

I. INTRODUCTION

A. Purpose

The purpose of this policy is to provide Adult Protective Services staff with policies and procedures to provide services to individuals with limited English proficiency (LEP), to provide information about available resources and to advise staff of the Department of Human Resources' 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 services and programs.

B. Legal Base

Title VI of the Civil Rights Act of 1964 Section 601 of Title VI provides that no person shall “on the 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.”

The Alabama Department of Human Resources – Adult Protective Services Division operates the Elderly and Disabled Adult Victims Service (EDAVS) program, through a grant from the United States Department of Justice and the Alabama Department of Economic and Community Affairs (ADECA). Participants in this program are provided a copy of the Department’s commitment to civil rights pamphlet and information on insuring non-discrimination while receiving services through the program. The Civil Rights Notice is signed by the participant and states, If they believe that unfair or different treatment has occurred because of their race, color, national origin, handicap, disability, age, sex, political belief or religious belief, they may file a complaint with the offices listed on the “Human Resources and Civil Rights” pamphlet or with the Alabama Department of Economic and Community Affairs – Law Enforcement and Traffic Safety Division or the Office for Civil Rights – Office of Justice Program, United States Department of Justice.

II. GLOSSARY

Adult Protective Services Program—The Adult Protective Services Division or any contractor who is responsible for providing adult protective services.

Applicant— An adult individual wishing to receive adult protective services from the Department of Human Resources – Adult Protective Services Division. This individual must be given the opportunity to apply for services and sign the DHR-FSP 1966, “Application for Adult Protective Services.” Determination of eligibility will be based on the client’s need for the service.

Client or Participant— Individuals, age 18 or older, who are suspected to be at risk of abuse, neglect, or exploitation and who otherwise meet service specific criteria. Individuals at risk of abuse, neglect, or exploitation are defined as individuals who are suspected to be or likely to become adults in need of protection. An adult in need of protective services is defined as an individual age 18 or over whose behavior indicates that he or she is mentally incapable of adequately caring for himself or herself and his or her interests without serious consequences from abuse, neglect, exploitation, sexual abuse, or emotional abuse by others and who has no guardian, relative, or other appropriate person - able, willing, and available to assume the kind and degree of protection or supervision required under the circumstances. As well as individuals who are age 18 or over who are at risk of institutionalization and who otherwise meet service specific criteria. Being at risk of institutionalization is defined as adults who are unable or likely to become unable to live safely outside of an institution due to his or her inability or his or her caretaker’s inability to provide the minimum sufficient level of care in his or her own home. This may include persons who are the subject of an Adult Protective Services investigation.

Contractor—Entity that provides direct services to applicants of the Adult Protective Services Program 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 adult protective services participants are referred and required to obtain services from as part of their case plans such as psychiatrists, psychologist and treatment providers.

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 participate in equal opportunity services, activities or programs administered by the Adult Protective Services Division.

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

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 the Adult Protective Services staff.

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

Staff Interpreter – An employee of the Department of Human Resources or contractor whose job is to provide interpretations 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. The sub-recipient provides services to and has contact with the adult protective services program applicants and maintains contact with them. The entity participates in the same capacity as the adult protective services program if the adult protective services 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 – Documents that affect access to, retention in, or termination or exclusion from a recipient’s programs or services or benefits. Documents that include but are not limited to adult protective services applications; letters or notices pertaining to services or 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 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 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 Adult Protective Services staff that language assistance services must be provided.

IV. PUBLIC INFORMATION

Public Information is available through a variety of sources to include but not limited to the Internet, written materials such as posters, brochures, pamphlets, handouts, and coordination with other agencies.

A. Public Information

1. Website: The Department of Human Resources’ website is at www.dhr.alabama.gov. It 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”** on 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 or lobbies of Department offices which provide information on the availability of free interpreter services and how to access these services. The poster on display contains translations of the information in ten (10) languages. The Department offices should display the current Civil Rights/Nondiscrimination poster and the internal complaint procedure poster provided by the Equal Employment/Civil Rights Division.
3. Informational Materials: Information on posted materials are available in Spanish and should be displayed in waiting areas or lobbies of Department's Offices: **Notice of Privacy Practice required by the Health Insurance Portability and Accountability Act of 1996.**

V. COMMUNICATION

- A. In person Communication- In order to effectively communicate with individual clients, a determination needs to be made whether the individual needs language assistance to access and fully participate in the Adult Protective Services Program.

