

Written Translation of Vital Documents

An effective Language Access Plan should include the translation of vital written materials into the languages of the program's most frequently encountered limited English proficient (LEP) communities.

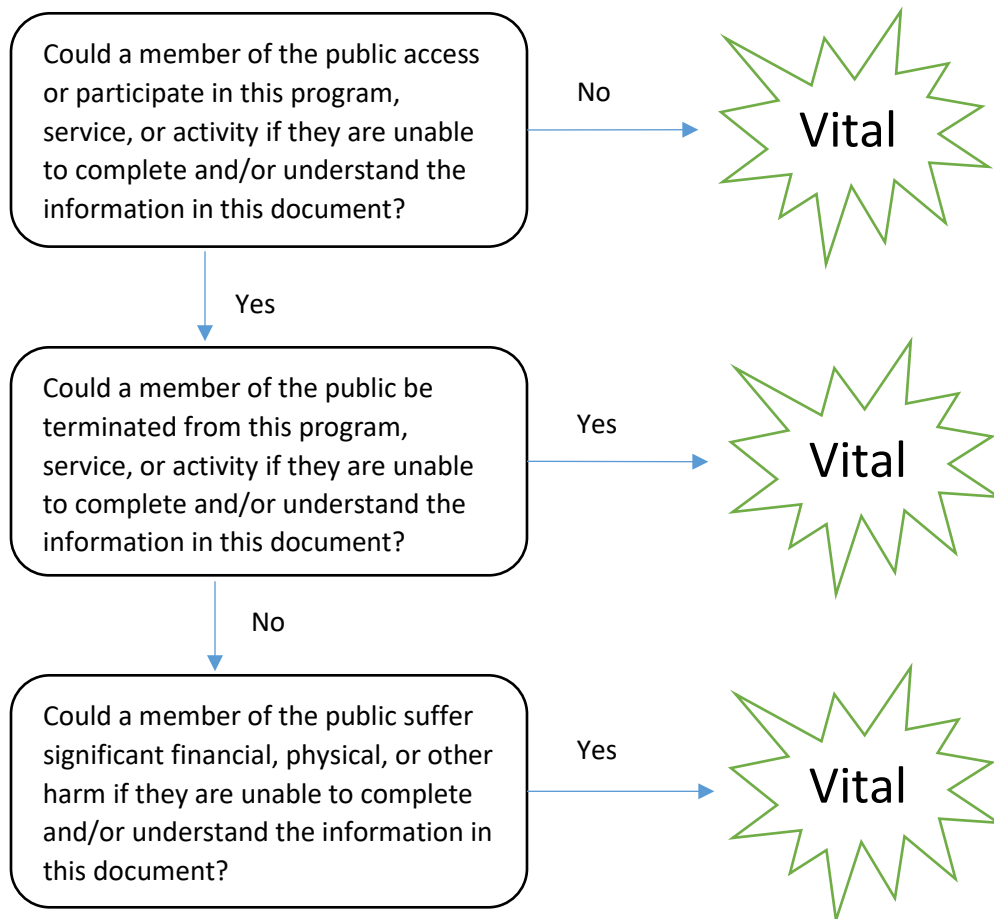
What documents are considered vital?

Determining whether a document is "vital" depends on the seriousness of consequences that the LEP individual may face if the information in question is not provided accurately or in a timely manner.

The following are examples of written materials that may be considered vital:

- Applications
- Consent Forms
- Complaint Forms
- Intake forms with potential for health consequences
- Letters/notices pertaining to eligibility for benefits
- Letters/notices pertaining to rights
- Letters/notices pertaining to the reduction, denial, or termination of services or benefits
- Letters/notices that require a response
- Letters/notices as part of emergency preparedness or risk communications
- Documents that must be provided by law
- Notices regarding the availability of free language assistance services

If the document does not fall into one of the above categories, or if its status is unclear, use the flow chart below to determine if the information within the document could be considered "vital."



Safe Harbor¹

A "safe harbor" means that if a recipient provides written translations under the two below circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations.

The failure to provide written translations under the circumstances outlined in paragraphs (a) and (b) does **not** mean there is non-compliance. These paragraphs merely provide a guide for recipients to achieve greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis.

The following actions will be considered strong evidence of compliance with the recipient's written-translation obligations:

- a) The HHS recipient provides written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or
- b) If there are fewer than 50 persons in a language group that reaches the five percent trigger in (a), the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

Note: Even if the above safe harbors are not used, if written translation of certain documents would be so burdensome as to defeat the legitimate objectives of its program, the translation of the written materials may not be necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, may be acceptable under such circumstances.

¹ HHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, Part C. Written Language Services (Translation)
<https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/guidance-federal-financial-assistance-recipients-title-vi/index.html>