



TITLE	POLICY NUMBER	
DCS 06-01 Limited English Proficiency	DCS 06-01	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Office of General Counsel	12/18/14	4

## **I. POLICY STATEMENT**

The Department of Child Safety (the Department) provides quality and timely language assistance services to families with Limited English Proficiency (LEP) to ensure meaningful access to programs, services, and activities.

## **II. APPLICABILITY**

This LEP policy applies to all Department employees, volunteers, and contractors who provide direct services to Department families.

## **III. AUTHORITY**

[Title VI, 42 U.S.C. 2000d et seq.](#)

Civil Rights Act of 1964

[Arizona Constitution, Article 28](#)

English as the Official Language

## **IV. DEFINITIONS**

Department: The Department of Child Safety.

Customer: Any applicant, claimant, or recipient of DCS services, community member, including persons receiving LEP services.

Executive Leader: A Department Deputy Director or designee.

Interpret: Providing a verbal translation between two or more persons in a language other than English. This may be done by on-site trained Department personnel, contractors, or through commercially available resources, including but not limited to telephonic interpretation services.

Language Used Significantly: A language, other than English, that is used by five percent or 1,000 persons (whichever is smaller) who are eligible for a Department services or are likely to be directly affected by a Department program or activity in a specific geographic area.

Audit Management Services (AMS): The group designated by the Department to oversee the requirements of the Department's LEP policy and procedures.

Limited English Proficiency (LEP) Contact: The person within a DCS Office who provides support for personnel in the DCS Office regarding LEP policy and procedures and is responsible for LEP compliance in the DCS Office.

Limited English Proficient (LEP) Customer: Any prospective, potential, or actual recipient of benefits or services from the Department who cannot speak, read, write, or understand the English language at a level that permits effective interaction with the Department. This includes LEP parents or guardians of minor children who are customers or LEP customers.

Translate: Converting a written document from English to another language or from another language to English.

Vital Document: A document that conveys information that affects the ability of the customer to make decisions about his or her participation in the program. The decision of whether a document is vital may depend upon the importance of the program information, encounter, or service involved, and the consequence to the LEP person if the information is not provided accurately or in a timely manner.

DCS Office: A physical office of DCS personnel that has contact with LEP customers and which may include more than one program/administration.

## **V. POLICY**

### **A. Overview**

1. Title VI of the Civil Rights Act of 1964, as amended, requires that

agencies take reasonable steps to ensure meaningful access to their programs and activities for persons with limited English proficiency. The Department's LEP policy ensures that the Department and Department services, regardless of funding source, comply with the requirements of Title VI of the Civil Rights Act of 1964 by setting out standards for its DCS Offices to follow. Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin by any entity receiving federal financial assistance. The Department prohibits administrative methods or procedures to subject individuals to discrimination or defeating the objectives of these regulations.

2. To avoid discrimination on the grounds of national origin, the Department shall take adequate steps to ensure that its procedures do not deny, or have the effect of denying, individuals with Limited English Proficiency equal access to benefits and services for which such persons qualify.

B. Compliance and Enforcement

1. The Department shall designate a LEP Coordinator to own and manage the LEP monitoring process. The LEP Coordinator shall:
  - a. assist with information that is to be conveyed between DCS and the US Department of Health and Human Services;
  - b. act as a liaison to the LEP contacts at each office location;
  - c. act as a liaison between DCS and stakeholders in the community who represent significant numbers of individuals with LEP and may be seeking or receiving services from DCS;
  - d. meet with community stakeholders no less than annually to solicit feedback;
  - e. maintain standard work for the LEP contacts;
  - f. engage with Human Resources to monitor the bilingual stipend program;
  - g. ensure the policy is reviewed annually and aligns with state and federal requirements;
  - h. collect and verify information from each field office on a regular basis to ensure compliance with posters, binders, and staff awareness of the availability of translation and interpretation

