



Federal Funding Programs for State and Local Court Activities to Address Access to Justice for Limited English Proficient (LEP) Individuals

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“Language services expenses should be treated as a basic and essential operating expense, not as an ancillary cost.”

- Assistant Attorney General Thomas Perez, Letter to State Chief Justices and State Court Administrators, August 16, 2010

While sources of potential federal funding are described below, each state should invest its own resources to ensure its courts are providing limited English proficient (LEP) individuals meaningful access to all in court proceedings and court operations. Dispensing justice fairly, efficiently, and accurately is an obligation of every state.

The charts below describe federal funding opportunities that may be available to state and local courts to provide language assistance services to LEP individuals. Each chart includes the name of the federal agency providing the funding, the program name, whether state courts are eligible, whether the funding can be used to provide language assistance services, and the location for more information about the program and past recipients. Questions about funding and program eligibility should be directed to the appropriate federal agency.

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U.S. Department of Justice (DOJ) , Office of Justice Programs (OJP)

Funding Program Name (Linked to FY 2011 recipients)	State Courts Eligible (Y/N) ¹	LEP Services Allowable Costs? (Y/N) ²	Program Information	FY11 Appropriations
Justice Assistance Grant (JAG) ³	Y	Y	http://go.usa.gov/jjd	\$387,886,107
Byrne Discretionary ⁴	Y	Y	http://go.usa.gov/jjv	
Byrne Competitive ⁵	Y	Y	http://go.usa.gov/jjw	\$31,950,690
Drug Court Discretionary Grant	Y	Y	http://go.usa.gov/jjf	\$36,239,417
Tribal Courts Assistance Program (TCAP)	N ⁶	Y	http://go.usa.gov/jj7	\$20,140,734
Justice & Mental Health Collaboration Program (JMHCPC)	Y	Y	http://go.usa.gov/jjA	
Residential Substance Abuse Treatment for State Prisoners (RSAT)	Y	Y	http://go.usa.gov/jjo	\$24,032,090
Second Chance Act	Y	Y	http://go.usa.gov/jjs	\$80,342,501
VOCA Assistance Formula Grant Program ⁷	Y	Y	http://go.usa.gov/jj6	\$428,080,890
Services for Victims of Human Trafficking Grant Program ⁸	Y	Y	http://go.usa.gov/jjL	\$10,279,460

¹ State courts, although technically eligible for funding, may not have the capacity or role that would make them likely grantees under many of these programs. Much of the funding listed below is customarily allocated to a variety of projects and entities allowable under the rules of a particular program and LEP services would be a main component of only a small subset of these projects.

² LEP activities/services must pertain to the purpose of the grant and be approved by OJP in advance, in accordance with specific grant conditions. LEP activities/services are technically allowable to some extent under these programs, but may still be quite limited in scope. (For example, Justice Assistance Grants must be used for criminal justice purposes and therefore LEP services in civil proceedings would likely be unallowable.)

³ JAG Funding is provided to approximately 3,000 State Administering Agencies (SAAs) and Local Units of Government (i.e., Cities, Counties) annually.

⁴ In FY2010 (as in FY2009), the Byrne Discretionary program exclusively funded Congressionally Recommended projects per the joint explanatory statement incorporated by reference into the annual appropriation. Funds must be used in strict accordance with the recipient and project descriptions provided by law (explanatory statement).

⁵ The Byrne Competitive program is a discretionary funding source. In FY2010, applications were solicited for six separate project areas, including a national initiative to improve courts and a field-initiated justice program.

⁶ Only tribal entities are eligible under this funding.

⁷ OVC's VOCA Victim Assistance formula funds are generally not allocated by States specifically for LEP service projects, but may be used under certain circumstances to fund victim-assistance-related LEP services. For example, States might fund interpreters for victims to provide a victim impact statement at sentencing, speak with a victim advocate, testify in court proceedings when the victim wishes to testify, and give an initial statement to law enforcement when at least one of the purposes of the statement is to determine what assistance the victim needs. These funds would not be available for LEP services for criminal defendants, or for civil justice purposes beyond those limited services allowed by VOCA.

