

<b>POLICY # 118</b>	<b>SUBJECT: Language Access</b>
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<b>Approved By: Josette Manning, Cabinet Secretary</b>	

## **DELAWARE CHILDREN'S DEPARTMENT**

### **I. PURPOSE**

The Department delivers benefits and services that recognize individual and cultural differences and is committed to ensuring that individuals do not face discrimination and/or obstacles to receiving benefits or services for which they may be eligible because they do not speak, understand, read or write English. Consistent with the requirements of Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968, this policy establishes strategies the Department utilizes to provide meaningful access to all individuals seeking benefits and services, including individuals with Limited English Proficiency (LEP).

### **II. POLICY**

It is the policy of the Department that all LEP persons must have equal access to Department services, whether they are delivered by the Department or its contractors, and shall be entitled to language assistance at no cost to themselves. The Department ensures that individuals receiving services are informed about the availability of free language assistance services. Department staff should utilize language assistance services in any situations where they are not able to communicate at a satisfactory level with an LEP person.

### **III. DEFINITIONS**

- A.** Interpretation- the act of listening to spoken words in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
- B.** Language Assistance Services- all interpretation and/or translation services provided by staff persons, volunteers, or contractors (collectively personnel) to a limited English proficient individual in his/her primary language to ensure their ability to communicate effectively with DSCYF personnel or contracted providers.
- C.** Limited English Proficient Person (LEP) - Any person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English. LEP persons may be competent in certain types of communication (e.g. speaking or understanding) but still be LEP for other types of communications (e.g. writing, reading).
- D.** Meaningful Access-language assistance that results in accurate timely and effective communication at no cost to the LEP person
- E.** Primary Language- the language in which an individual most effectively communicates with others
- F.** Translation- the replacement of a written text from one language (source language) into an equivalent written text in another language (target language).

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- G. Vital Documents- written paper or electronic material that contains information that is critical for accessing the Department's benefits or services or is required by law.

#### **IV. PROCEDURES**

##### **A. Identifying the Needs of LEP Persons and Communicating Availability of Language Assistance Services**

- a. The Department ensures that needs of LEP persons are identified at the earliest possible point in their contact with the Department.
  - i. The Department will maintain "I-speak" language identification cards at staff work stations, reception areas and anywhere else it is likely that Department personnel will have contact with the public to facilitate staffs' identification of LEP person's primary language so that they can promptly arrange for interpretation services.
    1. Staff should carry the language identification cards if they are likely to encounter LEP individuals in settings that are not likely to have the cards available.
    2. Language identification cards are available on the Limited English Proficiency website (<https://www.lep.gov/resources/resources.html#ispeak>) to cover languages besides English that are most frequently spoken in Delaware.
  - ii. Staff providing direct services (case managers, treatment providers, assessment staff, etc.) obtain information regarding the language assistance needs of LEP with whom they are working and document these needs within the FOCUS system.
    1. Staff identify the primary language for service recipients for both verbal and written communication.
    2. Staff will not solely rely on their own assessment of an individual's English proficiency and need for language assistance; if an individual requests an interpreter one will be provided free of charge.
- b. The Department utilizes a variety of strategies to communicate the availability of language assistance services.
  - i. Department staff include notification of the right to no-cost language assistance services in all announcements for meetings to which youth, their parent/families or the public are invited to participate.
  - ii. Notice of the availability of no-cost language assistance services is posted at all Department offices.
  - iii. The Language Access Policy is posted on the Department internet website.

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## **B. Providing Oral Language Services**

- a. In communicating orally with LEP persons, the Department primarily relies on two language assistance resources: (1) contractors who provide in-person or telephonic interpretation assistance or (2) staff persons who have received formal certification as interpreters.
  - i. The Department utilizes contracts with several providers for interpretation services. Per the contracts, interpretations services are available to staff statewide, 24 hours per day, seven days per week. Staff select an approved contractor from the list located on the Department's extranet site under Communications and Contractual Resources.
- b. In situations where because of unanticipated emergency, staff do not have advance notice of the need for contracted language assistance services and cannot schedule an in-person interpreter, staff should secure contracted telephonic interpretation assistance.
  - i. Absent emergency circumstances when it is not possible to wait for telephonic interpretation assistance, Department personnel shall not use children, family members, friends, neighbors or service recipients to provide language assistance services in any context (e.g. child welfare, juvenile justice, behavioral health, education). Using such individuals could result in a breach of confidentiality, conflict of interest or inadequate interpretation.
- c. During non-emergency critical interactions, including intake, medical or mental health treatment, case management and discipline staff should utilize contracted in-person interpreters. Youth in programs that provide discipline should ensure that LEP individuals are provided with information about discipline and grievance/appeal processes via use of interpreters as needed. In the medical context, staff should rely on qualified medical personnel or a contractor to provide the language assistance rather than rely on staff.
  - i. Staff should use contracted telephonic interpretation services in child welfare/case management situations for scheduling appointments and for encounters with LEP persons expected to last less than a half hour.
  - ii. For interviews, investigations and other meetings with LEP persons that are expected to take longer than a half-hour, Department staff should request an in-person contracted interpreter.
- d. In non-critical interactions such as providing simple directions and casual information, staff may provide language assistance as long as they have received certification in language interpretation (obtained privately). The certification process provides an important level of assurance that a staff has proper training in communicating effectively with LEP persons and reduces the possibility of communication errors.