services; and

- i. ensure that all vital documents are translated for Department clients in their primary language and in a timely manner, particularly safety plans and other documents that ensure the safety of children.
2. The Department will, through AMS (Audit Management Service) and office supervisors or managers of each DCS office, conduct activities consistent with both the Department LEP policy and procedures.
  3. The Department shall employ a standardized process to determine the need and capacity for LEP services.
    - a. The Department shall identify the steps in the service delivery process and identify the anticipated number of customer interactions that occur at each of these steps. These steps include points of contact with Department personnel where families receive information or personnel take an action that affects a customer's ability to meaningfully participate in a Department program or activity. These points of contact include DCS Offices, telephone numbers regularly used by the public, outreach activities, informational and operational websites, and written notices. These contacts may be face-to-face, telephonic, written, or electronic.
    - b. The Department shall identify the languages used by the families it serves and use this information to determine how often the Department expects to interact with families in languages other than English. The Department shall use the most recent census data to determine overall language needs in Arizona. Other demographic data sources include information from other state agencies, school systems, community organizations, national ethnic organizations, the Internet, and internally gathered Department data. The Department shall update the language needs to serve its families with the issuance of new census data, including translating vital documents, as appropriate.
    - c. The Department shall annually assess the language assistance needs of its LEP customers and the capacity of its programs to meet these needs. Methods to conduct the annual assessment shall include areas where the Department intends to use departmentally

produced data and the frequency with which it will complete the assessment.

- d. The Department shall implement a process for gathering and recording Limited English Proficient customer language preferences:
  - i. The Department shall include sufficient detail to identify language preference information, where it stores the information, and how it will make the information readily available for future contact with LEP customers and for statistics-gathering purposes.
  - ii. In offices where there is in-person contact with LEP customers, an LEP Language binder containing language preference materials shall be located at the front reception area. These LEP Language binders provide an opportunity for Limited English Proficiency customers to self-declare their language preference during local office contacts. The binder shall be prominently displayed where customer interaction is anticipated. These binders are developed, transmitted, and maintained as a Departmental function.

### C. Oral Language Assistance

The Department shall arrange for oral language assistance to Limited English Proficient customers in face-to-face and telephone contact: DCS Offices shall identify the processes for providing oral language assistance and the method for obtaining these services. The oral language assistance portion of the DCS Office processes for identifying individuals with Limited English Proficiency shall be consistent with those outlined in this policy. LEP services shall be provided free of charge upon the request of the customer. DCS Offices may identify approaches specific to their office (or program/administration within the office), but all procedures shall include the minimum Department standard of ensuring that the provision of bilingual/interpretive services is prompt and without undue delays. Necessary time frames may vary based upon the nature and importance of the service. For example, time frames for emergency services may be different from those time frames for non-emergency services. In most circumstances, this requires language services to be available within reasonable time frames during all operating hours by:

1. Establishing interpreter service contracts: The Department maintains contracts with multiple vendors to provide verbal interpretation. The DCS Office of Procurement shall provide direction how to access and use contracts for interpreter services. In addition, services through commercially available telephonic interpretation services shall be available when needed.
2. Implementing a means to compensate bilingual personnel: Subject to the availability of funds, the Department may have a bilingual stipend program in place that compensates bilingual personnel who meet required standards for performing verbal interpretation services. DCS Offices shall identify the program/administration in which a need for bilingual personnel has been established and which languages are needed. Human Resources shall provide an updated employee bilingual stipend list to all Program Managers on a quarterly basis. Employees who were identified as providing interpretation services and do not receive the bilingual stipend shall be given a bilingual stipend application by Human Resources.
3. Orally translating vital documents into languages other than English for LEP customers.

D. Location and Accessibility of LEP Services

1. DCS Offices shall respond to the language needs of the populations it serves, whether in-person in the office, in-person at the customer's home or other community location, or by telephone. Accommodations such as telephone interpreter services, bilingual personnel (when available), and the translation of vital documents shall be made available and accessible to the LEP customers.
2. Use of Bilingual Staff: The Department will make reasonable efforts to recruit and have bilingual personnel employed in programs and activities where the language used by LEP customers or potential LEP customers is a language used significantly, or where the frequency of contact with such persons makes the employment of bilingual personnel a more cost effective, efficient, and effective mode for communication:
  - a. The Department determines whether to employ bilingual personnel after a needs assessment, with due consideration given to the budgetary, personnel, and other constraints of the Department.
  - b. Bilingual personnel or contractors are assessed for bilingual and

translation proficiencies. Individuals providing interpretative services must possess a level of fluency and comprehension appropriate to the specific nature, type, and purpose of information at issue.

c. For more information regarding the bilingual staff stipend, please see form [DCS-1246A](#).

