



Family Services
Language Assistance Plan
Policies and Procedures

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I. INTRODUCTION

A. Purpose

The purpose of this policy is to provide child welfare staff with policies and procedures for providing services to those individuals who as a result of national origin have limited English proficiency (LEP), to provide information about available resources and to advise staff of the Department's commitment, training and monitoring.

The Department does not discriminate on the basis of national origin, including the provision of language assistance to limited English proficiency individuals. Language assistance services are offered at no cost and in a timely manner to limited English proficiency individuals to ensure they have meaningful access to and an equal opportunity to participate fully in the Department's services and programs.

B. Legal Base

Title VI of the Civil Rights Acts of 1964 Section 601 of Title VI provides that no person shall "on basis of race, color, or national origin be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

II. GLOSSARY

Applicant - An individual who inquires about or submits an application for services from the Department's Child Welfare Services.

Contractor – Entity that provides direct services to applicants or participants of the Child Welfare Programs under a contractual agreement with reimbursement, which includes monies allocated to The Department as Federal financial assistance. Contractors specifically includes all outside entities to whom child welfare participants are referred and required to obtain services as part of their reunification plans, such as psychiatrists, psychologists and alcohol treatment providers.

Child Welfare Program – The Family Services Division or any subsequent division responsible for adoption, foster care and child protective services.

Interpreter – A person who has demonstrated proficiency in both spoken English and at least one other language; and who can interpret accurately, impartially and effectively to and from such language and English using any specialized terminology necessary for effective communication; and who understands interpreter ethics and client confidentiality needs. A person who has rudimentary familiarity with a language other than English is not to be considered an "interpreter" under this agreement.

Language Assistance – All oral and written language services needed to assist limited English proficiency individuals to communicate effectively with staff and to gain access to and an equal opportunity to participate in the services, activities or programs administered by Family Services Division.

Limited English Proficient (LEP) Individuals – An individual whose primary language for communication is not English and who has limited ability to read, write, speak or understand English.

Participant/Client – Any person who has applied for and is receiving services under any Child Welfare Program or services for which USDHHS funding is received. This includes persons who are the subject of any Child Welfare Program investigation. In many situations, DHR may communicate with someone other than the client. These persons are referred to as “collaterals”. DHR is required to provide language assistance for collaterals as well.

Primary Language – The language that a limited English proficient individual identifies as the language that he or she uses to communicate effectively and is the language that the individual prefers to use to communicate with Child Welfare Program.

Proficiency – The ability of a person to speak, read, write and understand a language.

Staff Interpreter – An employee of the Department or contractor whose job is to provide interpretation and translation services.

Sub-Recipients – An entity that receives Federal assistance as a pass-through from the Department to carry out a federally-funded program, in which the sub-recipient provides services to and has contact with child welfare program applicants and participation in the same manner as child welfare program if the child welfare program were to administer the program directly but does not include an individual applicant or participant who is a beneficiary of the program.

Translation- A written language assistance service. It is the replacement of written text from one language into another.

Vital Documents - “Vital documents” are generally documents that affect access to, retention in, or termination or exclusion from a recipient’s program services or benefits. Documents shall include but are not limited to: child welfare program applications; consent forms; compliant forms; letters or notices pertaining to eligibility for benefits; letters or notices pertaining to the reduction, denial or termination of services or benefits that require a response from the limited English proficiency person; written tests that evaluate competency for a particular license, job or skill for which knowing English is not required; documents that must be provided by law; and notices regarding the availability of free language assistance services for limited English proficiency individuals.

III. DOCUMENTATION

County staff must request that all age appropriate applicants and clients, including those who speak English, complete the Language Identification Flashcard (See Appendix for a copy of Language Identification Flashcard). The Language Identification Flashcard should be completed on all cases. Upon completion of the Language Identification Flashcard, the caseworker must document if needed language assistance services are requested. If the client refuses language assistance services but the caseworker recognizes that an individual needs language assistance services to access and fully participate in services and meetings with the Department, the caseworker must document that services are needed. The primary language of each limited English proficiency individual shall be documented in a location in the individual's case record to alert Family Services staff that language assistance services must be provided.

IV. PUBLIC INFORMATION

Public information is available through a variety of sources including the internet, written materials including posters, brochures, handouts, and coordination with other agencies.

