you are not familiar with this service ask the operator for instructions and follow them (you need to remember to say "stop" when you are done talking.)

It is helpful to understand that a person who is born hearing or visually impaired may perceive the world much differently then a person who loses hearing or vision as an adult. When working with a person who was hearing or visually impaired at birth or at a very young age ask extra questions to assure that you truly understand one another.

### Outreach:

AJF and the HelpLine will screen all prospective clients to determine what language assistance is appropriate for each client. If assistance is needed to locate assistance for a client please consult with the Managing Attorney or Executive Director.

All staff should be on the lookout for community-based services that provide services to clients with limited English proficiency that may benefit from our services. Materials describing the services that we are able to provide should be provided to any organization that may help us reach clients that we may be able to assist. All staff members are encouraged to participate in any community outreach events that are likely to help potential client gain access to legal services.

A directory of community based organization providing services to persons with limited English proficiency shall be maintained by the HelpLine Staff.

### Staff Awareness and Training:

All existing and new staff shall receive a copy of this policy. At least once a year, and at any time that significant changes occur in the legal aid network impacting

language access, all staff shall be trained on how to help persons with limited English proficiency gain access to legal assistance and other services.