2. Use of Family Members or Friends to Interpret: DCS personnel shall only use family members or friends to interpret for LEP customers if the LEP customer insists on using the friend or family member after the option of no-cost Department-provided language services has been offered. Minor children shall never be used to interpret, except in emergencies involving imminent threat to the safety or welfare of an individual or the public, and there is no qualified interpreter immediately available. If additional services are required, any information obtained utilizing a minor child as the interpreter shall be verified through an approved interpreter after the emergency situation has ended.

#### E. Translation of Written Materials

1. The Department shall identify its vital documents. Vital documents include, but are not limited to, the following for any service, benefit, or program provided by or contracted with the Department:
  - a. Applications;
  - b. Recertification or renewal applications;
  - c. Documents that must be provided by law;
  - d. Documents that require a response;
  - e. Letters or other written documents that contain information regarding participation in a program;
  - f. Notices of eligibility criteria, authorization or denial, applicant or participant rights, requirements or responsibilities, benefit or service changes, hearings, and actions affecting parental custody or child support;
  - g. Conditions of settlement or resolution agreements
  - h. Consent, release, waiver and complaint forms;

- i. Appeal rights and grievance procedures;
  - j. Written tests that do not assess English language competency but test competency for a particular license, job, or skill for which knowing English is not required.
  - k. Notices advising LEP customers of free language assistance; and
  - l. Any other document that the Department deems vital due to the importance of the program, information, encounter, or service involved and the consequence to the LEP customer if the information in question is not provided accurately or in a timely manner.
2. The Department shall translate its vital documents as required. Documents identified as vital are translated into languages used significantly by its LEP customers. The Department maintains two approved processes for having written material, including required posters and signs, translated to languages other than English:
- a. The Department's Business Services; or
  - b. A state-approved translation contract.

Using one of these two processes ensures the quality of the translation activity. Department documents for official public use may not be translated using any other method.

3. The Policy Unit and the Office of Communications shall develop a document control process to include:
- a. a matrix of all documents that have been and need to be translated, along with the revision history of each translated document; and
  - b. incorporate the identification of a document to be translated into the standard work for document revisions.
4. Each DCS Office shall respond to written communications from LEP customers in a manner that is consistent with this policy. The Department procedures shall ensure that LEP customer case records include a notation when DCS personnel receive information from a customer in a language other than English. DCS personnel shall interact with the individual in a manner consistent with the Department's LEP policy unless the customer indicates otherwise.



5. Each DCS Office should be sensitive to the literacy levels of the LEP public. There are situations in which the use of translated written material may not meet the needs of some Department LEP customers. Some languages are historically unwritten or some LEP customers may be illiterate in their native language. The Department shall use the most effective means to communicate with LEP customers. This may include either verbal or written communication.

F. Training

Training shall include why it is important for the Department to ensure that LEP customers are served in a manner consistent with this policy. Persons with specific knowledge of Title VI of the Civil Rights Act and the requirements contained therein shall develop this training. Training shall include, but not be limited to, general training for all personnel on the importance of providing services for LEP customers and how to access language assistance services.

G. Providing Notice to LEP Customers of the Availability of Language Assistance Services and Outreach

The Department shall identify how to inform LEP customers of the availability of free language assistance services and shall make the notification at the first point of contact. Notification may include signs in lobby areas or other customer entry points, outreach documents such as brochures or booklets, binders, and LEP pamphlets, in languages significantly used by LEP customers:

1. DCS personnel shall provide the notification of free language assistance in the language of the LEP customer. LEP persons are advised that they may use an interpreter of their own choosing at their own expense.
2. Consistent with its commitment to partnership and outreach, the Department engages in appropriate outreach to ensure awareness by LEP persons of its programs and activities.
3. The Department shall maintain copies of written documents such as flyers, pamphlets, or other translation resources, intended to be used to notify the public of language assistance. These resources shall be placed in locations of public access, as designated by AMS and field management.