A. Public Information

1. Website: The Department's website at www.dhr.alabama.gov contains Spanish versions of informational documents for the various programs.
Each page of the website can be translated into Spanish by clicking the tab "view this page in Spanish" at the bottom of the page. A copy of the Language Assistance Plan can be accessed by clicking on Directory; Equal Employment/Civil Rights; More Information.
2. Posters: Posters are displayed in waiting areas/lobbies of Department offices and provide information on the availability of free interpreter services and how to obtain these services. The poster contains translations in ten (10) languages. The Department offices should also display the current Civil Rights/Nondiscrimination poster and the internal complaint procedure poster provided by the Equal Employment/ Civil Rights Division.
3. Informational Materials: The following examples of general information material is available in Spanish and must be displayed in waiting areas/lobbies of Department Offices: Notice of Privacy Practices required by the Health Insurance Portability and Accountability Act of 1996.

B. Outreach (Notification to Clients and Agencies)

1. The Department participates in Covering All Kids and Families which focuses on collaboration to increase enrollment of low-income children in health care efforts to streamline the process. The Express Lane Eligibility waiver and process

is an outgrowth of this collaboration. Hispanic focus groups participate in this coalition.

2. The Huntsville International Help Center is an organization concerned with the rights and well-being of Hispanic families and children in Alabama. The Department collaborates with this group to ensure accurate information and quality services are provided to those in the Hispanic community.
3. The Department partners with the Department of Children's Affairs to enlist assistance in sharing information to assist individuals with limited English proficiency regarding our language resources with Children's Local Policy Councils throughout the state.

V. COMMUNICATION

A. In-Person Communication

In order to effectively communicate with individual clients, a determination needs to be made if the individual needs language assistance to access and fully participate in Family Services programs. The caseworker should have the client complete the language identification card to determine if the individual has a lack of proficiency in English. If the client does not read or recognize any of the languages included on the card, the caseworker shall use a telephone interpreting service to identify the individual's primary language. Upon identification of the limited English proficiency and the determination of the primary language of the client, a pre-printed language statement, if available, in the client's language that reads, "Please wait while I obtain an interpreter" should be given to the client. If a client requests language assistance services on the language statement, the services must be provided. If a worker determines at any time following the completion of the language statement that language services may be needed, assistance should be provided. The language services should continue throughout working with the family.

B. Telephone Communication

When a caseworker places or receives a telephone call and cannot determine the language spoken by the person on the line, a telephone interpreter services provider should be contacted to make an assessment of the language spoken, to assist the client as needed and to provide interpreter services. The caseworker shall then document the language in the individual's record using the language identification card. If the client declines the Department's offer to provide language services free of charge, the worker should note the client's decision in the case file.

Resources to serve limited English proficiency individuals are available to clients and staff in several avenues.

The Department has both written translation and oral interpretation service providers. It is mandatory that County Departments use or offer interpreter services during all contacts with limited English proficiency clients. This includes in home visits and telephone contact. The language assistance services for clients include services between program areas, sub-recipients and contractors. The worker shall ensure that referrals to contractors are not delayed due to language needs and that interpreters are provided for all services. Workers shall inform all sub-recipients/contractors of the LEP requirements of Title VI. Interpreter services are offered at the request of the client or upon determination of the caseworker. The Department currently has contracts with the following vendors:

- Foreign Language Services, Inc. (FLS) will provide sign language and face to face interpreter services for foreign languages and for the hearing impaired;
- LinguaLinx Solutions Inc. will provide written translation;
- M & N Language Services will provide face to face interpreter services for court/legal translations; and
- Universe Technical Translation will provide telephone interpreter services and desktop publishing services.

C. Interpreter Competency

Recipients should be aware that competency requires more than self-identification as bilingual. Some bilingual staff and community volunteers may be able to communicate effectively in a different language when communicating information directly in that language but not be competent to interpret in and out of English. Reasonable steps should be taken to assess whether the interpreters:

1. Demonstrate proficiency in and ability to communicate information in both English and the LEP individual's primary language accurately and effectively.
2. Interpreters must possess knowledge of the specialized terms and concepts used in a child welfare case. Interpreters must understand the requirements of confidentiality and the roles and ethics of interpreters. In addition, staff must take reasonable steps to determine whether a conflict of interest, confidentiality or other concerns make the use of the interpreter inappropriate.
3. Interpret to and from English and the LEP individual's primary language accurately and impartially.
4. Competency of a vendor approved by the State Office does not have to be verified.

5. Competency of all other interpreters including staff and volunteers who provide in-person and/or telephone interpreting services must be verified through interpreter competency testing. Directions for interpreter competency testing can be located on iDHR. Once interpreters (staff and volunteers) successfully pass all required components of the test, a certificate of the interpreter's competency will be provided to the requesting county and kept on file with the county's language assistance resource list. The language verified by the interpreter must be the same as designated in the client's Language Identification Flashcard.
6. These services are not intended to replace current local resources that provide such services at no charge but are to be used when there are time or availability constraints.