The caseworker should have the client or representative to complete a language identification card to recognize if the individual has a lack of proficiency in English. If the client or representative does not read or recognize any of the languages included on the card, the caseworker shall telephone the 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 request 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, and to assist the other party as necessary 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 or his or her representative declines the Department's offer to provide language services free of charge, the worker should note the client's or his or her representative's decision in the case file.

Resources to serve limited English proficiency individuals are made available to clients and staff by the Department in written translation and oral interpretation.

It is mandatory that County Departments use or offer interpreter services during all contacts with limited English proficiency clients which includes, but not limited to, in home visits and telephone contacts. The language assistance services of clients also include services between program areas, sub-recipients and contractors. The worker shall ensure that referrals to contractors will not be delayed due to language needs and that interpreters are provided for all services. Workers shall inform all sub-recipients or contractors of the LEP requirements of Title VI. Interpreter services are offered at the request of the client or upon determination of the caseworker.

C. Written Translation

The Department currently provides translations of department materials, as needed or determined appropriate, in several languages including Spanish. Caseworkers should complete the transaction request form for contracted companies to request document translation services when there are time or availability constraints.

In situations where the information must be provided to the client and there is not adequate time to get the document translated, a Live Translation of the document must be requested. For example, if a client needs to be notified about an important appointment or meeting 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 or time and include how the document was translated.

D. Oral Interpretation

All interpreters must sign a confidentiality statement and be provided the handout for volunteer or community interpreters and pledge his or 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 as an advocacy role.

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 all locations in which services are needed.

a. Volunteer and 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, confidentiality issues are understood, and the client does not object or request another interpreter. A copy of the Handout for Volunteer and Community Interpreters must be given to all such interpreters prior to the client interview. (Reference iDHR for a copy of this handout)

1. Volunteer and community interpreters may be selected from the county resource list as provided in Section VII of the Language Assistance Policy.

b. Friend or Family Member Interpreters

Friend and family interpreters are only permissible if requested by the limited English Proficiency client or in an emergency with the understanding that sensitive issues may be discussed. The individual providing interpreting services must speak proficient English. Workers should note the LEP individual's decisions in the file. When utilizing LEP individuals' friend and family 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.**

1. The competency of a Friend or Family Member Interpreter do not have to complete interpreter competency testing, per the OCR Agreement.

c. County Staff Members as Interpreters

County staff members should only be used as interpreters in an emergency as long as the staff is not associated with the case. Otherwise, county staff must use contract interpreters. Staff members as interpreters can be seen as a conflict of interest since they are employed with the same county as the caseworker.

1. The competency of a Staff Member Interpreter must be verified as set out in Section VI. - Interpreter Competency of the Language Assistance Policy.

VI. 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 possess the following:

1. Demonstrate proficiency in and ability to communicate information in both English and the LEP individual's primary language accurately and effectively.
2. Knowledge of the specialized terms and concepts used in an adult protective services 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. The language verified by the interpreter must be the same as designated in the client's language identification Flashcard.

Competency of a vendor approved by the State Office does not have to be verified. However, competency of all other interpreters including staff, volunteers, and 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.

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, regarding 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.

VII. TRAINING

Training regarding the limited English proficiency is incorporated into the Department's new employee orientation training for adult protective services staff. In addition, the Department has a power point training presentation capturing an overview of the Department's responsibilities regarding limited English proficiency and services that are available to clients. The presentation is posted to the Department's training system, known as, Learning Education and Training System (LETS) and viewing is required annually by all staff.

VIII. COUNTY DEPARTMENT LANGUAGE ASSISTANCE COORDINATOR

Each county office is required to appoint a Language Assistance Coordinator. The Language Assistance Coordinator is appointed by the County Director. The role of the Language Assistance Coordinator is to oversee the county staff's completion of the required Language Identification Cards, review limited English proficiency individual case records to assess whether primary languages are properly recorded and adequate services are being provided, to maintain a list of the county's resources at the county level, and update the same annually, to coordinate data collection with the State APS 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 maintained and 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, 2021**. Subsequent reviews shall be completed within the twelve-month period, where applicable. A summary report shall be provided to the State APS 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 APS Language Assistance Coordinator. This 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 the Language Assistance Policy forms section. The 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.