H. Monitor Access to Language Assistance

1. The Department shall monitor the accessibility and quality of language assistance activities for LEP customers. The Department reassesses language assistance activities at least annually so services provided by the Department address the needs of the Department's LEP customers. In order to determine the validity of any language assistance complaints, the Department may analyze and review data that reflect how the DCS Offices provide services to LEP customers. Data collection allows DCS Offices to see how their services are provided and reflect current activity. The Department shall assess the effectiveness of its LEP policies based on the following activities, as applicable:
  - a. Current LEP populations in service areas or population or specific populations encountered;
  - b. Frequency of encounters with LEP customers;
  - c. Nature and importance of activities to LEP customers;
  - d. Availability of resources, including technological advances, additional resources, and the costs imposed;
  - e. Whether existing assistance is meeting the needs of the LEP customers;
  - f. Whether personnel know and understand the LEP procedures; and
  - g. Whether identified sources for assistance are still available and viable.
2. The Department uses its data system(s) to determine the race and ethnicity of families served, the frequency of contact, and the primary language of those persons.
3. The Department shall require the collection of data for the language needs assessment, including the number of LEP customers, by language group, who received language services, names and classifications of personnel receiving training, and the dates of training. The Department shall:
  - a. Have current information on language needs in the communities it serves;
  - b. Provide an adequate number of interpreters for timely compliance with LEP needs;

- c. Translate vital documents;
- d. Disseminate adequate supplies of translated materials to the DCS Offices;
- e. Provide LEP training to all DCS personnel; and
- f. Keep notification materials current.

I. Provision of Technical Assistance

Each DCS Office Building Liaison is the designated LEP contact and will be available for LEP-related questions for DCS personnel working in the DCS Office or while conducting DCS business as outlined in V.D.1., and will coordinate efforts towards compliance with the Department's LEP policy and procedures.

J. Issue Resolution

1. The Department of Child Safety (DCS) Office of the Ombudsman strives to provide a conflict resolution process that is as neutral as possible within the limits of its role as part of the DCS management structure, to facilitate fair and equitable resolutions to concerns from complainants. The DCS Office of the Ombudsman shall serve as an information and communication resource, upward feedback channel, complainant advocate, dispute resolution expert, and change agent.
2. All LEP concerns should be routed to the [Office of the Ombudsman](#) and the department will follow its standard issue resolution process.

K. Reporting

AMS shall prepare an annual report detailing the information required in the Procedures, Section VI. H. Reporting. AMS shall report the results to Executive Leadership.

## VI. PROCEDURES

A. Needs and Capacity Assessment

1. The Department shall identify:
  - a. How each DCS Office interacts with LEP customers: by telephone, in-person at the office and/or in-person at the customer's

home or in the community; and

- b. The anticipated number of customer interactions that occur at each of these steps.
2. The Department shall identify the languages used by the population it serves.
    - a. The Department shall use the U.S. Decennial census data as a reliable indicator of the language used by the population it serves.
    - b. The data provided by the census shall be considered reliable unless other more current reliable data becomes available.
    - c. The Department shall utilize data provided by the U.S. census to determine the languages used significantly for the populations served by the Department.
    - d. The Department assumes that the population it serves is consistent with the overall population of the State of Arizona.
    - e. For DCS Offices where the client base is not representative of the population of the State of Arizona, that DCS Office is responsible for identifying the languages used significantly by the population served by the DCS Office. The DCS Office shall coordinate as needed with the DCS Office of Procurement to secure the needed translation or interpreter services.
  3. Upon designation of a new language used significantly, the Department shall notify all DCS Offices. The Department will ensure that all vital documents are translated to the new language.

## B. Translation/Interpretation

1. Translations
  - a. The Department's Office of Procurement provides translation services for Department forms and pamphlets that have been identified as vital documents in coordination with the Policy Unit.
  - b. The Office of Procurement coordinates access to translation contracts for the Department.
2. Other Translations

The Arizona Department of Administration (ADOA) accesses or procures translation and interpretation contracts for the Department. The Department shall maintain a list of the contracts that are available to use for translation and interpretation services.