However, in regard to interpreter services for the hearing impaired, County Departments are to contact their regional office for the Alabama Institute for the Deaf and Blind (AIDB) to determine if that agency can meet the presenting need in a timely manner prior to contacting the vendor service.

D. Written Translation

The Department currently has contracts that provide translations of department materials as needed and/or determined appropriate in a number of languages including Spanish. Caseworkers should complete the translation request form for contracted companies to request document translation services.

In situations where the written information must be provided to the client and there is not adequate time to get the document translated, a Live Translation of the document can be requested. For example, if a parent needs to be notified about an important appointment that will take place in the next few days and there is not enough time to get the letter translated, a qualified interpreter can be used to call the client and read the letter in the recipient's language. The case narrative must reflect that the document written in English was read to the recipient in their target language on a specific date/time and include how the document was translated.

E. Oral Interpretation

All interpreters must sign a confidentiality statement, be provided the handout for volunteer/community interpreters, and pledge his/her confidentiality on all information revealed during the interpreting session. The client must be informed of the confidentiality pledge. The interpreter is a neutral party. The role of the interpreter is not an advocacy role.

a. Contract Interpreters

The Department has contracts for telephone interpreter services. This service is available 24 hours a day 7 days a week. “Language Identification” cards are to be used to identify the language spoken by the limited English proficiency clients when presenting themselves at Department offices.

The Department contracts for an additional interpretation service to provide onsite assistance at the Department’s office or at the limited English proficiency client’s home.

b. Volunteer/Community Interpreters

The use of volunteer and community interpreters is permissible and encouraged to the extent staff is satisfied that the interpreter is competent in the language, program terminology and confidentiality issues are understood, and the client does not object or request another interpreter. A copy of the Handout for Volunteer/Community Interpreters must be given to all such interpreters prior to the client interview. (See Language Assistance tab on iDHR for a copy of this handout). Volunteer/Community Interpreters may be selected from the county resource list as provided in Section VII of the Language Assistance Policy. The competency of a Volunteer/Community Interpreter must be verified as set out in Section V-C.5 of the Language Assistance Policy.

c. Friend/Family Member Interpreters

Family and friend interpreters are only permissible if requested by the limited English proficiency client or in an emergency situation with the understanding that sensitive issues may be discussed, and the individual is not also limited English proficiency. Workers should note the LEP individual’s decisions in FACTS narrative. When utilizing LEP individuals’ family/friend interpreters, a recipient may want to consider providing its own, independent interpreter for accuracy when the competency of the LEP individuals’ interpreter is not established. **The use of minors is strictly prohibited except in emergencies to prevent imminent harm and only until a qualified interpreter can be secured.**

d. County Staff Members as Interpreters

County staff members should only be used as interpreters in an emergency situation. County staff may only be used as interpreters in an emergency situation if the staff is not associated with the case. Otherwise county staff must use contract interpreters. Staff members as interpreters can be viewed as a conflict of interest if employed with the same county as the caseworker. The

competency of a Staff Member Interpreter must be verified as set out in Section V- C.5 of the Language Assistance Policy.

VI. TRAINING

Training regarding limited English proficiency is incorporated into the Department's new employee orientation training and Striving Toward Excellent Practice (STEP) training for child welfare staff. In addition, the Department has a power point training presentation presenting an overview of the Department's responsibilities regarding limited English proficiency and available services are distributed with the plan. The presentation is posted to the Department training system, Learning Education and Training System (LETS) and viewing is required annually by all staff.

VII. COUNTY DEPARTMENT LANGUAGE ASSISTANCE COORDINATOR

Each county office is required to appoint a Language Assistance Coordinator. The role of the Language Assistance Coordinator is to ensure that county staff are completing the required Language Identification Cards, review limited English proficiency individual case records to assess whether primary languages are properly recorded and adequate services being provided, to maintain a list of the county's resources, and update the same annually, to coordinate data collection with the State Language Assistance Coordinator and to handle any complaints or questions received by the county as it relates to language assistance. This list of resources should be updated by the County Coordinator as needed and at a minimum annually. A copy must be sent to the State Language Assistance Coordinator yearly.

The County Coordinator shall monitor compliance by incorporating language service compliance into a random case record review process annually. The initial annual review shall be completed no later than December 1, 2017. Subsequent reviews shall be completed within the twelve-month period. A summary report shall be provided to the State Language Assistance Coordinator following each review.