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- i. If a certified staff is not available to provide the language assistance, staff should utilize a contractor to provide telephonic interpretation.
- e. If there are special concerns that arise in connection with a particular communication, such as the presence of a conflict of interest or concern about confidentiality, staff should rely on contracted providers rather than certified staff. For example, a caseworker investigating abuse/neglect cannot conduct an inquiry where the worker will both interpret and interject their own questions or interpret if the communication may be responsible for a critical finding or decision.

### **C. Providing Translation Services**

- a. The Department is committed to ensuring that vital documents including program service information, critical aspects of case management services, benefits and client rights, materials related to program orientation, legal rights, requests for meeting participation, rules and expectations for youth and families receiving services and disciplinary process are accessible to LEP persons.
  - i. Because Spanish is the language most commonly spoken by LEP persons in Delaware, divisions will ensure that vital documents are translated into Spanish. All translated documents must indicate the availability of free interpretation service through contracted providers and certified staff.
  - ii. If a vital document is not available in the language of an LEP person receiving services, staff will arrange for a language assistance contractor to provide either oral interpretation or translation of the document. In deciding between oral interpretation and translation, staff should consider:
    - 1. Whether oral interpretation can fully explain the information
    - 2. Turnaround time for translation of written material
    - 3. Whether it will be beneficial for the family to have the information in written format to refer to in the future
  - iii. Annually, divisions should review the information on the primary languages of LEP persons served during the past year to guide decisions about whether to arrange for translation of vital documents into languages other than Spanish to have them available for future use with LEP persons.
  - iv. If a Department staff receives a document that needs translation from a person receiving services, the staff should arrange for a contracted language assistance provider to deliver sight translation of the document.

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1. Staff will fax or scan the document to the language assistance provider and request sight translation via a phone conference with the person receiving services.

#### **D. Use of Data to Meet the Needs of LEP Persons**

- a. The Department uses a variety of sources to monitor the state demographics and history of types of language assistance and languages for which assistance is provided. These sources include the Delaware Department of Education, National Center for Educational Statistics ([https://nces.ed.gov/programs/coe/indicator\\_cgf.asp](https://nces.ed.gov/programs/coe/indicator_cgf.asp)), U.S. Census Bureau (<https://www.census.gov/topics/population/language-use.html>) and the Office of Management and Budget Awarded Contracts Detail ([http://contracts.delaware.gov/contracts\\_detail.asp?i=2771](http://contracts.delaware.gov/contracts_detail.asp?i=2771))
- b. Prior to the end of the fiscal year, the Department reviews available data to identify trends in language assistance needs for LEP persons who may receive services from the Department (e.g. numbers of LEP persons who communicate in specific foreign languages and geographic areas in Delaware where Department staff may encounter languages other than English).
- c. The Department reviews billing data on the provision of language assistance services against data on number of persons served with primary language other than English to determine if there has been an adequate provision of language assistance services.
- d. Divisions gather feedback from stakeholders including youth and families, community partners and advocacy groups regarding the degree to which their Division has effectively provided access to services by LEP persons.

#### **E. Monitoring Contracted Service Providers**

- a. The Department requires that contracted service providers have written language access plans, policies or protocols for LEP persons receiving services or benefits (i.e. communications regarding family involvement, intake, orientation, medical or mental health treatment, visitation rules and schedules, case management services, education and other programs or services, discipline and aftercare).
  - i. The Department monitors contractor compliance with their oral language obligations, including making sure that each contractor has readily available lists of qualified interpreter staff, bilingual staff, contracted telephonic interpreters or other contracted interpreters who can provide in-person assistance.
  - ii. The Department also ensures that contractors provide appropriate written translation assistance to LEP persons. As part of the monitoring, the Department ensures that contractors provide appropriate training to pertinent personnel on their language access

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plans, policies, or protocols and have appropriate grievance procedures that are communicated to persons receiving services.

**F. Complaint Process**

- a. The Department internet website provides a link for LEP persons to submit questions, comments, complaints and/or concerns and identifies the language service needed. All complaints are monitored and answered through the Office of the Secretary.

**V. RESPONSIBILITY FOR THIS POLICY**

- A. The Policy Workgroup is responsibility for providing guidance regarding this policy.