- a. DCS Offices may access the [Language and Interpretation and Translation Service Guide](#) for a list of contracted providers.
- b. DCS Offices may select the contract that will meet their needs.
- c. Once a contract has been identified, the DCS Office shall follow the steps outlined in the contract to access these services.
- d. AMS shall provide Department personnel with the information needed to utilize the services of the selected interpretation or translation contractor(s).

C. DCS Internet Web Site Maintenance

The Department's Communication Manager:

1. Maintains the appropriate standards for all DCS Internet websites.
2. Makes available vital documents placed on DCS Internet website in languages used significantly.
3. Directs personnel how to access its services to modify or add web pages.

D. LEP Rights Information

The Department shall include the DCS Title VI Policy Statement on all significant or vital documents, including electronic documents. This wording must be located in the footer of the document as the last passage on the document.

E. Training

1. The Child Welfare Learning and Development (L&D) team develops and maintains Department training on Limited English Proficiency.
2. At a minimum, the training includes an overview of LEP, including a definition of LEP, the rights that those who interact with the Department have in relation to LEP, and the Department responsibilities including how

personnel should interact with LEP customers and access LEP services. This training is mandated for all Department personnel.

3. L&D establishes time frames for completion of required training.
4. Each supervisor is responsible for tracking completion of training for personnel.
5. The LEP coordinator with assistance from Learning and Development shall also track and monitor completion of training.

#### F. Process for Identifying Preferred Language

The Department designates the existing LEP Language Binders as the accepted means to meet this requirement. Binders containing language preferences materials shall be located at the front office. These LEP Language Binders provide an opportunity for LEP customers to self-declare their language preference during local office contacts.

The Department may, when necessary, develop and distribute an alternative method for language identification to DCS Offices.

1. Supplies to meet this need shall be made available through Business Services.
2. As identified in Program Policy, Chapter 2 Section 3 [Initial Contact and Conducting Interviews](#), DCS Specialists are required to review the Person Detail (LCH 016) window for each participant, whether English is the primary language spoken. If another language is the primary language, the DCS Specialist shall ask the participant if they wish to communicate in their primary language and update the LCH 016 accordingly.
3. For each individual who declines the offer from DCS to provide an interpreter at no cost, DCS Specialists shall document in the LEP's record:
  - a. the offer was made for DCS to provide an interpreter free of cost;
  - b. that the offer was declined; and
  - c. the name of the family member or friend who provided language services at the individual's request if any.

#### G. Monitoring

1. The Department monitors its LEP procedures so LEP customers interacting with the Department receive required LEP services.
2. AMS and the LEP Coordinator periodically contact the DCS Offices to determine whether:
  - a. the office has an adequate supply of LEP Language Binders or other acceptable means for families visiting the DCS Office in-person to communicate the person's language preference; and
  - b. DCS personnel have the appropriate information needed to access interpretation contracts.
3. The Department may, as needed, establish additional monitoring tools.

#### H. Reporting

AMS submits an annual report to Executive leadership that assesses language assistance activities to ensure services provided by the Department address the needs of the Department's LEP customers. The following information factors are used to determine the availability and adequacy of translation services:

1. Data on the number of clients who identified a language other than English and their primary language.
2. A comparison with prior year's data to determine whether there were changed year to year in the language data.
3. A review of the annual cost for interpretation contracted services.
4. A review of the number of customers served by contracted interpretation providers.
5. Data on the number of staff who provided bilingual services and the number (if any) who received a bilingual stipend.
6. An analysis of any obstacles which arose in providing requested interpretation services, particularly as related to more obscure languages.
7. A review of the translation of all vital documents and revisions as necessary.

8. An analysis of any difficulties in maintaining sufficient quantity and quality of translation materials.
9. An analysis of any LEP complaints to determine any trends.
10. A review of the number of LEP complaints and the level at which those complaints were resolved.
11. An analysis of the response time for LEP complaints.

## **VII. FORMS INDEX**

[LEP Language Binder Materials – DCS 1187A](#)