

<b>INDIANA DEPARTMENT OF CHILD SERVICES ADMINISTRATIVE POLICIES AND PROCEDURES</b>		
Policy Number: GA-3	Effective Date: June 1, 2023	Version: 4.0
<b>POLICY TITLE: LANGUAGE SERVICES</b>		
<p><b>OVERVIEW:</b> As an agency that receives funds from the United States Department of Health &amp; Human Services (HHS), the Department of Child Services (DCS) is responsible for providing effective language assistance free of charge to individuals accessing DCS programs and services with Limited English Proficiency (LEP). DCS is committed to providing services and programs to all persons, including those with LEP. Unreasonable delays in service delivery due to a person’s LEP are unacceptable.</p>		

**I. DEFINITIONS**

- A. Eligible Population: All individuals who may be served or are likely to be directly affected by a DCS program or activity.
- B. Interpretation: Language services involving **oral** interpretation either in person or via telephone or other electronic means.
- C. Persons with Limited English Proficiency (LEP): Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English resulting in an inability to effectively communicate.
- D. Translation: Language services involving **written** translation.
- E. Unwritten Language: A language that is not recorded in writing.
- F. Vital Written Documents: Documents or portions of documents of high importance and potential consequence to the LEP person with respect to a DCS program, activity, or service.

**II. REFERENCES**

- [IC 34-45-1-3: Interpreters; entitlement](#)
- [IC 34-45-1-4: Interpreters; appointment and qualifications](#)
- ["Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" 67 F.R, 4968 \(August 8, 2003\)](#)
- [Section 601 of Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000d](#)
- [United States Executive Order 13166 Improving Access to Services for Persons with Limited English Proficiency](#)

**III. STATEMENTS OF PURPOSE**

- A. DCS is committed to taking reasonable steps, in accordance with the below mentioned guidelines, to provide meaningful access to DCS programs and services for individuals with LEP.
- B. DCS will balance the following factors to determine the scope of services it will offer persons with LEP:
  - 1. The proportion of persons with LEP to be served by DCS programs and services,

2. The frequency with which persons with LEP come in contact with DCS programs and services,
3. The nature and importance of the particular DCS program, activity, or service to the person with LEP's life, and
4. The available resources and cost to DCS for providing such meaningful access.

**Note:** If there is one (1) person with a disability related to communication, DCS has a duty to reasonably modify our services and programs for them.

- C. DCS will have a plan for obtaining language services for persons with LEP, in accordance with the above-mentioned guidelines.
- D. DCS contracts for interpreters and provides these services when necessary. See the [DCS International and Cultural Affairs \(ICA\) Language Access](#) page for interpreter services available and send questions to [DCS International and Cultural Affairs](#).
- E. If language services are offered and the person with LEP declines such services and chooses to use a friend, family member, or other informal method, DCS will respect the individual's desire except in situations where there may be a conflict of interest (e.g., allegations of abuse or human trafficking), where the nature of the service is complex, or where there are other issues of competency or confidentiality. Under such circumstances, an independent interpreter will be utilized. Otherwise, DCS will respect the person with LEP's choice of interpreter (if determined to be appropriate). See Practice Guidance for additional information.

**Note:** DCS is not responsible for providing language services for other agencies (e.g., law enforcement or providers). DCS' responsibility to provide language services does not extend to providing language services in court proceedings (see [IC 34-45-1-3: Interpreters; entitlement](#)).

- F. Persons with LEP shall not generally be required to provide their own interpreter or translator when accessing DCS services. In emergency circumstances that are not reasonably foreseeable, DCS may rely on friends or family members of the LEP person as interpreters or translators.
- G. DCS will provide vital written documents to persons with LEP eligible to be served by DCS to the extent possible and in accordance with the following guidelines:
  1. DCS will provide written translation for LEP language groups that constitute five (5) percent of DCS' eligible population or 1,000 individuals, whichever is less,
  2. If a language group which constitutes five (5) percent of the DCS' eligible population is composed of fewer than 50 people, DCS may provide written notice in the primary language of the LEP group of the right to receive competent oral interpretation of those written materials free of cost, and
  3. If the LEP individual's language is an unwritten language, DCS shall take steps to ensure that the document is translated orally or by another mode of communication normally used by the person with LEP.

**Note:** If there is one (1) person with a disability related to communication, there is no limit to the services and programs DCS will provide based on the number of people with that disability who encounter DCS.

#### **IV. PROCEDURE**

- A. If DCS provides the applicable language services, the DCS employee will offer them free of charge to the client. If the person with LEP accepts these services, the employee will contact one of the contracted providers to fulfill the request (see the [DCS International and Cultural Affairs \(ICA\) Language Access](#) page for information regarding available providers).

**Note:** In a circumstance where the contracted providers are unable to fulfill the request, the employee can use a different interpreter/translator agency/individual (non-contracted). In order to ensure payment of the service, the DCS employee must send a justification within 24 hours to the [DCS International and Cultural Affairs](#), which includes:

1. Date of service;
2. Name of the interpreter provider;
3. Assessment/case identification number;
4. Language; and
5. The employee's name.

- B. If a person with LEP declines the use of language services offered by DCS and requests the use of a friend, family member, or informal support, and it is determined that the requested person is competent and appropriate, the employee will utilize the [Access to Language Services Acknowledgement \(SF 55546\)](#) to document that the services were declined. However, at its discretion, DCS may require that a trained interpreter or translator be present to ensure that the interpretation and translation is accurate.

#### **V. FORMS AND OTHER DOCUMENTS**

- [Access to Language Services Acknowledgement \(SF 55546\)](#)
- [Access to Language Services Acknowledgement \(Burmese Version- SF 55575\)](#)
- [Access to Language Services Acknowledgement \(Spanish Version- SF 55576\)](#)

#### **VI. PRACTICE GUIDANCE**

- A. Due to the complex nature of DCS involvement, family members or friends may not be competent to provide quality and accurate language services. Issues of confidentiality, privacy, or conflict of interest may also arise. Informal interpreters and translators may also have a personal connection to the person with LEP or an undisclosed conflict of interest.
- B. Extra caution should be used when the person with LEP chooses a minor to act as the interpreter or translator. While the decision of the person with LEP should be respected, there may be additional issues of competency, confidentiality, or conflict of interest when the choice involves using a child as an interpreter. DCS employees

should use critical thinking skills to determine if it is in the child's best interest to act as the interpreter or translator.

**Examples:**

1. Appropriate use of a minor child as an interpreter or translator: During the first contact with the family, the minor serves as the interpreter to schedule an appointment with the family when a contracted interpretation provider can be present.
2. Inappropriate use of a minor child as an interpreter or translator:
  - a. An alleged perpetrator has requested the minor victim or a minor sibling of the victim to serve as the interpreter or translator, or
  - b. Questions that need to be asked of the family may cause trauma or emotional distress to the child (e.g., domestic violence situations, criminal history, and paternity).

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