The County Language Assistance Coordinator is required to send monthly reports on the 10th of each month to the State Language Assistance Coordinator. The report shall contain, at a minimum, the primary language spoken by each limited English proficient client and a detailed summary of the interpreter services provided to the client during the reporting period.

The County Language Assistance Coordinator is required to submit an Interpreter Competency Request Form to the Office of Data Analysis using their global email address when interpreter competency is needed. The Interpreter Competency Request Form and instructions can be located on iDHR under Language Assistance Policy forms section. County Language Assistance Coordinator will receive an email from the Office of Data Analysis with a link to be provided to the Interpreter Candidate. Once testing is completed and all required components are successfully passed, a certificate of the interpreter's competency will be provided to the requesting county. The certificate should be kept on file with the county's language assistance resource list

VIII. STATE LANGUAGE ASSISTANCE COORDINATOR

The State Department of Human Resources Family Services Division has appointed the Office of Data Analysis as the State Coordinator of the Language Assistance Program. The role of the State Coordinator is to oversee each county office Language Assistant Coordinator, monitor receipt of the monthly reports, maintain the current list of each county's resources, coordinate monthly reports to the Office of Civil Rights and assist with county response to complaints and answer any questions posed by the County Department Coordinator.

The State Language Assistance Coordinator will also be responsible for assessing the language needs of LEP individuals that are eligible for services and likely to be directly affected by child welfare programs. The State Language Assistance Coordinator's assessment identifies the following:

- a. The non-English languages likely to be encountered in the Department's Child Welfare Programs.
- b. An estimate of the number of LEP individuals likely to be directly affected by the Department's Child Welfare Programs and their languages by reviewing various sources including but not limited to, Census Data, Utilization data from LEP individuals' files and data from state and local governments.
- c. The locations and availability of language assistance resources, and arrangements that must be made to access these resources in a timely manner. This should include the number of bilingual/multilingual staff volunteers, staff interpreters, contracted interpreters, community volunteer interpreters, and telephonic interpreting services required at each of the Department's county offices and the resources needed to translate documents, as required.
- d. Existing vital documents in the Child Welfare Program and a process for determining which later-created documents are vital documents.

IX. COMPLAINT PROCEDURES

Alabama Department of Human Resources Civil Rights / Equal Employment Division serves as the focal point for the State Department and local County Departments in activities involving Civil Rights and Equal Opportunity. Its staff maintains a system to ensure the Department's and its sub-grantees' compliance with appropriate laws and regulations. The staff also:

- a. Conducts reviews and audits of Department and its sub-grantees' programs;
- b. Investigates and mediates complaints and other charges alleging discrimination or unequal treatment from employees and program participants;
- c. Provides technical assistance, training and counseling to managers, supervisors, employees, clients, and the general public.

The Civil Rights Division of HHS (CRD) mission is to ensure compliance with applicable laws, regulations, and policies for HHS customers and employees regardless of race, color, national origin, disability, age, sex or religion.

A. Civil Rights Complaints

Civil Rights complaints are defined as complaints of alleged discrimination, including but not limited to:

- a. Race
- b. Color
- c. National origin
- d. Age
- e. Sex
- f. Disability
- g. Religion
- h. Political beliefs

Civil rights complaints also include complaints regarding the deficiency of language services or services and accommodations for disabilities.

B. How to File a Civil Rights Complaint

Alabama DHR will accept all complaints, whether written or verbal. Complaints may be submitted on the Alabama Department of Human Resources (Division of Children and Family Services) Notice of Discrimination Complaint Form or any other form of writing. Staff should assist a client who wishes to file a complaint to ensure that the complaint contains the following information:

- a. Include the name, address, and telephone number or other means of contacting the person alleging discrimination;
- b. Include the location and name of the organization or office that is accused of discriminatory practices;
- c. Describe the nature of the incident or action or the aspect of program administration that led the person to allege discrimination;
- d. Describe the basis for the alleged discrimination (age, race, color, sex, disability, religious creed, national origin or political belief);
- e. List the names, titles (if appropriate), and address of persons who may have knowledge of the alleged discriminatory acts; and
- f. The date or dates on which the alleged discriminatory actions occurred.

C. The completed complaint may be mailed to:

- 1. State of Alabama Department of Human Resources
Civil Rights/Equal Employment Office
50 N. Ripley Street Montgomery, AL 36130
- 2. The completed complaint and consent forms may be emailed to oeecr@dhr.alabama.gov (Please note that communication by unencrypted email presents a risk that personally identifiable information contained in such an email, may be intercepted by unauthorized third parties).
- 3. Complaints can also be made to local county offices and sent to the attention of the County Language Assistance Coordinator.

