

**City of New York
Administration for Children's Services
Division of Child Protection**

SUBJECT:	Working with Limited English Proficient (LEP) Clients
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PAGE:	1 of 3 (plus attachments)
IMPLEMENTATION RESPONSIBILITY:	Division of Child Protection

PURPOSE

This policy is intended to guide the Division of Child Protection staff to communicate with clients in the language in which clients prefer to communicate.

SCOPE

This policy applies to all staff in the Division of Child Protection.

POLICY

At the first contact with each family, the Division of Child Protection Staff will find out what language the family prefers to communicate in, if the primary language is not English. The Division of Child Protection staff will then communicate with all clients in their preferred language.

PROTOCOL

1. Determining if a client has limited English proficiency

At the first involvement with a family, DCP staff must ask the client what language he/she prefers to use for communication. Even if the client whose first language is not English appears to have some proficiency in English, the client must be asked this question since he/she may nonetheless *prefer* to communicate in another language. Staff are then required to inform clients of their right to free interpretation and translation services if the client's preferred language is not English. DCP staff are required to use the interpretation and translation services to communicate with clients in their preferred language when clients identify a language other than English as their preferred language. Staff must not rely on children, family members, friends, or neighbors for interpretation in interviews and family meetings.

In cases in which staff do not know what language the client speaks, or if a client's proficiency in English is so poor that basic communication is impossible, staff should make use of the Language Identification Card to assist in determining the client's native language and to inform the client of the availability of free interpretation services. The telephonic interpreter system can also be used to identify primary language if the language cannot be identified using the Language Identification card. Some clients may be able to speak and understand English, but wish to receive documents in their native language, and some clients may be able to read and understand written English, but are not able to

understand or speak English. Staff should ask clients if they wish to have an interpreter for verbal/oral communication and whether they want to receive translated documents.

Documentation

The preferred language for oral communication for all household members must be documented in the language field in the CNNX case record. Staff are also required to document in the case record when interpretation and translation (document translation) services are provided. If the client speaks one language but writes or reads in another language, the language that the client writes or reads in should be indicated in the progress notes. Staff must document in progress notes each occasion when interpretation of translation services are provided for a client.

This primary language field and documentation of the provision of interpretation and translation services in the case record will be used as part of audits to determine the extent to which Children's Services is complying with Local Law 73 and the ACS Language Access Policy. The CPS is not to select "Unknown" or "Multiple language" in the language field as Local Law 73 requires the identification and recording of the "primary language".

2. Informing clients of their right to interpretation/translation services

Clients who identify a language other than English as their primary language must be informed of their legal right to free interpretation/translation when they are communicating with Children's Services. Staff must give the client a copy of the brochure **"Language Access Services for Immigrant Families"**, which is now available in nine languages. Staff should write their name and phone number in the brochure to enable clients to contact them if necessary. If the brochure is not available in the client's primary language, staff must make use of telephonic interpretation services to ensure that the information contained in the brochure is communicated to the client in their primary language.

3. Making use of face-to-face and telephonic interpretation services

- When working with a client who prefers to communicate in a language other than English, staff can make use of the in-person or telephonic interpretation services that allow CPS staff to access an interpreter in an expeditious manner. This service enhances DCP's ability to communicate directly with clients and their families as quickly as possible regardless of a language difficulty. The CPS can access this service by dialing (212)487-8268, giving their ACS user ID and then entering an access code that is available via the office manager.
- Telephonic interpreting services should be used by staff on home visits when it is not known before hand that a client needs an interpreter. In addition, telephonic interpretation services should be used to access an interpreter upon receipt of a telephone call from a limited English speaking client, for speaking with a client for less than thirty minutes or when clients make unplanned visits to the borough office. For meetings that will last more than 30 minutes, it is recommended that an in-person interpreters be used. For Spanish speaking clients, CPS staff should use the Spanish interpreter that is located on site
- Face-to-Face interpretation services should be used whenever possible for all contacts. Because these services must be scheduled in advance, it is not always possible to use them. However, for scheduled home visits and case conferences, face-to-face interpretation is preferable to telephonic interpretation.

For information on how to request face-to-face interpretation, telephonic interpretation or translation services, visit ACS Immigrant Services website, which can be accessed via the quick links toolbar on the ACS Intranet, or by clicking on the link: http://nycacs/html/is_2010_access.html

If an interpreter is not available for the language the client speaks please email Mark Lewis, Director of Immigrant Services, at mark.lewis@dfa.state.ny.us or contact Simo Essayoufi at simo.essayoufi@dfa.state.ny.us.

Videos to assist staff in how to work with face-to-face and telephonic interpreters and other information on ACS language services are available on the ACS Immigrant Services website.

4. Making use of translation services

Children's Services' clients are entitled to receive essential public documents in their own language, if available. Translated versions of essential documents (including Notice of Indication/Unfounding, Child Safety Conference brochures, Voluntary Placement Agreement, HIPAA release, Office of Advocacy brochure, medical consent form, and others) are available for download at the ACS Immigration Services Website:

http://nycacs/html/is_2010_access.html

If a translated document is available in the client's preferred language, the law requires that a translated version of the document *must* be used. If a translated version of the document is not available in the client's preferred language, staff should provide the following notification (available on Immigrant Services website) stating: IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK YOUR CASEWORKER FOR A FREE INTERPRETER TO HELP.

The notification is available in the nine priority languages and can be found at:

<http://10.239.3.195:8080/docushare/dsweb/Get/Document-88107/NOTICE%20OF%20ORAL%20EXPLANATION.pdf>. If the client asks for assistance, staff should use the telephonic interpreter or face to face interpreter to provide an explanation of the English document in the client's language.

Each time a translated document is provided to a client, or an interpreter is used to explain a translated document, the progress note must indicate that an interpreter/translated document was used.

Implementation

This policy is effective as of **May 2nd, 2011**.