





Learning Objectives By the end of this workshop you will be better able to:

- Have a better understanding of what federal language access laws requires of the Courts
- Identify pivotal points where lack of language access can negatively impact immigrant victims and their children
- Know what steps you can take in your courtrooms and as leaders in your courthouses and in your states to improve access to justice for immigrant and limited English proficiency (LEP) victims, children, parents and litigants

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Resources

- Case of Maria L.
- Detained Parent Directive Brochure
- Language Access to Court Services -Tool



Maria Luis Case

- Question: Let's read over the fact pattern
- In your small groups at your tables -
 - List on flip charts all the points at which language access should have been provided to Maria
 - List what you could do as a judgeIf this was a case before you

Report Back Language access problem points in case What judges can do





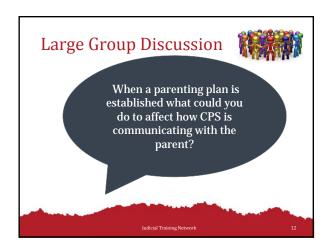




DOJ Guidelines on Language Access

- The use of qualified interpreters:
 - Not limited to courtrooms
 - For all types of proceedings
 - For motions, status hearings and trials
 - At clerks offices, file rooms
 - For court ordered services batterers treatment, therapy, drug counseling

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Maria Luis Case Study

- In light of the triggers for termination of parental rights proceedings how do you monitor CPS in a case like this
- What role might the language access problems play in any termination of parental rights proceeding?

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Resources Available on Language Access

- Investigator Michael LaRiviere
 - Share experiences with API Institute on Gender Based Violence resources
- Sujata Warrier
 - Share experiences with Center for Court Innovation

Small group activity

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- Review materials
 - How to get a detained parent to court
 - Detained parent directive
- List on a flip chart how the directive increases your options as a judge to help Maria

If an immigrant parent is detained you can ...

- Order that they be brought to your courtroom to participate in state court proceedings involving their children
- Make sure they get notice and that notice is provided in a language they speak especially if they do not speak English or Spanish

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Detained Parent Directive Aug. 2017

- If parents are detained:
 - Placement near family court when ongoing family court/child welfare cases
 - Bring parents to family court to participate in cases involving children
 - Alternate: video or teleconference participation
 - Facilitate visitation when required by family/child welfare court order
 - Help children travel with deported parent obtain passports for children



Maria L. Case What should have happened?

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• What could have been different at the child welfare court proceedings?



• Once Maria was in DHS custody what should have happened with regard to the abuse and neglect proceeding?

Immigrant Parents and Child Custody In re Interest of Angelica L., 277 Neb. 984 (2009)

- Parents have a constitutional right to custody (absent unfitness)
- Applies to all families without regard to:
 - Undocumented immigration status
 - Immigration detention
 - Deportation
- Overriding presumption that:
 - Parent-child relationship is constitutionally protected In children's best interest to stay with/be reunited with their
 - parent(s)
- Child's best interests is most important
 - A comparison of natural vs. adoptive parent's cultures, countries or financial means is not to be made



Flash Drive Materials

- Language Access Folder
 - DOJ State Court Letter
 - NCSC Bench Card on Qualifying Interpreters
 - Fact Sheet on Language Access in the Courts
 - Laws government language access
 - Language Identification Card World languages

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- Family law > Child Abuse and TPR
 - Detained parents and court appearancesDetained Parent Directive and Flyer

 - Nebraska Supreme Court Unanimous
 - Decision in Maria's case

Technical Assistance and Materials

- Power Point presentations and materials for this conference at
- <u>http://niwaplibrary.wcl.american.edu/jtn-nola-2019/</u>Judicial Training Manual at
 - <u>http://niwaplibrary.wcl.american.edu/sji-materials/</u>
 - NIWAP Technical Assistance:
 - Call (202) 274-4457
 - E-mail info@niwap.org

• Web Library: <u>www.niwaplibrary.wcl.american.edu</u>