⁸ OVC's Services for Victims of Human Trafficking funds are technically available to State courts under this program. Given the limited amount of funding available under this program, however, and the fact that courts generally do not provide the comprehensive services needed for LEP human trafficking victims, courts would

Part B Formula Program ⁹	Y	Y	http://go.usa.gov/jje	\$58,762,552
Drug Court Program ¹⁰	Y	Y	http://go.usa.gov/jjz	
Title V Community Prevention Grants ¹¹	Y	Y	http://go.usa.gov/jjS	\$4,009,224
Youth Gang Prevention and Intervention Program ¹²	Y	Y	http://go.usa.gov/jDq	\$7,846,213
Enforcing Underage Drinking Laws Block Grants ¹³	Y	Y	http://go.usa.gov/jDi	\$16,968,000

U.S. Department of Justice (DOJ) , Office of Violence Against Women (OVW)

Funding Program Name (Linked to FY 2009 recipients)	State Courts Eligible (Y/N) ¹⁴	LEP Services Allowable Costs? (Y/N) ¹⁵	Program Information	FY11 Appropriations
Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program	Y	Y	http://go.usa.gov/ZhP	\$60,000,000
Grants to Reduce Sexual Assault, Domestic Violence, Dating Violence, and Stalking on Campus	N	Y	http://go.usa.gov/ZhE	\$9,500,000
Grants to Assist Children and Youth Exposed to	N	Y	http://go.usa.gov/Zhz	\$3,000,000

appear to be unlikely recipients of direct funding. Non-profit victim service providers generally use federal human trafficking funding for interpreters to (among other things) assist the victim in cooperating with law enforcement and during certain court proceedings and it is conceivable that some funding under this project may be available for use by State courts for LEP services to victims (not criminal defendants) in human trafficking cases.

⁹ States may use Part B Formula funds for juvenile courts, and in certain instances the provision of LEP services may be permissible, with the following limitations: 1) If a state has been found to be out of compliance with a core requirement of the JJDP, their choices regarding how to use funds may be limited and must be focused on returning to compliance. 2) States have already submitted plans which provide for the use of FY2010 funds. Any amendments to such plan, to include the provision of LEP services, would have to be submitted and approved pursuant to the statutory authorization.

¹⁰ Drug Courts receiving funds under this program may use their funds for LEP services for the benefit of juveniles, so long as the services are specifically associated with the funded program. Funds may not be used for the provision of services to certain violent juvenile offenders, pursuant to the statutory authorization.

¹¹ Only available for LEP in very limited circumstances.

¹² Only available for LEP in very limited circumstances.

¹³ Only available for LEP in very limited circumstances.

¹⁴ State courts are among the entities eligible to receive direct OVW funding from the four programs listed below. Most of the funding from these programs (other than the Court Training and Improvements Program) does not go to courts; the funding is allocated through a competitive process to a variety of projects and entities allowable under the rules of a given program. LEP services might be a main, or even significant, component of only a small subset of these projects.

¹⁵ LEP activities/services must pertain to the purpose of the grant and be approved by OVW in advance, in accordance with specific grant conditions. LEP activities/services are technically allowable to some extent under these programs, but may still be quite limited in scope and may have little or no connection to courts. For example, Arrest Program grants could support interpreter services in a domestic violence court or docket, whereas Supervised Visitation grants could only be used for interpreter services in conjunction with providing supervised visitation and exchange services to families.

Sexual Assault, Domestic Violence, Dating Violence, and Stalking				
Grants to Enhance Culturally and Linguistically Specific Services for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program	N	Y	http://go.usa.gov/ZhV	\$7,650,000 (funded by 5% set-aside from Arrest, LAV, Rural, Elder, and Disabilities Programs)
Court Training and Improvements Program	Y	Y	http://go.usa.gov/Zhp	\$3,000,000
Education, Training, and Enhanced Services to End Violence Against and Abuse of Women with Disabilities Program	N	Y	http://go.usa.gov/Zhd	\$6,750,000
Enhanced Training and Services to End Violence and Abuse of Women in Later Life Program	N	Y	http://go.usa.gov/Zhv	\$4,250,000
Engaging Men and Youth in Preventing Sexual Assault, Domestic Violence, Dating Violence and Stalking Grant Program	N	Y	http://go.usa.gov/Zhw	\$3,000,000
Legal Assistance for Victims Grant Program	N	Y	http://go.usa.gov/ZhG	\$41,000,000
Rural Sexual Assault, Domestic Violence, Dating Violence, and Stalking Assistance Program	Y	Y	http://go.usa.gov/Zh7	\$41,000,000
Sexual Assault Services Formula Grant Program	N	Y	http://go.usa.gov/ZhA	\$9,848,833 (funded by minimum 65% set aside from Sexual Assault Services Program appropriation)
Sexual Assault Services Culturally Specific Grant Program	N	Y	http://go.usa.gov/Zho	\$1,500,00 (funded by 10% set aside from Sexual Assault Services Program appropriation)
Tribal Sexual Assault	N	Y	http://go.usa.gov/Zhs	\$1,500,000