IX. STATE APS LANGUAGE ASSISTANCE COORDINATOR

The State APS Language Assistance Coordinator is appointed by the Director of Adult Protective Services. The role of the State APS Language Assistance Coordinator is to oversee each county office Language Assistance Coordinator, monitor receipt of the monthly reports, maintain the current list of each county's resources, and coordinate monthly reports to the Office of Civil Rights, APS Director, APS Deputy Director and APS Program Manager. The State APS Language Assistance Coordinator will also assist with county responses 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 adult protective services. The State Language Assistance Coordinator's assessment identifies the following:

- a. The non-English languages likely to be encountered in the Department's Adult Protective Services Program.
- b. An estimate of the number of LEP individuals likely to be directly affected by the Department's Adult Protective Services Program 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 or 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 Adult Protective Services Program and a process for determining which later-created documents are vital documents.

X. COMPLAINT PROCEDURES

A. The Civil Rights Division of DOJ

The United States Department of Justice (DOJ) Civil Rights Division mission is to enforce federal statutes prohibiting discrimination on the basis of race, color, sex, disability, religion, and national origin.

B. Alabama Department of Human Resources Civil Rights/Equal Employment

- 1. The Civil Rights/Equal Employment Division serves as the focal point for the State Department and local County Department in activities involving Civil Rights and Equal Opportunity.
- 2. Its staff maintains a system to ensure the Department and its sub grantees' compliance with appropriate laws and regulations.
- 3. The staff also:
 - a. Conducts reviews and audits of the 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

C. Civil Right Complaints

- 1. 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
- 2. Civil rights complaints also include complaints regarding the deficiency of language services and accommodations for disabilities.
- 3. How to File a Civil Rights Complaint

A. Complaint Requirements

Alabama DHR will accept all complaints, whether written or verbal. Complaints may be submitted on the Alabama Department of Human Resources (Adult Protective 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. Name, address, and telephone number or other means of contacting the person alleging discrimination;
- b. Location and name of the organization or office that is accused of discriminatory practices;
- c. The nature of the incident or action or the aspect of program administration that led the person to allege discrimination.
- d. The basis for the alleged discrimination (age, race, color, sex, disability, religious creed, national origin or political belief);
- e. 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.

B. The completed complaint may be mailed to:
State of Alabama Department of Human Resources
Civil Rights/Equal Employment Office
50 N. Ripley Street
Montgomery, AL 36130

1. 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).
2. Complaints can also be made to local county offices and sent to the attention of the County Language Assistance Coordinator.
3. The complaint may also include:
 - a. Any special accommodations for communication about the complaint about the complaint
 - b. Contact information for someone who can help reach the person if ADHR cannot contact them directly

4. Within five business days of receipt, the State Language Assistance Coordinator or such other designated State Office staff will coordinate with the County Director such appropriate steps to gather facts regarding the allegations.

6. 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 Equal Employment Civil Rights Division (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 such 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.

7. 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 of funded by USHHS.

Persons with disabilities who require alternative means of communication for APS 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 a client needs language services, contact Alabama Department of Human Resources APS (334) 242-1350. If an individual believes 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 Justice Civil Rights Division, electronically through their complaint portal, or by mail or phone at:

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Ave, NW
Washington, DC 20530-0001 or
<https://civilrights.justice.gov>

The Alabama Department of Human Resources is as Equal Opportunity provider and employer.

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 adult protective services 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.

XI. MONITORING

The Office of Data Analysis at State Department of Human Resources shall monitor the County Department of Human Resources office for compliance with Title VI by incorporating compliance into the management evaluation review process, which includes site visits to the County DHR office under evaluations 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. 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.

Adult Protective Services 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. The monthly reports are due on the 10th of each month. The report shall include, but not limit, 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.

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 the affected office, the County Language Assistance Coordinator, State APS Director, APS Deputy Director, APS Program Manager and the State APS 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 an individual employee at a particular County Office is not complying with Title VI or the provisions of this Agreement, or otherwise are in need of corrective action to assure compliance.

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

The State APS Language Assistance Coordinator will maintain monthly and annual reports on all data obtained from the County Office regarding language assistance

reporting. This data shall be electronically and manually documented and stored at the State APS Divisional Office located at 50 Ripley Street in Montgomery, Alabama.