4. The complaint may also include:
 - a. Any special accommodations for communication about the complaint
 - b. Contact information for someone who can help reach the person if ADHR cannot contact them directly.

Within five business days of receipt, the State Language Assistance Coordinator or other designated State Office staff will coordinate with the County Director regarding appropriate steps to gather facts regarding the allegations. Within 60 days of the receipt of the complaint, the State Language Assistance Coordinator or other designated State Office staff will submit a report to EECRD of each complaint and investigation. Within 85 days of the receipt of the complaint, EECRD will concur or offer guidance with respect to each complaint. Upon receipt of concurrence, the State Language Assistance Coordinator or other designated State Office staff will write a decision letter informing the complainant of closure or follow up action within 90 days of the receipt of the complaint. Each County Office shall display the current Civil Rights / Nondiscrimination poster provided by EECRD. The notice includes the following information:

In accordance with Federal civil rights law and U.S. Department of Health and Human Services (USHHS) civil rights regulations and policies, the USHHS, its Agencies, offices, and employees, and institutions participating in or administering USHHS programs are prohibited from discriminating based on race, color, national origin, sex, disability or age, in any program or activity conducted or funded by USHHS. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the Department of Human Resources at (334) 242-1550- (voice and TTY) or contact the Federal Relay Service at (800) 877-8339 or (800)845-6136 (Spanish). Additionally, program information may be made available in languages other than English. If you need language services, contact Alabama Department of Human Resources at (334) 242-9500.

If you believe that the Department of Human Resources has failed to provide these services or discriminated in another way on the basis of race, color, national origin, age, disability or sex, you can file a grievance with the State of Alabama Department of Human Resources Office of Civil Rights and Equal Employment by mail or email at:

State of Alabama Department of Human Resources
Civil Rights/Equal Employment Office
50 N. Ripley Street
Montgomery, AL 36130

or

the U.S. Department of Health and Human Services, Office for Civil Rights, electronically through the Office for Civil Rights Complaint Portal, or by mail or phone at:

U.S. Department of Health and Human Services
200 Independence Avenue, SW
Room 509F, HHH Building
Washington, D.C. 20201
1-800-368-1019, 800-537-7697 (TDD)

The Alabama Department of Human Resources is an equal opportunity provider, employer, and lender.

All informal grievances by parties not wishing to file a formal complaint shall be received by the County Department Language Assistance Coordinator at the county level. The County Coordinator shall respond to all grievances from limited English proficiency individuals who need language assistance services from child welfare staff. A summary of each grievance and response shall be forwarded as part of the monthly report to the State Department Language Assistance Coordinator for review by the 10th of each month. Any grievance received at the State Office will be referred to the County Office. If the County Office needs assistance or is unable to resolve the issue, the Office of Data Analysis located at the State Office will provide assistance.

X. MONITORING

The Office of Data Analysis at the State Department of Human Resources shall monitor County Department of Human Resources offices for compliance with Title VI by incorporating compliance into the management evaluation review process, which includes site visits to the County DHR office under evaluation, or shall create a parallel process for language service compliance. Deficiencies found by the Department during review shall be transmitted to the County Language Assistance Coordinator and the State Language Assistance Coordinator and a corrective action plan shall be developed and implemented.

Family Services State Language Assistance Coordinator at the State Department of Human Resources and each County Department coordinator will monitor limited English proficiency activities through monthly reviews. These reviews will ensure effective language assistance and access to services. Each County Department Language Assistance Coordinator will provide monitoring and oversight, record reviews and guidance to county staff. Monthly Language Assistance Reports will be sent to the State Coordinator in the Office of Data Analysis. The monthly reports are due on the 10th of each month. The report shall include, but not be limited to, any deficiencies noted by the County office during the review. The report should also include the number of limited English proficient clients served and a summary of the interpreter services provided and the language the interpreter service was provided and The State Language Assistance Coordinator shall provide a corrective action plan to the County Language Assistance Coordinator within thirty (30) days of the receipt of the report.

State Department of Human Resources shall ensure that any complaints made by the public regarding the provision of language services by County Offices shall be forwarded to the Director of affected office, the County Language Assistance Coordinator and the State Language Assistance Coordinator.

State Department of Human Resources shall take appropriate corrective action, subject to state personnel law, when it is determined that a particular office or individual employee at a particular County office are not complying with Title VI or the provisions of this Agreement, or otherwise are in need of corrective action to ensure compliance.

The County Language Assistance Coordinator is required to complete an annual record review of Family Services case records of non-English speaking cases to ensure all Family Services case records contain the required Language Assistance Identification Flashcard and Interpreter Verification documentation.