



**Protection Orders  
and  
Limited English Proficient (LEP) Individuals**

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**Protection Orders  
and  
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*An informational brochure for  
Community-Based  
Organizations*

*National Center for State Courts*

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## What is a Protection Order?

A **Protection Order (PO)** is an order by the court commanding an abuser not to threaten or hurt the petitioner.\* Violations have legal consequences and can result in arrest and court action against the abuser. Depending upon state laws and case circumstances, a PO can also give temporary custody of children, set a visitation schedule, order an abuser to leave a shared residence, grant possession of essential personal items, or order an abuser to attend counseling.

A **temporary Protection Order (TPO)** is issued *ex parte* meaning an abuser does not need to be present for a petitioner to receive immediate, temporary protection. To receive long-term protection the petitioner must return to the court for a full hearing when the abuser has a right to be present. At the hearing the court will decide whether to issue a **permanent Protection Order (PPO)**, which lasts for a fixed period of time.

### *Helping LEP individuals access the courts reduces the barriers they face in the search for protection from abuse...*

Some of the barriers faced by LEP petitioners are listed below, with suggestions for service providers to assist LEP respond provided in italics.

#### **Court assumes language proficiency because LEP person nods and appears to understand**

- *Encourage LEP clients, if they are having difficulty understanding or communicating, to request an interpreter.*

#### **Lack of access to qualified interpreters**

- *Lobby with the state Administrative Office of the Courts (AOC) or the local courts to obtain the resources necessary to provide certified or otherwise qualified interpreters.*

#### **Postponed hearings due to lack of interpreters**

- *Notify the court prior to a hearing if an interpreter is needed for any party—abused or abuser. This will allow the court to prepare and may help prevent postponed hearings.*

\* Petitioner is a term used by the court to refer to the person that initiates a lawsuit.

## What are the Rights of LEP Individuals?

### **Courts may be required to provide an interpreter**

Any organization or court that receives federal funds must provide meaningful access to limited English proficient (LEP) persons under Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency" and Title VI of the Civil Rights Act of 1964.

- Executive Order 13166 specifies when a petitioner is entitled to an interpreter. The Department of Justice provides information at <http://www.usdoj.gov/crt/cor/13166.htm> and <http://www.lep.gov/community.html>

- Whenever possible, request a trained court interpreter rather than relying on an advocate interpreter
- Minors and family members should never be asked to act as an interpreter.



### **Immigration status and language should not be a barrier to protection**

Some LEP persons may have concerns related to immigration status. Law enforcement officers must enforce Protection Orders even if the petitioner is an undocumented immigrant.

### **All entities receiving federal funds are required to comply with Title VI.**

Under Executive Order 13166 all government offices and Community-Based Organizations that receive federal funds may be required to provide interpreting services.

## Checklist of Resources for Community-Based Organizations

- ✓ **Administrative Office of the Courts (AOC)**  
Go to <http://www.ncsconline.org/wc/CourTopics/statelinks.asp?id=90&topic=AdmOCt> for a list of State AOCs or call 1-800-616-6164. State AOCs will generally have information about the local courts and who to contact, and may have copies of PO forms online.
- ✓ **Court Interpreting Services**  
Many states have court interpreting web sites that include rosters of interpreters. You can link to many of those web sites from [http://www.ncsconline.org/D\\_Research/CourtInterp.html](http://www.ncsconline.org/D_Research/CourtInterp.html)
- ✓ **Legal Services Resources**
- ✓ **Consortium for State Court Interpreter Certification**  
The Consortium provides testing and training for interpreters, and education for agencies and organizations that utilize the services of interpreters.  
To find out more call 1-800-616-6109 or visit [http://www.ncsconline.org/D\\_Research/CourtInterp.html](http://www.ncsconline.org/D_Research/CourtInterp.html)
- ✓ **Other National Resources**
  - National Immigrant Victim Service Provider Resource Directory 1-212-925-6635 or <http://www.legalmomentum.org>
  - National Domestic Violence Hotline 1-800-799-7233 or <http://www.ndvh.org> (1-800-787-3224 TTY)

If services that are required by Title VI *Prohibition Against National Origin Discrimination Affecting LEP Persons* are denied by any entity receiving federal funds, you can file a **Discrimination Complaint Form**. The form can be found at <http://www.lep.gov/community.html> or by calling 1-888-848-5306.