Services Program ¹⁶				(funded by 10% set aside from Sexual Assault Services Program appropriation)
Grants to State Sexual Assault and Domestic Violence Coalitions and Sexual Assault Services to State Coalitions Program	N	Y	http://go.usa.gov/ZhH	\$11,850,000 (funded by two 2.5% set asides from STOP Formula appropriation and 9% set aside from Sexual Assault Services Program appropriation)
STOP Violence Against Women Formula Grant Program	N ¹⁷	Y	http://go.usa.gov/Zh6	\$210,000,000 (less \$3,000,000 transfer to NIJ, \$18,000,000 for Transitional Housing Program, and set asides for Tribal Governments, and State and Tribal Coalitions)
Safe Havens: Supervised Visitation and Safe Exchange Grant Program	N	Y	http://go.usa.gov/ZhF	\$14,000,000
Supporting Teens through Education and Protection (STEP) Program	N	Y	http://go.usa.gov/Zhe	\$2,500,000
Transitional Housing Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program	N	Y	http://go.usa.gov/ZhJ	\$18,000,000 set aside from STOP Formula appropriation
Tribal Domestic Violence and Sexual Assault	N	Y	http://go.usa.gov/ZhS	\$3,930,000 (funded by 1/56

¹⁶ In FY 2010, OVW's Tribal Sexual Assault Services and Grants to Indian Tribal Governments Programs were both included in the Department's Coordinated Tribal Assistance Solicitation (CTAS). These two tribal programs will also be part of the FY 2011 CTAS process.

¹⁷ State courts are eligible as STOP Formula subgrantees.

Coalitions and Special Tribal Sexual Assault Coalition Program				set aside from STOP Formula appropriation and 1% from Sexual Assault Services Program)
Grants to Indian Tribal Governments Program	N	Y	http://go.usa.gov/Zhh	\$37,470,000 (funded by set asides from seven OVW grant programs)
Services to Advocate for and Respond to Youth Program	N	Y	http://go.usa.gov/Bqq	\$3,500,000

**U.S. Department of Health and Human Services (HHS),
Administration on Children, Youth and Families (ACYF)**

Funding Program Name (FY 2011 Recipients)	State Courts Eligible (Y/N) ¹⁸	LEP Services Allowable Costs? (Y/N) ¹⁹	Program Information	FY11 Appropriations
State Court Improvement Program, Basic Grant (All 50 States, DC and Puerto Rico. South Carolina did not apply for the Basic CIP grant in FY 2011.)	Y	Y	http://go.usa.gov/jjT	\$10,000,000
State Court Improvement Program, Data and Training Grants (All 50 States, DC and Puerto Rico. Hawaii and Wisconsin did not apply for the Data CIP grant in FY 2011.)	Y	Y	http://go.usa.gov/jjB	\$20,000,000

¹⁸ The highest State court of each State that participates in the programs funded by Title IV-E of the Social Security Act is eligible to apply for CIP funds. The term “highest State court” means the judicial tribunal that is the ultimate court of appeals in the state. The court may choose to enter into an agreement with another entity, such as a university or non-profit organization, for the purpose of complying with CIP requirements, particularly with regard to the assessment portion of the program or an evaluation.

¹⁹ LEP activities must pertain to the purpose of the grant and be approved by the State’s CIP Task Force, included in the FY Strategic Plan and are subject to the review and approval of respective Children’s Bureau Regional Offices and the Federal Project Officer. Allowable LEP activities would include, but are not limited to: assessing the need for LEP services, assessing court handling of child abuse and neglect in which parties have LEP, task force and/or workgroup formation and participation to develop strategies to better serve LEP parties involved with the child welfare system, training on best practices in working with LEP populations for child welfare professionals and court personnel, and MIS and data sharing activities regarding LEP parties involved subject to child abuse and neglect proceedings.